

110TH CONGRESS  
1ST SESSION

# H. R. 154

To amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2007

Mr. GENE GREEN of Texas 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

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## A BILL

To amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, 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 “Ending the Medicare  
5       Disability Waiting Period Act of 2007”.

1 **SEC. 2. PHASE OUT OF WAITING PERIOD FOR MEDICARE**2 **DISABILITY BENEFITS.**3 (a) IN GENERAL.—Section 226(b) of the Social Secu-  
4 rity Act (42 U.S.C. 426(b)) is amended—5 (1) in paragraph (2)(A), by striking “, and has  
6 for 24 calendar months been entitled to,” and inserting  
7 “, and for the waiting period (as defined in sub-  
8 section (k)) has been entitled to,”;9 (2) in paragraph (2)(B), by striking “, and has  
10 been for not less than 24 months,” and inserting “,  
11 and has been for the waiting period (as defined in  
12 subsection (k)),”;13 (3) in paragraph (2)(C)(ii), by striking “, in-  
14 cluding the requirement that he has been entitled to  
15 the specified benefits for 24 months,” and inserting  
16 “, including the requirement that the individual has  
17 been entitled to the specified benefits for the waiting  
18 period (as defined in subsection (k)),”;19 (4) in the flush matter following paragraph  
20 (2)(C)(ii)(II)—21 (A) in the first sentence, by striking “for  
22 each month beginning with the later of (I) July  
23 1973 or (II) the twenty-fifth month of his enti-  
24 lement or status as a qualified railroad retire-  
25 ment beneficiary described in paragraph (2),  
26 and” and inserting “for each month beginning

1                   after the waiting period (as so defined) for  
2                   which the individual satisfies paragraph (2)  
3                   and”;

4                   (B) in the second sentence, by striking  
5                   “the ‘twenty-fifth month of his entitlement’ re-  
6                   fers to the first month after the twenty-fourth  
7                   month of entitlement to specified benefits re-  
8                   ferred to in paragraph (2)(C) and”; and

9                   (C) in the third sentence, by striking “,  
10                   but not in excess of 78 such months”.

11                 (b) SCHEDULE FOR PHASE OUT OF WAITING PE-  
12                 RIOD.—Section 226 of the Social Security Act (42 U.S.C.  
13                 426) is amended by adding at the end the following new  
14                 subsection:

15                 “(k) For purposes of subsection (b) (and for purposes  
16                 of section 1837(g)(1) of this Act and section 7(d)(2)(ii)  
17                 of the Railroad Retirement Act of 1974), the term ‘waiting  
18                 period’ means—

19                 “(1) for 2008, 18 months;

20                 “(2) for 2009, 16 months;

21                 “(3) for 2010, 14 months;

22                 “(4) for 2011, 12 months;

23                 “(5) for 2012, 10 months;

24                 “(6) for 2013, 8 months;

25                 “(7) for 2014, 6 months;

1           “(8) for 2015, 4 months;  
2           “(9) for 2016, 2 months; and  
3           “(10) for 2017 and each subsequent year, 0  
4           months.”.

5           (c) CONFORMING AMENDMENTS.—

6           (1) SUNSET.—Effective January 1, 2017, sub-  
7           section (f) of section 226 of the Social Security Act  
8           (42 U.S.C. 426) is repealed.

9           (2) MEDICARE DESCRIPTION.—Section 1811(2)  
10          of such Act (42 U.S.C. 1395c(2)) is amended by  
11          striking “entitled for not less than 24 months” and  
12          inserting “entitled for the waiting period (as defined  
13          in section 226(k))”.

14           (3) MEDICARE COVERAGE.—Section 1837(g)(1)  
15          of such Act (42 U.S.C. 1395p(g)(1)) is amended by  
16          striking “of the later of (A) April 1973 or (B) the  
17          third month before the 25th month of such entitle-  
18          ment” and inserting “of the third month before the  
19          first month following the waiting period (as defined  
20          in section 226(k)) applicable under section 226(b)”.

21           (4) RAILROAD RETIREMENT SYSTEM.—Section  
22          7(d)(2)(ii) of the Railroad Retirement Act of 1974  
23          (45 U.S.C. 231f(d)(2)(ii)) is amended—

24           (A) by striking “, for not less than 24  
25          months” and inserting “, for the waiting period

1 (as defined in section 226(k) of the Social Secu-  
2 rity Act); and

3 (B) by striking “could have been entitled  
4 for 24 calendar months, and” and inserting  
5 “could have been entitled for the waiting period  
6 (as defined in section 226(k) of the Social Secu-  
7 rity Act), and”.

8 (d) EFFECTIVE DATE.—Except as provided in sub-  
9 section (c)(1), the amendments made by this section shall  
10 apply to insurance benefits under title XVIII of the Social  
11 Security Act with respect to items and services furnished  
12 in months beginning at least 90 days after the date of  
13 the enactment of this Act.

14 SEC. 3. ELIMINATION OF WAITING PERIOD FOR INDIVID-  
15 UALS WITH LIFE-THREATENING CONDITIONS.

16 (a) IN GENERAL.—Section 226(h) of the Social Secu-  
17 rity Act (42 U.S.C. 426(h)) is amended—

18 (1) by redesignating paragraphs (1), (2), and  
19 (3) as subparagraphs (A), (B), and (C), respectively;

6 (B) in subparagraph (B) (as redesignated  
7 by paragraph (1)), by striking “(rather than  
8 twenty-fifth month)”; and

9 (4) by adding at the end the following new  
10 paragraph:

11       “(2) For purposes of identifying life-threatening con-  
12 ditions under paragraph (1), the Secretary shall compile  
13 a list of conditions that are fatal without medical treat-  
14 ment. In compiling such list, the Secretary shall consult  
15 with the Director of the National Institutes of Health (in-  
16 cluding the Office of Rare Diseases), the Director of the  
17 Centers for Disease Control and Prevention, the Director  
18 of the National Science Foundation, and the Institute of  
19 Medicine of the National Academy of Sciences.”.

20 (c) EFFECTIVE DATE.—The amendments made by  
21 this section shall apply to insurance benefits under title  
22 XVIII of the Social Security Act with respect to items and  
23 services furnished in months beginning at least 90 days  
24 after the date of the enactment of this Act.

1   **SEC. 4. INSTITUTE OF MEDICINE STUDY AND REPORT ON**  
2           **DELAY AND PREVENTION OF DISABILITY**  
3           **CONDITIONS.**

4       (a) **STUDY.**—The Secretary of Health and Human  
5   Services (in this section referred to as the “Secretary”)  
6   shall request that the Institute of Medicine of the National  
7   Academy of Sciences conduct a study on the range of dis-  
8   ability conditions that can be delayed or prevented if indi-  
9   viduals receive access to health care services and coverage  
10   before the condition reaches disability levels.

11      (b) **REPORT.**—Not later than the date that is 2 years  
12   after the date of enactment of this Act, the Secretary shall  
13   submit to Congress a report containing the results of the  
14   Institute of Medicine study authorized under this section.

15      (c) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
16   authorized to be appropriated to carry out this section  
17   \$750,000 for the period of fiscal years 2008 and 2009.

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