

115TH CONGRESS
2D SESSION

H. R. 5302

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 15, 2018

Mr. DEFAZIO (for himself, Mr. BRADY of Pennsylvania, Mr. COHEN, Mr. MCNERNEY, Ms. NORTON, Mr. GRIJALVA, Mr. TONKO, Mr. GENE GREEN of Texas, and Mr. NADLER) 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. SHORT TITLE.**

2 This Act may be cited as the “Benefit Adjustment
3 of Social Security Income Compensation Act” or the
4 “BASIC Act”.

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

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

11 (b) WIFE’S INSURANCE BENEFITS.—

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

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

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

20 (C) by redesignating subparagraphs (F)
21 through (K) as subparagraphs (E) through (J),
22 respectively.

23 (2) CONFORMING AMENDMENT.—Section
24 202(b)(4)(B) of such Act (42 U.S.C. 402(b)(4)(B))
25 is amended by striking “(E), (F), (H), or (J)” and
26 inserting “(E), (G), or (I)”.

1 (c) HUSBAND’S INSURANCE BENEFITS.—

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

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

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

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

13 (2) CONFORMING AMENDMENT.—Section
14 202(c)(4)(B) of such Act (42 U.S.C. 402(c)(4)(B))
15 is amended by striking “(E), (F), (H), or (J)” and
16 inserting “(E), (G), or (I)”.

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

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

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

1 (e) WIDOW’S INSURANCE BENEFITS.—Section
2 202(e)(1) of such Act (42 U.S.C. 402(e)(1)) is amended
3 by striking “ending with the month preceding the first
4 month in which any of the following occurs: she remarries,
5 dies, becomes entitled” in the matter following subpara-
6 graph (F) and inserting “ending with the month in which
7 she dies or (if earlier) the month preceding the earliest
8 of the first month in which she remarries, the month in
9 which she becomes entitled”.

10 (f) WIDOWER’S INSURANCE BENEFITS.—Section
11 202(f)(1) of such Act (42 U.S.C. 402(f)(1)) is amended
12 by striking “ending with the month preceding the first
13 month in which any of the following occurs: he remarries,
14 dies, or becomes entitled” in the matter following subpara-
15 graph (F) and inserting “ending with the month in which
16 he dies or (if earlier) the month preceding the earliest of
17 the first month in which he remarries, the month in which
18 he becomes entitled”.

19 (g) MOTHER’S AND FATHER’S INSURANCE BENE-
20 FITS.—Section 202(g)(1) of such Act (42 U.S.C.
21 402(g)(1)) is amended—

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

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

3 (h) PARENT’S INSURANCE BENEFITS.—Section
4 202(h)(1) of such Act (42 U.S.C. 402(h)(1)) is amended
5 by striking “ending with the month preceding the first
6 month in which any of the following occurs: such parent
7 dies, marries,” in the matter following subparagraph (E)
8 and inserting “ending with the month in which such par-
9 ent dies or (if earlier) the month preceding the first month
10 in which such parent marries”.

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

19 (j) BENEFITS AT AGE 72 FOR CERTAIN UNINSURED
20 INDIVIDUALS.—Section 228(a) of such Act (42 U.S.C.
21 428(a)) is amended by striking “the month preceding” in
22 the matter following paragraph (4).

1 **SEC. 3. COMPUTATION AND PAYMENT OF LAST MONTHLY**
2 **PAYMENT.**

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

7 “(aa) LAST PAYMENT OF MONTHLY INSURANCE
8 BENEFIT TERMINATED BY DEATH.—(1) The amount of
9 any individual’s monthly insurance benefit under this sec-
10 tion paid for the month in which the individual dies shall
11 be an amount equal to—

12 “(A) the amount of such benefit (as determined
13 without regard to this subsection), multiplied by

14 “(B) a fraction—

15 “(i) the numerator of which is the number
16 of days in such month preceding the date of
17 such individual’s death, and

18 “(ii) the denominator of which is the num-
19 ber of days in such month,

20 rounded, if not a multiple of \$1, to the next lower multiple
21 of \$1. This subsection shall apply with respect to such
22 benefit after all other adjustments with respect to such
23 benefit provided by this title have been made. Payment
24 of such benefit for such month shall be made as provided
25 in section 204(d).

1 “(2) Any monthly insurance benefit under this sec-
2 tion for the month in which the individual entitled to such
3 benefit dies shall be paid to the estate of the individual
4 unless the individual has named another individual as the
5 payee for such payment.”.

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

9 “(k) LAST PAYMENT OF BENEFIT TERMINATED BY
10 DEATH.—(1) The amount of any individual’s monthly
11 benefit under this section paid for the month in which the
12 individual dies shall be an amount equal to—

13 “(A) the amount of such benefit (as determined
14 without regard to this subsection), multiplied by

15 “(B) a fraction—

16 “(i) the numerator of which is the number
17 of days in such month preceding the date of
18 such individual’s death, and

19 “(ii) the denominator of which is the num-
20 ber of days in such month,

21 rounded, if not a multiple of \$1, to the next lower multiple
22 of \$1. This subsection shall apply with respect to such
23 benefit after all other adjustments with respect to such
24 benefit provided by this title have been made. Payment

1 of such benefit for such month shall be made as provided
 2 in section 204(d).

3 “(2) Any monthly insurance benefit under this sec-
 4 tion for the month in which the individual entitled to such
 5 benefit dies shall be paid to the estate of the individual
 6 unless the individual has named another individual as the
 7 payee for such payment.”.

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

12 “(i) LAST PAYMENT OF BENEFIT TERMINATED BY
 13 DEATH.—(1) The amount of any individual’s monthly
 14 benefit under this section paid for the month in which the
 15 individual dies shall be an amount equal to—

16 “(A) the amount of such benefit (as determined
 17 without regard to this subsection), multiplied by

18 “(B) a fraction—

19 “(i) the numerator of which is the number
 20 of days in such month preceding the date of
 21 such individual’s death, and

22 “(ii) the denominator of which is the num-
 23 ber of days in such month,

24 rounded, if not a multiple of \$1, to the next lower multiple
 25 of \$1. This subsection shall apply with respect to such

1 benefit after all other adjustments with respect to such
2 benefit provided by this title have been made. Payment
3 of such benefit for such month shall be made as provided
4 in section 204(d).

5 “(2) Any monthly insurance benefit under this sec-
6 tion for the month in which the individual entitled to such
7 benefit dies shall be paid to the estate of the individual
8 unless the individual has named another individual as the
9 payee for such payment.”.

10 **SEC. 4. MODIFICATION OF COMPUTATION OF LUMP-SUM**
11 **DEATH PAYMENTS.**

12 The first sentence of section 202(i) of such Act (42
13 U.S.C. 402(i)) is amended by striking “three times” and
14 all that follows through “smaller” and inserting “50 per-
15 cent of such individual’s primary insurance amount, or an
16 amount equal to \$255, whichever is greater”.

17 **SEC. 5. DISREGARD OF BENEFIT FOR MONTH OF DEATH**
18 **UNDER FAMILY MAXIMUM PROVISIONS.**

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

22 “(11) Notwithstanding any other provision of
23 this Act, in applying the preceding provisions of this
24 subsection (and determining maximum family bene-
25 fits under column V of the table in or deemed to be

1 in section 215(a) as in effect in December 1978)
2 with respect to the month in which the insured indi-
3 vidual's death occurs, the benefit payable to such in-
4 dividual for that month shall be disregarded.”.

5 **SEC. 6. EFFECTIVE DATE.**

6 The amendments made by this Act shall apply with
7 respect to deaths occurring in the first month beginning
8 more than 90 days after the date of enactment of this
9 Act.

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