

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2021

Mr. REED introduced the following bill; which was referred to the Committee on Ways and Means

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

3           (A) in paragraph (1)—

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

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

8           (iii) by striking subparagraph (D);

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

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

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

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

23                  “(i) the primary insurance amount (as de-  
24                  termined 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

1 age during the month in which the deceased in-  
2 dividual referred to in paragraph (1) became  
3 entitled to old-age or disability insurance bene-  
4 fits, or died (before becoming entitled to such  
5 benefits), and

6 “(B) to whom wages and self-employment  
7 income were credited in each of such hypo-  
8 thetical individual’s elapsed years (within the  
9 meaning of section 215(b)(2)(B)(iii)) in an  
10 amount equal to the national average wage  
11 index (as described in section 209(k)(1)) for  
12 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  
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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