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(Original Signature of Member)

113TH CONGRESS
2D SESSION

H. R. _____

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

Mr. TAKANO 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 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 2014”.

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 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.—As soon as practicable after the
6 date of the enactment of this Act but not later than De-
7 cember 31, 2014, the Commissioner of Social Security
8 shall conduct a comprehensive and effective 3-year out-
9 reach campaign to encourage individuals newly eligible for
10 benefits under title II of the Social Security Act as a result
11 of changes in law relating to same-sex marriage and occur-
12 ring on or after June 26, 2013, including this Act and
13 the amendments made thereby, to apply for such benefits.
14 Such outreach campaign shall include direct notification
15 regarding such changes in law to current beneficiaries and
16 to individuals approaching retirement.

17 (b) REPORT TO CONGRESS.—Not later than Decem-
18 ber 31 of each of the 1st 3 calendar years beginning with
19 2015, the Commissioner of Social Security shall submit
20 to the Committee on Ways and Means of the House of
21 Representatives, the Committee on Finance of the Senate,
22 and the Committees on Appropriations of the House of
23 Representatives and the Senate a report that includes—

24 (1) a description of the educational and out-
25 reach activities conducted by the Commissioner of

1 Social Security under subsection (a) during the pre-
2 ceding year;

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