I

114TH CONGRESS
2D SESSION

H. R. 5892

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

JULY 14, 2016

Ms. LINDA T. SÁNCHEZ of California 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPROVING SOCIAL SECURITY BENEFITS FOR WIDOWS AND WIDOWERS IN TWO-INCOME HOUSEHOLDS.

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

(C) in paragraph (5)—

(i) in subparagraph (A), by striking "paragraph (1)(F)" and inserting "paragraph (1)(E)"; and

(ii) in subparagraph (B), by striking "paragraph (1)(F)(i)" and inserting "paragraph (1)(E)(i)"; and

(D) by adding at the end the following new paragraphs:

"(9) For purposes of clauses (i) and (ii) of paragraph (2)(A), in the case of a surviving divorced wife, the amount determined under either such clause (and, for purposes of clause (ii) of paragraph (2)(A), as determined after application of paragraph (10)) shall be equal to the applicable percentage (as determined under section 202(b)(2)(B)) of such amount (as determined before application of this paragraph but after application of subsection (k)(3)).

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

"(A) who became entitled to old-age insurance 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 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 widower’s insurance benefit for each month shall be equal to the greater of—

‘‘(i) subject to paragraph (9), the primary insurance amount (as determined for purposes of this subsection after application of subparagraphs (B) and (C)) of such deceased individual; or "(ii) subject to paragraphs (9) and (10), in the case of a fully insured widower or surviving divorced husband, 75 percent of the sum of any old-age or disability insurance benefit for which the widower or the surviving divorced husband is entitled for such month and the primary insurance amount (as determined for purposes of this subsection after application of subparagraphs (B) and (C)) of such deceased individual.";

(C) in paragraph (5)—

(i) in subparagraph (A), by striking "paragraph (1)(F)" and inserting "paragraph (1)(E)"; and

(ii) in subparagraph (B), by striking "paragraph (1)(F)(i)" and inserting "paragraph (1)(E)(i)"; and

(D) by adding at the end the following new paragraphs:

"(9) For purposes of clauses (i) and (ii) of paragraph (2)(A), in the case of a surviving divorced husband, the amount determined under either such clause (and, for purposes of clause (ii) of paragraph (2)(A), as determined after application of paragraph

(10)) shall be equal to the applicable percentage (as determined under section 202(c)(2)(B)) of such amount (as determined before application of this paragraph but after application of subsection (k)(3)).

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

"(A) who became entitled to old-age insurance 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.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to widow's and widower's insurance benefits payable for months after December 2016.

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