

118TH CONGRESS
1ST SESSION

H. R. 6640

To secure the rights and dignity of marriage for Disabled Adult Children,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2023

Mr. PANETTA (for himself and Ms. LOFGREN) introduced the following bill;
which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To secure the rights and dignity of marriage for Disabled
Adult Children, 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 “Marriage Equality for
5 Disabled Adults Act”.

6 **SEC. 2. ELIMINATION OF MARRIAGE RESTRICTION FOR**
7 **DISABLED ADULT CHILDREN.**

8 (a) IN GENERAL.—Section 202(d) of the Social Secu-
9 rity Act (42 U.S.C. 402(d)) is amended—

1 (1) in paragraph (1)(B), by striking “was un-
 2 married and”;

3 (2) by amending paragraph (1)(D) to read as
 4 follows:

5 “(D) the month in which such child dies;”;
 6 and

7 (3) by striking paragraph (5).

8 (b) CONFORMING AMENDMENT.—Section 202(s)(2)
 9 of such Act (42 U.S.C. 402(s)(2)) is amended by striking
 10 “(d)(5),”.

11 **SEC. 3. MODIFICATION OF RULES TO DETERMINE MARITAL**
 12 **RELATIONSHIPS.**

13 (a) IN GENERAL.—Section 1614(d) of the Social Se-
 14 curity Act (42 U.S.C. 1382c(d)) is amended by striking
 15 “except that” and all that follows through the end of the
 16 subsection and inserting “except that if two individuals
 17 have been determined to be married under section
 18 216(h)(1) for purposes of title II they shall be considered
 19 (from and after the date of such determination or the date
 20 of their application for benefits under this title, whichever
 21 is later) to be married for purposes of this title.”.

22 (b) CONFORMING AMENDMENTS.—Title XVI of the
 23 Social Security Act (42 U.S.C. 1381 et seq.) is amended—
 24 (1) in section 1611(e)(3)—

1 (A) by striking “a husband and wife” each
 2 place it appears and inserting “two married in-
 3 dividuals”; and

4 (B) by striking “such husband and wife”
 5 and inserting “such married individuals”;

6 (2) in section 1614(b)—

7 (A) in the first sentence, by striking “the
 8 husband or wife of” and inserting “married to”;
 9 and

10 (B) in the second sentence, by striking
 11 “husband and wife” and inserting “married”;
 12 and

13 (3) in section 1631(b)(1)(A)(i), by striking
 14 “husband or wife” and inserting “spouse”.

15 **SEC. 4. INCOME AND RESOURCE DEEMING RULES.**

16 Section 1614(f) of the Social Security Act (42 U.S.C.
 17 1382c(f)) is amended by adding at the end the following:

18 “(5) Notwithstanding paragraph (1) of this
 19 subsection, for purposes of determining eligibility
 20 for, and the amount of, benefits for a married indi-
 21 vidual who is entitled to a child’s insurance benefit
 22 based on a disability under section 202(d), or for the
 23 spouse of such an individual, the income and re-
 24 sources of the one spouse is deemed to not include
 25 any income or resources of the other spouse.”.

1 **SEC. 5. RETENTION OF MEDICAID FOR CERTAIN MARRIED**
2 **INDIVIDUALS.**

3 Section 1634 of the Social Security Act (42 U.S.C.
4 1383(c)) is amended by adding at the end the following:

5 “(e) In the case of a State that exercises the option
6 under section 1902(f), any individual who—

7 “(1) is a married individual who is entitled to
8 a child’s insurance benefit based on a disability for
9 any month under section 202(d) or the spouse of
10 such an individual; and

11 “(2) would be eligible for medical assistance
12 under the State plan approved under title XIX if the
13 individual were unmarried,
14 shall remain eligible for medical assistance under such
15 plan for so long as the individual satisfies the criteria de-
16 scribed in paragraphs (1) and (2).”.

17 **SEC. 6. SENSE OF CONGRESS.**

18 It is the sense of the United States Congress that—

19 (1) Disabled Adult Children, if married, should
20 remain eligible for all Medicare, Medicaid, and So-
21 cial Security benefits under the same terms as they
22 would if unmarried, regardless of State of residence
23 or State Medicaid law; specifically, this legislation
24 should not impact a Disabled Adult Child’s eligibility
25 for any Medicaid services for which they were eligi-
26 ble when unmarried;

1 (2) regardless of marital status, eligibility of
2 Disabled Adult Children to receive Federal Medi-
3 care, Medicaid, and Social Security benefits should
4 not be impacted by any “holding out” status as de-
5 fined in section 1382c(d) of title 42, United States
6 Code; and

7 (3) Disabled Adult Children’s eligibility for So-
8 cial Security Disability Insurance benefits should not
9 be conditioned on geographic location or residency in
10 the United States.

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