§ 427. Transitional insured status for purposes of old-age and survivors benefits

(a) Determination of entitlement to benefits under section 402 (a) to (c) of this title

In the case of any individual who attains the age of 72 before 1969 but who does not meet the requirements of section 414 (a) of this title, the 6 quarters of coverage referred to in paragraph (1) of section 414 (a) of this title shall, instead, be 3 quarters of coverage for purposes of determining entitlement of such individual to benefits under section 402 (a) of this title, and of the spouse to benefits under section 402 (b) or section 402 (c) of this title, but, in the case of such spouse, only if he or she attains the age of 72 before 1969 and only with respect to spouse’s insurance benefits under section 402 (b) or section 402 (c) of this title for and after the month in which he or she attains such age. For each month before the month in which any such individual meets the requirements of section 414 (a) of this title, the amount of the old-age insurance benefit shall, notwithstanding the provisions of section 402 (a) of this title, be the larger of $64.40 or the amount most recently established in lieu thereof under section 415 (i) of this title. The amount of the spouse’s insurance benefit of the spouse shall, notwithstanding the provisions of section 402 (b) or section 402 (c) of this title, be the larger of $32.20 or the amount most recently established in lieu thereof under section 415 (i) of this title.

(b) Determination of entitlement to surviving spouse’s benefits under section 402 (e) or (f) of this title

In the case of any individual who has died, who does not meet the requirements of section 414 (a) of this title, and whose surviving spouse attains age 72 before 1969, the 6 quarters of coverage referred to in paragraph (3) of section 414 (a) of this title and in paragraph (1) thereof shall, for purposes of determining the entitlement to surviving spouse’s insurance benefits under section 402 (e) or section 402 (f) of this title, instead be—

(1) 3 quarters of coverage if such surviving spouse attains the age of 72 in or before 1966,
(2) 4 quarters of coverage if such surviving spouse attains the age of 72 in 1967, or
(3) 5 quarters of coverage if such surviving spouse attains the age of 72 in 1968.

The amount of the surviving spouse’s insurance benefit for each month shall, notwithstanding the provisions of section 402 (e) or section 402 (f) of this title (and section 402 (m) of this title), be the larger of $64.40 or the amount most recently established in lieu thereof under section 415 (i) of this title.

(c) Deceased individual entitled to benefits by reason of subsection (a) deemed to meet requirements of subsection (b)

In the case of any individual who becomes, or upon filing application therefor would become, entitled to benefits under section 402 (a) of this title by reason of the application of subsection (a) of this section, who dies, and whose surviving spouse attains the age of 72 before 1969, such deceased individual shall be deemed to meet the requirements of subsection (b) of this section for purposes of determining entitlement of such surviving spouse to surviving spouse’s insurance benefits under section 402 (e) or section 402 (f) of this title.

Footnotes

1 See References in Text note below.
References in Text


Amendments

1983—Subsec. (a). Pub. L. 98–21, § 304(a), substituted “spouse” for “wife”, “spouse’s” for “wife’s”, and “he or she” for “she”, wherever appearing, substituted “the” for “his” after “402(a) of this title, and of” and preceding “spouse” in two places and preceding “old-age insurance”, and inserted “or section 402 (c)” after “section 402 (b)” wherever appearing.

Subsec. (b). Pub. L. 98–21, § 304(b), substituted “surviving spouse” for “widow” and “surviving spouse’s” for “widow’s” wherever appearing, substituted “the” for “her” after “determining” and “The amount of”, and inserted “or section 402 (f)” after “section 402 (e)” wherever appearing.

Subsec. (c). Pub. L. 98–21, § 304(b)(1), (2), (4), substituted “surviving spouse” for “widow” wherever appearing and “surviving spouse’s” for “widow’s”, and inserted “or section 402 (f)” after “section 402 (e)”.

1973—Subsec. (a). Pub. L. 93–233, § 2(b)(1), substituted “the larger of $64.40 or the amount most recently established in lieu thereof under section 415 (i) of this title” for “$58.00” and “the larger of $32.20 or the amount most recently established in lieu thereof under section 415 (i) of this title” for “$29.00”.

Subsec. (b). Pub. L. 93–233, § 2(b)(1), substituted “the larger of $64.40 or the amount most recently established in lieu thereof under section 415 (i) of this title” for “$58.00”.

1972—Subsec. (a). Pub. L. 92–336, § 201(g)(1)(A), substituted “$58.00” for “$48.30” and “$29.00” for “$24.20”.

Subsec. (a)(1). Pub. L. 92–603, § 104(e), substituted “paragraph (1) of section 414 (a) of this title” for “so much of paragraph (1) of section 414 (a) of this title as follows clause (C)”.

Subsec. (a). Pub. L. 92–336, § 201(g)(1)(B), substituted “$58.00” for “$48.30”.

Subsec. (b). Pub. L. 92–603, § 104(f), substituted “paragraph (1) thereof” for “so much of paragraph (1) thereof as follows clause (C)”.


Subsec. (b). Pub. L. 91–172, § 1003(a)(2), substituted “$46” for “$40”.

1968—Subsec. (a). Pub. L. 90–248, § 102(a)(1), substituted “$40” for “$35” and “$20” for “$17.50”.

Subsec. (b). Pub. L. 90–248, § 102(a)(2), substituted “$40” for “$35”.

Effective Date of 1983 Amendment

Amendment by Pub. L. 98–21 applicable only with respect to monthly payments payable under this subchapter for months after April 1983, see section 310 of Pub. L. 98–21 set out as a note under section 402 of this title.

Effective Date of 1973 Amendment

Section 2(b)(1) of Pub. L. 93–233 provided that the amendment made by that section is effective June 1, 1974.

Amendment by Pub. L. 93–233 applicable with respect to monthly benefits under this subchapter for months after May 1974, and with respect to lump-sum death payments under section 402 (i) of this title, see section 2(c) of Pub. L. 93–233, set out as a note under section 415 of this title.

Effective Date of 1972 Amendments

Amendment by Pub. L. 92–603 applicable only in the case of a man who attains (or would attain) age 62 after December 1974, see section 104(j) of Pub. L. 92–603, set out as a note under section 414 of this title.

Amendment by Pub. L. 92–336 applicable with respect to monthly benefits under subchapter II of this chapter for months after August 1972, see section 201(i) of Pub. L. 92–336, set out as a note under section 415 of this title.
Effective Date of 1971 Amendment

Section 202(c) of Pub. L. 92–5 provided that: “The amendments made by subsections (a) and (b) [amending this section and section 428 of this title] shall apply with respect to monthly benefits under title II of the Social Security Act [this subchapter] for months after December 1970.”

Effective Date of 1969 Amendment

Section 1003(c) of Pub. L. 91–172 provided that: “The amendments made by subsections (a) and (b) [amending this section and section 428 of this title] shall apply with respect to monthly benefits under title II of the Social Security Act [this subchapter] for months after December 1969.”

Effective Date of 1968 Amendment

Section 102(c) of Pub. L. 90–248 provided that: “The amendments made by subsections (a) and (b) [amending this section and section 428 of this title] shall apply with respect to monthly benefits under title II of the Social Security Act [this subchapter] for months after January 1968.”

Effective Date

Section 309(b) of Pub. L. 89–97 provided that: “The amendment made by subsection (a) [enacting this section] shall apply in the case of monthly benefits under title II of the Social Security Act [this subchapter] for and after the second month following the month [July 1965] in which this Act is enacted on the basis of applications filed in or after the month in which this Act is enacted.”

Repeal of Amendment of Subsecs. (a) and (b) Prior to Effective Date

Section 202(a)(4) of Pub. L. 92–336, title II, July 1, 1972, 86 Stat. 416, which, effective Jan. 1, 1975, substituted “the larger of $58.00 or the amount most recently established in lieu thereof under section 415 (i) of this title” for “$58.00” and “the larger of $29.00 or the amount most recently established in lieu thereof under section 415 (i) of this title” for “$29.00”, was repealed prior to its effective date by Pub. L. 93–233, § 2(b)(2), Dec. 31, 1973, 87 Stat. 952, applicable with respect to monthly benefits under this subchapter for months after May 1974, and with respect to lump-sum death payments under section 402 (i) of this title. See section 2(c) of Pub. L. 93–233, set out as an Effective Date of 1973 Amendment note under section 415 of this title.