

The HEART Act

H.R. 6081, the Heroes Earnings Assistance and Relief Tax (HEART) Act of 2008, was signed into law on June 16, 2008, by then President George W. Bush. This legislation provides assistance to veterans and allows tax benefits and incentives for military personnel.

The HEART Act also makes AmeriCorps programs more accessible to people with disabilities. Included in this law was a provision that excludes AmeriCorps benefits from being counted as income for purposes of eligibility for Supplemental Security Income (SSI).

SSI, a needs-based program, is a federal program that provides a monthly cash benefit to low-income individuals who are aged, blind or have a disability. Prior to the passage of the HEART Act, receiving an AmeriCorps living allowance could make an individual ineligible to receive SSI. The new law directs the Social Security Administration to disregard AmeriCorps benefits for purposes of SSI eligibility.

The HEART Act excludes “any AmeriCorps benefit (whether cash or in-kind).” This includes the living allowance, health insurance, childcare, and education award and any related interest payments. The exclusion of AmeriCorps benefits took effect for benefits payable after Aug. 16, 2008.

However, the HEART Act does not apply to Social Security Disability Insurance (SSDI) recipients. SSDI, an insurance program, is another federal program administered by the Social Security Administration that provides money to individuals with disabilities based on payments made into the insurance program. There are separate laws and regulations for SSI eligibility and SSDI eligibility, so each must be addressed independently.

Even though the HEART Act does not extend to SSDI, it does remove a significant barrier to AmeriCorps participation for SSI recipients. Efforts are already underway to eliminate this barrier for SSDI recipients as well.

The passage of an “income disregard” regulation for SSI recipients that choose to participate in AmeriCorps programs was not a small feat. People involved in national service and community volunteerism across America collaborated to provide Congress with statistics and stories of personal triumphs and tragedies of SSI recipients with disabilities who chose to participate in AmeriCorps.

Many of these AmeriCorps members unknowingly jeopardized their eligibility for SSI as well as other needs-based resources. Many lost their benefits, not only while serving their term of service, but long after their service was completed. Many were required to repay thousands of dollars in overpayments.

I answered the call in Kentucky for information by the Corporation for National and Community Service (CNCS) as the disabilities coordinator for the Kentucky Commission on Community Volunteerism and Service (KCCVS). By working closely with members of CNCS, disabilities coordinators from other states and the Kentucky AmeriCorps programs, I was able to play a key role in this effort by collecting and distributing vital information to Congress for consideration during deliberations of the HEART Act.



During the National Conference on Disabilities Inclusion and National Service in 2008, I received a Special Recognition Award for those efforts and was recognized by David Eisner, the CEO of CNCS, for leadership in making national service more accessible to all Americans by providing crucial information that informed members of Congress of the unintentional barriers in place for people with disabilities who attempt to participate in national service.

With the passage of the HEART Act of 2008, many more people with disabilities receiving SSI now have the opportunity to participate in national service and community volunteerism. With one battle won, another is on the horizon. Efforts are underway to complete the task of removing unintentional barriers for individuals with disabilities who wish to participate in national service and community volunteerism by addressing the same barriers with SSDI recipients. For more information visit the following Web sites: Corporation for National and Community Service, www.nationalservice.org; AmeriCorps, www.americorps.org; and view Kentucky's current AmeriCorps programs at www.volunteerKY.ky.gov.