

107TH CONGRESS
1ST SESSION

H. R. 3265

To amend title II of the Social Security Act to eliminate the 5-month waiting period which is presently required in order for an individual to be eligible for benefits based on disability or for the disability freeze.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 2001

Mr. PLATTS introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title II of the Social Security Act to eliminate the 5-month waiting period which is presently required in order for an individual to be eligible for benefits based on disability or for the disability freeze.

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 Waiting Period Repeal Act of 2001”.

6 **SEC. 2. ELIMINATION OF 5-MONTH WAITING PERIOD FOR**
7 **BENEFITS BASED ON DISABILITY.**

8 (a) **DISABILITY INSURANCE BENEFITS.**—

1 (1) IN GENERAL.—The first sentence of section
2 223(a)(1) of the Social Security Act (42 U.S.C.
3 423(a)(1)) is amended by striking “(i) for each
4 month” and all that follows through “the first
5 month in which he is under such disability” and in-
6 serting the following: “for each month beginning
7 with the first month during all of which such indi-
8 vidual is under a disability and in which such indi-
9 vidual becomes so entitled to such insurance bene-
10 fits”.

11 (2) WAITING PERIOD ELIMINATED FROM DE-
12 TERMINATION OF BENEFIT AMOUNT.—

13 (A) IN GENERAL.—The first sentence of
14 section 223(a)(2) of such Act (42 U.S.C.
15 423(a)(2)) is amended by striking “in—” and
16 all that follows through “and as though” and
17 inserting the following: “in the first month for
18 which such individual becomes entitled to such
19 disability insurance benefits, and as though”.

20 (B) CONFORMING AMENDMENT.—The sec-
21 ond sentence of section 223(a)(2) of such Act
22 (42 U.S.C. 423(a)(2)) is amended by striking
23 “subparagraph (A) or (B) of such sentence, as
24 the case may be” and inserting “such sen-
25 tence”.

1 (3) ELIMINATION OF DEFINED TERM.—

2 (A) IN GENERAL.—Section 223(c)(2) of
3 such Act is repealed.

4 (B) CONFORMING AMENDMENTS.—

5 (i) The heading of section 223(c) of
6 such Act (42 U.S.C. 423(c)) is amended to
7 read as follows: “Definition of Insured Sta-
8 tus”.

9 (ii) Section 223(c)(1) of such Act (42
10 U.S.C. 423(c)(1)) is amended by striking
11 “For purposes of subparagraph (B) of this
12 paragraph, when the number of quarters”
13 in the last sentence and inserting the fol-
14 lowing:

15 “(2) In applying paragraph (1)(B), when the
16 number of quarters”.

17 (b) WIDOW’S INSURANCE BENEFITS BASED ON DIS-
18 ABILITY.—

19 (1) IN GENERAL.—Section 202(e)(1)(F) of such
20 Act (42 U.S.C. 402(e)(1)(F)) is amended to read as
21 follows:

22 “(F) if she satisfies subparagraph (B) by rea-
23 son of clause (ii) thereof, the first month during all
24 of which she is under a disability and in which she
25 becomes so entitled to such insurance benefits,”.

1 (2) ELIMINATION OF DEFINED TERM.—Section
2 202(e) of such Act (42 U.S.C. 402(e)) is amended—

3 (A) by striking paragraph (5); and

4 (B) by redesignating paragraphs (6), (7),
5 (8), and (9) as paragraphs (5), (6), (7), and
6 (8), respectively.

7 (c) WIDOWER’S INSURANCE BENEFITS BASED ON
8 DISABILITY.—

9 (1) IN GENERAL.—Section 202(f)(1)(F) of such
10 Act (42 U.S.C. 402(f)(1)(F)) is amended to read as
11 follows:

12 “(F) if he satisfies subparagraph (B) by reason
13 of clause (ii) thereof, the first month during all of
14 which he is under a disability and in which he be-
15 comes so entitled to such insurance benefits,”.

16 (2) ELIMINATION OF DEFINED TERM.—Section
17 202(f) of such Act (42 U.S.C. 402(f)) is amended—

18 (A) by striking paragraph (6); and

19 (B) by redesignating paragraphs (7), (8),
20 and (9) as paragraphs (6), (7), and (8), respec-
21 tively.

22 (d) ELIMINATION OF WAITING PERIOD FOR COM-
23 MENCEMENT OF PERIODS OF DISABILITY.—Section
24 216(i)(2)(A) of such Act (42 U.S.C. 416(i)(2)(A)) is

1 amended by striking “, but only” and all that follows and
2 inserting a period.

3 **SEC. 3. EFFECTIVE DATES.**

4 The amendments made by subsection (a) of section
5 2 of this Act shall apply only with respect to benefits
6 under section 223 of the Social Security Act, or under sec-
7 tion 202 of such Act on the basis of the wages and self-
8 employment income of an individual entitled to benefits
9 under such section 223, for months after the third month
10 following the month in which this Act is enacted. The
11 amendments made by subsections (b) and (c) of section
12 2 of this Act shall apply only with respect to benefits based
13 on disability under subsection (e) or (f) of section 202 of
14 the Social Security Act (42 U.S.C. 402) for months after
15 the third month following the month in which this Act is
16 enacted. The amendment made by subsection (d) of sec-
17 tion 2 of this Act shall apply only with respect to applica-
18 tions for disability determinations filed under title II of
19 the Social Security Act on or after the 90th day following
20 the date of the enactment of this Act.

○