

119TH CONGRESS
2D SESSION

S. _____

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

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

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 2026”.

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 subsection, section 202(q), and”;

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

22 (iii) in subparagraph (B), by striking
23 “clause (ii) of paragraph (1)” and insert-
24 ing “clause (ii), (iii), or (iv) in the matter
25 following subparagraph (E) of paragraph
26 (1)”;

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

3 “(3)(A) For purposes of paragraph (2), in any case
4 in which clause (iii) in the matter following subparagraph
5 (E) of paragraph (1) of this subsection is applicable to
6 an individual, the amount of the individual’s monthly dis-
7 ability insurance benefit for the earliest period of 2 con-
8 secutive calendar months throughout which the individual
9 has been entitled to such insurance benefits shall be equal
10 to the product of the benefit amount determined for the
11 individual under paragraph (2) (before application of this
12 paragraph) and—

13 “(i) for the first calendar month, 50 percent;
14 and

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

16 “(B) 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 12 consecutive calendar months, the in-
20 dividual’s disability insurance benefit for any month dur-
21 ing the subsequent period of 12 consecutive calendar
22 months shall be equal to—

23 “(i) the benefit amount determined for the indi-
24 vidual under paragraph (2) (before application of
25 this paragraph); minus

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

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

14 (2) in subsection (d)(2), by adding at the end
15 the following:

16 “(D) For purposes of clause (iii) in the matter
17 following subparagraph (E) of paragraph (1) of sub-
18 section (a), an individual shall be determined to be
19 under a disability upon submission of a diagnosis of
20 a terminal illness (as defined in section
21 1861(dd)(3)(A)) that has been certified by not less
22 than 2 physicians (as defined in section 1861(r)(1))
23 who are not related (as described in section
24 267(c)(4) of the Internal Revenue Code of 1986)
25 and are not in the same physician group practice.”.

1 (b) REPORTS TO CONGRESS.—

2 (1) REPORT BY SOCIAL SECURITY ADMINISTRA-
3 TION.—Not later than 1 year after the date of the
4 enactment of this Act, and each year thereafter, the
5 Commissioner of the Social Security Administration,
6 in coordination with the Inspector General of the So-
7 cial Security Administration, shall submit to the rel-
8 evant committees of Congress a report that evalu-
9 ates the provision of disability insurance benefits to
10 terminally ill individuals, including—

11 (A) the total number of individuals who—

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

16 (ii) receive such benefits;

17 (iii) die within 6 months of first re-
18 ceiving such benefits;

19 (iv) die within 12 months of first re-
20 ceiving such benefits;

21 (v) receive such benefits during the
22 period described in section 223(a)(3)(B) of
23 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 2 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.—The amendments made by
24 this section shall apply to benefits payable for months be-
25 ginning after December 31, 2026.