

111TH CONGRESS
1ST SESSION

H. R. 773

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

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 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.—

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

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

4 (B) in paragraph (2), by striking “the
5 number of increment months for any indi-
6 vidual” in the matter preceding subparagraph
7 (A) and inserting “the number of increment
8 months for any individual to whom an old-age,
9 widow’s, or widower’s insurance benefit is pay-
10 able as described in paragraph (1)”;

11 (C) by striking “and” at the end of para-
12 graph (2)(A), and by striking paragraph (2)(B)
13 and inserting the following:

14 “(B) with respect to which—

15 “(i) in the case of an individual to whom
16 an old-age insurance benefit is payable, such in-
17 dividual was a fully insured individual (as de-
18 fined in section 214(a)) and—

19 “(I) was not entitled to such a ben-
20 efit, or

21 “(II) was so entitled but did not re-
22 ceive benefits pursuant to a request by
23 such individual that benefits not be paid,
24 or

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

6 “(I) was not entitled to such a ben-
7 efit,

8 “(II) was so entitled but suffered de-
9 ductions under section 203(b) or 203(c) in
10 amounts equal to the amount of such ben-
11 efit, or

12 “(III) was so entitled but did not re-
13 ceive benefits pursuant to a request by
14 such individual that benefits not be paid,
15 and

16 “(C) with respect to which such individual was
17 not subject to a penalty under section 1129A.”.

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”;

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

13 (iv) by striking “he” and “his” each
14 place they appear and inserting “such indi-
15 vidual” and “such individual’s”, respec-
16 tively.

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

19 (i) by striking “old-age” each place it
20 appears and inserting “old-age, widow’s, or
21 widower’s”; and

22 (ii) by adding at the end (after and
23 below subparagraph (D)) the following new
24 sentence:

1 “For purposes of this paragraph, an individual is deemed
2 to become eligible for an old-age insurance benefit on the
3 first day of the month in which such individual attains
4 age 62, and for a widow’s or widower’s insurance benefit
5 on the first day of the month in which such individual
6 attains age 60.”.

7 (3) OTHER CONFORMING AMENDMENTS.—

8 (A) Section 202(e)(2)(A) of such Act (42
9 U.S.C. 402(e)(2)(A)) is amended by inserting
10 “subsection (w),” after “subsection (q),”.

11 (B) Section 202(f)(2)(A) of such Act (42
12 U.S.C. 402(f)(2)(A)) is amended by inserting
13 “subsection (w),” after “subsection (q),”.

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

19 (1) by striking “The amount” in paragraph (1)
20 and inserting “Subject to paragraph (7), the
21 amount”; and

22 (2) by adding at the end the following new
23 paragraph:

24 “(7) If for any month an individual is entitled (prior
25 to the application of this subsection) both to an old-age

1 insurance benefit and to a widow's or widower's insurance
2 benefit, the resulting increase (if any) in the amount of
3 the widow's or widower's insurance benefit under para-
4 graph (1) shall be made (prior to the application of sub-
5 section (k)(3)(A)) in lieu of any increase in the amount
6 of the old-age insurance benefit under such paragraph, un-
7 less—

8 “(A) the amount of such old-age insurance ben-
9 efit would be greater than the amount of such wid-
10 ow's or widower's insurance benefit after the appli-
11 cation of paragraph (1) to each such benefit, or

12 “(B) the increase which would otherwise be
13 made under such paragraph in the amount of such
14 old-age insurance benefit would result (under the
15 language following subparagraph (F) in the first
16 sentence of subsection (e)(1) or (f)(1)) in the termi-
17 nation of the individual's entitlement to widow's or
18 widower's insurance benefits.”.

19 **SEC. 2. EFFECTIVE DATE.**

20 The amendments made by this Act shall apply with
21 respect to widow's and widower's insurance benefits
22 (under section 202 (e) and (f) of the Social Security Act)
23 for months after the month in which this Act is enacted.

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