THE INTRODUCTION OF THE TIMELY DUE PROCESS FOR THE DISABLED ACT

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2008

Ms. CASTOR. Madam Speaker, today I rise to begin to address an overwhelming problem currently faced by far too many of our most vulnerable neighbors by introducing the Timely Due Process for the Disabled Act.

Every year, thousands of Americans lose the ability to work due to illness or injury. But as paychecks stop coming in, bills do not. For many of these people, the only thing that can prevent them from having to share their time between medical treatment and phone calls from collection agencies and attempts to avoid foreclosure is Social Security Disability Insurance (SSDI).

But, today, the system of enrolling in SSDI is broken. The average wait for an Administrative Law Judge hearing to contest a faulty disability determination has climbed in the past 8 years from an already outrageous 275 days to 481 days, with 28% of claims taking over 600 days to receive a hearing. This figure does not even include the initial determination, and reconsideration phases, which together push the average wait time for an Appeals Hearing case to well over 2 years.

One of my constituents called my office in Tampa, frantic that his home was in foreclosure proceedings, and though he knew he was eligible for Disability, he simply had not been given a hearing. Facing the prospect of homelessness with a young daughter, he still was not able to break through the crushing bureaucracy that has taken over the Disability appeals process.

One woman I worked with had had multiple surgeries due to debilitating problems with her spine. She was in excruciating pain, and was completely unable to work, but was denied disability payments. The Social Security Administration eventually conceded that she was, in fact, eligible for disability payments. But before that happened, she had to endure three long years of financial uncertainty, near bankruptcy, and the near repossession of her home.

Another constituent of mine was diagnosed with Parkinson's disease. She started to have balance problems. At one point she lost her balance and was injured in a bad fall. Still, she was denied disability. Her husband had to come out of retirement to take a part-time job in order to avoid financial ruin while they waited, and waited, and waited for their appeals hearing. Finally, the Social Security Administration came back and said that yes, she should have been receiving payments for years.

A system that leaves our neighbors in limbo while their financial problems continue to mount is not a system that is working. The Timely Due Process for the Disabled Act will begin to move us in the right direction by setting a standard of treatment for disability patients. It instructs the Social Security Administration to, within 5 days of receiving an appeal, set a date for a hearing. After a 60-day time period for claimants to prepare and gather evidence, the hearing must be held within 15 days. A final determination will be required in another 15 days. These benchmarks are ambitious, but they are not out of line with timeliness requirements in other agencies.

The Timely Due Process for the Disabled Act will also allow a more complete picture of the magnitude of the problems inherent in the system. It requires local offices to share more data about the first phase of the appeals process, the reconsideration phase. While SSA already reports data about the initial claims phase, the Administrative Law Judge hearing phase, and the appeals council, which is the last level of appeals, there is far less data available about the reconsideration phase that takes place at the State disability offices. This is the first level of appeal, and in many cases, is a formality where the same office that denied the claim looks at the same material again, eating up an additional average of about 2 months time. This bill will give a clearer idea of how long these reconsiderations are taking, and how we can speed them up.

Ultimately, the way we treat people with disabilities reflects the values we have as a nation. Over the past 8 years, that treatment has gone from bad to worse, leaving thousands of Americans who need help to struggle on without it. I urge my colleagues to support the Timely Due Process for the Disabled Act and begin to place a priority on doing right by our neighbors who need us the most.

INTRODUCTION OF THE RECREATIONAL PERFORMANCE OUTERWEAR APPAREL ACT OF 2008

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2008

Mr. BLUMENAUER. Madam Speaker, today I am introducing the Recreational Performance Outerwear Apparel Act of 2008. This bill eliminates import duties on recreational-use performance outerwear apparel while simultaneously enhancing an established, U.S.-based training and education program for American textile and apparel workers. The legislation is the result of a successful partnership between importers of performance outerwear and the U.S. domestic textile and apparel industry.

In a recent report, the U.S. International Trade Commission recently found that there was no commercially viable U.S. production of performance outerwear used for skiing and snowboarding, hunting and other outdoor activities. This legislation reflects the findings of that report, while also investing in U.S. jobs. It provides duty free treatment for qualifying recreational-use performance outerwear and it establishes the Sustainable Textile and Apparel Research, STAR, fund.

The STAR fund invests in a training program that specializes in lean manufacturing technologies and supply chain analysis, including helping companies work towards minimizing energy and water use, reducing waste and carbon emissions and incorporating sustainable practices into a product's entire life cycle.

By reducing tariffs, my legislation reduces costs for American consumers and for American companies importing these goods; by investing in the textile industry, my legislation supports American jobs and competitiveness; and by researching environmental aspects of textile manufacture and supply, my legislation improves environmental outcomes.

UPHOLDING THE KEMP-KASTEN AMENDMENT

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2008

Mr. ADERHOLT. Madam Speaker, I want to thank my colleague from New Jersey, the Honorable CHRIS SMITH for his work on this important issue. It is a privilege to work alongside him in the fight for the lives of the unborn children in our country and around the world.

I want to remind this body and the American public about the need to spend taxpayer funds in a responsible manner by upholding the provisions of the Kemp-Kasten Amendment.

According to the Congressional Research Service, ''In 13 of the past 22 years the United States has not contributed to the [United Nations Population Fund] as a result of executive branch determinations that UNFPA's program in China was in violation of the Kemp-Kasten amendment banning U.S. aid to organizations involved in the management of coercive family planning programs.''

On June 26, 2008, President Bush issued a determination that because China continues its policy of coercive abortions and forced sterilizations, the provisions of the Kemp-Kasten Amendment continue to prohibit the funding of UNFPA. Nearly $7 million of the $39.6 million appropriated for this organization in the Fiscal Year 2008 State and Foreign Operations Appropriations Act will now be transferred to the Global Health and Child Survival account.

U.S. foreign aid is meant to help those in less fortunate circumstances with the generosity and goodwill of America; it must not be tainted with coerced abortion, forced sterilizations, and draconian family-limiting policies. We seek to eliminate human rights abuses, not promote them under the guise of our aid.

Since China initiated its one-child policy in 1980, countless women have been traumatized and terrorized by their government. A 2005 article in Time magazine by Hannah Beech, detailed one family's situation: ''When family-planning officials came to fetch [Hu] in May for a forced sterilization, [she] escaped with her two daughters to her parents' home in another village. Several days later, seven officials showed up, she says, grabbed her younger child and shoved the girl into a car. Afraid that her daughter would be abducted, Hu jumped into the vehicle with them. The car drove to the local family-planning clinic, where, Hu says, nurses threw her onto an operating table. 'Other people were fine after their operations, but it hurt me so much, I could barely stand up,' says Hu, 33. Two weeks later, doctors operated again and promised things would heal better. But even today, Hu doubles over in pain after just a few steps. 'They told me they were doing this for my own good,' says Hu. 'But they have ruined my life.' ''

In April 2007, National Public Radio (NPR) uncovered evidence of dozens of forced abortions in southwest China, even as late as 9 months into the pregnancy. According to the NPR report, one family had one child and believed that—like many other couples—they