

109TH CONGRESS
1ST SESSION

H. R. 78

To amend title II of the Social Security Act to provide for payment of lump-sum death payments upon the death of a spouse.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Mr. DUNCAN 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 for payment of lump-sum death payments upon the death of a spouse.

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 LUMP-SUM DEATH PAYMENTS.**

4 (a) IN GENERAL.—Section 202(i) of the Social Secu-
5 rity Act (42 U.S.C. 402(i)) is amended by striking “(i)
6 Upon the death” and all that follows through “individual’s
7 death.” in paragraph (2) and inserting the following:

8 “(i)(1) Upon the death of an individual who died as
9 a fully or currently insured individual or as the spouse

1 of a fully or currently insured individual, an amount equal
2 to the lesser of—

3 “(A) three times the applicable primary insur-
4 ance amount determined under paragraph (3), or

5 “(B) \$255,

6 shall be payable under this subsection.

7 “(2) Payments under this subsection in connection
8 with a deceased individual shall be paid—

9 “(A) to the surviving spouse of the individual,
10 or

11 “(B) if no person qualifies for payment under
12 subparagraph (A), or if such person dies before re-
13 ceiving payment, in equal shares to each person who
14 is entitled (or would have been so entitled had a
15 timely application been filed), either on the basis of
16 the wages and self-employment income of any such
17 person who dies before receiving payment or on the
18 basis of the wages and self-employment income of
19 the deceased individual referred to in paragraph (1),
20 to benefits under subsection (d) of this section for
21 the month in which the relevant death occurred.

22 “(3) For purposes of paragraph (1)(A), the applica-
23 ble primary insurance amount determined under this para-
24 graph is the larger of—

1 “(A) the deceased individual’s primary insur-
2 ance amount (if any), determined without regard to
3 the amendments made by section 2201 of the Omni-
4 bus Budget Reconciliation Act of 1981, relating to
5 repeal of the minimum benefit provisions, or

6 “(B) the primary insurance amount (if any)
7 which would be so determined with respect to the
8 surviving spouse of the deceased individual if such
9 spouse had died on the date of the death of the de-
10 ceased individual.”.

11 (b) CONFORMING AMENDMENTS.—Section 202(i) of
12 such Act is amended—

13 (1) by striking “No payment” and inserting the
14 following:

15 “(4) No payment”;

16 (2) by striking “such insured individual” each
17 place it appears and inserting “the deceased indi-
18 vidual referred to in paragraph (1)”;

19 (3) by striking “In the case of any individual
20 who died outside the forty-eight” and inserting the
21 following:

22 “(5) In the case of any individual who died outside
23 the forty-eight”;

24 (4) by striking “the provisions of the preceding
25 sentence” and inserting “paragraph (4)”;

1 (5) by striking “the second sentence of” each
2 place it appears;

3 (6) by striking “In the case of any individual
4 who died outside the fifty” and inserting the fol-
5 lowing:

6 “(6) In the case of any individual who died outside
7 the fifty”; and

8 (7) by striking “the provisions of the third sen-
9 tence of this subsection” and inserting “paragraph
10 (4)”.

11 **SEC. 2. EFFECTIVE DATE.**

12 The amendments made by section 1 shall apply with
13 respect to deaths occurring after 180 days after the date
14 of the enactment of this Act.

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