

116TH CONGRESS
2D SESSION

H. R. 7209

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

JUNE 15, 2020

Ms. HAALAND (for herself, Mrs. KIRKPATRICK, Ms. NORTON, Mr. SOTO, Mr. GRIJALVA, Mr. GALLEG0, Mrs. HAYES, Mr. LYNCH, Mr. LOWENTHAL, Mr. CÁRDENAS, Ms. SÁNCHEZ, Mrs. MURPHY of Florida, Mr. RASKIN, Mr. CICILLINE, and Ms. SCANLON) 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 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”.

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;

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 as of June 26, 2013, during the
15 9-month period beginning with June 26,
16 2013; and

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

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

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

1 “(ii) provides a sworn affidavit that the
2 widow or widower was in a domestic partner-
3 ship with such individual throughout the 9-
4 month period ending on the date of the individ-
5 ual’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 as of June 26, 2013, during the 9-month
16 period beginning with June 26, 2013; and

17 “(II) if such parent is domiciled in
18 any other State—

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

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

1 “(ii) provides a sworn affidavit that such
2 parent was in a domestic partnership with such
3 individual throughout the 9-month period end-
4 ing on the date of the individual’s death;” and
5 (5) by adding at the end the following: “For
6 purposes of this subsection, the term ‘same-sex mar-
7 riage’ shall include a civil union, registered domestic
8 partnership, and any other legal relationship treated
9 by the Commissioner as a marital relationship for
10 purposes of determining eligibility for spousal bene-
11 fits under this title.”

12 **SEC. 4. NOTIFICATION OF CHANGES IN LAW; OUTREACH**
13 **CAMPAIGN.**

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

1 (b) REPORT TO CONGRESS.—Not later than Decem-
2 ber 31 of each of the first 3 calendar years beginning after
3 the date of the enactment of this Act, the Commissioner
4 of Social Security shall submit to the Committee on Ways
5 and Means of the House of Representatives, the Com-
6 mittee on Finance of the Senate, and the Committees on
7 Appropriations of the House of Representatives and the
8 Senate a report that includes—

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

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

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

○