

[118H3926]

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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

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

Ms. SÁNCHEZ introduced the following bill; which was referred to the
Committee on _____

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”.

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 “becomes entitled to an old-age in-
19 surance 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 (k)(5), sub-
24 section (q), and subparagraph (D) of this paragraph, such
25 widow’s insurance benefit for each month shall be equal
26 to the greater of—

1 “(i) the primary insurance amount (as deter-
2 mined for purposes of this subsection after applica-
3 tion of subparagraphs (B) and (C)) of such deceased
4 individual; or

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

13 (C) in paragraph (5)—

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

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

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

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

1 “(A) who became entitled to old-age insurance
2 benefits upon attaining early retirement age during
3 the month in which the deceased individual referred
4 to in paragraph (1) became entitled to old-age or
5 disability insurance benefits, or died (before becom-
6 ing entitled to such benefits); and

7 “(B) to whom wages and self-employment in-
8 come were credited in each of such hypothetical indi-
9 vidual’s elapsed years (within the meaning of section
10 215(b)(2)(B)(iii)) in an amount equal to $1\frac{1}{3}$ of the
11 national average wage index (as described in section
12 209(k)(1)) for each such year.”.

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

15 (A) in paragraph (1)—

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

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

20 (iii) by striking subparagraph (D);

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

24 (v) in the flush matter following sub-
25 paragraph (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 (k)(5), sub-
7 section (q), and subparagraph (D) of this paragraph, such
8 widower’s insurance benefit for each month shall be equal
9 to the greater of—

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

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

23 (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 exceed
10 the primary insurance amount for such month of a hypo-
11 thetical individual—

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

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

24 (b) HOLDING SSI BENEFICIARIES HARMLESS.—For
25 purposes of determining the income of an individual to es-

1 establish eligibility for, and the amount of, benefits payable
2 under title XVI of the Social Security Act, the amount
3 of any benefit to which the individual is entitled under
4 title II of such Act shall be deemed not to exceed the
5 amount of the benefit that would be determined for such
6 individual under such title as in effect on the day before
7 the date of the enactment of this Act.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply with respect to widow's and wid-
10 ower's insurance benefits payable for months after Decem-
11 ber 2026.