

117TH CONGRESS
2D SESSION

H. R. 7020

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

MARCH 9, 2022

Mr. DELGADO (for himself 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”.

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 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
10 by a court of law that the divorced woman or di-
11 vorced man was the victim of domestic violence com-
12 mitted by the spouse during the course of the mar-
13 riage, such paragraph as may be applicable with re-
14 spect to such divorced woman or divorced man shall
15 be applied for purposes of this title by substituting
16 ‘5 years’ for ‘10 years’.

17 “(B) For purposes of subparagraph (A), the
18 term ‘domestic violence’ has the meaning given such
19 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.

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