

FOR THE RELIEF OF NANCY B. WILSON

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SEPTEMBER 25, 1997.—Committed to the Committee of the Whole House and  
ordered to be printed

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Mr. HYDE, from the Committee on the Judiciary,  
submitted the following

R E P O R T

[To accompany H.R. 1313]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1313) for the relief of Nancy B. Wilson, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

H.R. 1313 would allow Nancy Wilson to receive social security benefits based on her deceased husband's income. Mrs. Wilson has been denied these benefits because she and Mr. Wilson were not married for at least nine months prior to his death.

BACKGROUND

In 1950, Mr. Wilson had to commit his first wife to a mental institution in Massachusetts, and Massachusetts law prohibited divorce on the grounds of insanity. Five years later, he and Nancy Wilson began living together. Mrs. Wilson stayed home and raised three children, two of which were Mr. Wilson's children with his first wife. After 19 years, Mr. Wilson's first wife died in the mental institution and the Wilsons immediately married. However, Mr. Wilson was already ill with multiple cancers and died 7 months later. Mrs. Wilson did not work outside the home to any significant degree while raising the children, and as a result, her social security benefits are minimal. Nine months of marriage is required by

the Social Security Administration to allow widow's insurance benefits.

Had Mr. Wilson not been restricted by Massachusetts divorce law, he clearly would have been married to Mrs. Wilson much longer than the 9 months required. There is precedent for private claims bills to allow a widow benefits which have been denied because of circumstances beyond their control. And more specifically, there is precedent giving benefits to a widow who did not meet the 9-month marriage requirement because of an untimely death when there was clearly a long term co-habitation of the couple.

#### HEARINGS

The Committee's Subcommittee on Immigration and Claims held no hearings on H.R. 1313.

#### COMMITTEE CONSIDERATION

On September 8, 1997, the Subcommittee on Immigration and Claims met in open session and ordered favorably reported the bill H.R. 1313, without amendment, by voice vote, a quorum being present.

On September 9, 1997, the Committee on the Judiciary met in open session and ordered reported favorably the bill H.R. 1313, without amendment, by voice vote, a quorum being present.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

#### COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(1)(3)(B) of House Rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1313, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 17, 1997.*

Hon. HENRY J. HYDE,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1313, a bill for the relief of Nancy B. Wilson.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kathy Ruffing and John R. Righter.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

*H.R. 1313—A bill for the relief of Nancy B. Wilson*

Under the Social Security Act, a marriage must last at least nine months to qualify for a widow's benefit. H.R. 1313 would deem Mrs. Wilson's marriage to have lasted the minimum period. CBO estimates that the bill would increase direct spending by less than \$50,000 over the 1998–2002 period. Those outlays would not be subject to pay-as-you-go rules because they would come from the Old-Age and Survivors Insurance Trust Fund, which is off-budget.

The CBO staff contacts for this estimate are Kathy Ruffing and John R. Righter. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to Rule XI, clause 2(1)(4) of the Rules of the House of Representatives, the Committee finds the authority for this legislation in the First Amendment of the Constitution.