



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

August 10, 2006

The Honorable Hal Daub
Chairman
Social Security Advisory Board
400 Virginia Avenue, SW, Ste. 625
Washington, DC 20024

Dear Chairman Daub,

We are writing on behalf of the undersigned members of the Consortium for Citizens with Disabilities (CCD) to express our deep concern about proposals raised at the July 19 Social Security Advisory Board Roundtable, "A New Look at America's Disability System."

CCD is a coalition of national organizations working together to advocate for national public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. CCD member organizations represent persons with a wide range of disabilities, have chapters and members in states and localities throughout the country, and include consumer, advocacy, provider, and professional organizations. The undersigned organizations include members of the CCD Task Forces on Social Security, Work Incentives Implementation, Employment and Training, TANF, and Education.

Our organizations are unanimous in our strong support for increased employment opportunities for persons with disabilities and for the elimination of existing barriers to employment in our public benefit programs. CCD members have fought to eliminate work disincentives in the Title II and Supplemental Security Income (SSI) disability programs for more than two decades, and were a central force in the development and passage of the Ticket to Work and Work Incentives Improvement Act of 1999 (Ticket to Work Act). Since the passage of this legislation, we have continued to advocate strenuously for its full implementation and for further legislative, regulatory, and operational changes to eliminate work disincentives.

We commend the Board for sharing this commitment to improving employment outcomes for persons with disabilities. We believe it is essential, however, that any proposals to promote employment for persons with disabilities do not threaten necessary income supports for the millions of individuals with disabilities who rely on the Social Security and SSI cash benefit programs for their basic subsistence.

The Social Security and SSI disability programs serve as a critical source of income support for persons with the most significant work incapacities. The Title II and SSI disability programs are programs of last resort. Many beneficiaries have made repeated attempts to work and failed, often exacerbating their impairments, before finally turning to these programs. Eligibility criteria for the programs are extremely strict. In addition, the beneficiary population using these programs is very diverse: individuals have a wide range of disabilities and illnesses and vary greatly in age, education, and vocational background. Some are terminally ill – in fact, about 20 percent of male SSDI beneficiaries and 15 percent of female SSDI beneficiaries die within 5 years of first receiving benefits – and almost 60 percent of new SSDI beneficiaries are age 50 or older. While many individuals on these programs can increase their employment capacity, and should receive every support and encouragement to do so, available data suggest that a very large percentage will not have the capacity for ongoing employment at any significant level. In addition, experience shows that of those who do eventually attain a significant level of employment, many may take a long time to do so and have many “stops and starts” along the way.

Given these realities, we believe that any initiatives to promote employment among Title II and SSI disability beneficiaries or potential beneficiaries must adhere to the following principles:

- **There should be no changes to the Social Security statutory definition of disability.** Since the intent of the Social Security disability programs is to provide cash benefits to replace income lost due to work incapacity, the existing definition is appropriate. The current definition also provides sufficient flexibility to allow for policies to promote employment within the existing structure.
- **Participation in work, or in activities to prepare for work, should be voluntary.** We oppose any type of work requirements in the Title II and SSI disability programs, including any requirements that beneficiaries participate in community service, volunteer work, vocational rehabilitation, training, or other pre-employment activities as a condition of receiving benefits or to avoid sanctions. While it is critical that high-quality employment services be made readily available to all beneficiaries, the person with a disability is in the best position to gauge his or her own ability to participate in such activities.
- **Eligibility and cash benefits should not be subject to time-limits.** As stated above, even those beneficiaries who eventually attain self-supporting employment may take a long time to do so. Attempting to rush the process by placing artificial time limits could be counterproductive and cause exacerbation of physical or mental health problems. For those who are not able to attain a significant level of employment, or not able to do so within the prescribed time frames, a time-limited program would greatly increase the need for repeated adjudications, causing great stress for beneficiaries as well as increasing administrative costs. The current policy of conducting periodic continuing disability reviews avoids these problems while still ensuring that individuals who no longer qualify for the program have their benefits terminated.
- **Any new programs to promote employment should not be coupled with cutbacks to existing Title II and SSI disability programs: eligibility criteria for cash and health care benefits should not be narrowed.**

We agree with the Board that a fundamental goal in making any changes to the disability programs is to “do no harm.” Following the principles above is critical to ensuring that this goal is met.

Many good ideas did surface in the Roundtable, such as proposals for early intervention, early access to healthcare, broader access to employment services, and increased employer incentives and outreach. As long as participation is voluntary, such proposals could be very effective at removing barriers to employment in the Social Security and SSI disability programs without undermining critical income supports. We would be very interested in working with the Board to explore these ideas further.

In addition, we urge the Board to consider endorsing the following policy changes:

- **Ensure that Title II and SSI disability beneficiaries have a continued attachment to the program as long as their impairment lasts, even if they are in “zero benefit” status due to work and earnings.** Many beneficiaries are afraid to work to their full potential because to do so could cause a permanent loss of cash benefits. This is a particular concern for beneficiaries with relapsing/remitting conditions such as mental illness or many chronic illnesses, or for beneficiaries who need accommodations that may be available in one employment setting but may be difficult to obtain from a future employer. The Ticket to Work Act partially addressed this problem by allowing for a limited “expedited reinstatement” to benefits, but this was not a complete solution.
- **Continued attachment to the program should ensure continued eligibility for health care benefits; for some categories of beneficiaries, this could be through a buy-in program.**
- **Eliminate the Title II disability benefits cash cliff** for those who are able to work by enacting a 1 for 2 benefit offset.
- **Eliminate the 24-month waiting period for Medicare**, and provide a voluntary option to allow qualifying applicants to have early access to health care benefits without the need to establish eligibility for the cash benefit program.
- **Improve SSA’s administration of existing work incentives.** In particular, SSA should focus on full implementation of the Ticket to Work Act; implementing planned demonstration projects, which could provide valuable data to guide the development of national work incentive policies; reducing overpayments due to work and earnings; and improved outreach and communication to beneficiaries about existing work incentives programs and policies.
- **Raise the substantial gainful activity (SGA) limit for beneficiaries with disabilities up to the SGA level for beneficiaries who are blind.**
- **Raise the SSI asset limit and earnings disregard amounts to the amounts they would have been had they been indexed since their inception, and index these amounts for inflation annually.**

Attached are recommendations previously communicated to Congress. These documents include more details on the recommendations above, as well as additional recommendations on reducing barriers to employment.

We hope to have the opportunity to work with the Board to explore, develop, and promote the policy changes outlined above and in the attached documents, as well as other initiatives that would reduce barriers to employment for people with disabilities without putting access to critical cash benefit and health programs at risk.

Thank you for your consideration of these recommendations.

Sincerely,

Marty Ford
The Arc and United Cerebral Palsy Disability Policy Collaboration
Co-Chair, CCD Social Security Task Force
(202) 783-2229, ford@thearc.org

Alaine Perry
United Spinal Association
Co-Chair, CCD Social Security Task Force
(301) 495-4460, aperry@unitedspinal.org

Ethel Zelenske
National Organization of Social Security Claimants' Representatives
Co-Chair, CCD Social Security Task Force
(202) 216-0030, nosscrdc@worldnet.att.net

ON BEHALF OF:

Adapted Physical Activity Council
American Association on Mental Retardation
American Council of the Blind
American Counseling Association
American Dance Therapy Association
American Network of Community Options and Resources
American Music Therapy Association
Association of University Centers on Disabilities
Autism Society of America
Bazelon Center for Mental Health Law
Council for Learning Disabilities
Easter Seals
Epilepsy Foundation
Goodwill Industries International, Inc.
Helen Keller National Center
Inter-National Association of Business, Industry and Rehabilitation
Learning Disabilities Association of America

National Alliance on Mental Illness
National Association of Councils on Developmental Disabilities
National Center for Learning Disabilities
National Disability Rights Network
National Down Syndrome Society
National Mental Health Association
National Multiple Sclerosis Society
National Organization of Social Security Claimants' Representatives
NISH
Paralyzed Veterans of America
Research Institute for Independent Living
TASH
The Arc of the United States
United Cerebral Palsy
United Spinal Association

Cc: The Honorable Dorcas R. Hardy, Board Member
The Honorable Barbara B. Kennelly, Board Member
David Podoff, Board Member
Sylvester J. Schieber, Board Member

Attachments:

- CCD Social Security Task Force Testimony to the Ways and Means Social Security Subcommittee, May 17, 2005
- Response to Questions from Social Security Subcommittee Chairman McCrery, submitted by the CCD Social Security Task Force, July 8, 2005
- Recommendations from the CCD Work Incentives Task Force for Changes to the Ticket to Work and Work Incentives Improvement Act of 1999, March 2006