

108TH CONGRESS  
1ST SESSION

# H. R. 976

To amend title II of the Social Security Act to provide that the waiting period for disability insurance benefits shall not be applicable in the case of a disabled individual suffering from a terminal illness.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2003

Mr. COSTELLO (for himself, Mr. TOWNS, Mr. BROWN of Ohio, Mr. HOLDEN, Mr. PAUL, Ms. KAPTUR, Mr. ACEVEDO-VILÁ, Mr. GUTIERREZ, Ms. NORTON, Ms. DELAURO, Mr. JOHN, Mr. RUSH, Mr. CARSON of Oklahoma, Mr. FROST, Mr. CLAY, Mr. MCNULTY, Mr. ACKERMAN, Ms. WATSON, Ms. BORDALLO, Mr. GRIJALVA, Mr. EVANS, Mr. GREEN of Wisconsin, Mr. LIPINSKI, Mr. GREEN of Texas, Ms. SCHAKOWSKY, Mr. KILDEE, Mr. FORD, Mrs. NAPOLITANO, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend title II of the Social Security Act to provide that the waiting period for disability insurance benefits shall not be applicable in the case of a disabled individual suffering from 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 “Terminally Ill Dis-  
5 ability Beneficiary Act of 2003”.

1 **SEC. 2. EXCEPTION FROM WAITING PERIOD FOR DIS-**  
2 **ABILITY INSURANCE BENEFITS OF INDIVID-**  
3 **UALS SUFFERING FROM TERMINAL ILLNESS.**

4 (a) IN GENERAL.—The first sentence of section  
5 223(a)(1) of the Social Security Act (42 U.S.C. 423(a)(1))  
6 is amended, in clause (ii) thereof—

7 (1) by inserting “(I)” after “but only”; and

8 (2) by inserting “or (II) if he has a terminal ill-  
9 ness (as defined in paragraph (3)) and his applica-  
10 tion for such benefits is filed during his waiting pe-  
11 riod (as so defined) which would otherwise be appli-  
12 cable under clause (i),” after “the first month in  
13 which he is under such disability,”.

14 (b) DEFINITION OF TERMINAL ILLNESS.—Section  
15 223(a) of such Act is amended further by adding at the  
16 end the following new paragraph:

17 “(3) As used in this subsection, the term ‘terminal  
18 illness’ means, in the case of any individual, a medically  
19 determinable physical impairment which is expected to re-  
20 sult in the death of such individual within the next 6  
21 months.”.

22 (c) CONFORMING AMENDMENTS RELATING TO RET-  
23 ROACTIVE BENEFITS.—Section 223(b) of such Act (42  
24 U.S.C. 423(b)) is amended—

25 (1) by inserting “(1)” after “(b)”;

1           (2) by striking “An individual” and inserting  
2           the following:

3           “(2)(A) An individual”; and

4           (3) by adding at the end the following new sub-  
5           paragraph:

6           “(B) In any case in which the application for benefits  
7           under this section is filed during a waiting period (as de-  
8           fined in subsection (c)(2)) which is inapplicable solely by  
9           reason of clause (ii)(II) of subsection (a)(1), subparagraph  
10          (A) shall not apply with respect to benefits for months  
11          in such waiting period.”.

12          **SEC. 3. EFFECTIVE DATE.**

13          The amendments made by this Act shall apply with  
14          respect to benefits based on applications filed on or after  
15          the date of the enactment of this Act and benefits based  
16          on applications filed during a waiting period (as defined  
17          in section 223(c)(2) of the Social Security Act) in connec-  
18          tion with such benefits ending after such date.

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