

104TH CONGRESS  
2D SESSION

# H. R. 3359

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.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 1996

Mrs. LOWEY introduced the following bill; which was referred to the Committee on Ways and Means

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## 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)(1) of the So-  
9 cial Security Act (42 U.S.C. 402(w)(1)) is amend-  
10 ed—

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 individ-  
6 ual” in the matter preceding subparagraph (A)  
7 and inserting “the number of increment months  
8 for any individual to whom an old-age, widow’s,  
9 or widower’s insurance benefit is payable as de-  
10 scribed in paragraph (1)”; and

11 (C) by striking paragraph (2)(B) and in-  
12 sserting the following:

13 “(B) with respect to which—

14 “(i) in the case of an individual to  
15 whom an old-age insurance benefit is pay-  
16 able, such individual was a fully insured  
17 individual (as defined in section 214(a))  
18 and either was not entitled to such a bene-  
19 fit or suffered deductions under section  
20 203(b) or 203(c) in amounts equal to the  
21 amount of such benefit, and

22 “(ii) in the case of an individual to  
23 whom a widow’s or widower’s insurance  
24 benefit is payable, such individual satisfied  
25 subparagraphs (A), (B), and (D) of sub-

1 section (e)(1) or (f)(1) and either was not  
2 entitled to such a benefit or suffered de-  
3 ductions under section 203(b) or 203(c) in  
4 amounts equal to the amount of such bene-  
5 fit.”.

6 (2) CONFORMING AMENDMENTS TO SECTION  
7 202(w).—

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

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

14 (i) by striking “If an individual’s pri-  
15 mary insurance amount” and inserting “If  
16 the primary insurance amount on which an  
17 individual’s old-age, widow’s, or widower’s  
18 insurance benefit is based”;

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

22 (iii) by striking “his primary insur-  
23 ance amount” each place it appears and  
24 inserting “the primary insurance amount”.

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

3 (i) by striking “old-age” each place it  
4 appears and inserting “old-age, widow’s, or  
5 widower’s”; and

6 (ii) by adding at the end (after and  
7 below subparagraph (D)) the following new  
8 sentence:

9 “For purposes of this paragraph, an individual is deemed  
10 to become eligible for an old-age insurance benefit on the  
11 first day of the month in which such individual attains  
12 age 62, and for a widow’s or widower’s insurance benefit  
13 on the first day of the month in which such individual  
14 attains age 60.”.

15 (3) OTHER CONFORMING AMENDMENTS.—

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

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

22 (b) TREATMENT OF DELAYED RETIREMENT IN  
23 CASES OF SIMULTANEOUS ENTITLEMENT TO OLD-AGE  
24 INSURANCE BENEFITS AND WIDOW’S OR WIDOWER’S IN-

1 SURANCE BENEFITS.—Section 202(w) of the Social Secu-  
2 rity Act (42 U.S.C. 402(w)) is amended—

3 (1) by striking “The amount” in paragraph (1)  
4 and inserting “Subject to paragraph (7), the  
5 amount”; and

6 (2) by adding at the end the following new  
7 paragraph:

8 “(7) If for any month an individual is entitled (prior  
9 to the application of this subsection) both to an old-age  
10 insurance benefit and to a widow’s or widower’s insurance  
11 benefit, the resulting increase (if any) in the amount of  
12 the widow’s or widower’s insurance benefit under para-  
13 graph (1) shall be made (prior to the application of sub-  
14 section (k)(3)(A)) in lieu of any increase in the amount  
15 of the old-age insurance benefit under such paragraph, un-  
16 less—

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

21 “(B) the increase which would otherwise be  
22 made under such paragraph in the amount of such  
23 old-age insurance benefit would result (under the  
24 language following subparagraph (F) in the first  
25 sentence of subsection (e)(1) or (f)(1)) in the termi-

1 nation of the individual's entitlement to widow's or  
2 widower's insurance benefits.”.

3 **SEC. 2. EFFECTIVE DATE.**

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

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