

Black bus riders by refusing to give her seat to a white man in 1955. Her subsequent arrest generated the Civil Rights Movement. She once said in regards to her protest, "I knew someone had to take the first step and I made up my mind not to move."

Her story is told to emphasize the power of one. One person can make a fleeting decision to impact the consciousness of society, by standing up for what they believe in. One person can cause the world to pay attention. One person can change the course of history.

Rosa Parks is one of many, and she is well deserving of this recognition.

CONFERENCE REPORT ON H.R. 2361,
DEPARTMENT OF THE INTERIOR,
ENVIRONMENT, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 2006

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 28, 2005

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this conference report—but only because it includes an essential immediate increase in funding for veterans health care.

This has been a long time coming. Last September, many of us sought to provide a \$2.5 billion increase over the Bush Administration's budget for veterans' health care. Earlier this year, Members on our side of the aisle made an unsuccessful effort to add \$1.2 billion for veterans' health care to the emergency supplemental appropriations for military activities in Afghanistan and Iraq. And over the last month, the Republican leadership led successful efforts to block consideration of amendments to add the needed funds for VA health care.

Things finally changed when the Bush Administration finally acknowledged a \$1 billion shortfall in veterans' health care for FY 2005, which had been well known since spring. When that happened, the Senate added \$1.5 billion in supplemental funding to this bill because it was the most convenient legislative vehicle—and the conferees wisely agreed to retain it in the conference report.

This additional \$1.5 billion is essential if we are to make any claim to meeting our moral obligation to America's veterans and returning soldiers. Because of its inclusion, I will vote for the conference report, even though the rest of the conference report does not deserve to pass.

Except for the veterans' health funding, this conference report falls short across the board.

It once again fails to provide the authorized funding for the payments-in-lieu-of-taxes program, shortchanging the counties and other local governments in Colorado and across the country for whom these "PILT" payments are so important.

It does not provide enough funds to enable the Bureau of Land Management, the U.S. Fish and Wildlife Service, the National Park Service, or the Forest Service to properly manage the federal lands for which they are responsible.

And it inadequately funds many other agencies as well, particularly the Environmental Protection Agency, which will be cut by about

3 percent from this fiscal year. I am particularly concerned about deep cuts to EPA's state grants (down nearly \$400 million from fiscal 2005), which support environmental protection programs through grants to State, local and tribal governments, and a \$24 million shortfall for EPA science and technology research.

Of course, Colorado will benefit from funding earmarked for projects in several parts of the state. But the needs of many communities will go unmet, and opportunities to acquire high-priority lands such as those in the Beaver Brook watershed in Clear Creek County will be missed.

Finally, the bill includes extensive legislative provisions authorizing the Forest Service to sell, lease, exchange, or otherwise convey lands that the Forest Service identifies as "administrative sites"—including forest headquarters, ranger stations, research stations, or laboratories, among many other kinds of sites.

Mr. Speaker, this part of the conference report originated in the Senate. Inclusion of such legislative provisions in a general appropriation bill is contrary to the House rules, because it properly should be handled by the authorizing committee—the Committee on Resources—in an orderly fashion that allows for hearings and the consideration of amendments.

It would have been far better for the House conferees to have rejected it and enabled our committee to consider it in that fashion. However, I want to express my appreciation for the fact that the conferees did make very important changes in the Senate-passed language.

In particular, I am glad that they included an explicit requirement for the Forest Service to consult with affected local governments and to provide public notice regarding their plans for disposing of properties covered by this part of the conference report. And I think that excluding visitor centers and potential inholdings as well as lands providing access to other lands or waters were valuable changes, as was the requirement that the Forest Service provide advance notice to Congress of planned disposals and the reaffirmation that environmental analysis of proposed disposals include consideration of the "no action" alternative as required by NEPA.

While this legislation will remain in effect only through fiscal 2008, the statement of managers clearly signals an expectation that Congress will be asked to renew it or perhaps even make it permanent. If that should occur, I will do all I can to make sure that the Resources Committee is responsible for considering such legislation and that it is not accomplished by inclusion of legislation in an appropriations measure.

STATES MUST LEAD IN PROTECTING
PRIVATE PROPERTY RIGHTS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 2005

Mr. UDALL of Colorado. Mr. Speaker, the June 23rd decision of the U.S. Supreme Court in the case of *Kelo v. New London* has raised concern about the potential abuse of the power of eminent domain by local governments.

I share that concern, which is why I voted for the resolution (H. Res. 340) expressing the House's disagreement with that decision.

Congress may consider proposals for even stronger legislative responses. I think that is completely appropriate, and well may support legislation on this subject.

At the same time, however, I think it is important to remember that the primary responsibility in this area rests with the States and their local governments.

As I said during debate on the resolution passed by the House, while (in the words of the resolution) "Congress maintains the prerogative and reserve the right to address through legislation any abuses of eminent domain by State and local government," Congress can only take such action in ways that are themselves consistent with the Constitution.

Further, I think we should be reluctant to take actions to curb what some—perhaps even a temporary majority—in Congress might consider improper actions by a State or local government.

Thy States, through their legislatures or in some cases by direct popular vote, can put limits on the use of eminent domain by their agencies or local governments. I think this would be the best way to address potential abuses, and I think we in Congress should consider taking action to impose our ideas of proper limits only as a last resort.

That point was well made in a recent column by State Senator Lois Tochtrop, with whom I had the honor to serve when I was in the Colorado legislature.

In that column, Senator Tochtrop writes "There's only one piece of 'good news' for Colorado citizens in the recent Supreme Court decision. The high court left it up to state legislatures to control city bureaucrats bent on turning your home or business into a new strip mall. Here in Colorado, legislators have lots to do. . . . I will reintroduce legislation in the upcoming session to stop cities from abusing the power of eminent domain by giving corporate welfare to retailers while the taxpayers pay the bills."

I commend Senator Tochtrop for her leadership on this important issue. For the information of our colleagues, here is the complete text of her recent column:

[From the (Boulder, Colorado) Daily
Camera—July 14, 2005]

STATE MUST PROTECT PROPERTY RIGHTS
(By Sen. Lois Tochtrop)

Founding father James Madison: "Government (is) instituted to protect property of every sort. That alone is a just government which impartially secures to every man, whatever is his own."

United States Supreme Court: "Never mind!"

You've heard the bad news. If Wal-Mart or other big boxes want to take your home or business for a new store, that's OK by the U.S. Supreme Court. All big developers must do is convince property tax hungry city officials that the public will benefit. As we've seen in Colorado, that doesn't take much convincing.

Time was cities used eminent domain to condemn private property only for "public use" like roads, libraries or parks. Now, the Supreme Court says it's constitutional for government to take your property to build that Wal-Mart or Walgreen's, as long as there is some "public benefit." That promised benefit is the torrent of tax money that

will supposedly flow into city coffers from the new economic development.

Allowing municipalities to “take” private property and give it to another private entity is wrong and unjustified even with the recent Supreme Court ruling. The original intent of eminent domain was only to be used for public good, not to allow cities to condemn property to increase their tax base by putting in big boxes at the expense of mom-and-pop businesses, which are the backbone of America.

Retiring Justice Sandra Day O'Connor wrote in her dissent that with “the banner of economic development . . . nothing is to prevent the state from replacing . . . any home with a shopping mall or any farm with a factory.” The bottom line: Your home isn't your castle anymore. It's prime development land for a Wal-Mart Super Center.

There's only one piece of “good news” for Colorado citizens in the recent Supreme Court decision. The high court left it up to state legislatures to control city bureaucrats bent on turning your home or business into a new strip mall. Here in Colorado, legislatures have lots to do.

From legislative hearing rooms to constituent living rooms, Colorado property owners are crying out for relief. I have heard testimony on the abuses of eminent domain from dozens of small businesses in Aurora whose property the city wants for “mixed use development” to complement the new medical complex at Fitzsimons. I listened to testimony from dozens of citizens who battled Arvada's plan to condemn a small lake for a Wal-Mart parking lot. I listened to a pioneer family in Westminster that is losing its homestead to make way for economic development.

The losers in the battle over eminent domain aren't only the folks you read about in the newspaper or see on TV trying valiantly to protect their private property. Colorado taxpayers are big losers too, because cities often grant developers a big property tax break called “tax increment financing.” Tax increment financing is given to developers to build big boxes after the municipalities “take” the property from rightful private owners under the guise of urban renewal.

Just last year, Colorado taxpayers had to “infill” more than \$18 million just to school districts because tax-increment financing robbed schools of tax money that the city gave away to developers. Who pays for that “infill”? Taxpayers, of course. Colorado taxpayers wind up subsidizing corporate giants like Wal-Mart after cities take private property from owners under the guise of urban renewal and economic development.

The only economic development is usually to the big box's bottom line. In 1999 the Legislature passed legislation which somewhat limits cities' power of eminent domain, but it does not go far enough to protect private property rights, as evidenced by local land grabs. Since then, I have introduced bills that removed “economic” from the definition of urban renewal and barred municipalities from declaring agricultural land “blighted.” Lobbyists for cities and powerful land developers stopped both of those bills.

The constitutional private property rights of Colorado citizens must be protected. I will reintroduce legislation in the upcoming session to stop cities from abusing the power of eminent domain by giving corporate welfare to retailers while the taxpayers pay the bills.

Protecting private property rights will take more than new legislation. Every citizen must help. If you don't like the idea of a city taking private property so Wal-Mart can put in a new Super-Center, tell your city council that's not the way your city should be doing business.

Lois Tochrop represents District 24 in the Colorado Senate.

GRENADA—THEY STILL NEED OUR HELP

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 2005

Mr. RANGEL. Mr. Speaker, I rise to draw attention to the ongoing struggles of our neighbors on the Caribbean island-nation of Grenada. Hurricane Emily recently struck the island causing significant structural damage to homes, as well as public and private buildings—including two main hospitals. There was widespread flooding across the country, and many crops were destroyed. Damage from this storm alone is estimated at \$110 million.

This most recent disaster is especially saddening when we consider what Grenada has gone through over the last year. In September of 2004, Hurricane Ivan devastated Grenada, causing nearly 50 deaths and displacing thousands more. A staggering 90 percent of the country's buildings were destroyed by the hurricane, and the nutmeg crop, which accounts for the overwhelming bulk of the country's export earnings, was almost completely destroyed. Nutmeg is a very slow-growing crop which makes its destruction that much more tragic.

The damage to Grenada from Hurricane Ivan was easily in the billions of dollars—several times more than the country's Gross Domestic Product. A July 26th article in the publication *CaribNews* entitled “Grenada Needs All the Help It Can Get”, argues that the U.S. and the international community must do more to help Grenada. Indeed, Grenada has suffered serious economic repercussions following the destruction caused by Ivan.

Before Ivan, the economy of Grenada was projected to grow by 4.7 percent, but the island's economy instead contracted by nearly 3 percent in 2004. The economy was also projected to grow by at least 5 percent through 2007, but, as of 2005, that estimate had been lowered to less than 1 percent. The government of Grenada also has incurred an extremely high level of debt. While it is taking steps on its own to remedy the problem it will need help from the U.S. and organizations like the International Monetary Fund, IMF.

More than \$150 million in disaster and reconstruction aid was sent to Grenada in 2004, including nearly \$50 million from the United States, but the country is still in a very fragile state. The IMF reported that the economic situation could get much worse, due to deficiencies in donor financing and tax revenues, and the risk of increasing global oil prices.

With all that said, the U.S. must do all it can to help Grenada. The President was able to get Congress to pass the controversial CAFTA bill this week by arguing, among other things, that it would help the countries of Central America to develop. I hope that the President and this Congress will not forget our friends in the Caribbean, as they also need our assistance and attention. The plight of Grenada proves this, and calls out for our collective action.

[From the *CaribNews*, July 26, 2005]

GRENADA NEEDS ALL THE HELP IT CAN GET

For the second time in less than a year Grenada, often called the “Spice Island” of the Caribbean and a “gem” in the region was hit hard by a devastating hurricane.

Thank God it wasn't as bad as last year's tragedy.

Although the damage wasn't nearly as severe as last year's havoc left in the wake of Hurricane Ivan, the pain and troubles inflicted on the people, the government, business, church and other institutions are much more than any single country should be asked to bear.

That's why we join in the appeal by Dr. Keith Mitchell, Grenada's Prime Minister for all the assistance, which the United States, the Caribbean, the broad international community, and the Caribbean Diaspora can offer.

When “Ivan the terrible” struck in 2004, it caused more than \$2 billion in damage, destroying about 90 percent of the homes, businesses and other structures, setting back the country for several years. After achieving significant gains in its quest to improve the quality of its people's lives in the 1980s and 1990s, Ivan struck with vengeance and halted that progress. Now Emily has added to the woes.

Dr. Mitchell met U.S. President George Bush over breakfast at the White House yesterday morning and laid out a strong case for more American assistance. He also appealed to the President to use his influence with the international community, especially the World Bank, the International Monetary Fund, the Inter-American development Bank and United Nations development agencies to get them to provide even more help to Grenada.

President Bush should act decisively on Dr. Mitchell's request. Grenadians abroad should also heed his advice and unite behind the national efforts at reconstruction and development.

They should resist any attempts to resort to partisan politics or even to stay on the sidelines in these times of need.

Last year, Grenadians reacted with determination and generosity and they should do so again.

HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2005

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 28, 2005

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise today in opposition to H.R. 5, Help Efficient, Accessible, Low-Cost, Timely Healthcare (HEALTH) Act. This bill would hurt patients who are harmed by medical malpractice by arbitrarily capping damages, denying justice to injured patients and their families.

This bill makes a number of changes to current law affecting medical malpractice lawsuits filed in Federal and State court, including limiting the amount of non-economic and punitive damages that could be awarded to a plaintiff, and restricting the contingency fees that can be charged by attorneys. The bill also pre-empts State laws that conflict with the enforcement of any of its provisions. The measure does not, however, pre-empt any State statutory limits on the amount of compensatory, punitive or total damages awarded in health care lawsuits. The provisions of the measure dealing with caps on awards would apply only to those States that have no statutory limits on damage awards in health care lawsuits.