

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

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>> **Kate Lang:**

Good afternoon and welcome to this afternoon's Webinar. "Why the Proposal to Stop SSI Benefits for Those with Outstanding Warrants is so Harmful." My name is Kate Lang, and I am with Justice in Aging. This afternoon's Webinar is sponsored by the Consortium for Citizens with Disabilities and Justice in Aging. Our presenters this afternoon are going to be Tracey Gronniger from Justice in Aging, TJ Sutcliffe from The Arc of the United States, and Dara Baldwin from the National Disability Rights Network.

We also hope to hear from Representative Danny Davis during our Webinar today, and we will go ahead and get started.

Our first slides are some information about today's sponsors. Our first slide is about the Consortium for Citizens with Disabilities. And our second slide is about Justice in Aging.

Some housekeeping notes about today's Webinar, all attendees are on mute so please use the question function for GoToWebinar to ask any questions and for any technical concerns.

In the chat box, you can find the URL for the captioning if you need to click on the -- that link to go and find the captioning.

If you have any problems with the Webinar, you can send an email to trainings@justiceinaging.org and we will try to help. And after today's Webinar, the PowerPoint slides and the recording will be available on the Justice in Aging website. And we will also be posting the URL in the chat box.

So now I'm going to turn it over to Tracey Gronniger to go over what we're going to cover in today's Webinar. Tracey?

>> Tracey Gronniger:

Great, thank you, Kate. Can you hear me okay?

>> Kate Lang:

Yes, you sound good.

>> Tracey Gronniger:

Okay. Welcome, everyone. Thank you so much for joining. Today we are going to talk about outstanding warrants, and we're going to start with just the history of the legislation and kind of where it came from. And then I'm going to continue and talk about the current proposal that is in Congress. Then TJ Sutcliffe from The Arc is going to talk about the harmful impact of this legislation and then Dara Baldwin is going to talk about the criminal justice implications. And then I'm going to round us out with what you all can do to make sure that this really awful legislation does not come to pass.

So we'll jump right into it with the history of this legislation. And basically I just want to give this sort of brief overview to tell us, you know, explain how we got here and where this all came from so hopefully this will give you some good context and help you understand what this is all about and why we are fighting this fight right now. So as part of the Personal Responsibility and Work Opportunity Reconciliation Act, Congress passed an amendment in 1996 to the Social Security Act and it provided that no one could receive SSI benefits that they would otherwise be eligible for if they were either fleeing to avoid prosecution or custody or confinement after conviction of a felony or, two, violating a condition of probation or parole. And so this became law. It was part of the Social Security Act and that was what passed in Congress.

So what happened after that was that the Social Security Administration then created regulations to implement this new rule. The problem was that when they were trying to decide how they were going to determine who was fleeing to avoid a felony conviction and who was in violation of probation or parole, they went much farther than what Congress had provided for. And, in fact, their interpretation of who was covered under this law was much broader than what Congress actually passed. And so instead of suspending benefits for people who were actually fleeing a felony charge or conviction or violating condition of probation or parole, the Social Security Administration decided instead to suspend benefits for anyone who had an outstanding warrant for an alleged felony or probation or parole violation.

To do this, they used federal and state criminal databases to find matches of SSI recipients' names and date of birth. If there was a match in one of these law enforcement databases, SSA would notify law enforcement. And if law enforcement did nothing, they would notify the SSI recipient that their benefits were going to be cut off. At best, the beneficiary had about 90 days to show good cause if they could. But they couldn't appeal a decision and keep their benefits. So basically their benefits were suspended and they would have to go through multiple levels of administrative review, if they could, and try to get this resolved.

But for the most part people were unable to resolve these unfavorable decisions because these outstanding warrants were very difficult to clear up. And so for a variety of reasons that TJ will get into a little bit, people were basically cut off from their SSI benefits.

The big take-away here is that the SSA policy was completely unlawful because the agency was really only looking to see who had an outstanding warrant. And that was only the first step in determining who might be fleeing to avoid prosecution or violating a condition of probation or parole.

The Social Security Administration did not take the second step which was the more important one of determining whether that person actually was fleeing a felony charge or was in violation of their probation or parole. And so it was very much a case of people being found guilty until they were proven innocent or unless they were proven innocent because they, you know -- could oftentimes not do that.

The policy was later extended to Title II beneficiaries and Special Veterans

Benefits so that hundreds of thousands of people by the 2000s were being cut off from their SSI and Social Security benefits while this policy was in effect. So it was a very harmful regulation, a very harmful policy that SSA was -- had implemented.

So moving on to the next slide, in response to this policy, Justice in Aging along with a private law firm and Urban Justice Center brought two lawsuits to challenge SSA's interpretation of the bill. In *Clark v. Astrue*, we challenged the outstanding warrants for alleged violations of probation or parole. In that case, Clark was a 63-year-old woman whose SSDI benefits had been suspended because of a supposed violation of a condition of probation. She was receiving SSDI for some serious medical conditions, including end-stage renal disease. And she was living in senior housing and receiving medical treatment. She had been paying restitution for a previous offense, but because of her illness, she couldn't work. And so she couldn't continue making those payments. And she actually had an agreement and law enforcement had agreed to suspend these payments and put them on hold while she was receiving medical treatment. And the outstanding warrant had been issued just to keep that -- those payments live and so that they were fall off, everyone knew they were still going to be owed although in reality she was quite ill.

But there was no outstanding warrant for a violation of any kind. And, again, that was the step that SSA failed to take. They saw an outstanding warrant and they cut her off and did not make any finding that she had actually violated her probation and there was for finding that she had done that because she hadn't.

Unfortunately, Ms. Clark died in the hospital while the case was still pending before she could be evicted luckily from her housing. But it was a very -- a very sad case and something that was one example of how this policy could really hurt people who were in desperate need of their benefits.

The other case that we brought, *Martinez versus Astrue*, TJ will talk a little bit more about, but this was a case based on an outstanding warrant for an alleged felony which was not correct. And I'll let TJ tell more about that. But the plus side was we won these lawsuits and as a result the Social Security Administration was prohibited from using the mere existence of an outstanding warrant as proof that a person was fleeing to avoid a felony or violating a probation or parole condition. We were also able to get back-benefits for people whose benefits had been unlawfully suspended as well. And we estimated that

totaled over \$500 million. So that was another really great benefit to that litigation. One thing I would like to note in these lawsuits is we did not challenge Social Security Administration's use of a few of the National Crime Information Center codes that we agreed were specific enough that they legitimately went to whether a person was escaping or fleeing to avoid prosecution. And I think the codes actually were, like, "escape" or "flight to avoid prosecution." So they went to the thing that Congress had actually passed legislation about.

I will also note that those are very rare because in most cases if someone is fleeing, they're not going to apply for government benefits to let the government know where they are and what they're doing. So I think that that's just good to know for people who are not clear on what SSA is currently doing and what we challenged and what the proposals that I'm going to talk about in a moment do.

So speaking of current proposals, I want to switch to what the current congressional attempts are right now basically to make bad policy into the law. So in 2015 and this year, the House came out with legislation that was mislabeled and misleadingly called the Control Unlawful Fugitive Felons Act, these bills, which are basically the same bills, would change the law so that Social Security Administration could legally suspend the benefits of people with outstanding warrants. So we sued because we said that SSA was misinterpreting congressional legislation. This legislation would basically make what SSA was doing legal.

One difference in the legislation now and the legislation in 2015 is that right now, HR 2792 only applies to SSI recipients. But as you can see here, the original legislation, HR 2792, the original legislation applied to Social Security and Special Veterans Benefits as well. And make no mistake that that is what the Republicans want to do. And I think that's the ultimate goal of this legislation, is to include as many people as possible. So this would not remain an SSI-only bill. I think as soon as practicable there would be an attempt to expand it to Social Security as well. And that would be, as you can probably guess, very detrimental to hundreds of thousands of people.

So moving on to the next slide, people who support this legislation including Representative Noem who introduced this year will sometimes talk about it as a law enforcement bill. And people will claim that this is about making sure that law enforcement

is able to do its job and that they can, you know, arrest people who are doing bad things. In fact, as I mentioned before, SSA already notified law enforcement when there is a match in the database showing that there's an individual who has an outstanding warrant. So SSA will tell law enforcement who the individual is, where they are, give them 60 days to enforce the warrant so that, you know, if a person is trying -- is actually trying to avoid prosecution, they won't be alerted to the fact that they've been kind of identified and passed on to law enforcement.

So that's already happening. This law would not change that. People have made -- and as I mentioned before, there are certain codes that are still considered to involve escape or flight. And so those people's benefits are already still suspended. So, again, that's not something that would change because of this legislation.

Other arguments that people have made, like, similar to this that it's a law enforcement bill that you might hear are that, one, the commissioner of the Social Security Administration has discretion so he or she can find good cause not to suspend a person's benefits. That doesn't fly because -- (chuckles) -- number one, as I mentioned, a person shouldn't be found guilty until innocent. We are starting from the wrong position in the first place. But, number two, the commissioner doesn't use this good-cause discretion. I mean, that would mean that she would be reviewing tens of thousands of cases to make individual determinations about whether a person should have their benefits suspended or not. And that's not practical. It's not something that we saw happening in the past, and it's not something that's likely to happen in the future either.

You'll also hear people saying that there should be carveouts and you just need to fix the specific populations that are affected by this legislation so you might hear people saying, oh, well, we could, you know, exclude a person in a nursing home or exclude a person who has dementia. But, again, that doesn't work to address just the unjust and extremely broad impact of this really horrible policy. And so point of this slide is basically that the arguments that you will hear that people will make to justify this legislation don't fly and they are distractions to try to get people to agree to something that is actually quite difficult and not -- and is very harmful to people who are affected by it.

And so on that note, I want to turn it over to TJ to talk about some of the real impact that this policy has had on individuals who are caught up -- who were caught up in it

in the past.

>> TJ Sutcliffe:

Great, thank you so much, Tracey.

Can everybody hear me okay?

>> Kate Lang:

Yep, you're coming through.

>> TJ Sutcliffe:

Great, thank you. I'm TJ Sutcliffe, and I'm with The Arc of the United States. And I'm going to talk a little bit about how HR 2792 would hurt people with disabilities and seniors. And I want to do that by sharing a couple of stories of real people who were hurt in the past when the Social Security Administration tried to implement this failed policy. The first person I'm going to talk about is Rosa Martinez who, as Tracey said, was one of the lead plaintiffs in two lawsuits that the Justice in Aging brought against the Social Security Administration that resulted in this policy ending.

In 2008, Rosa Martinez was 52 years old. She was living in California. She was receiving Social Security benefits. And the Social Security Administration notified Ms. Martinez that she was going to lose her benefits because of a 1980 arrest warrant for a drug offense that had happened in Miami, Florida. However, Rosa Martinez had never been to Miami. She had never been arrested. She had notified never used illegal drugs, and she is 8 inches shorter than the person identified in warrant who is also named Rosa Martinez. Now, Rosa Martinez told the Social Security Administration "this is not me. I have never been to Miami, I have never been mixed newspaper this sort of thing. This is not my arrest warrant. This is somebody who happens to have the same name as I do."

The Social Security Administration told her, sorry, you're going to have to go get this arrest warrant cleared up. And when she tried to do that, it was very clear in Miami that she was unable to do so because the arrest warrant was not for her. So she participated in a class action lawsuit led by Justice in Aging. She was the lead named plaintiff in this suit. And it was only through participation and legal access -- and legal

action that Rosa Martinez was able to get her benefits restored.

The second person I want to talk about on the next slide is a young man who is a survivor of childhood abuse. In 2001, he was 11 years old, he stood 4'7" tall and weighed 85 pounds. He has intellectual disabilities and other mental impairments. And in 2001, he was living in Ohio with his mother and his stepfather. Unfortunately, his stepfather was abusive and to escape the abuse, he ran away from home. He was picked up by the authorities, and he was being held temporarily at a detention facility while waiting for his mother to come pick him up.

And while he was at the detention facility, he did kick a staff member and as a result of that, he was charged. Now, in 2008 on the next slide -- oh, you'll see that several weeks later after this incident, after he had gone home with his mother, his mother did break up with his stepfather and took him to California. So they moved to California to live there. And then many years later in 2008, Social Security notified this young man that his benefits were being stopped because of the arrest warrant that had been issued back in Ohio. Again, he had no recollection of the event. And, in fact, in one of his appeals to the Social Security Administration, he stated: I was not fleeing from Ohio. My mother took me to California.

He also participated in a class action lawsuit filed by Justice in Aging along with Rosa Martinez that helped to end this failed policy.

The third person I'm going to talk about on the next slide is a man who attempted suicide. In July of 2000, he was living in Ohio and he decided that he was going to try to commit suicide by jumping off a railroad bridge. Fortunately, the police did learn of this. They stopped train traffic, and they managed to talk him down off the bridge. So thankfully he did not jump and he survived. However, a couple of days later the police issued a warrant for his arrest because of the interruption of public services, because they had stopped the train and interrupted the train services. And in Ohio, this was a felony.

However, the police never served the warrant. They never gave him the warrant despite the fact that they had his address. So he never knew about this warrant. Now, on the next slide, you'll see that he a few months later moved to Minnesota. Things were a little rocky for him for a little bit, but then he was successful in stabilizing his life. He was able to get ongoing mental health treatment and to stabilize his living situation in

Minnesota.

But then out of the blue in 2002, he received a notice from the Social Security Administration terminating his benefits because of this old outstanding arrest warrant from Ohio that he did not know about. Both his therapist and attorney reached out to the authorities in Ohio and they tried to get the charges dismissed but they were unable to do so. They were told -- he was told he would go to go to Ohio in order to get the arrest warrant cleared up. But he was very worried that going to Ohio would be bad for his mental health. And because his benefits had been cut off, he also did not have any money to do so.

So on the next slide, these examples really highlight a couple of things that Tracey spoke about earlier. First that people often don't know about these old outstanding arrest warrants. Second that the warrants are actually often quite old. Sometimes they're a couple of years old but in many cases, they are many years old, if not decades old. Third, the clearing up the arrest warrants can be difficult, if not impossible. And that's particularly true in cases of mistaken identity such as the situation that Rosa Martinez had to endure.

We believe unfortunately that if HR 2792 were to become law that many of the same people who were impacted by Social Security former policy would, once again, be impacted and people in similar kinds of situations would be hurt. Now, on the next slide, I want to talk just a little bit more about the state of play on the bill that recently passed the House of Representatives that Tracey discussed.

One of the unfortunate things about this bill in addition to the cut to Social Security -- to Supplemental Security Income is that the bill has been paired and proposed as a pay-for for reauthorization of a program called the Maternal, Infant, and Early Childhood visiting program. You will sometimes hear it referred to by its acronym which is MIECHV. And sometimes you will just hear it called "the home visiting program."

The bill in the House of Representatives is HR 2824. And in September of this year, the House of Representatives by a majority did pass both bills. They passed them a couple of days apart but then put them together so that it's very clear that the majority that voted for these bills is proposing the cut to Supplemental Security Income as a means to pay for reauthorizing the home visiting program.

Now, one other thing to know is the Senate does have its own bill to reauthorize this home visiting program. But so far we have not seen this cut to SSI paired with that proposal.

Now, there's a couple of things to know about this. And on the next slide, just to sum up, we know that home visiting is an incredibly beneficial program, right? Here at The Arc we represent children and adults with intellectual and developmental disabilities. We know well that supports and services and early intervention for pregnant women, for infants and toddlers and for new parents can make all the difference in the world. So Maternal, Infant, and Early Childhood home visiting is a beneficial program that should be reauthorized. But we reject the idea that it should be paid for by cutting SSI. We reject the idea that these two programs and these two populations should be pitted against one another. And we also know that in many cases, it's the same household and the same family that is being helped by those programs.

So, for example, we estimate that about 2.7 million children currently live with a senior or an adult who receives Supplemental Security Income. So if those SSI benefits are cut off, it would hurt not just the person who's receiving SSI but also the child and in many cases those children may be children who have themselves benefited either currently or in the past from home visiting.

So with that, thank you all so much. And I'm going to turn it over to Dara Baldwin from the National Disability Rights Network. Thank you.

>> Dara Baldwin:

Hi, everyone. Thank you. Thank you, TJ. Can you hear me?

>> Kate Lang:

We can hear you. I just wanted to check to see if Representative Danny Davis has been able to join us yet.

>> Dara Baldwin:

Sure, no problem. Go right away.

>> Kate Lang:

I just wanted to see if Mr. Davis or a representative from his office is on the line with us.

>> Jill:

I'm here, this is Jill. But Mr. Davis is still on his press call.

>> Kate Lang:

Okay. We're going to go ahead and hear from Dara and hopefully Mr. Davis will be able to join us before the end of the Webinar. Thanks, Dara. Go ahead.

>> Dara Baldwin:

Thank you, Kate. And thank you, everyone, for being on this Webinar to talk about this important issue. And thank you to Representative Davis for his leadership in this slide.

Next slide, that's who I am.

I just had to tell you about National Disability Rights Network. And this is important in this work. We are the national office for the protection and advocacy program which are civil rights lawyers for people with disabilities. In all of the cases that TJ and Tracey were talking about, we are talking about people's civil rights, no due process, and doing things to people that are making them be criminals when they are not criminals or they are thought to be criminals.

So the P&A Network, you can go and learn about us at that link. I'm sorry, can you go back? And also we are -- we have 57 programs, one in every state, one in every territory, one specifically for Native Americans. And with the PAIR program we cover all disabilities. I just wanted you to know that.

Next slide.

Also, in our work -- so they are civil rights lawyers, not criminal lawyers, criminal defense lawyers, but we cover those due process and civil rights issues and concerns for people when they come in contact with the criminal justice system or when they don't -- they shouldn't be, as we were talking about earlier. In the case, Ms. Martinez was

not part of the criminal justice system but she was thought to be and that's what happened in her case. So that's what we do.

Also, we do our work based on intersectionality, which is a sews justice theory and actually work in process in which we think of people in their social discriminatory and multimarginalized lives and people with disabilities, if you look at the third bullet, they are part of all races, religions, multiple socioeconomic status, sexual orientation. They are incarcerated, formerly incarcerated, immigrants and refugees. That's how we do our work. So next slide, please.

And I just wanted you to know we include everything, fairness and justice and diversity in our work. And that is a part of what's happening in HR 2792. Next slide.

These are the policy issue areas that we work on on a regular basis. If you ever need info, let me know. Next slide.

So we also work on criminal justice. And as I was saying, we don't work on it through being defense lawyers. We work on it through their civil rights and we do use the Americans with Disabilities Act and the Rehab Act which are laws which can be used in this work. The people who -- and the cases that were discussed, they have and are covered by the ADA because they are people with disabilities. And the Rehab Act, Section 504, they are covered. So we do this on a federal level around the country, but they also do it within their states.

Next slide.

We work on criminal justice and the punishment and discrimination, class discrimination, and many of the things that are discussed here is around the entire criminal justice system's discriminatory work towards usually and most often people of color and poor people.

Next slide.

These are areas in which we work around criminal justice. People who have disabilities are usually not credible when they are witnesses or victims or even when they have an arrest. And in this case, when they don't have an arrest or something is not their fault. Any time they come in contact with the court system or the criminal justice system, their rights are forgotten or not even used.

Now, it wasn't said here but I'll give an example, if Ms. Martinez in that case was

someone who was deaf or blind, there would be an additional discrimination towards her in reference to her finding out and clearing whatever warrant she was supposed to clear. So we need to understand when these things happen to people with disabilities, those parts of their rights are left out. There's usually not an ASL interpreter provided for a Deaf person or if the person is blind, the information sent to them in the format for which is good for them to use, whether it be braille or electronic, so this harms them and hurts them, if HR 2792 were to move forward, for them to fight or get rid of or prove that they are innocent in their discriminatory process of saying they have a warrant.

Next slide, please.

In our work, we work on mass collaboration. We work on criminal justice issues with multiple coalitions. And in those coalitions, we have worked on several criminal justice laws and seek to change the way in which people of color and poor people have been marginalized and discriminated in the criminal justice system.

Next slide, please.

So I'm going to talk to you about the harmful ways in which the criminal justice implications of 2792 are. So the criminal justice system incarcerates 2.3 million people across the detention spectrum. That could be jail or prison, immigration, detention centers, all of those kinds of places, juvenile justice detention center. We are the highest incarcerated country in the world, and this is according to the Prison Policy Initiative as well as many other programs.

This is documented throughout many years of evidence-based research and what's also documented is that there are racial and ethnic disparities throughout the U.S. criminal justice system.

And what does that say in that says that our country is a punitive country. And this bill, HR 2792, controls unlawful fugitive felons is, yet, another way to be punitive towards a community that doesn't need -- or shouldn't be criminalized yet again. And criminalization means you are turning something or someone or their activity into a crime and it makes it illegal just because of who they are and that they have no real way to fight that issue or concern. And usually this happens in the high arrest rate of people of color and people who are poor but also when you have criminal justice policies such as this one would be.

Now, Tracey said that the people who are supporting this bill are trying to push it as a law enforcement bill. Well, over the years since 2014, it has been heightened with the many deaths of people of color in the law enforcement community. And it has come to many people's knowledge that law enforcement bills are not always there to assist the law enforcement but sometimes they are there to create criminalization and create that for people who are multimarginalized in this country and discriminated against. And that's where the implicit bias and structural racism comes in in the criminal justice system. It was built in there, and it continues to be built in there.

Next slide, please.

So many years of the evidence-based research that I was talking about on the slide before and also all of the communities and coalitions coming together, human rights and LGBTQ, people of different faiths, people who -- from children to adults came together and finally after many years, about 25 years I would have to say, we would have what we call the Fair Sentencing Act of 2010 and it reduced the disparity between crack and cocaine 100 to 1 to 18 to 1. That was done in 2010. And I bring that up so you understand that this country, that was when we started moving towards trying to end the punitive system and trying to create a better system of helping people in the criminal justice system. So in the 114 Congress which was the last Congress, 2014 to 2016, there was a serious bipartisan support for working on ending criminalization and creating sentencing reform and stopping the introduction and the implementation of criminal justice programs that are being put forth and introduced in this bill, in HR 2792. This is the total opposite of that.

So the federal Sentencing and Prison Reform Act was introduced in the 114th by Republican and Democratic both House and Senate members. And we worked on that in the 114th to get good language around criminalization, sentencing, and reentry.

And no matter what happened, we have it moved and it passed in the House. It did not pass in the Senate. Many people, many organizations from all spectrums worked on this. And then now we have in the 115th, after much conversation, it has been reintroduced in early September. So this era of bipartisan working together to end criminal justice implications and horrible treatment of people continues. It has not ended. So it is disheartening to see a bill like HR 2792 come back into the spectrum where you're going to criminalize someone. In this case, someone for something they have not done as was

mentioned in the cases.

And the young man who was in Ohio and then he moved to California, again, he was not in charge of his life and he did not make those decisions. Yet, he's being criminalized for something that was not his fault. And so that's what this bill would do.

Many in this country continue to work collectively to end mass incarceration and decriminalize a discriminatory system for people with disabilities. This would be creating a criminalized situation for those people. And it is discriminatory because you are not doing this to any other group of people, and was explained before when Tracey was explaining the process of the Social Security Administration getting information and not following through, that is not how criminal justice system is supposed to work. There's what's called due process. And like she was saying, you are guilty and you have to prove your innocence. That's not happening for people who are on Social Security. And as this moves forward, how it would happen for them is this bill would go through and become a law. So we are totally against that as civil rights lawyers and as disability rights advocates. And HR 2792 would do the exact opposite and work against all of these people, all of these groups of people who have been working for so many years to change the criminal justice system. This would just step on and add to an even more discriminatory system, and we don't want to see that.

So the next slide for me. These are issues that disability rights are working on. You can look at those later. I think I'm done. You can go through my slides real quick, Kate. That's a resource so you know what intersectionality is so if you want to read about it and use it in your work. It's definitely a critical race theory that should be used in any work you're doing.

And then my next slide. Thank you. I will hand it back over to you Kate.

>> Kate Lang:

Thanks, so much, Dara. I just want to check in and see if Mr. Davis has been able to join us.

>> Jill:

I don't hear him yet. I'm texting our scheduler. I apologize. But I'm hear. This is

Jill.

>> Kate Lang:

Yes, great. Thank you so much for staying on the line with us, Jill. We are hoping that Mr. Davis will be able to join us because he has been such a leader on opposing HR 2792 in the House. And he really provided a lot of great leadership when this bill came to the floor for a vote in September. And I know he has a lot of strong feelings about this bill and really wants to share those thoughts with everyone joining us for the Webinar today.

So we're just going to give him a minute to see if he's able to join us. And if not, we will, you know, have to say thank you to him from a distance. But we understand that he is very busy today, has a lot going on.

>> Jill:

Oh, no worries. And he's getting out of a meeting now.

>> Kate Lang:

Okay.

>> Jill:

So hopefully he'll be on in a minute.

>> Kate Lang:

Great. We'll just hold on here for a minute to see if he's able to leave his meeting and join us.

So I don't know -- I don't want to put you on the spot, Jill. But I just wanted to see if you had anything you wanted to share with attendees today about HR 2792.

>> Jill:

Sure. I think he'll cover it. You guys have done a great job giving the background. Just to reiterate what we heard in committee, they were very clear that they

will move -- continue to move on the SSI and expand it to Social Security. And given the environment we're in, if you even listen to the tax debate or the disaster debate, the Republican majority is insisting on paying for anything, so the disaster funds will be paid for with something else. So this fight is going to be very front and center for a while. We will keep seeing this.

>> Kate Lang:

Yeah, I think that is a good point that I just want to follow on to say that we were talking about HR 2792 today in the context of the reauthorization of the Maternal home visiting program. But we are concerned that this pay-for or similar cut to SSI could be used for other bills that we see moving through Congress.

>> Jill:

Exactly. Exactly. And they have been talking about how as soon as they're done with tax, they'll move on to Social Security changes. So I do anticipate that this would be one of the first ones under Social Security. And for the SSI, just for your listeners, I believe it was 2.5 billion is what they were using for the SSI cut alone -- or 2.1 billion. 2.1 billion. And so if you apply it to all Social Security recipients, that will go up. And it will be frequent.

>> Tracey Gronniger:

It's so important for all the people here to spread the word and explain to everyone why this bill is bad because I think there's just a lot of confusion about what it does and when they're looking for pay-fors, this is such an easy thing if you don't know what it is or what it's about to say, oh, yeah, let's, you know, not give fugitives --

>> Danny Davis:

Hello.

>> Tracey Gronniger:

Security benefits.

>> Tracey Gronniger:

Hello.

>> Jill:

Hey, Congressman.

>> Danny Davis:

This is Danny Davis. How we doing?

>> Kate Lang:

Great, thank you so much for joining us.

>> Danny Davis:

Well, let me apologize but I actually was in the meeting with the former governor of Illinois, Pat Quinn, my dear friend and the present president of the Illinois Senate. And so I figured I'd give them a little bit of time.

But let me thank all of you for being a part of this effort and being a part of trying to make right some things that I certainly think is wrong. And I think if we kind of keep at it and keep pushing it and keep moving it that our opponents don't really have much of a ground to stand on. I mean, they have the ability to carry the day, but, you know, anybody who looks at the information, the data, know that many of these cases are, you know, outdated, outlandish, way back. You can't even find the people and people are still being penalized so I think it's just great that you've got this effort going and we are pleased to be a part of it.

>> Kate Lang:

Thank you so much for your leadership, Mr. Davis. We really appreciate you taking the time to join us today to provide -- continue providing that leadership in this fight.

>> Danny Davis:

Well, I tell you a hundred organizations and groups, actually more than a

hundred, basically saying the exact same thing. And if we can keep the issue in the public arena, enough for other people to really know what it is doing, then I think that really gives us a good chance to move the needle on it. And, you know, the way people describe things in terms of being different, what's a misdemeanor in one place and somebody else may call it a felony or somebody else may take a whole different position on tracking down or really just denying the benefits and using whatever could have been the benefits for something else, I think that's just not a good way of treating elderly people.

I mean, I've been of the opinion that you can measure the greatness of a society by how well it treats the old folks, how well it treats those who are young, and how well you treat those who have difficulty carrying for themselves. So I'm certainly agreeing to continue the fight and continue the effort and using every proactive approach that we can to keep hope alive that we'll be able to make this happen.

>> Kate Lang:

Great. Well, thank you so much for your time today. I really appreciate you joining us and sharing your message with our audience on the Webinar today.

>> Danny Davis:

All right. Well, thank you very much. It's a pleasure. And, I guess, we're looking forward to the biggest turkey I can find, as much cranberry sauce and we will look forward to seeing all of you after Thanksgiving. Okay. Thank you.

>> Kate Lang:

Thank you so much.

>> Danny Davis:

Bye-bye.

>> Kate Lang:

Bye.

>> Jill:

This is Jill. Can I add a couple things that might be helpful?

>> Kate Lang:

Please do. Yeah.

>> Jill:

So for your Webinar participants who I am so grateful for their interest, a couple things came up in the debate because you all talked about the law enforcement angle. There are a couple other arguments that came up. And just so people know to reinforce, this good-cause exemption was laid forward as the number one reason no vulnerable adult will be harmed. What we know from the good-cause exemption is, you know, people can lose their benefits as soon as ten days. So they can just be cut off. They have -- the SSI recipients have extremely limited financial resources. They're severely disabled. They're elderly. The time to resolve the criminal justice issues are very long. They often have to be done in a geographic jurisdiction, and the Social Security Administration from in the past and current action is very hesitant to weigh into those things so that ten-day window is really not going to be enough to resolve these issues.

My understanding from you all and from the activists -- the advocates in the past was that SSA sent a six-page letter kind of outlining to recipients who are about to have their benefits terminated and people didn't understand what to do from those. So the main argument from the majority is no one will be harmed because of this exemption. And that just really is not going to be the case. The exemption failed in the past. The current process is no better. The backlog in Social Security appeals is quite log. So these recipients will be harmed.

What Mr. Davis was referring to is another -- or one of the things he was referring to is another argument that came up which was these are very bad people. They are people who are wanted for violent crimes. They are people who are accused of -- or, you know, they're responsible for tens of thousands of dollars of financial fraud. These are not misdemeanors.

In our reach and your examples you'd showed before from who was affected,

that's not the case. We know from the criminal justice system, like Dara was saying, that there's a discriminatory bias within the justice system. Because the arrest warrant is not an adjudicated court case, there are many, many problems with that -- with the data on who that is and how the criminal court cases do. So, for example, a misdemeanor in four states, Florida, Massachusetts, Virginia, and New Jersey, is a loss of \$300 or less. So if your SSI recipient happens to have some kind of history in Florida, Massachusetts, Virginia, and New Jersey, anything under \$300 is a felony. That's very different than Texas or Wisconsin where a felony is \$2,500.

And moreover, now we know that there's a real criminalization of poverty. And Mr. Davis and the congressional black caucus have been extremely active on these issues. So there are many issues, like, vagrancy, shoplifting, traffic violations that are misdemeanors but most misdemeanors are affiliated with probation plus a fine or a fee. When that fine or a fee cannot be paid, an arrest warrant is issued.

Just like last time, we will see that these people with just simply arrest warrants for inability to pay a fine will then be terminated from their SSI benefits. So those are just a little bit more background on some of the arguments that had come up when we were considering.

>> Kate Lang:

Great. That's so helpful. And I just wanted to finish up in our last couple of minutes by letting people know what they can do to fight against these harmful proposals. First step is to sign up for our various listservs, and we're going to have a couple of slides coming up to show you how to sign up for those listservs to stay up to date on what's happening in Congress.

We ask people to be ready to act quickly, to contact their legislators because what we saw in the House was that this bill did move very quickly. So we're going to ask people to be ready to act if there is more action in the future.

And then, finally, we want to be clear that everybody on the Webinar understands that there's no modification to this policy, to carve out or exempt certain groups that would fix it or be acceptable. This is just such a harmful proposal that there really is no way to fix it. And I think we've discussed some of that on the Webinar today

about how that sort of good-cause exemption would not be helpful for people in this situation.

So I just want to let people know how to sign up for the Justice in Aging network. We have a text option where people can send a text to get linked to sign up for our network. For NDRN, you can visit their website so fine up for their news and alerts to get connected to NDRN. And then we have information about how to join The Arc's network to get information from them. So all three organizations are tracking this issue and we'll be sending information out to our network if we do see this proposal or similar proposals come up again. And, finally, I just want to end with contact information, email addresses for our presenters today and to say thank you to the three of them as well as to Mr. Davis and Jill for joining us today. So thank you, everyone, for joining the Webinar today.