

111TH CONGRESS  
1ST SESSION

# H. R. 1599

To require survivor annuity payments made to disabled dependents to be disregarded in eligibility and benefit determinations under the supplemental security income (SSI) and Medicaid Programs.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2009

Mr. SESSIONS 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

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## A BILL

To require survivor annuity payments made to disabled dependents to be disregarded in eligibility and benefit determinations under the supplemental security income (SSI) and Medicaid Programs.

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. REQUIREMENT THAT SURVIVOR ANNUITY PAY-**  
4 **MENTS MADE TO DISABLED DEPENDENTS BE**  
5 **DISREGARDED UNDER THE SSI PROGRAM.**

6 (a) INCOME EXCLUSION.—Section 1612(b) of the So-  
7 cial Security Act (42 U.S.C. 1382a(b)) is amended—

1           (1) by striking “and” at the end of paragraph  
2           (22);

3           (2) by striking the period at the end of para-  
4           graph (23) and inserting “; and”; and

5           (3) by adding at the end the following:

6           “(24) if such individual (or such spouse) is  
7           under a disability (as defined in section 223(d) of  
8           this Act), is blind or disabled for purposes of this  
9           title, has a disability (as defined in section 7(9) of  
10          the Rehabilitation Act of 1973), or has a develop-  
11          mental disability (as defined in section 102(8) of the  
12          Developmental Disabilities Assistance and Bill of  
13          Rights Act of 2000), the value of (and any amount  
14          received from) a survivor annuity of which such indi-  
15          vidual (or such spouse) is a beneficiary if the annu-  
16          ity was obtained by a person who, as of the time the  
17          person died, was providing support or maintenance  
18          to such individual (or such spouse).”.

19          (b) RESOURCE EXCLUSION.—Section 1613(a) of  
20          such Act (42 U.S.C. 1382b(a)) is amended—

21                 (1) by striking “and” at the end of paragraph  
22                 (14);

23                 (2) by striking the period at the end of para-  
24                 graph (15) and inserting “; and”; and

25                 (3) by adding at the end the following:

1           “(16) if such individual (or such spouse) is  
2 under a disability (as defined in section 223(d) of  
3 this Act), is blind or disabled for purposes of this  
4 title, has a disability (as defined in section 7(9) of  
5 the Rehabilitation Act of 1973), or has a develop-  
6 mental disability (as defined in section 102(8) of the  
7 Developmental Disabilities Assistance and Bill of  
8 Rights Act of 2000), the value of (and any amount  
9 received from) a survivor annuity of which such indi-  
10 vidual (or such spouse) is a beneficiary if the annu-  
11 ity was obtained by a person who, as of the time the  
12 person died, was providing support or maintenance  
13 to such individual (or such spouse).”.

14 **SEC. 2. REQUIREMENT THAT SURVIVOR ANNUITY PAY-**  
15 **MENTS MADE TO DISABLED DEPENDENTS BE**  
16 **DISREGARDED UNDER THE MEDICAID PRO-**  
17 **GRAM.**

18           Section 1902(r) of the Social Security Act (42 U.S.C.  
19 1396a(r)) is amended by adding at the end the following  
20 new paragraph:

21           “(3) For purposes of determining income and re-  
22 sources eligibility under this title for an individual (or  
23 whose spouse) is under a disability (as defined in section  
24 223(d) of this Act), is blind or disabled for purposes of  
25 this title, has a disability (as defined in section 7(9) of

1 the Rehabilitation Act of 1973), or has a developmental  
2 disability (as defined in section 102(8) of the Develop-  
3 mental Disabilities Assistance and Bill of Rights Act of  
4 2000), there shall be excluded the value of (and any  
5 amount received from) a survivor annuity of which such  
6 individual (or such spouse) is a beneficiary if the annuity  
7 was obtained by a person who, as of the time the person  
8 died, was providing support or maintenance to such indi-  
9 vidual (or such spouse).”.

10 **SEC. 3. EFFECTIVE DATE.**

11       The amendments made by this Act shall apply to de-  
12 terminations for calendar months beginning 6 months or  
13 more after the date of the enactment of this Act.

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