

The Surviving Widow(er) Income Fair Treatment Act of 2018 (S.3457)

*Introduced by Senator Bob Casey (D-PA)
Ranking Member, Senate Special Committee on Aging*

Why do we need the Surviving Widow(er) Income Fair Treatment (SWIFT) Act?

Social Security is an essential source of income for older Americans and persons with disabilities, but outdated and arbitrary legal restrictions lower benefits for many who count on Social Security the most. This includes widow(er)s and surviving divorced spouses whose benefits are reduced by obscure benefit caps and claiming requirements. These groups have much higher poverty rates than Social Security recipients overall. Official poverty rates of widow(er)s receiving Social Security benefits are nearly twice as high as those of retired workers and spouses, and widow(er)s caring for children and widow(er)s with disabilities have among the highest poverty rates of all Social Security recipients.

Under current law, widow(er)s that develop disabilities after their spouse dies are not allowed to claim survivor benefits until they reach age 60, and the value of these benefits is severely reduced if they are claimed before the widow(er) reaches full retirement age. More than a third of widow(er)s also have their benefits limited by an obscure provision known as the ‘widow(er)’s limit,’ which permanently reduces widow(er)’s survivor benefits if their deceased spouse claimed retirement benefits before reaching full retirement age. Furthermore, because eligibility and claiming rules can be so complex, many people may not understand how their claiming decisions will permanently impact the level of Social Security income they receive and may not know they are eligible for certain benefits.

What will the SWIFT Act do?

The SWIFT Act would expand Social Security benefits for widow(er)s and surviving divorced spouses and provide Americans more flexibility when claiming benefits by fixing outdated and arbitrary claiming restrictions. The bill would:

- Allow widow(er)s and surviving divorced spouses with disabilities to receive 100% of the survivor benefit they are entitled to regardless of their age;
- Give widow(er)s and surviving divorced spouses the ability to increase the value of their survivor benefits beyond current arbitrary caps;
- Enable widow(er)s and surviving divorced spouses caring for children to receive child-in-care benefits until their children are age 18 or 19 if still in school; and
- Require the federal government to proactively provide information to widow(er)s and surviving divorced spouses about benefits they are eligible for, claiming options and important deadlines.

If the SWIFT Act were in effect today, over 1 million individuals nationwide would be receiving increased Social Security benefits. The Social Security Administration estimates that the SWIFT Act would not accelerate the depletion year of the Social Security trust funds.

Cosponsors: Senators McCaskill, Gillibrand, Cortez Masto and Murray.

Endorsers: AFGE, AFL-CIO, AFSCME, Alliance for Retired Americans, the Arc of the United States, Justice in Aging, National Association of Disability Representatives, National Committee to Preserve Social Security and Medicare, National Organization for Women, National Organization of Social Security Claimants’ Representatives, Social Security Works, Strengthen Social Security Coalition and Women’s Institute for a Secure Retirement.