

112TH CONGRESS
2D SESSION

H. R. 4609

To amend title II of the Social Security Act to provide for treatment of permanent partnerships between individuals of the same gender as marriage for purposes of determining entitlement to benefits under such title.

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2012

Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. ACKERMAN, Mr. BACA, Ms. BALDWIN, Ms. BASS of California, Ms. BERKLEY, Mr. BERMAN, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mrs. CAPPS, Mr. CAPUANO, Mr. CARNAHAN, Ms. CASTOR of Florida, Ms. CHU, Mr. CICILLINE, Ms. CLARKE of New York, Mr. CLAY, Mr. COURTNEY, Mr. CROWLEY, Mrs. DAVIS of California, Ms. DEGETTE, Ms. DELAURO, Mr. DEUTCH, Mr. DOYLE, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HAHN, Ms. HANABUSA, Mr. HIGGINS, Mr. HIMES, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. KEATING, Mr. KUCINICH, Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. LEE of California, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mrs. MALONEY, Ms. MATSUI, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MCGOVERN, Mr. MICHAUD, Mr. GEORGE MILLER of California, Ms. MOORE, Mr. MORAN, Mr. MURPHY of Connecticut, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PETERS, Ms. PINGREE of Maine, Mr. POLIS, Mr. QUIGLEY, Mr. RANGEL, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SERRANO, Mr. SMITH of Washington, Ms. SPEIER, Mr. STARK, Mr. TONKO, Mr. TOWNS, Mr. WALZ of Minnesota, Mr. WAXMAN, Mr. WELCH, Ms. WOOLSEY, Mr. YARMUTH, Mr. HASTINGS of Florida, Ms. TSONGAS, Mr. HEINRICH, and Ms. HIRONO) 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 treatment of permanent partnerships between individuals of the same gender as marriage for purposes of determining entitlement to benefits under such title.

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 Equal-
 5 ity Act of 2012”.

6 **SEC. 2. TREATMENT OF PERMANENT PARTNERSHIPS**
 7 **UNDER TITLE II OF THE SOCIAL SECURITY**
 8 **ACT.**

9 (a) IN GENERAL.—Section 216 of the Social Security
 10 Act (42 U.S.C. 416) is amended by adding at the end the
 11 following new subsection:

12 “Permanent Partnership

13 “(m)(1) Notwithstanding any other provision of this
 14 title and under regulations of the Commissioner of Social
 15 Security prescribed as required under paragraph (3):

16 “(A) In any case in which the Commissioner
 17 determines, in connection with the application by (or
 18 on behalf of) an individual for a benefit under this
 19 title, that a current or former marriage between the
 20 applicant and another individual, or between 2 other
 21 individuals, is a prerequisite for entitlement of the

1 applicant to such benefit and the application des-
2 ignates, for treatment as such a marriage for pur-
3 poses of such application, an arrangement between
4 2 individuals of the same gender—

5 “(i) if the Commissioner determines that
6 such arrangement is (or was) a permanent
7 partnership within the meaning of paragraph
8 (2), such arrangement shall be treated for pur-
9 poses of this title as a marriage of such individ-
10 uals; and

11 “(ii) each female party to such arrange-
12 ment shall be treated as a wife with respect to
13 such arrangement (referencing the other party
14 as such individual’s spouse in connection with
15 such arrangement) and each male party to such
16 arrangement shall be treated as a husband with
17 respect to such arrangement (referencing the
18 other party as such individual’s spouse in con-
19 nection with such arrangement).

20 “(B) An arrangement between individuals of
21 the same gender shall be treated as a former mar-
22 riage under subparagraph (A) in connection with an
23 application for benefits under this title only if the
24 Commissioner determines that such arrangement
25 has been dissolved under the laws of the State of

1 domicile of the applicant. In any case in which the
2 Commissioner determines that such an arrangement
3 has been so dissolved—

4 “(i) the dissolution of such arrangement
5 shall be treated as a divorce with respect to
6 such arrangement; and

7 “(ii) each female individual who was a
8 party to such arrangement shall be treated as
9 a divorced wife with respect to such arrange-
10 ment (referencing the other party as such indi-
11 vidual’s divorced spouse in connection with such
12 arrangement) and each male individual who was
13 a party to such arrangement shall be treated as
14 a divorced husband with respect to such ar-
15 rangement (referencing the other party as the
16 applicant’s divorced spouse in connection with
17 such arrangement).

18 “(C) In any case in which the Commissioner de-
19 termines that, after an individual entitled to a
20 monthly insurance benefit under section 202 became
21 so entitled, such individual and another individual of
22 the same gender have entered into an arrangement
23 that constitutes a permanent partnership, such ar-
24 rangement shall be treated as a marriage of such in-
25 dividuals for purposes of any provision of such sec-

1 tion providing for termination of such entitlement
2 upon marriage or remarriage.

3 “(D) Upon receipt by the Commissioner of an
4 application by (or on behalf of) an individual for a
5 benefit under this title containing certification by (or
6 on behalf of) the applicant, submitted in such form
7 and manner as shall be prescribed in such regula-
8 tions, that the applicant is a stepchild or adopted
9 child of an individual who is or was a party to an
10 arrangement consisting of a permanent partnership,
11 if such arrangement is treated as a marriage under
12 subparagraph (A) and, under the laws of the domi-
13 cile of the applicant, the applicant is, at the time of
14 such application, treated as a stepchild or adopted
15 child of such party to such arrangement, the appli-
16 cant shall be treated as such a stepchild or adopted
17 child of such party (referencing such party as a par-
18 ent of the applicant).

19 “(E) Upon receipt by the Commissioner of an
20 application by (or on behalf of) an individual for a
21 benefit under this title containing certification by (or
22 on behalf of) the applicant, submitted in such form
23 and manner as shall be prescribed in such regula-
24 tions, that the applicant is or was a party to an ar-
25 rangement consisting of a permanent partnership

1 and that the applicant is a parent of an individual
2 who is a stepchild or adopted child of the applicant
3 with respect to such arrangement, if such arrange-
4 ment is treated as a marriage under subparagraph
5 (A) and, under the laws of the domicile of the appli-
6 cant, the applicant is, at the time of such applica-
7 tion, treated as a parent of such individual with re-
8 spect to such arrangement, the applicant shall be
9 treated as such a parent of such individual (ref-
10 erencing such individual as a stepchild or adopted
11 child of the applicant).

12 “(2) For purposes of this subsection, the term ‘per-
13 manent partnership’ means, in connection with any indi-
14 vidual, a committed, intimate arrangement which is be-
15 tween such individual and another individual who have
16 both attained 18 years of age and which has been recog-
17 nized and certified as legally valid by the State of domicile
18 of the applicant, in any case in which—

19 “(A) each such individual intends a lifelong
20 commitment to the other;

21 “(B) such individuals are financially inter-
22 dependent;

23 “(C) such individuals are unable to contract
24 with each other a marriage cognizable under this
25 title (other than as provided in this subsection);

1 “(D) each such individual is not a first, second,
2 or third degree blood relation of the other individual;
3 and

4 “(E) each such individual is neither married
5 (within the meaning of this title other than as pro-
6 vided in this subsection) to, nor in a relationship de-
7 scribed in the preceding provisions of this paragraph
8 with, any third individual.

9 “(3) The Commissioner shall prescribe such regula-
10 tions as are necessary to carry out the provisions of this
11 subsection. In prescribing such regulations, the Commis-
12 sioner shall take into account the laws of the State of
13 domicile of an applicant for benefits under this title so
14 as to ensure that such provisions, together with the other
15 provisions of this title as applied in accordance with this
16 subsection, are appropriately coordinated with each other
17 and with the laws of such State.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 this section shall apply with respect to monthly insurance
20 benefits for months after November 2012 for which appli-
21 cations are filed after December 31, 2012, and with re-
22 spect to lump-sum death payments in connection with
23 deaths occurring after such date.

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