

113TH CONGRESS
2D SESSION

H. R. 5182

To amend title II of the Social Security Act to provide for equal treatment of individuals in same-sex marriages, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2014

Mr. TAKANO (for himself, Mr. BECERRA, Mr. CICILLINE, Ms. LEE of California, Mr. HIGGINS, Mr. SCHIFF, Mr. McDERMOTT, and Mr. HIMES) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title II of the Social Security Act to provide for equal treatment of individuals in same-sex marriages, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Social Security and
5 Medicare Parity Act of 2014”.

6 **SEC. 2. DETERMINATION OF VALID MARRIAGE UNDER THE**
7 **SOCIAL SECURITY ACT.**

8 (a) IN GENERAL.—Section 216(h)(1)(A)(i) of the So-
9 cial Security Act (42 U.S.C. 416(h)(1)(A)(i)) is amended

1 by striking “is domiciled” and all that follows through
 2 “the District of Columbia,” and inserting “and such appli-
 3 cant were married (or, if such insured individual and such
 4 applicant were not married in any State but were validly
 5 married in another jurisdiction, the courts of any State)”.

6 (b) EFFECTIVE DATE.—The amendments made by
 7 this section shall apply to all final determinations of family
 8 status made after June 26, 2013.

9 **SEC. 3. ALTERNATIVE METHOD OF MEETING NINE-MONTH**
 10 **REQUIREMENT FOR WIDOWS, STEP-**
 11 **CHILDREN, OR WIDOWERS IN CERTAIN**
 12 **CASES.**

13 Section 216(k) of the Social Security Act (42 U.S.C.
 14 416(k)) is amended—

15 (1) in the section heading, by striking “in Case
 16 of Accidental Death or in Case of Serviceman Dying
 17 in Line of Duty, or in Case of Remarriage to the
 18 Same Individual” and inserting “in certain cases”;

19 (2) in paragraph (1), by striking “or” at the
 20 end;

21 (3) in paragraph (2)(B), by adding “or” at the
 22 end; and

23 (4) by inserting after paragraph (2) the fol-
 24 lowing:

1 “(3)(A) in the case of a widow or widower of
2 such individual whose marriage to such individual
3 would not have been treated as a marriage for pur-
4 poses of Federal law prior to June 26, 2013, such
5 widow or widower—

6 “(i) became the wife or husband of such
7 individual (or was deemed to be the wife or hus-
8 band of such individual under subsection
9 (h)(1)(A)(ii))—

10 “(I) if such widow or widower is domi-
11 ciled in a State that recognized same-sex
12 marriages, civil unions, or registered do-
13 mestic partnerships as of June 26, 2013,
14 before March 26, 2014; and

15 “(II) if such widow or widower is
16 domiciled in any other State—

17 “(aa) before March 26, 2014; or

18 “(bb) if applicable, during the 9-
19 month period beginning with the 1st
20 date on which such State recognized
21 same-sex marriages, civil unions, or
22 registered domestic partnerships; and

23 “(ii) provides a sworn affidavit that the
24 widow or widower was married to, or in a do-
25 mestic partnership with, such individual

1 throughout the 9-month period ending on the
2 date of the individual's death; or

3 “(B) the stepchild of such individual—

4 “(i) became the stepchild of such indi-
5 vidual as a result of a parent of the stepchild
6 becoming the wife or husband of such individual
7 (or being deemed to be the wife or husband of
8 such individual under subsection
9 (h)(1)(A)(ii))—

10 “(I) if such parent is domiciled in a
11 State that recognized same-sex marriages,
12 civil unions, or registered domestic part-
13 nerships as of June 26, 2013, before
14 March 26, 2014; and

15 “(II) if such parent is domiciled in
16 any other State—

17 “(aa) before March 26, 2014; or

18 “(bb) if applicable, during the 9-
19 month period beginning with the 1st
20 date on which such State recognized
21 same-sex marriages, civil unions, or
22 registered domestic partnerships; and

23 “(ii) provides a sworn affidavit that such
24 parent was married to, or in a domestic part-
25 nership with, such individual throughout the 9-

1 month period ending on the date of the individ-
2 ual's death;''.

3 **SEC. 4. ALTERNATIVE METHOD OF MEETING 1-YEAR RE-**
4 **QUIREMENT FOR WIVES, STEPCHILDREN, OR**
5 **HUSBANDS IN CERTAIN CASES.**

6 The requirement in section 216(b)(2) of the Social
7 Security Act (42 U.S.C. 416) and the requirement in sec-
8 tion 216(f)(2) of such Act that the spouse of an individual
9 shall have been married to such individual for a period
10 of not less than 1 year immediately preceding the day on
11 which the spouse's application for wife's or husband's in-
12 surance benefits is filed in order to qualify as such individ-
13 ual's wife or husband, and the requirement in section
14 216(e)(2) of such Act that the stepchild of an individual
15 shall have been such stepchild for not less than 1 year
16 immediately preceding the day on which application for
17 child's insurance benefits is filed in order to qualify as
18 such individual's child, shall be deemed to be satisfied,
19 where such application is filed within the applicable 1-year
20 period, if—

21 (1) in the case of a wife or husband of such in-
22 dividual whose marriage to such individual would
23 not have been treated as a marriage for purposes of
24 Federal law prior to June 26, 2013, such wife or
25 husband—

1 (A) became the wife or husband of such in-
2 dividual (or was deemed to be the wife or hus-
3 band of such individual under subsection
4 (h)(1)(A)(ii) of such Act)—

5 (i) if such wife or husband is domi-
6 ciled in a State that recognized same-sex
7 marriages, civil unions, or registered do-
8 mestic partnerships as of June 26, 2013,
9 before June 26, 2014; and

10 (ii) if such wife or husband is domi-
11 ciled in any other State—

12 (I) before June 26, 2014; or

13 (II) if applicable, during the 1-
14 year period beginning with the 1st
15 date on which such State recognized
16 same-sex marriages, civil unions, or
17 registered domestic partnerships; and

18 (B) provides a sworn affidavit that the
19 wife or husband was married to, or in a domes-
20 tic partnership with, such individual throughout
21 the 1-year period ending on the date of the ap-
22 plication for wife's or husband's insurance bene-
23 fits; or

24 (2) the stepchild of such individual—

1 (A) became the stepchild of such individual
2 as a result of a parent of the stepchild becom-
3 ing the wife or husband of such individual (or
4 being deemed to be the wife or husband of such
5 individual under subsection (h)(1)(A)(ii) of such
6 Act)—

7 (i) if such parent is domiciled in a
8 State that recognized same-sex marriages,
9 civil unions, or registered domestic part-
10 nerships as of June 26, 2013, before June
11 26, 2014; and

12 (ii) if such parent is domiciled in any
13 other State—

14 (I) before June 26, 2014; or

15 (II) if applicable, during the 1-
16 year period beginning with the 1st
17 date on which such State recognized
18 same-sex marriages, civil unions, or
19 registered domestic partnerships; and

20 (B) provides a sworn affidavit that such
21 parent was married to, or in a domestic part-
22 nership with, such individual throughout the 1-
23 year period ending on the date of the applica-
24 tion for child's insurance benefits.

1 **SEC. 5. NOTIFICATION OF CHANGES IN LAW; OUTREACH**
2 **CAMPAIGN.**

3 (a) IN GENERAL.—As soon as practicable after the
4 date of the enactment of this Act but not later than De-
5 cember 31, 2014, the Commissioner of Social Security
6 shall conduct a comprehensive and effective 3-year out-
7 reach campaign to encourage individuals newly eligible for
8 benefits under title II of the Social Security Act as a result
9 of changes in law relating to same-sex marriage and occur-
10 ring on or after June 26, 2013, including this Act and
11 the amendments made thereby, to apply for such benefits.
12 Such outreach campaign shall include direct notification
13 regarding such changes in law to current beneficiaries and
14 to individuals approaching retirement.

15 (b) REPORT TO CONGRESS.—Not later than Decem-
16 ber 31 of each of the 1st 3 calendar years beginning with
17 2015, the Commissioner of Social Security shall submit
18 to the Committee on Ways and Means of the House of
19 Representatives, the Committee on Finance of the Senate,
20 and the Committees on Appropriations of the House of
21 Representatives and the Senate a report that includes—

22 (1) a description of the educational and out-
23 reach activities conducted by the Commissioner of
24 Social Security under subsection (a) during the pre-
25 ceding year;

1 (2) the number of applications for benefits
2 under title II of the Social Security Act filed as a
3 result of changes in law relating to same-sex mar-
4 riage and occurring on or after June 26, 2013, in-
5 cluding this Act and the amendments made thereby,
6 in the preceding year; and

7 (3) the number of such applications which re-
8 sulted in entitlement to benefits.

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