

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

could pay a fine and keep their second baby. The wife was 7 months pregnant when 10 family planning officials visited her at home. The husband says they were threatened and told that if the wife did not go to the hospital for an abortion that the officials would take her themselves. "I was scared," the wife told NPR. "The hospital was full of women who'd been brought in forcibly. There wasn't a single spare bed. The family planning people said forced abortions and forced sterilizations were both being carried out. We saw women being pulled in one by one."

Madam Speaker, U.S. policy must remain in place that protects women and their children. We cannot morally participate in and fund programs that ruin the lives of these women and unborn children. As a member of the House Committee on Appropriations, I will continue to fight to maintain the protections offered by the Kemp-Kasten Amendment, and I look forward to working with my colleagues such as Representative SMITH on these issues.

DEMOCRACY IN IRAN

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2008

Mr. FILNER. Madam Speaker, I rise today in support of democracy in Iran and stability in Iraq. We in the United States Congress must work together for a stable and democratic Iraq. Today, there is undisputable evidence that Iran is the main contributor to the violence in Iraq which causes American and Iraqi casualties.

On July 4, Iran fired yet another GRAD missile at Ashraf City, the residence compound of the Iranian resistance—the People's Mujahadeen Organization of Iran. Iran's mercenaries in Iraq have also been busy calling for arrest, trial, and expulsion of these "protected persons" living in Ashraf. Our soldiers are protecting Ashraf in accordance with the Fourth Geneva Convention. Iranian action has therefore endangered them as well.

I have said many times that the mullahs in Tehran do not hold all the cards. The Iranian regime's aggressive policies are rooted in the weakness of their regime. The unrelenting assault on the civil and human rights of the Iranian people is a direct response to the illegitimacy of the extremist theocratic government. A military attack on Iran would be a tragic mistake. Yet, it is an error almost as grave to think that continued appeasement of the Iranian regime is the only alternative to war.

Reasonably, Western democracies, with the support of the peace activist community, should use all peaceful means possible to isolate the Iranian regime and to avoid war. However, the desire for a peaceful resolution of this crisis has led into policy choices which provide Iran with the legitimacy it craves and a strengthened diplomatic hand.

The most notable remnant of the West's unsuccessful attempt at "engagement" with Iran is the designation of the People's Mujahadeen Organization of Iran, also known as the MEK, as a foreign terrorist organization. The MEK provided significant intelligence that helped blow the whistle on Iran's clandestine nuclear weapon and missile development programs.

The MEK has already been removed from the United Kingdom list of terrorist organizations. Late last month, the British parliament approved the order put before it by that country's home secretary and removed the MEK from the UK blacklist. In light of the recent developments, the United States must seriously consider the court's findings as well as the present political environment and also remove the limitations it has placed on the MEK.

We must stop appeasing Iran and shift our support to the Iranian people. They are our best allies against Iran's aggression. Iranian people have an unwavering longing for freedom and democracy. We must work together to acknowledge their resounding rejection of extremism and move to support their efforts for democracy in Iran.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet other Sunset Memorial.

It is July 14, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,957 days since the tragedy called *Roe v. Wade* was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of

why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,957 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called "abortion on demand."

It is July 14, 2008, 12,957 days since *Roe* versus *Wade* first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.