

111TH CONGRESS
1ST SESSION

H. R. 2263

To amend title II of the Social Security Act to eliminate the waiting periods for people with disabilities for entitlement to disability benefits and Medicare, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2009

Ms. SUTTON introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To amend title II of the Social Security Act to eliminate the waiting periods for people with disabilities for entitlement to disability benefits and Medicare, 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 “Disability Equity Act”.

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

7 (a) DISABILITY INSURANCE BENEFITS.—

1 (1) IN GENERAL.—The first sentence of section
2 223(a)(1) of the Social Security Act (42 U.S.C.
3 423(a)(1)) is amended by striking “(i) for each
4 month” and all that follows through “the first
5 month in which he is under such disability” and in-
6 serting the following: “for each month beginning
7 with the first month during all of which such indi-
8 vidual is under a disability and in which such indi-
9 vidual becomes so entitled to such insurance bene-
10 fits”.

11 (2) WAITING PERIOD ELIMINATED FROM DE-
12 TERMINATION OF BENEFIT AMOUNT.—

13 (A) IN GENERAL.—The first sentence of
14 section 223(a)(2) of such Act (42 U.S.C.
15 423(a)(2)) is amended by striking “in—” and
16 all that follows through “and as though” and
17 inserting the following: “in the first month for
18 which such individual becomes entitled to such
19 disability insurance benefits, and as though”.

20 (B) CONFORMING AMENDMENT.—The sec-
21 ond sentence of section 223(a)(2) of such Act
22 (42 U.S.C. 423(a)(2)) is amended by striking
23 “subparagraph (A) or (B) of such sentence, as
24 the case may be” and inserting “such sen-
25 tence”.

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3 such Act is repealed.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 (42 U.S.C. 423(c)) is amended to
7 read as follows: “Definition of Insured Sta-
8 tus”.

9 (ii) Section 223(c)(1) of such Act (42
10 U.S.C. 423(c)(1)) is amended by striking
11 “For purposes of subparagraph (B) of this
12 paragraph, when the number of quarters”
13 in the last sentence and inserting the fol-
14 lowing:

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

17 (b) WIDOW’S INSURANCE BENEFITS BASED ON DIS-
18 ABILITY.—

19 (1) IN GENERAL.—Section 202(e)(1)(F) of such
20 Act (42 U.S.C. 402(e)(1)(F)) is amended to read as
21 follows:

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

1 (2) ELIMINATION OF DEFINED TERM.—Section
2 202(e) of such Act (42 U.S.C. 402(e)) is amended—

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

4 (B) by redesignating paragraphs (6), (7),
5 and (8) as paragraphs (5), (6), and (7), respec-
6 tively.

7 (c) WIDOWER’S INSURANCE BENEFITS BASED ON
8 DISABILITY.—

9 (1) IN GENERAL.—Section 202(f)(1)(F) of such
10 Act (42 U.S.C. 402(f)(1)(F)) is amended to read as
11 follows:

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

16 (2) ELIMINATION OF DEFINED TERM.—Section
17 202(f) of such Act (42 U.S.C. 402(f)) is amended—

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

19 (B) by redesignating paragraphs (6), (7),
20 and (8) as paragraphs (5), (6), and (7), respec-
21 tively.

22 (d) ELIMINATION OF WAITING PERIOD FOR COM-
23 MENCEMENT OF PERIODS OF DISABILITY.—Section
24 216(i)(2)(A) of such Act (42 U.S.C. 416(i)(2)(A)) is

1 amended by striking “, but only” and all that follows and
2 inserting a period.

3 (e) EFFECTIVE DATES.—The amendments made by
4 subsection (a) shall apply with respect to benefits under
5 section 223 of the Social Security Act, or under section
6 202 of such Act on the basis of the wages and self-employ-
7 ment income of an individual entitled to benefits under
8 such section 223, for months following the month in which
9 this Act is enacted. The amendments made by subsections
10 (b) and (c) shall apply with respect to benefits based on
11 disability under subsection (e) or (f) of section 202 of the
12 Social Security Act (42 U.S.C. 402) for months following
13 the month in which this Act is enacted. The amendment
14 made by subsection (d) shall apply only with respect to
15 applications for disability determinations filed under title
16 II of the Social Security Act on or after the date of the
17 enactment of this Act.

18 **SEC. 3. ELIMINATION OF WAITING PERIOD FOR MEDICARE**
19 **DISABILITY BENEFITS.**

20 (a) IN GENERAL.—Section 226(b) of the Social Secu-
21 rity Act (42 U.S.C. 426(b)) is amended—

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

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

(3) in paragraph (2)(C)(ii), by striking “, including the requirement that he has been entitled to the specified benefits for 24 months,”; and

(4) in the flush matter following paragraph (2)(C)(ii)(II)—

(A) in the matter before the first complete sentence, by striking “for each month beginning with the later of (I) July 1973 or (II) the twenty-fifth month of his” and inserting “for each month beginning with the first month of the individual’s”;

(B) in the first complete sentence, by striking “the ‘twenty-fifth month of his entitlement’ refers to the first month after the twenty-fourth month of entitlement to specified benefits referred to in paragraph (2)(C) and” and inserting “the ‘first month of the individual’s entitlement’ refers to the first month of entitlement to specified benefits referred to in paragraph (2)(C) and”;

(C) in the second complete sentence, by striking “, but not in excess of 78 such months”.

(b) CONFORMING AMENDMENTS.—

1 (1) Subsections (f) and (h) of section 226 of
2 the Social Security Act (42 U.S.C. 426) are re-
3 pealed.

4 (2) Section 1811(2) of such Act (42 U.S.C.
5 1395c(2)) is amended by striking “who have been
6 entitled for not less than 24 months” and inserting
7 “who are entitled”.

8 (3) Section 1837(g)(1) of such Act (42 U.S.C.
9 1395p(g)(1)) is amended by striking “of the later of
10 (A) April 1973 or (B) the third month before the
11 25th month of such entitlement” and inserting “of
12 the first month of such entitlement”.

13 (4) Section 7(d)(2)(ii) of the Railroad Retire-
14 ment Act of 1974 (45 U.S.C. 231f(d)(2)(ii)) is
15 amended—

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

18 (B) by striking “could have been entitled
19 for 24 calendar months, and could currently be
20 entitled,” and inserting “could currently be en-
21 titled”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to insurance benefits under title
24 XVIII of the Social Security Act with respect to items and

- 1 services furnished in months beginning after the date of
- 2 the enactment of this Act.

