

**Congress of the United States**  
**Washington, DC 20515**

September 30, 2014

The Honorable Carolyn W. Colvin  
Acting Commissioner  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21235

Dear Commissioner Colvin:

We write to urge the Social Security Administration (SSA) to take steps to ensure that same-sex couples receive the Social Security spousal and survivor benefits that they have earned.

In June 2013, the Supreme Court ruled in *United States v. Windsor* that Section 3 of the Defense of Marriage Act, restricting federal recognition to only heterosexual unions, was unconstitutional. By striking down this discriminatory law, the Supreme Court enabled federal agencies to begin extending federal benefits to many same-sex couples.

We appreciate the significant steps that SSA has taken to ensure that same-sex couples receive their earned benefits. Social Security benefits are especially important for same-sex couples. Elderly gay couples have higher poverty rates than their heterosexual counterparts, and elderly lesbians are twice as likely to be poor as heterosexual married couples.

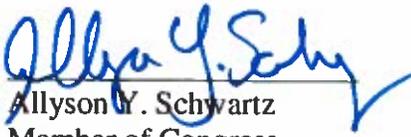
Social Security benefits are currently determined based on a “place of domicile” standard, meaning that same-sex couples are generally only eligible to receive benefits if they live in a state that recognizes the validity of their union. With marriage equality being recognized in a growing number of states, we are concerned that same-sex couple may not be aware that they are now eligible for Social Security benefits and we believe that additional efforts are needed.

Following the Windsor decision, it is our understanding that SSA began to specifically track applications from individuals who applied for same-sex spousal and survivor benefits. This means that Social Security has the ability to identify individuals who previously applied for and were denied benefits, but who are eligible because their state now recognizes marriage equality. It is also our understanding that SSA has not reached out to these individuals and has no plans to do so.

We strongly urge you to identify all individuals in same-sex relationships who have applied for spousal benefits and been denied, including individuals who applied for benefits prior to the Windsor decision, in order to educate them regarding changes in state and federal law and inform them that they may reapply for benefits. Additionally, we ask that you provide us with statistics detailing the number of individuals in same-sex relationships that have applied for spousal benefits and the status of these applications.

We appreciate the extensive and ongoing efforts that you and your agency have undertaken to reduce discrimination against same-sex couples, and we thank you for your consideration and your attention to this important issue.

Sincerely,

  
Allyson Y. Schwartz  
Member of Congress

  
Mark Takano  
Member of Congress

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Susan A. Davis  
Member of Congress

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Robert A. Brady  
Member of Congress

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Tammy Duckworth  
Member of Congress

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James R. Langevin  
Member of Congress

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Debbie Wasserman Schultz  
Member of Congress

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James A. Himes  
Member of Congress

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David N. Cicilline  
Member of Congress

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Ann McLane Kuster  
Member of Congress

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Lloyd Doggett  
Member of Congress

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Kathy Castor  
Member of Congress

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Frederica S. Wilson  
Member of Congress

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Jackie Speier  
Member of Congress

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Joaquin Castro  
Member of Congress

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Michelle Lujan Grisham  
Member of Congress

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David Scott  
Member of Congress

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Mike Thompson  
Member of Congress

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Frank Pallone Jr.  
Member of Congress

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Timothy H. Bishop  
Member of Congress

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Mark Pocan  
Member of Congress

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Bradley S. Schneider  
Member of Congress

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Suzan K. DelBene  
Member of Congress

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Daniel T. Kildee  
Member of Congress

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Michael F. Doyle  
Member of Congress

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John Lewis  
Member of Congress

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Dina Titus  
Member of Congress

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John A. Yarmuth  
Member of Congress

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Joyce Beatty  
Member of Congress

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Daniel B. Maffei  
Member of Congress

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Gerald E. Connolly  
Member of Congress

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Denny Heck  
Member of Congress

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Alan Grayson  
Member of Congress

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James P. McGovern  
Member of Congress

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Suzanne Bonamici  
Member of Congress

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Eric Swalwell  
Member of Congress

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Elizabeth H. Esty  
Member of Congress

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Alan S. Lowenthal  
Member of Congress

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Julia Brownley  
Member of Congress

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Theodore E. Deutch  
Member of Congress

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Ron Barber  
Member of Congress

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Jim McDermott  
Member of Congress

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Lois Frankel  
Member of Congress

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Earl Blumenauer  
Member of Congress

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Mike Quigley  
Member of Congress

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Sam Farr  
Member of Congress

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Robert C. "Bobby" Scott  
Member of Congress

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Rush Holt  
Member of Congress

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Joseph P. Kennedy III  
Member of Congress

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Sander M. Levin  
Member of Congress

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Kyrtsten Sinema  
Member of Congress

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Grace Meng  
Member of Congress

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Chellie Pingree  
Member of Congress

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Steven A. Horsford  
Member of Congress

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Zoe Lofgren  
Member of Congress

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John C. Carney Jr.  
Member of Congress

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Ami Bera, M.D.  
Member of Congress

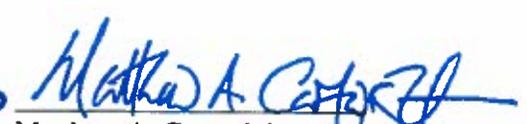
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Ed Perlmutter  
Member of Congress

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Michael E. Capuano  
Member of Congress

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Matthew A. Cartwright  
Member of Congress

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Derek Kilmer  
Member of Congress

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Jared Polis  
Member of Congress

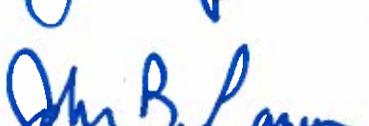
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Joseph Crowley  
Member of Congress

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Joe Garcia  
Member of Congress

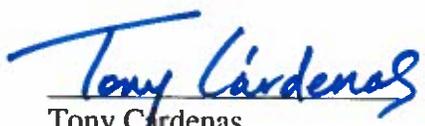
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John B. Larson  
Member of Congress

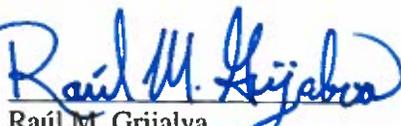
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Ron Kind  
Member of Congress

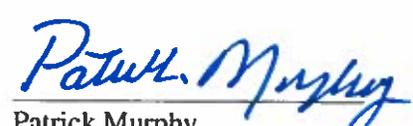
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Tony Cardenas  
Member of Congress

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Raúl M. Grijalva  
Member of Congress

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Patrick Murphy  
Member of Congress