

109TH CONGRESS
2D SESSION

H. R. 5152

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2006

Mr. NADLER (for himself, Ms. BALDWIN, Mr. BERMAN, Mr. CONYERS, Mr. CROWLEY, Mr. EMANUEL, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. KENNEDY of Rhode Island, Mrs. MALONEY, Mr. McDERMOTT, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. STARK, Mr. WAXMAN, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on Ways and Means

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 2006”.

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

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

15 “(ii) 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 “(iii) such other party legally adopted such in-
20 dividual’s son or daughter while such individual was
21 in a permanent partnership with such other party
22 and while such son or daughter was under the age
23 of 18,

1 “(iv) such individual was in a permanent part-
2 nership with such other party at the time both of
3 them legally adopted a child under the age of 18,

4 “(v) as of the date of the death of such other
5 party, such individual had been living with a child
6 of such other party for a period of at least 1 year
7 which began before such child attained the age of
8 18, or such other party had been living with a child
9 of such individual for at least such 1-year period,

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

14 “(vii) in the month prior to the month in which
15 the permanent partnership commenced—

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

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

1 “(III) such individual was entitled to, or
2 upon application therefor and attainment of the
3 required age (if any) would have been entitled
4 to, a widow’s, widower’s, child’s (after attain-
5 ment of age 18), or parent’s insurance annuity
6 under section 2 of the Railroad Retirement Act
7 of 1974.

8 “(B) The requirements of subparagraph (A)(vi) in
9 connection with the surviving permanent partner of such
10 other party shall be treated as satisfied if—

11 “(i) such other party had been married or in a
12 permanent partnership prior to such other party’s
13 entry into a permanent partnership with the sur-
14 viving permanent partner,

15 “(ii) the prior wife or prior permanent partner
16 was institutionalized during such other party’s mar-
17 riage to the prior wife or permanent partnership
18 with the prior permanent partner due to mental in-
19 competence or similar incapacity,

20 “(iii) during the period of the institutionaliza-
21 tion of the prior wife or prior permanent partner,
22 such other party would have divorced the prior wife
23 or terminated the permanent partnership with the
24 prior permanent partner and entered into a perma-
25 nent partnership with the surviving permanent part-

1 ner, but such other party did not do so because such
2 divorce or termination would have been unlawful, by
3 reason of the institutionalization of the prior wife or
4 prior permanent partner, under the laws of the State
5 in which such other party was domiciled at the time
6 (as determined based on evidence satisfactory to the
7 Commissioner of Social Security),

8 “(iv) the prior wife or prior permanent partner
9 continued to remain institutionalized up to the time
10 of the death of the prior wife or prior permanent
11 partner, and

12 “(v) such other party entered into a permanent
13 partnership with the surviving permanent partner
14 within 60 days after the death of the prior wife or
15 prior permanent partner.

16 “(4) The term ‘former permanent partner’ means, in
17 connection with any other individual, an individual who
18 has been in a permanent partnership with such other indi-
19 vidual, in any case in which either individual who was a
20 party to such permanent partnership has certified to the
21 Commissioner, in accordance with regulations issued
22 under subsection (h)(1)(C)(ii), that such permanent part-
23 nership has terminated other than by reason of death, but
24 only if such individuals have been in a permanent partner-
25 ship for a period of 10 years immediately before the date

1 of the termination of the partnership, as determined under
2 such regulations. For purposes of subparagraph (C) of
3 subsections (b)(1) and (c)(1) of section 202, a former per-
4 manent partner in connection with a terminated perma-
5 nent partnership shall be deemed not to be in such perma-
6 nent partnership throughout the month in which the per-
7 manent partnership terminates.

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

11 “(A) who was in a permanent partnership with
12 such other individual, in any case in which either in-
13 dividual who was a party to such permanent part-
14 nership has certified to the Commissioner, in accord-
15 ance with regulations issued under subsection
16 (h)(1)(C)(ii), that such permanent partnership has
17 terminated other than by reason of death, and

18 “(B) who has died, but only if such individuals
19 had been in a permanent partnership for a period of
20 10 years immediately before the date of the termi-
21 nation of the partnership, as determined under such
22 regulations.

23 “(6) The term ‘surviving former permanent partner
24 parent’ means, in connection with any other individual, an
25 individual who was in a permanent partnership with such

1 other individual, in any case in which either individual who
2 was a party to such permanent partnership certified to
3 the Commissioner, in accordance with regulations issued
4 under subsection (h)(1)(C)(ii), that such permanent part-
5 nership terminated other than by reason of death, and,
6 subsequent to such certification, such other individual
7 died, but only if—

8 “(A) the surviving individual is the mother or
9 father of the son or daughter of the deceased indi-
10 vidual,

11 “(B) the surviving individual legally adopted
12 the son or daughter of the deceased individual while
13 both individuals were in the permanent partnership
14 and while such son or daughter was under the age
15 of 18,

16 “(C) the deceased individual legally adopted the
17 son or daughter of the surviving individual while
18 both individuals were in the permanent partnership
19 and while such son or daughter was under the age
20 of 18,

21 “(D) the surviving individual was in the perma-
22 nent partnership with the deceased individual at the
23 time both of them legally adopted a child under the
24 age of 18, or

1 “(E) as of the date of the death of such the de-
2 ceased individual, the surviving individual had been
3 living with a child of the deceased individual for a
4 period of at least a 1-year which began before such
5 child attained the age of 18, or the deceased indi-
6 vidual had been living with a child of the surviving
7 individual for at least such 1-year period.

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

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

18 “(iii) was entitled to, or upon application
19 therefor and attainment of the required age (if
20 any) would have been entitled to, a widow’s,
21 widower’s, child’s (after attainment of age 18),
22 or parent’s insurance annuity under section 2
23 of the Railroad Retirement Act of 1974.”.

24 (b) CONFORMING AMENDMENT TO DEFINITION OF
25 CHILD.—Section 216(e) of such Act (42 U.S.C. 416(e))

1 is amended by adding at the end the following new sen-
 2 tence: “For purposes of this title, the child of an individ-
 3 ual’s permanent partner who has not been legally adopted
 4 by such individual shall be treated as a stepchild of such
 5 individual.”.

6 **SEC. 3. DETERMINATION OF PERMANENT PARTNER STA-**
 7 **TUS.**

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

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

12 (2) in subparagraph (B)(iv), by inserting “or
 13 previous permanent partnership” after “previous
 14 marriage” each place it appears in subclause (I),
 15 and by inserting “or purported permanent partner-
 16 ship” after “purported marriage” in subclause (II);
 17 and

18 (3) by adding at the end the following new sub-
 19 paragraphs:

20 “(C)(i) An applicant is the permanent partner or sur-
 21 viving permanent partner of a fully or currently insured
 22 individual for purposes of this title if the Commissioner
 23 of Social Security finds that such applicant and such in-
 24 sured individual were validly members of a permanent
 25 partnership at the time such applicant files such applica-

1 tion or, if such insured individual is dead, at the time he
2 died.

3 “(ii) Any 2 individuals shall not be treated as being
4 in a permanent partnership with each other unless there
5 is in effect, in accordance with regulations which shall be
6 prescribed by the Commissioner, a written certification
7 made by both such individuals to the Commissioner of the
8 existence of such permanent partnership. A certification
9 made to the Commissioner under this clause shall remain
10 in effect until the earlier of the date of the death of either
11 such individual or the date of a certification made by both
12 such individuals, in accordance with such regulations, indi-
13 cating that such relationship has terminated other than
14 by reason of death or, if earlier, the date on which the
15 Commissioner otherwise determines that such permanent
16 partnership has terminated.

17 “(D)(i) In any case where under subparagraph (C)
18 an applicant is not the permanent partner or surviving
19 permanent partner of a fully or currently insured indi-
20 vidual, or where under paragraph (2), (3), (4), or (5) of
21 subsection (m) such applicant is not the permanent part-
22 ner, former permanent partner, surviving permanent part-
23 ner, or surviving former permanent partner of such indi-
24 vidual, but it is established to the satisfaction of the Com-
25 missioner of Social Security that such applicant in good

1 faith entered into an arrangement with such individual re-
2 sulting in a purported permanent partnership between
3 them which, but for a legal impediment not known to the
4 applicant at the time of the entry into such arrangement,
5 would have been a valid permanent partnership, then, for
6 purposes of subparagraph (C) and paragraphs (2), (3),
7 (4), and (5) of subsection (m), such purported permanent
8 partnership shall be deemed to be a valid permanent part-
9 nership. Notwithstanding the preceding sentence, in the
10 case of any person who would be deemed under the pre-
11 ceding sentence a permanent partner or surviving perma-
12 nent partner of the insured individual, such purported per-
13 manent partnership shall not be deemed to be a valid per-
14 manent partnership unless the applicant and the insured
15 individual were living in the same household at the time
16 of the death of the insured individual or (if the insured
17 individual is living) at the time the applicant files the ap-
18 plication. A purported permanent partnership that is
19 deemed to be a valid permanent partnership by reason of
20 the preceding sentence shall continue to be deemed a valid
21 permanent partnership if the insured individual and the
22 person entitled to benefits as the permanent partner of
23 the insured individual are no longer living in the same
24 household at the time of the death of such insured indi-
25 vidual.

1 “(ii) The provisions of clause (i) shall not apply if
2 the Commissioner of Social Security determines, on the
3 basis of information brought to the Commissioner’s atten-
4 tion, that such applicant entered into such purported per-
5 manent partnership with such insured individual with
6 knowledge that it would not be a valid permanent partner-
7 ship.

8 “(iii) The entitlement to a monthly benefit under sub-
9 section (b) or (c) of section 202, based on the wages and
10 self-employment income of such insured individual, of a
11 person who would not be deemed to be a permanent part-
12 ner of such insured individual but for this subparagraph,
13 shall end with the month before the month in which such
14 person enters into a permanent partnership or marriage,
15 valid without regard to this subparagraph or subpara-
16 graph (B), with a person other than such insured indi-
17 vidual.

18 “(iv) For purposes of this subparagraph, a legal im-
19 pediment to the validity of a purported permanent part-
20 nership includes only an impediment (I) resulting from the
21 lack of dissolution of a previous marriage or previous per-
22 manent partnership or otherwise arising out of such pre-
23 vious marriage or permanent partnership or its dissolu-
24 tion, or (II) resulting from a defect in the procedure fol-

lowed in connection with such purported permanent partnership.”.

SEC. 4. WIFE’S INSURANCE BENEFITS FOR PERMANENT PARTNERS.

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

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

(2) in paragraph (1)(B), by inserting “or permanent partner” after “wife”;

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

(4) in paragraph (1)(i), by striking “wife or divorced wife” each place it appears and inserting

1 “wife, divorced wife, permanent partner, or former
2 permanent partner”;

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

7 (6) in paragraph (1)(G), by inserting “or per-
8 manent partner” after “wife”, by inserting “or their
9 permanent partnership has terminated” after “di-
10 vorced”, by inserting “, or in a permanent partner-
11 ship with,” after “married to”, and by inserting “or
12 termination” after “divorce”;

13 (7) in paragraph (1)(H), by inserting “or a
14 former permanent partner” after “divorced wife”, by
15 striking “she marries” and inserting “she marries,
16 or enters into a permanent partnership with,”;

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

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

23 (10) in paragraph (3), by inserting “or former
24 permanent partner” after “divorced wife”, by insert-
25 ing “or enters into a permanent partnership” after

1 “marries”, by striking “such divorced wife’s entitle-
 2 ment” and inserting “the entitlement of such di-
 3 vorced wife or former permanent partner”, and by
 4 inserting “or permanent partnership” after “mar-
 5 riage”; and

6 (11) in paragraph (4)(A), by inserting “or
 7 former permanent partner” after “divorced wife”
 8 each place it appears.

9 **SEC. 5. HUSBAND’S INSURANCE BENEFITS FOR PERMA-**
 10 **NENT PARTNERS.**

11 Section 202(c) of the Social Security Act (42 U.S.C.
 12 402(c)) is amended—

13 (1) in paragraph (1), by striking “The husband
 14 (as defined in section 216(f)) and every divorced
 15 husband (as defined in section 216(d))” and insert-
 16 ing “The husband (as defined in section 216(f)),
 17 every divorced husband (as defined in section
 18 216(d), the male permanent partner (as defined in
 19 section 216(m)(2)), and every male former perma-
 20 nent partner (as defined in section 216(m)(4))”, and
 21 by striking “such husband or such divorced hus-
 22 band” and inserting “such husband, such divorced
 23 husband, such permanent partner, or such former
 24 permanent partner”;

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

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

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

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

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

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

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

3 (9) in paragraph (2), by striking “his wife (or,
 4 in the case of a divorced husband, his former wife)”
 5 and inserting “the individual referred to in para-
 6 graph (1)”;

7 (10) in paragraph (3), by inserting “or former
 8 permanent partner” after “divorced husband”, by
 9 inserting “or enters into a permanent partnership”
 10 after “marries”, by striking “such divorced hus-
 11 band’s entitlement” and inserting “the entitlement
 12 of such divorced husband or former permanent part-
 13 ner”, and by inserting “or permanent partnership”
 14 after “marriage”; and

15 (11) in paragraph (4)(A), by inserting “or
 16 former permanent partner” after “divorced hus-
 17 band” each place it appears.

18 **SEC. 6. WIDOW’S INSURANCE BENEFITS FOR SURVIVING**
 19 **PERMANENT PARTNERS.**

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

22 (1) in paragraph (1), by striking “The widow
 23 (as defined in section 216(c)) and every surviving di-
 24 vorced wife (as defined in section 216(d))” and in-
 25 serting “The widow (as defined in section 216(c)),

1 the female surviving permanent partner (as defined
2 in section 216(m)(3)), every surviving divorced wife
3 (as defined in section 216(d)), and every female sur-
4 viving former permanent partner (as defined in sec-
5 tion 216(m)(5))”, and by striking “such widow or
6 such surviving divorced wife” and inserting “such
7 widow, such surviving permanent partner, such sur-
8 viving divorced wife, or such surviving former per-
9 manent 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 “moth-
13 er’s insurance benefits” and inserting “parent’s in-
14 surance benefits”;

15 (4) in paragraph (1)(E), by striking “she” each
16 place it appears and inserting “such widow, sur-
17 viving permanent partner, surviving divorced wife, or
18 surviving former permanent partner”;

19 (5) in paragraph (1)(F), by striking “she” each
20 place it appears and inserting “such widow, sur-
21 viving permanent partner, surviving divorced wife, or
22 surviving former permanent partner”, and by strik-
23 ing “her waiting period (as defined in paragraph
24 (5))” and inserting “the waiting period (as defined
25 in paragraph (5)) of such widow, surviving perma-

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

3 (6) in the matter following paragraph (1)(F),
4 by striking “she” each place it appears and inserting
5 “such widow, surviving permanent partner, surviving
6 divorced wife, or surviving former permanent part-
7 ner”, and by striking “her disability” and inserting
8 “the disability of such widow, surviving permanent
9 partner, surviving divorced wife, or surviving former
10 permanent partner”;

11 (7) in paragraph (2)(B)(ii)(II), by striking “the
12 widow or surviving divorced wife” and inserting “the
13 widow, surviving permanent partner, surviving di-
14 vorced wife, or surviving former permanent part-
15 ner”;

16 (8) in paragraph (2)(D), by striking “widow or
17 surviving divorced wife” each place it appears and
18 inserting “widow, surviving permanent partner, sur-
19 viving divorced wife, or surviving former permanent
20 partner”;

21 (9) in paragraph (3)(A), by striking “widow or
22 surviving divorced wife” and inserting “widow, sur-
23 viving permanent partner, surviving divorced wife, or
24 surviving former permanent partner”, by inserting
25 “or enters into a permanent partnership” after

1 “marries”, and by striking “before such marriage
2 occurred” and inserting “before such marriage oc-
3 curred or the commencement of such permanent
4 partnership”;

5 (10) in paragraph (3)(B), by striking “a dis-
6 abled widow or disabled surviving divorced wife” and
7 inserting “a widow, surviving permanent partner,
8 surviving divorced wife, or surviving former perma-
9 nent partner who is disabled as”;

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

13 (12) in paragraph (4), by striking “any widow
14 or surviving divorced wife” and inserting “any
15 widow, surviving permanent partner, surviving di-
16 vorced wife, or surviving former permanent part-
17 ner”; and

18 (13) in paragraph (5), by striking “widow or
19 surviving divorced wife” in subparagraph (A) and in-
20 serting “widow, surviving permanent partner, sur-
21 viving divorced wife, or surviving former permanent
22 partner”, and by striking “widow or surviving di-
23 vorced wife” in subparagraph (B) and inserting
24 “widow, surviving permanent partner, surviving di-

1 vorcee wife, or surviving former permanent part-
2 ner”.

3 **SEC. 7. WIDOWER’S INSURANCE BENEFITS FOR SURVIVING**
4 **PERMANENT PARTNERS.**

5 Section 202(f) of the Social Security Act (42 U.S.C.
6 402(f)) is amended—

7 (1) in paragraph (1), by striking “The widower
8 (as defined in section 216(g) and every surviving di-
9 vorcee husband (as defined in section 216(d))” and
10 inserting “The widower (as defined in section
11 216(g)), the male surviving permanent partner (as
12 defined in section 216(m)(3)), every surviving di-
13 vorcee husband (as defined in section 216(d)), and
14 every male surviving former permanent partner (as
15 defined in section 216(m)(5))”, and by striking
16 “such widower or such surviving divorcee husband”
17 and inserting “such widower, such surviving perma-
18 nent partner, such surviving divorcee husband, or
19 such surviving former permanent partner”;

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

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

1 (4) in paragraph (1)(E), by striking “he” each
2 place it appears and inserting “such widower, sur-
3 viving permanent partner, surviving divorced hus-
4 band, or surviving former permanent partner”;

5 (5) in paragraph (1)(F), by striking “he” each
6 place it appears and inserting “such widower, sur-
7 viving permanent partner, surviving divorced hus-
8 band, or surviving former permanent partner”, and
9 by striking “his waiting period (as defined in para-
10 graph (5))” and inserting “the waiting period (as
11 defined in paragraph (5)) of such widower, surviving
12 permanent partner, surviving divorced husband, or
13 surviving former permanent partner”;

14 (6) in the matter following paragraph (1)(F),
15 by striking “he” each place it appears and inserting
16 “such widower, surviving permanent partner, sur-
17 viving divorced husband, or surviving former perma-
18 nent partner”, and by striking “his disability” and
19 inserting “the disability of such widower, surviving
20 permanent partner, surviving divorced husband, or
21 surviving former permanent partner”;

22 (7) in paragraph (2)(B)(ii)(II), by striking “the
23 widower or surviving divorced husband” and insert-
24 ing “the widower, surviving permanent partner, sur-

1 viving divorced husband, or surviving former perma-
2 nent partner”;

3 (8) in paragraph (2)(D), by striking “widower
4 or surviving divorced husband” each place it appears
5 and inserting “widower, surviving permanent part-
6 ner, surviving divorced husband, or surviving former
7 permanent partner”;

8 (9) in paragraph (3)(A), by striking “widower
9 or surviving divorced husband” and inserting “wid-
10 ower, surviving permanent partner, surviving di-
11 vorced husband, or surviving former permanent
12 partner”, by inserting “or enters into a permanent
13 partnership” after “marries”, and by striking “be-
14 fore such marriage occurred” and inserting “before
15 such marriage occurred or the commencement of
16 such permanent partnership”;

17 (10) in paragraph (3)(B), by striking “a dis-
18 abled widower or disabled surviving divorced hus-
19 band” and inserting “a widower, surviving perma-
20 nent partner, surviving divorced husband, or sur-
21 viving former permanent partner who is disabled
22 as”;

23 (11) in the matter following subparagraph (B)
24 in paragraph (3), by inserting “or permanent part-
25 nership” after “marriage”;

1 (12) in paragraph (4), by striking “any widower
2 or surviving divorced husband” and inserting “any
3 widower, surviving permanent partner, surviving di-
4 vorced husband, or surviving former permanent
5 partner”; and

6 (13) in paragraph (5), by striking “widower or
7 surviving divorced husband” in subparagraph (A)
8 and inserting “widower, surviving permanent part-
9 ner, surviving divorced husband, or surviving former
10 permanent partner”, and by striking “widower or
11 surviving divorced husband” in subparagraph (B)
12 and inserting “widower, surviving permanent part-
13 ner, surviving divorced husband, or surviving former
14 permanent partner”.

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

17 Section 202(g) of the Social Security Act (42 U.S.C.
18 402(g)) is amended—

19 (1) in paragraph (1), in the matter preceding
20 subparagraph (A)—

21 (A) by striking “The surviving spouse and
22 every surviving divorced parent (as defined in
23 section 216(d))” and inserting “The surviving
24 spouse or surviving permanent partner and
25 every surviving divorced parent (as defined in

1 section 216(d)(7)) or surviving former perma-
2 nent partner parent (as defined in section
3 216(m)(6))”; and

4 (B) by striking “such surviving spouse or
5 surviving divorced parent” and inserting “such
6 surviving spouse, surviving permanent partner,
7 surviving divorced parent, or surviving former
8 permanent partner parent”;

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

12 (3) in paragraph (1)(F), “or surviving former
13 permanent partner parent” after “surviving divorced
14 parent”;

15 (4) in the matter in paragraph (1) following
16 subparagraph (F)—

17 (A) by striking “such surviving spouse or
18 surviving divorced parent” and inserting “such
19 surviving spouse, surviving permanent partner,
20 surviving divorced parent, or surviving former
21 permanent partner parent”;

22 (B) by striking “surviving spouse’s insur-
23 ance benefit” and inserting “widow’s insurance
24 benefit or widower’s insurance benefit”; and

1 (C) by inserting “or surviving former per-
2 manent partner parent” after “surviving di-
3 vorced parent” each place it appears in the last
4 sentence; and

5 (5) in paragraph (3)—

6 (A) by striking “surviving spouse or sur-
7 viving divorced parent” and inserting “surviving
8 spouse, surviving permanent partner, surviving
9 divorced parent, or surviving former permanent
10 partner parent”;

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

13 (C) by striking “such surviving spouse or
14 surviving divorced parent” and inserting “such
15 surviving spouse, surviving permanent partner,
16 surviving divorced parent, or surviving former
17 permanent partner parent”; and

18 (D) by inserting “or permanent partner-
19 ship” after “marriage”.

20 **SEC. 9. LUMP SUM DEATH PAYMENTS FOR SURVIVING PER-**
21 **MANENT PARTNERS.**

22 Section 202(i) of the Social Security Act (42 U.S.C.
23 402(i)) is amended—

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

4 (2) in paragraph (1), by striking “widow (as
5 defined in section 216(c)) or widower (as defined in
6 section 216(g))” and inserting “widow (as defined in
7 section 216(c)), widower (as defined in section
8 216(g)), or surviving permanent partner (as defined
9 in section 216(m)(3))”.

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

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

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

14 (A) by striking “widow, surviving divorced
15 wife, or widower” and inserting “widow, wid-
16 ower, surviving permanent partner, surviving
17 divorced spouse, or surviving former permanent
18 partner”; and

19 (B) by striking “disabled widow or wid-
20 ower or disabled surviving divorced wife” and
21 inserting “disabled widow, widower, or surviving
22 permanent partner or disabled surviving di-
23 vorced spouse or surviving former permanent
24 partner”.

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

3 (A) by striking “a child of his or her de-
4 ceased spouse (or deceased former spouse)” and
5 inserting “a child of his or her deceased spouse
6 or deceased permanent partner (or deceased
7 former spouse or deceased former permanent
8 partner)”; and

9 (B) by striking “his or her deceased
10 spouse’s (or deceased former spouse’s) wages
11 and self-employment income” and inserting
12 “the wages and self-employment income of his
13 or her deceased spouse or deceased permanent
14 partner (or deceased former spouse or deceased
15 former permanent partner)”.

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

18 (A) by striking “spousal relationship” each
19 place it appears and inserting “spousal or per-
20 manent partnership relationship”; and

21 (B) by striking “a wife, a husband, a
22 widow, a widower, a divorced wife, a divorced
23 husband, a surviving divorced wife, a surviving
24 divorced husband, a surviving divorced mother,
25 a surviving divorced father” and inserting “a

1 wife, a husband, a permanent partner, a widow,
2 a widower, a surviving permanent partner, a di-
3 vorced wife, a divorced husband, a former per-
4 manent partner, a surviving divorced wife, a
5 surviving divorced husband, a surviving former
6 permanent partner, a surviving divorced moth-
7 er, a surviving divorced father, a surviving
8 former permanent partner parent”.

9 (4) Section 203(a)(3)(C) of such Act (42
10 U.S.C. 403(a)(3)(C)) is amended by inserting “or
11 former permanent partner” after “a divorced
12 spouse” and by inserting “surviving former perma-
13 nent partner” after “a surviving divorced spouse”.

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

16 (A) in clause (i), by inserting “or perma-
17 nent partner” after “a spouse” and by inserting
18 “or surviving permanent partner” after “a sur-
19 viving spouse”.

20 (6) Section 203(b)(2) of such Act (42 U.S.C.
21 403(b)(2)) is amended—

22 (A) in subparagraph (A)(i), by inserting
23 “or former permanent partner” after “divorced
24 spouse”;

1 (B) by striking subparagraph (A)(ii) and
2 inserting the following:

3 “(ii)(I) if such person is such a divorced spouse,
4 such person has been divorced for not less than 2
5 years, or (II) if such person is such a former perma-
6 nent partner, the permanent partnership has been
7 terminated for not less than 2 years,”;

8 (C) in the matter in subparagraph (A) fol-
9 lowing clause (ii), by inserting “or former per-
10 manent partner” after “such divorced spouse”;
11 and

12 (D) in subparagraph (B), by inserting “or
13 former permanent partner” after “divorced
14 spouse” and by inserting “or the date of the
15 termination of the permanent partnership”
16 after “the date of the divorce”.

17 (7) Section 203(c) of such Act (42 U.S.C.
18 403(c)(3)) is amended—

19 (A) in paragraph (2), by striking “wife or
20 husband” and inserting “wife, husband, or per-
21 manent partner”, by striking “his or her
22 spouse” and inserting “the insured individual”,
23 and by striking “such spouse” and inserting
24 “such individual”;

1 (B) in paragraph (3), by striking “widow
2 or widower” and inserting “widow, widower, or
3 surviving permanent partner”, and by inserting
4 “or deceased permanent partner” after “de-
5 ceased spouse”;

6 (C) in paragraph (4), by inserting “or sur-
7 viving former permanent partner parent” after
8 “surviving divorced mother or father”, and by
9 inserting “or deceased former permanent part-
10 ner” after “deceased former spouse”; and

11 (D) in the matter following paragraph (4),
12 by striking “widow, surviving divorced wife,
13 widower, or surviving divorced husband” and
14 inserting “widow, widower, surviving permanent
15 partner, surviving divorced wife, surviving di-
16 vorced husband, or surviving former permanent
17 partner”.

18 (8) Section 203(d)(1)(A) of such Act (42
19 U.S.C. 403(d)(1)(A)) is amended by striking “a
20 wife, divorced wife, husband, divorced husband, or
21 child” and inserting “a wife, husband, permanent
22 partner, divorced wife, divorced husband, former
23 permanent partner, or child”.

24 (9) Section 203(d)(1)(B) of such Act (42
25 U.S.C. 403(d)(1)(B)) is amended by inserting “or

1 former permanent partner” after “divorced spouse”
2 each place it appears.

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

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

11 (12) Section 205(b)(1) of such Act (42 U.S.C.
12 405(b)(1)) is amended by striking “wife, divorced
13 wife, widow, surviving divorced wife, surviving di-
14 vorced mother, surviving divorced father, husband,
15 divorced husband, widower, surviving divorced hus-
16 band, child, or parent” and inserting “wife, hus-
17 band, permanent partner, divorced wife, divorced
18 husband, former permanent partner, surviving di-
19 vorced wife, surviving divorced husband, surviving
20 divorced parent, surviving former permanent partner
21 parent, child, or parent”.

22 (13) Section 205(c)(1)(C) of such Act (42
23 U.S.C. 205(c)(1)(C)) is amended by striking “an in-
24 dividual’s spouse, surviving divorced wife, surviving
25 divorced husband, surviving divorced mother, sur-

1 viving divorced father, child, or parent” and insert-
2 ing “an individual’s spouse, permanent partner, sur-
3 viving divorced wife, surviving divorced husband,
4 surviving former permanent partner, surviving di-
5 vorced parent, surviving former permanent partner
6 parent, child, or parent”.

7 (14) Section 205(i) of such Act (42 U.S.C.
8 405(i)) is amended by striking “the wife or hus-
9 band” in clause (B) and inserting “the wife, hus-
10 band, or permanent partner”.

11 (15) Section 205(q)(5) of such Act (42 U.S.C.
12 405(q)(5)) is amended by striking “widow or wid-
13 ower” and inserting “widow, widower, or surviving
14 permanent partner”.

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

18 (17) Section 209(a)(14)(B) of such Act (42
19 U.S.C. 409(a)(14)(B)) is amended by striking
20 “plans)” and inserting “plans), or which would be
21 excluded from the gross income of such employee’s
22 permanent partner if an exclusion under such sec-
23 tion with respect to a taxpayer’s permanent partner
24 were allowable under such section”.

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

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

6 (B) by striking clause (i) and inserting the
7 following:

8 “(i) the employer is a surviving spouse, a sur-
9 viving permanent partner, a divorced individual, or
10 a former permanent partner and has not, since the
11 death of his or her spouse or permanent partner or
12 the termination of his or her marriage or permanent
13 partnership, married or entered into a permanent
14 partnership, or the employer has a spouse or perma-
15 nent partner living in the home who has a mental
16 or physical condition which results in an incapability
17 of such spouse or permanent partner of caring for
18 a son, daughter, stepson, or stepdaughter (referred
19 to in clause (ii)) for at least 4 continuous weeks in
20 the calendar quarter in which the service is ren-
21 dered, and”.

22 (19) Section 211(a)(5) of such Act (42 U.S.C.
23 411(a)(5)) is amended—

24 (A) in subparagraph (A), by inserting “or
25 permanent partner (as defined in section

1 216(m)(2))” after “spouse” each place it ap-
2 pears; and

3 (B) in subparagraph (B), by inserting
4 “business” before “partner’s” and “partner”
5 each place they appear, and by inserting “or
6 permanent partner (as so defined)” after “the
7 spouse”.

8 (20) Section 216(c)(2) of such Act (42 U.S.C.
9 416(c)(2)) is amended—

10 (A) in subparagraph (A), by inserting “or
11 in a permanent partnership” after “married”;

12 (B) in subparagraph (B), by inserting “or
13 prior permanent partner” after “prior wife” the
14 first place it appears, and by inserting “or per-
15 manent partnership with the prior permanent
16 partner” after “marriage to the prior wife”;

17 (C) in subparagraph (C), by striking “the
18 prior wife’s institutionalization” each place it
19 appears and inserting “the institutionalization
20 of the prior wife or prior permanent partner”,
21 by inserting “or terminated the permanent
22 partnership with the prior permanent partner”
23 after “would have divorced the prior wife”, and
24 by inserting “or termination” after “such di-
25 vorce”,

1 (D) in subparagraph (D), by inserting “or
2 prior permanent partner” after “prior wife”,
3 and by striking “her death” and inserting “the
4 death of such prior wife or prior permanent
5 partner”; and

6 (E) in subparagraph (E), by striking “the
7 prior wife’s death” and inserting “the death of
8 the prior wife or prior permanent partner”.

9 (21) Section 216(k) of such Act (42 U.S.C.
10 416(k)) is amended—

11 (A) by striking “subsection (c)(1) or” and
12 inserting “subsection (c)(1),”;

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

16 (C) by inserting “, or the permanent part-
17 ner surviving an individual,” after “surviving
18 spouse of an individual”;

19 (D) by inserting “or have been in a perma-
20 nent partnership with such individual” after
21 “have been married to such individual”;

22 (E) by striking “widow or widower, and”
23 and inserting “widow, widower, or surviving
24 permanent partner,”;

1 (F) by inserting after “such individual’s
2 child,” the following: “and the requirement of
3 subparagraph (E) of subsection (m)(3) that a
4 child of an individual or such individual’s per-
5 manent partner have been living with the mem-
6 ber of the permanent partnership who is not
7 the child’s parent for not less than 1 year im-
8 mediately preceding the day on which such indi-
9 vidual’s permanent partner died in order for
10 such individual to qualify as the surviving per-
11 manent partner of the deceased permanent
12 partner”;

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

15 (H) in paragraph (1), by striking “the
16 marriage involved” and inserting “the com-
17 mencement of the marriage or permanent part-
18 nership involved”, and by striking “nine
19 months” and inserting “the applicable period”;

20 (I) in paragraph (2)(A), by inserting “in
21 the case of the first requirement referred to in
22 this subsection,” after “(2)(A)”, by inserting “,
23 or the surviving permanent partner of such in-
24 dividual had been previously a member of a per-
25 manent partnership with such individual and

1 such permanent partnership had subsequently
2 been terminated,” after “and subsequently di-
3 vored”, by inserting “or the termination of
4 such permanent partnership” after “at the time
5 of such divorce”, by inserting “or previous per-
6 manent partnership” after “previous marriage”,
7 by inserting “or (in the case of a permanent
8 partnership) other termination” after “by di-
9 vorce”, and by striking “or” at the end;

10 (J) in paragraph (2)(B), by inserting “in
11 the case of the second requirement referred to
12 in this subsection,” after “(B)”, by inserting
13 “or during a previous permanent partnership
14 between such stepchild’s parent and such indi-
15 vidual which ended in the termination of such
16 permanent partnership,” after “divorce” the
17 first place it appears, by inserting “or termi-
18 nation” after “divorce” the second place it ap-
19 pears, by inserting “or previous permanent
20 partnership” after “previous marriage” the sec-
21 ond place it appears, by inserting “or (in the
22 case of a permanent partnership) other termi-
23 nation” after “by divorce”, and by adding “or”
24 at the end;

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

3 “(C) in the case of the third requirement re-
4 ferred to in this subsection, the child of either mem-
5 ber of the permanent partnership had been living
6 with the other member of such permanent partner-
7 ship during a previously terminated permanent part-
8 nership between both such members and such re-
9 quirement would have been satisfied at the time of
10 the termination if such previous permanent partner-
11 ship had been terminated by the death of the de-
12 ceased permanent partner;” and

13 (L) in the matter in subsection (k) fol-
14 lowing paragraph (2)(C) (as added by subpara-
15 graph (K)), by striking “marriage involved”
16 and inserting “marriage or permanent partner-
17 ship involved”, and by striking “nine months”
18 and inserting “the applicable period”.

19 (22) Section 225(a) of such Act (42 U.S.C.
20 425(a)) is amended by striking “widow or surviving
21 divorced wife” and inserting “widow, surviving per-
22 manent partner, surviving divorced wife, or surviving
23 former permanent partner”, and by striking “wid-
24 ower or surviving divorced husband” and inserting
25 “widower, surviving permanent partner, surviving di-

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

3 (23) Section 226(b)(2)(A)(iii) of such Act (42
4 U.S.C. 426(b)(2)(A)(iii)) is amended by inserting
5 “(as a surviving spouse or surviving divorced
6 spouse)” after “section 202(f)”.

7 (b) AMENDMENTS TO THE INTERNAL REVENUE
8 CODE OF 1986.—

9 (1) Section 1402(a)(5) of the Internal Revenue
10 Code of 1986 (relating to distribution of net earn-
11 ings from self-employment between spouses) is
12 amended—

13 (A) in subparagraph (A), by inserting “or
14 permanent partner (as defined in section
15 216(m)(2) of the Social Security Act)” after
16 “spouse” the first place it appears, and by in-
17 serting “or permanent partner” after “spouse”
18 each other place it appears; and

19 (B) in subparagraph (B), by inserting
20 “business” before “partner’s” and “partner”
21 each place they appear, and by inserting “or
22 permanent partner (as so defined)” after “the
23 spouse”.

24 (2) Section 3121(a)(17) of such Code (relating
25 to exclusion from wages of benefits received from

1 group legal services plans) is amended by striking
2 “plans)” and inserting “plans), or which would be
3 excluded from the gross income of such employee’s
4 permanent partner (as defined in section 216(m)(2)
5 of the Social Security Act) if an exclusion under
6 such section with respect to a taxpayer’s permanent
7 partner were allowable under such section”.

8 (3) Section 3121(b)(3)(B) of such Code (relat-
9 ing to exclusion from employment of service in the
10 employ of mother, father, spouse, son, or daughter)
11 is amended—

12 (A) by striking “his spouse or son or
13 daughter” and inserting “his spouse, perma-
14 nent partner, son, or daughter”; and

15 (B) by striking clause (i) and inserting the
16 following:

17 “(i) the employer is a surviving spouse, a
18 surviving permanent partner (as defined in sec-
19 tion 216(m)(3) of the Social Security Act), a di-
20 vorced individual, or a former permanent part-
21 ner (as defined in section 216(m)(4) of such
22 Act) and has not, since the death of his or her
23 spouse or permanent partner (as defined in sec-
24 tion 216(m)(2) of such Act) or the termination
25 of his or her marriage or permanent partner-

1 ship (as defined in section 216(m)(1) of such
2 Act), married or entered into a permanent part-
3 nership, or the employer has a spouse or per-
4 manent partner living in the home who has a
5 mental or physical condition which results in an
6 incapability of such spouse or permanent part-
7 ner of caring for a son, daughter, stepson, or
8 stepdaughter (referred to in clause (ii)) for at
9 least 4 continuous weeks in the calendar quar-
10 ter in which the service is rendered, and”.

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

12 The amendments made by this Act shall apply with
13 respect to benefits for which applications are filed after
14 1 year after the date of the enactment of this Act.

○