

117TH CONGRESS  
2D SESSION

# S. 4133

To provide for phased-in payment of Social Security Disability Insurance payments during the waiting period for individuals with a terminal illness.

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## IN THE SENATE OF THE UNITED STATES

MAY 4, 2022

Mr. BARRASSO (for himself, Mr. BROWN, Ms. COLLINS, Mr. COONS, Ms. HASSAN, Mr. LEAHY, Ms. LUMMIS, Mr. MERKLEY, Ms. MURKOWSKI, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To provide for phased-in payment of Social Security Disability Insurance payments during the waiting period for individuals with a terminal illness.

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 “Expedited Disability  
5 Insurance Payments for Terminally Ill Individuals Act of  
6 2022”.

1 **SEC. 2. PHASED-IN PAYMENT OF SSDI BENEFITS DURING**  
2 **THE WAITING PERIOD FOR THE TERMINALLY**  
3 **ILL.**

4 (a) IN GENERAL.—Section 223 of the Social Security  
5 Act (42 U.S.C. 423) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1), in the matter fol-  
8 lowing subparagraph (E), by striking “or (iii)”  
9 and inserting “(iii) subject to paragraph (2)(B),  
10 for each month beginning with the first month  
11 during all of which the individual is determined  
12 under subparagraph (D) of subsection (d)(2) to  
13 be under a disability and in which he becomes  
14 so entitled to such insurance benefits, or (iv)”;

15 (B) in paragraph (2)—

16 (i) in the matter preceding subpara-  
17 graph (A), by striking “section 202(q)  
18 and” and inserting “paragraph (3) of this  
19 section, section 202(q), and”;

20 (ii) in subparagraph (A), by striking  
21 “or” at the end;

22 (iii) by redesignating subparagraph  
23 (B) as subparagraph (C);

24 (iv) in subparagraph (C), as so reded-  
25 icated, by striking “clause (ii) of para-  
26 graph (1)” and inserting “clause (ii) or

1 (iv) in the matter following subparagraph  
2 (E) of paragraph (1)”; and

3 (v) by inserting after subparagraph  
4 (A) the following new subparagraph:

5 “(B) in any case in which clause (iii) in the  
6 matter following subparagraph (E) of paragraph (1)  
7 of this subsection is applicable, the first month for  
8 which the individual becomes entitled to such dis-  
9 ability insurance benefits, or”; and

10 (C) by adding at the end the following new  
11 paragraph:

12 “(3)(A) For purposes of paragraph (2), in any case  
13 in which clause (iii) in the matter following subparagraph  
14 (E) of paragraph (1) of this subsection is applicable to  
15 an individual, the amount of the individual’s monthly dis-  
16 ability insurance benefit for the earliest period of 2 con-  
17 secutive calendar months throughout which the individual  
18 has been entitled to such insurance benefits shall be equal  
19 to the product of the benefit amount determined for the  
20 individual under paragraph (2) (before application of this  
21 paragraph) and—

22 (i) for the first calendar month, 50 percent;

23 and

24 (ii) for the second calendar month, 75 percent.

1       “(B) If an individual who has been determined under  
2 subparagraph (D) of subsection (d)(2) to be under a dis-  
3 ability has been entitled to a disability insurance benefit  
4 on such basis for 12 consecutive calendar months, the in-  
5 dividual’s disability insurance benefit for any month dur-  
6 ing the subsequent period of 12 consecutive calendar  
7 months shall be equal to—

8               “(i) the benefit amount determined for the indi-  
9 vidual under paragraph (2) (before application of  
10 this paragraph); minus

11               “(ii) the quotient obtained by dividing the total  
12 amount of disability insurance benefits provided to  
13 the individual during the earliest period of five con-  
14 secutive calendar months for which the individual  
15 was entitled to such benefits on such basis by 12.

16       “(C) If an individual who has been determined under  
17 subparagraph (D) of subsection (d)(2) to be under a dis-  
18 ability has been entitled to a disability insurance benefit  
19 on such basis for 24 consecutive calendar months, the in-  
20 dividual’s disability insurance benefit for any subsequent  
21 month shall be equal to 95 percent of the benefit amount  
22 determined for the individual under paragraph (2) (before  
23 application of this paragraph).”; and

24               (2) in subsection (d)(2), by adding at the end  
25 the following:

1           “(D) For purposes of clause (iii) in the matter  
2 following subparagraph (E) of paragraph (1) of sub-  
3 section (a), an individual shall be determined to be  
4 under a disability upon submission of a diagnosis of  
5 a terminal illness (as defined in section  
6 1861(dd)(3)(A)) that has been certified by not less  
7 than 2 physicians (as defined in section 1861(r)(1))  
8 who are not related (as defined in section 267(e)(4)  
9 of the Internal Revenue Code of 1986) and are not  
10 in the same physician group practice.”.

11 (b) REPORTS TO CONGRESS.—

12           (1) REPORT BY SOCIAL SECURITY ADMINISTRA-  
13 TION.—Not later than 12 months after the date of  
14 the enactment of this Act, and each year thereafter,  
15 the Commissioner of the Social Security Administra-  
16 tion, in coordination with the Inspector General of  
17 the Social Security Administration, shall submit to  
18 the relevant committees of Congress a report that  
19 evaluates the provision of disability insurance bene-  
20 fits to terminally ill individuals, including—

21           (A) the total number of individuals who—

22                   (i) file applications for disability in-  
23 surance benefits (as determined under sec-  
24 tion 223(a)(3) of the Social Security Act)  
25 based on a diagnosis of a terminal illness;

1 (ii) receive such benefits;

2 (iii) die within 6 months of first re-  
3 ceiving such benefits;

4 (iv) die within 12 months of first re-  
5 ceiving such benefits;

6 (v) receive such benefits during the  
7 period described in section 223(a)(3)(B) of  
8 the Social Security Act; and

9 (vi) receive such benefits during the  
10 period described in section 223(a)(3)(C) of  
11 the Social Security Act;

12 (B) the total amount expended, including  
13 related administrative expenses, for the provi-  
14 sion of disability insurance benefits under sec-  
15 tion 223(a)(3) of the Social Security Act to in-  
16 dividuals diagnosed with a terminal illness; and

17 (C) recommendations for such legislation  
18 and administrative actions as are determined  
19 appropriate for preventing fraud, waste, and  
20 abuse related to such benefits.

21 (2) REPORT BY GOVERNMENT ACCOUNTABILITY  
22 OFFICE.—Not later than 4 years after the date of  
23 the enactment of this Act, the Comptroller General  
24 of the United States shall submit a report to the rel-  
25 evant committees of Congress that evaluates the pro-

1 vision of disability insurance benefits to terminally ill  
2 individuals and provides recommendations for such  
3 legislation and administrative actions as are deter-  
4 mined appropriate to improve the provision of such  
5 benefits to such individuals.

6 (c) EFFECTIVE DATE; SUNSET.—

7 (1) IN GENERAL.—Subject to paragraph (2),  
8 the amendments made by this section shall apply to  
9 benefits payable for months beginning after Decem-  
10 ber 31, 2022.

11 (2) SUNSET.—The amendments made by sub-  
12 section (a) shall cease to have effect on January 1,  
13 2028, and upon such date, section 223 of the Social  
14 Security Act shall read as such section read on the  
15 day before the date of the enactment of this Act.

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