

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.

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## 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

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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 “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

1           “(ii) provides a sworn affidavit that such  
2           parent was married to, or in a domestic part-  
3           nership with, such individual throughout the 9-  
4           month period ending on the date of the individ-  
5           ual’s death;”.

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

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

24           (1) in the case of a wife or husband of such in-  
25           dividual 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           (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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