

108TH CONGRESS  
2D SESSION

# H. R. 4701

To provide for entitlement to dependents' and survivors' benefits under the old-age, survivors, and disability insurance program under title II of the Social Security Act based on permanent partnership as well as marriage.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2004

Mr. NADLER (for himself, Mr. FRANK of Massachusetts, Ms. BALDWIN, Mr. KENNEDY of Rhode Island, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To provide for entitlement to dependents' and survivors' benefits under the old-age, survivors, and disability insurance program under title II of the Social Security Act based on permanent partnership as well as marriage.

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 “Equal Access to Social  
5       Security Act of 2004”.

1 **SEC. 2. DEFINITIONS RELATING TO PERMANENT PARTNER-**  
2 **SHIP.**

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

6 “Definitions Relating to Permanent Partnership

7 “(m)(1) The term ‘permanent partnership’ means a  
8 committed, intimate relationship between 2 individuals  
9 who have attained 18 years of age, in any case in which—

10 “(A) each such individual intends a lifelong  
11 commitment to the other,

12 “(B) such individuals are financially inter-  
13 dependent,

14 “(C) such individuals are unable to contract  
15 with each other a marriage cognizable under this  
16 title,

17 “(D) each such individual is not a first, second,  
18 or third degree blood relation of the other individual,  
19 and

20 “(E) each such individual is neither married to,  
21 nor in a relationship described in the preceding pro-  
22 visions of this paragraph with, any third individual.

23 “(2) The term ‘permanent partner’ means, in connec-  
24 tion with any other individual (hereinafter referred to as  
25 the ‘other party’), any individual who is in a permanent

1 partnership with such other party, but only if such indi-  
2 vidual—

3 “(A) is also a parent of such other party’s son  
4 or daughter,

5 “(B) was in a permanent partnership with such  
6 other party for a period of not less than one year  
7 immediately preceding the day on which such indi-  
8 vidual’s application is filed, or

9 “(C) in the month prior to the month during  
10 which such permanent partnership commenced—

11 “(i) was entitled to, or on application  
12 therefor and attainment of age 62 in such prior  
13 month would have been entitled to, benefits  
14 under subsection (b), (c), (e), (f), or (h) of sec-  
15 tion 202,

16 “(ii) had attained age 18 and was entitled  
17 to, or on application therefor would have been  
18 entitled to, benefits under subsection (d) of  
19 such section (subject, however, to section  
20 202(s)), or

21 “(iii) was entitled to, or upon application  
22 therefor and attainment of the required age (if  
23 any) would have been entitled to, a widow’s,  
24 widower’s, child’s (after attainment of age 18),

1           or parent’s insurance annuity under section 2  
2           of the Railroad Retirement Act of 1974.

3 For purposes of subparagraph (B), an individual shall be  
4 deemed to have been in a permanent partnership with the  
5 other party for a period of one year throughout the month  
6 in which occurs the first anniversary of the commencement  
7 of such permanent partnership.

8           “(3) The term ‘surviving permanent partner’ means,  
9 in connection with any other individual (hereinafter in this  
10 paragraph referred to as the ‘other party’), an individual  
11 who is the surviving permanent partner of such other  
12 party, but only if—

13           “(A) such individual is a parent of such other  
14 party’s son or daughter,

15           “(B) such individual legally adopted such other  
16 party’s son or daughter while such individual was in  
17 a permanent partnership with such other party and  
18 while such son or daughter was under the age of 18,

19           “(C) such other party legally adopted such indi-  
20 vidual’s son or daughter while such individual was in  
21 a permanent partnership with such other party and  
22 while such son or daughter was under the age of 18,

23           “(D) such individual was in a permanent part-  
24 nership with such other party at the time both of  
25 them legally adopted a child under the age of 18,

1           “(E) as of the date of the death of such other  
2           party, such individual had been living with a child  
3           of such other party for a period of at least 1 year  
4           which began before such child attained the age of  
5           18, or such other party had been living with a child  
6           of such individual for at least such 1-year period,

7           “(F) such individual was in a permanent part-  
8           nership with such other party for a period of not  
9           less than 9 months immediately prior to the day on  
10          which such other party died, or

11          “(G) in the month prior to the month in which  
12          the permanent partnership commenced—

13               “(i) such individual was entitled to, or on  
14               application therefor and attainment of age 62  
15               in such prior month would have been entitled  
16               to, benefits under subsection (b), (c), (e), (f), or  
17               (h) of section 202,

18               “(ii) such individual had attained age 18  
19               and was entitled to, or on application therefor  
20               would have been entitled to, benefits under sub-  
21               section (d) of such section (subject, however, to  
22               section 202(s)), or

23               “(iii) such individual was entitled to, or  
24               upon application therefor and attainment of the  
25               required age (if any) would have been entitled

1 to, a widow's, widower's, child's (after attain-  
2 ment of age 18), or parent's insurance annuity  
3 under section 2 of the Railroad Retirement Act  
4 of 1974.

5 “(4) The term ‘former permanent partner’ means, in  
6 connection with any other individual, an individual who  
7 has been in a permanent partnership with such other indi-  
8 vidual, in any case in which either individual who was a  
9 party to such permanent partnership has certified to the  
10 Commissioner, in accordance with regulations issued  
11 under subsection (h)(1)(C)(ii), that such permanent part-  
12 nership has terminated other than by reason of death, but  
13 only if such individuals have been in a permanent partner-  
14 ship for a period of 10 years immediately before the date  
15 of the termination of the partnership, as determined under  
16 such regulations. For purposes of subparagraph (C) of  
17 subsections (b)(1) and (c)(1) of section 202, a former per-  
18 manent partner in connection with a terminated perma-  
19 nent partnership shall be deemed not to be in such perma-  
20 nent partnership throughout the month in which the per-  
21 manent partnership terminates.

22 “(5) The term ‘surviving former permanent partner’  
23 means, in connection with any other individual, an indi-  
24 vidual—

1           “(A) who was in a permanent partnership with  
2           such other individual, in any case in which either in-  
3           dividual who was a party to such permanent part-  
4           nership has certified to the Commissioner, in accord-  
5           ance with regulations issued under subsection  
6           (h)(1)(C)(ii), that such permanent partnership has  
7           terminated other than by reason of death, and

8           “(B) who has died, but only if such individuals  
9           had been in a permanent partnership for a period of  
10          10 years immediately before the date of the termi-  
11          nation of the partnership, as determined under such  
12          regulations.

13          “(6) The term ‘surviving former permanent partner  
14          parent’ means, in connection with any other individual, an  
15          individual who was in a permanent partnership with such  
16          other individual, in any case in which either individual who  
17          was a party to such permanent partnership certified to  
18          the Commissioner, in accordance with regulations issued  
19          under subsection (h)(1)(C)(ii), that such permanent part-  
20          nership terminated other than by reason of death, and,  
21          subsequent to such certification, such other individual  
22          died, but only if—

23               “(A) the surviving individual is the mother or  
24               father of the son or daughter of the deceased indi-  
25               vidual,

1           “(B) the surviving individual legally adopted  
2           the son or daughter of the deceased individual while  
3           both individuals were in the permanent partnership  
4           and while such son or daughter was under the age  
5           of 18,

6           “(C) the deceased individual legally adopted the  
7           son or daughter of the surviving individual while  
8           both individuals were in the permanent partnership  
9           and while such son or daughter was under the age  
10          of 18,

11          “(D) the surviving individual was in the perma-  
12          nent partnership with the deceased individual at the  
13          time both of them legally adopted a child under the  
14          age of 18, or

15          “(E) as of the date of the death of such the de-  
16          ceased individual, the surviving individual had been  
17          living with a child of the deceased individual for a  
18          period of at least a 1-year which began before such  
19          child attained the age of 18, or the deceased indi-  
20          vidual had been living with a child of the surviving  
21          individual for at least such 1-year period.

22                 “(i) was entitled to, or on application  
23                 therefor and attainment of age 62 in such prior  
24                 month would have been entitled to, benefits



1 under subsection (b), (c), (e), (f), or (h) of sec-  
 2 tion 202,

3 “(ii) had attained age 18 and was entitled  
 4 to, or on application therefor would have been  
 5 entitled to, benefits under subsection (d) of  
 6 such section (subject, however, to section  
 7 202(s)), or

8 “(iii) was entitled to, or upon application  
 9 therefor and attainment of the required age (if  
 10 any) would have been entitled to, a widow’s,  
 11 widower’s, child’s (after attainment of age 18),  
 12 or parent’s insurance annuity under section 2  
 13 of the Railroad Retirement Act of 1974.”.

14 (b) CONFORMING AMENDMENT TO DEFINITION OF  
 15 CHILD.—Section 216(e) of such Act (42 U.S.C. 416(e))  
 16 is amended by adding at the end the following new sen-  
 17 tence: “For purposes of this title, the child of an individ-  
 18 ual’s permanent partner who has not been legally adopted  
 19 by such individual shall be treated as a stepchild of such  
 20 individual.”.

21 **SEC. 3. DETERMINATION OF PERMANENT PARTNER STA-**  
 22 **TUS.**

23 Section 216(h)(1) of the Social Security Act (42  
 24 U.S.C. 416(h)(1)) is amended—

1           (1) in subparagraph (B)(iii), by inserting “or  
2 permanent partnership” after “marriage”;

3           (2) in subparagraph (B)(iv), by inserting “or  
4 previous permanent partnership” after “previous  
5 marriage” each place it appears in subclause (I),  
6 and by inserting “or purported permanent partner-  
7 ship” after “purported marriage” in subclause (II);  
8 and

9           (3) by adding at the end the following new sub-  
10 paragraphs:

11       “(C)(i) An applicant is the permanent partner or sur-  
12 viving permanent partner of a fully or currently insured  
13 individual for purposes of this title if the Commissioner  
14 of Social Security finds that such applicant and such in-  
15 sured individual were validly members of a permanent  
16 partnership at the time such applicant files such applica-  
17 tion or, if such insured individual is dead, at the time he  
18 died.

19       “(ii) Any 2 individuals shall not be treated as being  
20 in a permanent partnership with each other unless there  
21 is in effect, in accordance with regulations which shall be  
22 prescribed by the Commissioner, a written certification  
23 made by both such individuals to the Commissioner of the  
24 existence of such permanent partnership. A certification  
25 made to the Commissioner under this clause shall remain

1 in effect until the earlier of the date of the death of either  
2 such individual or the date of a certification made by both  
3 such individuals, in accordance with such regulations, indi-  
4 cating that such relationship has terminated other than  
5 by reason of death or, if earlier, the date on which the  
6 Commissioner otherwise determines that such permanent  
7 partnership has terminated.

8 “(D)(i) In any case where under subparagraph (C)  
9 an applicant is not the permanent partner or surviving  
10 permanent partner of a fully or currently insured indi-  
11 vidual, or where under paragraph (2), (3), (4), or (5) of  
12 subsection (m) such applicant is not the permanent part-  
13 ner, former permanent partner, surviving permanent part-  
14 ner, or surviving former permanent partner of such indi-  
15 vidual, but it is established to the satisfaction of the Com-  
16 missioner of Social Security that such applicant in good  
17 faith entered into an arrangement with such individual re-  
18 sulting in a purported permanent partnership between  
19 them which, but for a legal impediment not known to the  
20 applicant at the time of the entry into such arrangement,  
21 would have been a valid permanent partnership, then, for  
22 purposes of subparagraph (C) and paragraphs (2), (3),  
23 (4), and (5) of subsection (m), such purported permanent  
24 partnership shall be deemed to be a valid permanent part-  
25 nership. Notwithstanding the preceding sentence, in the

1 case of any person who would be deemed under the pre-  
2 ceding sentence a permanent partner or surviving perma-  
3 nent partner of the insured individual, such purported per-  
4 manent partnership shall not be deemed to be a valid per-  
5 manent partnership unless the applicant and the insured  
6 individual were living in the same household at the time  
7 of the death of the insured individual or (if the insured  
8 individual is living) at the time the applicant files the ap-  
9 plication. A purported permanent partnership that is  
10 deemed to be a valid permanent partnership by reason of  
11 the preceding sentence shall continue to be deemed a valid  
12 permanent partnership if the insured individual and the  
13 person entitled to benefits as the permanent partner of  
14 the insured individual are no longer living in the same  
15 household at the time of the death of such insured indi-  
16 vidual.

17 “(ii) The provisions of clause (i) shall not apply if  
18 the Commissioner of Social Security determines, on the  
19 basis of information brought to the Commissioner’s atten-  
20 tion, that such applicant entered into such purported per-  
21 manent partnership with such insured individual with  
22 knowledge that it would not be a valid permanent partner-  
23 ship.

24 “(iii) The entitlement to a monthly benefit under sub-  
25 section (b) or (c) of section 202, based on the wages and

1 self-employment income of such insured individual, of a  
 2 person who would not be deemed to be a permanent part-  
 3 ner of such insured individual but for this subparagraph,  
 4 shall end with the month before the month in which such  
 5 person enters into a permanent partnership or marriage,  
 6 valid without regard to this subparagraph or subpara-  
 7 graph (B), with a person other than such insured indi-  
 8 vidual.

9 “(iv) For purposes of this subparagraph, a legal im-  
 10 pediment to the validity of a purported permanent part-  
 11 nership includes only an impediment (I) resulting from the  
 12 lack of dissolution of a previous marriage or previous per-  
 13 manent partnership or otherwise arising out of such pre-  
 14 vious marriage or permanent partnership or its dissolu-  
 15 tion, or (II) resulting from a defect in the procedure fol-  
 16 lowed in connection with such purported permanent part-  
 17 nership.”.

18 **SEC. 4. WIFE’S INSURANCE BENEFITS FOR PERMANENT**  
 19 **PARTNERS.**

20 Section 202(b) of the Social Security Act (42 U.S.C.  
 21 402(b)) is amended—

22 (1) in paragraph (1), by striking “The wife (as  
 23 defined in section 216(b)) and every divorced wife  
 24 (as defined in section 216(d))” and inserting “The  
 25 wife (as defined in section 216(b)), every divorced

1 wife (as defined in section 216(d), the female perma-  
2 nent partner (as defined in section 216(m)(2)), and  
3 every female former permanent partner (as defined  
4 in section 216(m)(4))”, and by striking “such wife  
5 or such divorced wife” and inserting “such wife,  
6 such divorced wife, such permanent partner, or such  
7 former permanent partner”;

8 (2) in paragraph (1)(B), by inserting “or per-  
9 manent partner” after “wife”;

10 (3) in paragraph (1)(C), by inserting “or  
11 former permanent partner” after “divorced wife”,  
12 and by inserting “and is not in a permanent part-  
13 nership” after “married”;

14 (4) in paragraph (1)(i), by striking “wife or di-  
15 vorced wife” each place it appears and inserting  
16 “wife, divorced wife, permanent partner, or former  
17 permanent partner”;

18 (5) in paragraph (1)(ii), by striking “wife or di-  
19 vorced wife” each place it appears and inserting  
20 “wife, divorced wife, permanent partner, or former  
21 permanent partner”;

22 (6) in paragraph (1)(G), by inserting “or per-  
23 manent partner” after “wife”, by inserting “or their  
24 permanent partnership has terminated” after “di-  
25 vorced”, by inserting “, or in a permanent partner-

1 ship with,” after “married to”, and by inserting “or  
2 termination” after “divorce”;

3 (7) in paragraph (1)(H), by inserting “or a  
4 former permanent partner” after “divorced wife”, by  
5 striking “she marries” and inserting “she marries,  
6 or enters into a permanent partnership with,”;

7 (8) in paragraph (1)(I), by striking “wife” and  
8 inserting “wife or permanent partner”;

9 (9) in paragraph (2), by striking “her husband  
10 (or, in the case of a divorced wife, her former hus-  
11 band)” and inserting “the individual referred to in  
12 paragraph (1)”;

13 (10) in paragraph (3), by inserting “or former  
14 permanent partner” after “divorced wife”, by insert-  
15 ing “or enters into a permanent partnership” after  
16 “marries”, by striking “such divorced wife’s entitle-  
17 ment” and inserting “the entitlement of such di-  
18 vorced wife or former permanent partner”, and by  
19 inserting “or permanent partnership” after “mar-  
20 riage”;

21 (11) in paragraph (4)(A), by striking “the wife  
22 (or divorced wife)” and inserting “the wife, divorced  
23 wife, permanent partner, or former permanent part-  
24 ner”;

8 SEC. 5. HUSBAND'S INSURANCE BENEFITS FOR PERMA-  
9 NENT PARTNERS.

(1) in paragraph (1), by striking “The husband (as defined in section 216(f)) and every divorced husband (as defined in section 216(d))” and inserting “The husband (as defined in section 216(f)), every divorced husband (as defined in section 216(d), the male permanent partner (as defined in section 216(m)(2)), and every male former permanent partner (as defined in section 216(m)(4))”, and by striking “such husband or such divorced husband” and inserting “such husband, such divorced husband, such permanent partner, or such former permanent partner”;

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1           (3) in paragraph (1)(C), by inserting “or  
2       former permanent partner” after “divorced hus-  
3       band”, and by inserting “and is not in a permanent  
4       partnership” after “married”;

5           (4) in paragraph (1)(i), by striking “husband or  
6       divorced husband” each place it appears and insert-  
7       ing “husband, divorced husband, permanent partner,  
8       or former permanent partner”;

9           (5) in paragraph (1)(ii), by striking “husband  
10      or divorced husband” each place it appears and in-  
11      serting “husband, divorced husband, permanent  
12      partner, or former permanent partner”;

13          (6) in paragraph (1)(G), by inserting “or per-  
14      manent partner” after “husband”, by inserting “or  
15      their permanent partnership has terminated” after  
16      “divorced”, by inserting “, or in a permanent part-  
17      nership with,” after “married to”, and by inserting  
18      “or termination” after “divorce”;

19          (7) in paragraph (1)(H), by inserting “or a  
20      former permanent partner” after “divorced hus-  
21      band”, by striking “he marries” and inserting “he  
22      marries, or enters into a permanent partnership  
23      with,”;

24          (8) in paragraph (1)(I), by striking “husband”  
25      and inserting “husband or permanent partner”;

1           (9) in paragraph (2)(A), by striking “the hus-  
2       band (or divorced husband)” and inserting “the hus-  
3       band, divorced husband, permanent partner, or  
4       former permanent partner”, by striking “his earn-  
5       ings” and inserting “the earnings thereof”;

6           (10) in paragraph (2)(B)(ii), by striking “the  
7       husband (or divorced husband)” and inserting “the  
8       husband, divorced husband, permanent partner, or  
9       former permanent partner”;

10          (11) in paragraph (3), by striking “his wife (or,  
11       in the case of a divorced husband, his former wife)”  
12       and inserting “the individual referred to in para-  
13       graph (1)”;

14          (12) in paragraph (4), by inserting “or former  
15       permanent partner” after “divorced husband”, by  
16       inserting “or enters into a permanent partnership”  
17       after “marries”, by striking “such divorced hus-  
18       band’s entitlement” and inserting “the entitlement  
19       of such divorced husband or former permanent part-  
20       ner”, and by inserting “or permanent partnership”  
21       after “marriage”; and

22          (13) in paragraph (5)(A), by inserting “or  
23       former permanent partner” after “divorced hus-  
24       band” each place it appears.

1 **SEC. 6. WIDOW'S INSURANCE BENEFITS FOR SURVIVING**  
2 **PERMANENT PARTNERS.**

3 Section 202(e) of the Social Security Act (42 U.S.C.  
4 402(e)) is amended—

5 (1) paragraph (1), by striking “The widow (as  
6 defined in section 216(c)) and every surviving di-  
7 vorced wife (as defined in section 216(d))” and in-  
8 serting “The widow (as defined in section 216(c)),  
9 the female surviving permanent partner (as defined  
10 in section 216(m)(3)), every surviving divorced wife  
11 (as defined in section 216(d)), and every female sur-  
12 viving former permanent partner (as defined in sec-  
13 tion 216(m)(5))”, and by striking “such widow or  
14 such surviving divorced wife” and inserting “such  
15 widow, such surviving permanent partner, such sur-  
16 viving divorced wife, or such surviving former per-  
17 manent partner”;

18 (2) in paragraph (1)(A), by inserting “and is  
19 not in a permanent partnership” after “married”;

20 (3) in paragraph (1)(C)(iii), by striking “moth-  
21 er’s insurance benefits” and inserting “parent’s in-  
22 surance benefits”;

23 (4) in paragraph (2)(D), by striking “widow or  
24 surviving divorced wife” each place it appears and  
25 inserting “widow, surviving permanent partner, sur-

1       viving divorced wife, or surviving former permanent  
2       partner”;

3           (5) in paragraph (3)(A), by striking “widow or  
4       surviving divorced wife” and inserting “widow, sur-  
5       viving permanent partner, surviving divorced wife, or  
6       surviving former permanent partner”, by inserting  
7       “or enters into a permanent partnership” after  
8       “marries”, and by striking “before such marriage  
9       occurred” and inserting “before such marriage oc-  
10      curred or the commencement of such permanent  
11      partnership”;

12          (6) in paragraph (3)(B), by striking “a disabled  
13      widow or disabled surviving divorced wife” and in-  
14      serting “a widow, surviving permanent partner, sur-  
15      viving divorced wife, or surviving former permanent  
16      partner who is disabled as”;

17          (7) in the matter following subparagraph (B) in  
18      paragraph (3), by inserting “or permanent partner-  
19      ship” after “marriage”;

20          (8) in paragraph (4), by striking “any widow or  
21      surviving divorced wife” and inserting “any widow,  
22      surviving permanent partner, surviving divorced  
23      wife, or surviving former permanent partner”;

24          (9) in paragraph (5), by striking “widow or  
25      surviving divorced wife” in subparagraph (A) and in-

1       serting “widow, surviving permanent partner, sur-  
 2       viving divorced wife, or surviving former permanent  
 3       partner”, and by striking “widow or surviving di-  
 4       vorced wife” in subparagraph (B) and inserting  
 5       “widow, surviving permanent partner, surviving di-  
 6       vorced wife, or surviving former permanent part-  
 7       ner”;

8           (10) in paragraph (6)(A), by striking “the  
 9       widow (or surviving divorced wife)” and inserting  
 10      “the widow, surviving permanent partner, surviving  
 11      divorced wife, or surviving former permanent part-  
 12      ner”; and

13          (11) in paragraph (6)(B)(ii), by striking “the  
 14      widow (or surviving divorced wife)” and inserting  
 15      “the widow, surviving permanent partner, surviving  
 16      divorced wife, or surviving former permanent part-  
 17      ner”.

18   **SEC. 7. WIDOWER’S INSURANCE BENEFITS FOR SURVIVING**  
 19                           **PERMANENT PARTNERS.**

20      Section 202(f) of the Social Security Act (42 U.S.C.  
 21   402(f)) is amended—

22          (1) paragraph (1), by striking “The widower  
 23      (as defined in section 216(g) and every surviving di-  
 24      vorced husband (as defined in section 216(d))” and  
 25      inserting “The widower (as defined in section

1       216(g)), the male surviving permanent partner (as  
2       defined in section 216(m)(3)), every surviving di-  
3       vorced husband (as defined in section 216(d)), and  
4       every male surviving former permanent partner (as  
5       defined in section 216(m)(5))”, and by striking  
6       “such widower or such surviving divorced husband”  
7       and inserting “such widower, such surviving perma-  
8       nent partner, such surviving divorced husband, or  
9       such surviving former permanent partner”;

10       (2) in paragraph (1)(A), by inserting “and is  
11       not in a permanent partnership” after “married”;

12       (3) in paragraph (1)(C)(iii), by striking “fa-  
13       ther’s insurance benefits” and inserting “parent’s  
14       insurance benefits”;

15       (4) in subparagraph (E), by striking “he” each  
16       place it appears and inserting “such widower, sur-  
17       viving permanent partner, surviving divorced hus-  
18       band, or surviving former permanent partner”;

19       (5) in subparagraph (F), by striking “he” each  
20       place it appears and inserting “such widower, sur-  
21       viving permanent partner, surviving divorced hus-  
22       band, or surviving former permanent partner”, and  
23       by striking “his waiting period (as defined in para-  
24       graph (5))” and inserting “the waiting period (as  
25       defined in paragraph (5)) of such widower, surviving

1 permanent partner, surviving divorced husband, or  
2 surviving former permanent partner”;

3 (6) in the matter following subparagraph (F),  
4 by striking “he” each place it appears and inserting  
5 “such widower, surviving permanent partner, sur-  
6 viving divorced husband, or surviving former perma-  
7 nent partner”, and by striking “his disability” and  
8 inserting “the disability of such widower, surviving  
9 permanent partner, surviving divorced husband, or  
10 surviving former permanent partner”;

11 (7) in paragraph (2)(A), by striking “the wid-  
12 ower (or surviving divorced husband)” and inserting  
13 “the widower, surviving permanent partner, sur-  
14 viving divorced husband, or surviving former perma-  
15 nent partner”;

16 (8) in paragraph (2)(B)(ii), by striking “the  
17 widower (or surviving divorced husband)” and in-  
18 serting “the widower, surviving permanent partner,  
19 surviving divorced husband, or surviving former per-  
20 manent partner”;

21 (9) in paragraph (3)(D), by striking “widower  
22 or surviving divorced husband” each place it appears  
23 and inserting “widower, surviving permanent part-  
24 ner, surviving divorced husband, or surviving former  
25 permanent partner”;

1           (10) in paragraph (4)(A), by striking “widower  
2           or surviving divorced husband” and inserting “wid-  
3           ower, surviving permanent partner, surviving di-  
4           vorced husband, or surviving former permanent  
5           partner”, by inserting “or enters into a permanent  
6           partnership” after “marries”, and by striking “be-  
7           fore such marriage occurred” and inserting “before  
8           such marriage occurred or the commencement of  
9           such permanent partnership”;

10          (11) in paragraph (4)(B), by striking “a dis-  
11          abled widower or disabled surviving divorced hus-  
12          band” and inserting “a widower, surviving perma-  
13          nent partner, surviving divorced husband, or sur-  
14          viving former permanent partner who is disabled  
15          as”;

16          (12) in the matter following subparagraph (B)  
17          in paragraph (3), by inserting “or permanent part-  
18          nership” after “marriage”;

19          (13) in paragraph (5), by striking “any widower  
20          or surviving divorced husband” and inserting “any  
21          widower, surviving permanent partner, surviving di-  
22          vorced husband, or surviving former permanent  
23          partner”; and

24          (14) in paragraph (6), by striking “widower or  
25          surviving divorced husband” in subparagraph (A)



1 and inserting “widower, surviving permanent part-  
2 ner, surviving divorced husband, or surviving former  
3 permanent partner”, and by striking “widower or  
4 surviving divorced husband” in subparagraph (B)  
5 and inserting “widower, surviving permanent part-  
6 ner, surviving divorced husband, or surviving former  
7 permanent partner”.

8 **SEC. 8. MOTHER’S AND FATHER’S INSURANCE BENEFITS**  
9 **FOR SURVIVING PERMANENT PARTNERS.**

10 Section 202(g) of the Social Security Act (42 U.S.C.  
11 402(g)) is amended—

12 (1) in paragraph (1), in the matter preceding  
13 subparagraph (A)—

14 (A) by striking “The surviving spouse and  
15 every surviving divorced parent (as defined in  
16 section 216(d))” and inserting “The surviving  
17 spouse or surviving permanent partner and  
18 every surviving divorced parent (as defined in  
19 section 216(d)(7)) or surviving former perma-  
20 nent partner parent (as defined in section  
21 216(m)(6))”; and

22 (B) by striking “such surviving spouse or  
23 surviving divorced parent” and inserting “such  
24 surviving spouse, surviving permanent partner,

1 surviving divorced parent, or surviving former  
2 permanent partner parent”;

3 (2) in paragraph (1)(B), by striking “surviving  
4 spouse’s insurance benefit” and inserting “widow’s  
5 insurance benefit or widower’s insurance benefit”;

6 (3) in paragraph (1)(F), “or surviving former  
7 permanent partner parent” after “surviving divorced  
8 parent”;

9 (4) in the matter in paragraph (1) following  
10 subparagraph (F)—

11 (A) by striking “such surviving spouse or  
12 surviving divorced parent” and inserting “such  
13 surviving spouse, surviving permanent partner,  
14 surviving divorced parent, or surviving former  
15 permanent partner parent”;

16 (B) by striking “surviving spouse’s insur-  
17 ance benefit” and inserting “widow’s insurance  
18 benefit or widower’s insurance benefit”; and

19 (C) by inserting “or surviving former per-  
20 manent partner parent” after “surviving di-  
21 vorced parent” each place it appears in the last  
22 sentence; and

23 (5) in paragraph (3)—

24 (A) by striking “surviving spouse or sur-  
25 viving divorced parent” and inserting “surviving

1 spouse, surviving permanent partner, surviving  
 2 divorced parent, or surviving former permanent  
 3 partner parent”;

4 (B) by inserting “or enters into a perma-  
 5 nent partnership” after “marries”;

6 (C) by striking “such surviving spouse or  
 7 surviving divorced parent” and inserting “such  
 8 surviving spouse, surviving permanent partner,  
 9 surviving divorced parent, or surviving former  
 10 permanent partner parent”; and

11 (D) by inserting “or permanent partner-  
 12 ship” after “marriage”.

13 **SEC. 9. LUMP SUM DEATH PAYMENTS FOR SURVIVING PER-**  
 14 **MANENT PARTNERS.**

15 Section 202(i) of the Social Security Act (42 U.S.C.  
 16 402(i)) is amended—

17 (1) in the first sentence, by striking “widow or  
 18 widower” and inserting “widow, widower, or sur-  
 19 viving permanent partner”; and

20 (2) in paragraph (1), by striking “widow (as  
 21 defined in section 216(c)) or widower (as defined in  
 22 section 216(g))” and inserting “widow (as defined in  
 23 section 216(c)), widower (as defined in section  
 24 216(g)), or surviving permanent partner (as defined  
 25 in section 216(m)(3))”.

1 **SEC. 10. CONFORMING AMENDMENTS.**

2 (a) AMENDMENTS TO THE SOCIAL SECURITY ACT.—

3 (1) Section 202(j)(4)(B)(i) of such Act (42  
4 U.S.C. 402(j)(4)(B)(i)) is amended—

5 (A) by striking “widow, surviving divorced  
6 wife, or widower” and inserting “widow, wid-  
7 ower, surviving permanent partner, surviving  
8 divorced spouse, or surviving former permanent  
9 partner”; and

10 (B) by striking “disabled widow or wid-  
11 ower or disabled surviving divorced wife” and  
12 inserting “disabled widow, widower, or surviving  
13 permanent partner or disabled surviving di-  
14 vorced spouse or surviving former permanent  
15 partner”.

16 (2) Section 202(q)(5)(D) of such Act (42  
17 U.S.C. 402(q)(5)(D)) is amended—

18 (A) by striking “a child of his or her de-  
19 ceased spouse (or deceased former spouse)” and  
20 inserting “a child of his or her deceased spouse  
21 or deceased permanent partner (or deceased  
22 former spouse or deceased former permanent  
23 partner)”; and

24 (B) by striking “his or her deceased  
25 spouse’s (or deceased former spouse’s) wages  
26 and self-employment income” and inserting

1 “the wages and self-employment income of his  
2 or her deceased spouse or deceased permanent  
3 partner (or deceased former spouse or deceased  
4 former permanent partner)”.  
5

6 (3) Section 202(t)(11)(B) of such Act (42  
7 U.S.C. 402(t)(11)(B)) is amended—

8 (A) by striking “spousal relationship” each  
9 place it appears and inserting “spousal or per-  
10 manent partnership relationship”; and

11 (B) by striking “a wife, a husband, a  
12 widow, a widower, a divorced wife, a divorced  
13 husband, a surviving divorced wife, a surviving  
14 divorced husband, a surviving divorced mother,  
15 a surviving divorced father” and inserting “a  
16 wife, a husband, a permanent partner, a widow,  
17 a widower, a surviving permanent partner, a di-  
18 vorced wife, a divorced husband, a former per-  
19 manent partner, a surviving divorced wife, a  
20 surviving divorced husband, a surviving former  
21 permanent partner, a surviving divorced moth-  
22 er, a surviving divorced father, a surviving  
23 former permanent partner parent”.

24 (4) Section 203(a)(3)(C) of such Act (42  
25 U.S.C. 403(a)(3)(C)) is amended by inserting “or  
former permanent partner” after “a divorced

1 spouse” and by inserting “surviving former perma-  
2 nent partner” after “a surviving divorced spouse”.

3 (5) Section 203(a)(3)(D) of such Act (42  
4 U.S.C. 403(a)(3)(D)) is amended—

5 (A) in clause (i), by inserting “or perma-  
6 nent partner” after “a spouse” and by inserting  
7 “or surviving permanent partner” after “a sur-  
8 viving spouse”.

9 (6) Section 203(b)(2) of such Act (42 U.S.C.  
10 403(b)(2)) is amended—

11 (A) in subparagraph (A)(i), by inserting  
12 “or former permanent partner” after “divorced  
13 spouse”;

14 (B) by striking subparagraph (A)(ii) and  
15 inserting the following:

16 “(ii)(I) if such person is such a divorced spouse,  
17 such person has been divorced for not less than 2  
18 years, or (II) if such person is such a former perma-  
19 nent partner, the permanent partnership has been  
20 terminated for not less than 2 years,”;

21 (C) in the matter in subparagraph (A) fol-  
22 lowing clause (ii), by inserting “or former per-  
23 manent partner” after “such divorced spouse”;  
24 and

1 (D) in subparagraph (B), by inserting “or  
2 former permanent partner” after “divorced  
3 spouse” and by inserting “or the date of the  
4 termination of the permanent partnership”  
5 after “the date of the divorce”.

6 (7) Section 203(c) of such Act (42 U.S.C.  
7 403(c)(3)) is amended—

8 (A) in paragraph (2), by striking “wife or  
9 husband” and inserting “wife, husband, or per-  
10 manent partner”, by striking “his or her  
11 spouse” and inserting “the insured individual”,  
12 and by striking “such spouse” and inserting  
13 “such individual”;

14 (B) in paragraph (3), by striking “widow  
15 or widower” and inserting “widow, widower, or  
16 surviving permanent partner”, and by inserting  
17 “or deceased permanent partner” after “de-  
18 ceased spouse”;

19 (C) in paragraph (4), by inserting “or sur-  
20 viving former permanent partner parent” after  
21 “surviving divorced mother or father”, and by  
22 inserting “or deceased former permanent part-  
23 ner” after “deceased former spouse”; and

24 (D) in the matter following paragraph (4),  
25 by striking “widow, surviving divorced wife,

1 widower, or surviving divorced husband” and  
2 inserting “widow, widower, surviving permanent  
3 partner, surviving divorced wife, surviving di-  
4 vorced husband, or surviving former permanent  
5 partner”.

6 (8) Section 203(d)(1)(A) of such Act (42  
7 U.S.C. 403(d)(1)(A)) is amended by striking “a  
8 wife, divorced wife, husband, divorced husband, or  
9 child” and inserting “a wife, husband, permanent  
10 partner, divorced wife, divorced husband, former  
11 permanent partner, or child”.

12 (9) Section 203(d)(1)(B) of such Act (42  
13 U.S.C. 403(d)(1)(B)) is amended by inserting “or  
14 former permanent partner” after “divorced spouse”  
15 each place it appears.

16 (10) Paragraphs (1) and (7) of section 203(f)  
17 of such Act (42 U.S.C. 403(f)) are amended by in-  
18 serting “and former permanent partners” after “di-  
19 vorced spouses” each place it appears.

20 (11) Paragraphs (1) and (4) of section 204(d)  
21 of such Act (42 U.S.C. 404(d)) are amended by in-  
22 serting “or surviving permanent partner” after “sur-  
23 viving spouse” each place it appears.

24 (12) Section 205(b)(1) of such Act (42 U.S.C.  
25 405(b)(1)) is amended by striking “wife, divorced



1 wife, widow, surviving divorced wife, surviving di-  
2 vorced mother, surviving divorced father, husband,  
3 divorced husband, widower, surviving divorced hus-  
4 band, child, or parent” and inserting “wife, hus-  
5 band, permanent partner, divorced wife, divorced  
6 husband, former permanent partner, surviving di-  
7 vorced wife, surviving divorced husband, surviving  
8 divorced parent, surviving former permanent partner  
9 parent, child, or parent”.

10 (13) Section 205(c)(1)(C) of such Act (42  
11 U.S.C. 205(c)(1)(C)) is amended by striking “an in-  
12 dividual’s spouse, surviving divorced wife, surviving  
13 divorced husband, surviving divorced mother, sur-  
14 viving divorced father, child, or parent” and insert-  
15 ing “an individual’s spouse, permanent partner, sur-  
16 viving divorced wife, surviving divorced husband,  
17 surviving former permanent partner, surviving di-  
18 vorced parent, surviving former permanent partner  
19 parent, child, or parent”.

20 (14) Section 205(i) of such Act (42 U.S.C.  
21 405(i)) is amended by striking “the wife or hus-  
22 band” in clause (B) and inserting “the wife, hus-  
23 band, or permanent partner”.

24 (15) Section 205(q)(5) of such Act (42 U.S.C.  
25 405(q)(5)) is amended by striking “widow or wid-

1       ower” and inserting “widow, widower, or surviving  
2       permanent partner”.

3           (16) Section 208(c) of such Act (42 U.S.C.  
4       408(c)) is amended by inserting “or permanent part-  
5       ner” after “spouse”.

6           (17) Section 209(a)(14)(B) of such Act (42  
7       U.S.C. 409(a)(14)(B)) is amended by striking  
8       “plans)” and inserting “plans), or which would be  
9       excluded from the gross income of such employee’s  
10      permanent partner if an exclusion under such sec-  
11      tion with respect to a taxpayer’s permanent partner  
12      were allowable under such section”.

13          (18) Section 210(a)(3)(B) of such Act (42  
14      U.S.C. 410(a)(3)(B)) is amended—

15           (A) by striking “his spouse or son or  
16           daughter” and inserting “his spouse, perma-  
17           nent partner, son, or daughter”; and

18           (B) by striking clause (i) and inserting the  
19      following:

20           “(i) the employer is a surviving spouse, a sur-  
21      viving permanent partner, a divorced individual, or  
22      a former permanent partner and has not, since the  
23      death of his or her spouse or permanent partner or  
24      the termination of his or her marriage or permanent  
25      partnership, married or entered into a permanent

1 partnership, or the employer has a spouse or perma-  
2 nent partner living in the home who has a mental  
3 or physical condition which results in an incapability  
4 of such spouse or permanent partner of caring for  
5 a son, daughter, stepson, or stepdaughter (referred  
6 to in clause (ii)) for at least 4 continuous weeks in  
7 the calendar quarter in which the service is ren-  
8 dered, and”.

9 (19) Section 211(a)(5) of such Act (42 U.S.C.  
10 411(a)(5)) is amended—

11 (A) in subparagraph (A), by inserting “or  
12 permanent partner (as defined in section  
13 216(m)(2))” after “spouse” each place it ap-  
14 pears; and

15 (B) in subparagraph (B), by inserting  
16 “business” before “partner’s” and “partner”  
17 each place they appear, and by inserting “or  
18 permanent partner (as so defined)” after “the  
19 spouse”.

20 (20) Section 216(k) of such Act (42 U.S.C.  
21 416(k)) is amended—

22 (A) by striking “subsection (c)(1) or” and  
23 inserting “subsection (c)(1),”;

1 (B) by striking “subsection (g)(1)” and in-  
2 serting “subsection (g)(1), or subparagraph (F)  
3 of subsection (m)(3)”;

4 (C) by inserting “, or the permanent part-  
5 ner surviving an individual,” after “surviving  
6 spouse of an individual”;

7 (D) by inserting “or have been in a perma-  
8 nent partnership with such individual” after  
9 “have been married to such individual”;

10 (E) by striking “widow or widower, and”  
11 and inserting “widow, widower, or surviving  
12 permanent partner,”;

13 (F) by inserting after “such individual’s  
14 child,” the following: “and the requirement of  
15 subparagraph (E) of subsection (m)(3) that a  
16 child of an individual or such individual’s per-  
17 manent partner have been living with the mem-  
18 ber of the permanent partnership who is not  
19 the child’s parent for not less than 1 year im-  
20 mediately preceding the day on which such indi-  
21 vidual’s permanent partner died in order for  
22 such individual to qualify as the surviving per-  
23 manent partner of the deceased permanent  
24 partner”;

1 (G) by striking “applicable nine-month pe-  
2 riod” and inserting “applicable period”;

3 (H) in paragraph (1), by striking “the  
4 marriage involved” and inserting “the com-  
5 mencement of the marriage or permanent part-  
6 nership involved”, and by striking “nine  
7 months” and inserting “the applicable period”;

8 (I) in paragraph (2)(A), by inserting “in  
9 the case of the first requirement referred to in  
10 this subsection,” after “(2)(A)”, by inserting “,  
11 or the surviving permanent partner of such in-  
12 dividual had been previously a member of a per-  
13 manent partnership with such individual and  
14 such permanent partnership had subsequently  
15 been terminated,” after “and subsequently di-  
16 vorced”, by inserting “or the termination of  
17 such permanent partnership” after “at the time  
18 of such divorce”, by inserting “or previous per-  
19 manent partnership” after “previous marriage”,  
20 by inserting “or (in the case of a permanent  
21 partnership) other termination” after “by di-  
22 vorce”, and by striking “or” at the end;

23 (J) in paragraph (2)(B), by inserting “in  
24 the case of the second requirement referred to  
25 in this subsection,” after “(B)”, by inserting

1           “or during a previous permanent partnership  
2           between such stepchild’s parent and such indi-  
3           vidual which ended in the termination of such  
4           permanent partnership,” after “divorce” the  
5           first place it appears, by inserting “or termi-  
6           nation” after “divorce” the second place it ap-  
7           pears, by inserting “or previous permanent  
8           partnership” after “previous marriage” the sec-  
9           ond place it appears, by inserting “or (in the  
10          case of a permanent partnership) other termi-  
11          nation” after “by divorce”, and by adding “or”  
12          at the end;

13                 (K) by inserting after paragraph (2)(B)  
14          the following new subparagraph:

15          “(C) in the case of the third requirement re-  
16          ferred to in this subsection, the child of either mem-  
17          ber of the permanent partnership had been living  
18          with the other member of such permanent partner-  
19          ship during a previously terminated permanent part-  
20          nership between both such members and such re-  
21          quirement would have been satisfied at the time of  
22          the termination if such previous permanent partner-  
23          ship had been terminated by the death of the de-  
24          ceased permanent partner;”; and

1 (L) in the matter in subsection (k) fol-  
2 lowing paragraph (2)(C) (as added by subpara-  
3 graph (K)), by striking “marriage involved”  
4 and inserting “marriage or permanent partner-  
5 ship involved”, and by striking “nine months”  
6 and inserting “the applicable period”.

7 (21) Section 225(a) of such Act (42 U.S.C.  
8 425(a)) is amended by striking “widow or surviving  
9 divorced wife” and inserting “widow, surviving per-  
10 manent partner, surviving divorced wife, or surviving  
11 former permanent partner”, and by striking “wid-  
12 ower or surviving divorced husband” and inserting  
13 “widower, surviving permanent partner, surviving di-  
14 vorced husband, or surviving former permanent  
15 partner”.

16 (22) Section 226(b)(2)(A)(iii) of such Act (42  
17 U.S.C. 426(b)(2)(A)(iii)) is amended by inserting  
18 “(as a surviving spouse or surviving divorced  
19 spouse)” after “section 202(f)”.

20 (b) AMENDMENTS TO THE INTERNAL REVENUE  
21 CODE OF 1986.—

22 (1) Section 1402(a)(5) of the Internal Revenue  
23 Code of 1986 (relating to distribution of net earn-  
24 ings from self-employment between spouses) is  
25 amended—

1           (A) in subparagraph (A), by inserting “or  
2           permanent partner (as defined in section  
3           216(m)(2) of the Social Security Act)” after  
4           “spouse” the first place it appears, and by in-  
5           serting “or permanent partner” after “spouse”  
6           each place it appears; and

7           (B) in subparagraph (B), by inserting  
8           “business” before “partner’s” and “partner”  
9           each place they appear, and by inserting “or  
10          permanent partner (as so defined)” after “the  
11          spouse”.

12          (2) Section 3121(a)(17) of such Code (relating  
13          to exclusion from wages of benefits received from  
14          group legal services plans) is amended by striking  
15          “plans)” and inserting “plans), or which would be  
16          excluded from the gross income of such employee’s  
17          permanent partner (as defined in section 216(m)(2)  
18          of the Social Security Act) if an exclusion under  
19          such section with respect to a taxpayer’s permanent  
20          partner were allowable under such section”.

21          (3) Section 3121(b)(3)(B) of such Code (relat-  
22          ing to exclusion from employment of service in the  
23          employ of mother, father, spouse, son, or daughter)  
24          is amended—



1           (A) by striking “his spouse or son or  
2 daughter” and inserting “his spouse, perma-  
3 nent partner, son, or daughter”; and

4           (B) by striking clause (i) and inserting the  
5 following:

6           “(i) the employer is a surviving spouse, a  
7 surviving permanent partner (as defined in sec-  
8 tion 216(m)(3) of the Social Security Act), a di-  
9 vorced individual, or a former permanent part-  
10 ner (as defined in section 216(m)(4) of such  
11 Act) and has not, since the death of his or her  
12 spouse or permanent partner (as defined in sec-  
13 tion 216(m)(2) of such Act) or the termination  
14 of his or her marriage or permanent partner-  
15 ship (as defined in section 216(m)(1) of such  
16 Act), married or entered into a permanent part-  
17 nership, or the employer has a spouse or per-  
18 manent partner living in the home who has a  
19 mental or physical condition which results in an  
20 incapability of such spouse or permanent part-  
21 ner of caring for a son, daughter, stepson, or  
22 stepdaughter (referred to in clause (ii)) for at  
23 least 4 continuous weeks in the calendar quar-  
24 ter in which the service is rendered, and”.

1 **SEC. 11. EFFECTIVE DATE.**

2       The amendments made by this Act shall apply with  
3 respect to benefits for which applications are filed after  
4 1 year after the date of the enactment of this Act.

