

107TH CONGRESS
2D SESSION

H. R. 4671

To amend title II of the Social Security Act to improve benefits for aged survivors, disabled survivors, and divorced spouses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2002

Mr. MATSUI (for himself, Mr. RANGEL, Ms. DELAURO, Mr. DOGGETT, Mr. CARDIN, Mr. POMEROY, Mr. BECERRA, Mr. STARK, Mr. LEVIN, Mr. McDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. McNULTY, Mrs. THURMAN, Mr. HOLDEN, Mr. MALONEY of Connecticut, Mr. PALLONE, Ms. BROWN of Florida, Ms. KAPTUR, Mr. PASCRELL, Ms. SCHAKOWSKY, Mr. FILNER, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. KUCINICH, Mr. FARR of California, Mr. MURTHA, Mr. SANDLIN, Mr. KILDEE, Mr. MENENDEZ, Ms. MILLENDER-McDONALD, Mr. KIND, Mr. RODRIGUEZ, Mr. NADLER, Mr. KANJORSKI, Ms. LEE, Ms. NORTON, Ms. BALDWIN, Ms. KILPATRICK, Mrs. JONES of Ohio, Mr. THOMPSON of California, Ms. BERKLEY, Ms. LOFGREN, Ms. WOOLSEY, Mrs. LOWEY, Ms. WATSON of California, Mr. MEEHAN, Ms. MCKINNEY, Mr. DINGELL, Mr. HINCHEY, Ms. MCCOLLUM, Ms. SLAUGHTER, Ms. MCCARTHY of Missouri, Mr. DAVIS of Illinois, Mr. BENTSEN, Mrs. CLAYTON, Mr. WAXMAN, Mr. BAIRD, Mrs. DAVIS of California, and Mr. BONIOR) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title II of the Social Security Act to improve benefits for aged survivors, disabled survivors, and divorced spouses, 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 Wid-
5 ow’s Benefit Guarantee Act of 2002”.

6 **SEC. 2. INCREASE IN WIDOW’S AND WIDOWER’S INSURANCE**

7 **BENEFITS.**

8 (a) WIDOW’S INSURANCE BENEFITS.—Section
9 202(e) of the Social Security Act (42 U.S.C. 402(e)) is
10 amended by adding at the end the following new para-
11 graph:

12 “(10)(A) In any case in which the amount of a wid-
13 ow’s insurance benefit (as determined under the preceding
14 provisions of this section, taking into account applicable
15 reductions under this section) for the application month
16 of the widow (or surviving divorced wife) is less than the
17 minimum benefit amount for such month determined
18 under subparagraph (C), the amount of such benefit for
19 such month and each succeeding month shall be increased
20 to such minimum benefit amount (or the amount most re-
21 cently established in lieu thereof under section 215(i)).

22 “(B) For purposes of this paragraph, the term ‘appli-
23 cation month’ of a widow (or surviving divorced wife)
24 means the month of the filing of her application for wid-
25 ow’s insurance benefits.

1 “(C) For purposes of subparagraph (A), the min-
2 imum benefit amount determined under this subparagraph
3 for the application month is an amount equal to the lesser
4 of—

5 “(i) 75 percent of the sum of—

6 “(I) the imputed deceased individual’s ben-
7 efit for such month, as determined under sub-
8 paragraph (D) or (E) (as applicable), and

9 “(II) the imputed survivor benefit for such
10 month, as determined under subparagraph (F),
11 or

12 “(ii) the applicable increased benefit cap deter-
13 mined under subparagraph (G) in connection with
14 the widow’s insurance benefit.

15 “(D)(i) For purposes of subparagraph (C)(i)(I), if the
16 deceased individual died in a month for which he was not
17 entitled to any benefit under this title based on his wages
18 or self-employment income or the wages and self-employ-
19 ment income of the widow (or surviving divorced wife), the
20 imputed deceased individual’s benefit for the application
21 month is the sum of—

22 “(I) the imputed old-age insurance benefit (de-
23 termined under clause (ii)) of the deceased indi-
24 vidual for the application month (if any), and

1 “(II) the imputed husband’s insurance benefit
2 (determined under clause (iii)) of the deceased indi-
3 vidual for the application month (if any).

4 “(ii) The amount of the imputed old-age insurance
5 benefit of the deceased individual for the application
6 month is the amount of the old-age insurance benefit to
7 which he would have been entitled for such month—

8 “(I) determined, in the case of such a deceased
9 individual who had attained age 62 as of the date
10 of his death, as if he had applied for such benefit
11 in the month of his death and had survived to the
12 end of the application month (taking into account
13 applicable reductions under this section), or

14 “(II) determined, in the case of such a deceased
15 individual who died before attaining age 62 but
16 would have attained age 62 before the end of the ap-
17 plication month, as if he had survived to the end of
18 the application month, and had applied for such ben-
19 efit on such date (assuming a primary insurance
20 amount for the deceased individual determined
21 under paragraph (2)(B) of this subsection and tak-
22 ing into account applicable reductions under this
23 section).

24 In any case in which the deceased individual died before
25 attaining age 62 and would not have attained age 62 be-

1 fore the end of the application month, the deceased indi-
2 vidual’s imputed old-age insurance benefit shall be deemed
3 to be zero.

4 “(iii) The amount of the imputed husband’s insur-
5 ance benefit of the deceased individual for the application
6 month is the amount of the husband’s insurance benefit
7 under subsection (c) to which he would have been entitled
8 for such month (reduced under subsection (k)(3)(A) as-
9 suming the entitlement to an old-age insurance benefit for
10 such month, if any, as described in clause (ii) and other-
11 wise taking into account applicable reductions under this
12 section)—

13 “(I) determined, in the case of such a deceased
14 individual who had attained age 62 as of the date
15 of his death, as if he had applied for such benefit
16 in the month of his death and had survived to the
17 end of the application month, or

18 “(II) determined, in the case of such a deceased
19 individual who died before attaining age 62 but
20 would have attained age 62 before the end of the ap-
21 plication month, as if he had survived to the end of
22 the application month and had applied for such ben-
23 efit during the application month.

24 In any case in which the deceased individual died before
25 attaining age 62 and would not have attained age 62 be-

1 fore the end of the application month, the deceased indi-
2 vidual’s imputed husband’s insurance benefit shall be
3 deemed to be zero.

4 “(E)(i) For purposes of subparagraph (C), if the de-
5 ceased individual died during a month for which he was
6 entitled to an old-age insurance benefit under subsection
7 (a) or a disability insurance benefit under section 223, to
8 a husband’s insurance benefit under subsection (c) based
9 on the wages and self-employment income of the widow
10 (or surviving divorced wife), or to both such an old-age
11 or disability insurance benefit and such a husband’s insur-
12 ance benefit, the imputed deceased individual’s benefit for
13 the application month is the sum of—

14 “(I) the amount of the old-age or disability in-
15 surance benefit (if any) to which he would have been
16 entitled for the application month if he had survived
17 to the end of such month (taking into account appli-
18 cable reductions under this section), and

19 “(II) the amount of the husband’s insurance
20 benefit (if any) to which he would have been entitled
21 for such month if he had survived to the end of such
22 month (taking into account applicable reductions
23 under this section, including any reduction under
24 subsection (k)(3)(A) based on the assumed entitle-

1 ment to an old-age or disability insurance benefit for
2 such month (if any) as described in subclause (I)).

3 “(ii) If the deceased individual was entitled for the
4 month in which he died to a disability insurance benefit
5 under section 223, the amount determined under clause
6 (i) shall be determined as if he had remained entitled to
7 disability insurance benefits throughout the period com-
8 mencing with the month in which he died and ending with
9 the application month (or until becoming entitled to old-
10 age insurance benefits under subsection (a) during such
11 period).

12 “(F) For purposes of subparagraph (C)(i)(II)—

13 “(i) In the case of a widow (or surviving di-
14 vorced wife) who is entitled for the month preceding
15 the application month to an old-age insurance ben-
16 efit under subsection (a) or a disability insurance
17 benefit under section 223, to a wife’s insurance ben-
18 efit under subsection (b), or to both such an old-age
19 or disability insurance benefit and such a wife’s in-
20 surance benefit, the amount of her imputed survivor
21 benefit for the application month is the sum of—

22 “(I) the amount of the old-age or disability
23 insurance benefit for the preceding month (if
24 any, taking into account applicable reductions
25 under this section), and

1 “(II) the amount of the wife’s insurance
2 benefit for the preceding month (if any, taking
3 into account applicable reductions under this
4 section, including any reduction under sub-
5 section (k)(3)(A) based on the assumed entitle-
6 ment to an old-age or disability insurance ben-
7 efit for such month (if any) as described in sub-
8 clause (I)).

9 “(ii) In the case of a widow (or surviving di-
10 vorced wife) who is not described in clause (i) but
11 has attained (or would attain) age 62 as of the end
12 of the application month, the amount of her imputed
13 survivor benefit is the sum of—

14 “(I) the amount of the old-age insurance
15 benefit under subsection (a) to which the widow
16 (or surviving divorced wife) would be entitled
17 for the application month if she filed applica-
18 tion for such benefit on the last date of such
19 month (taking into account applicable reduc-
20 tions under this section), and

21 “(II) the amount to which she would be
22 entitled as a wife’s insurance benefit under sub-
23 section (b) for the application month, based on
24 the deceased individual’s wages and self-employ-
25 ment income, if the deceased individual had

1 survived to the end of the application month
2 and she had filed application for such benefit
3 on the last date of such month (assuming a pri-
4 mary insurance amount for the deceased indi-
5 vidual determined under paragraph (2)(B) of
6 this subsection and taking into account applica-
7 ble reductions under this section, including any
8 reduction under subsection (k)(3)(A) based on
9 the assumed entitlement to an old-age insur-
10 ance benefit for such month (if any) as de-
11 scribed in subclause (I)).

12 In any case in which the widow (or surviving di-
13 vorced wife) would not attain age 62 before the end
14 of the application month, her imputed survivor ben-
15 efit shall be deemed to be zero.

16 “(G)(i) The applicable increased benefit cap deter-
17 mined under this subparagraph in connection with a wid-
18 ow’s insurance benefit is—

19 “(I) the applicable dollar amount for the later
20 of the application month of the widow (or surviving
21 divorced wife) or December 2002, determined under
22 clause (ii), reduced by

23 “(II) the actuarial reduction determined under
24 clause (iii),

1 rounded, if not a multiple of \$0.10, to the next higher
2 multiple of \$0.10.

3 “(ii) The applicable dollar amount for months in cal-
4 endar year 2002 is \$1,000. In each calendar year after
5 2001, the Commissioner of Social Security shall determine
6 the applicable dollar amount for each month of the fol-
7 lowing calendar year. Such amount shall be determined
8 as of, and shall become effective with, January of such
9 following calendar year. The applicable dollar amount de-
10 termined for any month in such following calendar year
11 shall be the product derived by multiplying \$1,000 by the
12 ratio of—

13 “(I) the national average wage index (as de-
14 fined in section 209(k)(1)) for the calendar year be-
15 fore the year in which such determination is made,
16 to

17 “(II) the national average wage index (as so de-
18 fined) for calendar year 2000.

19 Any applicable dollar amount determined under this clause
20 shall be rounded to the nearest \$0.01, except that any
21 amount so established which is a multiple of \$0.005 but
22 not of \$0.01 shall be rounded to the next higher multiple
23 of \$0.01.

24 “(iii) The actuarial reduction determined under this
25 clause is the product derived by multiplying—

1 “(I) $\frac{5}{9}$ of 1 percent, by

2 “(II) the number of months in the period begin-
3 ning with the first month for which the widow (or
4 surviving divorced wife) first became entitled to a
5 benefit under subsection (a), or to a benefit under
6 subsection (b) or (e) based on the deceased individ-
7 ual’s wages and self-employment income, and ending
8 with the last day of the month before the month in
9 which she attains (or would attain) retirement age
10 (as defined in section 216(l)).

11 “(H) If, in determining the amount of the benefit
12 under this section pursuant to this paragraph, the im-
13 puted old-age insurance benefit or imputed husband’s in-
14 surance benefit of the deceased individual was deemed to
15 be zero pursuant to the last sentence of clause (ii) or (iii)
16 of subparagraph (D), or the imputed survivor benefit of
17 the widow (or surviving divorced wife) was deemed to be
18 zero pursuant to the last sentence of subparagraph (F),
19 effective for any month after the application month in
20 which the deceased individual attains age 62 or the widow
21 (or surviving divorced wife) attains age 62, the Commis-
22 sioner shall recompute the amount of the benefit under
23 this paragraph by substituting a reference to such month
24 for each reference in the preceding provisions of this para-
25 graph to the application month.”.

1 (b) WIDOWER'S INSURANCE BENEFITS.—Section
2 202(f) of such Act (42 U.S.C. 402(f)) is amended by add-
3 ing at the end the following new paragraph:

4 “(10)(A) In any case in which the amount of a wid-
5 ower's insurance benefit (as determined under the pre-
6 ceding provisions of this section, taking into account appli-
7 cable reductions under this section) for the application
8 month of the widower (or surviving divorced husband) is
9 less than the minimum benefit amount for such month de-
10 termined under subparagraph (C), the amount of such
11 benefit for such month and each succeeding month shall
12 be increased to such minimum benefit amount (or the
13 amount most recently established in lieu thereof under
14 section 215(i)).

15 “(B) For purposes of this paragraph, the term ‘appli-
16 cation month’ of a widower (or surviving divorced hus-
17 band) means the month of the filing of his application for
18 widower's insurance benefits.

19 “(C) For purposes of subparagraph (A), the min-
20 imum benefit amount determined under this subparagraph
21 for the application month is an amount equal to the lesser
22 of—

23 “(i) 75 percent of the sum of—

1 “(I) the imputed deceased individual’s ben-
2 efit for such month, as determined under sub-
3 paragraph (D) or (E) (as applicable), and

4 “(II) the imputed survivor benefit for such
5 month, as determined under subparagraph (F),
6 or

7 “(ii) the applicable increased benefit cap deter-
8 mined under subparagraph (G) in connection with
9 the widower’s insurance benefit.

10 “(D)(i) For purposes of subparagraph (C)(i)(I), if the
11 deceased individual died in a month for which she was not
12 entitled to any benefit under this title based on her wages
13 or self-employment income or the wages and self-employ-
14 ment income of the widower (or surviving divorced hus-
15 band), the imputed deceased individual’s benefit for the
16 application month is the sum of—

17 “(I) the imputed old-age insurance benefit (de-
18 termined under clause (ii)) of the deceased indi-
19 vidual for the application month (if any), and

20 “(II) the imputed wife’s insurance benefit (de-
21 termined under clause (iii)) of the deceased indi-
22 vidual for the application month (if any).

23 “(ii) The amount of the imputed old-age insurance
24 benefit of the deceased individual for the application

1 month is the amount of the old-age insurance benefit to
2 which she would have been entitled for such month—

3 “(I) determined, in the case of such a deceased
4 individual who had attained age 62 as of the date
5 of her death, as if she had applied for such benefit
6 in the month of her death and had survived to the
7 end of the application month (taking into account
8 applicable reductions under this section), or

9 “(II) determined, in the case of such a deceased
10 individual who died before attaining age 62 but
11 would have attained age 62 before the end of the ap-
12 plication month, as if she had survived to the end
13 of the application month, and had applied for such
14 benefit on such date (assuming a primary insurance
15 amount for the deceased individual determined
16 under paragraph (2)(B) of this subsection and tak-
17 ing into account applicable reductions under this
18 section).

19 In any case in which the deceased individual died before
20 attaining age 62 and would not have attained age 62 be-
21 fore the end of the application month, the deceased indi-
22 vidual’s imputed old-age insurance benefit shall be deemed
23 to be zero.

24 “(iii) The amount of the imputed wife’s insurance
25 benefit of the deceased individual for the application

1 month is the amount of the wife’s insurance benefit under
2 subsection (c) to which she would have been entitled for
3 such month (reduced under subsection (k)(3)(A) assuming
4 the entitlement to an old-age insurance benefit for such
5 month, if any, as described in clause (ii) and otherwise
6 taking into account applicable reductions under this sec-
7 tion)—

8 “(I) determined, in the case of such a deceased
9 individual who had attained age 62 as of the date
10 of her death, as if she had applied for such benefit
11 in the month of her death and had survived to the
12 end of the application month, or

13 “(II) determined, in the case of such a deceased
14 individual who died before attaining age 62 but
15 would have attained age 62 before the end of the ap-
16 plication month, as if she had survived to the end
17 of the application month and had applied for such
18 benefit during the application month.

19 In any case in which the deceased individual died before
20 attaining age 62 and would not have attained age 62 be-
21 fore the end of the application month, the deceased indi-
22 vidual’s imputed wife’s insurance benefit shall be deemed
23 to be zero.

24 “(E)(i) For purposes of subparagraph (C), if the de-
25 ceased individual died during a month for which she was

1 entitled to an old-age insurance benefit under subsection
2 (a) or a disability insurance benefit under section 223, to
3 a wife’s insurance benefit under subsection (b) based on
4 the wages and self-employment income of the widower (or
5 surviving divorced husband), or to both such an old-age
6 or disability insurance benefit and such a wife’s insurance
7 benefit, the imputed deceased individual’s benefit for the
8 application month is the sum of—

9 “(I) the amount of the old-age or disability in-
10 surance benefit (if any) to which she would have
11 been entitled for the application month if she had
12 survived to the end of such month (taking into ac-
13 count applicable reductions under this section), and

14 “(II) the amount of the wife’s insurance benefit
15 (if any) to which she would have been entitled for
16 such month if she had survived to the end of such
17 month (taking into account applicable reductions
18 under this section, including any reduction under
19 subsection (k)(3)(A) based on the assumed entitle-
20 ment to an old-age or disability insurance benefit for
21 such month (if any) as described in subclause (I)).

22 “(ii) If the deceased individual was entitled for the
23 month in which she died to a disability insurance benefit
24 under section 223, the amount determined under clause
25 (i) shall be determined as if she had remained entitled to

1 disability insurance benefits throughout the period com-
2 mencing with the month in which she died and ending with
3 the application month (or until becoming entitled to old-
4 age insurance benefits under subsection (a) during such
5 period).

6 “(F) For purposes of subparagraph (C)(i)(II)—

7 “(i) In the case of a widower (or surviving di-
8 vorced husband) who is entitled for the month pre-
9 ceeding the application month to an old-age insurance
10 benefit under subsection (a) or a disability insurance
11 benefit under section 223, to a husband’s insurance
12 benefit under subsection (c), or to both such an old-
13 age or disability insurance benefit and such a hus-
14 band’s insurance benefit, the amount of his imputed
15 survivor benefit for the application month is the sum
16 of—

17 “(I) the amount of the old-age or disability
18 insurance benefit for the preceding month (if
19 any, taking into account applicable reductions
20 under this section), and

21 “(II) the amount of the husband’s insur-
22 ance benefit for the preceding month (if any,
23 taking into account applicable reductions under
24 this section, including any reduction under sub-
25 section (k)(3)(A) based on the assumed entitle-

1 ment to an old-age or disability insurance ben-
2 efit for such month (if any) as described in sub-
3 clause (I)).

4 “(ii) In the case of a widower (or surviving di-
5 vorced husband) who is not described in clause (i)
6 but has attained (or would attain) age 62 as of the
7 end of the application month, the amount of his im-
8 puted survivor benefit is the sum of—

9 “(I) the amount of the old-age insurance
10 benefit under subsection (a) to which the wid-
11 ower (or surviving divorced husband) would be
12 entitled for the application month if he filed ap-
13 plication for such benefit on the last date of
14 such month (taking into account applicable re-
15 ductions under this section), and

16 “(II) the amount to which he would be en-
17 titled as a husband’s insurance benefit under
18 subsection (b) for the application month, based
19 on the deceased individual’s wages and self-em-
20 ployment income, if the deceased individual had
21 survived to the end of the application month
22 and he had filed application for such benefit on
23 the last date of such month (assuming a pri-
24 mary insurance amount for the deceased indi-
25 vidual determined under paragraph (2)(B) of

1 this subsection and taking into account applica-
2 ble reductions under this section, including any
3 reduction under subsection (k)(3)(A) based on
4 the assumed entitlement to an old-age insur-
5 ance benefit for such month (if any) as de-
6 scribed in subclause (I)).

7 In any case in which the widower (or surviving di-
8 vorced husband) would not attain age 62 before the
9 end of the application month, his imputed survivor
10 benefit shall be deemed to be zero.

11 “(G)(i) The applicable increased benefit cap deter-
12 mined under this subparagraph in connection with a wid-
13 ower’s insurance benefit is—

14 “(I) the applicable dollar amount for the later
15 of the application month of the widower (or sur-
16 viving divorced husband) or December 2002, deter-
17 mined under clause (ii), reduced by

18 “(II) the actuarial reduction determined under
19 clause (iii),

20 rounded, if not a multiple of \$0.10, to the next higher
21 multiple of \$0.10.

22 “(ii) The applicable dollar amount for months in cal-
23 endar year 2002 is \$1,000. In each calendar year after
24 2001, the Commissioner of Social Security shall determine
25 the applicable dollar amount for each month of the fol-

1 lowing calendar year. Such amount shall be determined
2 as of, and shall become effective with, January of such
3 following calendar year. The applicable dollar amount de-
4 termined for any month in such following calendar year
5 shall be the product derived by multiplying \$1,000 by the
6 ratio of—

7 “(I) the national average wage index (as de-
8 fined in section 209(k)(1)) for the calendar year be-
9 fore the year in which such determination is made,
10 to

11 “(II) the national average wage index (as so de-
12 fined) for calendar year 2000.

13 Any applicable dollar amount determined under this clause
14 shall be rounded to the nearest \$0.01, except that any
15 amount so established which is a multiple of \$0.005 but
16 not of \$0.01 shall be rounded to the next higher multiple
17 of \$0.01.

18 “(iii) The actuarial reduction determined under this
19 clause is the product derived by multiplying—

20 “(I) $\frac{5}{9}$ of 1 percent, by

21 “(II) the number of months in the period begin-
22 ning with the first month for which the widower (or
23 surviving divorced husband) first became entitled to
24 a benefit under subsection (a), or to a benefit under
25 subsection (b) or (e) based on the deceased individ-

1 ual’s wages and self-employment income, and ending
2 with the last day of the month before the month in
3 which he attains (or would attain) retirement age
4 (as defined in section 216(l)).

5 “(H) If, in determining the amount of the benefit
6 under this subsection pursuant to this paragraph, the im-
7 puted old-age insurance benefit or imputed wife’s insur-
8 ance benefit of the deceased individual was deemed to be
9 zero pursuant to the last sentence of clause (ii) or (iii)
10 of subparagraph (D), or the imputed survivor benefit of
11 the widower (or surviving divorced husband) was deemed
12 to be zero pursuant to the last sentence of subparagraph
13 (F), effective for any month after the application month
14 in which the deceased individual attains age 62 or the wid-
15 ower (or surviving divorced husband) attains age 62, the
16 Commissioner shall recompute the amount of the benefit
17 under this paragraph by substituting a reference to such
18 month for each reference in the preceding provisions of
19 this paragraph to the application month.”.

20 (c) COST-OF-LIVING ADJUSTMENTS TO GUARANTEED
21 WIDOW’S AND WIDOWER’S INSURANCE BENEFITS.—Sec-
22 tion 215(i)(2)(A)(ii) of such Act (42 U.S.C.
23 415(i)(2)(A)(ii)) is amended—

24 (1) in subclause (II), by striking “and” at the
25 end;

1 (2) in subclause (III), by striking “1978.” and
2 inserting “1979, and”;

3 (3) by adding at the end the following new sub-
4 clause:

5 “(IV) the benefit amount to which an individual
6 is entitled for that month under subsection (e) or (f)
7 of section 202 if such benefit amount has been in-
8 creased under paragraph (10) of such subsection.”;
9 and

10 (4) in the matter following subclause (IV)
11 (added by paragraph (3)), by striking “(I), (II), and
12 (III)” and inserting “(I), (II), (III), and (IV)”.

13 (d) EFFECTIVE DATE.—The amendments made by
14 this section shall apply with respect to widow’s and wid-
15 ower’s insurance benefits for months after November
16 2002.

17 **SEC. 3. REPEAL OF 7-YEAR RESTRICTION ON ELIGIBILITY**
18 **FOR WIDOW’S AND WIDOWER’S INSURANCE**
19 **BENEFITS BASED ON DISABILITY.**

20 (a) WIDOW’S INSURANCE BENEFITS.—

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

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

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

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

7 (D) in paragraph (4)(A)(ii) (as redesignig-
8 nated), by striking “whichever” and all that fol-
9 lows through “begins” and inserting “the first
10 day of the seventeenth month before the month
11 in which her application is filed”.

12 (2) CONFORMING AMENDMENTS.—

13 (A) Section 202(e)(1)(F)(i) of such Act
14 (42 U.S.C. 402(e)(1)(F)(i)) is amended by
15 striking “paragraph (5)” and inserting “para-
16 graph (4)”.

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

21 (C) Section 202(e)(2)(A) of such Act (42
22 U.S.C. 402(e)(2)(A)) is amended by striking
23 “paragraph (7)” and inserting “paragraph
24 (6)”.

1 (D) Section 226(e)(1)(A)(i) of such Act
2 (42 U.S.C. 426(e)(1)(A)(i)) is amended by
3 striking “202(e)(4),”.

4 (b) WIDOWER’S INSURANCE BENEFITS.—

5 (1) IN GENERAL.—Section 202(f) of such Act
6 (42 U.S.C. 402(f)) 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 (5)”;

10 (B) in paragraph (1)(F)(ii), by striking
11 “(I) in the period specified in paragraph (5)
12 and (II)”;

13 (C) by striking paragraph (5) and by re-
14 designating paragraphs (6) through (9) as
15 paragraphs (5) through (8), respectively; and

16 (D) in paragraph (5)(A)(ii) (as redesign-
17 nated), 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 his application is filed”.

21 (2) CONFORMING AMENDMENTS.—

22 (A) Section 202(f)(1)(F)(i) of such Act (42
23 U.S.C. 402(f)(1)(F)(i)) is amended by striking
24 “paragraph (6)” and inserting “paragraph
25 (5)”.

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

5 (C) Section 226(e)(1)(A)(i) of such Act (as
6 amended by subsection (a)(2)) is further
7 amended by striking “202(f)(1)(B)(ii), and
8 202(f)(5)” and inserting “and
9 202(f)(1)(B)(ii)”.

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

13 **SEC. 4. EXEMPTION FROM TWO-YEAR WAITING PERIOD FOR**
14 **DIVORCED SPOUSE’S BENEFITS UPON OTHER**
15 **SPOUSE’S REMARRIAGE.**

16 (a) WIFE’S INSURANCE BENEFITS.—Section
17 202(b)(5)(A) of the Social Security Act (42 U.S.C.
18 402(b)(5)(A)) is amended by adding at the end the fol-
19 lowing new sentence: “The criterion for entitlement under
20 clause (ii) shall be deemed met upon the remarriage of
21 the insured individual to someone other than the applicant
22 during the 2-year period referred to in such clause.”.

23 (b) HUSBAND’S INSURANCE BENEFITS.—Section
24 202(c)(5)(A) of such Act (42 U.S.C. 402(c)(5)(A)) is
25 amended by adding at the end the following new sentence:

1 “The criterion for entitlement under clause (ii) shall be
 2 deemed met upon the remarriage of the insured individual
 3 to someone other than the applicant during the 2-year pe-
 4 riod referred to in such clause.”.

5 (c) CONFORMING AMENDMENT TO EXEMPTION OF
 6 INSURED INDIVIDUAL’S DIVORCED SPOUSE FROM EARN-
 7 INGS TEST AS APPLIED TO THE INSURED INDIVIDUAL.—
 8 Section 203(b)(2)(B) of such Act (42 U.S.C.
 9 403(b)(2)(B)) is amended by adding at the end the fol-
 10 lowing new sentence: “The requirement under such clause
 11 (ii) shall be deemed met upon the remarriage of the indi-
 12 vidual referred to in paragraph (1), to someone other than
 13 the divorced spouse referred to in such clause, during the
 14 2-year period referred to in such clause.”.

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

18 **SEC. 5. MONTHS ENDING AFTER DECEASED INDIVIDUAL’S**
 19 **DEATH DISREGARDED IN APPLYING EARLY**
 20 **RETIREMENT RULES WITH RESPECT TO DE-**
 21 **CEASED INDIVIDUAL FOR PURPOSES OF LIM-**
 22 **ITATION ON WIDOW’S AND WIDOWER’S BENE-**
 23 **FITS.**

24 (a) WIDOW’S INSURANCE BENEFITS.—Section
 25 202(e)(2)(D)(i) of the Social Security Act (42 U.S.C.

1 402(e)(2)(D)(i) is amended by inserting after “applica-
2 ble,” the following: “except that, in applying paragraph
3 (7) of subsection (q) for purposes of this clause, any
4 month ending with or after the date of the death of such
5 deceased individual shall be deemed to be excluded under
6 such paragraph (in addition to months otherwise excluded
7 under such paragraph),”.

8 (b) WIDOWER’S INSURANCE BENEFITS.—Section
9 202(f)(3)(D)(i) of such Act (42 U.S.C. 402(f)(3)(D)(i))
10 is amended by inserting after “applicable,” the following:
11 “except that, in applying paragraph (7) of subsection (q)
12 for purposes of this clause, any month ending with or after
13 the date of the death of such deceased individual shall be
14 deemed to be excluded under such paragraph (in addition
15 to months otherwise excluded under such paragraph),”.

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

19 **SEC. 6. MAINTENANCE OF MEDICAID ELIBILITY FOR CUR-**
20 **RENT BENEFICIARIES.**

21 Section 1634 of the Social Security Act (42 U.S.C.
22 1383c) is amended by adding at the end the following new
23 subsection:

24 “(e)(1) An eligible widow or widower (described in
25 paragraph (2)) who is entitled to a widow’s or widower’s

1 insurance benefit for any month under section 202(e) or
2 (f) but is not eligible for benefits under this title in that
3 month shall be deemed for purposes of title XIX to be
4 an individual with respect to whom benefits under this
5 title are paid in that month if he or she—

6 “(A) has been continuously entitled to such
7 widow’s or widower’s insurance benefits from the
8 first month for which the increase described in para-
9 graph (2)(B) is reflected in such benefits through
10 the month involved, and

11 “(B) would be eligible for benefits under this
12 title in the month involved if the amount of the in-
13 crease described in paragraph (2)(B) in his or her
14 widow’s or widower’s insurance benefits, and any
15 subsequent cost-of-living adjustments in such bene-
16 fits under section 215(i), were disregarded.

17 “(2) For purposes of paragraph (1), the term ‘eligible
18 widow or widower’ means an individual who—

19 “(A) is entitled to a widow’s or widower’s insur-
20 ance benefit under section 202(e) or (f) for Novem-
21 ber 2002 and with respect to whom a benefit under
22 this title is paid in that month, and

23 “(B) because of the increase in the amount of
24 his or her widow’s or widower’s insurance benefits
25 which results from the amendments made by the So-

1 cial Security Widow’s Benefit Guarantee Act of
2 2002, is ineligible for benefits under this title in the
3 first month in which such increase is paid to him or
4 her.

5 “(3) For purposes of this subsection, the term ‘bene-
6 fits under this title’ includes payments of the type de-
7 scribed in section 1616(a) or of the type described in sec-
8 tion 212(a) of Public Law 93–66.”.

9 **SEC. 7. FUNDING EQUAL TO COST OF BENEFIT IMPROVE-**
10 **MENTS.**

11 (a) IN GENERAL.—The Secretary of the Treasury
12 shall transfer, from the general fund of the Treasury to
13 the Federal Old-Age and Survivors Insurance Trust Fund,
14 such sums as are necessary, on account of—

15 (1) amounts paid or to be paid from such Trust
16 Fund under title II of the Social Security Act solely
17 by reason of the amendments made by this Act,

18 (2) the additional administrative expenses re-
19 sulting or expected to result therefrom, and

20 (3) any loss in interest to such Trust Fund re-
21 sulting from the payment of such amounts,

22 in order to place such Trust Fund in the same position
23 as the position in which it would have been if the preceding
24 provisions of this Act had not been enacted.

1 (b) TIMING AND AMOUNTS OF TRANSFERS.—The
2 amounts to be transferred under subsection (a) shall be
3 transferred at least monthly from the general fund of the
4 Treasury, in accordance with certifications which shall be
5 made by the Commissioner of Social Security to the Sec-
6 retary of the Treasury of the proper amounts to be trans-
7 ferred. Amounts certified for transfer shall be determined
8 on the basis of estimates made by the Commissioner of
9 the proper amounts to be transferred, and proper adjust-
10 ments shall be made in the amounts subsequently certified
11 for transfer to the extent prior estimates were in excess
12 of or less than the amounts required to be transferred.

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