

108TH CONGRESS  
1ST SESSION

# H. R. 2995

To amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month).

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 3, 2003

Mr. PETERSON of Minnesota 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 an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month).

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 De-  
5       ceased Beneficiary Act of 2003”.

1 **SEC. 2. CONTINUATION OF BENEFITS THROUGH MONTH OF**  
 2 **BENEFICIARY'S DEATH.**

3 (a) OLD-AGE INSURANCE BENEFITS.—Section  
 4 202(a) of the Social Security Act (42 U.S.C. 402(a)) is  
 5 amended by striking “the month preceding” in the matter  
 6 following subparagraph (B).

7 (b) WIFE'S INSURANCE BENEFITS.—

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

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

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

16 (C) by redesignating subparagraphs (F)  
 17 through (K) as subparagraphs (E) through (J).

18 (2) CONFORMING AMENDMENTS.—Section  
 19 202(b)(5)(B) of such Act (42 U.S.C. 402(b)(5)(B))  
 20 is amended by striking “(E), (F), (H), or (J)” and  
 21 inserting “(E), (G), or (I)”.

22 (c) HUSBAND'S INSURANCE BENEFITS.—

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

25 (A) by striking “and ending with the  
 26 month” in the matter immediately following

1 clause (ii) and inserting “and ending with the  
 2 month in which he dies or (if earlier) with the  
 3 month”;

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

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

8 (2) CONFORMING AMENDMENTS.—Section  
 9 202(c)(5)(B) of such Act (42 U.S.C. 402(c)(5)(B))  
 10 is amended by striking “(E), (F), (H), or (J)” and  
 11 inserting “(E), (G), or (I)”, respectively.

12 (d) CHILD’S INSURANCE BENEFITS.—Section  
 13 202(d)(1) of such Act (42 U.S.C. 402(d)(1)) is amend-  
 14 ed—

15 (1) by striking “and ending with the month” in  
 16 the matter immediately preceding subparagraph (D)  
 17 and inserting “and ending with the month in which  
 18 such child dies or (if earlier) with the month”; and

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

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

1 earlier) with the month preceding the first month in which  
 2 she remarries or”.

3 (f) WIDOWER’S INSURANCE BENEFITS.—Section  
 4 202(f)(1) of such Act (42 U.S.C. 402(f)(1)) is amended  
 5 by striking “ending with the month preceding the first  
 6 month in which any of the following occurs: he remarries,  
 7 dies,” in the matter following subparagraph (F) and in-  
 8 serting “ending with the month in which he dies or (if  
 9 earlier) with the month preceding the first month in which  
 10 he remarries”.

11 (g) MOTHER’S AND FATHER’S INSURANCE BENE-  
 12 FITS.—Section 202(g)(1) of such Act (42 U.S.C.  
 13 402(g)(1)) is amended—

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

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

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

ent dies or (if earlier) with the month preceding the first month in which such parent marries, or such parent”.

(i) DISABILITY INSURANCE BENEFITS.—Section 223(a)(1) of such Act (42 U.S.C. 423(a)(1)) is amended by striking “ending with the month preceding whichever of the following months is the earliest: the month in which he dies,” in the matter following subparagraph (D) and inserting the following: “ending with the month in which he dies or (if earlier) with the month preceding the earlier of” and by striking the comma after “216(l))”.

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

(k) PAYMENT OF LAST MONTHLY PAYMENT.—

(1) OLD-AGE AND SURVIVORS INSURANCE BENEFITS.—Section 202 of the Social Security Act (42 U.S.C. 402) is amended by adding at the end the following new subsection:

“Payment for Month of Beneficiary’s Death

“(z) Payment of an individual’s monthly insurance benefit under this section for the month in which the individual dies shall be made as provided in section 204(d).”.

1           (2) DISABILITY INSURANCE BENEFITS.—Sec-  
 2           tion 223 of such Act (42 U.S.C. 423) is amended by  
 3           adding at the end the following new subsection:

4           “Payment for Month of Beneficiary’s Death  
 5           “(k) Payment of an individual’s monthly benefit  
 6           under this section for the month in which the individual  
 7           dies shall be made as provided in section 204(d).”.

8           (3) BENEFITS AT AGE 72 FOR CERTAIN UNIN-  
 9           SURED INDIVIDUALS.—Section 228 of such Act (42  
 10          U.S.C. 428) is amended by adding at the end the  
 11          following new subsection:

12          “Payment for Month of Beneficiary’s Death  
 13          “(i) Payment of an individual’s monthly benefit under  
 14          this section for the month in which the individual dies  
 15          shall be made as provided in section 204(d).”.

16   **SEC. 3. DISREGARD OF BENEFIT FOR MONTH OF DEATH**  
 17                           **UNDER FAMILY MAXIMUM PROVISIONS.**

18          Section 203(a) of the Social Security Act (42 U.S.C.  
 19          403(a)) is amended by adding at the end the following  
 20          new paragraph:

21          “(11) Notwithstanding any other provision of this  
 22          Act, in applying the preceding provisions of this subsection  
 23          (and determining maximum family benefits under column  
 24          V of the table in or deemed to be in section 215(a) as  
 25          in effect in December 1978) with respect to the month

1 in which the insured individual's death occurs, the benefit  
2 payable to such individual for that month shall be dis-  
3 regarded.".

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

5       The amendments made by this Act shall apply with  
6 respect to deaths occurring after the month in which this  
7 Act is enacted.

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