

118TH CONGRESS  
1ST SESSION

# S. 320

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.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2023

Mr. CASEY (for himself, Mrs. MURRAY, Mr. SANDERS, Mr. BROWN, Ms. STABENOW, Ms. WARREN, Mr. REED, Mr. MARKEY, Mrs. SHAHEEN, Ms. HIRONO, Ms. DUCKWORTH, and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Finance

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## 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.

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 of  
5 2023”.

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

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

7 (1) in subsection (a)—

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

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

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

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

24 (2) in subsection (c)—

25 (A) in the subsection heading, by striking  
26 “DEFINITIONS OF INSURED STATUS AND

1           WAITING PERIOD” and inserting “DEFINITION  
2           OF INSURED STATUS”;

3           (B) by striking “For purposes of this sec-  
4           tion” and all that follows through “in any  
5           month if—” and inserting “For purposes of  
6           this section, an individual shall be insured for  
7           disability insurance benefits in any month if—  
8           ”;

9           (C) by striking paragraph (2);

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

13          (E) in paragraph (2) (as so redesign-  
14          ated)—

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

18               (ii) in subparagraph (C) (as so redesi-  
19               gnated), by striking “clause (i)” and in-  
20               serting “subparagraph (A)”;

21          (F) in the matter following subparagraph  
22          (C) (as so redesignated), by striking “subpara-  
23          graph (B) of this paragraph” each place it ap-  
24          pears and inserting “this paragraph”.

1 (b) PHASE-DOWN OF WAITING PERIOD FOR DIS-  
2 ABILITY INSURANCE BENEFITS.—For purposes of appli-  
3 cations for disability insurance benefits filed on or after  
4 the date of enactment of this Act and before January 1,  
5 2028, section 223(c)(2) of the Social Security Act (42  
6 U.S.C. 423(c)(2)) shall be applied by making the following  
7 substitutions:

8 (1) For applications filed in calendar year  
9 2023, 2024, or 2025, substitute “three” for “five”  
10 and “fifteenth” for “seventeenth” each place it ap-  
11 pears.

12 (2) For applications filed in calendar year  
13 2026, substitute “two” for “five” and “fourteenth”  
14 for “seventeenth” each place it appears.

15 (3) For applications filed in calendar year  
16 2027, substitute “one” for “five” and “thirteenth”  
17 for “seventeenth” each place it appears.

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

22 (d) CONFORMING AMENDMENTS.—Effective January  
23 1, 2028:

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

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

7 **SEC. 3. MEDICARE ELIGIBILITY FOR CERTAIN INDIVIDUALS**  
8 **DURING WAITING PERIOD FOR SOCIAL SECU-**  
9 **RITY DISABILITY INSURANCE BENEFITS.**

10           (a) ELIMINATION OF WAITING PERIOD FOR CERTAIN  
11 INDIVIDUALS WITHOUT MINIMUM ESSENTIAL COV-  
12 ERAGE.—

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

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

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

23           “(B) The entitlement under such subsection  
24 shall be available retroactively to the first day of the

1 first month (rather than twenty-fifth month) of enti-  
2 tlement or status.

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

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

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

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

9 “(C) with respect to whom section  
10 5000A(e)(1)(A) of the Internal Revenue Code of  
11 1986 would apply if the reference to ‘8 percent’ in  
12 such section were a reference to ‘8.5 percent’.”.

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

16 (A) by striking “and” at the end of para-  
17 graph (2); and

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

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

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

5           “(A) The initial enrollment period under sub-  
6 section (d) shall begin on the first day of the first  
7 month in which the individual satisfies the require-  
8 ment of section 1836(a)(1).

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

13           “(2) In applying this section in the case of an indi-  
14 vidual who became entitled to benefits under part A, but  
15 had not been entitled to such benefits for a period of 24  
16 calendar months as of the date of enactment of the Stop  
17 the Wait Act of 2023, and is entitled to such benefits pur-  
18 suant to the application of section 226(j), the initial enroll-  
19 ment period under subsection (d) for such individual shall  
20 begin on the first day of the first month following such  
21 date of enactment and shall end seven months later.”.

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