

111TH CONGRESS  
1ST SESSION

# H. R. 954

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, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2009

Mr. HOLDEN (for himself and Mr. PLATTS) introduced the following bill;  
which was referred to the Committee on Ways and Means

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## 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, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes.

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. SHORT TITLE.**

4       This Act may be cited as the “Social Security Bene-  
5       fits Fairness Act of 2009”.

1 **SEC. 2. COMPUTATION AND PAYMENT OF LAST MONTHLY**  
2 **PAYMENT.**

3 (a) OLD-AGE AND SURVIVORS INSURANCE BENE-  
4 FITS.—Section 202 of the Social Security Act (42 U.S.C.  
5 402) is amended by adding at the end the following new  
6 subsection:

7 “Last Payment of Monthly Insurance Benefit  
8 Terminated by Death

9 “(z)(1) In any case in which an individual dies during  
10 the first 15 days of a calendar month, the amount of such  
11 individual’s monthly insurance benefit under this section  
12 paid for such month shall be an amount equal to 50 per-  
13 cent of the amount of such benefit (as determined without  
14 regard to this subsection), rounded, if not a multiple of  
15 \$1, to the next lower multiple of \$1. This subsection shall  
16 apply with respect to such benefit after all other adjust-  
17 ments with respect to such benefit provided by this title  
18 have been made.

19 “(2) Any payment of an individual’s benefit under  
20 this section for the month in which such individual dies  
21 shall be made in accordance with section 204(d).”.

22 (b) DISABILITY INSURANCE BENEFITS.—Section 223  
23 of such Act (42 U.S.C. 423) is amended by adding at the  
24 end the following new subsection:

1 “Last Payment of Benefit Terminated by Death

2 “(k)(1) In any case in which an individual dies during  
3 the first 15 days of a calendar month, the amount of such  
4 individual’s monthly insurance benefit under this section  
5 paid for such month shall be an amount equal to 50 per-  
6 cent of the amount of such benefit (as determined without  
7 regard to this subsection), rounded, if not a multiple of  
8 \$1, to the next lower multiple of \$1. This subsection shall  
9 apply with respect to such benefit after all other adjust-  
10 ments with respect to such benefit provided by this title  
11 have been made.

12 “(2) Any payment of an individual’s benefit under  
13 this section for the month in which such individual dies  
14 shall be made in accordance with section 204(d).”.

15 (c) BENEFITS AT AGE 72 FOR CERTAIN UNINSURED  
16 INDIVIDUALS.—Section 228 of such Act (42 U.S.C. 428)  
17 is amended by adding at the end the following new sub-  
18 section:

19 “Last Payment of Benefit Terminated by Death

20 “(i)(1) In any case in which an individual dies during  
21 the first 15 days of a calendar month, the amount of such  
22 individual’s monthly insurance benefit under this section  
23 paid for such month shall be an amount equal to 50 per-  
24 cent of the amount of such benefit (as determined without  
25 regard to this subsection), rounded, if not a multiple of

1 \$1, to the next lower multiple of \$1. This subsection shall  
 2 apply with respect to such benefit after all other adjust-  
 3 ments with respect to such benefit provided by this title  
 4 have been made.

5 “(2) Any payment of an individual’s benefit under  
 6 this section for the month in which such individual dies  
 7 shall be made in accordance with section 204(d).”.

8 **SEC. 3. CONFORMING AMENDMENTS REGARDING PAYMENT**  
 9 **OF BENEFITS FOR MONTH OF RECIPIENT’S**  
 10 **DEATH.**

11 (a) OLD-AGE INSURANCE BENEFITS.—Section  
 12 202(a) of the Social Security Act (42 U.S.C. 402(a)) is  
 13 amended by striking “the month preceding” in the matter  
 14 following subparagraph (B).

15 (b) WIFE’S INSURANCE BENEFITS.—

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

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

23 (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(b)(5)(B) of such Act (42 U.S.C. 402(b)(5)(B))  
6 is amended by striking “(E), (F), (H), or (J)” and  
7 inserting “(E), (G), or (I)”.

8 (c) HUSBAND’S INSURANCE BENEFITS.—

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

11 (A) by striking “and ending with the  
12 month” in the matter immediately following  
13 clause (ii) and inserting “and ending with the  
14 month in which he dies or (if earlier) with the  
15 month”;

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

17 (C) by redesignating subparagraphs (F)  
18 through (K) as subparagraphs (E) through (J),  
19 respectively.

20 (2) CONFORMING AMENDMENT.—Section  
21 202(c)(5)(B) of such Act (42 U.S.C. 402(c)(5)(B))  
22 is amended by striking “(E), (F), (H), or (J)” and  
23 inserting “(E), (G), or (I)”.

1 (d) CHILD’S INSURANCE BENEFITS.—Section  
2 202(d)(1) of such Act (42 U.S.C. 402(d)(1)) is amend-  
3 ed—

4 (1) by striking “and ending with the month” in  
5 the matter immediately preceding subparagraph (D)  
6 and inserting “and ending with the month in which  
7 such child dies or (if earlier) with the month”; and  
8 (2) by striking “dies, or” in subparagraph (D).

9 (e) WIDOW’S INSURANCE BENEFITS.—Section  
10 202(e)(1) of such Act (42 U.S.C. 402(e)(1)) is amended  
11 by striking “ending with the month preceding the first  
12 month in which any of the following occurs: she remarries,  
13 dies,” in the matter following subparagraph (F) and in-  
14 serting “ending with the month in which she dies or (if  
15 earlier) with the month preceding the first month in which  
16 any of the following occurs: she remarries, or”.

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

1 (g) MOTHER’S AND FATHER’S INSURANCE BENE-  
2 FITS.—Section 202(g)(1) of such Act (42 U.S.C.  
3 402(g)(1)) is amended—

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

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

9 (h) PARENT’S INSURANCE BENEFITS.—Section  
10 202(h)(1) of such Act (42 U.S.C. 402(h)(1)) is amended  
11 by striking “ending with the month preceding the first  
12 month in which any of the following occurs: such parent  
13 dies, marries,” in the matter following subparagraph (E)  
14 and inserting “ending with the month in which such par-  
15 ent dies or (if earlier) with the month preceding the first  
16 month in which any of the following occurs: such parent  
17 marries,”.

18 (i) DISABILITY INSURANCE BENEFITS.—Section  
19 223(a)(1) of such Act (42 U.S.C. 423(a)(1)) is amended  
20 by striking “ending with the month preceding whichever  
21 of the following months is the earliest: the month in which  
22 he dies,” in the matter following subparagraph (E) and  
23 inserting the following: “ending with the month in which  
24 he dies or (if earlier) with whichever of the following  
25 months is the earliest.”.

1       (j) BENEFITS AT AGE 72 FOR CERTAIN UNINSURED  
2 INDIVIDUALS.—Section 228(a) of such Act (42 U.S.C.  
3 428(a)) is amended by striking “the month preceding” in  
4 the matter following paragraph (4).

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

8           “Exemption From Maximum Benefit Cap  
9       “(m) Notwithstanding any other provision of this sec-  
10 tion, the application of this section shall be made without  
11 regard to any benefit of an individual under section 202,  
12 223, or 228 for the month in which such individual dies.”.

13 **SEC. 4. EFFECTIVE DATE.**

14       The amendments made by this Act shall apply with  
15 respect to deaths occurring after 180 days after the date  
16 of the enactment of this Act.

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