5/22 AIDS

Work incentives

- Fed funded, state run
  - get people back into workforce

~~Medicaid Buy In~~

~~Medicaid expansion~~

asks states etc. to look at rules for healthcare coverage

won't penalize people for working & getting $

Medicaid Buy In — allows people to buy Medicaid insurance (elderly issue)

HUD — Housing Opp for People w/ AIDS

our budget - we included funding

The Ticket To Work and Work Incentives Improvement Act: A Summary

Presidential Task Force on Employment of Adults with Disabilities

[Back to What's New]

From the Social Security Administration:

On November 18, 1999 the House of Representatives passed the conference report accompanying H.R. 1180, the Ticket to Work and Work Incentives Improvement Act of 1999, by a vote of 418-2. The Senate passed the conference report, by a vote of 95-1, on November 19, 1999. The President has indicated that he will sign the legislation. The bill contains the following provisions:

Ticket to Work and Self-Sufficiency Program

General
Directs SSA to establish a Ticket to Work and Self-Sufficiency program (Program) which would provide SSDI and SSI disability beneficiaries with a ticket they may use to obtain vocational rehabilitation (VR) services, employment services, and other support services from an employment network of their choice.

Social Security Administration

- Selects and enters into agreements with one or more organizations in the public or private sector to serve as a program manager(s) to assist SSA in administering the Program.
- Terminates agreements with program manager(s) who fail to meet the performance standards specified in the agreements.
- Precludes program managers from direct participation in the delivery of services to beneficiaries or from holding a financial interest in an employment network in the service area covered by the program manager's agreement.
- Selects, and enters into agreements with, employment networks, including alternate participants who choose to act as an employment network, to provide services under the Program.
- Terminates agreements with employment networks whose performance is inadequate.
- Provides for periodic reviews of employment networks to ensure effective quality assurance in the provision of services.
- Provides for a process to resolve disputes between beneficiaries and employment networks, between program managers and employment networks, and between program managers and providers of services.

Responsibilities of the Program Manager(s)

- Performs such tasks as assigned by SSA.
- Recruits and recommends for selection by SSA, employment networks which can provide services under the Program.
- Monitors employment networks under its jurisdiction to ensure that beneficiaries have adequate choices of services and reasonable access to services, e.g., case management, benefits counseling, supported employment, job training, placement, and follow-up services.
- Ensures that employment networks comply with the terms of their agreements with SSA and that payment by SSA to an employment network is warranted.
- Ensures beneficiaries are allowed changes in employment networks for good cause without being

deemed to have rejected services under the Program.

Employment Network(s)

- Assumes responsibility for coordination and delivery of services under the Program to an individual assigning his/her ticket to work and self-sufficiency to an employment network.
- May consist of a one-stop delivery system established under the Workforce Investment Act of 1998 or either a single provider of such services or a group of providers organized to combine their resources into a single entity.
- Provides services either directly or by entering into agreements with other providers which can furnish appropriate services.
- Serves prescribed service areas and takes measures to ensure that services provided under the Program meet the requirements of individual work plans.
- Meets the financial reporting requirements prescribed by SSA. Prepares periodic reports, on at least an annual basis, itemizing specific outcomes achieved with respect to services provided to beneficiaries.
- Develops and implements an individual work plan in partnership with each beneficiary that includes a statement of the: (1) beneficiary's vocational goal, (2) services and supports necessary to accomplish that goal, (3) terms and conditions related to the provision of those services and supports, (4) rights and remedies available to the beneficiary, and (5) beneficiary's right to modify his/her work plan if needed. The individual work plan is effective upon written approval by the beneficiary and a representative of the employment network.

Employment Network Payment Systems

- Authorizes SSA to pay an employment network under either an outcome payment system or an outcome-milestone payment system. Each employment network will elect the payment system under which it will be paid.
  - Under the outcome payment system, an employment network is paid a percentage, not to exceed 40 percent, of the national average SSDI or SSI payment for each month that a beneficiary does not receive a benefit payment due to work activity for a period not to exceed 60 months.
  - The outcome-milestone payment system combines outcome payments with payments for achieving one or more milestones directed toward assisting the beneficiary in achieving permanent employment. However, the total amount of outcome-milestone payments must be less than the total amount of payments if the employment network is paid under the outcome payment system.
  - Requires SSA to review periodically the specifications of the payment system (percentage and total payment) to ensure that the system provides an adequate incentive for employment networks to assist beneficiaries in entering the workforce.
- Allows SSA to alter the percentage or total permissible payments, as well as the number and amount of milestone payments, to allow an adequate incentive for employment networks.
- Requires SSA to report within 36 months of enactment on the adequacy of the payment system as an incentive for providing services to individuals with a need for ongoing support or services, high cost accommodations, who earn a subminimum wage, or who work and receive partial benefits.

State Agency Participation

- Permits a State VR agency to elect participation in the Program as an employment network with respect to each disabled beneficiary for whom it will provide services.
- State VR agencies participating in the Program will provide services under plans approved under title I of the Rehabilitation Act of 1973.
- Requires a written agreement between the State VR agency and the employment network before a State VR agency can accept any referral of a disabled beneficiary from an employment network assigned a ticket to work by the disabled beneficiary.
  - Directs SSA and the Secretary of Education jointly to prescribe regulations specifying the terms of such agreements.

- Prohibits payment to an employment network if the employment network makes referrals to the State VR agency without entering into a written agreement with such State VR agency or in violation of the terms of the written agreement.
- Requires SSA to establish in regulations a dispute resolution mechanism when the State VR agency and the employment network fail to reach an agreement on cross-referring beneficiaries.
- Requires SSA, if the amendments have not been fully implemented in a State, to determine through regulations the extent (1) to which the requirement concerning prompt referral to the State VR agency applies, and (2) of SSA's authority to provide vocational rehabilitation services by agreement or contract with other public or private agencies in the State.

Continuing Disability Reviews

Prohibits SSA from initiating continuing disability reviews during the period that a beneficiary is using a ticket to work and self-sufficiency.

Financing

- Requires payments to employment networks to be made from the Federal Old-Age, Survivors and Disability Insurance Trust Funds (OASDI) in the case of SSDI beneficiaries and from appropriations made available for making SSI payments under title XVI.
- The costs for administrative expenses would be authorized as appropriate from amounts made available for the administration of title II and title XVI of the Social Security Act (the Act).

Regulations

Directs SSA to prescribe regulations necessary to implement the Ticket to Work and Self-Sufficiency Program not later than 1 year after the date of enactment.

Effective Date of the Program

Effective with the first month following 1 year after enactment.

Scope of Program Implementation

- Directs SSA to implement the amendments in graduated phases at sites selected by SSA to ensure the refinement of the Program processes prior to full implementation.
- Requires SSA to fully implement the Program as soon as practicable, but not later than 3 years after the effective date.

Evaluation

Requires SSA (after consultation with the Advisory Panel, beneficiaries using Tickets, the General Accounting Office (GAO), other Federal agencies, and others with appropriate expertise) to design and conduct a series of evaluations to assess the cost-effectiveness of the Program and the work outcomes for beneficiaries receiving a ticket to work and self sufficiency under the Program. Also, requires SSA to provide for independent evaluations to assess the activities carried out under the Program.

Reports

Requires SSA to report following the close of the third and fifth fiscal years and prior to the close of the seventh fiscal year ending after the effective date. Reports should be submitted to the House Committee on Ways and Means and the Senate Committee on Finance on SSA's evaluation of the progress of activities, as well as the success of the Program and SSA's conclusions on whether or how the Program should be modified.

Work Incentives Advisory Panel

- Establishes a Work Incentives Advisory Panel within the Social Security Administration composed of 12 members--4 appointed by the President; 2 each by the Speaker and the Minority Leader of the House; and 2 each by the Majority and Minority Leaders of the Senate. At least one-half of the members should be individuals with disabilities or representatives of individuals committees not later than 1 year after their completion.

Funding

- Provides that expenditures for the demonstration projects be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivor's Insurance Trust Fund as determined appropriate by SSA of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund as determined by the Secretary of Health and Human Services, to the extent provided in advance in appropriation Acts.
- Effective upon enactment.

Reports and Studies

- Requires GAO to study:
  - the extent to which existing tax credits and other employer incentives under current law encourage employers to hire and retain individuals with disabilities. A report is due to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 3 years after the date of enactment of this Act;
  - the coordination of SSDI and SSI programs as they relate to individuals who are eligible for benefits under both programs, or whose eligibility changes from one program to the other. The study should focus on the effectiveness of work incentives and medical coverage for these individuals. A report is due to the congressional committees not later than 3 years after the date of enactment; and
  - the SGA levels applicable to disabled beneficiaries; whether the levels serve as a disincentive for those returning to work, the merits of increasing SGA levels, and the rationale for not indexing the levels to inflation. A report is due to the congressional committees not later than 2 years after the date of enactment of this Act.
- Directs SSA to report to the House Ways and Means Committee and the Senate Finance Committee, not later than 90 days after enactment, on all income disregards applicable to beneficiaries under SSDI and SSI programs. The report should specify the most recent statutory or regulatory change in each disregard; estimate the current value of any disregard if the disregard had been indexed for inflation; and recommend any further changes.
- Effective upon enactment.

Technical Amendments

Drug Addicts and Alcoholics (DA&A)

- Amends the Contract with America Advancement Act of 1996 (P.L. 104-121) to clarify SSA's authority to make SSDI medical redeterminations after January 1, 1997. (A similar SSI provision was included in the Balanced Budget Act of 1997, P.L. 105-33.)
- Expands the applicability of the provisions in P.L. 104-121, which authorizes SSA to determine if a representative payee would be in the best interest of a disabled beneficiary who is incapable and has a DA&A condition, and whether such individual should be referred to a State agency for substance abuse treatment services.
- Effective as if included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (P.L. 104-121).

Treatment of Prisoners

- Extends the incentive payment provisions now in effect for SSI prisoners to OASDI, and would authorize SSA to provide, on a reimbursable basis, this reported information to any agency administering a Federal or federally assisted cash, food, or medical assistance program for purpose of determining program eligibility.
- Applicable to individuals whose period of confinement in an institution begins on or after the first day of the fourth month beginning after the month of enactment.
- Eliminates the OASDI requirement that confinement stem from a crime punishable by

imprisonment for more than 1 year. Benefits would be suspended for any month during which the person was confined because of a crime or finding of not guilty by reason of insanity except that no monthly benefit would be suspended for any month falling within a period of confinement that lasts for less than 30 days. Applicable to individuals whose period of confinement in an institution begins on or after the first day of the fourth month beginning after the month of enactment.

- Provides that an institution does not get two incentive payments when the reported prisoner is a concurrent OASDI/SSI beneficiary--the programs would split the cost of the payment.
- Effective as if included in enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193).
- Prohibits the payment of monthly benefits to any title II beneficiary who upon completion of a prison term remains confined by court order to a public institution based on a finding that the individual is a sexually dangerous person or a sexual predator.
- Effective with respect to benefits for months ending after the date of enactment.

Revocation by Members of the Clergy of Exemption from Social Security Coverage

- Creates a 2-year window to allow members of the clergy who applied for and received an exemption from Social Security coverage to revoke the exemption.
- The application for revocation must be filed before the due date for the income tax return for the applicant's second taxable year beginning after 12/31/99.
- The revocation is effective, at the applicant's option, beginning with either the first or second taxable year beginning after 12/31/99.

Cooperative Research or Demonstration Projects Under Title II and Title XVI

- Clarifies SSA's authority to make grants and payments under cooperative research or demonstration projects in advance or by way of reimbursement to carry out demonstration projects and cooperative research not only for title XVI, but also title II under section 1110(a) of the Social Security Act.
- Effective as if included in the enactment of the Social Security Independence and Program Improvement Act of 1994 (P.L. 103-296).

Authorization for State to Permit Annual Wage Reports

- Authorizes States to permit employers to submit wage reports of domestic workers to the State on an annual rather than quarterly basis for purposes of the income and eligibility verification system for the TANF, Medicaid, food stamp and unemployment compensation programs.
- Applicable to wage reports required to be submitted on or after the date of enactment.

Assessment on Attorneys who Receive their Fees Via the Social Security Administration

- Allows SSA to charge an assessment, not to exceed 6.3 percent, to recover the costs for determining, and certifying (processing, withholding, and distributing) fees to attorneys.
- Eliminates the requirement that SSA may not certify an attorney fee before the end of the 15-day waiting period.
- Requires GAO to study the costs of administering the attorney fee provisions, the feasibility of a fixed fee for services to an attorney, and make recommendations to improve or modify the attorney fee payment process. A report would be due to the congressional committees not later than one year after the date of enactment.
- Applicable in the case of any attorney with respect to whom a fee for services is required to be certified for payments from a claimant's past-due payments after the later of December 31, 1999 or the last day of the first month beginning after the month of enactment.

Extension of Authority of State Medicaid Fraud Control Units

- Extends the authority of State Medicaid fraud control units to investigate and prosecute fraud in other Federal health care programs.

- Effective upon enactment.

Schedule for SSI Supplementation Payments

- Effective for months after September 2009, requires a State that has entered into an agreement with SSA for Federal administration of State supplementary payments to remit the payments and fees required of them no later than the business day preceding the SSI payment date. (With respect to State supplementary payments paid for the month which is the last month of the State's fiscal year, the fifth business day following the SSI payment date.)
- Authorizes SSA to charge a penalty equal to 5 percent of the payment and fees if the remittance is received after the required date.
- Also provides that under extraordinary circumstances affecting the State's ability to make payment, SSA may make the State supplementary payments on a reimbursable basis.

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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release December 17, 1999

REMARKS BY THE PRESIDENT
AT SIGNING CEREMONY FOR HUMAN RIGHTS 1180
WORK INCENTIVES IMPROVEMENT ACT OF 1999

Franklin Delano Roosevelt Memorial
Washington. D.C.

9:55 A.M. EST

THE PRESIDENT: Thank you. Senator Kennedy, Senator Jeffords, we thank you for your leadership and your remarks today. And, Senator Roth, we thank you very much. We know this couldn't have happened without you. And, Senator Moynihan, Representative Lazio, thank you, sir. And, Representative Waxman and Representative Brown who are here, and Representative Dingell who is not here -- I want to thank all of you for your leadership in the House. Give them all a hand. (Applause.)

I also want to thank the members of the administration who were particularly active in supporting this bill -- Secretary Herman, the co-chair of my task force on the employment of adults with disabilities -- (applause) -- Secretary Shalala, Secretary Summers, Social Security Commissioner Apfel -- (applause.) I'd like to thank, in the White House, my Chief of Staff John Podesta, Chris Jennings, and Jeanne Lambrew, who had a lot to do with this bill, as all of you know. (Applause.)

I want to thank Senator Dole, especially, and through him all the citizens who came forward and made it possible for this to be a genuinely American bill. I want to welcome the members of the Roosevelt family who are here today, particularly Jim and Ann Roosevelt, my longtime friends. And now Jim is a member of this administration, something I'm very proud of.

I want to thank you, Justin Dart, and the members of the disability community who are here, for this and every other issue that we've worked on for over seven years now. (Applause.) And I want to acknowledge -- James Sullivan really spoke for three others who are here -- Donna McNarnee, Paul Marshall, and Wesley Vinner. I thank them for being up here, because every one of them represents a different, slightly different story of someone who will benefit from this bill. And I thank them for sharing their stories with us. (Applause.)

I think it's kind of interesting, don't you, that Mr. Sullivan, from New Hampshire and Senator Jeffords, from Vermont, are the only two people up here without coats on? (Laughter.) This is a warm December day in New England. (Laughter.)

Senator Jeffords, you made that remark that President Roosevelt never carried Vermont. You know, my family communes with the Roosevelts on a regular basis -- (laughter) -- you may remember that. And Eleanor told Hillary last night you're forgiven, all is forgiven now. (Laughter.) This wipes the slate clean, this bill does. (Laughter.)

John Sweeney, we thank you for being here. And we thank the labor community for their support of this legislation, as well.

(Applause.)

I think it is wonderfully fitting that this is the last piece of legislation a President of the United States will sign in the entire 20th century. (Applause.) We do it at this magnificent memorial, the Franklin Roosevelt, who from his wheelchair lifted our nation out of depression and led the free world to victory in World War II; who laid the building blocks for world peace and security that we enjoy today, and accomplished it all as an American with a disability.

In his time, as we all know -- and we've had a lot of debates about that in this memorial context -- Roosevelt felt he needed to keep his wheelchair from public view. Most people believed being disabled meant being unable, though he proved them wrong every day. Today, in the spirit of his leadership and the wake of his accomplishments, we move further along on our nation's marvelous journey of equal opportunity for all. (Applause.)

This is a good time for our country. We're ending the century on a high note, with 20 million new jobs since 1993; the lowest unemployment rate in 30 years; the lowest welfare rolls in 32 years; the lowest poverty rate in 20 years; in February, the longest economic expansion in our entire history. But in spite of this good economic news, we know that three out of four people with significant disabilities are not working. They're ready to work, they're willing to work, and they are very able to work. But as we have heard, they face the daunting barrier of losing their Medicare or Medicaid coverage if they get a job.

For many Americans with disabilities, medical bills, as you just heard from our previous speaker, may cost thousands more than what is typically covered by an employer's private health insurance. For some, including some on this stage, those medical bills, because of the attendant care services, may add up to more than any reasonable salary a person with disabilities could ever hope to earn.

And, yet, quite beyond the human cost of denying people the dignity of work, this defies common sense and economic logic. It doesn't make sense for people to be denied the dignity of work and for the taxpayers to pay the bills, whether they're working or not, and, therefore, losing the benefit of the productivity, the contributions to our economy and society and, as you just heard, the tax receipt of working Americans.

Secretary Summers is here. You wouldn't believe how much time we spend arguing over how much longer this economic expansion can go on. How can we keep it going without inflation? How many expansions in the past have been broken because inflation finally burst through and had to be taken down and that led to a recession?

Well, one way we can keep this economic expansion going is to take it to people and places who aren't part of it. That's what our New Markets Initiative to poor areas of America is all about. And make no mistake about it, that will be one big objective of this bill. This is an inflation-free way to keep America's economy growing. You are helping every single American -- not just Americans with disabilities -- every single American will be helped by this legislation today. (Applause.)

But, of course, even more compelling than the economic argument is the human one. Today, we say with a simple, but clear voice, no one should have to choose between taking a job and having health care. (Applause.)

This legislation reorients our policy by saying health care ought to be a tool to getting a job, earning a salary, paying taxes, and living up to one's God-given potential. You don't have to worry about losing Medicare or Medicaid anymore.

This landmark measure will also make a real difference to people who are facing the early onset of diseases like AIDS, muscular dystrophy, Parkinson's or diabetes. Right now, they may be able to work, but their work conditions are not deemed severe enough to qualify for Medicare. In other words, they may only become eligible for health care when they're no longer able to work. Now, the problem is they're uninsurable because of the conditions they have, even though they're not disabled. So they're also in a different kind of double-bind.

With this bill -- thanks again to bipartisan support in Congress, and to the fact that the Senate Finance Committee and the House Ways and Means Committee found a way to fund it -- we are going to have a $250 million demonstration program that will allow these Americans to buy into the Medicare program, so they can stay on the job and don't have to give it up to get health care when they're perfectly capable of working. This is also a very important feature of this bill. (Applause.)

And finally, both Senator Kennedy and Senator Jeffords mentioned the Ticket to Work legislation that's a part of this bill. This creates long-overdue reforms of the job-training program, so people with disabilities can make their own choices about vocational rehabilitation services, the ones that are best for them. (Applause.)

Taken together, clearly, this is the most significant advancement for people with disabilities since the Americans with Disabilities Act almost a decade ago. It continues our administration's efforts to replace barriers to opportunity with policies based on inclusion, empowerment and independence.

That's why we reformed welfare, to reward the dignity of work; why we doubled the Earned Income Tax Credit for low-income working people, particularly those with children; raised the minimum wage; enacted the Family and Medical Leave law. This bill takes us another huge step in the right direction of both liberating and rewarding the creative energies of all Americans. (Applause.)

But our task isn't done. I often think it's ironic that when we have these bill signings the Presidents get to make the speeches and sign the bills, but the members of Congress must be sitting out there thinking they did all the work. (Laughter.) And, in truth, they did the lion's share, and I was proud to support them.

But now it's our turn. We have to make it work in the lives of real people. I have instructed Secretary Shalala, Secretary Herman and Commissioner Apfel to take immediate action to implement this legislation, to team up with the states, advocates, businesses and others who are crucial to make this bill work. (Applause.)

Now, all of you here who had a hand in this know that the way it's set up, states have a vital role to play. We want to take every opportunity to help every single state in America take maximum advantage of the new options provided under this legislation. We want to encourage employees to reach out and tap the talented pool of potential workers that are now available. We want to work with all of you to ensure that we effectively get the word out to people who have disabilities so they actually know about the benefit of this legislation.

This is about more than jobs or paychecks -- I'll say it again -- it's about more than keeping our recovery going. It's fundamentally about the dignity of each human being; about the realization of a quality of opportunity; about recognizing that work is at the heart of the American Dream.

In the end, the counsel of Franklin Roosevelt that's etched in the walls of this memorial guides us still. He said, "No country, however rich, can afford the waste of its human resources." That is ever more true as we cross the threshold into the new millennium.

I think Mr. Roosevelt would be proud of all of you today. I think we have honored his life and his legacy. In the new century, America will realize even more of it's promise because we have unleashed the promise of more Americans.

Congratulations, and God bless you all. (Applause.)

I'd like to ask the members of Congress and the administration to come up for the bill signing now.

(The bill is signed.)

END 10:07 A.M. EST