

116TH CONGRESS
1ST SESSION

H. R. 1540

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

MARCH 5, 2019

Ms. SÁNCHEZ (for herself, Mr. GONZALEZ of Texas, Ms. NORTON, Mr. COHEN, Mr. MCNERNEY, Mrs. DINGELL, Mrs. NAPOLITANO, Ms. MOORE, Mr. HIGGINS of New York, Ms. SCHAKOWSKY, Mr. POCAN, Mr. CÁRDENAS, and Ms. WILSON of Florida) 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 (POWR) Act”.

1 **SEC. 2. IMPROVING SOCIAL SECURITY BENEFITS FOR WID-**
2 **OWS AND WIDOWERS IN TWO-INCOME HOUSE-**
3 **HOLDS.**

4 (a) IN GENERAL.—

5 (1) WIDOWS.—Section 202(e) of the Social Se-
6 curity Act (42 U.S.C. 402(e)) is amended—

7 (A) in paragraph (1)—

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

10 (ii) in subparagraph (C)(iii), by strik-
11 ing “and” at the end;

12 (iii) by striking subparagraph (D);

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

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

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

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

1 “(i) subject to paragraph (9), the primary
 2 insurance amount (as determined for purposes
 3 of this subsection after application of subpara-
 4 graphs (B) and (C)) of such deceased indi-
 5 vidual; or

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

15 (C) in paragraph (5)—

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

19 (ii) in subparagraph (B), by striking
 20 “paragraph (1)(F)(i)” and inserting
 21 “paragraph (1)(E)(i)”; and

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

24 “(9) For purposes of clauses (i) and (ii) of
 25 paragraph (2)(A), in the case of a surviving divorced

1 wife, the amount determined under either such
2 clause (and, for purposes of clause (ii) of paragraph
3 (2)(A), as determined after application of paragraph
4 (10)) shall be equal to the applicable percentage (as
5 determined under section 202(b)(2)(B)) of such
6 amount (as determined before application of this
7 paragraph but after application of subsection
8 (k)(3)).

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

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

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

1 wage index (as described in section 209(k)(1))
2 for each such year.”.

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

5 (A) in paragraph (1)—

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

8 (ii) in subparagraph (C)(iii), by strik-
9 ing “and” at the end;

10 (iii) by striking subparagraph (D);

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

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

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

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

1 “(i) subject to paragraph (9), the primary
2 insurance amount (as determined for purposes
3 of this subsection after application of subpara-
4 graphs (B) and (C)) of such deceased indi-
5 vidual; or

6 “(ii) subject to paragraphs (9) and (10), in
7 the case of a fully insured widower or surviving
8 divorced husband, 75 percent of the sum of any
9 old-age or disability insurance benefit for which
10 the widower or the surviving divorced husband
11 is entitled for such month and the primary in-
12 surance amount (as determined for purposes of
13 this subsection after application of subpara-
14 graphs (B) and (C)) of such deceased indi-
15 vidual.”;

16 (C) in paragraph (5)—

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

20 (ii) in subparagraph (B), by striking
21 “paragraph (1)(F)(i)” and inserting
22 “paragraph (1)(E)(i)”; and

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

1 “(9) For purposes of clauses (i) and (ii) of
2 paragraph (2)(A), in the case of a surviving divorced
3 husband, the amount determined under either such
4 clause (and, for purposes of clause (ii) of paragraph
5 (2)(A), as determined after application of paragraph
6 (10)) shall be equal to the applicable percentage (as
7 determined under section 202(c)(2)(B)) of such
8 amount (as determined before application of this
9 paragraph but after application of subsection
10 (k)(3)).

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

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

22 “(B) to whom wages and self-employment
23 income were credited in each of such hypo-
24 thetical individual’s elapsed years (within the
25 meaning of section 215(b)(2)(B)(iii)) in an

1 amount equal to $1\frac{1}{3}$ of the national average
2 wage index (as described in section 209(k)(1))
3 for each such year.”.

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

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall apply with respect to widow’s and wid-
15 ower’s insurance benefits payable for months after Decem-
16 ber 2019.

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