



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, TUESDAY, SEPTEMBER 14, 2004

No. 109

House of Representatives

The House met at 9 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH) for 5 minutes.

TRIBUTE TO BEN JEFFERSON: VETERAN, LEADER, CITIZEN

Mr. HAYWORTH. Mr. Speaker, it is my sad duty to inform this House and the people of Arizona of the passing of the Veterans Affairs Coordinator for the people of the Fifth Congressional District of Arizona, Ben Jefferson. Ben lost his battle with leukemia at 1 o'clock a.m. Arizona time Monday. Mary and I were privileged to be with Ben Sunday afternoon prior to his passing, and we reflect back on a remarkable life of service.

Mr. Speaker, too often what we do is described as public service. That is an honor and an accolade, but ultimately it is somewhat inaccurate, for what we are involved in is public office. But public service is a dimension that does not require election to office; it instead requires a spirit of servanthood, and that spirit of service sums up the life of Ben Jefferson.

Ben moved to Phoenix as a very young boy from Louisiana. He saw Phoenix grow, and, as he grew, so too did that responsibility of service, made manifest by a career in the Navy, a ca-

reer which saw him as a medical corpsman in Korea, which saw him again answer the call to duty in Vietnam, which literally took him around the world, even for a year's duty at the research station at the South Pole.

Ben had a heart for people. And how fortunate I was, and, indeed, Mr. Speaker, those of us who serve here are honored by one of the gratifying mysteries of running for public office, which is that good people cross your path, and, more amazingly, those good people are willing to donate their time and their energy and their enthusiasm, first to campaigns and then as support staff.

So it was for Ben Jefferson. After a career in the Navy, after a career in business, stepping forward first in a campaign, and then assuming a role that he prepared for throughout his life, that of service to our Nation's veterans and the important role that the military plays, not only for retirees, but for those young people who aspire to attend a service academy.

It was Ben Jefferson who put together the groups for the Army and the Navy and the Air Force, who would review the candidates and candidacies of those who aspire to attend our Nation's academies. Ben Jefferson would be along my side when I would have one of the most gratifying experiences any Member of this House can have, when you call a young person and their family to inform them that they have been accepted at one of our military academies.

The same Ben Jefferson would take calls from veterans who had questions about their benefits, veterans who needed help at the hospital, veterans who had fallen on hard times, and always Ben Jefferson was willing to help.

We celebrate his life, even as we mourn his passing, his wife, Bette, his children, his relatives who will gather in Arizona later this week to remember this remarkable man.

At one point in his life he thought he would be called into the ministry. But it turned out his ministry was not from the pulpit, it was not as a pastor per se. Instead, in the spirit of James in the New Testament, it was not wrapped up in talk and good wishes, it was service and action and stepping forward to help people. Indeed, Mr. Speaker, on what became his deathbed, Ben Jefferson spoke about constituents in need and friends who faced similar challenges of disease, always in a spirit of what can I do to help?

In those last minutes when Mary and I were with Ben and with his wife Bette and with other loved ones, I could not help but reflect on the words I think he has heard by now: "Well done, good and faithful servant."

Ben Jefferson: Veteran, leader, citizen. We will always remember you and all you did for the people of Arizona.

ENDING LAWSUIT ABUSE

The SPEAKER pro tempore (Mr. CARTER). Pursuant to the order of the House of January 20, 2004, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates.

Mr. DELAY. Mr. Speaker, frivolous, parasitic lawsuits are a clear and present danger to the economic health of the United States. They clog our courts, generate billions of dollars in administrative fees, artificially raise insurance premiums, kill jobs, stifle investment and innovation and otherwise produce little else for American society but headaches and lawyer jokes.

It has been and remains a principle of the Republican congressional majority to rein in trial lawyers and their predatory, self-serving litigation, thereby protecting American jobs and companies from their crippling effects.

The pestilent culture of hyper-litigation now corrupting our legal system may be championed in the name of "the little guy," but the only thing little about its true beneficiaries is their

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H7075

shame. Plaintiffs and defendants are merely a means to an end for the trial lawyers, who get fat off the pain of one group or the hard work of the other.

The time for reform is now, Mr. Speaker, and this week, the House will continue its long-term strategy of taking back America's legal system from the "Lords of the Ambulance Chase."

Today we will take up four bills to rein in lawsuit abuse. We will pass bills specifically protecting interscholastic sports organizations from lawsuits concerning their athletic rules; protecting volunteer firefighters from lawsuits that discourage generous Americans from donating equipment to them; and protecting volunteer pilots who come to the aid of their communities in times of crisis. And more comprehensively, Mr. Speaker, we will take up legislation presented by the gentleman from Texas (Mr. SMITH), the Lawsuit Abuse Reduction Act, which will impose mandatory penalties on those who file frivolous lawsuits.

This bill will also prevent clever lawyers from shopping around for favorable judges and venues wholly unrelated to the case, it will remove the "free pass" provisions in the Federal Rules of Civil Procedure that many lawyers hide behind once their claim is exposed as a farce, and it will better hold lawyers accountable for their behavior during the discovery process.

In short, Mr. Speaker, these bills together will further help take back the judicial system for legitimate plaintiffs, real defendants, principled lawyers who serve the ideals of their honorable profession, our national economic health, and, finally, for justice itself.

PROPOSING A TEMPORARY MEMORIAL IN THE CAPITOL ROTUNDA

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Illinois (Mr. EMANUEL) is recognized during morning hour debates for 5 minutes.

Mr. EMANUEL. Mr. Speaker, last week we passed the 1,000th casualty mark in Iraq. Since then, we have lost another 12 of our fellow citizens in service to their country and its ideals. 1,012 American families are grieving the loss of their loved ones; 1,140 when we count the theater of Afghanistan and its conflict.

Mr. Speaker, we salute our Soldiers, Marines, Airmen, Sailors, Reservists and Guardsmen called to duty. We thank them deeply for their service and their sacrifice and that of their families. We must honor their service and pay tribute to their heroism.

For these reasons, the gentleman from Texas (Mr. TURNER) and I have written a letter to the Speaker asking that the Capitol Rotunda be used for a temporary memorial to honor the troops from Iraq and Afghanistan.

This memorial would display pictures of each fallen soldier, along with bio-

graphical information, and would give visitors to the Capitol Rotunda, the People's House, an opportunity to pay tribute to the troops. They could write notes, letters, anything they want to the families, so they know in this time that they have the thoughts and the prayers of their fellow countrymen.

I have done this outside my office as an individual gesture, as the gentleman from North Carolina (Mr. JONES), a colleague of mine from the other party, has done outside his office, so you could write a note, you could write a card, some way to let this family know, whether they are from your State or not, that in this moment of pain and grief they are not alone; they have the thoughts and the prayers of their fellow countrymen.

The gentleman from North Carolina (Mr. JONES) is from the other party. This is not a Democrat or Republican issue, it is not whether you were or were not against the war; it is a way of paying respect.

Throughout our history, the Rotunda has been used for public viewing of our fallen heroes, bestowing upon them one of our Nation's highest honors. After World War I, we saluted fallen soldiers in the Rotunda. For World War II, Korea and Vietnam, we did the same. It is only fitting that we use the Capitol Rotunda to honor those who have fallen in Iraq and Afghanistan.

The war in Iraq is not over, and there will certainly be more lives lost, unfortunately. But this tribute is for all Americans, to show their respect for the men and women who paid the ultimate sacrifice, as well as to their families.

I do not often agree with President Bush, but I do agree with the sentiment he expressed in his Saturday radio address. "Since September 11, the sacrifices in the War on Terror have fallen most heavily on members of our military and their families. Our Nation is grateful to the brave men and women who are taking risks on our behalf at this hour, and America will never forget the ones who have fallen, men and women last seen doing their duty, whose names we will honor forever."

I agree with the sentiments expressed by President Bush, and I hope that the Speaker and the Republican leadership would take up those sentiments and do a temporary memorial. I am now doing it outside my office. The gentleman from North Carolina (Mr. JONES), as I mentioned, is doing it outside his office. I would ask that it no longer be an individual gesture, but it be an institutional gesture of that sentiment that the President expressed Saturday in his radio address.

Mr. Speaker, since this Congress convened, we have found time to name no less than 70 post offices, and we named another one just yesterday. I think we can, indeed, it is our duty and responsibility, find the time to properly honor those who have sacrificed everything in Iraq and Afghanistan.

Mr. Speaker, this tribute was initiated by an individual Member of the House. We should make an institutional decision today in the People's House to expand it to an institutional gesture for all people who come to the People's House to remind those families that they have our love, our respect, our prayers and our thoughts in this time.

I hope that all this body will join me in saluting their families.

DRUG IMPAIRED DRIVING ENFORCEMENT ACT OF 2004

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Indiana (Mr. SOUDER) is recognized during morning hour debates for 5 minutes.

Mr. SOUDER. Mr. Speaker, I would like to talk briefly about H.R. 3922, the Drug Impaired Driving Enforcement Act of 2004 that the gentleman from Ohio (Mr. PORTMAN) introduced in this House earlier this year, along with the gentleman from Michigan (Mr. LEVIN), the gentleman from Ohio (Mr. LATOURETTE) the gentleman from Minnesota (Mr. RAMSTAD) and myself.

Mr. Speaker, we often hear about drunk driving, but we have not heard enough about drug-impaired driving. Let me read some of the findings in this bill.

Driving under the influence of or after having used illegal drugs has become a significant problem worldwide. 35 million persons in the United States age 12 or older had used illegal drugs this past year, and almost 11 million of those persons age 12 or older and 31 percent in the past year had driven under the influence of or after having used illegal drugs.

This is a sobering thought when you are driving down the highway. Not only may somebody be high on alcohol, but they may be whacked out on drugs, and they may be combining the drugs, alcohol and illegal drugs to put you and your family at risk.

According to the National Highway Traffic Safety Administration, illegal drugs are used by approximately 10 to 22 percent of all drivers in motor vehicle crashes. In other words, when we talk about what the problems are on the road, we have to have illegal drugs in that mix.

Across the country, we do not have in many cases the ability to detect or prosecute, because we do not have the detection, the use of illegal drugs in automobile wrecks, particularly in higher incidence most likely of deaths than even other types of automobile wrecks. Too few police officers have been trained, and there is lack of uniformity and consistency in State laws.

What this bill would do is provide grants and money to the different States for model legislation on how to do drug-impaired driving statutes, to ensure drivers in need of drug education or treatment are identified and