

108TH CONGRESS  
1ST SESSION

# H. R. 474

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

JANUARY 29, 2003

Mrs. LOWEY (for herself, Mr. CONYERS, Mr. CROWLEY, Mr. FROST, Ms. LEE, Mr. PALLONE, Mr. PAYNE, Ms. WATSON, Ms. WOOLSEY, Mr. WYNN, and Mr. FARR) 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 amend-  
3           ed—

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)”; and

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, or

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, and

18 “(C) with respect to which such individual  
19 was not subject to a penalty under section  
20 1129A.”.

21 (2) CONFORMING AMENDMENTS TO SECTION  
22 202(w).—

23 (A) Section 202(w)(3) of such Act (42  
24 U.S.C. 402(w)(3)) is amended by striking “old-

1 age” each place it appears and inserting “old-  
2 age, widow’s, or widower’s”.

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

5 (i) by striking “If an individual’s pri-  
6 mary insurance amount” and inserting “If  
7 the primary insurance amount on which an  
8 individual’s old-age, widow’s, or widower’s  
9 insurance benefit is based”;

10 (ii) by striking “old-age” each place it  
11 appears and inserting “old-age, widow’s, or  
12 widower’s”;

13 (iii) by striking “his primary insur-  
14 ance amount” each place it appears and  
15 inserting “the primary insurance amount”;  
16 and

17 (iv) by striking “he” and “his” each  
18 place they appear and inserting “such indi-  
19 vidual” and “such individual’s”, respec-  
20 tively.

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

23 (i) by striking “old-age” each place it  
24 appears and inserting “old-age, widow’s, or  
25 widower’s”; and

1 (ii) by adding at the end (after and  
2 below subparagraph (D)) the following new  
3 sentence:

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

10 (3) OTHER CONFORMING AMENDMENTS.—

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

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

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

22 (1) by striking “The amount” in paragraph (1)  
23 and inserting “Subject to paragraph (7), the  
24 amount”; and

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

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

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

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

23 **SEC. 2. EFFECTIVE DATE.**

24           The amendments made by this Act shall apply with  
25 respect to widow’s and widower’s insurance benefits

- 1 (under section 202 (e) and (f) of the Social Security Act)
- 2 for months after the month in which this Act is enacted.

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