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(Original Signature of Member)

112TH CONGRESS
2D SESSION

H. R.

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

Ms. LINDA T. SÁNCHEZ of California introduced the following bill; which was referred to the Committee on _____

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”.

1 **SEC. 2. TREATMENT OF PERMANENT PARTNERSHIPS**
2 **UNDER TITLE II OF THE SOCIAL SECURITY**
3 **ACT.**

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

7 “Permanent Partnership

8 “(m)(1) Notwithstanding any other provision of this
9 title and under regulations of the Commissioner of Social
10 Security prescribed as required under paragraph (3)—

11 “(A) In any case in which the Commissioner
12 determines, in connection with the application by (or
13 on behalf of) an individual for a benefit under this
14 title, that a current or former marriage between the
15 applicant and another individual, or between 2 other
16 individuals, is a prerequisite for entitlement of the
17 applicant to such benefit and the application des-
18 ignates, for treatment as such a marriage for pur-
19 poses of such application, an arrangement between
20 2 individuals of the same gender—

21 “(i) if the Commissioner determines that
22 such arrangement is (or was) a permanent
23 partnership within the meaning of paragraph
24 (2), such arrangement shall be treated for pur-
25 poses of this title as a marriage of such individ-
26 uals; and

1 “(ii) each female party to such arrange-
2 ment shall be treated as a wife with respect to
3 such arrangement (referencing the other party
4 as such individual’s spouse in connection with
5 such arrangement) and each male party to such
6 arrangement shall be treated as a husband with
7 respect to such arrangement (referencing the
8 other party as such individual’s spouse in con-
9 nection with such arrangement).

10 “(B) An arrangement between individuals of
11 the same gender shall be treated as a former mar-
12 riage under subparagraph (A) in connection with an
13 application for benefits under this title only if the
14 Commissioner determines that such arrangement
15 has been dissolved under the laws of the State of
16 domicile of the applicant. In any case in which the
17 Commissioner determines that such an arrangement
18 has been so dissolved—

19 “(i) the dissolution of such arrangement
20 shall be treated as a divorce with respect to
21 such arrangement; and

22 “(ii) each female individual who was a
23 party to such arrangement shall be treated as
24 a divorced wife with respect to such arrange-
25 ment (referencing the other party as such indi-

1 vidual's divorced spouse in connection with such
2 arrangement) and each male individual who was
3 a party to such arrangement shall be treated as
4 a divorced husband with respect to such ar-
5 rangement (referencing the other party as the
6 applicant's divorced spouse in connection with
7 such arrangement).

8 “(C) In any case in which the Commissioner de-
9 termines that, after an individual entitled to a
10 monthly insurance benefit under section 202 became
11 so entitled, such individual and another individual of
12 the same gender have entered into an arrangement
13 that constitutes a permanent partnership, such ar-
14 rangement shall be treated as a marriage of such in-
15 dividuals for purposes of any provision of such sec-
16 tion providing for termination of such entitlement
17 upon marriage or remarriage.

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

1 if such arrangement is treated as a marriage under
2 subparagraph (A) and, under the laws of the domi-
3 cile of the applicant, the applicant is, at the time of
4 such application, treated as a stepchild or adopted
5 child of such party to such arrangement, the appli-
6 cant shall be treated as such a stepchild or adopted
7 child of such party (referencing such party as a par-
8 ent of the applicant).

9 “(E) Upon receipt by the Commissioner of an
10 application by (or on behalf of) an individual for a
11 benefit under this title containing certification by (or
12 on behalf of) the applicant, submitted in such form
13 and manner as shall be prescribed in such regula-
14 tions, that the applicant is or was a party to an ar-
15 rangement consisting of a permanent partnership
16 and that the applicant is a parent of an individual
17 who is a stepchild or adopted child of the applicant
18 with respect to such arrangement, if such arrange-
19 ment is treated as a marriage under subparagraph
20 (A) and, under the laws of the domicile of the appli-
21 cant, the applicant is, at the time of such applica-
22 tion, treated as a parent of such individual with re-
23 spect to such arrangement, the applicant shall be
24 treated as such a parent of such individual (ref-

1 erencing such individual as a stepchild or adopted
2 child of the applicant).

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

10 “(A) each such individual intends a lifelong
11 commitment to the other;

12 “(B) such individuals are financially inter-
13 dependent;

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

17 “(D) each such individual is not a first, second,
18 or third degree blood relation of the other individual,
19 and;

20 “(E) each such individual is neither married
21 (within the meaning of this title other than as pro-
22 vided in this subsection) to, nor in a relationship de-
23 scribed in the preceding provisions of this paragraph
24 with, any third individual.

1 “(3) The Commissioner shall prescribe such regula-
2 tions as are necessary to carry out the provisions of this
3 subsection. In prescribing such regulations, the Commis-
4 sioner shall take into account the laws of the State of
5 domicile of an applicant for benefits under this title so
6 as to ensure that such provisions, together with the other
7 provisions of this title as applied in accordance with this
8 subsection, are appropriately coordinated with each other
9 and with the laws of such State.”.

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