

## 118TH CONGRESS 1ST SESSION H.R. 6169

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

## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2023

Mrs. Sykes (for herself and Mr. Joyce of Ohio) 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 modify the 10-year marriage rule relating to spouse's and surviving spouse's 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".

## 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 de-
- 7 scribed in paragraph (1) or (2) or a divorced man
- 8 described in paragraph (4) or (5) who provides to
- 9 the Commissioner of Social Security a finding made
- by a court of law that the divorced woman or di-
- 11 vorced man was the victim of domestic violence com-
- mitted by the spouse during the course of the mar-
- riage, such paragraph as may be applicable with re-
- spect to such divorced woman or divorced man shall
- be applied for purposes of this title by substituting
- 16 '5 years' for '10 years'.
- 17 "(B) For purposes of subparagraph (A), the
- term 'domestic violence' has the meaning given such
- term in section 40002(a) of the Violence Against
- 20 Women Act of 1994.".
- 21 (b) Termination of Wife's Insurance Bene-
- 22 FITS.—Section 202(b) of the Social Security Act (42
- 23 U.S.C. 402(b)) is amended by adding at the end the fol-
- 24 lowing:
- 25 "(5) In the case of any divorced wife who provides
- 26 to the Commissioner of Social Security a finding made by

- 1 a court of law that the divorced wife was the victim of
- 2 domestic violence (as defined in section 216(d)(9)(B))
- 3 committed by the spouse during the course of the mar-
- 4 riage, clause (ii) of paragraph (1)(G) shall be applied by
- 5 substituting '5 years' for '10 years'.".
- 6 (c) Termination of Husband's Insurance Bene-
- 7 FITS.—Section 202(c) of the Social Security Act (42
- 8 U.S.C. 402(c)) is amended by adding at the end the fol-
- 9 lowing:
- 10 "(5) In the case of any divorced husband who pro-
- 11 vides to the Commissioner of Social Security a finding
- 12 made by a court of law that the divorced husband was
- 13 the victim of domestic violence (as defined in section
- 14 216(d)(9)(B)) committed by the spouse, clause (ii) of
- 15 paragraph (1)(G) shall be applied by substituting '5 years'
- 16 for '10 years'.".
- 17 (d) Effective Date.—The amendments made by
- 18 this section shall apply with respect to monthly insurance
- 19 benefits for months beginning at least 18 months after
- 20 the date of enactment of this Act.

 $\bigcirc$