

119TH CONGRESS 1ST SESSION

H. R. 1389

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

IN THE HOUSE OF REPRESENTATIVES

February 14, 2025

Mr. Panetta (for himself, Ms. Lofgren, Ms. Norton, Mr. Garcia of California, Ms. Schakowsky, Ms. Pressley, and Mr. Nadler) 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".

1	SEC. 2. ELIMINATION OF MARRIAGE RESTRICTION FOR
2	DISABLED ADULT CHILDREN.
3	(a) In General.—Section 202(d) of the Social Secu-
4	rity Act (42 U.S.C. 402(d)) is amended—
5	(1) in paragraph (1)(B), by striking "was un-
6	married and";
7	(2) by amending paragraph (1)(D) to read as
8	follows:
9	"(D) the month in which such child dies;";
10	and
11	(3) by striking paragraph (5).
12	(b) Conforming Amendment.—Section 202(s)(2)
13	of such Act (42 U.S.C. 402(s)(2)) is amended by striking
14	"(d)(5),".
15	SEC. 3. MODIFICATION OF RULES TO DETERMINE MARITAL
16	RELATIONSHIPS.
17	(a) In General.—Section 1614(d) of the Social Se-
18	curity Act (42 U.S.C. 1382c(d)) is amended by striking
19	"except that" and all that follows through the end of the
20	subsection and inserting "except that if two individuals
21	have been determined to be married under section
22	216(h)(1) for purposes of title II they shall be considered
23	(from and after the date of such determination or the date
24	of their application for benefits under this title, whichever
25	is later) to be married for purposes of this title "

1	(b) Conforming Amendments.—Title XVI of the
2	Social Security Act (42 U.S.C. 1381 et seq.) is amended—
3	(1) in section 1611(e)(3)—
4	(A) by striking "a husband and wife" each
5	place it appears and inserting "two married in-
6	dividuals"; and
7	(B) by striking "such husband and wife"
8	and inserting "such married individuals";
9	(2) in section 1614(b)—
10	(A) in the first sentence, by striking "the
11	husband or wife of" and inserting "married to";
12	and
13	(B) in the second sentence, by striking
14	"husband and wife" and inserting "married";
15	and
16	(3) in section $1631(b)(1)(A)(i)$, by striking
17	"husband or wife" and inserting "spouse".
18	SEC. 4. INCOME AND RESOURCE DEEMING RULES.
19	Section 1614(f) of the Social Security Act (42 U.S.C.
20	1382c(f)) is amended by adding at the end the following:
21	"(5) Notwithstanding paragraph (1) of this
22	subsection, for purposes of determining eligibility
23	for, and the amount of, benefits for a married indi-
24	vidual who is entitled to a child's insurance benefit
25	based on a disability under section 202(d), or for the

1	spouse of such an individual, the income and re-
2	sources of the one spouse is deemed to not include
3	any income or resources of the other spouse.".
4	SEC. 5. RETENTION OF MEDICAID FOR CERTAIN MARRIED
5	INDIVIDUALS.
6	Section 1634 of the Social Security Act (42 U.S.C.
7	1383(c)) is amended by adding at the end the following
8	"(e) In the case of a State that exercises the option
9	under section 1902(f), any individual who—
10	"(1) is a married individual who is entitled to
11	a child's insurance benefit based on a disability for
12	any month under section 202(d) or the spouse of
13	such an individual; and
14	"(2) would be eligible for medical assistance
15	under the State plan approved under title XIX if the
16	individual were unmarried,
17	shall remain eligible for medical assistance under such
18	plan for so long as the individual satisfies the criteria de-
19	scribed in paragraphs (1) and (2).".
20	SEC. 6. SENSE OF CONGRESS.
21	It is the sense of the United States Congress that—
22	(1) Disabled Adult Children, if married, should
23	remain eligible for all Medicare, Medicaid, and So-
24	cial Security benefits under the same terms as they
25	would if unmarried regardless of State of residence

- or State Medicaid law; specifically, this legislation should not impact a Disabled Adult Child's eligibility for any Medicaid services for which they were eligible when unmarried;
 - (2) regardless of marital status, eligibility of Disabled Adult Children to receive Federal Medicare, Medicaid, and Social Security benefits should not be impacted by any "holding out" status as defined in section 1382c(d) of title 42, United States Code; and
 - (3) Disabled Adult Children's eligibility for Social Security Disability Insurance benefits should not be conditioned on geographic location or residency in the United States.

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