

109TH CONGRESS
1ST SESSION

H. R. 3459

To amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2005

Mr. ANDREWS introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PAYMENT OF BENEFITS FOR MONTH OF RE-**
4 **CIPIENT'S DEATH.**

5 (a) OLD-AGE INSURANCE BENEFITS.—Section
6 202(a) of the Social Security Act (42 U.S.C. 402(a)) is
7 amended by striking “the month preceding” in the matter
8 following subparagraph (B).

9 (b) WIFE'S INSURANCE BENEFITS.—

1 (1) IN GENERAL.—Section 202(b)(1) of such
2 Act (42 U.S.C. 402(b)(1)) is amended—

3 (A) by striking “and ending with the
4 month” in the matter immediately following
5 clause (ii) and inserting “and ending with the
6 month in which she dies or (if earlier) with the
7 month”;

8 (B) by striking subparagraph (E); and

9 (C) by redesignating subparagraphs (F)
10 through (K) as subparagraphs (E) through (J),
11 respectively.

12 (2) CONFORMING AMENDMENT.—Section
13 202(b)(5)(B) of such Act (42 U.S.C. 402(b)(5)(B))
14 is amended by striking “(E), (F), (H), or (J)” and
15 inserting “(E), (G), or (I)”.

16 (c) HUSBAND’S INSURANCE BENEFITS.—

17 (1) IN GENERAL.—Section 202(c)(1) of such
18 Act (42 U.S.C. 402(c)(1)) is amended—

19 (A) by striking “and ending with the
20 month” in the matter immediately following
21 clause (ii) and inserting “and ending with the
22 month in which he dies or (if earlier) with the
23 month”;

24 (B) by striking subparagraph (E); and

1 (C) by redesignating subparagraphs (F)
2 through (K) as subparagraphs (E) through (J),
3 respectively.

4 (2) CONFORMING AMENDMENT.—Section
5 202(c)(5)(B) of such Act (42 U.S.C. 402(c)(5)(B))
6 is amended by striking “(E), (F), (H), or (J)” and
7 inserting “(E), (G), or (I)”.

8 (d) CHILD’S INSURANCE BENEFITS.—Section
9 202(d)(1) of such Act (42 U.S.C. 402(d)(1)) is amend-
10 ed—

11 (1) by striking “and ending with the month” in
12 the matter immediately preceding subparagraph (D)
13 and inserting “and ending with the month in which
14 such child dies or (if earlier) with the month”; and

15 (2) by striking “dies, or” in subparagraph (D).

16 (e) WIDOW’S INSURANCE BENEFITS.—Section
17 202(e)(1) of such Act (42 U.S.C. 402(e)(1)) is amended
18 by striking “ending with the month preceding the first
19 month in which any of the following occurs: she remarries,
20 dies,” in the matter following subparagraph (F) and in-
21 serting “ending with the month in which she dies or (if
22 earlier) with the month preceding the first month in which
23 any of the following occurs: she remarries, or”.

24 (f) WIDOWER’S INSURANCE BENEFITS.—Section
25 202(f)(1) of such Act (42 U.S.C. 402(f)(1)) is amended

1 by striking “ending with the month preceding the first
2 month in which any of the following occurs: he remarries,
3 dies,” in the matter following subparagraph (F) and in-
4 serting “ending with the month in which he dies or (if
5 earlier) with the month preceding the first month in which
6 any of the following occurs: he remarries,”.

7 (g) MOTHER’S AND FATHER’S INSURANCE BENE-
8 FITS.—Section 202(g)(1) of such Act (42 U.S.C.
9 402(g)(1)) is amended—

10 (1) by inserting “with the month in which he or
11 she dies or (if earlier)” after “and ending” in the
12 matter following subparagraph (F); and

13 (2) by striking “he or she remarries, or he or
14 she dies” and inserting “or he or she remarries”.

15 (h) PARENT’S INSURANCE BENEFITS.—Section
16 202(h)(1) of such Act (42 U.S.C. 402(h)(1)) is amended
17 by striking “ending with the month preceding the first
18 month in which any of the following occurs: such parent
19 dies, marries,” in the matter following subparagraph (E)
20 and inserting “ending with the month in which such par-
21 ent dies or (if earlier) with the month preceding the first
22 month in which any of the following occurs: such parent
23 marries,”.

24 (i) DISABILITY INSURANCE BENEFITS.—Section
25 223(a)(1) of such Act (42 U.S.C. 423(a)(1)) is amended

1 by striking “ending with the month preceding whichever
2 of the following months is the earliest: the month in which
3 he dies,” in the matter following subparagraph (D) and
4 inserting the following: “ending with the month in which
5 he dies or (if earlier) with whichever of the following
6 months is the earliest.”.

7 (j) BENEFITS AT AGE 72 FOR CERTAIN UNINSURED
8 INDIVIDUALS.—Section 228(a) of such Act (42 U.S.C.
9 428(a)) is amended by striking “the month preceding” in
10 the matter following paragraph (4).

11 (k) EXEMPTION FROM MAXIMUM BENEFIT CAP.—
12 Section 203 of such Act (42 U.S.C. 403) is amended by
13 adding at the end the following new subsection:

14 “Exemption From Maximum Benefit Cap
15 “(m) Notwithstanding any other provision of this sec-
16 tion, the application of this section shall be made without
17 regard to any benefit of an individual under section 202,
18 223, or 228 for the month in which such individual dies.”.

19 **SEC. 2. EFFECTIVE DATE.**

20 The amendments made by this Act shall apply with
21 respect to deaths occurring after 180 days after the date
22 of the enactment of this Act.

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