

114TH CONGRESS
1ST SESSION

H. R. 2025

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

APRIL 23, 2015

Mr. TAKANO (for himself, Mr. VARGAS, Ms. CLARK of Massachusetts, Mr. CONYERS, Mr. THOMPSON of California, Mrs. DAVIS of California, Mr. LEWIS, Ms. SPEIER, Mr. LEVIN, Mr. POCAN, Ms. LEE, Mr. McDERMOTT, Mr. PETERS, Mr. KIND, Ms. ROYBAL-ALLARD, Ms. ESTY, Mr. LOWENTHAL, Ms. WILSON of Florida, Ms. PINGREE, Ms. FRANKEL of Florida, Mr. GARAMENDI, and Mr. POLIS) 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 2015”.

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

3 (a) IN GENERAL.—Section 216(h)(1)(A)(i) of the So-
 4 cial Security Act (42 U.S.C. 416(h)(1)(A)(i)) is amended
 5 by striking “is domiciled” and all that follows through
 6 “the District of Columbia,” and inserting “and such appli-
 7 cant were married (or, if such insured individual and such
 8 applicant were not married in any State but were validly
 9 married in another jurisdiction, the courts of any State)”.

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

13 **SEC. 3. ALTERNATIVE METHOD OF MEETING NINE-MONTH**
 14 **REQUIREMENT FOR WIDOWS, STEP-**
 15 **CHILDREN, OR WIDOWERS IN CERTAIN**
 16 **CASES.**

17 Section 216(k) of the Social Security Act (42 U.S.C.
 18 416(k)) is amended—

19 (1) in the section heading, by striking “in Case
 20 of Accidental Death or in Case of Serviceman Dying
 21 in Line of Duty, or in Case of Remarriage to the
 22 Same Individual” and inserting “in certain cases”;

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

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

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

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

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

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

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

19 “(aa) before March 26, 2014; or

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

1 “(ii) provides a sworn affidavit that the
2 widow or widower was married to, or in a do-
3 mestic partnership with, such individual
4 throughout the 9-month period ending on the
5 date of the individual’s death; or

6 “(B) the stepchild of such individual—

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

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

18 “(II) if such parent is domiciled in
19 any other State—

20 “(aa) before March 26, 2014; or

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

“(ii) provides a sworn affidavit that such parent was married to, or in a domestic partnership with, such individual throughout the 9-month period ending on the date of the individual’s death;”.

SEC. 4. ALTERNATIVE METHOD OF MEETING 1-YEAR REQUIREMENT FOR WIVES, STEPCHILDREN, OR HUSBANDS IN CERTAIN CASES.

The requirement in section 216(b)(2) of the Social Security Act (42 U.S.C. 416) and the requirement in section 216(f)(2) of such Act that the spouse of an individual shall have been married to such individual for a period of not less than 1 year immediately preceding the day on which the spouse’s application for wife’s or husband’s insurance benefits is filed in order to qualify as such individual’s wife or husband, and the requirement in section 216(e)(2) of such Act that the stepchild of an individual shall have been such stepchild for not less than 1 year immediately preceding the day on which application for child’s insurance benefits is filed in order to qualify as such individual’s child, shall be deemed to be satisfied, where such application is filed within the applicable 1-year period, if—

(1) in the case of a wife or husband of such individual whose marriage to such individual would

1 not have been treated as a marriage for purposes of
2 Federal law prior to June 26, 2013, such wife or
3 husband—

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

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

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

15 (I) before June 26, 2014; or

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

21 (B) provides a sworn affidavit that the
22 wife or husband was married to, or in a domes-
23 tic partnership with, such individual throughout
24 the 1-year period ending on the date of the ap-

1 plication for wife’s or husband’s insurance bene-
2 fits; or

3 (2) the stepchild of such individual—

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

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 June
14 26, 2014; and

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

17 (I) before June 26, 2014; or

18 (II) if applicable, during the 1-
19 year 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 (B) provides a sworn affidavit that such
24 parent was married to, or in a domestic part-
25 nership with, such individual throughout the 1-

1 year period ending on the date of the applica-
2 tion for child's insurance benefits.

3 **SEC. 5. NOTIFICATION OF CHANGES IN LAW; OUTREACH**
4 **CAMPAIGN.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, the Commissioner of
7 Social Security shall conduct a comprehensive and effec-
8 tive 3-year outreach campaign to encourage individuals
9 newly eligible for benefits under title II of the Social Secu-
10 rity Act as a result of changes in law relating to same-
11 sex marriage and occurring on or after June 26, 2013,
12 including this Act and the amendments made thereby, to
13 apply for such benefits. Such outreach campaign shall in-
14 clude direct notification regarding such changes in law to
15 current beneficiaries and to individuals approaching retire-
16 ment.

17 (b) REPORT TO CONGRESS.—Not later than Decem-
18 ber 31 of each of the 1st 3 calendar years beginning after
19 the date of the enactment of this Act, the Commissioner
20 of Social Security shall submit to the Committee on Ways
21 and Means of the House of Representatives, the Com-
22 mittee on Finance of the Senate, and the Committees on
23 Appropriations of the House of Representatives and the
24 Senate a report that includes—

1 (1) a description of the educational and out-
2 reach activities conducted by the Commissioner of
3 Social Security under subsection (a) during the pre-
4 ceding year;

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

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

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