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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend title II of the Social Security Act to increase survivors benefits for disabled widows, widowers, and surviving divorced spouses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend title II of the Social Security Act to increase survivors benefits for disabled widows, widowers, and surviving divorced spouses, 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 “Surviving Widow(er)
5 Income Fair Treatment Act of 2026” or the “SWIFT
6 Act”.

1 **SEC. 2. ELIGIBILITY FOR UNREDUCED SURVIVORS BENE-**
2 **FITS FOR WIDOWS, WIDOWERS, AND SUR-**
3 **VIVING DIVORCED SPOUSES WITH DISABIL-**
4 **ITIES AT ANY AGE.**

5 (a) IN GENERAL.—Section 202 of the Social Security
6 Act (42 U.S.C. 402) is amended—

7 (1) in subsection (e)—

8 (A) in paragraph (1)—

9 (i) in subparagraph (B)(ii)—

10 (I) by striking “has attained age
11 50 but has not attained age 60 and”;
12 and

13 (II) by striking “which began be-
14 fore the end of the period specified in
15 paragraph (4)” and

16 (ii) in subparagraph (F)(ii), by strik-
17 ing “(I) in the period specified in para-
18 graph (4) and (II)”;

19 (B) by amending paragraph (3) to read as
20 follows:

21 “(3) For purposes of paragraph (1), if a widow
22 or surviving divorced wife marries after the first
23 month in which she satisfies subparagraphs (A) and
24 (B) of such paragraph, such marriage shall be
25 deemed not to have occurred.”;

26 (C) by striking paragraph (4); and

1 (D) in paragraph (5)(A), by amending
2 clause (ii) to read as follows:

3 “(ii) which begins not earlier than the first
4 day of the seventeenth month before the month
5 in which her application is filed.”; and

6 (2) in subsection (f)—

7 (A) in paragraph (1)—

8 (i) in subparagraph (B)(ii)—

9 (I) by striking “has attained age
10 50 but has not attained age 60 and”;
11 and

12 (II) by striking “which began be-
13 fore the end of the period specified in
14 paragraph (4)”; and

15 (ii) in subparagraph (F)(ii), by strik-
16 ing “(I) in the period specified in para-
17 graph (4) and (II)”;

18 (B) by amending paragraph (3) to read as
19 follows:

20 “(3) For purposes of paragraph (1), if a wid-
21 ower or surviving divorced husband marries after the
22 first month in which he satisfies subparagraphs (A)
23 and (B) of such paragraph, such marriage shall be
24 deemed not to have occurred.”;

25 (C) by striking paragraph (4); and

1 (D) in paragraph (5)(A), by amending
2 clause (ii) to read as follows:

3 “(ii) which begins not earlier than the first
4 day of the seventeenth month before the month
5 in which his application is filed.”.

6 (b) ELIMINATION OF REDUCTION OF BENEFIT
7 AMOUNTS FOR BENEFITS CLAIMED BY WIDOWS, WID-
8 OWERS, AND SURVIVING DIVORCED SPOUSES WITH DIS-
9 ABILITIES BEFORE RETIREMENT AGE.—Section 202(q)
10 of the Social Security Act (42 U.S.C. 402(q)) is amend-
11 ed—

12 (1) in paragraph (3)(A), by striking “and has
13 attained age 62” and all that follows through “wid-
14 ower’s insurance benefit)” and inserting “and, in the
15 case of a wife’s or husband’s insurance benefit, has
16 attained age 62”;

17 (2) in paragraph (5), by adding at the end the
18 following new subparagraph:

19 “(E) No widow’s or widower’s insurance benefit shall
20 be reduced under this subsection for any month during
21 which the individual entitled to such benefit is entitled to
22 the benefit on the basis of paragraph (1)(B)(ii) of sub-
23 section (e) (in the case of a widow’s insurance benefit)
24 or paragraph (1)(B)(ii) of subsection (f) (in the case of
25 a widower’s insurance benefit).”; and

1 (3) in paragraph (7)—

2 (A) in subparagraph (E), by striking “ben-
3 efits, and” and inserting “benefits,”;

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

6 (C) by adding at the end the following new
7 subparagraph:

8 “(G) in the case of a widow’s or widower’s in-
9 surance benefit—

10 “(i) any month in which there was no re-
11 duction to the benefit under this subsection
12 pursuant to paragraph (5)(E); and

13 “(ii) any month in which there would have
14 been no reduction to the benefit under this sub-
15 section pursuant to paragraph (5)(E) if such
16 paragraph had been in effect for such month.”.

17 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

18 (1) SOCIAL SECURITY ACT.—Title II of the So-
19 cial Security Act (42 U.S.C. 401 et seq.) is amend-
20 ed—

21 (A) in section 202—

22 (i) in subsection (e)—

23 (I) by redesignating paragraphs
24 (5) through (8) as paragraphs (4)
25 through (7); and

1 (II) in paragraph (1)(F)(i), by
2 striking “(as defined in paragraph
3 (5))” and inserting “(as defined in
4 paragraph (4))”; and
5 (ii) in subsection (f)—

6 (I) by redesignating paragraphs
7 (5) through (8) as paragraphs (4)
8 through (7); and

9 (II) in paragraph (1)(F)(i), by
10 striking “(as defined in paragraph
11 (5))” and inserting “(as defined in
12 paragraph (4))”; and

13 (B) in section 226(e)(1)(A), by striking
14 “thereof—” and all that follows through “(ii)
15 the phrase” and inserting “thereof, the
16 phrase”.

17 (2) RAILROAD RETIREMENT ACT.—Section
18 4(g)(10)(i) of the Railroad Retirement Act of 1974
19 (42 U.S.C. 231c(g)(10)(i)) is amended, in the sec-
20 ond sentence, by striking “202(e)(7)” and inserting
21 “202(e)(6)”.

22 (3) FEDERAL EMPLOYEES’ RETIREMENT SYS-
23 TEM.—Section 8442(f)(3)(A) of title 5, United
24 States Code is amended, in the matter preceding

1 clause (i), by striking “202(e)(7)” and inserting
2 “202(e)(6)”.

3 (d) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on January 1, 2027, and shall
5 apply to determinations of eligibility for, and the amount
6 of, widow’s and widower’s insurance benefits payable on
7 or after such date.

8 **SEC. 3. INCREASE IN CHILD’S AGE LIMIT FOR CHILD-IN-**
9 **CARE BENEFITS.**

10 (a) IN GENERAL.—Section 202(s)(1) of the Social
11 Security Act (42 U.S.C. 402(s)(1)) is amended by striking
12 “age of 16” and inserting “age of 18 (or, in the case of
13 a child who is a full-time elementary or secondary school
14 student, 19)”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 this section shall take effect on January 1, 2027, and shall
17 apply to determinations of eligibility for, and the amount
18 of, benefits payable on or after such date.

19 **SEC. 4. MODIFICATION OF BENEFIT LIMIT FOR WIDOWS,**
20 **WIDOWERS, AND SURVIVING DIVORCED**
21 **SPOUSES; INCREASE IN BENEFIT AMOUNT**
22 **FOR DELAY IN CLAIMING BENEFITS.**

23 (a) IN GENERAL.—Section 202 of the Social Security
24 Act (42 U.S.C. 402), as amended by section 2, is further
25 amended—

1 (1) in subsection (e)(2)—

2 (A) in subparagraph (A), by inserting
3 “subsection (aa), subsection (bb)” after “sub-
4 section (q),”; and

5 (B) by amending subparagraph (D) to
6 read as follows:

7 “(D) Subject to subsections (aa) and (bb), if the de-
8 ceased individual (on the basis of whose wages and self-
9 employment income a widow or surviving divorced wife is
10 entitled to widow’s insurance benefits under this sub-
11 section) was, at any time, entitled to an old-age insurance
12 benefit which was reduced by reason of the application of
13 subsection (q), the widow’s insurance benefit of such
14 widow or surviving divorced wife for any month shall not
15 exceed the greater of—

16 “(i) the amount of the old-age insurance benefit
17 to which such deceased individual would have been
18 entitled (after application of subsection (q)) for such
19 month if such individual were still living and section
20 215(f)(5), 215(f)(6), or 215(f)(9)(B) were applied,
21 where applicable; and

22 “(ii) 82½ percent of the primary insurance
23 amount (as determined without regard to subpara-
24 graph (C)) of such deceased individual.”;

25 (2) in subsection (f)(2)—

1 (A) in subparagraph (A), by inserting
2 “subsection (aa), subsection (bb),” after “sub-
3 section (q),”; and

4 (B) by amending subparagraph (D) to
5 read as follows:

6 “(D) Subject to subsections (aa) and (bb), if the de-
7 ceased individual (on the basis of whose wages and self-
8 employment income a widower or surviving divorced hus-
9 band is entitled to widower’s insurance benefits under this
10 subsection) was, at any time, entitled to an old-age insur-
11 ance benefit which was reduced by reason of the applica-
12 tion of subsection (q), the widower’s insurance benefit of
13 such widower or surviving divorced husband for any month
14 shall not exceed the greater of—

15 “(i) the amount of the old-age insurance benefit
16 to which such deceased individual would have been
17 entitled (after application of subsection (q)) for such
18 month if such individual were still living and section
19 215(f)(5), 215(f)(6), or 215(f)(9)(B) were applied,
20 where applicable; and

21 “(ii) 82½ percent of the primary insurance
22 amount (as determined without regard to subpara-
23 graph (C)) of such deceased individual.”; and

24 (3) by adding at the end the following new sub-
25 sections:

1 “Increase Over Retirement Insurance Benefit Limit of
2 Widow’s and Widower’s Insurance Benefit Amounts
3 on Account of Delayed Receipt of Benefit

4 “(aa)(1) Subject to paragraph (6), the amount of a
5 widow’s or widower’s insurance benefit (other than a ben-
6 efit based on a primary insurance amount determined
7 under section 215(a)(3) as in effect in December 1978 or
8 section 215(a)(1)(C)(i) as in effect thereafter) which is
9 payable without regard to this subsection to an individual
10 who is described in paragraph (7) for a month shall be
11 increased by—

12 “(A) the applicable percentage (as determined
13 for the individual under paragraph (5)) of such
14 amount, multiplied by

15 “(B) the number (if any) of the increment
16 months for such individual.

17 “(2) For purposes of this subsection, the number of
18 increment months for any individual shall be a number
19 equal to the total number of months beginning on or after
20 January 1, 2027, during which—

21 “(A) the individual—

22 “(i) would have been entitled to a widow’s
23 or widower’s insurance benefit except that the
24 individual had not filed an application for such
25 benefit; or

1 “(ii) was entitled to a widow’s or widower’s
2 insurance benefit that the individual did not re-
3 ceive pursuant to a request under subsection (z)
4 that such benefit not be paid;

5 “(B) the individual had attained early retire-
6 ment age (as defined in section 216(l)(2)); and

7 “(C) the individual was not under a penalty im-
8 posed under section 1129A.

9 “(3) For purposes of paragraph (1)(B), a determina-
10 tion of the total number of increment months for an indi-
11 vidual shall be made each time the individual becomes en-
12 titled or re-entitled to a widow’s or widower’s insurance
13 benefit or begins receiving such a benefit after a period
14 during which the individual did not receive the benefit pur-
15 suant to a request under subsection (z) that such benefit
16 not be paid.

17 “(4) This subsection shall be applied to a widow’s or
18 widower’s insurance benefit before any reduction under
19 this title except for the reduction under subparagraph (D)
20 of subsection (e)(2) or (f)(2) (as applicable).

21 “(5) For purposes of paragraph (1)(A), the applica-
22 ble percentage for an individual is a percentage equal to—

23 “(A) 28.5; divided by

24 “(B) the number of months between the month
25 in which the individual attains early retirement age

1 (as defined in section 216(l)(2)) and the month in
2 which the individual attains retirement age (as de-
3 fined in section 216(l)(1)).

4 “(6) In no case shall the amount of a widow or wid-
5 ower’s insurance benefit be increased under this sub-
6 section to an amount that exceeds the higher of—

7 “(A) the primary insurance amount of the de-
8 ceased individual on whose wages and self-employ-
9 ment income the widow’s or widower’s insurance
10 benefit is based; or

11 “(B) the amount of the old-age insurance ben-
12 efit to which such deceased individual would have
13 been entitled (after application of subsection (q)
14 and, where applicable, subsection (w)) for such
15 month if such individual were still living and section
16 215(f)(5), 215(f)(6), or 215(f)(9)(B) were applied,
17 where applicable.

18 “(7) An individual described in this section is an indi-
19 vidual who is entitled to a widow’s or widower’s insurance
20 benefit that is subject to reduction under subparagraph
21 (D) of subsection (e)(2) or (f)(2) (as applicable).

22 “Increase in Widow’s and Widower’s Insurance Benefit
23 Amounts on Account of Delayed Receipt of Benefit

24 “(bb)(1) Subject to paragraph (6), the amount of a
25 widow’s or widower’s insurance benefit (other than a ben-

1 efit based on a primary insurance amount determined
2 under section 215(a)(3) as in effect in December 1978 or
3 section 215(a)(1)(C)(i) as in effect thereafter) which is
4 payable without regard to this subsection to an individual
5 for a month shall be increased by—

6 “(A) the applicable percentage (as determined
7 for the individual under paragraph (5)) of such
8 amount, multiplied by

9 “(B) the number (if any) of the increment
10 months for such individual.

11 “(2) For purposes of this subsection, the number of
12 increment months for any individual shall be a number
13 equal to the total number of months beginning on or after
14 January 1, 2027, during which—

15 “(A) the individual—

16 “(i) would have been entitled to a widow’s
17 or widower’s insurance benefit except that the
18 individual had not filed an application for such
19 benefit; or

20 “(ii) was entitled to a widow’s or widower’s
21 insurance benefit that the individual did not re-
22 ceive pursuant to a request under subsection (z)
23 that such benefit not be paid;

24 “(B) the individual had attained retirement age
25 (as defined in section 216(l)(1));

1 “(C) the individual was not under a penalty im-
2 posed under section 1129A; and

3 “(D) the individual—

4 “(i) is not an individual described in sub-
5 section (aa)(7); or

6 “(ii) is an individual—

7 “(I) who is described in subsection
8 (aa)(7); and

9 “(II) who, if the individual were enti-
10 tled to and did receive a widower’s or wid-
11 ower’s insurance benefit for the month,
12 would receive a benefit that would be in-
13 creased under subsection (aa) to the max-
14 imum amount permissible under paragraph
15 (6) of such subsection.

16 “(3) For purposes of paragraph (1), a determination
17 of the total number of increment months for an individual
18 shall be made each time the individual becomes entitled
19 or re-entitled to a widow’s or widower’s insurance benefit
20 or begins receiving such a benefit after a period during
21 which the individual did not receive the benefit pursuant
22 to a request under subsection (z) that such benefit not
23 be paid.

24 “(4) This subsection shall be applied to a widow’s or
25 widower’s insurance benefit—

1 “(A) after application of subsections (e)(2)(C),
2 (f)(2)(C), and (aa) (as applicable); and

3 “(B) before any other reduction under this title.

4 “(5) For purposes of paragraph (1)(A), the applica-
5 ble percentage for an individual is—

6 “(A) $\frac{1}{12}$ of 1 percent in the case of an indi-
7 vidual who attains early retirement age in any cal-
8 endar year before 1979;

9 “(B) $\frac{1}{4}$ of 1 percent in the case of an indi-
10 vidual who attains early retirement age in any cal-
11 endar year after 1978 and before 1987;

12 “(C) in the case of an individual who attains
13 early retirement age in a calendar year after 1986
14 and before 2005, a percentage equal to the applica-
15 ble percentage in effect under this subparagraph for
16 persons who attain early retirement age in the pre-
17 ceding calendar year (as increased pursuant to this
18 clause), plus $\frac{1}{24}$ of 1 percent if the calendar year
19 in which the individual involved attains early retire-
20 ment age is not evenly divisible by 2; and

21 “(D) $\frac{2}{3}$ of 1 percent in the case of an indi-
22 vidual who attains early retirement age in a calendar
23 year after 2004.

24 “(6) In no case shall the amount of a widow or wid-
25 ower’s insurance benefit be increased under this sub-

1 section to an amount that exceeds the maximum amount
2 to which the old age insurance benefit (as determined
3 without regard to subsection (w)) of the individual on
4 whose wages and self-employment income the widow's or
5 widower's insurance benefit is based could have been in-
6 creased under subsection (w).”.

7 (b) CONFORMING AMENDMENT.—Section
8 202(z)(1)(A) of the Social Security Act (42 U.S.C.
9 402(z)(1)(A)) is amended—

10 (1) in the matter preceding clause (i), by insert-
11 ing “and any individual who is entitled to widow’s
12 or widower’s insurance benefits at any age” before
13 “may request that”; and

14 (2) in clause (ii), by inserting “, or, in the case
15 of an individual entitled to a widow’s or widower’s
16 insurance benefit, the first month in which, if the in-
17 dividual filed an application for such benefit or re-
18 quested that such benefit be resumed in such month,
19 the amount of such benefit would be equal to the
20 maximum amount permissible under subsection
21 (aa)(7)” before the period.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect on January 1, 2027, and shall
24 apply to the determination of the amount of widow’s and

1 widower's insurance benefits payable on or after such
2 date.

3 **SEC. 5. HOLDING CURRENT BENEFICIARIES HARMLESS.**

4 (a) IN GENERAL.—In the case of an individual who
5 is receiving benefits or assistance under any Federal pro-
6 gram or under any State or local program financed in
7 whole or in part with Federal funds as of the date on
8 which the amendments made by this Act take effect, the
9 amount of any additional income that is attributable to
10 an increase in benefits under title II of the Social Security
11 Act (42 U.S.C. 401 et seq.) or to new eligibility for bene-
12 fits under such title that results from the amendments
13 made by this Act shall be disregarded for the purpose of
14 determining such individual's continued eligibility for, and
15 amount of, benefits or assistance under such Federal,
16 State, or local program.

17 (b) LIMITATION.—In the case of an individual de-
18 scribed in subsection (a) who, after the date on which the
19 amendments made by this Act take effect, ceases to be
20 eligible for benefits or assistance under a Federal, State,
21 or local program described in such subsection, such sub-
22 section shall not apply to such individual for purposes of
23 such program beginning on the date that such individual
24 ceases to be so eligible.

1 **SEC. 6. PROVISION OF INFORMATION TO WIDOWS, WID-**
2 **OWERS, AND SURVIVING DIVORCED SPOUSES.**

3 (a) IN GENERAL.—Not later than January 1, 2027,
4 the Commissioner of Social Security shall publish a book-
5 let containing information related to benefits available
6 under title II of the Social Security Act to widows, wid-
7 ows, and surviving divorced spouses, including informa-
8 tion on—

9 (1) how old-age insurance benefits and sur-
10 vivors insurance benefits interact with each other;

11 (2) how to claim benefits, and how the timing
12 of claiming benefits can impact benefit amounts;

13 (3) the lump sum death benefit; and

14 (4) how to contact the Social Security Adminis-
15 tration for additional information.

16 (b) PROVISION OF BOOKLET TO WIDOWS, WID-
17 OWERS, AND SURVIVING DIVORCED SPOUSES.—In the
18 case of any individual who dies on or after January 1,
19 2027, the Commissioner of Social Security shall, not later
20 than 30 days after the Social Security Administration is
21 informed of the death of such individual, mail a copy of
22 the booklet described in subsection (a) to each widow, wid-
23 ower, or surviving divorced spouse of the individual who
24 is known to the Social Security Administration (based on
25 the records of the Social Security Administration).