

108TH CONGRESS  
1ST SESSION

# H. R. 1065

To amend title II of the Social Security Act to allow the Commissioner of Social Security reasonable discretion in applying the 10-year marriage requirement for entitlement of divorced spouses to spousal benefits in cases in which the divorcee is in whole or in part the result of severe spousal or child abuse.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2003

Mr. ISRAEL introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend title II of the Social Security Act to allow the Commissioner of Social Security reasonable discretion in applying the 10-year marriage requirement for entitlement of divorced spouses to spousal benefits in cases in which the divorcee is in whole or in part the result of severe spousal or child abuse.

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 “Social Security Spouse  
5 Protection Act of 2003”.

1 **SEC. 2. DISCRETION IN APPLYING 10-YEAR MARRIAGE RE-**  
2 **QUIREMENT FOR ENTITLEMENT TO SPOUSAL**  
3 **BENEFITS IN CASES OF SEVERE SPOUSAL OR**  
4 **CHILD ABUSE.**

5 Section 216(d) of the Social Security Act (42 U.S.C.  
6 416(d)) is amended by adding at the end the following  
7 new paragraph:

8 “(9) The Commissioner of Social Security may re-  
9 duce the period of marriage prior to divorce otherwise re-  
10 quired under paragraph (1), (2), (4), or (5) or under sub-  
11 section (b)(1)(G)(ii) or (c)(1)(G)(ii) of section 202 so as  
12 to adjust such required period to a lesser period which  
13 is reasonably proximate to 10 years, in any case in which  
14 the Commissioner determines that the divorce resulted, in  
15 whole or in part, from severe spousal abuse of the woman  
16 or man or his or her child by the individual and that fail-  
17 ure to so reduce such period would defeat the purpose of  
18 this title or would be against equity and good conscience.”.

19 **SEC. 3. EFFECTIVE DATE.**

20 The amendment made by this Act shall apply with  
21 respect to benefits for months beginning on or after Janu-  
22 ary 1, 1980, for which applications are filed on or after  
23 the date of the enactment of this Act. Notwithstanding  
24 the first sentence of section 202(j)(1) of the Social Secu-  
25 rity Act, an individual who, under title II of such Act as  
26 amended by this Act, would have been entitled to any ben-

1 efit under subsection (b), (c), (e), (f), or (g) of section  
2 202 of the Social Security Act, for any month after De-  
3 cember 1979 and before the month following the month  
4 in which this Act is enacted, as a divorced wife, surviving  
5 divorced wife, divorced husband, or surviving divorced hus-  
6 band had such individual filed application therefor prior  
7 to the end of such month shall be entitled to such benefit  
8 for such month if such individual files application therefor  
9 prior to the end of the twelfth month immediately suc-  
10 ceeding the month in which this Act is enacted.

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