

113TH CONGRESS
1ST SESSION

S. 1311

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

IN THE SENATE OF THE UNITED STATES

JULY 17, 2013

Mr. BARRASSO (for himself, Mr. ENZI, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Finance

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 2013”.

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 redesi-
21 gnated, 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”;

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(e)(4)

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

3 (b) REPORT TO CONGRESS.—Not later than 12
4 months after the date of the enactment of this Act, and
5 each year thereafter, the Commissioner of the Social Secu-
6 rity Administration, in coordination with the Inspector
7 General of the Social Security Administration, shall sub-
8 mit to the relevant committees of Congress a report that
9 evaluates the provision of disability insurance benefits to
10 terminally ill individuals, including—

11 (1) the total number of individuals who—

12 (A) filed applications for disability insur-
13 ance benefits (as determined under section
14 223(a)(3) of the Social Security Act) based on
15 a diagnosis of a terminal illness;

16 (B) receive such benefits;

17 (C) die within 6 months of first receiving
18 such benefits;

19 (D) die within 12 months of first receiving
20 such benefits;

21 (E) receive such benefits during the period
22 described in section 223(a)(3)(B) of the Social
23 Security Act; and

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

4 (2) the total amount expended, including re-
5 lated administrative expenses, for the provision of
6 disability insurance benefits under section 223(a)(3)
7 of the Social Security Act to individuals diagnosed
8 with a terminal illness; and

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

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to benefits payable for months be-
15 ginning after December 31, 2013.

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