

107TH CONGRESS  
1ST SESSION

# H. R. 266

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 30, 2001

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 and inserting “the deceased in-  
18           dividual 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.

○