

103^D CONGRESS
1ST SESSION

H. R. 1541

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) and that such individual's benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 1993

Mr. SOLOMON 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 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) and that such individual's benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CONTINUATION OF BENEFITS THROUGH**
2 **MONTH OF 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-

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

3 (i) DISABILITY INSURANCE BENEFITS.—Section
4 223(a)(1) of such Act (42 U.S.C. 423(a)(1)) is amended
5 by striking “ending with the month preceding whichever
6 of the following months is the earliest: the month in which
7 he dies,” in the matter following subparagraph (D) and
8 inserting the following: “ending with the month in which
9 he dies or (if earlier) with the month preceding the earlier
10 of” and by striking the comma after “216(l)”.

11 (j) BENEFITS AT AGE 72 FOR CERTAIN UNINSURED
12 INDIVIDUALS.—Section 228(a) of such Act (42 U.S.C.
13 428(a)) is amended by striking “the month preceding” in
14 the matter following paragraph (4).

15 **SEC. 2. COMPUTATION AND PAYMENT OF LAST MONTHLY**
16 **PAYMENT.**

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

21 “Last Payment of Monthly Insurance Benefit
22 Terminated by Death

23 “(y) The amount of any individual’s monthly insur-
24 ance benefit under this section paid for the month in
25 which the individual dies shall be an amount equal to—

1 “(1) the amount of such benefit (as determined
2 without regard to this subsection), multiplied by

3 “(2) a fraction—

4 “(A) the numerator of which is the number
5 of days in such month preceding the date of
6 such individual’s death, and

7 “(B) the denominator of which is the num-
8 ber of days in such month,

9 rounded, if not a multiple of \$1, to the next lower multiple
10 of \$1. This subsection shall apply with respect to such
11 benefit after all other adjustments with respect to such
12 benefit provided by this title have been made. Payment
13 of such benefit for such month shall be made as provided
14 in section 204(d).”.

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

18 “Last Payment of Benefit Terminated by Death

19 “(j) The amount of any individual’s monthly benefit
20 under this section paid for the month in which the individ-
21 ual dies shall be an amount equal to—

22 “(1) the amount of such benefit (as determined
23 without regard to this subsection), multiplied by

24 “(2) a fraction—

1 “(A) the numerator of which is the number
2 of days in such month preceding the date of
3 such individual’s death, and

4 “(B) the denominator of which is the num-
5 ber of days in such month,

6 rounded, if not a multiple of \$1, to the next lower multiple
7 of \$1. This subsection shall apply with respect to such
8 benefit after all other adjustments with respect to such
9 benefit provided by this title have been made. Payment
10 of such benefit for such month shall be made as provided
11 in section 204(d).”.

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

16 “Last Payment of Benefit Terminated by Death

17 “(i) The amount of any individual’s monthly benefit
18 under this section paid for the month in which the individ-
19 ual dies shall be an amount equal to—

20 “(1) the amount of such benefit (as determined
21 without regard to this subsection), multiplied by

22 “(2) a fraction—

23 “(A) the numerator of which is the number
24 of days in such month preceding the date of
25 such individual’s death, and

1 “(B) the denominator of which is the num-
2 ber of days in such month,
3 rounded, if not a multiple of \$1, to the next lower multiple
4 of \$1. This subsection shall apply with respect to such
5 benefit after all other adjustments with respect to such
6 benefit provided by this title have been made. Payment
7 of such benefit for such month shall be made as provided
8 in section 204(d).”.

9 **SEC. 3. DISREGARD OF BENEFIT FOR MONTH OF DEATH**
10 **UNDER FAMILY MAXIMUM PROVISIONS.**

11 Section 203(a) of the Social Security Act (42 U.S.C.
12 403(a)) is amended by adding at the end the following
13 new paragraph:

14 “(10) Notwithstanding any other provision of this
15 Act, in applying the preceding provisions of this subsection
16 (and determining maximum family benefits under column
17 V of the table in or deemed to be in section 215(a) as
18 in effect in December 1978) with respect to the month
19 in which the insured individual’s death occurs, the benefit
20 payable to such individual for that month shall be dis-
21 regarded.”.

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

23 The amendments made by this Act shall apply with
24 respect to deaths occurring after the month in which this
25 Act is enacted.

