

Section 339 of Public Law 89-97 added a new provision to section 216(h) of the Social Security Act to allow social security benefits to be paid to certain illegitimate children who were acknowledged by the father or by court order or court decree as his offspring.

Mr. President, I ask unanimous consent to have the entire new provision added by Public Law 89-97 printed in the RECORD at this place in my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

QUALIFICATION OF CHILDREN NOT QUALIFIED
UNDER STATE LAW

[Public Law 89-97; 71 Stat. 519; 72 Stat. 1030; 42 U.S.C. 416]

SEC. 339. (a) Section 216(h) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(3) An applicant who is the son or daughter of a fully or currently insured individual, but who is not (and is not deemed to be) the child of such insured individual under paragraph (2), shall nevertheless be deemed to be the child of such insured individual if:

"(A) in the case of an insured individual entitled to old-age insurance benefits (who was not, in the month preceding such entitlement, entitled to disability insurance benefits)—

[79 Stat. 410]

"(i) such insured individual—

"(I) has acknowledged in writing that the applicant is his son or daughter,

"(II) has been decreed by a court to be father of the applicant, or

"(III) has been ordered by a court to contribute to the support of the applicant because the applicant is his son or daughter, and such acknowledgment, court decree, or court order was made not less than one year before such insured individual became entitled to old-age insurance benefits or attained age 65, whichever is earlier; or

"(ii) such insured individual is shown by evidence satisfactory to the Secretary to be the father of the applicant and was living with or contributing to the support of the applicant at the time such insured individual became entitled to benefits or attained age 65, whichever first occurred;

"(B) in the case of an insured individual entitled to disability insurance benefits, or who was entitled to such benefits in the month preceding the first month for which he was entitled to old-age insurance benefits—

"(i) such insured individual—

"(I) has acknowledged in writing that the applicant is his son or daughter,

"(II) has been decreed by a court to be the father of the applicant, or

"(III) has been ordered by a court to contribute to the support of the applicant because the applicant is his son or daughter, and such acknowledgment, court decree, or court order was made before such insured individual's most recent period of disability began; or

"(ii) such insured individual is shown by evidence satisfactory to the Secretary to be the father of the applicant and was living with or contributing to the support of that applicant at the time such period of disability began;

"(C) in the case of a deceased individual—

"(i) such insured individual—

"(I) had acknowledged in writing that the applicant is his son or daughter,

"(II) had been decreed by a court to be the father of the applicant, or

"(III) had been ordered by a court to contribute to the support of the applicant because the applicant was his son or daughter, and such acknowledgment, court decree, or court order was made before the death of such insured individual, or

"(ii) such insured individual is shown by evidence satisfactory to the Secretary to have been the father of the applicant, and such insured individual was living with or contributing to the support of the applicant at the time such insured individual died."

Mr. FONG. Mr. President, in providing social security benefits for these illegitimate children, however, Congress failed to make any allowance for the impact of their claims upon the benefits of the legal widow or other legal claimants of the worker. For example, the maximum payable to the surviving family members, which is based on the deceased worker's earnings record, was not raised nor waived to accommodate the claims of any illegitimate children.

Thus, social security benefits for illegitimate children can—and in one instance that I know of—have reduced the social security benefits for legitimate claimants.

In a case brought to my attention this year, the Social Security Administration reduced from \$109.50 to \$54.80 the social security monthly benefit of a legal widow of a deceased worker, because illegitimate children of her late husband were ruled entitled to social security benefits under Public Law 89-97.

This widow's social security benefit is her only income. Although on review, one of the illegitimate children was ruled not entitled to benefits and her benefit was adjusted to \$65 a month, this is a pitiful amount. She has written me many letters, and she cannot understand how Congress would be so cruel and unjust to the legal widow.

I believe that it Congress had realized the effect of the illegitimate children provisions, some provision would have been made to protect the legal dependents from such drastic diminution of their social security benefits.

Therefore, I am proposing to amend the Social Security Act—section 203 (a)—to exempt from reduction of monthly benefits those widows whose husband's died prior to 1966 if the other claimants, first, are entitled to child's benefits under section 202(d), are not children of the widow, and would not have been considered prior to Public Law 89-97 to be the children of the deceased worker.

As the amendment is drawn, therefore, the exemption from reduction of benefits is extended only to those widows whose husband's died in 1965 or earlier