

NATIONAL  
**DISABILITY RIGHTS**  
NETWORK



Protection & Advocacy for Individuals with Disabilities

June 27, 2012

Congressman Xavier Becerra  
Ranking Member  
House Ways and Means Social Security Subcommittee  
1226 Longworth House Office Building  
Washington, DC 20515

Dear Ranking Member Becerra:

On behalf of the National Disability Rights Network (NDRN), and the 57 Protection and Advocacy (P&A) agencies we represent in every state and territory, I write to express our strong support for the “WIPA and PABSS Continuation of Services Act of 2012” that you are introducing.

NDRN is the national membership association for the fifty-seven P&A agencies that run the Protection and Advocacy for Beneficiaries of Social Security (PABSS) program in every state, the District of Columbia, and all U.S. territories. Collectively, the P&A Network is the largest provider of legally-based advocacy services for persons with disabilities in the United States. NDRN strives to promote a society where people with disabilities have equality of opportunity and are able to participate fully in community life (including employment) by exercising informed choice and self-determination.

Every year, the PABSS program and the Work Incentives Planning and Assistance (WIPA) program help thousands of people with disabilities enter or stay in the workforce, and to progress towards independence and economic self-sufficiency. Ensuring that these programs continue is critical to addressing the high unemployment and low labor participation rates for people with disabilities in this country, while simultaneously helping beneficiaries of Social Security disability benefits attain economic self-sufficiency.

The PABSS program was created in 1999 as part of the Ticket to Work and Work Incentives Act to protect the rights of beneficiaries as they attempt to go to work. PABSS provides a wide range of services to Social Security beneficiaries. This includes information and advice about obtaining vocational rehabilitation and employment services, information and referral services on work incentives, and advocacy or other legal services that a beneficiary needs to secure, maintain, or regain

gainful employment. Advocates funded by PABSS can investigate and advocate to remedy complaints of employment discrimination and other civil and legal rights violations. These advocates also address deficiencies in entities providing employment supports and services to beneficiaries.

Authorization for both the PABSS and WIPA programs expired on September 30, 2011. Fortunately, the Social Security Administration (SSA) was able to set aside funding to sustain the WIPA program until June 30, 2012, and the PABSS program until September 30, 2012. However, without the passage of a new authorization bill, like your legislation, the Social Security Administration says that the funding for these programs will end, which will cause many Social Security recipients to go without services to help them return to work. Additionally, layoffs and long-term disruptions to the ability of grantees to provide these services will occur with the loss of experienced personnel.

Failure to reauthorize these programs will mean that the following success story, which repeats around the country every day, will no longer be able to occur:

PABSS staff represented a 57-year-old female and SSDI beneficiary, diagnosed with bilateral blindness and orthopedic disabilities. She had not been employed since losing her eyesight several years ago. She sought to return to work, and applied for services from the Division of Vocational Rehabilitation (DVR). DVR took her application, disregarded her statutory presumptive eligibility, and sent her a letter stating that she was ineligible for DVR services because of "transferable job skills." As a direct result of PABSS advocacy, DVR reopened this woman's case, found her presumptively eligible, conducted an appropriate Comprehensive Assessment of Rehabilitation Needs, and negotiated with her former employer to allow her to return to her previous job. As a result, this woman has returned to the workforce.

Examples, such as the above story, demonstrate that losing the PABSS program will hurt efforts to encourage people with disabilities to return to work, which in turn leads to further depletion of the Social Security Disability trust fund.

Again, thank you for introducing the "WIPA and PABSS Continuation of Services Act of 2012." We look forward to working with you and your colleagues to enact this important legislation into law.

Sincerely,



Curt Decker  
Executive Director