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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend title II of the Social Security Act to modify the 10-year marriage rule relating to spouses and surviving spouses insurance benefits in cases of domestic violence, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. SYKES introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend title II of the Social Security Act to modify the 10-year marriage rule relating to spouses and surviving spouses insurance benefits in cases of domestic violence, 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 “Fair Social Security
5 for Domestic Violence Survivors Act”.

1 **SEC. 2. MODIFICATION OF 10-YEAR MARRIAGE RULE IN**
2 **CASES OF DOMESTIC VIOLENCE.**

3 (a) IN GENERAL.—Section 216(d) of the Social Secu-
4 rity Act (42 U.S.C. 416(d)) is amended by adding at the
5 end the following:

6 “(9)(A) In the case of a divorced woman described
7 in paragraph (1) or (2) or a divorced man described in
8 paragraph (4) or (5) who provides to the Commissioner
9 of Social Security a finding made by a court of law that
10 the divorced woman or divorced man was the victim of
11 domestic violence committed by the spouse during the
12 course of the marriage, such paragraph as may be applica-
13 ble with respect to such divorced woman or divorced man
14 shall be applied for purposes of this title by substituting
15 ‘5 years’ for ‘10 years’.

16 “(B) For purposes of subparagraph (A), the term
17 ‘domestic violence’ has the meaning given such term in
18 section 40002(a) of the Violence Against Women Act of
19 1994.”.

20 (b) TERMINATION OF WIFE’S INSURANCE BENE-
21 FITS.—Section 202(b) of the Social Security Act (42
22 U.S.C. 402(b)) is amended by adding at the end the fol-
23 lowing:

24 “(5) In the case of any divorced wife who provides
25 to the Commissioner of Social Security a finding made by
26 a court of law that the divorced wife was the victim of

1 domestic violence (as defined in section 216(d)(9)(B))
2 committed by the spouse during the course of the mar-
3 riage, clause (ii) of paragraph (1)(G) shall be applied by
4 substituting ‘5 years’ for ‘10 years’.”.

5 (c) TERMINATION OF HUSBAND’S INSURANCE BENE-
6 FITS.—Section 202(c) of the Social Security Act (42
7 U.S.C. 402(c)) is amended by adding at the end the fol-
8 lowing:

9 “(5) In the case of any divorced husband who pro-
10 vides to the Commissioner of Social Security a finding
11 made by a court of law that the divorced husband was
12 the victim of domestic violence (as defined in section
13 216(d)(9)(B)) committed by the spouse, clause (ii) of
14 paragraph (1)(G) shall be applied by substituting ‘5 years’
15 for ‘10 years’.”.

16 (d) EFFECTIVE DATE.—The amendments made by
17 this section shall apply with respect to monthly insurance
18 benefits for months beginning at least 18 months after
19 the date of enactment of this Act.