

103^D CONGRESS
1ST SESSION

H. R. 1424

To amend titles II and XVIII of the Social Security Act to eliminate the 5-month waiting period 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

MARCH 18, 1993

Mr. FRANK of Massachusetts introduced the following bill; which was referred jointly to the Committees on Ways and Means and Energy and Commerce

A BILL

To amend titles II and XVIII of the Social Security Act to eliminate the 5-month waiting period 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Social Security Disabil-
5 ity Waiting Period Elimination Act of 1993”.

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

3 (a) **DISABILITY INSURANCE BENEFITS.**—

4 (1) **IN GENERAL.**—The first sentence of section
5 223(a)(1) of the Social Security Act is amended by
6 striking “(i) for each month” and all that follows
7 through “the first month in which he is under such
8 disability” and inserting the following: “for each
9 month beginning with the first month during all of
10 which such individual is under a disability and in
11 which such individual becomes so entitled to such in-
12 surance benefits”.

13 (2) **WAITING PERIOD ELIMINATED FROM DE-**
14 **TERMINATION OF BENEFIT AMOUNT.**—

15 (A) **IN GENERAL.**—The first sentence of
16 section 223(a)(2) of such Act is amended by
17 striking “in—” and all that follows through
18 “and as though” and inserting the following:
19 “in the first month for which such individual
20 becomes entitled to such disability insurance
21 benefits, and as though”.

22 (B) **CONFORMING AMENDMENT.**—The sec-
23 ond sentence of section 223(a)(2) of such Act
24 is amended by striking “subparagraph (A) or
25 (B) of such sentence, as the case may be” and
26 inserting “such sentence”.

1 (3) ELIMINATION OF DEFINED TERM.—

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3 such Act is repealed.

4 (B) CONFORMING AMENDMENTS.—

5 (i) The heading of section 223(c) of
6 such Act is amended to read as follows:

7 “DEFINITION OF INSURED STATUS”.

8 (ii) Section 223(c)(1) of such Act is
9 amended by striking “For purposes of sub-
10 paragraph (B) of this paragraph, when the
11 number of quarters” in the last sentence
12 and inserting the following:

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

15 (b) WIDOW’S INSURANCE BENEFITS BASED ON
16 DISABILITY.—

17 (1) IN GENERAL.—Section 202(e)(1)(F) of such
18 Act is amended to read as follows:

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

23 (2) ELIMINATION OF DEFINED TERM.—Section
24 202(e) of such Act is amended—

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

1 (B) by redesignating paragraphs (6), (7),
2 (8), and (9) as paragraphs (5), (6), (7), and
3 (8), respectively.

4 (c) WIDOWER'S INSURANCE BENEFITS BASED ON
5 DISABILITY.—

6 (1) IN GENERAL.—Section 202(f)(1)(F) of such
7 Act is amended to read as follows:

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

12 (2) ELIMINATION OF DEFINED TERM.—Section
13 202(f) of such Act is amended—

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

15 (B) by redesignating paragraphs (7), (8),
16 and (9) as paragraphs (6), (7), and (8), respec-
17 tively.

18 **SEC. 3. ELIMINATION OF WAITING PERIOD FOR COM-**
19 **MENCEMENT OF PERIODS OF DISABILITY.**

20 Section 216(i)(2)(A) of the Social Security Act is
21 amended by striking “, but only” and all that follows and
22 inserting a period.

1 **SEC. 4. ELIMINATION OF WAITING PERIOD FOR MEDICARE**
2 **DISABILITY BENEFITS.**

3 (a) IN GENERAL.—Section 226(b) of the Social Secu-
4 rity Act is amended—

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

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

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

12 (4) in the first sentence, by striking “for each
13 month beginning with the later of (I) July 1973 or
14 (II) the twenty-fifth month of his entitlement or sta-
15 tus as a qualified railroad retirement beneficiary de-
16 scribed in paragraph (2), and” and inserting “for
17 each month for which he satisfies paragraph (2), be-
18 ginning with the first month in which he satisfies
19 such paragraph, and”;

20 (5) in the second sentence, by striking “the
21 “twenty-fifth month” and all that follows through
22 “paragraph (2)(C) and”;

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

25 (b) CONFORMING AMENDMENT.—

1 (1) SECTION 226.—Section 226 of the Social
2 Security Act is amended by striking subsection (f).

3 (2) MEDICARE DESCRIPTION.—Section 1811(2)
4 of such Act is amended by striking “have been enti-
5 tled for not less than 24 months” and inserting “are
6 entitled”.

7 (3) MEDICARE COVERAGE.—Section 1837(g)(1)
8 of such Act is amended by striking “25th month”
9 and inserting “first month”.

10 (4) RAILROAD RETIREMENT SYSTEM.—Section
11 7(d)(2)(ii) of the Railroad Retirement Act of 1974
12 is amended—

13 (A) by striking “has been entitled to an
14 annuity” and inserting “is entitled to an annu-
15 ity”;

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

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

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

21 (a) SECTION 2.—The amendments made by sub-
22 section (a) of section 2 of this Act shall apply only with
23 respect to benefits under section 223 of the Social Security
24 Act, or under section 202 of such Act on the basis of the
25 wages and self-employment income of an individual enti-

1 tled to benefits under such section 223, for months after
2 the third month following the month in which this Act is
3 enacted. The amendments made by subsections (b) and
4 (c) of section 2 of this Act shall apply only with respect
5 to benefits based on disability under section 202 (e) or
6 (f) of the Social Security Act for months after the third
7 month following the month in which this Act is enacted.

8 (b) SECTION 3.—The amendment made by section 3
9 of this Act shall apply only with respect to applications
10 for disability determinations filed under title II of the So-
11 cial Security Act on or after the 90th day following the
12 date of the enactment of this Act.

13 (c) SECTION 4.—The amendments made by section
14 4 shall apply to insurance benefits under title XVIII of
15 the Social Security Act with respect to items and services
16 furnished in months beginning at least 90 days after the
17 date of the enactment of this Act.

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