

116TH CONGRESS  
1ST SESSION

# H. R. 4386

To amend title II of the Social Security Act to eliminate the Medicare and disability insurance benefits waiting periods for disabled individuals.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2019

Mr. DOGGETT (for himself, Mr. FITZPATRICK, Mr. BLUMENAUER, Ms. JUDY CHU of California, Mr. CICILLINE, Mr. DANNY K. DAVIS of Illinois, Ms. DEAN, Ms. DELAURO, Mr. EVANS, Ms. GARCIA of Texas, Mr. GOMEZ, Mr. HASTINGS, Mr. HIGGINS of New York, Mr. HUFFMAN, Mr. LARSON of Connecticut, Mr. LEWIS, Mr. LOWENTHAL, Ms. MOORE, Mr. MOULTON, Mr. NADLER, Mrs. NAPOLITANO, Ms. OCASIO-CORTEZ, Mr. PASCRELL, Mr. PAYNE, Ms. PINGREE, Mr. PRICE of North Carolina, Mr. RASKIN, Ms. SÁNCHEZ, Ms. SCHAKOWSKY, Mr. DAVID SCOTT of Georgia, Ms. SEWELL of Alabama, Mr. SUOZZI, Mr. THOMPSON of California, and Mr. TRONE) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, 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

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## A BILL

To amend title II of the Social Security Act to eliminate the Medicare and disability insurance benefits waiting periods for disabled individuals.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

3 **SEC. 2. ELIMINATION OF DISABILITY WAITING PERIOD FOR**  
 4 **SOCIAL SECURITY DISABILITY INSURANCE**  
 5 **BENEFITS AND SURVIVING SPOUSE BENE-**  
 6 **FITS.**

7 (a) ELIMINATION OF WAITING PERIOD FOR DIS-  
 8 ABILITY INSURANCE BENEFITS.—Section 223 of the So-  
 9 cial Security Act (42 U.S.C. 423) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1), in the matter fol-  
 12 lowing subparagraph (E)—

13 (i) by striking “disability insurance  
 14 benefit (i) for each month” and all that  
 15 follows through “, or (ii)” and inserting  
 16 “disability insurance benefit”; and

17 (ii) by striking “, but only if” and all  
 18 that follows through “under such dis-  
 19 ability”; and

20 (B) in paragraph (2), by striking “as  
 21 though he had attained age 62 in—” and all  
 22 that follows through “such disability insurance  
 23 benefits,” and inserting “as though the indi-  
 24 vidual had attained age 62 in the first month  
 25 for which the individual becomes entitled to  
 26 such disability insurance benefits,”; and

1           (2) in subsection (c), by striking paragraph (2).

2           (b) ELIMINATION OF WAITING PERIOD FOR SUR-  
3 VIVING SPOUSE AND SURVIVING DIVORCED SPOUSE BEN-  
4 EFITS.—Section 202 of the Social Security Act (42 U.S.C.  
5 402) is amended—

6           (1) in subsection (e)—

7               (A) in paragraph (1), in the matter fol-  
8 lowing subparagraph (D), by striking “begin-  
9 ning with—” and all that follows through “on  
10 such basis terminated,” and inserting “begin-  
11 ning with the first month in which she becomes  
12 so entitled to such insurance benefits”;

13               (B) by striking paragraph (5); and

14               (C) by redesignating paragraphs (6)  
15 through (8) as paragraphs (5) through (7); and  
16           (2) in subsection (f)—

17               (A) in paragraph (1), in the matter fol-  
18 lowing subparagraph (D), by striking “begin-  
19 ning with—” and all that follows through “on  
20 such basis terminated,” and inserting “begin-  
21 ning with the first month in which he becomes  
22 so entitled to such insurance benefits”;

23               (B) by striking paragraph (5); and

24               (C) by redesignating paragraphs (6)  
25 through (8) as paragraphs (5) through (7).

1 (c) EFFECTIVE DATE.—The amendments made by  
 2 this section shall apply with respect to applications for dis-  
 3 ability insurance benefits, widow’s insurance benefits, and  
 4 widower’s insurance benefits filed on or after the date of  
 5 the enactment of this Act.

6 **SEC. 3. PHASE-OUT OF WAITING PERIOD FOR MEDICARE**  
 7 **DISABILITY BENEFITS.**

8 (a) IN GENERAL.—Section 226(b) of the Social Secu-  
 9 rity Act (42 U.S.C. 426(b)) is amended—

10 (1) in paragraph (2)(A), by striking “, and has  
 11 for 24 calendar months been entitled to,” and insert-  
 12 ing “, and for not less than the waiting period (as  
 13 defined in subsection (j)) has been entitled to,”;

14 (2) in paragraph (2)(B), by striking “and has  
 15 been for not less than 24 months,” and inserting  
 16 “and for not less than the waiting period (as defined  
 17 in subsection (j)) has been entitled to,”;

18 (3) in paragraph (2)(C)(ii), by striking “, in-  
 19 cluding the requirement that he has been entitled to  
 20 the specified benefits for 24 months,” and inserting  
 21 “, including the requirement that the individual has  
 22 been entitled to the specified benefits for the waiting  
 23 period (as defined in subsection (j)),”; and

24 (4) in the flush matter following paragraph  
 25 (2)(C)(ii)(II)—

1 (A) in the first sentence, by striking “for  
2 each month beginning with the later of (I) July  
3 1973 or (II) the twenty-fifth month of his enti-  
4 tlement or status as a qualified railroad retire-  
5 ment beneficiary described in paragraph (2),  
6 and” and inserting “for each month beginning  
7 with the first month after the month in which  
8 the individual first satisfies paragraph (2),  
9 and”;

10 (B) in the second sentence, by striking  
11 “the ‘twenty-fifth month of his entitlement’ re-  
12 fers to the first month after the twenty-fourth  
13 month of entitlement to specified benefits re-  
14 ferred to in paragraph (2)(C) and”; and

15 (C) in the third sentence, by striking “,  
16 but not in excess of 78 such months”.

17 (b) SCHEDULE FOR PHASE-OUT OF WAITING PE-  
18 RIOD.—Section 226 of the Social Security Act (42 U.S.C.  
19 426) is amended by adding at the end the following new  
20 subsection:

21 “(j) For purposes of subsection (b) (and for purposes  
22 of section 1837(g)(1) of this Act and section 7(d)(2)(ii)  
23 of the Railroad Retirement Act of 1974), the term ‘waiting  
24 period’ means, with respect to an individual who first be-  
25 comes entitled to benefits described in subparagraph (A)

1 of subsection (b)(2), first achieves the status described in  
 2 subparagraph (B) of such subsection, or first becomes en-  
 3 titled to specified benefits referred to in subparagraph (C)  
 4 of such subsection in a month in—

5 “(1) for calendar year 2020, 18 months;

6 “(2) for calendar year 2021, 16 months;

7 “(3) for calendar year 2022, 14 months;

8 “(4) for calendar year 2023, 12 months;

9 “(5) for calendar year 2024, 10 months;

10 “(6) for calendar year 2025, 8 months;

11 “(7) for calendar year 2026, 6 months;

12 “(8) for calendar year 2027, 4 months;

13 “(9) for calendar year 2028, 2 months; and

14 “(10) for calendar year 2029 and each subse-  
 15 quent year, 0 months.”.

16 (c) CONFORMING AMENDMENTS.—

17 (1) MONTHS THAT COUNT TOWARDS WAITING  
 18 PERIOD.—

19 (A) IN GENERAL.—Section 226(f) of the  
 20 Social Security Act (42 U.S.C. 426(f)) is  
 21 amended by striking “24 months” and inserting  
 22 “waiting period”.

23 (B) SUNSET.—Effective January 1, 2029,  
 24 subsection (f) of section 226 of the Social Secu-  
 25 rity Act (426) is repealed.

1           (2) ELIMINATION OF 1-MONTH WAITING PERIOD  
 2           FOR INDIVIDUALS WITH ALS.—Section 226(h)(1) of  
 3           the Social Security Act (42 U.S.C. 426(h)(1)) is  
 4           amended by inserting “(or, beginning January 1,  
 5           2029, 0 months)” after “1 month”.

6           (3) MEDICARE DESCRIPTION.—Section 1811(2)  
 7           of such Act (42 U.S.C. 1395c(2)) is amended by  
 8           striking “entitled for not less than 24 months” and  
 9           inserting “entitled for not less than the waiting pe-  
 10          riod (as defined in section 226(j))”.

11          (4) MEDICARE COVERAGE.—Section 1837(g)(1)  
 12          of such Act (42 U.S.C. 1395p(g)(1)) is amended by  
 13          striking “of the later of (A) April 1973 or (B) the  
 14          third month before the 25th month of such entitle-  
 15          ment” and inserting “of the third month before the  
 16          first month following the waiting period (as defined  
 17          in section 226(j)) applicable under section 226(b)”.

18          (5) RAILROAD RETIREMENT SYSTEM.—Section  
 19          7(d)(2)(ii) of the Railroad Retirement Act of 1974  
 20          (45 U.S.C. 231f(d)(2)(ii)) is amended—

21                 (A) by striking “, for not less than 24  
 22                 months” and inserting “, for the waiting period  
 23                 (as defined in section 226(j) of the Social Secu-  
 24                 rity Act)”; and

1 (B) by striking “could have been entitled  
 2 for 24 calendar months, and” and inserting  
 3 “could have been entitled for the waiting period  
 4 (as defined in section 226(j) of the Social Secu-  
 5 rity Act), and”.

6 (d) EFFECTIVE DATE.—Except as provided in sub-  
 7 section (c)(1)(B), the amendments made by this section  
 8 shall apply to insurance benefits under title XVIII of the  
 9 Social Security Act with respect to items and services fur-  
 10 nished in months beginning at least 90 days after the date  
 11 of the enactment of this Act (but in no case earlier than  
 12 January 1, 2020).

13 **SEC. 4. NATIONAL ACADEMY OF MEDICINE STUDY AND RE-**  
 14 **PORT ON DELAY AND PREVENTION OF DIS-**  
 15 **ABILITY CONDITIONS.**

16 (a) STUDY.—The Secretary of Health and Human  
 17 Services (in this section referred to as the “Secretary”)  
 18 shall request that the National Academy of Medicine con-  
 19 duct a study on the range of disability conditions that can  
 20 be delayed or prevented if individuals receive access to  
 21 health care services and coverage before the condition  
 22 reaches disability levels.

23 (b) REPORT.—Not later than the date that is 2 years  
 24 after the date of enactment of this Act, the Secretary shall  
 25 submit to Congress a report containing the results of the



1 National Academy of Medicine study authorized under  
2 this section.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to carry out this section  
5 \$750,000 for the period of fiscal years 2020 and 2021.

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