

United States Senate
WASHINGTON, DC 20510

February 5, 2026

The Honorable Frank Bisignano
Commissioner
Social Security Administration
6401 Security Boulevard
Baltimore, M.D. 21235

Dear Commissioner Bisignano,

We write to you concerning an issue related to the *Social Security Fairness Act (SSFA)*, Public Law No: 118-273. This letter follows our previous correspondence on April 1, 2025, regarding the retroactivity of spousal benefits. More specifically, our previous correspondence took issue with SSA only granting a maximum of six months retroactivity in certain circumstances, despite the *SSFA* explicitly calling for one year of retroactivity.

SSA responded to our previous letter on April 25, 2025, confirming it will provide one-year of retroactive benefits only to: 1) those who were receiving benefits as of January 2024; or 2) those who filed a benefit application on or before that time. For new applicants, SSA explained that retroactive benefits would be limited to six-months before the date of application. The reasoning was that the Act did not amend Section 202(j)(1)—a more general provision of the *Social Security Act* limiting retroactive payments for new social security applicants to six months.

Respectfully, we believe that this approach to retroactivity does not align with either the intent or the plain text of the *SSFA*. Looking at the text, section 4 of the *SSFA*, titled “Effective Date,” states that the Act’s amendments “shall apply with respect to monthly insurance benefits payable under title II of the Social Security Act for months after December 2023.” Notably, this language makes no distinction between current beneficiaries and new applicants for spousal benefits. If Congress desired to exclude new applicants from the Act’s effective date, it would have said so. But Congress made no such indication. We therefore urge the Commissioner to apply the Act’s effective date to all affected spouses equally given the absence of any congressional intent to the contrary.

What’s more, we believe that new applicants should not be faulted for applying after passage of the *SSFA* considering that, in many instances, SSA staff wrongly advised would-be applicants not to apply.¹ SSA maintains that it has “consistently encouraged members of the public who have been affected by the *SSFA* to consider applying for benefits if they had not previously done so.” However, this response does not make clear *when* SSA began providing this advice. Our constituents indicate that this advice was not consistently given in the years or months leading to the Act’s passage even though, under SSA’s interpretation of the law, new applicants would

¹ Statements from constituents detailing such advice by SSA can be provided on request.

have needed to apply at least six months before passage to receive one-year of retroactivity.

We do not fault SSA for not having a crystal ball. Neither SSA nor even members of Congress could have predicted, up to six months in advance, when the Social Security Fairness Act would pass or whether it had any chance of passing at all. This reality is exactly why Congress did not distinguish between new and current beneficiaries in setting the Act's effective date. We therefore urge the Commissioner to follow the plain text of the SSFA and provide one-year of retroactivity (beginning in January 2024) to all applicants regardless of application date.

Thank you for taking the time to address this important matter. We appreciate your swift implementation of the law and SSA's progress in adjusting more than 3 million records to date. We look forward to continuing to work together on behalf of those who have been affected by this error.

Thank you for your prompt attention to this important matter. We look forward to your response.

Sincerely,

Bill Cassidy, M.D.

Bill Cassidy, M.D.
United States Senator



John Fetterman
United States Senator

John Cornyn

John Cornyn
United States Senator