

107TH CONGRESS  
1ST SESSION

# H. R. 3328

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

NOVEMBER 16, 2001

Mrs. LOWEY (for herself, Mr. CONYERS, Mr. PALLONE, Mr. PAYNE, Ms. WATSON of California, Mr. WYNN, Ms. BROWN of Florida, Mr. FARR of California, Mr. FROST, Ms. WATERS, Ms. WOOLSEY, Ms. LEE, Ms. PELOSI, Mr. CROWLEY, and Mr. BACA) 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.—

1           (1) IN GENERAL.—Section 202(w)(1) of the So-  
2           cial Security Act (42 U.S.C. 402(w)(1)) is  
3           amended—

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

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

14                  (C) by striking paragraph (2)(B) and in-  
15                  serting the following:

16                           “(B) with respect to which—

17                                   “(i) in the case of an individual to  
18                                   whom an old-age insurance benefit is pay-  
19                                   able, such individual was a fully insured  
20                                   individual (as defined in section 214(a))  
21                                   and—

22   “(I) was not entitled to such a  
23   benefit, or

24   “(II) was so entitled but did not  
25   receive benefits pursuant to a request

1 by such individual that benefits not be  
2 paid, and

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

8 “(I) was not entitled to such a  
9 benefit,

10 “(II) was so entitled but suffered  
11 deductions under section 203(b) or  
12 203(c) in amounts equal to the  
13 amount of such benefit, or

14 “(III) was so entitled but did not  
15 receive benefits pursuant to a request  
16 by such individual that benefits not be  
17 paid.”.

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”; and

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

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

14 (i) by striking “old-age” each place it  
15 appears and inserting “old-age, widow’s, or  
16 widower’s”; and

17 (ii) by adding at the end (after and  
18 below subparagraph (D)) the following new  
19 sentence:

20 “For purposes of this paragraph, an individual is deemed  
21 to become eligible for an old-age insurance benefit on the  
22 first day of the month in which such individual attains  
23 age 62, and for a widow’s or widower’s insurance benefit  
24 on the first day of the month in which such individual  
25 attains age 60.”.

1 (3) OTHER CONFORMING AMENDMENTS.—

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

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

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

13 (1) by striking “The amount” in paragraph (1)  
14 and inserting “Subject to paragraph (7), the  
15 amount”; and

16 (2) by adding at the end the following new  
17 paragraph:

18 “(7) If for any month an individual is entitled (prior  
19 to the application of this subsection) both to an old-age  
20 insurance benefit and to a widow’s or widower’s insurance  
21 benefit, the resulting increase (if any) in the amount of  
22 the widow’s or widower’s insurance benefit under para-  
23 graph (1) shall be made (prior to the application of sub-  
24 section (k)(3)(A)) in lieu of any increase in the amount

1 of the old-age insurance benefit under such paragraph,  
2 unless—

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

7           “(B) the increase which would otherwise be  
8           made under such paragraph in the amount of such  
9           old-age insurance benefit would result (under the  
10          language following subparagraph (F) in the first  
11          sentence of subsection (e)(1) or (f)(1)) in the termi-  
12          nation of the individual’s entitlement to widow’s or  
13          widower’s insurance benefits.”.

14 **SEC. 2. EFFECTIVE DATE.**

15          The amendments made by this Act shall apply with  
16          respect to widow’s and widower’s insurance benefits  
17          (under section 202 (e) and (f) of the Social Security Act)  
18          for months after the month in which this Act is enacted.

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