

118TH CONGRESS
2D SESSION

H. R. 7304

To amend title II of the Social Security Act to establish that benefits paid to a parent caring for the child of an individual who died while performing active duty as a member of the Armed Services are not subject to deductions under the retirement earnings test.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2024

Mr. WALTZ (for himself, Ms. HOULAHAN, Mr. BISHOP of Georgia, Mr. BACON, Mr. DAVIS of North Carolina, and Mr. NUNN of Iowa) 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 establish that benefits paid to a parent caring for the child of an individual who died while performing active duty as a member of the Armed Services are not subject to deductions under the retirement earnings test.

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 the Fami-
5 lies of Our Fallen Patriots Act”.

1 **SEC. 2. EXEMPTION FROM RETIREMENT EARNINGS TEST.**

2 (a) IN GENERAL.—Section 203(b) of the Social Secu-
3 rity Act (42 U.S.C. 403(b)) is amended by adding at the
4 end the following:

5 “(3) In any case in which an surviving spouse or sur-
6 viving divorced parent is entitled to a mother’s or father’s
7 insurance benefit under section 202(g) and such benefit
8 is based on the wages and self-employment income of a
9 deceased individual who died while performing active duty
10 as a member of the Armed Forces, the benefit to which
11 such surviving spouse or surviving divorced parent is enti-
12 tled on the basis of the wages and self-employment income
13 of such deceased individual shall not be subject to deduc-
14 tions under this subsection.”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 this section shall apply with respect to benefits payable
17 for months that begin on or after the date of enactment
18 of this Act.

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