

**Social Security/Income Maintenance**

Social Security is not only a retirement program. It is an insurance program to protect against poverty in retirement or as a result of disability or death of a family wage earner. The Social Security Act provides Old Age, Survivors, and Disability Insurance under Title II of the Act, Supplemental Security Income (SSI) under Title XVI of the Act, and related health insurance under Medicare (Title XVIII) and Medicaid (Title XIX). Approximately one-third of all Social Security checks go to non-retirees, including approximately ten million people with disabilities. These beneficiaries include workers with disabilities and people with disabilities who are dependents and survivors of disabled workers, retirees, and deceased workers. Many depend solely on their Social Security or SSI benefits and related health coverage for their basic survival. Discussions about Social Security reform, however, usually focus on retirement benefits and seldom address potential effects on people with disabilities in the retirement, disability, and survivors programs.

We support efforts to ensure the solvency of the Social Security Trust Funds over a 75-year time frame while preserving the program’s basic structure and strengthening its insurance functions. We do not support efforts to create private accounts out of the Social Security Trust Funds. The impact of the resulting market risk, benefit cuts, or additional trillions of dollars in deficits would be devastating for people with disabilities.

In recent years, inadequate funding of SSA’s operating budget has eroded the agency’s services across the board. People with disabilities have experienced increasingly long delays and decreased service in accessing critical Social Security benefits. Processing times for disability claims have grown, especially at the hearing level where delays have reached historic and intolerable levels. Behind the numbers are individuals with disabilities whose lives have unraveled while waiting for decisions – families are torn apart; homes are lost; medical conditions deteriorate; once stable financial security crumbles; and many individuals die.

During the 115th Congress, our public policy goals are to:

*Overall Structure*

* Protect and expand the effectiveness of income support programs and their related health coverage programs in the Social Security Act, including the Old Age, Survivors, and Disability Insurance (Title II) programs, SSI (Title XVI) program, Medicare (Title XVIII), and Medicaid (Title XIX);
* Reject any proposal to privatize or otherwise diminish Social Security trust funds or revenues dedicated to the trust funds;
* Support proposals to ensure the long term solvency (over 75 years) of the Social Security trust funds through adjustments that spread the costs and preserve current and future benefits, through options such as expanding the earnings that are subject to the Federal Insurance Contributions Act (FICA), increasing FICA rates, or expanding the base of workers who participate in the Social Security system;
* Support proposals to put Social Security’s Old-Age and Survivors Trust Fund and Disability Insurance Trust Fund on an even financial path by reallocating FICA taxes or creating a single Social Security Trust Fund;
* Make adjustments to ensure the solvency of the Social Security programs through changes outside of a deficit reduction context;
* Reject proposals to increase the retirement age, change the benefit formula, reduce annual cost-of-living adjustments, or otherwise cut benefits;
* Maintain the insurance protections of the Title II programs for people with disabilities; and
* Recognize that intellectual and developmental disabilities are lifelong conditions. Therefore, maintain SSI and Title II as cash assistance programs that are relevant and viable for children and adults with these conditions.

*Definition of Disability*

* Reject any proposal that would further narrow the definition of disability and lead to the loss of benefits, supports, and services;
* Increase the Substantial Gainful Activity (SGA) level at least to the level used for people who are blind; and
* Support adherence to a common language of diagnostic terms, including “intellectual disability”, in the Social Security listings to minimize confusion and unintended exclusions from eligibility.

*Administrative Issues*

* Fully fund the administrative expenses of the Social Security Administration (SSA) to ensure that the service needs of the public are met, particularly for people applying for disability benefits and those who request a hearing;
* Monitor changes in the process for determining disability and ensure the protection of claimants’ due process rights to an individualized decision, including the right to a full and fair administrative hearing by an independent decision-maker who provides impartial fact-finding and adjudication;
* Require SSA to minimize overpayments by establishing an efficiently working, beneficiary-friendly, system for collection of earnings reports and adjustments of benefits payments. Require SSA to waive non-fraudulent overpayments when SSA has failed to notify the beneficiary within a reasonable time period; and
* Provide oversight to review and improve the representative payee system.

*Supplemental Security Income*

* Substantially increase the resource limit for SSI to at least the level it would have been had it been indexed for inflation since inception. Annually index the SSI resource limit for inflation;
* Increase the SSI earned and unearned income exclusions to at least the level they would be had they been indexed for inflation since inception, and index for inflation annually thereafter;
* Extend continued Medicaid eligibility for SSI/Medicaid beneficiaries who earn their way into the Title II Disability Insurance program so that they may continue to have the supports necessary to work;
* Permanently extend eligibility for SSI to refugees, asylees, and other immigrants who are disabled or elderly;
* Ensure adequacy of SSI benefits and remove barriers to independence, community integration, savings, work, marriage, and assistance or support by families; and
* Ensure that SSI beneficiaries can participate in appropriate Individual Development Accounts, retirement plans (such as 401(k) accounts), ABLE accounts, and other similar accounts without jeopardizing their eligibility for SSI.

*Retirement, Survivors, and Disability Insurance*

* Eliminate the 5-month waiting period for eligibility for Title II disability benefits and eliminate the additional 24-month waiting period for Medicare for Title II beneficiaries with disabilities;
* Enact an earnings offset work incentive for Title II beneficiaries with features that parallel work incentives for the SSI program; and
* Enact simplification of work incentives, including allowing on-going presumptive re-entitlement to Title II disability benefits and on-going eligibility for Medicare for those who lose benefits due to work but continue to be disabled.

*Disabled Adult Child (DAC) Benefits*

* Improve requirements for DAC benefit eligibility to eliminate work disincentives;
* Exempt DAC beneficiaries from the Family Maximum when they are not living in the household of the parent/spouse; and
* To eliminate potential disincentives for adoption, ensure that individuals who adopt children with special needs are not affected by application of the family maximum with respect to those adopted children.

*Employment Issues*

* Provide cash assistance outside of Social Security and SSI to assist working individuals with disabilities in meeting their disability-related costs, regardless of their income or assets;
* With the aim that everyone should earn at least minimum wage, ensure that people who work in sub-minimum wage or wage-subsidized situations have FICA taxes paid on their behalf and receive appropriate work credits for Title II and Medicare eligibility;
* Enact technical and substantive changes to the Ticket to Work and Work Incentives Improvement Act to ensure the Act operates as intended for our constituents; and
* Ensure that beneficiaries have access to information about work incentives and employment services, benefits counseling, and legal advocacy under the Work Incentives Planning and Assistance (WIPA) and Protection and Advocacy for Beneficiaries of Social Security (PABSS) programs.

*Other*

* Ensure adequate benefit levels and protect buying power through appropriate cost of living adjustments;
* Provide workers who leave the workforce temporarily to care for a family member, including a child or adult with a disability, with a credit toward their future Social Security benefits (currently these workers receive no credit toward their Social Security benefits during the years they are out of the workforce for caregiving, which can greatly reduce any future Social Security benefits);
* Eliminate marriage penalties in Social Security disability policy;
* Permanently authorize SSA’s authority to conduct demonstration programs, so long as beneficiaries are protected from any disadvantage, such as loss of benefits or eligibility, as a result of participating in demonstration projects;
* Exclude the AmeriCorps State and National and AmeriCorps National Civilian Community Corps program payments for purposes of determining Title II disability program eligibility and benefit amounts; and  Support development of interdisciplinary teams of clinicians with specialized developmental and assessment expertise to provide expertise for adjudicators who determine eligibility for disability benefits.

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