



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

December 14, 2005

Re: TANF and SSI provisions affecting people  
with disabilities under consideration in the  
Budget Reconciliation conference

The Honorable \_\_\_\_\_  
U.S. House of Representatives

\_\_\_\_\_  
Washington, DC 20515

Dear \_\_\_\_\_

As the conferees work to design the final version of the budget reconciliation bill, the undersigned organizations urge Congress to protect people with disabilities. We ask that Congress reauthorize TANF outside of the budget reconciliation process and further request that an SSI provision included in the House budget reconciliation bill be omitted from the final version of the bill. A final TANF reauthorization bill should include provisions that protect families that include a person with a disability such as the provisions that were incorporated in the Senate Finance Committee TANF reauthorization bill.

The Consortium for Citizens with Disabilities (CCD) is a working coalition of national consumer, advocacy, provider, and professional organizations working together with and on behalf of the 54 million children and adults with disabilities and their families living in the United States. The CCD TANF Task Force focuses on issues of importance to people with disabilities and their families in the Temporary Assistance for Needy Families (TANF) program, while the CCD Social Security Task Force focuses on disability policy issues in the Title XVI Supplemental Security Income (SSI) program and the Title II disability programs.

**TANF and people with disabilities**

**Provisions in the Senate bill provide states flexibility to assist parents with disabilities and parents caring for children with disabilities to move to greater independence. If TANF is included in the budget reconciliation bill, we urge the conferees to include these important provisions.**

The record is replete with studies, including two from the Government Accountability Office, that find that there are many people with disabilities — both parents and children — receiving TANF. Studies show that some families with a parent with a disability or a child

with a disability end up being sanctioned rather than assisted in addressing their needs through TANF, because they are unable to comply with or do not understand the various rules that apply to them. In many instances, the family member's disability is not severe enough to permit them to qualify for the SSI program. However, many of these families will need additional support and flexibility in order to successfully transition into the workforce. Indeed, there are programs across the nation — including in Iowa, Utah, Vermont, Maine, Oregon, and Rhode Island — that have shown that, with appropriate services and supports, people with disabilities can successfully move from TANF to greater independence. It is essential that the next round of TANF include options for states that allow them to continue to identify and implement the best ways to assist families with a parent or child with a disability to succeed.

Unfortunately, the House bill does not include provisions that will help states to assist people with disabilities. Instead, it would increase work requirements and will make it harder for people with disabilities in TANF to secure much-needed benefits and services. The House bill requires long hours (40) of work activity and, after only three months, participation in rehabilitative services will be allowed to count as work activity only if the person first meets a 24 hour per week work requirement — a barrier that will be impossible for many people with disabilities to meet. This will translate into people with disabilities not receiving the services and supports they need in order to successfully attempt to work, further sanctions for failure to comply, and more families with disabilities living without even the very limited income that TANF provides.

The Senate budget reconciliation bill does not include TANF provisions. While not a part of the budget reconciliation bill, the Senate TANF reauthorization bill, already marked up by the Finance Committee, includes three important provisions that address the needs of people with disabilities in TANF and will help to ensure that they too have the opportunity to move to greater independence. We urge the conferees to include these three provisions, all of which have substantial bipartisan support:

*(1) State option to receive work participation rate credit for an individual whose plan specifies that s/he has a continuing need for rehabilitative services in order to engage in direct work activities.* This would provide states the option of continuing to provide rehabilitative services, if needed, beyond three months. For the rehabilitative services to be counted as work activities, recipients must be engaged in additional work activities for at least half the time required to count recipients without disabilities. (Under the Senate bill, states can get partial credit for less than full work participation for any TANF recipient who works certain numbers of hours. This provision reduces the required number of work activity hours for people with disabilities who need rehabilitative services to half of that required for others — the other half of the time will be spent participating in rehabilitative services.)

*(2) State option to count the time a parent cares for a child with a disability or other household member with a disability as work activity.* The Senate bill includes a provision that gives states the option to count the time TANF recipients provide care for a child with a disability or an adult family member with a disability to the work participation rate. This option is only available to families for whom the state has verified that a significant disability exists. This additional flexibility is particularly important in those instances when

appropriate substitute care for a disabled family member is simply unavailable. Rather than just exempting these individuals from work requirements altogether, this provision allows states the flexibility to tailor work requirements that meet the needs of the family while still encouraging work.

*(3) Before a state can sanction a family for noncompliance with TANF requirements, the state must make a reasonable effort to contact the family and determine whether any barriers to compliance exist.* Research on outcomes of families exiting TANF cash assistance has found that families that include a member with a disability are disproportionately likely to lose cash assistance due to the implementation of a sanction and remain outside the workforce. The consequence of such an outcome is that families with the greatest needs and the highest likelihood of remaining in poverty are not accessing the services that might help them achieve greater self-sufficiency. It is important, therefore, to assure that families are not sanctioned simply because they are unable to comply with program requirements as a result of a disability or because they have not received the services that might allow them to do so successfully. The provision in the Senate bill provides that before imposing a sanction the state should review the self-sufficiency plan and make a good faith effort to consult with the family. The extent of these reviews and good faith efforts would be determined by the individual states.

Finally, the House bill also includes a provision that will make it much harder for states to help families with substance abuse problems. Under the provision, if a state suspects that a TANF recipient may have used drugs, it can require a drug test. If the person tests positive, then sanctions will be imposed. Failure of as few as three tests can lead to being barred from the program for years. The provision does not provide states with additional funds for drug treatment programs or for conducting what is likely to be an expensive drug testing process. It also does not require that any services be provided to a family in which a person tests positive, instead imposing an immediate penalty which is likely to further distance parents and their vulnerable children from critically needed supports. We urge the conferees to either delete this provision or to revise it so that it better addresses how states are to pay for drug treatment services, eliminates immediate penalties, and ensures that families are able to secure counseling and drug treatment. With these changes, we believe that this provision could co-exist well with the provisions related to rehabilitative services included in the Finance Committee's TANF reauthorization bill, discussed above.

Modifying the TANF provision in the manner described above would improve states capacity to appropriately serve families that include a person with a disability through the TANF program, however, additional improvements are necessary to assure that states can help the families they serve achieve greater self-sufficiency. The undersigned organizations urge Congress to adopt a final TANF bill that has work requirements that are reasonable and attainable for all TANF recipients, including families with disabilities and families with young children. Such a bill should ensure that states have sufficient flexibility to tailor work activities and hours that allow them design self-sufficiency plans that meet the unique needs of families and increase the likelihood that the families served will achieve greater economic independence. In order to successfully increase the work participation effort of families, states will require adequate funding to ensure families have access to appropriate quality child care and other needed supports. Further, funds committed to helping these low-income

families transition into the workforce should not be borne by other needy families through cuts to other critical social programs.

**SSI: The House provision changing the timing of lump sum payments to SSI recipients should be omitted from the final bill.** The House bill delays payments owed to eligible SSI disability recipients, by limiting the amount of the lump sum payment the person can receive. Currently, if SSA owes an SSI recipient a back award of 15 payments, the law requires that SSA pay the first 12 months' in one installment and the remaining three months of benefits six months later. Under the House bill, payments would be delayed so that the first payment would cover only three months of benefits, followed by another three months of benefits six months later, then followed by a payment for the remaining amount owed to the person, six months after that.

These are funds that the federal government acknowledges that it owes the SSI disability recipient and which represent benefits not paid, often due to governmental delays in processing the person's case and reaching the correct decision. Further delay means that some SSI recipients may die before receiving payments owed to them.

The House has not delayed any payments from this amount that may be owed to a state for interim assistance it provided to the individual or to an attorney or other representative for successfully representing the individual — only the person with a disability is harmed by this proposal. We agree that this would not be helpful, as it could discourage states from providing interim assistance and representatives from providing representation. We are not recommending that this be changed but that, instead, the provision should be deleted from the bill. SSI recipients by definition have very low incomes. It is unfair to them to require that they shoulder the burden of budget cuts by delaying payments already owed to them (which in effect already have been delayed while SSA processed their claims).

**SSI: Pre-effectuation review.** There is a second SSI provision in the House budget reconciliation bill. A similar provision is included in the Senate Finance Committee's TANF reauthorization bill. The provision would require that SSA review a fixed percentage of SSI disability allowances prior to implementation of the payment decision. This rule already exists for Social Security disability claims. However, to the extent that it adds any delay to the time needed to process allowances, it harms individuals who are the most vulnerable and who desperately need their cash assistance and the Medicaid benefits which generally accompany SSI. If the conferees include this provision in the conference bill, we urge that you include language requiring that SSA expedite such reviews so that SSI recipients are not further disadvantaged by delay. And, should Congress include the lump sum provision discussed above, we recommend that the language specifically exclude from delayed payment all funds that have accrued since SSA determined the person to be eligible but then had to perform the pre-effectuation review.

Thank you for considering our recommendations.

Sincerely,

American Association of People with Disabilities  
American Dance Therapy Association

American Music Therapy Association  
American Network of Community Options and Resources  
Bazelon Center for Mental Health Law  
Brain Injury Association of America  
Council for Exceptional Children  
Division for Early Childhood of the Council for Exceptional Children  
Easter Seals  
Epilepsy Foundation  
Helen Keller National Center  
IDEA Infant Toddler Coordinators Association  
Learning Disabilities Association of America  
National Alliance to End Homelessness  
National Association of Councils on Developmental Disabilities  
National Association of County Behavioral Health and Developmental Disability Directors  
National Association of Social Workers  
National Association of State Directors of Special Education  
National Association of State Head Injury Administrators  
National Coalition on Deaf-Blindness  
National Disability Rights Network  
National Mental Health Association  
National Organization of Social Security Claimants' Representatives  
National Rehabilitation Center  
National Respite Coalition  
The Arc of the United States  
Title II Community AIDS National Network  
United Cerebral Palsy  
Volunteers of America