

118TH CONGRESS
1ST SESSION

H. R. 883

To amend titles II and XVIII of the Social Security Act to eliminate the disability insurance benefits waiting period for individuals with disabilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2023

Mr. DOGGETT (for himself, Mr. FITZPATRICK, Ms. VAN DUYNE, Ms. BARRAGÁN, Mr. BEYER, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. BONAMICI, Mr. BOWMAN, Mr. BOYLE of Pennsylvania, Ms. BROWNLEY, Mr. CARBAJAL, Mr. CARSON, Mr. CARTWRIGHT, Mr. CASE, Ms. CASTOR of Florida, Mr. CASTRO of Texas, Ms. CHU, Mr. CICILLINE, Ms. CLARKE of New York, Mr. CLEAVER, Mr. COHEN, Mr. COURTNEY, Mr. CROW, Mr. DAVIS of Illinois, Ms. DEGETTE, Ms. DELAURO, Mr. DESAULNIER, Mrs. DINGELL, Ms. ESCOBAR, Mr. ESPAILLAT, Mr. EVANS, Ms. LEGER FERNANDEZ, Mrs. FLETCHER, Mr. GARAMENDI, Mr. GARCÍA of Illinois, Ms. GARCIA of Texas, Mr. VICENTE GONZALEZ of Texas, Mr. GREEN of Texas, Mr. GRIJALVA, Mrs. HAYES, Mr. HIGGINS of New York, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Mr. KEATING, Mr. KHANNA, Mr. KILMER, Mr. KRISHNAMOORTHY, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LIEU, Ms. MANNING, Mrs. MCBATH, Ms. MCCOLLUM, Ms. MENG, Ms. MOORE of Wisconsin, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEGUSE, Ms. NORTON, Mr. PANETTA, Ms. PINGREE, Mr. POCAN, Ms. PORTER, Ms. PRESSLEY, Mr. QUIGLEY, Mr. RASKIN, Ms. SÁNCHEZ, Ms. SCANLON, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. DAVID SCOTT of Georgia, Ms. SEWELL, Mr. SHERMAN, Mr. TAKANO, Mr. THOMPSON of Mississippi, Ms. TITUS, Mr. TONKO, Mr. TORRES of New York, Mrs. TRAHAN, Mr. TRONE, Mr. VEASEY, Ms. VELÁZQUEZ, Ms. WATERS, Mrs. WATSON COLEMAN, Ms. WILD, and Ms. WILLIAMS of Georgia) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend titles II and XVIII of the Social Security Act to eliminate the disability insurance benefits waiting period for individuals with disabilities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stop the Wait Act of 2023”.

SEC. 2. ELIMINATION OF DISABILITY WAITING PERIOD FOR SOCIAL SECURITY DISABILITY INSURANCE BENEFITS.

(a) ELIMINATION OF WAITING PERIOD FOR DISABILITY INSURANCE BENEFITS.—Section 223 of the Social Security Act (42 U.S.C. 423) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter following subparagraph (E)—

(i) by striking “disability insurance benefit (i) for each month” and all that follows through “, or (iii)” and inserting “disability insurance benefit”; and

(ii) by striking “, but only if” and all that follows through “under such disability”; and

1 (B) in paragraph (2), by striking “as
2 though he had attained age 62 in—” and all
3 that follows through “such disability insurance
4 benefits,” and inserting “as though the indi-
5 vidual had attained age 62 in the first month
6 for which the individual becomes entitled to
7 such disability insurance benefits,”; and
8 (2) in subsection (c)—

9 (A) in the subsection heading, by striking
10 “Definitions of Insured Status and Waiting Pe-
11 riod” and inserting “Definition of Insured Sta-
12 tus”;

13 (B) by striking “For purposes of this sec-
14 tion” and all that follows through “in any
15 month if—” and inserting “For purposes of
16 this section, an individual shall be insured for
17 disability insurance benefits in any month if—
18 ”;

19 (C) by striking paragraph (2);

20 (D) by redesignating subparagraphs (A)
21 and (B) as paragraphs (1) and (2), respectively
22 (and adjusting the margins accordingly);

23 (E) in paragraph (2) (as so redesign-
24 nated)—

1 (i) by redesignating clauses (i), (ii),
2 and (iii) as subparagraphs (A), (B), and
3 (C), respectively; and
4 (ii) in subparagraph (C) (as so rededesignated), by striking “clause (i)” and inserting “subparagraph (A)”; and
5
6
7 (F) in the matter following subparagraph
8 (C) (as so redesignated), by striking “subparagraph (B) of this paragraph” each place it appears and inserting “this paragraph”.

11 (b) PHASE-DOWN OF WAITING PERIOD FOR DIS-
12 ABILITY INSURANCE BENEFITS.—For purposes of appli-
13 cations for disability insurance benefits filed on or after
14 the date of enactment of this Act and before January 1,
15 2028, section 223(c)(2) of the Social Security Act (42
16 U.S.C. 423(c)(2)) shall be applied by making the following
17 substitutions:

18 (1) For applications filed in calendar years
19 2023, 2024, or 2025, substitute “three” for “five”
20 and “fifteenth” for “seventeenth” each place it ap-
21 pears.

22 (2) For applications filed in calendar year
23 2026, substitute “two” for “five” and “fourteenth”
24 for “seventeenth” each place it appears.

1 (3) For applications filed in calendar year
2 2027, substitute “one” for “five” and “thirteenth”
3 for “seventeenth” each place it appears.

4 (c) EFFECTIVE DATE.—The amendments made by
5 subsection (a) shall take effect on January 1, 2028, and
6 apply with respect to applications for disability insurance
7 benefits filed on or after January 1, 2027.

8 (d) CONFORMING AMENDMENTS.—Effective January
9 1, 2028:

10 (1) Section 223(a)(1)(A) of the Social Security
11 Act (42 U.S.C. 423(a)(1)(A)) is amended by striking
12 “(c)(1)” and inserting “(c)”.

13 (2) Section 7(d)(3) of the Railroad Retirement
14 Act of 1974 (45 U.S.C. 231f(d)(3)) is amended by
15 striking “223(c)(1)” and inserting “223(c)”.

16 **SEC. 3. MEDICARE ELIGIBILITY FOR CERTAIN INDIVIDUALS**
17 **DURING WAITING PERIOD FOR SOCIAL SECU-**
18 **RITY DISABILITY INSURANCE BENEFITS.**

19 (a) ELIMINATION OF WAITING PERIOD FOR CERTAIN
20 INDIVIDUALS WITHOUT MINIMUM ESSENTIAL COV-
21 ERAGE.—

22 (1) IN GENERAL.—Section 226 the Social Secu-
23 rity Act (42 U.S.C. 426) is amended by adding at
24 the end the following new subsection:

1 “(j)(1) For purposes of applying this section in the
 2 case of an eligible individual described in paragraph (2),
 3 the following special rules shall apply:

4 “(A) Subsection (b)(2) shall be applied as if
 5 there were no requirement for any entitlement to
 6 benefits, or status, for a period of 24 months prior
 7 to receiving such benefits or status.

8 “(B) The entitlement under such subsection
 9 shall be available retroactively to the first day of the
 10 first month (rather than twenty-fifth month) of enti-
 11 tlement or status.

12 “(C) Subsection (f) shall not be applied.

13 “(2) For purposes of applying this section, an ‘eligi-
 14 ble individual’ is an individual, with respect to a month—

15 “(A) who has not yet attained the age of 65;

16 “(B) who is entitled to benefits described in
 17 subparagraph (A) of subsection (b)(2); and

18 “(C) with respect to whom section
 19 5000A(e)(1)(A) of the Internal Revenue Code of
 20 1986 would apply if the reference to ‘8 percent’ in
 21 such section were a reference to ‘8.5 percent’.”.

22 (2) CONFORMING AMENDMENTS.—Section 1811
 23 of the Social Security Act (42 U.S.C. 1395c) is
 24 amended—

1 (A) at the end of paragraph (2), by strik-
2 ing “and”;

3 (B) by striking the period at the end and
4 inserting “, and”; and

5 (C) by adding at the end the following new
6 paragraph:

7 “(4) eligible individuals (as described in section
8 226(j)(2)).”.

9 (b) SPECIAL ENROLLMENT PERIOD AND COVERAGE
10 APPLICATION FOR CERTAIN INDIVIDUALS WITHOUT MIN-
11 IMUM ESSENTIAL COVERAGE.—Section 1837 of the Social
12 Security Act (42 U.S.C. 1395p) is amended by adding at
13 the end the following new subsection:

14 “(o)(1) In applying this section in the case of an eligi-
15 ble individual who is entitled to benefits under part A pur-
16 suant to the operation of section 226(j), the following spe-
17 cial rules shall apply:

18 “(A) The initial enrollment period under sub-
19 section (d) shall begin on the first day of the first
20 month in which the individual satisfies the require-
21 ment of section 1836(a)(1).

22 “(B) In applying subsection (g)(1), the initial
23 enrollment period shall begin on the first day of the
24 first month of entitlement to disability insurance
25 benefits referred to in such subsection.

1 “(2) In applying this section in the case of an indi-
2 vidual who became entitled to benefits under part A, but
3 had not been entitled to such benefits for a period of 24
4 calendar months as of the date of enactment of the Stop
5 the Wait Act of 2023, and is entitled to such benefits pur-
6 suant to the application of section 226(j), the initial enroll-
7 ment period under subsection (d) for such individual shall
8 begin on the first day of the first month following the date
9 of enactment of the Stop the Wait Act of 2023 and shall
10 end seven months later.”.

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