

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

1 or State Medicaid law; specifically, this legislation
2 should not impact a Disabled Adult Child’s eligibility
3 for any Medicaid services for which they were eligi-
4 ble when unmarried;

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

11 (3) Disabled Adult Children’s eligibility for So-
12 cial Security Disability Insurance benefits should not
13 be conditioned on geographic location or residency in
14 the United States.

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