

116TH CONGRESS  
1ST SESSION

# S. 2496

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 SENATE OF THE UNITED STATES

SEPTEMBER 18, 2019

Mr. CASEY (for himself, Mr. BROWN, Mr. LEAHY, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Finance

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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,*

3 **SECTION 1. SHORT TITLE.**

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

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

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

8 (1) in subsection (a)—

9 (A) in paragraph (1), in the matter fol-  
10 lowing subparagraph (E)—

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

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

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

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

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

5 (1) in subsection (e)—

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

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

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

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

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

23 (C) by redesignating paragraphs (6)  
24 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 has been for not less than the waiting period (as  
17 defined in subsection (j)),”;

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”;

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) calendar year 2020, 18 months;

6 “(2) calendar year 2021, 16 months;

7 “(3) calendar year 2022, 14 months;

8 “(4) calendar year 2023, 12 months;

9 “(5) calendar year 2024, 10 months;

10 “(6) calendar year 2025, 8 months;

11 “(7) calendar year 2026, 6 months;

12 “(8) calendar year 2027, 4 months;

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

14 “(10) calendar year 2029 and each subsequent  
15 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 (42 U.S.C. 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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