

have made toward the betterment of south Alabama.

# INTRODUCTION OF THE TAXPAYER PROTECTION FROM FRIVOLOUS LITIGATION ACT

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 28, 2006*

Mr. PAUL. Mr. Speaker, I am pleased to introduce the Physicians and Taxpayers' Protection from Frivolous Litigation Act. This bill provides protection from frivolous lawsuits for physicians in cases involving Medicare and Medicaid, and in cases where physicians are obligated to provide treatment under the Emergency Medical Treatment and Active Labor Act (EMTALA).

Among the legal reforms contained in this act are a loser pays rule providing for physicians to be reimbursed for costs incurred in defending against frivolous lawsuits; a tightening of statutes of limitations to ensure lawsuits are not just attempts to extort money for conditions that arose years after treatment was delivered; reforms of how putative damages are calculated in order to ensure the damages bear a relationship to the harm suffered, limitations on contingent fee contracts which encourage the filing of frivolous lawsuits, reforms to calculations of joint and several liability so a defendant is only liable for the harm he actually caused, and limitation of damages in cases where the plaintiff has already received compensation.

Frivolous lawsuits and the accompanying increase in malpractice insurance payments have driven many physicians out of medical practice. The malpractice crisis has further increased the cost of health care by forcing physicians to practice defensive medicine. While most malpractice reform issues are properly addressed at the state level, Congress does have a duty to act to protect physicians from frivolous lawsuits stemming from cases involving federally funded programs or federal mandates. After all, these programs already impose tremendous costs on physicians. For example, Medicare imposes so many rules and regulations on health care providers that the Medicare code is actually larger than the infamous tax code!

EMTALA imposes additional burdens on physicians. EMTALA forces physicians and hospitals to bear 100% of the costs of providing care to anyone who enters an emergency room, regardless of the person's ability to pay. According to the June 29, 2003 edition of AM News, emergency physicians lose an average of \$138,000 in revenue per year because of EMTALA. EMTALA also forces physicians and hospitals to follow costly rules and regulations. A physician can be fined \$50,000 for a technical EMTALA violation.

The combined effect of excessive regulations, inadequate reimbursements, and the risk of being subjected to unreasonable malpractice awards is endangering the most vulnerable people's access to health care. I am aware of several physicians who have counseled young people not to enter the health care profession because of lawsuits, federal regulations, and low federal reimbursement rates. Other physicians are withdrawing from

the Medicare and Medicaid programs and cutting their ties with emergency rooms in order to avoid the EMTALA mandates. Protecting physicians from frivolous lawsuits who are participating in federal programs or acting to fulfill federal mandates is an important step in removing federally created disincentives to providing care to elderly and low income people. I therefore call upon my colleagues to stand up for health care providers, low income people, senior citizens, and taxpayers by cosponsoring the Physicians and Taxpayers' Protection from Frivolous Litigation Act.

# VETERANS' MEMORIALS, BOY SCOUTS, PUBLIC SEALS, AND OTHER PUBLIC EXPRESSIONS OF RELIGION PROTECTION ACT OF 2006

**HON. BOB ETHERIDGE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2006*

Mr. ETHERIDGE. Mr. Speaker, I rise in opposition to H.R. 2679, Public Expression of Religion Act of 2005, and I urge my colleagues to join me in voting against it.

I take very seriously my duty to uphold the rights safeguarded for all citizens by the United States Constitution. Our founding fathers created a document that not only gives us a framework that we govern by even today but a document that sets forth the unalienable rights of all Americans. The legislation that passes Congress should be designed to protect these rights, not weaken them. Unfortunately, H.R. 2679 fails to meet this most basic test.

H.R. 2679 is not a bill that would protect the freedom of religion as its authors contend. In reality, by weakening the Establishment Clause of the First Amendment to the U.S. Constitution, it would have the opposite effect. Under current law, attorneys' fees are paid for by the defending party when the plaintiff is found to have had their constitutional rights violated under the Establishment Clause. By denying the payment of these attorneys' fees, even in successful cases, H.R. 2679 insulates serious constitutional violations from judicial review. Few citizens can afford to pay attorney fees that can total hundreds of thousands of dollars in these cases. In addition, attorneys cannot always take cases, even on a pro bono basis, if they are unable to recoup their fees and out-of-pocket costs when they prevail. By barring the awarding of attorneys' fees to prevailing parties in these cases, H.R. 2679 severely impairs the ability of our citizens to protect their constitutional rights.

Furthermore, the Establishment Clause is included in the Constitution to protect and promote religious freedom for all Americans. H.R. 2679 would for the first time single out one of the constitutional protections afforded in the Bill of Rights, and prevent its full enforcement. If the right to attorney's fees is taken away in these cases, a dangerous precedent would be set for the erosion of more civil liberties included in the U.S. Constitution. All of the rights in the Constitution are granted to every citizen of the United States, not just to those who can afford to pay for them. I urge you to oppose H.R. 2679, the misnamed "Public Expression of Religion Act."

# IN REMEMBRANCE OF LAURETTA ZARLENGA

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 28, 2006*

Mr. KUCINICH. Mr. Speaker, I rise today in memory and recognition of Laretta Lisa Zarlenga. A wife, mother, and grandmother, Laretta dedicated her life to her family.

Born in a small town in Italy in 1913, Laretta immigrated to the United States during the Great Depression as a teenager. Settling in Chicago, Laretta's family carved out their presence as a working class immigrant family. Learning quickly the skill of artistic hat design at night school, Laretta practiced her craft to support her constantly growing family. It was also at night school that she met her future husband, Dino, whereupon the two coincidentally chose the same topic for an essay assignment and subsequently discovered they came from neighboring villages in Italy.

Laretta went on to serve her Chicago community in the restaurant industry where she eventually managed several dining rooms at Chicago's premier establishments. Once, while running the dining room at the Drake Hotel, she accommodated a desperate Bob Hope and Bing Crosby, who had been denied entrance to another restaurant based on their attire. The two had been referred to Laretta by her brother, who said, "You give these guys good service." This story exemplifies the two strongest qualities for which we remember Laretta: service and family. Laretta's ability to always hospitably put others before herself stood out to anyone who knew her. As a mother of four, she modestly provided her children with any opportunities she could and supported them in all their endeavors. In this way, she truly accomplished her own American Dream.

Laretta Zarlenga's legacy continues to live on through her posterity. Laretta's inspiration and support of her family shows itself in the work of her children who include a lauded poet, successful restaurateur, and a notable scholar of monetary reform.

Mr. Speaker and Colleagues, please join me in honoring the memory and recognizing the accomplishments of Laretta Zarlenga. Her unwavering commitment to her family, friends, and community framed her life and served to make a difference in the lives of countless individuals.

# A TRIBUTE TO THE JAZZ POWERHOUSE FOURPLAY

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 28, 2006*

Mr. TOWNS. Mr. Speaker, I rise today in recognition of the jazz supergroup, Fourplay, distinguished artists of the music industry. It behooves us to pay tribute to these outstanding artists and I hope my colleagues will join me in recognizing the group's impressive accomplishments.

Fourplay debuted with a splash in 1991. Their self-titled debut album sold more than one million copies and lodged for 33 weeks at

the top of the Billboard Contemporary Jazz charts. The follow-up album, *Between the Sheets*, reached number one, earned gold status, and was nominated for a Grammy in 1993. The band went three-for-three in 1995 with its third release, *Elixir*, which also hit number one and stayed on the charts for more than a year and a half. And, as if to save time, its fourth album, *4*, entered the charts at number one.

The magic of Fourplay is based on the interactions between keyboardist Bob James, bassist Nathan East, guitarist Larry Carlton, and drummer Harvey Mason, each a pop music icon in his own right.

Now in heavy rotation at radio throughout the country, Fourplay X, the supergroup's landmark tenth album, entered the Billboard Jazz Charts at the number one position and has remained No.1 for five weeks.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Fourplay. The group's phenomenal success makes them most worthy of our recognition today.

VETERANS' MEMORIALS, BOY  
SCOUTS, PUBLIC SEALS, AND  
OTHER PUBLIC EXPRESSIONS OF  
RELIGION PROTECTION ACT OF  
2006

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2006*

Mrs. MALONEY. Mr. Speaker, I rise today in opposition to H.R. 2679, the "Public Expression of Religion Act." This legislation would eliminate awarding attorney's fees to individuals who win lawsuits under the Establishment Clause of the Constitution. While the proponents argue that the bill would protect public officials from lawsuits, what the bill will actually do is deny citizens from exercising their freedom of religion.

Without the ability to recoup legal fees, the costs to bring a lawsuit against a defendant would be too high for most people to afford. This body should not be enacting legislation to deny Americans their day in court.

H.R. 2679 is opposed by groups including the American Civil Liberties Union, the Leadership Conference on Civil Rights, and the American Jewish Committee.

I urge my colleagues to vote "no."

HONORING DAN SHANNON OF  
LAGRANGE, IL

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 28, 2006*

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Dan Shannon, an exceptional citizen of the Third Congressional District of Illinois and founder of Operation Homelink. Operation Homelink seeks to establish a communication link between deployed military personnel and their families. The program not only serves as a means of contact for troops and their families, but as a strong show of support for American soldiers stationed overseas.

Operation Homelink enables communication and encouragement by providing free refurbished computers to both deployed military units and their spouses or parents. Troops on the field then have the ability to e-mail their loved ones updates, while loved ones have the ability to relate local news and send their best regards. This excellent program truly makes a difference in the lives of our soldiers, as well as their families and friends.

I ask my colleagues to rise with me to acknowledge Dan Shannon for his highly successful and significant program that supports our armed forces. Dan shows all citizens the importance of becoming involved to support our troops and how one idea can touch the lives of so many people. I commend him for his continued efforts and unyielding determination.

PERSONAL EXPLANATION

**HON. JIM KOLBE**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 28, 2006*

Mr. KOLBE. Mr. Speaker, on rollcall No. 483, my vote was not recorded.

Had I been present, I would have voted "aye."

MILITARY COMMISSIONS ACT OF  
2006

SPEECH OF

**HON. BOB ETHERIDGE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 27, 2006*

Mr. ETHERIDGE. Mr. Speaker, I rise to speak on this legislation to establish military tribunals for terrorist suspects.

This legislation was made necessary by a U.S. Supreme Court decision in June in the case of *Hamdan v. Rumsfeld*, in which the court ruled that the military commissions created by the Bush administration violated both U.S. and international law. This important legislation is necessary to create a lawful framework in order to bring to trial such terrorist suspects as Khalid Sheikh Mohammed, the alleged mastermind of the 9/11/01 terrorist attacks on America. Without passage of this legislation, the United States will have no legal means to bring to justice those who have participated in the most heinous acts of terrorism against our country.

I agree with my Democratic colleagues who rightfully argued we should have been allowed to consider substantive changes to the bill such as those contained in the Skelton motion to recommit, which I voted for. The Skelton language would have provided for expedited consideration of the statute's constitutionality and required the statute to be renewed in three years, but unfortunately, the Skelton motion failed to pass. Although the Republican Majority would not allow consideration of proposed Democratic amendments, it is important to note the significant and substantive changes that have been made to the bill to correct the serious flaws of the original White House proposal.

Specifically, the bill would replace the White House's denial of habeas corpus rights with a

process known as combatant status review in which detainees may challenge their detention within the confines of the military commission system. In addition, the manager's amendment assures the prohibition of cruel, inhuman and degrading treatment, codified in the Detainee Treatment Act (Pub. L. 109-163, P.L. 109-148). It also clarifies that defendants will be able to examine and respond to redacted classified evidence being used against them.

Mr. Speaker, H.R. 6166 is not a perfect bill, but I will vote for it so the United States can move forward with prosecuting terrorist suspects in a manner consistent with our values in a fair and just system.

A TRIBUTE TO STUART PYLE

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 28, 2006*

Mr. COSTA. Mr. Speaker, I rise today to honor the memory of Mr. Stuart Pyle of Bakersfield, California. Mr. Pyle was an exemplary advocate for effective water policy primarily in California's San Joaquin Valley.

As a past manager of the Kern County Water Agency, Stuart is remembered by all who knew him for his love and dedication to his family, his commendable service to the community, and his success in managing the second largest water contractor in the State of California.

Mr. Pyle was born in 1925 in Napa, California. He spent most of his adolescent years with his five siblings in Tahoe City and Auburn, California. As a Naval Officer during World War II, Mr. Pyle earned a degree in civil engineering in only three years. Following the war, he began his career in water as a developer of dams and canals for the California Department of Water Resources. As his career in water was established, he met his wife Virginia and married her in 1950.

In 1967, the Pyle family moved to Pakistan, where Stuart worked as a project manager for water systems for three years. When the Pakistani Civil War broke out they were forced to move back to the United States. Upon his arrival to the states, Stuart was hired as the manager of National Water Issues for the Federal Government in Washington DC. After three years in DC, he was offered a job as manager of the Kern County Water Agency. Stuart spent the next 17 years of his life dedicated to advancing water policy in Kern County.

Throughout his life Mr. Pyle was extremely involved in his community. He served on the National Academies of Science, was a Member of the Rotary Club, and was an active supporter of the Bakersfield Assistant League. Even while enjoying retirement, he was active in the United States Committee on Irrigation and Drainage. In addition to being a life long advocate of water policy, he was also a dedicated member of the Christian Science Church where he was a reader on the Board of Directors.

Mr. Pyle is survived by his beloved wife of 56 years Virginia, their five children; Linda, Jennifer, Stuart, Marianna, and Tom, and his nine grandchildren.

Stuart Pyle led a happy life full of love and adventure. His professional achievements will