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

(B) in paragraph (2), by striking “as though he had attained age 62 in—” and all that follows through “such disability insurance benefits,” and inserting “as though the individual had attained age 62 in the first month for which the individual becomes entitled to such disability insurance benefits,”; and

(2) in subsection (c)—

(A) in the subsection heading, by striking “Definitions of Insured Status and
Waiting Period” and inserting “DEFINITION
of Insured Status”;

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

(C) by striking paragraph (2);

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

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

(i) by redesignating clauses (i), (ii),
and (iii) as subparagraphs (A), (B), and
(C), respectively; and

(ii) in subparagraph (C) (as so redes-
ignated), by striking “clause (i)” and in-
serting “subparagraph (A)”;

(F) in the matter following subparagraph
(C) (as so redesignated), by striking “subpara-
graph (B) of this paragraph” each place it ap-
ppears and inserting “this paragraph”.
(b) Phase-Down of Waiting Period for Disability Insurance Benefits.—For purposes of applications for disability insurance benefits filed on or after the date of enactment of this Act and before January 1, 2028, section 223(c)(2) of the Social Security Act (42 U.S.C. 423(c)(2)) shall be applied by making the following substitutions:

(1) For applications filed in calendar year 2023, 2024, or 2025, substitute “three” for “five” and “fifteenth” for “seventeenth” each place it appears.

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

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

(c) Effective Date.—The amendments made by subsection (a) shall take effect on January 1, 2028, and apply with respect to applications for disability insurance benefits filed on or after January 1, 2028.

(d) Conforming Amendments.—Effective January 1, 2028:
(1) Section 223(a)(1)(A) of the Social Security Act (42 U.S.C. 423(a)(1)(A)) is amended by striking “(c)(1)” and inserting “(c)”.

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

SEC. 3. MEDICARE ELIGIBILITY FOR CERTAIN INDIVIDUALS DURING WAITING PERIOD FOR SOCIAL SECURITY DISABILITY INSURANCE BENEFITS.

(a) Elimination of Waiting Period for Certain Individuals Without Minimum Essential Coverage.—

(1) In general.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended by adding at the end the following new subsection:

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

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

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

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

“(2) For purposes of applying this section, an ‘eligible individual’ is an individual, with respect to a month—

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

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

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

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

(A) by striking “and” at the end of paragraph (2); and

(B) by inserting the following before the period at the end: “, and (4) eligible individuals (as described in section 226(j)(2))”.

(b) SPECIAL ENROLLMENT PERIOD AND COVERAGE
APPLICATION FOR CERTAIN INDIVIDUALS WITHOUT MINIMUM ESSENTIAL COVERAGE.—Section 1837 of the Social Security Act (42 U.S.C. 1395p) is amended by adding at the end the following new subsection:
“(p)(1) In applying this section in the case of an eligible individual who is entitled to benefits under part A pursuant to the operation of section 226(j), the following special rules shall apply:

“(A) The initial enrollment period under subsection (d) shall begin on the first day of the first month in which the individual satisfies the requirement of section 1836(a)(1).

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

“(2) In applying this section in the case of an individual who became entitled to benefits under part A, but had not been entitled to such benefits for a period of 24 calendar months as of the date of enactment of the Stop the Wait Act of 2023, and is entitled to such benefits pursuant to the application of section 226(j), the initial enrollment period under subsection (d) for such individual shall begin on the first day of the first month following such date of enactment and shall end seven months later.”.