

STATEMENT BY SENATOR ROBERT DOLE  
FORMER MAJORITY LEADER, U.S. SENATE  
SPEAKING BEFORE THE SENATE FINANCE SUBCOMMITTEE ON SOCIAL  
SECURITY AND FAMILY POLICY

JULY 29, 1998

CHAIRMAN CHAFEE, SENATOR BREAUX,  
SENATOR JEFFORDS, THANK YOU FOR THE  
OPPORTUNITY TO TESTIFY ON A CRITICALLY  
IMPORTANT ISSUE -- THE HEALTH CARE BARRIERS  
FACED BY PEOPLE WITH DISABILITIES WHEN THEY  
WANT TO WORK. NOW IS THE TIME TO ADDRESS  
THESE BARRIERS HEAD-ON. WE ALL RECOGNIZE  
THE IMPLICATIONS OF NOT DOING SO AND I  
COMMEND YOU FOR HOLDING THIS HEARING. I  
GAVE MY PUBLIC SUPPORT TO S. 1858 WHEN IT WAS  
INTRODUCED ON MARCH 25 AND I AM HERE TODAY  
TO SUPPORT THE COMPLETION OF YOUR EFFORTS  
THAT BEGAN IN MARCH.

PEOPLE WITH DISABILITIES WANT TO WORK. IT  
IS PRECARIOUS, OFTEN IMPOSSIBLE, FOR THEM TO

WORK IF THEY DO NOT HAVE ACCESS TO HEALTH CARE. OVER THE YEARS, CONGRESS HAS PASSED MANY LAWS TO BENEFIT INDIVIDUALS WITH DISABILITIES. I INITIATED AND SUPPORTED MOST OF THEM. I AM MOST PROUD OF THE AMERICANS WITH DISABILITIES ACT. I AM CONCERNED HOWEVER, ABOUT TWO RECENT SUPREME COURT CASES - *PENNSYLVANIA DEPT. OF CORRECTIONS V. YESKEY* AND *BRAGDON V. ABBOT*. I AM FEARFUL THAT THE COMMON-SENSE ACCOMMODATIONS FOR AMERICANS WITH DISABILITIES MANY OF US CHAMPIONED IN 1990 HAVE BEEN OVERTAKEN BY JUDICIAL ACTIVISM WHICH HAVE BEEN THE SCOPE OF THE ADA.

ADDRESSING HEALTH CARE FOR INDIVIDUALS WITH DISABILITIES, INCLUDING MY OWN EFFORTS, PROVED MORE ELUSIVE. ACCESS TO HEALTH CARE

WAS A BLIP ON THE RADAR SCREEN IN 1990 WHEN WE PASSED THE ADA. UNFORTUNATELY, IT HAS STAYED THAT WAY, UNTIL S. 1858. CONGRESS MUST TACKLE THE WORK DISINCENTIVES IN FEDERAL SUPPORTS FOR HEALTH CARE TO INDIVIDUALS WITH DISABILITIES. IF IT DOES NOT, THE INTENT AND PROMISE OF THE ADA AND OTHER LAWS WILL CONTINUE TO BE UNDERMINED. IF OUR LAWS MANDATE CIVIL RIGHTS AND SUPPORT EDUCATION, TRAINING, AND FUNCTIONAL INDEPENDENCE, BUT DO NOT PROVIDE ACCESS TO HEALTH CARE FOR PEOPLE WITH DISABILITIES, WE HAVE NOT MET OUR GOALS.

MANY INDIVIDUALS WITH DISABILITIES REMAIN AT HOME TODAY. LAST THURSDAY THE NATIONAL ORGANIZATION ON DISABILITY RELEASED A REPORT THAT FOUND ONLY 29 PERCENT OF PEOPLE WITH DISABILITIES ARE EMPLOYED. THIS PERCENTAGE IS

WORLDS AWAY FROM THE 79 PERCENT OF NON-DISABLED EMPLOYED AMERICANS OF WORKING AGE. THE REPORT ALSO STATED THAT 72 PERCENT OF THOSE UNEMPLOYED PERSONS WITH DISABILITIES WANTED TO WORK. BUT FOR THOSE IN FEDERAL PROGRAMS SUPPOSEDLY DESIGNED TO HELP PEOPLE WITH DISABILITIES GET TO WORK, LESS THAN ONE PERCENT ATTEMPT IT EVERY YEAR.

TO TAKE AN EXAMPLE, A KANSAN NAMED JOHN ROE RECEIVED SSI BENEFITS EVERY MONTH. JOHN HAS A DISABILITY THAT REQUIRES DIALYSIS TREATMENT THREE TIME A WEEK. JOHN HAS MOST OF HIS MEDICAL CARE COVERAGE BY MEDICAID. HE HAD RECEIVED VOCATIONAL TRAINING AND WOULD LIKE TO GO TO WORK FULL-TIME. THE PROBLEM INS THAT JOHN WOULD LOOSE HIS MEDICAID ELIGIBILITY FROM EARNINGS OF A FULL-TIME JOB. IT IS UNLIKELY THAT MR. ROE'S EARNINGS WOULD

**BE ENOUGH TO REPLACE THE MEDICAL COVERAGE UNDER MEDICAID. JOHN ALSO DEPENDS ON PERSONAL ASSISTANCE SERVICES IN HIS HOME THROUGH MEDICAID. HE COULD NOT AFFORD THE PRICE TAG ON HIS OWN AND JOHN IS FRUSTRATED WITH THIS BECAUSE HE MUST STAY POOR AND ON SSI TO ACCESS THESE CRITICAL SERVICES.**

**EIGHT YEARS AFTER PASSAGE OF THE AMERICANS WITH DISABILITIES ACT WE HAVE YET TO ACHIEVE OUR GOALS OF ENSURING THE FULL PARTICIPATION OF INDIVIDUALS WITH DISABILITIES IN THEIR COMMUNITIES. PERSONS WITH DISABILITIES COULD BE WORKING IF THEY HAD ACCESS TO AFFORDABLE HEALTH CARE. TO ACCESS BASIC CARE, PRESCRIPTION DRUGS OR PERSONAL ASSISTANCE SERVICES THROUGH MEDICARE OR MEDICAID, WE SAY TO INDIVIDUALS WITH DISABILITIES, "STAY HOME, DON'T WORK." AS A**

**MATTER OF PUBLIC POLICY THIS IS SENSELESS AND UNJUST.**

**THROUGH THE PRINCIPLES IN S. 1858 YOU HAVE THE OPPORTUNITY TO SET THE RIGHT POLICY AND CHANGE THE MESSAGE TO AMERICANS WITH DISABILITIES -- "IF YOU WORK, YOUR GOVERNMENT WILL PROVIDE YOU WITH ACCESS TO THE HEALTH CARE YOU NEED UNTIL YOU CAN AFFORD TO PAY FOR IT YOURSELF." THE POWER OF SUCH A STATEMENT IS UNQUESTIONABLE. THE POTENTIAL OF SUCH A LAW IS UNLIMITED.**

**I MADE MY FIRST STATEMENT ON THE SENATE FLOOR ON APRIL 14, 1969. IT WAS ABOUT INDIVIDUALS WITH DISABILITIES -- AMERICA'S UNTAPPED RESOURCE. YOU HAVE A CHOICE IN THE NEXT FEW LEGISLATIVE DAYS OF THE 105TH CONGRESS TO REMOVE THE FINAL BARRIER TO**

**TRUE INDEPENDENCE FOR THE INDIVIDUALS WITH  
DISABILITIES. WHAT'S IT GOING TO BE? YOU KNOW  
WHERE I STAND AND I ENCOURAGE YOU TO TAKE  
THE APPROPRIATE ACTION NOW.**

**THANK YOU, MR. CHAIRMAN.**