

NATIONAL CITIZENS' COALITION
FOR NURSING HOME REFORM,
Washington, DC, June 1, 2000.

Hon. FORTNEY "PETE" STARK,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE STARK: The National Citizens' Coalition for Nursing Home Reform (NCCNHR) urges you to vote no on the Labor/HHS/Education bill because it fails to provide funding for the Nursing Home Initiative.

The Nursing Home Initiative was established to increase funding for improvement in nursing home quality nationwide. As part of the Nursing Home Initiative, new survey protocols were put in place such as improved federal oversight over state survey efforts, staggered inspections, and expedited investigation of resident complaints.

For FY 2001, the Administration proposed a major funding increase that would invest \$70.1 million in improving oversight of nursing homes. It would include (1) training surveyors in effective inspection of nursing homes; (2) surveying nursing homes during evenings and weekends; and (3) surveying substandard facilities more frequently than other facilities. However, in Subcommittee, the discretionary funding was virtually eliminated for the Initiative.

By passing an appropriations bill without funding for the Nursing Home Initiative, the House would be ignoring overwhelming evidence of harm to residents that is occurring because of lack of adequate enforcement. The 1998 GAO report on California nursing homes showed that one in three facilities has violations that cause either actual harm to residents or place them at risk for serious injury or death. This report launched the Nursing Home Initiative to address the poor care in nursing homes. We cannot abandon these efforts, which are now beginning to have an effect. Otherwise, we are abandoning the most vulnerable and frail population in this country who need protection from a strengthened enforcement system.

Sincerely,

SARAH GREENE BURGER,
Executive Director.

STATEMENT ON A BILL TO AMEND
TITLE II OF THE SOCIAL SECURITY
ACT TO IMPROVE THE SOCIAL
SECURITY ADMINISTRATION'S
PAYMENT SYSTEM FOR
REPRESENTATION OF CLAIMANTS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. MATSUI. Mr. Speaker, I am pleased today to join with Congressman CLAY SHAW, the Chairman of the Subcommittee on Social Security, to introduce legislation regarding fees owed to attorneys who represent Social Security disability claimants. This bill would require the Social Security Administration to pay the attorney fees it owes in a timely fashion or else grant those attorneys an exemption from the administrative assessment that SSA charges in exchange for handling such fees.

Under current law, when an attorney successfully represents a Social Security disability claimant and that claimant is entitled to past-due benefits, SSA retains a portion of those

past-due benefits in order to pay the attorney for the services he or she provided. Specifically, SSA withholds and certifies for direct payment to the claimant's attorney an amount equal to the lesser of 25 percent of the past-due benefits or the fee that SSA had previously authorized the attorney to charge his or her client. (Fees authorized by SSA may not exceed 25 percent of past-due benefits or \$4,000, whichever is lower).

As a result of the Ticket to Work and Work Incentives Act of 1999 (P.L. 106-170), SSA is now required to impose an administrative assessment of 6.3 percent on all such fee payments to attorneys. Some maintain that this 6.3 percent assessment is necessary to cover the costs that SSA incurs in withholding and processing fee payments to attorneys. If this is indeed the case and the 6.3 percent assessment is simply compensation for services rendered, then it is not unreasonable to expect that SSA will process fee payments to attorneys in a timely fashion.

The legislation we are introducing today simply seeks to put that reasonable expectation into law. H.R. xxxx would prohibit the Social Security Administration from charging an attorney the 6.3 percent assessment unless the agency certifies his or her fee for payment within 30 days of the award of past-due benefits to his or her client. Without this common-sense legislation, SSA would be permitted to charge the 6.3 percent assessment without regard to how long the agency takes to process attorneys' fee payments.

As necessary as this legislation may be, it is not all that is required of this and future Congresses. We in Congress must also remain vigilant and ensure that the new administrative assessment imposed by the Work Incentives Improvement Act does not deter attorneys from representing disability claimants. Given the complexities of the disability determination process, if claimants are unable to secure professional legal representation, the results could be disastrous.

Claimants without professional legal representation appear to be far less likely to receive the benefits to which they are entitled. For example, in 1998, 57.6 percent of claimants represented by an attorney, but only 35.7 percent of those without one, were awarded benefits at the hearing level.

As mandated by the Work Incentives Improvement Act, the General Accounting Office will examine the impact of this new administrative assessment upon claimants' access to legal representation. If the GAO finds that the assessment does impair claimants' access, I fully expect that, consistent with the conference agreement on the Work Incentives Improvement Act, Congress will revisit this issue once more.

In closing, I look forward to working with Chairman SHAW on this piece of legislation in the same bipartisan manner that characterized our successful efforts last fall on the Work Incentives Improvement Act and again this spring on the repeal of the Social Security retirement earnings test. With this sort of collaboration, I am certain that we can pass this bill as well, thereby creating incentives for SSA to improve its procedures for making payments to attorneys and ensuring that disability claimants have qualified and reliable attorneys to whom they can turn for assistance.

MAKE-A-WISH FOUNDATION 20TH
ANNIVERSARY

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. CUMMINGS. Mr. Speaker, it is my honor to recognize and join in the celebration of the Make-A-Wish Foundation's 20th Anniversary. In its twentieth year, the Make-A-Wish Foundation is a non-profit organization that fulfills the wishes of children fighting life-threatening illnesses. This organization provides once in a lifetime experiences to children, under the age of 18, who may not have the rest of their lives to seek opportunity. Born out of a wish made by a seven-year-old fighting Leukemia in Arizona, the Make-A-Wish Foundation has grown to 80 chapters in the United States and 20 international affiliates on five continents and is the largest wish granting foundation in the world. In its twenty years of existence, the Make-A-Wish Foundation has granted wishes to over 66,000 children worldwide. The Make-A-Wish Foundation of the Mid-Atlantic, Inc., in particular, helps to serve children in my district as well as other children throughout the entire state of Maryland.

The Make-A-Wish Foundation has granted wishes to children as simple as trips to Disney World and other amusement parks to meeting their favorite entertainer or role model. One young man from my district had his wish fulfilled when he met South African leader and political figure Nelson Mandela. He remarked that there was no better way to learn about blacks and whites living together in peace than to learn firsthand about the life of someone so oppressed yet as unbroken as Mr. Mandela.

The Make-A-Wish Foundation gives children that are fighting life-threatening illnesses a positive break from a world of doctors, hospitals and medicine. I salute the Make-A-Wish Foundation's volunteers and supporters who work to make wishes come true not only in Baltimore City and Baltimore County, but literally all over the world. Congratulations on 20 years of making wishes come true.

HONORING ANITA HINOJOSA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. ORTIZ. Mr. Speaker, today I pay tribute to a South Texas educator, Anita Hinojosa, who will retire in July after 31 years in vocational and adult education. Anita helped make Corpus Christi a better place by virtue of her lifetime commitment to education.

After working as a home economics teacher after graduating from Texas A&I University at Kingsville, and as a consultant, Anita became the Vocational Education Coordinator while also working as an adjunct Professor of Occupational Education at Corpus Christi State University.

In 1990, she became the Career and Technology Education Director for the Corpus