

116TH CONGRESS  
1ST SESSION

# S. 2262

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

JULY 25, 2019

Mr. BARRASSO (for himself, Mr. BROWN, Ms. MURKOWSKI, Mr. LEAHY, Mr. REED, Mr. MERKLEY, Ms. HASSAN, and Ms. COLLINS) 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 2019”.

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 (ii)”  
 9 and inserting “(ii) 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 (iii)”;

15 (B) in paragraph (2)—

16 (i) in subparagraph (A), by striking  
 17 “or” at the end;

18 (ii) by redesignating subparagraph  
 19 (B) as subparagraph (C);

20 (iii) in subparagraph (C), as so redes-  
 21 ignated, by striking “(ii)” and inserting  
 22 “(iii)”; and

23 (iv) by inserting after subparagraph  
 24 (A) the following new subparagraph:

25 “(B) in any case in which clause (ii) of para-  
 26 graph (1) of this subsection is applicable, the first

1 month for which the individual becomes entitled to  
2 such disability insurance benefits, subject to the  
3 phase-in percentage period described in paragraph  
4 (3)(A), or”; and

5 (C) by adding at the end the following new  
6 paragraph:

7 “(3)(A) For purposes of paragraph (2)(B), in any  
8 case in which clause (ii) of paragraph (1) of this sub-  
9 section is applicable, an individual’s disability insurance  
10 benefit for the earliest period of 2 consecutive calendar  
11 months throughout which the individual has been entitled  
12 to such insurance benefits shall be equal to the product  
13 of the benefit amount determined under paragraph (2)(B)  
14 (as determined before application of this paragraph)  
15 and—

16 “(i) for the first calendar month, 50 percent;  
17 and

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

19 “(B) If an individual who has been determined under  
20 subparagraph (D) of subsection (d)(2) to be under a dis-  
21 ability has been entitled to a disability insurance benefit  
22 on such basis for 12 consecutive calendar months, the in-  
23 dividual’s disability insurance benefit for any month dur-  
24 ing the subsequent period of 12 consecutive calendar  
25 months shall be equal to—

1           “(i) the benefit amount determined under para-  
 2           graph (2)(B) (as determined before application of  
 3           subparagraph (A)); minus

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

9           “(C) If an individual who has been determined under  
 10          subparagraph (D) of subsection (d)(2) to be under a dis-  
 11          ability has been entitled to a disability insurance benefit  
 12          on such basis for 24 consecutive calendar months, the in-  
 13          dividual’s disability insurance benefit for any subsequent  
 14          month shall be equal to 95 percent of the benefit amount  
 15          determined under paragraph (2)(B) (as determined before  
 16          application of subparagraphs (A) and (B)).”; and

17           (2) in subsection (d)(2), by adding at the end  
 18          the following:

19           “(D) For purposes of clause (ii) of paragraph  
 20          (1) of subsection (a), an individual shall be deter-  
 21          mined to be under a disability upon submission of a  
 22          diagnosis of a terminal illness (as defined in section  
 23          1861(dd)(3)(A)) that has been certified by not less  
 24          than 2 physicians (as defined in section 1861(r)(1))  
 25          who are not related (as defined in section 267(c)(4)

1 of the Internal Revenue Code of 1986) and are not  
2 in the same physician group practice.”.

3 (b) REPORTS TO CONGRESS.—

4 (1) REPORT BY SOCIAL SECURITY ADMINISTRA-  
5 TION.—Not later than 12 months after the date of  
6 the enactment of this Act, and each year thereafter,  
7 the Commissioner of the Social Security Administra-  
8 tion, in coordination with the Inspector General of  
9 the Social Security Administration, shall submit to  
10 the relevant committees of Congress a report that  
11 evaluates the provision of disability insurance bene-  
12 fits to terminally ill individuals, including—

13 (A) the total number of individuals who—

14 (i) file applications for disability in-  
15 surance benefits (as determined under sec-  
16 tion 223(a)(3) of the Social Security Act)  
17 based on a diagnosis of a terminal illness;

18 (ii) receive such benefits;

19 (iii) die within 6 months of first re-  
20 ceiving such benefits;

21 (iv) die within 12 months of first re-  
22 ceiving such benefits;

23 (v) receive such benefits during the  
24 period described in section 223(a)(3)(B) of  
25 the Social Security Act; and

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

4 (B) the total amount expended, including  
 5 related administrative expenses, for the provi-  
 6 sion of disability insurance benefits under sec-  
 7 tion 223(a)(3) of the Social Security Act to in-  
 8 dividuals diagnosed with a terminal illness; and

9 (C) recommendations for such legislation  
 10 and administrative actions as are determined  
 11 appropriate for preventing fraud, waste, and  
 12 abuse related to such benefits.

13 (2) REPORT BY GOVERNMENT ACCOUNTABILITY  
 14 OFFICE.—Not later than 4 years after the date of  
 15 the enactment of this Act, the Comptroller General  
 16 of the United States shall submit a report to the rel-  
 17 evant committees of Congress that evaluates the pro-  
 18 vision of disability insurance benefits to terminally ill  
 19 individuals and provides recommendations for such  
 20 legislation and administrative actions as are deter-  
 21 mined appropriate to improve the provision of such  
 22 benefits to such individuals.

23 (c) EFFECTIVE DATE; SUNSET.—

24 (1) IN GENERAL.—Subject to paragraph (2),  
 25 the amendments made by this section shall apply to

1        benefits payable for months beginning after Decem-  
2        ber 31, 2019.

3            (2) SUNSET.—The amendments made by sub-  
4        section (a) shall cease to have effect on January 1,  
5        2025, and upon such date, section 223 of the Social  
6        Security Act shall read as such section read on the  
7        day before the date of the enactment of this Act.

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