

H.R. 6061: The WIPA and PABSS Continuation of Services Act of 2012

Hon. XAVIER BECERRA (CA-31)

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Mr. Speaker, today I am introducing, along with my colleagues, the “WIPA and PABSS Continuation of Services Act of 2012,” which would support Americans with severe disabilities who want to attempt to work and potentially reduce their need for Social Security Disability Insurance (DI) and Supplemental Security Income (SSI) disability benefits. It does so by ensuring the continuation of two important community-based programs that assist individuals who wish to transition off of benefits by seeking and maintaining paid employment.

These programs have in the past been extended with overwhelming bipartisan support. Unfortunately, due to lack of action by the majority, the programs are today on the verge of expiring, and disability beneficiaries who want try to work will be without the assistance they need to move ahead. We have worked extensively to find another solution, but we have reached an impasse.

I have received many letters, calls and emails of support for extending WIPA and PABSS. I’d like to submit three of these for inclusion in the Congressional Record – the endorsements of the bill by the Consortium for Citizens with Disabilities Task Force on Social Security, the National Disability Rights Network, and Easter Seals.

Helping individuals with disabilities who want to return to work should not be a partisan issue. I encourage all Members to join me in support of this legislation, and I hope we can move forward promptly, so Americans who are disabled are not denied the support they need to return to work.

More detailed information about WIPA and PABBS, and a description of the bill, follows.

“Work Incentives Planning and Assistance” (WIPA)

When Congress passed the Ticket to Work Act in 1999, we recognized that beneficiaries needed help in navigating the work rules for DI and SSI recipients, which can seem like a complex maze. The Social Security Administration (SSA) lacked and still lacks the resources to be able provide the kind of individualized assistance beneficiaries often need in order to use the work incentives. Moreover, Congress recognized that beneficiaries may be reluctant to discuss with SSA their interest in trying to work despite the obstacles, out of fear that they may lose their benefits even if their attempt to work fails. WIPA was created to fill this vacuum.

WIPA funds community-based programs through which trained benefit counselors help beneficiaries understand how to use the SSA work incentives. These counselors help people with disabilities in a number of ways:

- They provide basic information on how disability beneficiaries can test out their ability to obtain and sustain employment, using work incentive provisions in DI, SSI and other programs to transition off of benefits.

- They provide intensive, individualized guidance on the operation of these complex benefit rules and help beneficiaries report their earnings to SSA.
- Their guidance helps reduce the likelihood of overpayments and increase beneficiaries' confidence that their attempt to work will not risk a catastrophic loss of basic economic security.
- Recognizing the reality that SSA cannot always adjust benefit payments quickly in light of an individual's earnings, WIPA staff also counsel clients to set aside any overpaid benefits so that they are prepared to repay the overpayment once SSA processes their case.

Since their inception in 2000, WIPA programs have served nearly half a million SSA beneficiaries. SSA currently funds 140 WIPA grantees, using \$23 million included in its overall annual operating budget. However, funding for more than half of the WIPA programs will expire on June 30, 2012, unless Congress or SSA is able to extend them.

“Protection and Advocacy for Beneficiaries of Social Security” (PABSS)

During consideration of the Ticket the Work Act, Congress also recognized that Americans with disabilities who can work may need legal advocacy in order to be able to obtain a job or maintain employment, so that they eventually won't need disability benefits. The PABSS program was established to assist such Americans.

PABSS organizations provide a wide range of services in support of work by persons with disabilities:

- An individual with an intellectual disability was told that the job-coach assistance that enabled her to work would be terminated. Her local PABSS program intervened and the client was able to maintain her employment.
- A blind individual had accommodations in place at work, but a software change at his company made it impossible to use them to perform his job. The PABSS office helped the employer upgrade the accommodations and worked with the Commission for the Blind to split the cost.
- An individual with muscular dystrophy who lived in a rural area needed car repairs so he could get to his job. PABSS helped him resolve the issue with his warranty company so that his car could be repaired and he could keep his job.
- A disabled individual was able to drive a taxi, but needed prompt payment of his past-due DI benefits in order to purchase a vehicle. PABSS helped the client obtain his past-due benefits, and he was able to purchase the cab.

PABSS operates through the protection and advocacy agencies in each state and territory. Since its inception, PABSS has assisted more than 80,000 individuals. The \$7 million annual cost is included in SSA's annual operating budget. Funding for PABSS expires September 30, 2012.

Status of WIPA and PABSS

Both programs are permanently authorized, and SSA uses its annual appropriation for the agency's overall operating expenses to fund the grantees. To reinforce and clarify the underlying law, Congress has several times adopted legislation, with overwhelming bipartisan support, to extend SSA's specific authorization to use already-appropriated operating budget funds. However, in the 112th Congress, the majority has not been able to pass an extension and has not introduced any legislation on this topic.

We have been working to find an administrative solution, since the programs are permanently authorized in statute, but the issues are complicated. The simplest way to address the problem is to pass legislation.

The WIPA and PABSS Continuation of Services Act of 2012

The legislation would clarify the existing law by removing any ambiguity about SSA's authority to continue WIPA and PABSS grants. The bill removes a conflicting provision from the statute that authorized a particular amount and time frame for funding of the WIPA and PABSS programs. It leaves in place the underlying provisions that permanently establish the two programs, including the standing authorization for SSA to use its annual operating budget to fund them.

I urge all Members to support this legislation. I hope that Congress will act promptly so that we can keep these programs in operation and continue to serve Americans with disabilities.