

118TH CONGRESS
1ST SESSION

H. R. 3926

To amend title II of the Social Security Act to improve social security benefits for widows and widowers in two-income households.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2023

Ms. SÁNCHEZ (for herself, Mr. COHEN, Mrs. NAPOLITANO, Mr. CÁRDENAS, Ms. SCHAKOWSKY, Ms. NORTON, and Ms. PINGREE) 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 to improve social security benefits for widows and widowers in two-income households.

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 “Protecting Our Widows
5 and Widowers in Retirement Act” or the “POWR Act”.

6 **SEC. 2. IMPROVING SOCIAL SECURITY BENEFITS FOR WID-**
7 **OWS AND WIDOWERS IN TWO-INCOME HOUSE-**
8 **HOLDS.**

9 (a) IN GENERAL.—

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

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting “and” at the end;

(ii) in subparagraph (C)(iii), by striking “and” at the end;

(iii) by striking subparagraph (D);

(iv) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively; and

(v) in the flush matter following subparagraph (E)(ii), as so redesignated, by striking “or becomes entitled to an old-age insurance benefit” and all that follows through “such deceased individual,”;

(B) by striking subparagraph (A) in paragraph (2) and inserting the following:

“(2)(A) Except as provided in subsection (k)(5), subsection (q), and subparagraph (D) of this paragraph, such widow’s insurance benefit for each month shall be equal to the greater of—

“(i) the primary insurance amount (as determined for purposes of this subsection after

1 application of subparagraphs (B) and (C)) of
2 such deceased individual; or

3 “(ii) subject to paragraph (9), in the case
4 of a fully insured widow or surviving divorced
5 wife, 75 percent of the sum of any old-age or
6 disability insurance benefit for which the widow
7 or the surviving divorced wife is entitled for
8 such month and the primary insurance amount
9 (as determined for purposes of this subsection
10 after application of subparagraphs (B) and (C))
11 of such deceased individual.”;

12 (C) in paragraph (5)—

13 (i) in subparagraph (A), by striking
14 “paragraph (1)(F)” and inserting “para-
15 graph (1)(E)”; and

16 (ii) in subparagraph (B), by striking
17 “paragraph (1)(F)(i)” and inserting
18 “paragraph (1)(E)(i)”; and

19 (D) by adding at the end the following:

20 “(9) For purposes of paragraph (2)(A)(ii), the
21 amount determined under such paragraph shall not
22 exceed the primary insurance amount for such
23 month of a hypothetical individual—

24 “(A) who became entitled to old-age insur-
25 ance benefits upon attaining early retirement

age during the month in which the deceased individual referred to in paragraph (1) became entitled to old-age or disability insurance benefits, or died (before becoming entitled to such benefits); and

“(B) to whom wages and self-employment income were credited in each of such hypothetical individual’s elapsed years (within the meaning of section 215(b)(2)(B)(iii)) in an amount equal to $1\frac{1}{3}$ of the national average wage index (as described in section 209(k)(1)) for each such year.”.

(2) WIDOWERS.—Section 202(f) of the Social Security Act (42 U.S.C. 402(f)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting “and” at the end;

(ii) in subparagraph (C)(iii), by striking “and” at the end;

(iii) by striking subparagraph (D);

(iv) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively; and

(v) in the flush matter following subparagraph (E)(ii), as so redesignated, by

1 striking “or becomes entitled to an old-age
2 insurance benefit” and all that follows
3 through “such deceased individual,”;

4 (B) by striking subparagraph (A) in para-
5 graph (2) and inserting the following:

6 “(2)(A) Except as provided in subsection
7 (k)(5), subsection (q), and subparagraph (D) of this
8 paragraph, such widower’s insurance benefit for
9 each month shall be equal to the greater of—

10 “(i) the primary insurance amount (as de-
11 termined for purposes of this subsection after
12 application of subparagraphs (B) and (C)) of
13 such deceased individual; or

14 “(ii) subject to paragraph (9), in the case
15 of a fully insured widower or surviving divorced
16 husband, 75 percent of the sum of any old-age
17 or disability insurance benefit for which the
18 widower or the surviving divorced husband is
19 entitled for such month and the primary insur-
20 ance amount (as determined for purposes of
21 this subsection after application of subpara-
22 graphs (B) and (C)) of such deceased indi-
23 vidual.”;

24 (C) in paragraph (5)—

1 (i) in subparagraph (A), by striking
2 “paragraph (1)(F)” and inserting “para-
3 graph (1)(E)”; and

4 (ii) in subparagraph (B), by striking
5 “paragraph (1)(F)(i)” and inserting
6 “paragraph (1)(E)(i)”; and

7 (D) by adding at the end the following:

8 “(9) For purposes of paragraph (2)(A)(ii), the
9 amount determined under such paragraph shall not
10 exceed the primary insurance amount for such
11 month of a hypothetical individual—

12 “(A) who became entitled to old-age insur-
13 ance benefits upon attaining early retirement
14 age during the month in which the deceased in-
15 dividual referred to in paragraph (1) became
16 entitled to old-age or disability insurance bene-
17 fits, or died (before becoming entitled to such
18 benefits); and

19 “(B) to whom wages and self-employment
20 income were credited in each of such hypo-
21 thetical individual’s elapsed years (within the
22 meaning of section 215(b)(2)(B)(iii)) in an
23 amount equal to $1\frac{1}{3}$ of the national average
24 wage index (as described in section 209(k)(1))
25 for each such year.”.

1 (b) HOLDING SSI BENEFICIARIES HARMLESS.—For
2 purposes of determining the income of an individual to es-
3 tablish eligibility for, and the amount of, benefits payable
4 under title XVI of the Social Security Act, the amount
5 of any benefit to which the individual is entitled under
6 title II of such Act shall be deemed not to exceed the
7 amount of the benefit that would be determined for such
8 individual under such title as in effect on the day before
9 the date of the enactment of this Act.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall apply with respect to widow's and wid-
12 ower's insurance benefits payable for months after Decem-
13 ber 2023.

○