

118TH CONGRESS
2D SESSION

S. 5568

To amend title XVI of the Social Security Act to provide that the supplemental security income benefits of adults with intellectual or developmental disabilities shall not be reduced by reason of marriage.

IN THE SENATE OF THE UNITED STATES

DECEMBER 17 (legislative day, DECEMBER 16), 2024

Mr. MORAN (for himself and Mr. VAN HOLLEN) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title XVI of the Social Security Act to provide that the supplemental security income benefits of adults with intellectual or developmental disabilities shall not be reduced by reason of marriage.

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 “Eliminating the Mar-
5 riage Penalty in SSI Act” or the “EMPSA Act”.

1 **SEC. 2. SUPPLEMENTAL SECURITY INCOME BENEFITS.**

2 (a) ELIGIBILITY FOR BENEFITS.—Section 1611(a) of
3 the Social Security Act (42 U.S.C. 1382(a)) is amended
4 by adding at the end the following:

5 “(4) Notwithstanding paragraphs (1) and (2), each
6 individual—

7 “(A) who has attained 18 years of age,

8 “(B) who is diagnosed with an intellectual or
9 developmental disability,

10 “(C) whose income, other than income excluded
11 pursuant to section 1612(b), is at a rate of not more
12 than the applicable amount determined under para-
13 graph (1)(A), and

14 “(D) whose resources, other than resources ex-
15 cluded pursuant to section 1613(a), are not more
16 than the applicable amount determined under para-
17 graph (3)(B),

18 shall be an eligible individual for purposes of this title.”.

19 (b) AMOUNT OF BENEFIT.—Section 1611(b) of such
20 Act (42 U.S.C. 1382(b)) is amended by adding at the end
21 the following:

22 “(3) Notwithstanding paragraphs (1) and (2), the
23 benefit under this title for an individual described in sub-
24 section (a)(4), whether or not the individual has an eligible
25 spouse, shall be payable at the rate in effect for purposes

1 of paragraph (1), reduced by the amount of income, not
2 excluded pursuant to section 1612(b), of such individual.”.

3 (c) INCOME AND RESOURCE DEEMING RULES.—Sec-
4 tion 1614(f) of such Act (42 U.S.C. 1382c(f)) is amended
5 by adding at the end the following:

6 “(5) Notwithstanding paragraph (1), for purposes of
7 determining eligibility for, and the amount of, benefits for
8 an individual described in section 1611(a)(4) who is mar-
9 ried, such individual’s income and resources shall be
10 deemed to not include any income or resources of such
11 spouse.”.

12 (d) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to benefits payable for months that
14 begin more than 180 days after the date of enactment of
15 this Act.

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