

115TH CONGRESS  
1ST SESSION

# H. R. 2247

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2017

Ms. MICHELLE LUJAN GRISHAM of New Mexico introduced the following bill;  
which was referred to the Committee on Ways and Means

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## 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 “Anthony Gonzales  
5 Equality for Survivors (AGES) Act”.

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  
10 by striking “is domiciled” and all that follows through

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

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

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

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

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

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

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

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

24 “(3)(A) in the case of a widow or widower of  
 25 such individual whose marriage to such individual

1 would not have been treated as a marriage for pur-  
2 poses of Federal law prior to June 26, 2013, such  
3 widow or widower—

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

8 “(I) if such widow or widower is domi-  
9 ciled in a State that recognized same-sex  
10 marriages as of June 26, 2013, during the  
11 9-month period beginning with June 26,  
12 2013; and

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

15 “(aa) during the 9-month period  
16 beginning with June 26, 2013; or

17 “(bb) during the 9-month period  
18 beginning with June 26, 2015, or if  
19 earlier, the first date on which such  
20 State recognized same-sex marriages;  
21 and

22 “(ii) provides a sworn affidavit that the  
23 widow or widower was in a domestic partner-  
24 ship with such individual throughout the 9-

1 month period ending on the date of the individ-  
2 ual'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 as of June 26, 2013, during the 9-month  
13 period beginning with June 26, 2013; and

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

16 “(aa) during the 9-month period  
17 beginning with June 26, 2013; or

18 “(bb) during the 9-month period  
19 beginning with June 26, 2015, or if  
20 earlier, the first date on which such  
21 State recognized same-sex marriages;  
22 and

23 “(ii) provides a sworn affidavit that such  
24 parent was in a domestic partnership with such

1 individual throughout the 9-month period end-  
2 ing on the date of the individual's death;"; and  
3 (5) by adding at the end the following: "For  
4 purposes of this subsection, the term 'same-sex mar-  
5 riage' shall include a civil union, registered domestic  
6 partnership, and any other legal relationship treated  
7 by the Commissioner as a marital relationship for  
8 purposes of determining eligibility for spousal bene-  
9 fits under this title."

10 **SEC. 4. NOTIFICATION OF CHANGES IN LAW; OUTREACH**  
11 **CAMPAIGN.**

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

24 (b) REPORT TO CONGRESS.—Not later than Decem-  
25 ber 31 of each of the first 3 calendar years beginning after

1 the date of the enactment of this Act, the Commissioner  
2 of Social Security shall submit to the Committee on Ways  
3 and Means of the House of Representatives, the Com-  
4 mittee on Finance of the Senate, and the Committees on  
5 Appropriations of the House of Representatives and the  
6 Senate a report that includes—

7           (1) a description of the educational and out-  
8 reach activities conducted by the Commissioner of  
9 Social Security under subsection (a) during the pre-  
10 ceding year;

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

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

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