

**The National Council of Social Security Management Associations, Inc.**

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**Congressional Actions for the Week of July 21 - 25, 2003**

Three bills have been introduced that would affect many Social Security beneficiaries. First, Rep. Ron Paul (R-TX) introduced H.R. 2781, a bill that would allow senior citizens to receive Social Security benefits even if they refused to enroll in Medicare. H.R. 2840, sponsored by Rep. Pete Stark (D-CA), would make it easier for disabled Social Security beneficiaries to receive health benefits under the Medicare program if they return to work. A third bill, sponsored by Rep. Susan Davis (D-CA), would alter the way the SSA calculates income to determine eligibility for SSI beneficiaries and it would extend benefits to disabled children (of military personnel) who are born overseas. We have provided summaries and floor statements that pertain to the measures below.

**H.R.2781**

**Title:** To provide greater health care freedom for seniors.

**Sponsor:** Rep Paul, Ron [R-TX-14] (introduced 7/17/2003) **Cosponsors:** (none)

**Latest Major Action:** 7/17/2003 Referred to House committee. Status: Referred to the House Committee on Ways and Means.

Floor Speech of **Rep. Ron Paul (R-TX)**, July 17, 2003 (from the *Congressional Record*, E1515) concerning the "Senior Citizens Freedom of Choice Act":

"Mr. Speaker, I rise to introduce the Senior Citizens Freedom of Choice Act. This act ensures that participation in the Medicare program is completely voluntary. I also ask unanimous consent to insert into the record a letter sent to my office from a citizen who is trying to receive Social Security benefits without being forced to enroll in Medicare Part A, along with a letter from the Social Security Administration admitting that seniors who do not enroll in Medicare Part A are denied Social Security benefits.

When Medicare was first established, seniors were promised that the program would be voluntary. In fact, the original Medicare legislation explicitly protected a senior's right to seek out other forms of medical insurance. However, today, the Social Security Administration refuses to give seniors Social Security benefits unless they enroll in Medicare Part A.

This not only distorts the intent of the creators of the Medicare system; it also violates the promise represented by Social Security. Americans pay taxes into the Social Security Trust Fund their whole working lives and are promised that Social Security will be there for them when they retire. Yet, today, seniors are told that they cannot receive these benefits unless they agree to join another government program!

At a time when the fiscal solvency of Medicare is questionable, to say the least, it seems foolish to waste scarce Medicare funds on those who would prefer to do without Medicare. Allowing seniors who neither want nor need to participate in the program to refrain from doing so will also strengthen the Medicare program for those seniors who do wish to participate in it. Of course, my bill does not take away Medicare benefits from any senior. It simply allows each senior to choose voluntarily whether or not to accept Medicare benefits.

Seniors may wish to refuse Medicare for a variety of reasons. Some seniors may wish to continue making their own health care decisions, rather than have those decisions made for them by the Centers for Medicare and Medicaid Services (CMS). Other seniors may have a favorite physician who is one of the growing number of doctors who have been driven out of the Medicare program by CMS's micromanagement of their practices and below-cost reimbursements.

Forcing seniors into any government program as a precondition of receiving their promised Social Security benefits both violates the promise of Social Security and infringes on the freedom of seniors who do not wish to participate in Medicare. As the author of the submitted letter says, "..... I should be able to choose the medical arrangements I prefer without suffering the penalty that is being imposed." I urge my colleagues to protect the rights of seniors to make the medical arrangements that best suit their own needs by cosponsoring the Senior Citizens Freedom of Choice Act."

**H.R. 2840.** Sponsored by Rep. Pete Stark (D-CA). A bill to amend the Social Security Act to remove the limitation on the period of Medicare eligibility for disabled workers; to the Committee on Ways and Means, July 23, 2003. (As of July 25, 2003, a GPO version of the bill was not available.)

Speech of **Rep. Pete Stark (D-CA)**, July 23, 2003 (from the *Congressional Record*, E1571) concerning the "Workers with Disabilities Opportunity Act of 2003":

"Mr. Speaker, I rise today to introduce the "Workers with Disabilities Opportunity Act of 2003" with Representative **Matsui** (D-CA) and 34 other colleagues. This bill will remove a persistent employment barrier facing Social Security beneficiaries with disabilities who want to attempt to return to work--the fear of losing their health insurance. Right now, these workers lose their Medicare health insurance coverage if they remain in the workforce more than 8.5 years. This legislation would make Medicare coverage permanent for them.

There is a glaring problem with the American workforce today. There are a disproportionately small number of workers with disabilities in it. According to the Census Bureau's 2002 report, only 24 percent of American adults with disabilities are employed compared to 77 percent of other Americans. The National Organization on Disability reports that despite major advances in disability services and technologies, less than 1 percent of Social Security Disability Insurance enrollees leave the rolls each year to return to work. When the non-working adults with disabilities were asked in the National Health Interview Survey why they were discouraged from working over one-fifth of them replied that it was out of fear of losing their health insurance. With this piece of legislation we can remove this barrier.

People who receive Social Security disability insurance benefits risk losing the health insurance coverage they currently have if they return to work. While you may think that their job's health benefits may cover what they need, many employers do not offer health insurance and even if they do, the treatments workers with disabilities require may well not be covered by a standard employer-provided plan. This puts many Social Security beneficiaries in a dilemma. They must choose between staying at home and keeping their health insurance or going to work and losing it. There is no question about it; this Hobson's choice is keeping disabled Americans out of the workforce.

Some of you may ask: "Well, what about existing law?" The answer is that existing law does not do nearly enough. Under current law, Medicare coverage only extends for 8.5 years after a Social Security beneficiary returns to work. While this may sound like an adequate amount of time to become integrated into the workforce, keep in mind that people with a physical or mental disability often require ongoing care. Their health, often their lives, and certainly their ability to sustain work, depend on that care.

The Workers with Disabilities Opportunity Act is critical for removing the fear of returning to work for the millions of Americans with disabilities. We had bipartisan support for the original House version of the Ticket to Work and Work Incentives Improvement Act that extended Medicare coverage to 8.5 years for workers with disabilities. We hope to have bipartisan support for making this improvement."

#### **H.R.2791**

**Title:** To eliminate the unfair and disadvantageous treatment of cash military compensation other than basic pay under the supplemental security income benefits program.

**Sponsor:** Rep. Davis, Susan A. [D-CA-53] (introduced 7/18/2003) **Cosponsors:** 6

**Latest Major Action:** 7/18/2003 Referred to House committee. Status: Referred to the House Committee on Ways and Means.

Speech of **Rep. Susan Davis (D-CA)**, July 18, 2003 (from the *Congressional Record*, 1537):

"Mr. Speaker, I rise today to introduce the Military Families Financial Security Act. This bill will ensure that the brave men and women who serve our country will not have to worry about losing the critical services their children need.

The men and women who serve in our Armed Forces are everyday heroes. I know about the valor of military families from my own experience as a military wife when my husband was stationed in Japan during the Vietnam War. As a wife and mother in a foreign country with two young children, I was truly grateful for the support of other military families. The most striking quality of these families was the sense of pride in serving our country even in a time of strife and stress. I can honestly say that I met extraordinary individuals in extraordinary circumstances.

The resilience and patriotism of military families is inspirational. Their unwavering courage in answering the call to serve our country is even more inspiring when one realizes that many of these men and women are leaving families back home. We must remember that many of our service personnel also answer to the title of "mom" or "dad." Just as these brave men and

women are working to protect our Nation, we must likewise protect them and their loved ones through the laws and policies we enact.

In San Diego and around the country, many military families who have children with disabilities rely on assistance from the Federal Government to help cover the costs of health care, day care, and care for special needs. Eligible families receive Supplemental Security Income, or SSI, to ease the financial burden. However, these military families are in danger of losing this much-needed assistance because of a bureaucratic quirk. They face a unique risk of losing their benefits because service members can receive numerous types of additional pay that can increase their income. The Social Security Administration regards this extra pay differently than extra pay for non-military employment. Since eligibility for SSI is based on income, the difference of a few dollars can mean having health care or no care at all.

The Military Families Financial Security Act would change how the Social Security Administration calculates income to determine eligibility for Supplemental Security Income. This simple change in the treatment of income will keep families eligible for SSI benefits and resolve an existing disparity between military and non-military families.

In addition, the Military Families Financial Security Act would also expand SSI eligibility to disabled children who are born to or who apply for benefits while living with parents who are military personnel stationed outside the United States. Currently, children of military personnel stationed overseas are eligible for SSI if they received SSI while they were in the United States. Such an extension would eliminate the disparate treatment of children of military personnel who were born or became blind or disabled outside of the United States.

With our sailors and soldiers in harm's way, there is not a worse time for them to be concerned about whether loved ones are getting the care they need. This legislation offers them the peace of mind that comes with knowing their families will always have the critical support they need.

I urge my colleagues in Congress to act quickly in passing the Military Families Financial Security Act into law.”

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