

107TH CONGRESS
1ST SESSION

H. R. 1464

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2001

Mr. HOLDEN (for himself, Mr. STARK, Mrs. BONO, Mr. CRAMER, Ms. HOOLEY of Oregon, Mr. MCINTYRE, Mr. BRADY of Pennsylvania, Mr. SNYDER, Mr. GORDON, Mr. SKELTON, Mr. DOYLE, Mr. TURNER, Mr. BORSKI, Mr. LAHOOD, Mr. TAYLOR of North Carolina, Mr. FROST, Mr. LATOURETTE, Mr. FRANK, Mr. PAUL, Mr. KILDEE, Mr. ANDREWS, Mrs. CAPPS, Ms. RIVERS, Mr. BOUCHER, Mr. MCNULTY, Mr. BALDACCI, Mr. MASCARA, Mr. GONZALEZ, Mr. WELDON of Pennsylvania, Mr. FILNER, Mr. LANTOS, Mr. GOODE, Ms. BROWN of Florida, Mr. BOEHLERT, Mrs. JONES of Ohio, Mr. CROWLEY, Mr. STUPAK, Mr. PASTOR, Ms. SCHAKOWSKY, Mr. HINCHEY, Ms. HART, Mrs. EMERSON, Mr. NEY, Mr. GEORGE MILLER of California, Mr. BARRETT, Mr. GILLMOR, Mr. DEFazio, Mr. EVANS, Mr. CONDIT, Ms. BERKLEY, Mr. KUCINICH, Mr. COSTELLO, Mr. CLEMENT, Ms. SOLIS, Mr. SERRANO, Ms. MCCARTHY of Missouri, Mr. SHAYS, Mr. COYNE, Mr. BOSWELL, and Mr. SMITH of New Jersey) 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, 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 2001”.

6 **SEC. 2. COMPUTATION AND PAYMENT OF LAST MONTHLY**
7 **PAYMENT.**

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

12 “Last Payment of Monthly Insurance Benefit
13 Terminated by Death

14 “(z)(1) In any case in which an individual dies during
15 the first 15 days of a calendar month, the amount of such
16 individual’s monthly insurance benefit under this section
17 paid for such month shall be an amount equal to 50 per-
18 cent of the amount of such benefit (as determined without
19 regard to this subsection), rounded, if not a multiple of
20 \$1, to the next lower multiple of \$1. This subsection shall
21 apply with respect to such benefit after all other adjust-
22 ments with respect to such benefit provided by this title
23 have been made.

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

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

7 “Last Payment of Benefit Terminated by Death

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

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

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

1 “Last Payment of Benefit Terminated by Death

2 “(i)(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 **SEC. 3. CONFORMING AMENDMENTS REGARDING PAYMENT**
16 **OF BENEFITS FOR MONTH OF RECIPIENT’S**
17 **DEATH.**

18 (a) OLD-AGE INSURANCE BENEFITS.—Section
19 202(a) of the Social Security Act (42 U.S.C. 402(a)) is
20 amended by striking “the month preceding” in the matter
21 following subparagraph (B).

22 (b) WIFE’S INSURANCE BENEFITS.—

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

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

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

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

10 (2) CONFORMING AMENDMENT.—Section
11 202(b)(5)(B) of such Act (42 U.S.C. 402(b)(5)(B))
12 is amended by striking “(E), (F), (H), or (J)” and
13 inserting “(E), (G), or (I)”.

14 (c) HUSBAND’S INSURANCE BENEFITS.—

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

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

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

23 (C) by redesignating subparagraphs (F)
24 through (K) as subparagraphs (E) through (J),
25 respectively.

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

5 (d) CHILD’S INSURANCE BENEFITS.—Section
6 202(d)(1) of such Act (42 U.S.C. 402(d)(1)) is
7 amended—

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

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

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

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

1 serting “ending with the month in which he dies or (if
2 earlier) with the month preceding the first month in which
3 any of the following occurs: he remarries,”.

4 (g) MOTHER’S AND FATHER’S INSURANCE BENE-
5 FITS.—Section 202(g)(1) of such Act (42 U.S.C.
6 402(g)(1)) is amended—

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

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

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

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

1 inserting the following: “ending with the month in which
2 he dies or (if earlier) with whichever of the following
3 months is the earliest.”.

4 (j) BENEFITS AT AGE 72 FOR CERTAIN UNINSURED
5 INDIVIDUALS.—Section 228(a) of such Act (42 U.S.C.
6 428(a)) is amended by striking “the month preceding” in
7 the matter following paragraph (4).

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

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

16 **SEC. 4. EFFECTIVE DATE.**

17 The amendments made by this Act shall apply with
18 respect to deaths occurring after 180 days after the date
19 of the enactment of this Act.

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