

107TH CONGRESS
1ST SESSION

H. R. 344

To amend titles II and XVIII 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 and to eliminate the 24-month waiting period for disabled individuals to become eligible for medicare benefits.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2001

Mr. FRANK 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

A BILL

To amend titles II and XVIII 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 and to eliminate the 24-month waiting period for disabled individuals to become eligible for medicare benefits.

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 “Social Security Dis-
3 ability Waiting Period Elimination Act of 2001”.

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

6 (a) DISABILITY INSURANCE BENEFITS.—

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

17 (2) WAITING PERIOD ELIMINATED FROM DE-
18 TERMINATION OF BENEFIT AMOUNT.—

19 (A) IN GENERAL.—The first sentence of
20 section 223(a)(2) of such Act (42 U.S.C.
21 423(a)(2)) is amended by striking “in—” and
22 all that follows through “and as though” and
23 inserting the following: “in the first month for
24 which such individual becomes entitled to such
25 disability insurance benefits, and as though”.

1 (B) CONFORMING AMENDMENT.—The sec-
2 ond sentence of section 223(a)(2) of such Act
3 (42 U.S.C. 423(a)(2)) is amended by striking
4 “subparagraph (A) or (B) of such sentence, as
5 the case may be” and inserting “such sen-
6 tence”.

7 (3) ELIMINATION OF DEFINED TERM.—

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9 such Act is repealed.

10 (B) CONFORMING AMENDMENTS.—

11 (i) The heading of section 223(c) of
12 such Act (42 U.S.C. 423(c)) is amended to
13 read as follows: “Definition of Insured Sta-
14 tus”.

15 (ii) Section 223(c)(1) of such Act (42
16 U.S.C. 423(c)(1)) is amended by striking
17 “For purposes of subparagraph (B) of this
18 paragraph, when the number of quarters”
19 in the last sentence and inserting the fol-
20 lowing:

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

23 (b) WIDOW’S INSURANCE BENEFITS BASED ON DIS-
24 ABILITY.—

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

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

8 (2) ELIMINATION OF DEFINED TERM.—Section
9 202(e) of such Act (42 U.S.C. 402(e)) is amended—

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

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

14 (c) WIDOWER’S INSURANCE BENEFITS BASED ON
15 DISABILITY.—

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

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

23 (2) ELIMINATION OF DEFINED TERM.—Section
24 202(f) of such Act (42 U.S.C. 402(f)) is amended—

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

1 (B) by redesignating paragraphs (7), (8),
2 and (9) as paragraphs (6), (7), and (8), respec-
3 tively.

4 **SEC. 3. ELIMINATION OF WAITING PERIOD FOR COM-**
5 **MENCEMENT OF PERIODS OF DISABILITY.**

6 Section 216(i)(2)(A) of the Social Security Act (42
7 U.S.C. 416(i)(2)(A)) is amended by striking “, but only”
8 and all that follows and inserting a period.

9 **SEC. 4. ELIMINATION OF WAITING PERIOD FOR MEDICARE**
10 **DISABILITY BENEFITS.**

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

13 (1) in paragraph (2)(A), by striking “, and has
14 for 24 calendar months been entitled to,”;

15 (2) in paragraph (2)(B), by striking “, and has
16 been for not less than 24 months,”;

17 (3) in paragraph (2)(C)(ii), by striking “, in-
18 cluding the requirement that he has been entitled to
19 the specified benefits for 24 months,”;

20 (4) in the first sentence, by striking “for each
21 month beginning with the later of (I) July 1973 or
22 (II) the twenty-fifth month of his entitlement or sta-
23 tus as a qualified railroad retirement beneficiary de-
24 scribed in paragraph (2), and” and inserting “for
25 each month for which the individual satisfies para-

1 graph (2), beginning with the first month in which
2 the individual satisfies such paragraph, and”;

3 (5) in the second sentence, by striking “the
4 ‘twenty-fifth month of his entitlement’ ” and all that
5 follows through “paragraph (2)(C) and”; and

6 (6) in the third sentence, by striking “, but not
7 in excess of 24 such months”.

8 (b) CONFORMING AMENDMENT.—

9 (1) SECTION 226.—Section 226 of the Social
10 Security Act (42 U.S.C. 426) is amended by striking
11 subsection (f).

12 (2) MEDICARE DESCRIPTION.—Section 1811(2)
13 of such Act (42 U.S.C. 1395c(2)) is amended by
14 striking “have been entitled for not less than 24
15 months” and inserting “are entitled”.

16 (3) MEDICARE COVERAGE.—Section 1837(g)(1)
17 of such Act (42 U.S.C. 1395p(g)(1)) is amended by
18 striking “25th month” and inserting “first month”.

19 (4) RAILROAD RETIREMENT SYSTEM.—Section
20 7(d)(2)(ii) of the Railroad Retirement Act of 1974
21 (45 U.S.C. 231f(d)(2)(ii)) is amended—

22 (A) by striking “has been entitled to an
23 annuity” and inserting “is entitled to an annu-
24 ity”;

1 (B) by striking “, for not less than 24
2 months”; and

3 (C) by striking “could have been entitled
4 for 24 calendar months, and”.

5 **SEC. 5. EFFECTIVE DATES.**

6 (a) SECTION 2.—The amendments made by sub-
7 section (a) of section 2 of this Act shall apply only with
8 respect to benefits under section 223 of the Social Security
9 Act, or under section 202 of such Act on the basis of the
10 wages and self-employment income of an individual enti-
11 tled to benefits under such section 223, for months after
12 the third month following the month in which this Act is
13 enacted. The amendments made by subsections (b) and
14 (c) of section 2 of this Act shall apply only with respect
15 to benefits based on disability under subsection (e) or (f)
16 of section 202 of the Social Security Act (42 U.S.C. 402)
17 for months after the third month following the month in
18 which this Act is enacted. The amendment made by sub-
19 section (d) of section 2 of this Act shall apply only with
20 respect to benefits for months after the third month fol-
21 lowing the month in which this Act is enacted.

22 (b) SECTION 3.—The amendment made by section 3
23 of this Act shall apply only with respect to applications
24 for disability determinations filed under title II of the So-

1 cial Security Act on or after the 90th day following the
2 date of the enactment of this Act.

3 (c) SECTION 4.—The amendments made by section
4 4 shall apply to insurance benefits under title XVIII of
5 the Social Security Act with respect to items and services
6 furnished in months beginning at least 90 days after the
7 date of the enactment of this Act.

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