

107TH CONGRESS
1ST SESSION

H. R. 3328

To amend title II of the Social Security Act to provide for increases in widow's and widower's insurance benefits by reason of delayed retirement.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2001

Mrs. LOWEY (for herself, Mr. CONYERS, Mr. PALLONE, Mr. PAYNE, Ms. WATSON of California, Mr. WYNN, Ms. BROWN of Florida, Mr. FARR of California, Mr. FROST, Ms. WATERS, Ms. WOOLSEY, Ms. LEE, Ms. PELOSI, Mr. CROWLEY, and Mr. BACA) 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 provide for increases in widow's and widower's insurance benefits by reason of delayed retirement.

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. INCREASE IN WIDOW'S AND WIDOWER'S INSUR-**
4 **ANCE BENEFITS BY REASON OF DELAYED RE-**
5 **TIREMENT.**

6 (a) DELAYED RETIREMENT CREDIT FOR WIDOW'S
7 AND WIDOWER'S BENEFITS.—

(1) IN GENERAL.—Section 202(w)(1) of the Social Security Act (42 U.S.C. 402(w)(1)) is amended—

(A) in paragraph (1) by striking “old-age insurance benefit” and inserting “old-age, widow’s, or widower’s insurance benefit”;

(B) in paragraph (2), by striking “the number of increment months for any individual” in the matter preceding subparagraph (A) and inserting “the number of increment months for any individual to whom an old-age, widow’s, or widower’s insurance benefit is payable as described in paragraph (1)”;

(C) by striking paragraph (2)(B) and inserting the following:

“(B) with respect to which—

“(i) in the case of an individual to whom an old-age insurance benefit is payable, such individual was a fully insured individual (as defined in section 214(a)) and—

“(I) was not entitled to such a benefit, or

“(II) was so entitled but did not receive benefits pursuant to a request

1 by such individual that benefits not be
 2 paid, and

3 “(ii) in the case of an individual to
 4 whom a widow’s or widower’s insurance
 5 benefit is payable, such individual satisfied
 6 subparagraphs (A), (B), and (D) of sub-
 7 section (e)(1) or (f)(1) and—

8 “(I) was not entitled to such a
 9 benefit,

10 “(II) was so entitled but suffered
 11 deductions under section 203(b) or
 12 203(c) in amounts equal to the
 13 amount of such benefit, or

14 “(III) was so entitled but did not
 15 receive benefits pursuant to a request
 16 by such individual that benefits not be
 17 paid.”.

18 (2) CONFORMING AMENDMENTS TO SECTION
 19 202(w).—

20 (A) Section 202(w)(3) of such Act (42
 21 U.S.C. 402(w)(3)) is amended by striking “old-
 22 age” each place it appears and inserting “old-
 23 age, widow’s, or widower’s”.

24 (B) Section 202(w)(5) of such Act (42
 25 U.S.C. 402(w)(5)) is amended—

1 (i) by striking “If an individual’s pri-
2 mary insurance amount” and inserting “If
3 the primary insurance amount on which an
4 individual’s old-age, widow’s, or widower’s
5 insurance benefit is based”;

6 (ii) by striking “old-age” each place it
7 appears and inserting “old-age, widow’s, or
8 widower’s”; and

9 (iii) by striking “his primary insur-
10 ance amount” each place it appears and
11 inserting “the primary insurance amount”.

12 (C) Section 202(w)(6) of such Act (42
13 U.S.C. 402(w)(6)) is amended—

14 (i) by striking “old-age” each place it
15 appears and inserting “old-age, widow’s, or
16 widower’s”; and

17 (ii) by adding at the end (after and
18 below subparagraph (D)) the following new
19 sentence:

20 “For purposes of this paragraph, an individual is deemed
21 to become eligible for an old-age insurance benefit on the
22 first day of the month in which such individual attains
23 age 62, and for a widow’s or widower’s insurance benefit
24 on the first day of the month in which such individual
25 attains age 60.”.

1 (3) OTHER CONFORMING AMENDMENTS.—

2 (A) Section 202(e)(2)(A) of such Act (42
3 U.S.C. 402(e)(2)(A)) is amended by inserting
4 “and subsection (w)” after “subsection (q)”.

5 (B) Section 202(f)(3)(A) of such Act (42
6 U.S.C. 402(f)(3)(A)) is amended by inserting
7 “and subsection (w)” after “subsection (q)”.

8 (b) TREATMENT OF DELAYED RETIREMENT IN
9 CASES OF SIMULTANEOUS ENTITLEMENT TO OLD-AGE
10 INSURANCE BENEFITS AND WIDOW’S OR WIDOWER’S IN-
11 SURANCE BENEFITS.—Section 202(w) of the Social Secu-
12 rity Act (42 U.S.C. 402(w)) is amended—

13 (1) by striking “The amount” in paragraph (1)
14 and inserting “Subject to paragraph (7), the
15 amount”; and

16 (2) by adding at the end the following new
17 paragraph:

18 “(7) If for any month an individual is entitled (prior
19 to the application of this subsection) both to an old-age
20 insurance benefit and to a widow’s or widower’s insurance
21 benefit, the resulting increase (if any) in the amount of
22 the widow’s or widower’s insurance benefit under para-
23 graph (1) shall be made (prior to the application of sub-
24 section (k)(3)(A)) in lieu of any increase in the amount

1 of the old-age insurance benefit under such paragraph,
2 unless—

3 “(A) the amount of such old-age insurance ben-
4 efit would be greater than the amount of such wid-
5 ow’s or widower’s insurance benefit after the appli-
6 cation of paragraph (1) to each such benefit, or

7 “(B) the increase which would otherwise be
8 made under such paragraph in the amount of such
9 old-age insurance benefit would result (under the
10 language following subparagraph (F) in the first
11 sentence of subsection (e)(1) or (f)(1)) in the termi-
12 nation of the individual’s entitlement to widow’s or
13 widower’s insurance benefits.”.

14 **SEC. 2. EFFECTIVE DATE.**

15 The amendments made by this Act shall apply with
16 respect to widow’s and widower’s insurance benefits
17 (under section 202 (e) and (f) of the Social Security Act)
18 for months after the month in which this Act is enacted.

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