

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 HEALTH CARE
(HEALTH) ACT OF 2005

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 2005

Ms. CORRINE BROWN of Florida: Mr. Speaker, we need a fix for our healthcare system, but H.R. 5 is not it. Limiting patients' 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 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 the 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 1,000 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 bachelors and masters 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.

By Mr. WALDEN of Ore on
 HF 618 A bill to authorize early repayment of obligations to the Bureau of Education within the Home River Valley Irrigation District or within Medford Irrigation District to the Committee on Resources.

By Mr. KLEK (for himself, Mr. DUNCAN, Mr. FARMSTAD, and Mr. CARRETT of New Jersey)

HF 619 A bill to permit each State to provide a statue of an individual representing that State to be displayed in the Capitol Visitor Center and for other purposes to the Committee on House Administration.

By Mr. FEHBEF

HF 620 A bill to provide for the renovation of runways at Malmstrom Air Force Base and Great Falls International Airport, Montana, and for other purposes to the Committee on Armed Services and in addition to the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CULBEESON

HF 621 A bill to confer standing on State Legislators and Governors to bring suit in Federal district court to preserve the residual core sovereignty of States under the Constitution as expressed in the Tenth Amendment and to enforce the Guarantee Clause of the Constitution to the Committee on the Judiciary.

By Mr. CULBEESON (for himself, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. BONILLA, Mr. BROWN of South Carolina, Mr. BURESS, Mr. BURTON of Indiana, Mr. CARTER, Mrs. CUPIN, Mrs. JO ANN DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DOOLITTLE, Mr. DUNCAN, Mr. COHMENT, Mr. COODE, Mr. CUTANECHT, Mr. HALL, Mr. HAWORTH, Mr. HERGER, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. LEWIS of Kentucky, Mr. MCCAUL of Texas, Mr. MCHENR, Mr. MARCHANT, Mr. MICA, Mr. MILLER of Florida, Mrs. M RICK, Mr. NORWOOD, Mr. OTTER, Mr. PENCE, Mr. PITTS, Mr. POE, Mr. PRICE of Georgia, Mr. FOCERS of Alabama, Mr. FOHRAPACHER, Mr. FOCE, Mr. SCHWARZ of Michigan, Mr. SIMPSON, Mr. SMITH of Texas, Mr. SULLIVAN, Mr. TANCREDO, Mr. WAMP, Mr. WEST, MORELAND, Mr. WILSON of South Carolina, Mr. YOUNG of Alaska, and Mr. CARRETT of New Jersey)

HF 622 A bill to authorize the Governor of a State to organize and call into service a militia of able-bodied and eligible citizens to help prevent individuals from unlawfully crossing an international border and enter in the United States anywhere other than a port of entry, to appropriate funds to support this service, and for other purposes to the Committee on Homeland Security and in addition to the Committee on Armed Services for a period to be subsequently determined by the Speaker in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDFEWS

HF 623 A bill to amend title 18, United States Code, to increase to 5 years the period during which former Members of Congress may not engage in certain lobbying activities to the Committee on the Judiciary.

By Mr. ANDFEWS

HF 624 A bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986 to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland (for himself and Mr. FOSS)

HF 625 A bill to provide that members of the Armed Forces and Selected Reserve may transfer certain educational assistance benefits to dependents and for other purposes to the Committee on Veterans Affairs and in addition to the Committee on Armed Services for a period to be subsequently determined by the Speaker in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah

HF 626 A bill to authorize the Secretary of the Interior to study the feasibility of enlisting in the Arthur V. Watkins Dam-Weber Basin Project, Utah, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized to the Committee on Resources.

By Mrs. CHRISTENSEN (for herself, Mr. THOMPSON of Mississippi, Mr. DICKS, Ms. ZOE LOFREEN of California, and Mr. LANGRISH)

HF 627 A bill to promote technological advancements that will dramatically reduce the timeframe for the development of new medical countermeasures to treat or prevent disease caused by infectious disease agents or toxins that through natural processes or intentional introduction may pose a significant risk to public health now or in the future to the Committee on Energy and Commerce and in addition to the Committees on Armed Services and Homeland Security for a period to be subsequently determined by the Speaker in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself, Mr. PLATTS, and Mr. OSBORNE)

HF 628 A bill to expand quality programs of early childhood home visitation and for other purposes to the Committee on Education and the Workforce and in addition to the Committee on Armed Services for a period to be subsequently determined by the Speaker in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOUGLASS (for himself, Ms. VELAZQUEZ, Mr. LEWIS of Georgia, Mr. BELERRA, Mr. EMANUEL, Mr. BACA, Mr. BROWN of Ohio, Mr. CARDOZA, Mr. CASE, Mr. CHANDLER, Mr. FILNER, Mr. GREENE of Texas, Mr. CRUZALVA, Ms. HERSETH, Mr. MCCOY, Mrs. MILLENDER, Mr. McDONALD, Ms. NAPOLITANO, Mr. SHERMAN, Mr. MOORE of Kansas, Mr. HOLT, Mr. THOMPSON of California, and Mr. DAVIS of Illinois)

HF 629 A bill to amend the Internal Revenue Code of 1986 to allow the subchapter S election to be made on a return filed before the due date with extensions to reduce the payroll deposit penalties for failures to make deposits in the prescribed manner and to allow a married couple who operates a union-incorporated business as co-owners to file separate self-employment tax returns to the Committee on Ways and Means.

By Mr. CINCEBY (for himself, Mr. NORWOOD, Mr. PRICE of Georgia, Mr. BOUSTAN, and Mrs. CAPPS)

HF 630 A bill to provide a site for construction of a national health museum and for other purposes to the Committee on Transportation and Infrastructure.

By Mr. HEFLEY

HF 631 A bill to limit the States' use of eminent domain to the Committee on Transportation and Infrastructure and in addition to the Committee on Financial Services for a period to be subsequently determined by the Speaker in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOUFFETTE

HF 632 A bill to amend the Internal Revenue Code of 1986 to allow a deduction for expenses related to the purchase and installation of quality electronic premise security systems to the Committee on Ways and Means.

By Mr. LATOUFFETTE

HF 633 A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of immunosuppressive drugs for Medicare beneficiaries who receive an organ transplant without regard to when the transplant was received to the Committee on Ways and Means and in addition to the Committee on Energy and Commerce for a period to be subsequently determined by the Speaker in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ZOE LOFREEN of California (for herself, Mr. THOMPSON of Mississippi, Ms. NORTON, and Mr. HONDA)

HF 634 A bill to establish not less than 1 but not more than 10 National Transportation Security Research Centers at institutions of higher education to the Committee on Homeland Security.

By Mrs. TAUSCHER

HF 635 A bill to suspend temporarily the duty on certain cargoes in oil in anti-terrorist containers neither skinned nor boned to the Committee on Ways and Means.

By Mrs. TAUSCHER

HF 636 A bill to suspend temporarily the duty on prepared or preserved oysters not smoked to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself and Mrs. EMERSON)

HF 637 A bill to amend title XVIII of the Social Security Act to prevent a decrease in Social Security benefits resulting from Medicare part D premiums increases to the Committee on Energy and Commerce and in addition to the Committee on Ways and Means for a period to be subsequently determined by the Speaker in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALSH

HF 638 A bill to amend title 6, United States Code, to grant a Federal charter to the Irish American Cultural Institute to the Committee on the Judiciary.

By Mrs. WASSERMAN SCHULTZ (for herself, Ms. FOS, LEHTINEN, Mr. FRANK of Massachusetts, Mr. BACHUS, Mr. WEXLER, Mr. CROWLEY, Mr. ISRAEL, Ms. BEAN, Mrs. LOWE, Mr. FILNER, Mr. MILLER of Florida, Ms. SCHAKOWSKA, Mr. FITZPATRICK of Pennsylvania, Mr. CLEAVER, Ms. BERKE, Mr. BERMAN, Mr. WAXMAN, Mr. HASTINGS of Florida, Mr. DAVIS of Alabama, Mrs. MALONE, Mr. PRICE of Georgia, and Ms. HERSETH)

HF 639 A bill to establish minimum standards relating to a factor for life insurance eligibility and rates and for other purposes to the Committee on Financial Services.

By Mrs. WATEFS

HF 640 A bill to amend the Public Health Service Act to establish a program to provide screenings and treatment for cancer to minority or underserved populations and for other purposes to the Committee on Energy and Commerce.

By Mrs. WATEFS (for herself and Ms. FOS, LEHTINEN)

HF 641 A bill to amend the Public Health Service Act to authorize grants to provide treatment for diabetes in minority communities to the Committee on Energy and Commerce.