

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4224

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.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 2005

Mr. DAVIS of Tennessee 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) 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. SHORT TITLE.**

2 This Act may be cited as the “Proportionate Final  
3 Benefit Act of 2005”.

4 **SEC. 2. CONTINUATION OF BENEFITS THROUGH MONTH OF**  
5 **BENEFICIARY’S DEATH.**

6 (a) OLD-AGE INSURANCE BENEFITS.—Section  
7 202(a) of the Social Security Act (42 U.S.C. 402(a)) is  
8 amended by striking “the month preceding” in the matter  
9 following subparagraph (B).

10 (b) WIFE’S INSURANCE BENEFITS.—

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

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

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

19 (C) by redesignating subparagraphs (F)  
20 through (K) as subparagraphs (E) through (J).

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

25 (c) HUSBAND’S INSURANCE BENEFITS.—

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

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

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

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

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

16 (d) CHILD’S INSURANCE BENEFITS.—Section  
17 202(d)(1) of such Act (42 U.S.C. 402(d)(1)) is amend-  
18 ed—

19 (1) by striking “and ending with the month” in  
20 the matter immediately preceding subparagraph (D)  
21 and inserting “and ending with the month in which  
22 such child dies or (if earlier) with the month”; and

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

24 (e) WIDOW’S INSURANCE BENEFITS.—Section  
25 202(e)(1) of such Act (42 U.S.C. 402(e)(1)) is amended

1 by striking “ending with the month preceding the first  
2 month in which any of the following occurs: she remarries,  
3 dies,” in the matter following subparagraph (F) and in-  
4 serting “ending with the month in which she dies or (if  
5 earlier) with the month preceding the first month in which  
6 she remarries”.

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

15 (g) MOTHER’S AND FATHER’S INSURANCE BENE-  
16 FITS.—Section 202(g)(1) of such Act (42 U.S.C.  
17 402(g)(1)) is amended—

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

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

23 (h) PARENT’S INSURANCE BENEFITS.—Section  
24 202(h)(1) of such Act (42 U.S.C. 402(h)(1)) is amended  
25 by striking “ending with the month preceding the first

1 month in which any of the following occurs: such parent  
2 dies, marries,” in the matter following subparagraph (E)  
3 and inserting “ending with the month in which such par-  
4 ent dies or (if earlier) with the month preceding the first  
5 month in which such parent marries, or such parent”.

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

14 (j) **BENEFITS AT AGE 72 FOR CERTAIN UNINSURED**  
15 **INDIVIDUALS.**—Section 228(a) of such Act (42 U.S.C.  
16 428(a)) is amended by striking “the month preceding” in  
17 the matter following paragraph (4).

18 **SEC. 3. COMPUTATION AND PAYMENT OF LAST MONTHLY**  
19 **PAYMENT.**

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

1           “Last Payment of Monthly Insurance Benefit

2                                   Terminated by Death

3           “(z) The amount of any individual’s monthly insur-  
4           ance benefit under this section paid for the month in  
5           which the individual dies shall be an amount equal to—

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

8                           “(2) a fraction—

9                                   “(A) the numerator of which is the number  
10                                   of days in such month preceding the date of  
11                                   such individual’s death, and

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

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

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

1 “Last Payment of Benefit Terminated by Death

2 “(k) The amount of any individual’s monthly benefit  
3 under this section paid for the month in which the indi-  
4 vidual dies shall be an amount equal to—

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

7 “(2) a fraction—

8 “(A) the numerator of which is the number  
9 of days in such month preceding the date of  
10 such individual’s death, and

11 “(B) the denominator of which is the num-  
12 ber of days in such month, rounded, if not a  
13 multiple of \$1, to the next lower multiple of \$1,  
14 rounded, if not a multiple of \$1, to the next lower multiple  
15 of \$1. This subsection shall apply with respect to such  
16 benefit after all other adjustments with respect to such  
17 benefit provided by this title have been made. Payment  
18 of such benefit for such month shall be made as provided  
19 in section 204(d).”.

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

1 “Last Payment of Benefit Terminated by Death

2 “(i) The amount of any individual’s monthly benefit  
3 under this section paid for the month in which the indi-  
4 vidual dies shall be an amount equal to—

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

7 “(2) a fraction—

8 “(A) the numerator of which is the number  
9 of days in such month preceding the date of  
10 such individual’s death, and

11 “(B) the denominator of which is the num-  
12 ber of days in such month, rounded, if not a  
13 multiple of \$1, to the next lower multiple of \$1.

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

20 **SEC. 4. DISREGARD OF BENEFIT FOR MONTH OF DEATH**  
21 **UNDER FAMILY MAXIMUM PROVISIONS.**

22 Section 203(a) of the Social Security Act (42 U.S.C.  
23 403(a)) is amended by adding at the end the following  
24 new paragraph:

1       “(11) Notwithstanding any other provision of this  
2 Act, in applying the preceding provisions of this subsection  
3 (and determining maximum family benefits under column  
4 V of the table in or deemed to be in section 215(a) as  
5 in effect in December 1978) with respect to the month  
6 in which the insured individual’s death occurs, the benefit  
7 payable to such individual for that month shall be dis-  
8 regarded.”.

9 **SEC. 5. EFFECTIVE DATE.**

10       The amendments made by this Act shall apply with  
11 respect to deaths occurring after the month in which this  
12 Act is enacted.

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