

116TH CONGRESS
1ST SESSION

H. R. 142

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2019

Mr. RODNEY DAVIS of Illinois introduced the following bill; which was referred to the Committee on Ways and Means

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 “Social Security Dis-
5 ability Fairness Act of 2019”.

6 **SEC. 2. PHASED-IN PAYMENT OF SSDI BENEFITS DURING**
7 **THE WAITING PERIOD FOR THE TERMINALLY**
8 **ILL.**

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

1 (1) in subsection (a)—

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

10 (B) in paragraph (2)—

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

13 (ii) by redesignating subparagraph
14 (B) as subparagraph (C);

15 (iii) in subparagraph (C), as so redес-
16 ignated, by striking “(ii)” and inserting
17 “(iii)”; and

18 (iv) by inserting after subparagraph
19 (A) the following new subparagraph:

20 “(B) in any case in which clause (ii) of para-
21 graph (1) of this subsection is applicable, the first
22 month for which the individual becomes entitled to
23 such disability insurance benefits, subject to the
24 phase-in percentage period described in paragraph
25 (3)(A), or”; and

1 (C) by adding at the end the following new
2 paragraph:

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

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

13 “(ii) for the second calendar month, 75 percent;

14 and

15 “(iii) for each subsequent calendar month
16 through the twelfth calendar month, 100 percent.

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

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

(b) REPORTS TO CONGRESS.—

(1) REPORT BY SOCIAL SECURITY ADMINISTRATION.—Not later than 12 months after the date of the enactment of this Act, and each year thereafter, the Commissioner of Social Security, in coordination with the Inspector General of the Social Security Administration, shall submit to the relevant committees of Congress a report that evaluates the provision of disability insurance benefits to terminally ill individuals, including—

(A) the total number of individuals who—

(i) filed applications for disability insurance benefits (as determined under section 223(a)(3) of the Social Security Act) based on a diagnosis of a terminal illness;

(ii) receive such benefits;

(iii) die within 6 months of first receiving such benefits;

(iv) die within 12 months of first receiving such benefits;

(v) receive such benefits during the period described in section 223(a)(3)(B) of 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 if such amendments had
7 not been enacted.

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