

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, legislators 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 Tochtrop 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.

The bill seriously restricts the rights of injured patients to be compensated for their injuries, while rewarding insurance companies for bad investment decisions and doctors for practicing bad medicine. In the 13th District of Michigan and in many districts across the country, physicians have either retired prematurely or relocated their practices. The supporters of this bill claim their proposal would reduce insurance costs for doctors. This bill does not lower premiums for doctors, contains no insurance reforms, and would not address the rising cost of health care.

Mr. Speaker, I urge all of my colleagues to support the Democratic substitute, which would directly address rising premiums by reforming malpractice insurance and stopping frivolous lawsuits. The Democratic substitute does not restrict the rights of injured patients who file meritorious claims. It requires certification, with civil penalties, that a pleading is not frivolous, factually inaccurate or designed to harass. It includes a 3-year statute of limitation; establishes an alternative dispute resolution process; limits suits for punitive damages; and applies 50 percent of awards from any punitive damages to a patient safety fund at HHS. Finally, it requires insurance companies to develop a plan to give 50 percent of their savings to reductions in medical malpractice rates for doctors.

It is unfortunate the Democratic Substitute was not adopted. H.R. 5 in its present form does not address rising premiums and denies justice to injured patients and their families.

Vote against H.R. 5.

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

SPEECH OF

**HON. CORRINE BROWN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 28, 2005

Ms. CORRINE BROWN of Florida. Mr. Speaker, we need a fix for our healthcare system, but H.R. 5 is not it. Limiting patient's legal redress and compensation is not it. The punishment should fit the crime and if a doctor or drug company does harm knowingly or negligently to a patient they should be compensated to make them whole. That is the standard and it should be decided on a case by case basis according to the facts of each case. It makes me very uncomfortable to place a cap and effectively a dollar amount on what an impact an injury has on an individual's life.

The main group that benefits are big drug companies who will be able to evade their responsibilities injured parties.

The bill will seriously restrict the rights of injured patients to be compensated for their injuries, while rewarding insurance companies for bad investment decisions and doctors for practicing bad medicine. It will do almost nothing to make insurance more affordable or available for doctors. That is the bottom line. In a State like Florida where topic of healthcare is on the tip of every tongue it is important that we take the right steps to solve our mounting healthcare costs.

I am sensitive to the physicians and medical students who plead with me to make it afford-

able to practice. I know that physicians are now being forced to make specialty choices based on how much malpractice insurance costs, but let's be honest to our colleagues if not these poor students, the Republican leadership has trotted this bill out for purely political purposes—no hearings were held on the measure, nor did either committee with jurisdiction mark up the bill. This bill was only introduced last week.

If H.R. 5 becomes law, this bill would have serious consequences for sick and injured patients. The measure's \$250,000 cap on non-economic damages will hurt those at the bottom of the income scale the most. While corporate chief executive officers would receive economic damage awards that could easily reach into the millions of dollars, minimum-wage workers and stay-at-home moms would receive a pittance. The cap on punitive damages is similarly unjust. It imposes an impossibly high standard of proof, completely eviscerates the deterrent that effect punitive damages have on egregious misconduct of defendants, and would not affect how large drug companies test and market their products.

When investment income decreased because of stock market declines, insurance companies hiked premiums, reduced coverage and then blamed the legal system for a "liability insurance crisis." This bill also contorts the American legal system, first by taking the issue of tort litigation out of the hands of the states, where it has traditionally resided, and by severely limiting juries' abilities to adequately compensate victims of malpractice. We place our trust in juries every day to judge the facts and to decide what constitutes justice. If we can trust juries to make life and death decisions on death-penalty cases, we can surely trust them to decide the appropriate level of compensation for those injured by medical malpractice.

Our current tort system is the great equalizer in the civil justice system—it allows ordinary citizens to take on billion-dollar companies and millionaire doctors defended by \$500-an-hour lawyers so they can get the compensation they deserve. The contingency fee system also deters frivolous lawsuits—no lawyer would agree to take on a case he believed would result in no award for his client and no payment for himself.

Tort reformers often ridicule million-dollar jury awards, saying that the plaintiffs must feel like they have won the lottery. Tell that to the parents of the 17-year-old transplant patient who died after being given organs with the wrong blood type, or the Wisconsin woman who had a double mastectomy, only to discover after the operation that the lab had made a mistake and she did not have breast cancer after all. It is doubtful that any family that loses a loved one or suffers years of pain and suffering because of a medical error feels like celebrating after fighting their way through the court system and finally receiving compensation.

The Institute of Medicine estimated in 1999 that as many as 98,000 people are killed by medical errors every year—that is as many people as live in the president's old hometown of Midland, Texas. Instead of penalizing innocent victims of medical malpractice, Congress should be focusing on reducing the number of mistakes made. According to data from the National practitioner Database, 5 percent of all doctors are responsible for 54 percent of mal-

practice claims paid. The medical profession needs to crack down on these repeat offenders. It is disgraceful that the House leadership is using this bill as filler round out its "health care" theme for next week's floor schedule. Medical malpractice insurance rates and medical errors are important issues that deserve the full attention of Congress. These issues need to be studied by Congress in a bipartisan manner to address both problems and should not be used as political fundraising tools.

**HONORING THE TENTH ANNIVERSARY OF MONTGOMERY COLLEGE**

**HON. KEVIN BRADY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 2005

Mr. BRADY of Texas. Mr. Speaker, I rise today to honor the tenth anniversary of the opening of Montgomery College, part of the North Harris Montgomery County Community College District, NHMCCD.

The beginnings of Montgomery College started long before August 14, 1995 when Governor George W. Bush presided over the grand opening of the 315,000-square-foot campus nestled in 100 acres of pine forest between The Woodlands and Conroe, TX.

Residents of Montgomery County who dreamed of having an institution of higher education in their midst had sought unsuccessfully in the 1970s and 1980s to establish a branch campus of an existing institution. But it was not until 1991 that voters approved a plan to join the nearest community college district, North Harris County, and to build Montgomery College.

Dr. Bill Law, the founding president of Montgomery College, led the college from its first days with a mere 1000 students meeting at local high schools. By the time the new campus opened in 1995, Dr. Law could say, "The sun is always shining at Montgomery College. It shines because we have the tremendous opportunity to help people improve their lives."

As Montgomery County experienced rapid population growth and business expansion during the 1990s, it found itself one of the fastest-growing community colleges in Texas, as well as the entire U.S. As the college grew, so did the number of programs and services that it offered. In spite of the rapid growth, the college maintained its focus on the hiring of excellent faculty members, ensuring that students' classroom experience would prepare them for the next level—whether it be a new career or transfer to a 4-year university.

During the college's third year, a partnership between NHMCCD and six area universities, The University Center, debuted, offering bachelor's and master's degrees to area residents who desired to pursue higher education closer to home. The University Center, located on the Montgomery College campus, only served to strengthen the college's role in providing an avenue toward a higher degree for its students.

The college enhanced its continuing education program during this time by kicking off an annual summer camp for youth and establishing the Academy for Lifelong Learning, which provides educational programs for the burgeoning senior population in the area.