

107TH CONGRESS
2^D SESSION

H. R. 4069

To amend title II of the Social Security Act provide for miscellaneous enhancements in Social Security benefits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2002

Mr. SHAW (for himself, Mr. MATSUI, Mr. BECERRA, Mr. BRADY of Texas, Mr. CARDIN, Mr. COLLINS, Mr. DOGGETT, Ms. DUNN of Washington, Mr. FOLEY, Mr. HAYWORTH, Mr. HOUGHTON, Mr. LEWIS of Kentucky, Mr. MCCREERY, Mr. McNULTY, Mr. POMEROY, Mr. PORTMAN, Mr. RAMSTAD, and Mr. RANGEL) 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 provide for miscellaneous enhancements in Social Security benefits, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Social Security Benefit
5 Enhancements for Women Act of 2002”.

1 **SEC. 2. REPEAL OF 7-YEAR RESTRICTION ON ELIGIBILITY**
2 **FOR WIDOW'S AND WIDOWER'S INSURANCE**
3 **BENEFITS BASED ON DISABILITY.**

4 (a) WIDOW'S INSURANCE BENEFITS.—

5 (1) IN GENERAL.—Section 202(e) of the Social
6 Security Act (42 U.S.C. 402(e)) is amended—

7 (A) in paragraph (1)(B)(ii), by striking
8 “which began before the end of the period spec-
9 ified in paragraph (4)”;

10 (B) in paragraph (1)(F)(ii), by striking
11 “(I) in the period specified in paragraph (4)
12 and (II)”;

13 (C) by striking paragraph (4) and by re-
14 designating paragraphs (5) through (9) as
15 paragraphs (4) through (8), respectively; and

16 (D) in paragraph (4)(A)(ii) (as redesign-
17 ated), by striking “whichever” and all that fol-
18 lows through “begins” and inserting “the first
19 day of the seventeenth month before the month
20 in which her application is filed”.

21 (2) CONFORMING AMENDMENTS.—

22 (A) Section 202(e)(1)(F)(i) of such Act
23 (42 U.S.C. 402(e)(1)(F)(i)) is amended by
24 striking “paragraph (5)” and inserting “para-
25 graph (4)”.

1 (B) Section 202(e)(1)(C)(ii)(III) of such
2 Act (42 U.S.C. 402(e)(2)(C)(ii)(III)) is amend-
3 ed by striking “paragraph (8)” and inserting
4 “paragraph (7)”.

5 (C) Section 202(e)(2)(A) of such Act (42
6 U.S.C. 402(e)(2)(A)) is amended by striking
7 “paragraph (7)” and inserting “paragraph
8 (6)”.

9 (D) Section 226(e)(1)(A)(i) of such Act
10 (42 U.S.C. 426(e)(1)(A)(i)) is amended by
11 striking “202(e)(4),”.

12 (b) WIDOWER’S INSURANCE BENEFITS.—

13 (1) IN GENERAL.—Section 202(f) of such Act
14 (42 U.S.C. 402(f)) is amended—

15 (A) in paragraph (1)(B)(ii), by striking
16 “which began before the end of the period spec-
17 ified in paragraph (5)”;

18 (B) in paragraph (1)(F)(ii), by striking
19 “(I) in the period specified in paragraph (5)
20 and (II)”;

21 (C) by striking paragraph (5) and by re-
22 designating paragraphs (6) through (9) as
23 paragraphs (5) through (8), respectively; and

24 (D) in paragraph (5)(A)(ii) (as redesign-
25 ated), by striking “whichever” and all that fol-

1 lows through “begins” and inserting “the first
2 day of the seventeenth month before the month
3 in which his application is filed”.

4 (2) CONFORMING AMENDMENTS.—

5 (A) Section 202(f)(1)(F)(i) of such Act (42
6 U.S.C. 402(f)(1)(F)(i)) is amended by striking
7 “paragraph (6)” and inserting “paragraph
8 (5)”.

9 (B) Section 202(f)(1)(C)(ii)(III) of such
10 Act (42 U.S.C. 402(f)(2)(C)(ii)(III)) is amend-
11 ed by striking “paragraph (8)” and inserting
12 “paragraph (7)”.

13 (C) Section 226(e)(1)(A)(i) of such Act (as
14 amended by subsection (a)(2)) is further
15 amended by striking “202(f)(1)(B)(ii), and
16 202(f)(5)” and inserting “and
17 202(f)(1)(B)(ii)”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall apply with respect to benefits for months
20 after November 2002.

21 **SEC. 3. EXEMPTION FROM TWO-YEAR WAITING PERIOD FOR**
22 **DIVORCED SPOUSE’S BENEFITS UPON OTHER**
23 **SPOUSE’S REMARRIAGE.**

24 (a) WIFE’S INSURANCE BENEFITS.—Section
25 202(b)(5)(A) of the Social Security Act (42 U.S.C.

1 402(b)(5)(A)) is amended by adding at the end the fol-
2 lowing new sentence: “The criterion for entitlement under
3 clause (ii) shall be deemed met upon the remarriage of
4 the insured individual to someone other than the applicant
5 during the 2-year period referred to in such clause.”.

6 (b) HUSBAND’S INSURANCE BENEFITS.—Section
7 202(c)(5)(A) of such Act (42 U.S.C. 402(c)(5)(A)) is
8 amended by adding at the end the following new sentence:
9 “The criterion for entitlement under clause (ii) shall be
10 deemed met upon the remarriage of the insured individual
11 to someone other than the applicant during the 2-year pe-
12 riod referred to in such clause.”.

13 (c) CONFORMING AMENDMENT TO EXEMPTION OF
14 INSURED INDIVIDUAL’S DIVORCED SPOUSE FROM EARN-
15 INGS TEST AS APPLIED TO THE INSURED INDIVIDUAL.—
16 Section 203(b)(2)(B) of such Act (42 U.S.C.
17 403(b)(2)(B)) is amended by adding at the end the fol-
18 lowing new sentence: “The requirement under such clause
19 (ii) shall be deemed met upon the remarriage of the in-
20 sured individual to someone other than the individual re-
21 ferred to in paragraph (1) during the 2-year period re-
22 ferred to in such clause.”.

23 (d) EFFECTIVE DATE.—The amendments made by
24 this section shall apply with respect to benefits for months
25 after November 2002.

1 **SEC. 4. MONTHS ENDING AFTER DECEASED INDIVIDUAL'S**
2 **DEATH DISREGARDED IN APPLYING EARLY**
3 **RETIREMENT RULES WITH RESPECT TO DE-**
4 **CEASED INDIVIDUAL FOR PURPOSES OF LIM-**
5 **ITATION ON WIDOW'S AND WIDOWER'S BENE-**
6 **FITS.**

7 (a) WIDOW'S INSURANCE BENEFITS.—Section
8 202(e)(2)(D)(i) of the Social Security Act (42 U.S.C.
9 402(e)(2)(D)(i)) is amended by inserting after “applica-
10 ble,” the following: “except that, in applying paragraph
11 (7) of subsection (q) for purposes of this clause, any
12 month ending with or after the date of the death of such
13 deceased individual shall be deemed to be excluded under
14 such paragraph (in addition to months otherwise excluded
15 under such paragraph),”.

16 (b) WIDOWER'S INSURANCE BENEFITS.—Section
17 202(f)(3)(D)(i) of such Act (42 U.S.C. 402(f)(3)(D)(i))
18 is amended by inserting after “applicable,” the following:
19 “except that, in applying paragraph (7) of subsection (q)
20 for purposes of this clause, any month ending with or after
21 the date of the death of such deceased individual shall be
22 deemed to be excluded under such paragraph (in addition
23 to months otherwise excluded under such paragraph),”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to benefits for months
3 after November 2002.

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