

107TH CONGRESS
2D SESSION

S. 2533

To amend title II of the Social Security Act to provide for miscellaneous enhancements in Social Security benefits, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2002

Mr. SMITH of Oregon (for himself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title II of the Social Security Act to provide for miscellaneous enhancements in Social Security benefits, 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 “Social Security Benefit
5 Enhancements for Women Act of 2002”.

6 **SEC. 2. REPEAL OF 7-YEAR RESTRICTION ON ELIGIBILITY**
7 **FOR WIDOW’S AND WIDOWER’S INSURANCE**
8 **BENEFITS BASED ON DISABILITY.**

9 (a) WIDOW’S INSURANCE BENEFITS.—

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

(A) in paragraph (1)(B)(ii), by striking “which began before the end of the period specified in paragraph (4)”;

(B) in paragraph (1)(F)(ii), by striking “(I) in the period specified in paragraph (4) and (II)”;

(C) by striking paragraph (4) and by redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively; and

(D) in paragraph (4)(A)(ii) (as redesignated), by striking “whichever” and all that follows through “begins” and inserting “the first day of the seventeenth month before the month in which her application is filed”.

(2) CONFORMING AMENDMENTS.—

(A) Section 202(e)(1)(F)(i) of such Act (42 U.S.C. 402(e)(1)(F)(i)) is amended by striking “paragraph (5)” and inserting “paragraph (4)”.

(B) Section 202(e)(1)(C)(ii)(III) of such Act (42 U.S.C. 402(e)(2)(C)(ii)(III)) is amended by striking “paragraph (8)” and inserting “paragraph (7)”.

1 (C) Section 202(e)(2)(A) of such Act (42
 2 U.S.C. 402(e)(2)(A)) is amended by striking
 3 “paragraph (7)” and inserting “paragraph
 4 (6)”.

5 (D) Section 226(e)(1)(A)(i) of such Act
 6 (42 U.S.C. 426(e)(1)(A)(i)) is amended by
 7 striking “202(e)(4),”.

8 (b) WIDOWER’S INSURANCE BENEFITS.—

9 (1) IN GENERAL.—Section 202(f) of such Act
 10 (42 U.S.C. 402(f)) is amended—

11 (A) in paragraph (1)(B)(ii), by striking
 12 “which began before the end of the period spec-
 13 ified in paragraph (5)”;

14 (B) in paragraph (1)(F)(ii), by striking
 15 “(I) in the period specified in paragraph (5)
 16 and (II)”;

17 (C) by striking paragraph (5) and by re-
 18 designating paragraphs (6) through (9) as
 19 paragraphs (5) through (8), respectively; and

20 (D) in paragraph (5)(A)(ii) (as redesign-
 21 ated), by striking “whichever” and all that fol-
 22 lows through “begins” and inserting “the first
 23 day of the seventeenth month before the month
 24 in which his application is filed”.

25 (2) CONFORMING AMENDMENTS.—

1 (A) Section 202(f)(1)(F)(i) of such Act (42
 2 U.S.C. 402(f)(1)(F)(i)) is amended by striking
 3 “paragraph (6)” and inserting “paragraph
 4 (5)”.

5 (B) Section 202(f)(1)(C)(ii)(III) of such
 6 Act (42 U.S.C. 402(f)(2)(C)(ii)(III)) is amend-
 7 ed by striking “paragraph (8)” and inserting
 8 “paragraph (7)”.

9 (C) Section 226(e)(1)(A)(i) of such Act (as
 10 amended by subsection (a)(2)) is further
 11 amended by striking “202(f)(1)(B)(ii), and
 12 202(f)(5)” and inserting “and
 13 202(f)(1)(B)(ii)”.

14 (c) EFFECTIVE DATE.—The amendments made by
 15 this section shall apply with respect to benefits for months
 16 after November 2002.

17 **SEC. 3. EXEMPTION FROM TWO-YEAR WAITING PERIOD FOR**
 18 **DIVORCED SPOUSE’S BENEFITS UPON OTHER**
 19 **SPOUSE’S REMARRIAGE.**

20 (a) WIFE’S INSURANCE BENEFITS.—Section
 21 202(b)(5)(A) of the Social Security Act (42 U.S.C.
 22 402(b)(5)(A)) is amended by adding at the end the fol-
 23 lowing new sentence: “The criterion for entitlement under
 24 clause (ii) shall be deemed met upon the remarriage of

1 the insured individual to someone other than the applicant
2 during the 2-year period referred to in such clause.”.

3 (b) HUSBAND’S INSURANCE BENEFITS.—Section
4 202(c)(5)(A) of such Act (42 U.S.C. 402(c)(5)(A)) is
5 amended by adding at the end the following new sentence:
6 “The criterion for entitlement under clause (ii) shall be
7 deemed met upon the remarriage of the insured individual
8 to someone other than the applicant during the 2-year pe-
9 riod referred to in such clause.”.

10 (c) CONFORMING AMENDMENT TO EXEMPTION OF
11 INSURED INDIVIDUAL’S DIVORCED SPOUSE FROM EARN-
12 INGS TEST AS APPLIED TO THE INSURED INDIVIDUAL.—
13 Section 203(b)(2)(B) of such Act (42 U.S.C.
14 403(b)(2)(B)) is amended by adding at the end the fol-
15 lowing new sentence: “The requirement under such clause
16 (ii) shall be deemed met upon the remarriage of the in-
17 sured individual to someone other than the individual re-
18 ferred to in paragraph (1) during the 2-year period re-
19 ferred to in such clause.”.

20 (d) EFFECTIVE DATE.—The amendments made by
21 this section shall apply with respect to benefits for months
22 after November 2002.

1 **SEC. 4. MONTHS ENDING AFTER DECEASED INDIVIDUAL'S**
 2 **DEATH DISREGARDED IN APPLYING EARLY**
 3 **RETIREMENT RULES WITH RESPECT TO DE-**
 4 **CEASED INDIVIDUAL FOR PURPOSES OF LIM-**
 5 **ITATION ON WIDOW'S AND WIDOWER'S BENE-**
 6 **FITS.**

7 (a) WIDOW'S INSURANCE BENEFITS.—Section
 8 202(e)(2)(D)(i) of the Social Security Act (42 U.S.C.
 9 402(e)(2)(D)(i)) is amended by inserting after “applica-
 10 ble,” the following: “except that, in applying paragraph
 11 (7) of subsection (q) for purposes of this clause, any
 12 month ending with or after the date of the death of such
 13 deceased individual shall be deemed to be excluded under
 14 such paragraph (in addition to months otherwise excluded
 15 under such paragraph),”.

16 (b) WIDOWER'S INSURANCE BENEFITS.—Section
 17 202(f)(3)(D)(i) of such Act (42 U.S.C. 402(f)(3)(D)(i))
 18 is amended by inserting after “applicable,” the following:
 19 “except that, in applying paragraph (7) of subsection (q)
 20 for purposes of this clause, any month ending with or after
 21 the date of the death of such deceased individual shall be
 22 deemed to be excluded under such paragraph (in addition
 23 to months otherwise excluded under such paragraph),”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to benefits for months
3 after November 2002.

