

111TH CONGRESS
1ST SESSION

H. R. 771

To amend title II of the Social Security Act to eliminate the two-year waiting period for divorced spouse's benefits following the divorce.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2009

Mrs. LOWEY 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 two-year waiting period for divorced spouse's benefits following the divorce.

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. EXEMPTION FROM TWO-YEAR WAITING PERIOD**
4 **FOR DIVORCED SPOUSE'S BENEFITS FOL-**
5 **LOWING THE DIVORCE IN CASES OF PRIOR**
6 **RECEIPT OF SPOUSE'S BENEFITS.**

7 (a) WIFE'S INSURANCE BENEFITS.—Section
8 202(b)(4)(A) of the Social Security Act (42 U.S.C.
9 402(b)(4)(A)) is amended by striking “divorced wife—”
10 and all that follows through “shall be entitled” and insert-

1 ing “divorced wife meets the requirements of subpara-
 2 graphs (A) through (D) of paragraph (1), shall be enti-
 3 tled”.

4 (b) HUSBAND’S INSURANCE BENEFITS.—Section
 5 202(c)(4)(A) of such Act (42 U.S.C. 402(c)(4)(A)) is
 6 amended by striking “divorced husband—” and all that
 7 follows through “shall be entitled” and inserting “divorced
 8 husband meets the requirements of subparagraphs (A)
 9 through (D) of paragraph (1), shall be entitled”.

10 (c) EXEMPTION FROM DEDUCTIONS ON ACCOUNT OF
 11 WORK.—Section 203(b)(2) of such Act (42 U.S.C.
 12 403(b)(2)) is amended—

13 (1) by striking “(2)(A) Except as” and all that
 14 follows through “the benefit to which” and inserting
 15 the following: “(2) In any case in which any of the
 16 other persons referred to in paragraph (1)(B) is en-
 17 titled to monthly benefits as a divorced spouse under
 18 subsection (b) or (c) of section 202 for any month,
 19 the benefit to which”; and

20 (2) by striking subparagraph (B).

21 **SEC. 2. EFFECTIVE DATE.**

22 The amendments made by section 1 shall apply with
 23 respect to benefits for months after the date of the enact-
 24 ment of this Act.

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