

117TH CONGRESS
1ST SESSION

H. R. 3915

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2021

Mr. REED 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, 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 “Strengthening Social
5 Security for Widows 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 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 the national average wage
24 index (as described in section 209(k)(1)) for
25 each such year.”.

1 (b) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply with respect to widow’s and wid-
 3 ower’s insurance benefits payable for months after Decem-
 4 ber 2023.

5 **SEC. 3. BENEFITS FOR DISABLED SURVIVING SPOUSES.**

6 (a) IN GENERAL.—

7 (1) ELIGIBILITY FOR WIDOW’S INSURANCE
 8 BENEFITS.—Section 202(e)(1)(B)(ii) of the Social
 9 Security Act (42 U.S.C. 402(e)(1)(B)(ii)) is amend-
 10 ed by striking “has attained age 50 but has not at-
 11 tained age 60 and”.

12 (2) ELIGIBILITY FOR WIDOWER’S INSURANCE
 13 BENEFITS.—Section 202(f)(1)(B)(ii) of such Act (42
 14 U.S.C. 402(f)(1)(B)(ii)) is amended by striking “has
 15 attained age 50 but has not attained age 60 and”.

16 (3) CONFORMING AMENDMENT.—Section
 17 202(q)(3)(A) of such Act (42 U.S.C. 402(q)(3)(A))
 18 is amended by striking “If the first month” and all
 19 that follows through “widow’s or widower’s insur-
 20 ance benefit)” and inserting “If the first month for
 21 which an individual both is entitled to a wife’s or
 22 husband’s insurance benefit and has attained age 62
 23 or for which an individual is entitled to a widow’s or
 24 widower’s insurance benefit”.

1 (b) PRECLUSION OF ENTITLEMENT AFTER EARLY
2 REMARRIAGE.—

3 (1) WIDOW’S INSURANCE BENEFITS.—Section
4 202(e)(1)(B)(ii) of such Act (42 U.S.C.
5 402(e)(1)(B)(ii)) is amended by inserting “and has
6 not remarried prior to attaining the age which is 12
7 years less than early retirement age (as defined in
8 section 216(l)(2))” before the comma.

9 (2) WIDOWER’S INSURANCE BENEFITS.—Sec-
10 tion 202(f)(1)(B)(ii) of such Act (42 U.S.C.
11 402(f)(1)(B)(ii)) is amended by inserting “and has
12 not remarried prior to attaining the age which is 12
13 years less than early retirement age (as defined in
14 section 216(l)(2))” before the comma.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall apply with respect to benefits payable
17 for months after December 2022 and for which applica-
18 tions are filed after December 2022.

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