

Submitted Testimony regarding “The Financing Challenges Facing the Social Security Disability Insurance Program”

House Ways and Means Committee, Social Security Subcommittee

Thursday, March 14, 2013, 10:00 am

As the nonprofit membership organization for the federally mandated Protection and Advocacy Systems (P&As) and Client Assistance Programs (CAPs) for people with disabilities, the National Disability Rights Network (NDRN) would like to thank Chairman Johnson, Ranking Member Becerra and the House Social Security Subcommittee for holding a hearing to explore the financing challenges facing the Social Security Disability Insurance (SSDI) program. NDRN would specifically like to comment on the critical need for services to assist Social Security recipients return to work, particularly the Client Assistance Program (CAP), the Protection and Advocacy for Individual Rights (PAIR) program, and the Protection and Advocacy for Beneficiaries of Social Security (PABSS) program.

The P&A / CAP Network was established by the United States Congress through eight separate programs to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education. P&As and CAPs are in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Territories (American Samoa, Guam, Northern Mariana Islands, and the US Virgin Islands), and there is a P&A affiliated with the Native American Consortium which includes the Hopi, Navaho and Piute Nations in the Four Corners region of the Southwest. Collectively, the P&A / CAP Network is the largest provider of legally based advocacy services to people with disabilities in the United States. These services include assistance for people with disabilities wishing to return to work.

The obstacles facing people with disabilities who wish to return to work are great. As Dr. Joyce Manchester of the Congressional Budget Office stated during her testimony, it can be extremely difficult for SSDI recipients to return to the workforce. This difficulty is demonstrated in part by the high unemployment rate among people with disabilities, which is currently around 13.7%, significantly higher than that of the general population. Also, the workforce participation rate for people with a disability is more than 3 times less than for people without a disability. Although the complex network of Employment Networks, Ticket to Work, Workforce Investment, and Vocational Rehabilitation programs are meant to help SSDI recipients return to work, these are often difficult to navigate, and there are many barriers to application for and use of these programs that can ultimately discourage people with disabilities from applying.

The P&A and CAP programs provide critical assistance in navigating these and other employment programs. The PAIR program lets people with disabilities know what their rights are in terms of obtaining employment and helps them obtain accommodations from employers, while the CAP program assists them with obtaining services from Vocational Rehabilitation programs. The PABSS program provides assistance and awareness to Social Security beneficiaries of their legal rights when navigating the Employment Networks and Ticket to Work programs. As Dr. Manchester said in her testimony before the Subcommittee, people with disabilities need access to services to

retrain and obtain the skills necessary to join the workforce, and the P&A and CAP programs enable them to do just that. These programs enable people with disabilities to return to work, which helps to make the Social Security Trust Fund viable in the long-run by enabling people to get off of benefits and begin paying into the payroll tax system, but it also benefits the recipients themselves by enabling them to become independent and enter the workforce.

Although the PABSS program is a critical piece of the puzzle for SSDI recipients wishing to return to work, it is not currently being funded. Congressional authorization for both the PABSS and the Work Incentive Planning and Assistance (WIPA) programs expired on September 30, 2011, and while the Social Security Administration (SSA) forward funded the PABSS program until September 30, 2012 and the WIPA program until June 30, 2012, the programs have not been funded since. SSA took the position that, without a Congressional authorization, it was incapable of putting dedicated funding toward these programs past the expiration date of their authorizations. The Government Accountability Office (GAO) issued a legal opinion supporting SSA's ability to provide funds for these programs in the absence of Congressional authorization, and the Department of Justice affirmed that opinion; however, the SSA chose to still not fund these important programs.

Congress took the critical step of specifically appropriating funds for these programs in the recently enacted FY 2013 Continuing Resolution. In the meantime, though, the loss of funding has meant that many people with disabilities who might otherwise have found work continue to receive SSDI or SSI benefits, and many people trained to assist people with disabilities return to work have sought other employment. Congressional reauthorization of these critical programs would help ensure continued funding for these programs in the future, as well as help both toward the short-term aim of reducing the SSDI and SSI rolls, as well as the long-term goal of encouraging employment of people with disabilities and reducing reliance on Social Security benefits.

We are grateful for the opportunity to submit testify and discuss ways to encourage the financial viability of the Social Security Trust Fund. If you would like to discuss these issues further or have any questions for us, please do not hesitate to contact Patrick Wojahn at (202) 408-9514, x102 or Patrick.Wojahn@ndrn.org.