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No. 18

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. CAPITO).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 17, 2005.

I hereby appoint the Honorable SHELLY MOORE CAPITO to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: The following is an adaptation to what is sometimes referred to as George Washington's prayer for this country:

"I now make this my earnest prayer: that God would have you and the State over which you preside in His holy protection; that He would incline the hearts of citizens to cultivate a spirit of respect and obedience for government, and develop a strong affection and love for one another as fellow citizens of the United States, especially for those who serve in our military; and finally that He would graciously dispose all of us to do justice, to love mercy and conduct ourselves with that charity, humility and peaceful disposition which are characteristic of Divine Authorship. Without such virtues, we can never hope to be a happy Nation." Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Oregon (Mr. DEFAZIO) come forward and lead the House in the Pledge of Allegiance.

Mr. DEFAZIO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 384. An act to extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for 2 years.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute from each side.

STEM CELL RESEARCH

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, there is no ban or gag on stem cell research. In fact, more than 15,000 patients will benefit from stem cell research this year. However, we need to distinguish between the types of stem cells. Embryonic stem cell research has resulted in no cures for diseases. Aside from the destruction of embryos, embryonic stem cells present two significant problems, tumors and rejection.

The other type of stem cells, adult stem cells, we are hearing, can be found in many places: umbilical cord blood, fat tissue, bone marrow, muscle, the spleen and baby teeth, just to name a few.

Already doctors have treated diseases with adult stem cells in over 45 clinical trials, and extracting them does not harm anyone; and they are successfully being used. These cells do not present the serious ethical concerns and medical dangers of embryo-destructive research.

We need to focus our efforts on adult stem cells, not speculative and unethical research of embryonic stem cells.

SOCIAL SECURITY REFORM

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Madam Speaker, the debate over the future of Social Security is complex and confusing. Even the President seems to be a bit confused. His staged town halls have focused on privatization, which actually makes the finances of Social Security worse.

On Saturday, the President talked falsely about the looming bankruptcy of Social Security. Worst case scenario, Social Security can only pay 75 to 80 percent of benefits starting in 40 to 50 years.

Until yesterday, he has been proposing cutting benefits even more to save the system. But finally yesterday, he opened the door to lifting the cap on the tax, on wages which people pay. Right now if you earn over \$90,000 a year, you do not pay any more Social Security tax. If you earn \$900,000 a year, you pay the Social Security tax at one-tenth the rate of someone who earns \$40,000. That is not fair.

Lifting the cap would assure the solvency of Social Security for at least 75 years and potentially could give a tax break to everybody who earns less than

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.



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\$9,000 a year under a plan I proposed in the last Congress.

Hopefully, the President will continue down the path of fixing Social Security first before we have a debate about other programs.

ELECTRONIC PRESCRIBING SAVES LIVES AND MONEY

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Madam Speaker, according to the Institute of Medicine, over 7,000 people die and \$29 billion are wasted every year due to medication errors. Electronic prescribing can change lives and save money.

Medication errors are caused when physicians confuse the names of similar drugs, assign inappropriate dosage levels, issue redundant medications, or lead to harmful drug interactions, and allergic reactions. Electronic prescribing allows doctors to automatically and securely transmit a prescription to a patient's pharmacist. This technology eliminates the human errors caused by unreadable handwriting and improves the quality of care to patients.

Electronic prescribing saves lives by immediately checking a patient's records to alert the physician of potential conflicts with other medical conditions, known allergies, interactions with other active prescriptions and duplicate therapies. Electronic prescribing also saves money by providing information to physicians and patients about lower-cost medications like generics, lets the doctors know which drugs are covered by their health plan, provides valuable access to research, and streamlines billing information and reduces administration costs.

Madam Speaker, we need to make patient safety our national goal and make zero errors with medications a priority in health systems throughout the country. E-prescribing is one tool we can use to make this a reality in saving lives and saving money.

NO FURTHER SUPPLEMENTAL WITHOUT GUARANTEES FOR MEETING THE NEEDS OF OUR SOLDIERS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, I, like most of my colleagues on the floor, was horrified that our soldiers in Iraq had to scavenge junk yards of former Iraqi military equipment for metal and sheet armor to improve their own vehicles. My constituents in the Oregon National Guard were doing this and supplementing it with plywood and sandbags.

We were promised "up-armoring" by the administration, but this is still woefully inadequate. The additional weight puts increased stress on the sus-

pension and drive-train of the vehicles, hampering their operational efficiency and making them slower. But, even worse, the fact that the floor is not protected means that the insurgents are now targeting these up-armored vehicles. Just a couple of weeks ago, I had one of my constituents lose a foot because of such an attack.

Two years later, and after over \$200 billion that Congress has given the administration for the war in Iraq, we should not approve another supplemental budget request without adequate guarantees that, finally, the needs of our soldiers will be met.

SUPPORT THE CLASS ACTION FAIRNESS ACT

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of South Carolina. Madam Speaker, in the past few years, we have witnessed an explosion of interstate class-action lawsuits being filed in our State courts, particularly in certain "magnet" jurisdictions. These "magnet" courts routinely approve settlements in which lawyers receive large fee awards and the class members receive virtually nothing. The result is a growing number of class-action lawsuits that are losing propositions for everyone involved, except the lawyers that bring them.

Madam Speaker, later this morning, we will be debating the Class Action Fairness Act. This legislation closes a loophole in the system by creating Federal jurisdictions over large, multi-State class-action cases. It puts an end to various tricks currently used by some lawyers to stay out of Federal court. And, in addition, this legislation creates several provisions specifically designed to ensure that class members, not their attorneys, are the primary beneficiaries of the class-action process.

I urge my colleagues to join me in supporting this common sense, bipartisan plan.

HELPING AMERICA STAY STRONG WITH STRONG FUNDING

(Ms. KILPATRICK of Michigan asked and was given permission to address the House for 1 minute.)

Ms. KILPATRICK of Michigan. Madam Speaker, I rise to talk about the budget that the President has delivered to the Committee on Appropriations. We began yesterday having hearings on that budget.

We have got to invest in America's families and in America's children.

This budget cuts \$60 billion from Medicaid, an insurance program for children, the disabled, our States. Our States can ill-afford nursing home care for our residents. I am from the State of Michigan, with the highest unemployment rate in the country. We have to invest in our States and our cities.

This budget does not do that. Community development block grants, grants to States and cities that would help cities build their infrastructure and fund various programs throughout the cities. Cuts to first responders and firefighters. Funding drug-free schools. The programs go on. We must find the money to fund these programs. COPS programs, \$40 million.

Madam Speaker, our cities need our help. We have got to do better as appropriators. We have to do better as this Congress. Fund American families, fund the cities and States so that America can stay strong, as God intends.

TWELVE POINT COMMONSENSE PLAN TO RESTORE FISCAL DISCIPLINE

(Mr. ROSS asked and was given permission to address the House for 1 minute.)

Mr. ROSS. Madam Speaker, our Nation finds itself today in a financial crisis. This year, our deficit is projected to exceed \$589 billion. Last year's deficit was \$412 billion. Seventy percent of that money was borrowed from foreigners, including China and Japan.

We are spending nearly \$1 million more every 60 seconds than we are taking in in this country. On top of that, we are spending nearly \$1 billion a day simply paying interest on the national debt, a debt that today is \$7.6 trillion and rising.

Yesterday, I joined my colleagues of the fiscally conservative Democratic Blue Dog Coalition to announce a new 12-point budget plan that promotes commonsense budget reforms. One of those reforms includes the support of a constitutional amendment that would require the Federal Government to balance its budget every year. American families strive every month to live within a balanced budget at home. I do not think it is asking too much to hold our government to the same standard.

Madam Speaker, I urge my colleagues on both sides of the aisle to join me in support of this 12-point, commonsense budget plan that will place our Nation on a path to restore fiscal discipline to our Nation's government.

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WRONG ANSWERS FOR SCHOOLS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, as I had the privilege to write this morning on the editorial page of USA Today, nobody doubts this President's heart for our kids. As a Governor, George W. Bush championed education reform, and, upon being elected President, brought his vision for standards and school choice to Capitol Hill.

Unfortunately, the defenders of the status quo in education succeeded in turning the President's original vision for education reform into a huge increase in the Federal Government's role in our local schools and, regrettably, they are at it again, as No Child Left Behind II, with national testing for high school students, comes to Congress.

The American people have always known the government that governs least governs best in those functions of government closest to the family. However well-intentioned, one more unfunded mandate from Washington, D.C. will not cure what ails our local schools. Resources that promote reform through competition and school choice will.

There is nothing that ails our local schools that parents and teachers of America cannot solve with the resources and the freedom to choose. Let us say no to more national testing. Let us say no to No Child Left Behind II.

CLASS ACTION FAIRNESS ACT OF 2005

Mr. SENSENBRENNER. Madam Speaker, pursuant to House Resolution 96, I call up the Senate bill (S. 5) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to House Resolution 96, the bill is considered as read.

The text of S. 5 is as follows:

S. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Class Action Fairness Act of 2005”.

(b) REFERENCE.—Whenever in this Act reference is made to an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 28, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; reference; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Consumer class action bill of rights and improved procedures for interstate class actions.
- Sec. 4. Federal district court jurisdiction for interstate class actions.
- Sec. 5. Removal of interstate class actions to Federal district court.
- Sec. 6. Report on class action settlements.
- Sec. 7. Enactment of Judicial Conference recommendations.
- Sec. 8. Rulemaking authority of Supreme Court and Judicial Conference.
- Sec. 9. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Class action lawsuits are an important and valuable part of the legal system when

they permit the fair and efficient resolution of legitimate claims of numerous parties by allowing the claims to be aggregated into a single action against a defendant that has allegedly caused harm.

(2) Over the past decade, there have been abuses of the class action device that have—

(A) harmed class members with legitimate claims and defendants that have acted responsibly;

(B) adversely affected interstate commerce; and

(C) undermined public respect for our judicial system.

(3) Class members often receive little or no benefit from class actions, and are sometimes harmed, such as where—

(A) counsel are awarded large fees, while leaving class members with coupons or other awards of little or no value;

(B) unjustified awards are made to certain plaintiffs at the expense of other class members; and

(C) confusing notices are published that prevent class members from being able to fully understand and effectively exercise their rights.

(4) Abuses in class actions undermine the national judicial system, the free flow of interstate commerce, and the concept of diversity jurisdiction as intended by the framers of the United States Constitution, in that State and local courts are—

(A) keeping cases of national importance out of Federal court;

(B) sometimes acting in ways that demonstrate bias against out-of-State defendants; and

(C) making judgments that impose their view of the law on other States and bind the rights of the residents of those States.

(b) PURPOSES.—The purposes of this Act are to—

(1) assure fair and prompt recoveries for class members with legitimate claims;

(2) restore the intent of the framers of the United States Constitution by providing for Federal court consideration of interstate cases of national importance under diversity jurisdiction; and

(3) benefit society by encouraging innovation and lowering consumer prices.

SEC. 3. CONSUMER CLASS ACTION BILL OF RIGHTS AND IMPROVED PROCEDURES FOR INTERSTATE CLASS ACTIONS.

(a) IN GENERAL.—Part V is amended by inserting after chapter 113 the following:

“CHAPTER 114—CLASS ACTIONS

“Sec.

“1711. Definitions.

“1712. Coupon settlements.

“1713. Protection against loss by class members.

“1714. Protection against discrimination based on geographic location.

“1715. Notifications to appropriate Federal and State officials.

“§ 1711. Definitions

“In this chapter:

“(1) CLASS.—The term ‘class’ means all of the class members in a class action.

“(2) CLASS ACTION.—The term ‘class action’ means any civil action filed in a district court of the United States under rule 23 of the Federal Rules of Civil Procedure or any civil action that is removed to a district court of the United States that was originally filed under a State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representatives as a class action.

“(3) CLASS COUNSEL.—The term ‘class counsel’ means the persons who serve as the attorneys for the class members in a proposed or certified class action.

“(4) CLASS MEMBERS.—The term ‘class members’ means the persons (named or

unnamed) who fall within the definition of the proposed or certified class in a class action.

“(5) PLAINTIFF CLASS ACTION.—The term ‘plaintiff class action’ means a class action in which class members are plaintiffs.

“(6) PROPOSED SETTLEMENT.—The term ‘proposed settlement’ means an agreement regarding a class action that is subject to court approval and that, if approved, would be binding on some or all class members.

“§ 1712. Coupon settlements

“(a) CONTINGENT FEES IN COUPON SETTLEMENTS.—If a proposed settlement in a class action provides for a recovery of coupons to a class member, the portion of any attorney’s fee award to class counsel that is attributable to the award of the coupons shall be based on the value to class members of the coupons that are redeemed.

“(b) OTHER ATTORNEY’S FEE AWARDS IN COUPON SETTLEMENTS.—

“(1) IN GENERAL.—If a proposed settlement in a class action provides for a recovery of coupons to class members, and a portion of the recovery of the coupons is not used to determine the attorney’s fee to be paid to class counsel, any attorney’s fee award shall be based upon the amount of time class counsel reasonably expended working on the action.

“(2) COURT APPROVAL.—Any attorney’s fee under this subsection shall be subject to approval by the court and shall include an appropriate attorney’s fee, if any, for obtaining equitable relief, including an injunction, if applicable. Nothing in this subsection shall be construed to prohibit application of a lodestar with a multiplier method of determining attorney’s fees.

“(c) ATTORNEY’S FEE AWARDS CALCULATED ON A MIXED BASIS IN COUPON SETTLEMENTS.—If a proposed settlement in a class action provides for an award of coupons to class members and also provides for equitable relief, including injunctive relief—

“(1) that portion of the attorney’s fee to be paid to class counsel that is based upon a portion of the recovery of the coupons shall be calculated in accordance with subsection (a); and

“(2) that portion of the attorney’s fee to be paid to class counsel that is not based upon a portion of the recovery of the coupons shall be calculated in accordance with subsection (b).

“(d) SETTLEMENT VALUATION EXPERTISE.—In a class action involving the awarding of coupons, the court may, in its discretion upon the motion of a party, receive expert testimony from a witness qualified to provide information on the actual value to the class members of the coupons that are redeemed.

“(e) JUDICIAL SCRUTINY OF COUPON SETTLEMENTS.—In a proposed settlement under which class members would be awarded coupons, the court may approve the proposed settlement only after a hearing to determine whether, and making a written finding that, the settlement is fair, reasonable, and adequate for class members. The court, in its discretion, may also require that a proposed settlement agreement provide for the distribution of a portion of the value of unclaimed coupons to 1 or more charitable or governmental organizations, as agreed to by the parties. The distribution and redemption of any proceeds under this subsection shall not be used to calculate attorneys’ fees under this section.

“§ 1713. Protection against loss by class members

“The court may approve a proposed settlement under which any class member is obligated to pay sums to class counsel that would result in a net loss to the class member only if the court makes a written finding

that nonmonetary benefits to the class member substantially outweigh the monetary loss.

“§ 1714. Protection against discrimination based on geographic location

“The court may not approve a proposed settlement that provides for the payment of greater sums to some class members than to others solely on the basis that the class members to whom the greater sums are to be paid are located in closer geographic proximity to the court.

“§ 1715. Notifications to appropriate Federal and State officials

“(a) DEFINITIONS.—

“(1) APPROPRIATE FEDERAL OFFICIAL.—In this section, the term ‘appropriate Federal official’ means—

“(A) the Attorney General of the United States; or

“(B) in any case in which the defendant is a Federal depository institution, a State depository institution, a depository institution holding company, a foreign bank, or a non-depository institution subsidiary of the foregoing (as such terms are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person.

“(2) APPROPRIATE STATE OFFICIAL.—In this section, the term ‘appropriate State official’ means the person in the State who has the primary regulatory or supervisory responsibility with respect to the defendant, or who licenses or otherwise authorizes the defendant to conduct business in the State, if some or all of the matters alleged in the class action are subject to regulation by that person. If there is no primary regulator, supervisor, or licensing authority, or the matters alleged in the class action are not subject to regulation or supervision by that person, then the appropriate State official shall be the State attorney general.

“(b) IN GENERAL.—Not later than 10 days after a proposed settlement of a class action is filed in court, each defendant that is participating in the proposed settlement shall serve upon the appropriate State official of each State in which a class member resides and the appropriate Federal official, a notice of the proposed settlement consisting of—

“(1) a copy of the complaint and any materials filed with the complaint and any amended complaints (except such materials shall not be required to be served if such materials are made electronically available through the Internet and such service includes notice of how to electronically access such material);

“(2) notice of any scheduled judicial hearing in the class action;

“(3) any proposed or final notification to class members of—

“(A)(i) the members’ rights to request exclusion from the class action; or

“(ii) if no right to request exclusion exists, a statement that no such right exists; and

“(B) a proposed settlement of a class action;

“(4) any proposed or final class action settlement;

“(5) any settlement or other agreement contemporaneously made between class counsel and counsel for the defendants;

“(6) any final judgment or notice of dismissal;

“(7)(A) if feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State’s appropriate State official; or

“(B) if the provision of information under subparagraph (A) is not feasible, a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement; and

“(8) any written judicial opinion relating to the materials described under subparagraphs (3) through (6).

“(c) DEPOSITORY INSTITUTIONS NOTIFICATION.—

“(1) FEDERAL AND OTHER DEPOSITORY INSTITUTIONS.—In any case in which the defendant is a Federal depository institution, a depository institution holding company, a foreign bank, or a non-depository institution subsidiary of the foregoing, the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person.

“(2) STATE DEPOSITORY INSTITUTIONS.—In any case in which the defendant is a State depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the State bank supervisor (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) of the State in which the defendant is incorporated or chartered, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person, and upon the appropriate Federal official.

“(d) FINAL APPROVAL.—An order giving final approval of a proposed settlement may not be issued earlier than 90 days after the later of the dates on which the appropriate Federal official and the appropriate State official are served with the notice required under subsection (b).

“(e) NONCOMPLIANCE IF NOTICE NOT PROVIDED.—

“(1) IN GENERAL.—A class member may refuse to comply with and may choose not to be bound by a settlement agreement or consent decree in a class action if the class member demonstrates that the notice required under subsection (b) has not been provided.

“(2) LIMITATION.—A class member may not refuse to comply with or to be bound by a settlement agreement or consent decree under paragraph (1) if the notice required under subsection (b) was directed to the appropriate Federal official and to either the State attorney general or the person that has primary regulatory, supervisory, or licensing authority over the defendant.

“(3) APPLICATION OF RIGHTS.—The rights created by this subsection shall apply only to class members or any person acting on a class member’s behalf, and shall not be construed to limit any other rights affecting a class member’s participation in the settlement.

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to expand the authority of, or impose any obligations, duties, or responsibilities upon, Federal or State officials.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part V is amended by inserting after the item relating to chapter 113 the following:

“114. Class Actions 1711”.
SEC. 4. FEDERAL DISTRICT COURT JURISDICTION FOR INTERSTATE CLASS ACTIONS.

(a) APPLICATION OF FEDERAL DIVERSITY JURISDICTION.—Section 1332 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d)(1) In this subsection—

“(A) the term ‘class’ means all of the class members in a class action;

“(B) the term ‘class action’ means any civil action filed under rule 23 of the Federal Rules of Civil Procedure or similar State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representative persons as a class action;

“(C) the term ‘class certification order’ means an order issued by a court approving the treatment of some or all aspects of a civil action as a class action; and

“(D) the term ‘class members’ means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

“(2) The district courts shall have original jurisdiction of any civil action in which the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs, and is a class action in which—

“(A) any member of a class of plaintiffs is a citizen of a State different from any defendant;

“(B) any member of a class of plaintiffs is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or

“(C) any member of a class of plaintiffs is a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.

“(3) A district court may, in the interests of justice and looking at the totality of the circumstances, decline to exercise jurisdiction under paragraph (2) over a class action in which greater than one-third but less than two-thirds of the members of all proposed plaintiff classes in the aggregate and the primary defendants are citizens of the State in which the action was originally filed based on consideration of—

“(A) whether the claims asserted involve matters of national or interstate interest;

“(B) whether the claims asserted will be governed by laws of the State in which the action was originally filed or by the laws of other States;

“(C) whether the class action has been pleaded in a manner that seeks to avoid Federal jurisdiction;

“(D) whether the action was brought in a forum with a distinct nexus with the class members, the alleged harm, or the defendants;

“(E) whether the number of citizens of the State in which the action was originally filed in all proposed plaintiff classes in the aggregate is substantially larger than the number of citizens from any other State, and the citizenship of the other members of the proposed class is dispersed among a substantial number of States; and

“(F) whether, during the 3-year period preceding the filing of that class action, 1 or more other class actions asserting the same or similar claims on behalf of the same or other persons have been filed.

“(4) A district court shall decline to exercise jurisdiction under paragraph (2)—

“(A)(i) over a class action in which—

“(I) greater than two-thirds of the members of all proposed plaintiff classes in the aggregate are citizens of the State in which the action was originally filed;

“(II) at least 1 defendant is a defendant—

“(aa) from whom significant relief is sought by members of the plaintiff class;

“(bb) whose alleged conduct forms a significant basis for the claims asserted by the proposed plaintiff class; and

“(cc) who is a citizen of the State in which the action was originally filed; and

“(III) principal injuries resulting from the alleged conduct or any related conduct of each defendant were incurred in the State in which the action was originally filed; and

“(ii) during the 3-year period preceding the filing of that class action, no other class action has been filed asserting the same or similar factual allegations against any of the defendants on behalf of the same or other persons; or

“(B) two-thirds or more of the members of all proposed plaintiff classes in the aggregate, and the primary defendants, are citizens of the State in which the action was originally filed.

“(5) Paragraphs (2) through (4) shall not apply to any class action in which—

“(A) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief; or

“(B) the number of members of all proposed plaintiff classes in the aggregate is less than 100.

“(6) In any class action, the claims of the individual class members shall be aggregated to determine whether the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs.

“(7) Citizenship of the members of the proposed plaintiff classes shall be determined for purposes of paragraphs (2) through (6) as of the date of filing of the complaint or amended complaint, or, if the case stated by the initial pleading is not subject to Federal jurisdiction, as of the date of service by plaintiffs of an amended pleading, motion, or other paper, indicating the existence of Federal jurisdiction.

“(8) This subsection shall apply to any class action before or after the entry of a class certification order by the court with respect to that action.

“(9) Paragraph (2) shall not apply to any class action that solely involves a claim—

“(A) concerning a covered security as defined under 16(f)(3) of the Securities Act of 1933 (15 U.S.C. 78p(f)(3)) and section 28(f)(5)(E) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(f)(5)(E));

“(B) that relates to the internal affairs or governance of a corporation or other form of business enterprise and that arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

“(C) that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1)) and the regulations issued thereunder).

“(10) For purposes of this subsection and section 1453, an unincorporated association shall be deemed to be a citizen of the State where it has its principal place of business and the State under whose laws it is organized.

“(11)(A) For purposes of this subsection and section 1453, a mass action shall be deemed to be a class action removable under paragraphs (2) through (10) if it otherwise meets the provisions of those paragraphs.

“(B)(i) As used in subparagraph (A), the term ‘mass action’ means any civil action (except a civil action within the scope of section 1711(2)) in which monetary relief claims of 100 or more persons are proposed to be tried jointly on the ground that the plaintiffs’ claims involve common questions of law or fact, except that jurisdiction shall exist only over those plaintiffs whose claims in a mass action satisfy the jurisdictional amount requirements under subsection (a).

“(ii) As used in subparagraph (A), the term ‘mass action’ shall not include any civil action in which—

“(I) all of the claims in the action arise from an event or occurrence in the State in

which the action was filed, and that allegedly resulted in injuries in that State or in States contiguous to that State;

“(II) the claims are joined upon motion of a defendant;

“(III) all of the claims in the action are asserted on behalf of the general public (and not on behalf of individual claimants or members of a purported class) pursuant to a State statute specifically authorizing such action; or

“(IV) the claims have been consolidated or coordinated solely for pretrial proceedings.

“(C)(i) Any action(s) removed to Federal court pursuant to this subsection shall not thereafter be transferred to any other court pursuant to section 1407, or the rules promulgated thereunder, unless a majority of the plaintiffs in the action request transfer pursuant to section 1407.

“(ii) This subparagraph will not apply—

“(I) to cases certified pursuant to rule 23 of the Federal Rules of Civil Procedure; or

“(II) if plaintiffs propose that the action proceed as a class action pursuant to rule 23 of the Federal Rules of Civil Procedure.

“(D) The limitations periods on any claims asserted in a mass action that is removed to Federal court pursuant to this subsection shall be deemed tolled during the period that the action is pending in Federal court.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 1335(a)(1) is amended by inserting “subsection (a) or (d) of” before “section 1332”.

(2) Section 1603(b)(3) is amended by striking “(d)” and inserting “(e)”.

SEC. 5. REMOVAL OF INTERSTATE CLASS ACTIONS TO FEDERAL DISTRICT COURT.

(a) IN GENERAL.—Chapter 89 is amended by adding after section 1452 the following:

“§ 1453. Removal of class actions

“(a) DEFINITIONS.—In this section, the terms ‘class’, ‘class action’, ‘class certification order’, and ‘class member’ shall have the meanings given such terms under section 1332(d)(1).

“(b) IN GENERAL.—A class action may be removed to a district court of the United States in accordance with section 1446 (except that the 1-year limitation under section 1446(b) shall not apply), without regard to whether any defendant is a citizen of the State in which the action is brought, except that such action may be removed by any defendant without the consent of all defendants.

“(c) REVIEW OF REMAND ORDERS.—

“(1) IN GENERAL.—Section 1447 shall apply to any removal of a case under this section, except that notwithstanding section 1447(d), a court of appeals may accept an appeal from an order of a district court granting or denying a motion to remand a class action to the State court from which it was removed if application is made to the court of appeals not less than 7 days after entry of the order.

“(2) TIME PERIOD FOR JUDGMENT.—If the court of appeals accepts an appeal under paragraph (1), the court shall complete all action on such appeal, including rendering judgment, not later than 60 days after the date on which such appeal was filed, unless an extension is granted under paragraph (3).

“(3) EXTENSION OF TIME PERIOD.—The court of appeals may grant an extension of the 60-day period described in paragraph (2) if—

“(A) all parties to the proceeding agree to such extension, for any period of time; or

“(B) such extension is for good cause shown and in the interests of justice, for a period not to exceed 10 days.

“(4) DENIAL OF APPEAL.—If a final judgment on the appeal under paragraph (1) is not issued before the end of the period described in paragraph (2), including any exten-

sion under paragraph (3), the appeal shall be denied.

“(d) EXCEPTION.—This section shall not apply to any class action that solely involves—

“(1) a claim concerning a covered security as defined under section 16(f)(3) of the Securities Act of 1933 (15 U.S.C. 78p(f)(3)) and section 28(f)(5)(E) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(f)(5)(E));

“(2) a claim that relates to the internal affairs or governance of a corporation or other form of business enterprise and arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

“(3) a claim that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1)) and the regulations issued thereunder).”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 is amended by adding after the item relating to section 1452 the following:

“1453. Removal of class actions.”.

SEC. 6. REPORT ON CLASS ACTION SETTLEMENTS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Judicial Conference of the United States, with the assistance of the Director of the Federal Judicial Center and the Director of the Administrative Office of the United States Courts, shall prepare and transmit to the Committees on the Judiciary of the Senate and the House of Representatives a report on class action settlements.

(b) CONTENT.—The report under subsection (a) shall contain—

(1) recommendations on the best practices that courts can use to ensure that proposed class action settlements are fair to the class members that the settlements are supposed to benefit;

(2) recommendations on the best practices that courts can use to ensure that—

(A) the fees and expenses awarded to counsel in connection with a class action settlement appropriately reflect the extent to which counsel succeeded in obtaining full redress for the injuries alleged and the time, expense, and risk that counsel devoted to the litigation; and

(B) the class members on whose behalf the settlement is proposed are the primary beneficiaries of the settlement; and

(3) the actions that the Judicial Conference of the United States has taken and intends to take toward having the Federal judiciary implement any or all of the recommendations contained in the report.

(c) AUTHORITY OF FEDERAL COURTS.—Nothing in this section shall be construed to alter the authority of the Federal courts to supervise attorneys’ fees.

SEC. 7. ENACTMENT OF JUDICIAL CONFERENCE RECOMMENDATIONS.

Notwithstanding any other provision of law, the amendments to rule 23 of the Federal Rules of Civil Procedure, which are set forth in the order entered by the Supreme Court of the United States on March 27, 2003, shall take effect on the date of enactment of this Act or on December 1, 2003 (as specified in that order), whichever occurs first.

SEC. 8. RULEMAKING AUTHORITY OF SUPREME COURT AND JUDICIAL CONFERENCE.

Nothing in this Act shall restrict in any way the authority of the Judicial Conference and the Supreme Court to propose and prescribe general rules of practice and procedure under chapter 131 of title 28, United States Code.

SEC. 9. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action commenced on or after the date of enactment of this Act.

The SPEAKER pro tempore. After 90 minutes of debate on the bill, it shall be in order to consider the amendment in the nature of a substitute printed in House Report 109-7, if offered by the gentleman from Michigan (Mr. CONYERS) or his designee, which shall be considered read and shall be debatable for 40 minutes equally divided and controlled by the proponent and opponent.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 45 minutes of debate on the bill.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 5.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of S. 5, the Class Action Fairness Act of 2005. Today marks the culmination of nearly a decade of legislative efforts to end systematic abuse of our Nation's class action system. We stand on the cusp of sending landmark legislation on civil-justice reform to the President that has been approved by increasing majorities each time it has been considered by the House in each of the last three Congresses and which passed the other body last week with an overwhelming majority of 72 votes.

Since these reforms were first proposed, the magnitude of the class action crisis, the need to address it has become more and more urgent. The crisis now threatens the integrity of our civil justice system and undermines the economic vitality upon which job creation depends.

A major element of the worsening crisis is the exponential increase in State class action cases in a handful of "magnet" or "magic" jurisdictions, many of which deal with national issues in classes. In the last 10 years, State court class actions filings nationwide have increased over 1,315 percent. The infamous handful of magnet courts known for certifying even the most speculative class action suits, the increase in filings now exceeds 5,000 percent. The only explanation for this phenomenon is aggressive forum shopping by trial lawyers to find courts and judges who will act as willing accomplices in a judicial power grab, hearing nationwide cases and setting policy for the entire country.

A second major feature of the present class action crisis is a system pro-

ducing outrageous settlements that benefit only lawyers and trample the rights of class members. Class actions were originally created to efficiently address a large number of similar claims by people suffering small harms. Today they are too often used to efficiently transfer the large fees to a small number of trial lawyers, with little benefit to the plaintiffs.

The present rules encourage a race to any available State courthouse in the hopes of a rubber-stamped nationwide settlement that produces millions in attorney's fees for the winning plaintiff's attorney. The race to settle produces outcomes that favor expediency and profits for lawyers over justice and fairness for consumers. The losers in this race are the victims who often gain little or nothing through the settlement, yet are bound by it in perpetuity. And all Americans bear the cost of these settlements through increased prices for goods and services.

The bill before the House today offers commonsense procedural changes that will end the most serious abuses by allowing more interstate class actions to be heard in Federal courts while keeping truly local cases in State courts. Its core provisions are similar to those passed by this body in the last three Congresses. S. 5 also implements a consumer bill of rights that will keep class members from being used by the lawyers they never hired to engage in litigation they do not know about or to extort money they will never see.

Madam Speaker, when the House considered this important reform in the last Congress, I remarked that, "The class action judicial system has become a joke, and no one is laughing except the trial lawyers . . . all the way to the bank."

I imagine that laughter turned to nervous chuckles when S. 5 emerged unscathed from the gauntlet in the other body with 72 votes last week. Today, as the House prepares to pass this bill, I suspect you could hear a pin drop in the halls of infamous courthouses located in Madison County, Illinois and Jefferson County, Texas, where for so long the good times have rolled for forum-shopping plaintiffs' attorneys and the judges who enable them. And when this legislation is signed by the President one day soon, those same halls may echo with sobs and curses because this time justice and fairness and the American people will have the last laugh.

Madam Speaker, after years of toil, the moment has arrived. The opportunity to restore common sense, rationality, and dignity to our class action system is now before us, and the need for reform has never been more certain. I urge my colleagues to support the Class Action Fairness Act of 2005.

Madam Speaker, I reserve the balance of my time.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, with the consideration of this legislation, the majority begins their assault on our Nation's civil justice system. Today we will attempt to preempt State class actions. Next month we will take up a bankruptcy bill that massively tilts the playing field in favor of credit card companies and against ordinary consumers and workers alike. On deck and pending are equally one-sided medical malpractice bills and asbestos bills that both cap damages and eliminate liability to protect some of the most egregious wrongdoers in America.

The majority's assault on victims and consumers is unprecedented in its scope and stunning in its breadth. Collectively, these measures will close the courthouse doors on millions of Americans harmed by intentional wrongdoing, negligence, and fraud. And so, long after the 109th Congress has forgotten, American consumers and workers will be paying the price for these special interest bills through needless injuries and uncompensated harm.

This legislation will remove class actions involving State law issues from State courts, the forum most convenient for victims of wrongdoing and with the judges most familiar with the substantive law, and this legislation will move it to the Federal courts where the case will take far longer to resolve and is far less likely to be certified.

Now, you do not need to take my word for it. Let us just ask big business itself. The Nation's largest bank, Citicorp admits "the practical effect (of the bill) will be that many cases will never be heard. Federal judges facing overburdened dockets and ambiguities about applying State laws in a Federal court, often refuse to grant standing to class action plaintiffs."

Forbes Magazine writes, "The legislation will . . . make it more difficult for plaintiffs to prevail, since . . . federal courts are . . . less open to considering . . . class action claims."

Passage of this legislation would be particularly devastating for civil rights cases and labor law cases. As the Lawyers Committee For Civil Rights Under The Law explained, "The consequences of the legislation for civil rights class actions . . . will be astounding and, in our view, disastrous. Redirecting State law class actions to the Federal courts will choke Federal court dockets and delay or foreclose the timely and effective determination of Federal (civil rights) cases."

Since the November election we have heard a lot of talk about values, and that is fine; but will someone during this discourse today tell me where the value is in denying senior citizens who suffered heart attacks because they took Vioxx for their arthritis? Where is the morality in preventing poor workers from joining together to obtain compensation when unscrupulous employers pay them slave-labor wages?

Where is the righteousness in telling victims of discrimination that they will have to wait years for a Federal court to consider violations of their own State laws?

If we have learned anything from the Enron, TYCO, Firestone, and other legal debacles, it is that our citizens need more protection against wrongdoers in our society, not less. And yet the class action bill before us takes us in precisely the opposite direction.

The House should reject this one-sided, anti-consumer and anti-civil rights legislation.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. BOUCHER) to show the breadth of the bipartisan support of this legislation.

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Madam Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me time.

Madam Speaker, I am pleased to rise this morning in support of the bill before us. In the two decades that I have been privileged to serve in the House, the class action measure that is before us today is the most modest litigation reform that has been debated, and it strikes in a narrow and appropriate way at an egregious abuse of justice.

The bill before us makes procedural changes only. There are no restrictions on the substantive rights of plaintiffs. There are no caps on damages. There is no elimination on the rights of plaintiffs to recover.

The bill simply permits the removal to Federal courts of class actions that are truly national in scope, with plaintiffs living across the Nation and the large corporate defendant, even if the current diversity of citizenship rules are not strictly met.

This change is much needed. Cases that are truly national in scope are being filed as State class actions before certain favored judges who employ an almost "anything goes" approach that remedies virtually any controversy subject to certification as a class action. Once certification occurs, there is then a rush to settle the cases. The lawyer who filed the case makes an offer that is hard for the corporate defendant to refuse.

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He asks for large fees in the millions of dollars for himself and coupons for the plaintiff class members that he represents. Rather than go through years of expensive litigation, the defendant settles. The judge who certified the class quickly approves the settlement. The lawyer who filed the case gets rich. The plaintiff class members get virtually nothing.

That is the problem that this bill is designed to address. It permits the removal of these national cases to the

Federal court in the State in which the State class action has been filed.

In the Federal court, the rights of plaintiffs will be more carefully observed. Any settlement involving non-cash compensation will be carefully reviewed to assure that it is fair. Under the bill, cases that are local in scope will remain in the State court where they are initially filed.

I want to commend the gentleman from Virginia (Mr. GOODLATTE) for the thoughtful leadership that he has provided in steering this measure to the point of passage today. The gentleman from Virginia (Mr. GOODLATTE) has exhibited both foresight and patience and as chief sponsor of the bill through three Congresses deserves tremendous credit for the success that we are now on the brink of achieving.

I also want to commend the gentleman from Wisconsin (Mr. SENSENBRENNER) for the wise course that he has followed as chairman of the House Committee on the Judiciary in permitting the Senate to act in advance of our action today.

I want to commend our former House colleague, Senator Tom Carper, for the outstanding work he performed in negotiating changes to the measure which resulted in 72 Members of the Senate voting to approve this reform.

I hope the House will also lend its support to this reform.

Mr. CONYERS. Madam Speaker, I yield myself as much time as I may consume.

The gentleman from Virginia (Mr. BOUCHER) is a dear friend of mine, and I merely want to take one observation that he made, that this is just a procedural process and that there is no substantive changes, but I say to him, if the legal system is rigged and the rules are stacked against you, you never have to get to the substance; you do not even get your day in court.

That is the problem with this bill. It is a procedural process that prevents people from bringing actions in State courts, and we are sending it to the Federal courts when both the Federal judiciary has spoken against this measure and the State judges have spoken against this measure as well. I think that that should be a very instructive criticism against this bill.

The proposal before us is opposed by both State and Federal judiciaries. It is opposed by the National Council of State Legislatures; consumers and public interest groups, including Public Citizen, the Consumers Federation of America, the Consumers Union, the United States PIRG; a coalition of environmental advocates; health advocates, including the Campaign for Tobacco Free Kids; civil rights groups such as the Alliance for Justice, the Leadership Conference on Civil Rights, the National Association for the Advancement of Colored People, and the Lawyers' Committee for Civil Rights and labor such as the American Federation of Labor-Congress of Industrial Organizations, AFL-CIO.

This legislation is also opposed by many of the Nation's editorial boards in the newspaper business. A New York Times editorial board just this week-end wrote this about the measure that is before the House today: "Instead of narrowly focusing on real abuses of the system, the measure reconfigures the civil justice system to achieve a significant rollback of corporate accountability and people's rights. The main impact of the bill, which has the sort of propagandistic title normally assigned to such laws, the Class Action Fairness Act, will be to funnel nearly all major class action lawsuits out of State courts and into already overburdened Federal courts. That will inevitably make it harder for Americans to pursue legitimate claims successfully against companies that violate State consumer, health, civil rights and environmental protection laws."

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

(Mr. SENSENBRENNER asked and was given permission to revise and extend his remarks.)

Mr. SENSENBRENNER. Madam Speaker, first, I have a lengthy additional statement explaining how this bill is to work. We do not have the time in general debate for me to give this statement on the floor, so I will insert the statement relative to the intent of the managers of the bill in the RECORD at this point.

Madam Speaker, I would like to provide a brief summary of the provisions in Sections 4 and 5 of S. 5, the Class Action Fairness Act of 2005. Section 4 gives Federal courts jurisdiction over class action lawsuits in which the aggregate amount in controversy exceeds \$5 million, and at least one plaintiff and one defendant are diverse. Overall, new section 1332(d) is intended to expand substantially Federal court jurisdiction over class actions. Its provisions should be read broadly, with a strong preference that interstate class actions should be heard in a Federal court if removed by any defendant. If a purported class action is removed under these jurisdictional provisions, the named plaintiff(s) should bear the burden of demonstrating that the removal was improper. And if a Federal court is uncertain about whether the \$5 million threshold is satisfied, the court should err in favor of exercising jurisdiction over the case.

The Sponsors intend that in a case seeking injunctive relief, a matter be subject to Federal jurisdiction under this provision if the value of the matter in litigation exceeds \$5 million either from the viewpoint of the plaintiff or the defendant, and regardless of the type of relief sought (e.g., damages, injunctive relief, or declaratory relief). Similarly, in assessing the jurisdictional amount in declaratory relief cases, the Federal court should include in its assessment the value of all relief and benefits that would logically flow from granting the declaratory relief sought by the claimants. For example, a declaration that a defendant's conduct is unlawful or fraudulent will carry certain consequences, such as the need to cease and desist from that conduct, that will often "cost"

the defendant in excess of \$5 million. In addition, the law is clear that, once a Federal court properly has jurisdiction over a case removed to Federal court, subsequent events cannot “oust” the Federal court of jurisdiction. While plaintiffs can seek to avoid Federal jurisdiction by defining a proposed class in particular ways, they lose that power once the case was properly removed.

New subsections 1332(d)(3) and (d)(4)(B) address the jurisdictional principles that will apply to class actions filed against a defendant in its home State, dividing such cases into three categories. First, for cases in which two-thirds or more of the members of the plaintiff class and the primary defendants are citizens of the State in which the suit was filed, subsection 1332(d)(4)(B) states that such cases will remain in State court. Second, cases in which more than two-thirds of the members of the plaintiff class or one or more of the primary defendants are not citizens of the forum State will be subject to Federal jurisdiction since such cases are predominantly interstate in nature. Finally, there is a middle category of class actions in which more than one-third but fewer than two-thirds of the members of the plaintiff class and the primary defendants are all citizens of the State in which the action was filed. In such cases, the numbers alone may not always confirm that the litigation is more fairly characterized as predominantly interstate in character. New subsection 1332(d)(3) therefore gives Federal courts discretion, in the “interests of justice,” to decline to exercise jurisdiction over such cases based on the consideration of five factors.

First, the court should consider whether the claims asserted are of “significant national or interstate interest.” Under this factor, if a case presents issues of national or interstate significance, that argues in favor of the matter being handled in Federal court. Second, the court should consider whether the claims asserted will be governed by laws other than those of the forum State. Under this factor, if the Federal court determines that multiple State laws will apply to aspects of the class action, that determination would favor having the matter heard in the Federal court system, which has a record of being more respectful of the laws of the various States in the class action context. The third factor is whether the class action has been pleaded in a manner that seeks to avoid Federal jurisdiction. The purpose of this inquiry is to determine whether the plaintiffs have proposed a “natural” class that encompasses all of the people and claims that one would expect to include in a class action, as opposed to proposing a class that appears to be gerrymandered solely to avoid Federal jurisdiction by leaving out certain potential class members or claims. If the Federal court concludes evasive pleading is involved, that factor would favor the exercise of Federal jurisdiction. The fourth factor considers whether there is a “distinct” nexus between: (a) The forum where the action was brought, and (b) the class members, the alleged harm, or the defendants. This factor is intended to take account of a major concern that led to this legislation—the filing of lawsuits in out-of-the-way “magnet” State courts that have no real relationship to the controversy at hand. Thus, for example, if the majority of proposed class members and the defendant reside in the county where the suit is brought, the court might find a distinct nexus exists.

The fifth factor asks whether the number of citizens of the forum State in the proposed plaintiff class(es) is substantially larger than the number of citizens from any other State, and the citizenship of the other members of the proposed class(es) is dispersed among a substantial number of States. If all of the class members who do not reside in the State where the action was filed are widely dispersed among many other States, that point would suggest that the interests of the forum State in litigating the controversy are pre-eminent. However, if a court finds that the citizenship of the other class members is not widely dispersed, the opposite balance would be indicated and a Federal forum would be favored. Finally, the sixth factor is whether one or more class actions asserting the same or similar claims on behalf of the same or other persons have been filed in the last three years. The purpose of this factor is efficiency and fairness: To determine whether a matter should be subject to Federal jurisdiction so that it can be coordinated with other overlapping or parallel class actions. If other class actions on the same subject have been (or are likely to be) filed elsewhere, the Sponsors intend that this consideration would strongly favor the exercise of Federal jurisdiction. It is the Sponsors’ intention that this factor be interpreted liberally and that plaintiffs not be able to plead around it with creative legal theories. If a plaintiff brings a product liability suit alleging consumer fraud or unjust enrichment, and another suit was previously brought against some of the same defendants alleging negligence with regard to the same product, this factor would favor the exercise of Federal jurisdiction over the later-filed claim.

New subsection 1332(d)(4)(A) is the “Local Controversy Exception.” This subsection prohibits Federal courts from exercising diversity jurisdiction over a class action under the foregoing provisions if the plaintiffs clearly demonstrate that each and every one of the following criteria are satisfied in the case at issue. First, more than two-thirds of class members are citizens of the forum State. Second, there is at least one in-State defendant from whom significant relief is sought by members of the class and whose conduct forms a significant basis of plaintiffs’ claims. Third, the principal injuries resulting from the alleged conduct, or related conduct, of each defendant were incurred in the State where the action was originally filed. And fourth, no other class action asserting the same or similar factual allegations against any of the defendants on behalf of the same or other persons has been filed during the preceding three years.

This provision is intended to respond to concerns that class actions with a truly local focus should not be moved to Federal court under this legislation because State courts have a strong interest in adjudicating such disputes. At the same time, this is a narrow exception that was carefully drafted to ensure that it does not become a jurisdictional loophole. Thus, in assessing whether each of these criteria is satisfied by a particular case, a Federal court should bear in mind that the purpose of each of these criteria is to identify a truly local controversy—a controversy that uniquely affects a particular locality to the exclusion of all others. For example, under the second criterion, there must be at least one real local defendant. By that, the Sponsors intend that the local defendant must be a pri-

mary focus of the plaintiffs’ claims—not just a peripheral defendant. The local defendant must be a target from whom significant relief is sought by the class (as opposed to just a subset of the class membership), as well as being a defendant whose alleged conduct forms a significant basis for the claims asserted by the class. Similarly, the third criterion is that the principal injuries resulting from the actions of all the defendants must have occurred in the State where the suit was filed. By this criterion, the Sponsors mean that all or almost all of the damage caused by defendants’ alleged conduct occurred in the State where the suit was brought. The purpose of this criterion is to ensure that this exception is used only where the impact of the misconduct alleged by the purported class is localized. For example, a class action in which local residents seek compensation for property damage resulting from a chemical leak at a manufacturing plant in that community would fit this criterion, provided that the property damage was limited to residents in the vicinity of the plant. However, if the defendants engaged in conduct that could be alleged to have injured consumers throughout the country or broadly throughout several States (such as an insurance or product case), the case would not qualify for this exception, even if it were brought only as a single-State class action.

The fourth and final criterion is that no other class action involving similar allegations has been filed against any of the defendants over the last three years on behalf of the same or other persons. Once again, the Sponsors wish to stress that the inquiry under this criterion should not be whether identical (or nearly identical) class actions have been filed. Rather, the inquiry is whether similar factual allegations have been made against the defendant in multiple class actions, regardless of whether the same causes of actions were asserted or whether the purported plaintiff classes were the same (or even overlapped in significant respects).

New subsections 1332(d)(5)(A) and (B) specify that S. 5 does not extend Federal diversity jurisdiction to class actions in which (a) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief, or (b) the number of members of all proposed plaintiff classes in the aggregate is fewer than 100 class members. The purpose of the “State action” cases provision is to prevent States, State officials, or other governmental entities from dodging legitimate claims by removing class actions to Federal court and then arguing that the Federal courts are constitutionally prohibited from granting the requested relief. However, Federal courts should proceed cautiously before declining Federal jurisdiction under the “State action” case exception, and do so only when it is clear that the primary defendants are indeed States, State officials, or other governmental entities against whom the “court may be foreclosed from ordering relief.” The Sponsors wish to stress that this provision should not become a subterfuge for avoiding Federal jurisdiction. In particular, plaintiffs should not be permitted to name State entities as defendants as a mechanism to avoid Federal jurisdiction over class actions that largely target non-governmental defendants. The Sponsors intend that “primary defendants” be interpreted

to reach those defendants who are the real “targets” of the lawsuit—i.e., the defendants that would be expected to incur most of the loss if liability is found. It is the Sponsors’ intention with regard to each of these exceptions that the party opposing Federal jurisdiction shall have the burden of demonstrating the applicability of an exemption.

The Sponsors understand that in assessing the various criteria established in all of these new jurisdictional provisions, a Federal court may have to engage in some fact-finding, not unlike what is necessitated by the existing jurisdictional statutes. The Sponsors further understand that in some instances, limited discovery may be necessary to make these determinations. However, the Sponsors caution that these jurisdictional determinations should be made largely on the basis of readily available information. Allowing substantial, burdensome discovery on jurisdictional issues would be contrary to the intent of these provisions to encourage the exercise of Federal jurisdiction over class actions.

Under new subsection 1332(d)(9), the Act excludes from its jurisdictional provisions class actions that solely involve claims that relate to matters of corporate governance arising out of State law. The purpose of this provision is to avoid disturbing in any way the Federal vs. State court jurisdictional lines already drawn in the securities litigation class action context by the enactment of the Securities Litigation Uniform Standards Act of 1998. The Sponsors intend that this exemption be narrowly construed. By corporate governance litigation, the Sponsors mean only litigation based solely on (a) State statutory law regulating the organization and governance of business enterprises such as corporations, partnerships, limited partnerships, limited liability companies, limited liability partnerships, and business trusts; (b) State common law regarding the duties owed between and among owners and managers of business enterprises; and (c) the rights arising out of the terms of the securities issued by business enterprises.

New subsection 1332(d)(11) expands Federal jurisdiction over mass actions—suits that are brought on behalf of numerous named plaintiffs who claim that their suits present common questions of law or fact that should be tried together even though they do not seek class certification status. Mass action cases function very much like class actions and are subject to many of the same abuses. Under subsection 1332(d)(11), any civil action in which 100 or more named parties seek to try their claims for monetary relief together will be treated as a class action for jurisdictional purposes. The Sponsors wish to stress that a complaint in which 100 or more plaintiffs are named fits the criteria of seeking to try their claims together, because there would be no other apparent reason to include all of those claimants in a single action unless the intent was to secure a joint trial of the claims asserted in the action. The Sponsors also wish to stress that this provision is intended to mean a situation in which it is proposed or ordered that claims be tried jointly in any respect—that is, if only certain issues are to be tried jointly and the case otherwise meets the criteria set forth in this provision, the matter will be subject to Federal jurisdiction. However, it also should be noted that a mass action would not be eligible for Federal jurisdiction under this provision if any of several cri-

teria are satisfied by the action, including (1) when all the claims asserted in the action arise out of an event or occurrence in the State where, the suit is filed and the injuries were incurred in that State and contiguous States (e.g., a toxic spill case) and (2) when the claims are asserted on behalf of the general public (and not on behalf of individual claimants or members of a purported class) pursuant to a State statute specifically authorizing such an action.

The first exception would apply only to a truly local single event with no substantial interstate effects. The purpose of this exception is to allow cases involving environmental torts such as a chemical spill to remain in State court if both the event and the injuries were truly local, even though there are some out-of-State defendants. By contrast, this exception would not apply to a product liability or insurance case. The second exception also addresses a very narrow situation, specifically a law like the California Unfair Competition Law, which allows individuals to bring a suit on behalf of the general public.

Subsection 1332(d)(11)(B)(i) includes a statement indicating that jurisdiction exists only over those plaintiffs whose claims in a mass action satisfy the jurisdictional amount requirements under section 1332(a). It is the Sponsors’ intent that although remands of individual claims not meeting the section 1332 jurisdictional amount requirement may take the action below the 100-plaintiff jurisdictional threshold or the \$5 million jurisdictional amount requirement, those subsequent remands should not extinguish Federal diversity jurisdiction over the action as long as the mass action met the various jurisdictional requirements at the time of removal.

Under subsection 1332(d)(11)(C), a mass action removed to a Federal court under this provision may not be transferred to another Federal court under the MDL statute (28 U.S.C. § 1407) unless a majority of the plaintiffs request such a transfer. The Sponsors wish to make clear that this restriction on MDL transfers applies only to mass actions as defined in subsection 1332(d)(11); the legislation does not more broadly restrict the authority of the Judicial Panel on Multidistrict Litigation to transfer class actions removed to Federal court under this legislation. Under subsection 1332(d)(11)(D), the statute of limitations for any claims that are part of a mass action will be tolled while the mass action is pending in Federal court.

The removal provisions in Section 5 of the legislation are self-explanatory and attempt to put an end to the type of gaming engaged in by plaintiffs’ lawyers to keep cases in State court. They should thus be interpreted with this intent in mind. In addition, new subsection 1453(c) provides that an order remanding a class action to State court is reviewable by appeal at the discretion of the reviewing court. The Sponsors note that the current prohibition on remand order review was added to section 1447 after the Federal diversity jurisdictional statutes and the related removal statutes had been subject to appellate review for many years and were the subject of considerable appellate level interpretive law. The Sponsors believe it is important to create a similar body of clear and consistent guidance for district courts that will be interpreting this legislation and would particularly encourage appellate courts to review cases that raise jurisdictional issues likely to arise in future cases.

Thank you, Madam Speaker, for allowing me to provide an explanation of these jurisdictional provisions.

Madam Speaker, for purposes of engaging in a colloquy with the two gentlemen from Virginia (Mr. GOODLATTE) and (Mr. BOUCHER), I yield to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Madam Speaker, I thank the chairman very much for yielding.

Madam Speaker, the general principles behind S. 5 and many of the provisions in the legislation are similar to those in H.R. 1115, which the House passed in 2003, and S. 274, which was voted out of committee in the Senate in 2003 but did not ultimately pass.

To the extent these provisions are the same, the House Committee on the Judiciary’s report on H.R. 1115 and the Senate Committee on the Judiciary’s report on S. 274 reflect the intent and understanding of the committee and the sponsors as to the import of these provisions. However, there are several new provisions in S. 5 regarding Federal jurisdiction over class actions that were not included in prior versions of the legislation.

I would like to ask my colleague, the chairman of the Committee on the Judiciary, to provide an overview of the jurisdictional provisions in the legislation, and I would like to discuss the various exceptions included in the legislation and the intent of the sponsors with regard to these exceptions.

Mr. SENSENBRENNER. Madam Speaker, reclaiming my time, I appreciate the gentleman’s question.

Section 4 of the bill gives Federal courts jurisdiction over class action lawsuits in which the matter in controversy exceeds the sum or value of \$5 million, excluding interests and costs and at least one proposed class member and one defendant are citizens of different States or countries.

For purposes of the citizenship element of this analysis, S. 5 does not alter current law. Thus, a corporation will continue to be deemed a citizen of any State by which it has been incorporated and of the State where it has its principal place of business. However, the bill provides that for purposes of this new section, and section 1453 of title 28, an unincorporated association shall be deemed to be a citizen of the State where it has its principal place of business and the State under whose laws it organized. This provision is added to ensure that unincorporated associations receive the same treatment as corporations for purposes of diversity jurisdiction. New subsection 1332(d)(10) corrects this anomaly.

Mr. BOUCHER. Madam Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Virginia.

Mr. BOUCHER. Madam Speaker, I thank the gentleman for yielding.

What about the amount-in-controversy component, the \$5 million? Under current law, some Federal courts have determined the value for

requests for injunctive relief by considering the value to each individual plaintiff. Since that value is usually less than \$75,000, these courts have kept such cases in State court. This is sometimes known as the plaintiff's viewpoint, defendant's viewpoint problem. Would the Chairman explain how the bill resolves this challenge?

Mr. SENSENBRENNER. Madam Speaker, reclaiming my time, under new subsection 1332(d)(6), the claims of the individual class members in any class action shall be aggregated to determine whether the amount in controversy exceeds the sum or value of \$5 million. The sponsors intend this subsection to be interpreted broadly, and if a purported class action is removed under this provision, the plaintiff shall bear the burden of demonstrating that the \$5 million threshold is not satisfied. By the same token, if a Federal court is uncertain about whether a case puts \$5 million or more in controversy, the court should favor exercising jurisdiction over the case.

This principle applies to class actions seeking injunctive relief as well. The sponsors intend that a matter be subject to Federal jurisdiction under this provision if the value of the matter in litigation exceeds the \$5 million, either from the viewpoint of the plaintiff or the viewpoint of the defendant, regardless of the type of relief sought, such as damages, injunctive relief or declaratory relief.

The sponsors are aware that some courts, especially in the class action context, have declined to exercise Federal jurisdiction over cases on the grounds that the amount in controversy in those cases exceeded the jurisdictional threshold only when assessed from the viewpoint of the defendant.

For example, a class action seeking injunctive relief that would require a defendant to restructure its business in some fundamental way might cost a defendant well in excess of \$75,000 under current law, but might have substantially less value to each plaintiff or even to the class of plaintiffs as a whole. Because S. 5 explicitly allows aggregation for the purposes of determining the amount of controversy in class actions, that concern is no longer relevant.

To the extent plaintiffs seek to avoid this rule by framing their cases as individual actions for injunctive relief, most Federal courts have properly held that in an individual case the cost of injunctive relief is viewed from the defendant's perspective. This legislation extends that principle to class actions as well.

The same approach would apply in a case involving declaratory relief. In determining how much money a declaratory relief case puts in controversy, the Federal court should include in its assessment the value of all relief and benefits that would logically flow from the granting of the declaratory relief sought by the plaintiffs.

For example, a declaration that a defendant's conduct is unlawful or fraudulent will carry certain consequences, such as the need to cease and desist from that conduct that will often cost the defendant in excess of \$5 million; or a declaration that a standardized product sold throughout the Nation is defective might well put a case over the \$5 million threshold, even if the class complaint did not affirmatively seek a determination that each class member was injured by the product.

The bottom line is that new section 1332(d) is intended to substantially expand Federal court jurisdiction over class actions, not to create loopholes. This provision should be read broadly, with a strong preference that interstate class actions should be heard in a Federal court if properly removed by a defendant.

Mr. GOODLATTE. Madam Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Madam Speaker, I would also like to discuss the home State exception in the legislation.

New subsections 1332(d)(3) and (d)(4)(B) address the jurisdictional principles that will apply to class actions filed against the defendant in its home State, dividing such cases into three categories.

First, for cases in which two-thirds or more of the members of the plaintiff class and the primary defendants are citizens of the State in which the suit was filed, section 1332(d)(4)(B) states that Federal jurisdiction will not be extended by S. 5. Such cases will remain in State courts.

Second, cases in which more than two-thirds of the members of the plaintiff class are not citizens of the State in which the action was filed will be subject to Federal jurisdiction. Federal courts should be able to hear such lawsuits because they have a predominantly interstate component. They affect people in many jurisdictions, and the laws of many States will be at issue.

Finally, there is a middle category of class actions in which more than one-third, but fewer than two-thirds, of the members of the plaintiff class and the primary defendants are all citizens of the State in which the action was filed. In such cases, the numbers alone may not always confirm that the litigation is more fairly characterized as predominantly interstate in character. New subsection 1332(d)(3), therefore, gives Federal courts discretion in the interests of justice to decline to exercise jurisdiction over such cases based on the consideration of five factors.

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Madam Speaker, I would ask the chairman to explain these factors.

Mr. SENSENBRENNER. Reclaiming my time, Madam Speaker, I am pleased to answer the gentleman.

The first factor is whether the claims asserted are of significant national or

interstate interest. Under this factor, if a case presents issues of national or interstate significance that argues in favor of the matter being handled in Federal Court, for example, if a class action alleges a nationally distributed pharmaceutical product caused side effects, those cases presumably should be heard in Federal court because of the nationwide ramifications of the dispute and the potential interface with Federal drug laws.

Under this factor, the Federal court should inquire whether the case does present issues of national or interstate significance of this sort. If such issues are identified, that point favors the exercise of the Federal jurisdiction.

The second factor is whether the claims asserted will be governed by laws other than those of the forum State. The sponsors believe that one of the significant problems posed by multistate class actions in State court is the tendency of some State courts to be less than respectful of the laws of other jurisdictions, applying the law of one State to an entire nationwide controversy and thereby ignoring the distinct and varying State laws that should apply to various claims included in the class, depending upon where they arose.

Under this factor, if the Federal court determines that multiple State laws will apply to aspects of the class action, the determination would favor having the matter handled in the Federal court system, which has a record of being more respectful of the laws of various States in the class action controversy. Conversely, if the court concludes that the laws of the State to which the action was filed will apply to the entire controversy, that factor will favor keeping the case in State court.

The third factor is whether the class action has been pleaded in a manner that seeks to avoid Federal jurisdiction. The purpose of this inquiry is to determine whether the plaintiffs have proposed a natural class, a class that encompasses all the people and claims that one would expect to include in a class action, as opposed to proposing a class that appears to be gerrymandered solely to avoid Federal jurisdiction by leaving out certain potential class members or claims.

If the Federal court concludes that evasive pleading is involved, that factor would favor the exercise of Federal jurisdiction. On the other hand, if the class definition and claims appear to follow a natural pattern, that consideration would favor allowing the matter to be handled by a State court.

The fourth factor is whether there is a distinct nexus between, A, the forum where the action was brought, and, B, the class members, the alleged harm or the defendants. This factor is intended to take account of a major concern that led to this legislation, the filing of lawsuits in the out-of-the-way magnet State courts that have no real relationship to the controversy at hand.

Thus, if a majority of the proposed class action members and the defendants reside in the county where the suit is brought, the court might find a distinct nexus exists. The key to this factor is the notion of there being a distinct nexus. If the allegedly injured parties live in many other localities, the nexus is not distinct, and this factor would weigh heavily in favor of the exercise of Federal jurisdiction over the matter.

The fifth factor is whether the number of citizens in the forum State in the proposed plaintiff class is substantially larger than the number of citizens from any other State, and the citizens of the other members of the proposed class is dispersed among a substantial number of States.

This factor is intended to look at the geographic distribution of class members in an effort to determine the forum State's interest in handling the litigation. If all of the out-of-State class members are widely dispersed among many other States, that point would suggest that the interest of the forum State in litigating the controversy are preeminent.

The sponsors intend that such a conclusion would favor allowing the State court in which the action was originally filed to handle the litigation. However, if a court finds that the citizenship of the other class members is not widely dispersed, then a Federal forum would be more appropriate because several States other than the forum State would have a strong interest in the controversy.

The final factor is whether one or more class actions asserting the same or similar claims on behalf of the same or other persons have been filed in the last 3 years. The purpose of this factor is to determine whether a matter should be subject to Federal jurisdiction so that it can be coordinated with other overlapping or parallel class actions.

If the other class actions on the same subject have been or are likely to be filed elsewhere, the sponsors intend that this consideration would strongly favor the exercise of Federal jurisdiction. It is the sponsors' intention that this factor be broadly interpreted and that plaintiffs not be able to plead around it with creative legal theories.

If a plaintiff brings a product liability suit alleging consumer fraud or unjust enrichment, and another suit was previously brought against some of the same defendants alleging negligence with regard to the same product, this factor would favor the exercise of Federal jurisdiction over the later-filed claim.

Madam Speaker, I now yield to my colleague, the gentleman from Virginia (Mr. BOUCHER), to provide some examples that illustrate how these six factors would work in litigation.

Mr. BOUCHER. Madam Speaker, I thank the gentleman for yielding to me, and I will be pleased to provide two examples.

Suppose that a California State court class action were filed against a California pharmaceutical drug company on behalf of a proposed class of 60 percent California residents and 40 percent Nevada residents alleging harmful side effects attributed to a drug sold nationwide.

In such a case, it would make sense to leave the matter in Federal court. After all, the State laws that would apply in all of these cases would vary, depending on where the drug was prescribed and purchased. As a result, allowing a single Federal court to sort out such issues and handle the balance of the litigation would make sense both from added efficiency and a federalism standpoint.

Now, suppose, in a second example, a checking account fee disclosure class action were filed in a Nevada State court against a Nevada bank located in a border city, and the class consisted of 65 percent Nevada residents and 35 percent California residents who crossed the border in order to conduct transactions in the Nevada bank.

In this hypothetical, it might make sense to allow that matter to proceed in State court. It is likely that Nevada banking law would apply to all of these claims, even those of the California residents, since all of the transactions occurred in the State of Nevada. There is also less likelihood that multiple actions will be filed around the country on the same subject so as to give rise to a coordinating Federal multidistrict litigation proceeding.

Mr. GOODLATTE. Madam Speaker, if the chairman would continue to yield.

Mr. SENSENBRENNER. I yield to the other gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the chairman for yielding to me. I think those examples really reflect the intent of the legislation.

Madam Speaker, the legislation also includes a local controversy exception which is intended to ensure that truly local class actions can remain in State court under the legislation. Under this provision, Federal courts are instructed not to exercise jurisdiction over cases that meet all of the following four criteria:

First, more than two-thirds of the class members must be the citizens of the State where the suit is brought; second, there must be at least one in-State defendant from whom significant relief is sought by members of the class and whose conduct forms a significant basis of plaintiffs' claims; third, the principal injuries resulting from the alleged conduct or related conduct of each defendant must have occurred in the State where the action was originally filed; and, fourth, no other class action has been filed during the preceding 3 years asserting the same or similar factual allegations against any of the defendants.

Madam Speaker, I would ask that the chairman elaborate on these criteria.

Mr. SENSENBRENNER. Madam Speaker, reclaiming my time, yes, this

provision is intended to respond to concerns that class actions with a truly local focus should not be moved to Federal court under this legislation because State courts have a strong interest in adjudicating such disputes. At the same time, this is a narrow exception that was carefully drafted to ensure that it does not become a jurisdictional loophole. Thus, each of the criteria is intended to identify a truly local class action.

First, there must be a primarily local class. Secondly, there must be at least one real local defendant. And by that the drafters meant that the local defendant must be a primary focus of the plaintiffs' claims, not just a retailer or other peripheral defendant. The defendant must be a target from whom significant relief is sought by the class, as opposed to just a subset of the class membership, as well as being a defendant whose alleged conduct forms a significant basis for the claims asserted by the class.

For example, in a consumer fraud case, alleging that an insurance company incorporated and based in another State misrepresented its policies, the local agent of the company named as a defendant presumably would not fit this criteria. He or she probably would have had contact with only some of the purported class members and, thus, would not be a person from whom significant relief would be sought by the plaintiff class viewed as a whole. And, from a relief standpoint, the real demand of the full class in terms of seeking significant relief would be on the insurance company itself.

Third, the principal injuries resulting from the actions of all the defendants must have occurred in the State where the suit was filed. This criterion means that all or almost all of the damage caused by the defendants' conduct occurred in the State where the suit was brought. If defendants engaged in conduct that allegedly injured consumers throughout the country, the case would not qualify for the local controversy exception, even if it was only brought as a single State class action.

And, fourth, no other class action involving similar allegations has been filed against any of the defendants over the last 3 years. In other words, if we are talking about a situation that results in multiple class actions, those are not the types of cases that this exception is intended to address. I would like to stress that the inquiry under this criterion should not be whether identical or nearly identical class actions have been filed. Rather, the inquiry is whether similar factual allegations have been made against the defendant in multiple class actions, regardless of whether the same causes of action were asserted or whether the proposed plaintiff classes in the prior case was the same.

Madam Speaker, I yield to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the chairman for yielding once again.

Madam Speaker, in this regard I think it is important to note that the exceptions in this legislation are just that, exceptions, and they should not be interpreted in ways that turn them into loopholes. For example, the legislation excludes actions against States. Obviously, this does not mean that plaintiffs can simply name a State in every consumer class action and stay out of Federal court. To the contrary, Federal courts should proceed cautiously before declining Federal jurisdiction under the subsection 1332(d)(5)(a) "state action" case exception, and do so only when it is clear that the primary defendants are indeed States, State officials, or other governmental entities against whom the court may be foreclosed from ordering relief.

The sponsors intend that primary defendants be intended to reach those defendants who are the real targets of the lawsuit, i.e. the defendants who would be expected to incur most of the loss if liability is found. Thus, the term "primary defendant" should include any person who has substantial exposure to significant portions of the proposed class in the action, particularly any defendant that is allegedly liable to the vast majority of the members of the proposed classes, as opposed to simply a few individual class members.

It is the sponsors' intention with regard to each of these exceptions that the party opposing Federal jurisdiction shall have the burden of demonstrating the applicability of an exemption. Thus, if a plaintiff seeks to have a class action remanded on the ground that the primary defendants and two-thirds or more of the class members are citizens of the home State, that plaintiff has the burden of demonstrating that these criteria are met.

Similarly, if a plaintiff seeks to have a purported class action remanded because a primary defendant is a State, that plaintiff should have the burden of demonstrating that the exception should apply.

Mr. BOUCHER. Madam Speaker, if the gentleman from Wisconsin will yield once again.

Mr. SENSENBRENNER. I yield to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Madam Speaker, I thank the gentleman for yielding.

The principles that have just been enumerated apply to another provision that I would like to discuss, the mass action provision. Under this provision, defendants will be able to remove mass actions to Federal court under the same circumstances in which they will be able to remove class actions.

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However, a Federal court would only exercise jurisdiction over these claims that meet the \$75,000 minimum. In addition, a mass action cannot be removed to Federal court if it falls under one of the following four categories: number one, if all of the claims arise

out of an event or occurrence that happened in the State where the action was filed and that resulted in injuries only in that State or in contiguous States;

number two, if it is the defendants who seek to have the claims joined for trial;

number three, if the claims are asserted on behalf of the general public pursuant to a State statute authorizing such an action;

and, number four, if the claims have been consolidated or coordinated for pretrial purposes only.

I would appreciate the gentleman from Wisconsin clarifying how the \$75,000 amount in controversy minimum would apply to assessing whether Federal jurisdiction exists over a mass action, and, most importantly, explaining the intent of the sponsors with regard to the first and third exceptions.

Mr. SENSENBRENNER. Mr. Speaker, reclaiming my time, I will be happy to explain.

The mass action provision was included in the bill because mass actions are really class actions in disguise. They involve an element of people who want their claims adjudicated together, and they often result in the same abuses as class actions. In fact, sometimes the abuses are even worse because the lawyers seek to join claims that have little to do with each other and confuse a jury into awarding millions of dollars to individuals who have suffered no real injury.

Here is how the mass action provision and the current amount-in-controversy provision would work in tandem: suppose 200 people file a mass action in Mississippi against a New Jersey drug manufacturer and also name a local drug store. Three of them assert claims for a million dollars apiece, and the rest assert claims of \$20,000.

The Federal Court would have jurisdiction over the mass action because there are more than 100 plaintiffs, there is minimal diversity, and the total amount of controversy exceeds \$5 million, and a product liability case does not qualify for the local occurrence exception in the provision.

Then the question becomes, which claims would, in the mass action, the Federal judge keep in Federal Court, and which would be remanded? At this point the judge would have to look at each of the claims very carefully and determine whether or not they meet the \$75,000 minimum.

In this regard, I would note that the plaintiffs often seek to minimize what they are seeking in the complaint so that they can stay in State court. For example, sometimes plaintiffs leave their claim for punitive damages off the original complaint to make it seem like their claims are smaller than they really are.

It is our expectation that a Federal judge would read a complaint very carefully and only remand claims that clearly do not meet the \$75,000 thresh-

old. If it is likely that a plaintiff is going to turn around in a month and add an additional claim for punitive damages, the Federal court should obviously assert jurisdiction over that individual's claims.

Finally, I would like to stress that this provision in no way is intended to abrogate 8 United States Code 3867 to narrow current jurisdictional rules. Thus, if a Federal court believed it to be appropriate, the court could apply supplemental jurisdiction in the mass action context as well.

With regard to the exceptions, it is our intent that they be interpreted strictly by a court so that they do not become loopholes for an important jurisdictional provision. Thus, the first exception would apply only in a situation where we are talking about a truly local single event with no substantial interstate effects.

The purpose of this exception is to allow cases involving environmental torts, such as a chemical spill, to remain in State court if both the event and the injuries were truly local, even though there are some out-of-state defendants.

By contrast, this exception would not apply to a product liability or insurance case. The sale of a product to different people does not qualify as an event, and the alleged injuries in such a case would be spread out over more than one State or contiguous States even if all of the plaintiffs in a particular case came from one single State.

The third exception addresses a very narrow situation, specifically a law like the California Unfair Competition Law, which allows individuals to bring a suit on behalf of the general public. Such a suit would not qualify as a mass action. However, the vast majority of cases brought under other States' consumer fraud laws which do not have a parallel provision could qualify as removable class actions.

I yield to the gentleman from Virginia.

Mr. GOODLATTE. I thank the gentleman for yielding.

Finally, Mr. Speaker, some critics have complained that the legislation removal provisions will result in delay. Can the gentleman explain why that is simply not the case?

Mr. SENSENBRENNER. Mr. Speaker, reclaiming my time, once again, critics of the legislation have it backwards. This legislation will streamline jurisdictional inquiries by putting an end to all of the gaming that takes place under the current system, and the so-called delay refers to procedural rules that already exist under the current system.

Under existing law, diversity of citizenship between the parties must exist, both at the time a complaint is filed and at the time a complaint is removed to Federal court. However, if the plaintiff files an amended complaint in State court that creates jurisdiction,

or if subsequent events create jurisdiction, the defendant can then remove the case to Federal court.

Current law is also clear that once a complaint is properly removed to Federal court, the Federal court's jurisdiction cannot be ousted by later events. Thus, for example, changes in the amount of controversy after the complaint has been removed would not subject a lawsuit to be remanded to State court.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for his leadership in moving this legislation forward and in working with the Senate to accomplish that as well.

I hope this colloquy will provide guidance on the very important jurisdictional provisions in S. 5 and the sponsor's intent.

Mr. SENSENBRENNER. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 4 minutes to my good friend, the gentleman from Massachusetts (Mr. MARKEY) from the Committee on Energy and Commerce. He has worked with us on many of these issues.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Michigan for yielding, and I thank him for his leadership on this most critical of all consumer issues before Congress this year.

So you have all heard now the technical arguments made by the Bush administration proponents here on the House floor. So you have heard the Bush administration argument on why this is good.

Now, you want to hear what the bill is really about? Do you want to hear what the Bush administration is really interested in? Well, here it is, ladies and gentlemen. Citigroup's Smith Barney subdivision: "Tobacco. Flash—Senate Just Passed Class Action Bill—Positive For Tobacco." Let me read it to you:

"The Senate just passed a bill, 72-26." This has gone out from Smith Barney to all their investors. "This bill is designated to funnel class action suits with plaintiffs in different States out of State courts and into the Federal court system, which is typically much less sympathetic to such litigation.

"The practical effect of the change could be that many cases will never be heard given how overburdened Federal judges are, which might help limit the number of cases."

Smith Barney advised its clients that this bill will be positive in general for the tobacco industry and that tobacco stocks have rallied on this favorable news given that this bill could have a positive impact on tobacco litigation.

That is what it is all about, ladies and gentlemen. You heard the technical defense of it for the last half hour. The impact is they are trying to protect the tobacco industry from being sued. So if you are out there, one of your family members has just found that they have a spot on their lung, they have smoked for the last 20 or 30

years, what this bill will do is it will make it more difficult for you and the other people in your States who also have found that they have spots on their lungs to get together to sue the tobacco companies.

If your children are beginning to smoke, they are 13, 14, 15, this bill is intended to make it more difficult for the people in the State of New Hampshire, or Kansas, or Oklahoma to bring a suit to stop it. That is what it is all about. Smith Barney gives the good news to the tobacco industry investors, not to smokers.

And so what they have done is this. It is brilliant in the Bush administration and that is what this side of the aisle is all about. The FDA, is it going to move in to regulate tobacco? No, they made sure they appoint people who will not do it. The EPA, are they going to move in to make sure that the oil industry does not pollute your groundwater so that the children in your neighborhood do not contract leukemia; that breast cancers do not rise? No. Are they going to have a Department of Labor which protects you against asbestos in the workplace? No.

You are not going to see those suits, ladies and gentlemen. So it comes to you and your families to go to court. And what this bill is intended to do is to not let you go to court. So it is perfect. If you are an asbestos company, your stocks are going up. If you are a tobacco company, your stocks are going up. If you are an oil company, a chemical company, your stocks are going up. Smith Barney gives you the good news, Mr. and Mrs. Investor of America.

But if you are afraid for the health of your family, if you know that the groundwater in New Hampshire has been poisoned by Amerada Hess and 22 other oil companies that are not in New Hampshire, you know what the Republicans say? You know what the Bush administration says? The case should not be held in New Hampshire. If Amerada Hess, the big oil company, is a defendant, the case should be outside of New Hampshire, not protecting the person whose family's health has been injured.

And so that is what it is all about. It is the final payback to the tobacco industry, to the asbestos industry, to the oil industry, to the chemical industry at the expense of ordinary families who need to be able to go to court to protect their loved ones when their health has been compromised. And these people are saying, your State is not smart enough, your jurors are not smart enough to understand how the MTBE ruined the groundwater in their State and poisoned thousands of people, that it has to go to a State where Amerada Hess or some large oil company feels comfortable, because they are not headquartered in New Hampshire, they do not have a large plant in New Hampshire. All they did was sell the material which poisoned your neighborhood.

That is what it is all about, ladies and gentlemen. You just watch across

the board every single interest that harms the health and well-being of America skyrocket as soon as we take the vote on final passage of this bill today because President Bush is going to sign this bill with great joy because the oil, the chemical and polluting industries are going to be happy.

INDUSTRY NOTE: TOBACCO—SENATE JUST PASSED CLASS ACTION BILL—POSITIVE FOR TOBACCO

(By Bonnie Herzog)

SUMMARY

The Senate just passed a bill 72-26 which is designed to funnel class-action suits with plaintiffs in different states out of state courts and into the federal court system, which is typically much less sympathetic to such litigation.

The practical effect of the change could be that many cases will never be heard given how overburdened federal judges are, which might help limit the number of cases.

Although this news is positive in general for the tobacco industry, we do not necessarily believe that class actions pose a big threat to the industry. Furthermore, this type of legislation would have been a bigger help to the industry if it was passed 10 years ago.

The bill now moves to the House floor and the chances are high that it passes since the House Republican leadership said last week that it would pass the Senate's version of this legislation as long as there were no amendments.

OPINION

The Senate just passed a bill that is designed to funnel class-action lawsuits with plaintiffs in different states out of state courts and into the federal court system, which is historically much less sympathetic to such litigation.

The practical effect of the change could be that many cases will never be heard, which might also be positive for tobacco companies. Federal judges, facing overburdened dockets and ambiguities about applying state laws in a federal court, often refuse to grant standing to class-action plaintiffs.

Therefore, tobacco stocks have rallied on this favorable news given that this bill could have a positive impact on potential future tobacco litigation.

Now the bill should move to the House floor and apparently the House Republican leadership announced last week that the GOP majority in that chamber will pass the Senate's version of class-action litigation provided it arrives without amendments and from what we hear, this is in fact what has happened in the Senate. Obviously President Bush has been a big proponent of this type of legislation so we would assume that he would sign it as part of a broader fight that he hopes will lead to limits on awards in asbestos cases and to caps on pain-and-suffering awards in medical malpractice cases.

Although positive in general terms for the tobacco companies, clearly this type of legislation would have been much more useful if it were passed 10 years ago.

ANALYST CERTIFICATION

I, Bonnie Herzog, hereby certify that all of the views expressed in this research report accurately reflect my personal views about any and all of the subject issuer(s) or securities. I also certify that no part of my compensation was, is, or will be directly or indirectly related to the specific recommendation(s) or view(s) in this report.

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	Buy	Hold	Sell
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Mr. SENSENBRENNER. Mr. Speaker, I always thought that Federal judges protected the rights of everybody.

Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, to understand the need for S. 5, we need to understand the game the class action lawyers play here and how they go about abusing the court systems. I call it Class Action Monopoly. Here is how it works. They start at Go. The first thing they do is come up with an idea for a lawsuit. And then they find a named plaintiff. It does not have to be someone who is actually injured in the process. All the lawyer really needs is an idea for a lawsuit and potential defendants who have deep pockets.

Next they find a person who is the named plaintiff. That named plaintiff is a citizen of the same State as one of the defendants and that puts them in the State court, which is where they want to be. Sometimes they have to promise to pay off that named plaintiff at this point, but that is all part of the game.

Next the lawyers level their allegations, both in court and in the media. Remember, they do not have to have proof for their allegations. They just need a forum in which to make the allegations. Now the real fun begins after you have made the allegations. They are in State court with the named plaintiffs and their allegations, and it is time to get out of rule 23 free.

Rule 23 is the rule that would apply in Federal courts that defines when a class action can be certified consistent with fundamental fairness and due process considerations. But in this game, there is no fairness. There is no due process. So they easily convince their magnet State to certify that they have a class and at the same time they file copycat lawsuits in State courts all over the country. These are the same class actions asserting the same claims on behalf of the same people. These copycat lawsuits clog the State courts.

□ 1115

At this point in the game, the lawyers start making the money. Let us see where the money goes.

In the Columbia House record case, the lawyers took home \$5 million and the plaintiffs got a coupon for discounts on future purchases of records.

In the Blockbuster case, the lawyers walked away with \$9.25 million, and the plaintiffs again got a coupon for \$1 off their next video rental, coupons that the defendant probably would have issued anyway.

In the Bank of Boston case, the lawyers settled the case and took home \$8.5 million. And the customers had money deducted from their mortgage accounts to pay off the lawyers. So in the end, a State court approved these cases, and all of the consumers in the lawsuit lost money.

People may be wondering what happens to them in this game. We already know that if one is a consumer, in the consumer class, they will be lucky if they get a dollar-off coupon. If the business one works for gets sued in one of the class actions, their employer is going to take a major hit and maybe even lay them off. It is that clear in some of these cases, the basic result is that the lawyers will get lots of money, but consumers will pay because health care and car insurance premiums will go through the roof. And when the game comes to an end, they are left with no money and the lawyers are at "go" and they get to start the process all over again.

It is fundamentally important that we resolve this problem and help America move forward. I urge support of S. 5.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

(Ms. LINDA T. SÁNCHEZ and was given permission to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in opposition to S. 5.

The sponsors of this bill call it the Class Action Fairness Act, but nothing about this bill is fair, especially for the victims of corporate wrongdoing. This bill erects a nearly insurmountable barrier for everyday Americans, who have been hurt or wronged, to have their day in court. Thanks to the so-called Class Action Fairness Act, people who have had their civil rights trampled on will no longer be able to bring their claims to State court. It does not matter if the laws of their home State provide better civil rights protections or that it may be more convenient for the victims of discrimination to seek justice in a court where they live. With S. 5 they must go to Federal court.

The same burden is put on the backs of hourly wage workers who sue for back pay that they are owed. These folks are struggling to put food on their family's table, and they almost certainly cannot afford the high cost of multistate litigation. With S. 5 they, too, must bring their claims to a Federal court that may not even be in their State just so that they can get the back pay that they do.

I ask all the proponents of this bill, is that their idea of fairness?

Let us be real. S. 5 is not about reducing venue shopping. It is not about the mythical scourge of predatory plaintiffs' lawyers, and it is not about the fabricated economic drain of excessive jury awards. What this bill really is about is doing a favor for unscrupulous, negligent corporations by making it harder for their victims to sue them. It is protecting big businesses who are guilty of wrongdoing from liability.

I am a lawyer and I acknowledge that there are some members of my profession who file frivolous suits. But if the lawyers are the ones that they claim are ruining this legal system, why are the sponsors of this bill making it harder for the victims?

This bill makes about as much sense as locking the door of a hospital in order to lower health care costs. Kicking people out of the system does not solve the problem, and that is exactly what S. 5 does. It penalizes the victims of wrongdoing without doing anything to improve our legal system, and it shields bad actors from having to face the consequences of their action. Where is the personal responsibility? That is why I oppose this bill.

I urge all of my colleagues to vote "no" on the final passage and to vote "yes" on the Conyers substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the bottom line is that class action reform is badly needed. Currently, crafty lawyers are able to game the system by filing large, nationwide class action suits in certain preferred State courts such as Madison County, Illinois, where judges are quick to certify classes and quick to approve settlements that give the lawyers millions of dollars in fees and give the clients worthless coupons.

Let us take a look at Madison County, Illinois with this chart. Madison County, Illinois has been called the number one judicial hellhole in the United States. In 2002 we can see there were 77 class action filings, and in 2003 there were 106 class action lawsuits filed. The movie "Bridges of Madison County" was a love story. The "Judges of Madison County" would be a horror flick.

Unfortunately, all too often it is the lawyer who drives these cases and not the individuals who are supposedly hurt. For example, in a suit against Blockbuster over late fees, the attorneys received for themselves \$9.25 million, while their clients got a \$1-off discount coupon. Similarly, in a lawsuit against the company who makes Cheerios, the lawyers received \$2 million for themselves; predictably their clients received a coupon for a box of Cheerios.

In a nutshell, these out-of-control class action lawsuits are killing jobs, they are hurting small business people who cannot afford to defend themselves, they are hurting consumers who end up paying higher prices for goods and services.

This legislation provides much-needed reform in two key areas. First, it eliminates much of the forum shopping by requiring most of these nationwide class action suits to be filed in federal court. And, second, it cracks down on these coupon-based class action settlements by requiring fee awards to be based on the number of coupons actually redeemed or the number of hours actually billed.

Mr. Speaker, I urge my colleagues to vote "yes" on this class action reform legislation. It is about common sense, it is about justice, and it is about time.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we hear all this hoopla about these coupon settlements, but we do not hear any suggestion as to what to do about them. There are a lot of situations where corporations are ripping people off for small amounts of money.

For example, if a person at a check-out counter calibrates the machine to just cheat one out of a few cents, what is one's recovery in that case? Just a few cents. And the only way one can stop that is with a class action. But they would suggest there is no point in bringing the class action; as long as they did not rip them off for too much, they ought to get away with it.

Furthermore, a lot of these coupon settlements are in Federal courts anyway, so there is not going to be much change. But some of these coupon cases are the only way that we can rein in corporate abuse.

But this bill just increases complications in a gratuitous way. It took a half an hour for the proponents to explain when it is a class action and when it is not a class action. In normal cases they file it in State court. Either they certify it or not, and then one goes forward. There is not much complication. But this invites mischief. Whether it is really a class action or not, remove it anyway, and let the Federal courts mess around with it and mess around with it and mess around with it. They may never get their day in court. And if they do not certify it, what happens to one's case? They may not be able to get back to State court. So the fact that they did not certify a class action will deny one the right to even have their day in court.

This complicates venue. They do not know where the case is going to be heard. It could be that an injury happens in one State, they have corporations in that State involved, they have State plaintiffs, and here one has to go chasing around, trying to figure out where they are going to be.

The Attorneys General across the States, 47 Attorneys General in States and territories, have come out against the bill because it puts the Attorneys General in the same crack. They do not know where the case is going to be heard. If they bring a State action in State court, they may get removed. Some of the States have better wage laws, civil rights laws, sometimes consumer protections, and if the Attorneys General want to come in to protect their own citizens in their own States, they ought to have that right and not get jerked around to Federal court.

Finally, Mr. Speaker, some Federal courts are more clogged up than State courts. Some in the same area, the State courts are more clogged up than the Federal courts. Why do we have to always go into Federal court on these cases rather than have some kind of choice? Every time we have a criminal case, it will take preference over the civil cases. And in some cases where we have some terrorist cases or a backlog of Federal cases, one may never get to hear their case in Federal court.

If we want consumers to get timely justice, we need to defeat this bill, and I hope that is what we do.

Mr. CONYERS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, I rise in opposition to S. 5, the Class Action Fairness Act. Despite its name, this bill is anything but fair to the class action device that has provided redress to large numbers of American citizens who have been harmed by the same defendant or a group of defendants.

Class action procedures have made it possible for injured Americans to aggregate small claims that might not otherwise warrant the expense of individual litigation. This bill before us will effectively undermine the utility, practicality, and choice the class action mechanism has offered to injured persons with legitimate claims against powerful entities.

There appear to be improvements in this bill from the bill we considered last Congress; yet there could and should be more improvements. But the trend thus far this session is to dispense with regular order, deny committee consideration, and to leave Members with 1 to 2 minutes to hurriedly voice our concerns. I can guarantee my colleagues, having practiced law for over 20 years, that the core provisions of this bill will invite prolonged satellite litigation into ill-defined or undefined terms in this bill, clogging the Federal courts and denying prompt justice to worthy claimants.

For example, where "significant relief" is sought against a home State defendant, the court has no jurisdiction. What is significant and what is not significant? Also, and worse in my judgment, no longer will a coherent description of the class be sufficient before the trial on the merit proceeds. Under the bill the judge must first know with certainty the absolute number of the plaintiff class, because whether he may or must decline to hear the case depends on whether a "magic" number of plaintiffs are citizens of the State where the lawsuit was filed. There are other examples too complicated to address here in the time that we have available.

But let me just say that juxtaposed against the smattering of cases paraded by the supporters of this bill as justification for this upheaval in our justice system are countless class action lawsuits by principled attorneys and courageous plaintiffs that have exposed deliberate wrongdoing, obtained justice for American citizens, and vindicated the values of fair play and equal justice that define our society.

America is distinguished from other countries because of its legal system both criminal and civil. Is it perfect? No. But the majority wages countless legislative assaults on the entire system rather than confined, deliberative, surgical repairs. Under this bill, one bad judge, we condemn all of the judges in the system. One excessive jury award, let us overhaul the entire jury system. One irresponsible lawyer, let us punish all lawyers. And here let us take these actions without any committee hearings, markup, or debate. What could be more irresponsible to our constituents?

Whatever happened to the notion that we were making our court systems convenient to people? In some of our States, the Federal courts are far removed from the places where individual litigants live. And what is it with the notion all of a sudden that my

States rights friends believe that the Federal courts and the Federal Government can solve every problem in our society? That is just simply absurd, inconsistent with any kind of consistent philosophy about federalism.

I think we should defeat this flawed bill, and I thank the gentleman for yielding me this time.

□ 1130

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman for yielding me time, even though I am in opposition to his position and favor this bill. This is not a radical bill, nor is it regressive. In fact, it is a reasonable compromise designed to address what is an abuse of the judicial system. That is why The Washington Post endorses this bill. It is why the Democratic Senators from New York, California, and Illinois all voted for the bill. In fact, Democratic Senators representing 19 States voted for this bill in the other body. Why did they do this? Because they believe on balance that consumers are going to be better represented in Federal courts.

And this notion that somehow State courts are going to be more inclined to represent consumer interests rather than Federal courts on issues like tobacco and civil rights and so on, I do not think history proves that to be the case.

I am particularly sensitive to these charges that this bill is going to inhibit civil rights actions. Clearly if we look at history, it is the Federal courts that have been far more insistent upon enforcement of civil rights than State courts. Even recently in the Home Depot case, a gender-discrimination case, it was settled with a \$65 million settlement, filed in Federal court. The Coca-Cola racial-discrimination settlement, which guaranteed each class member recovery of at least \$38,000, was achieved in Federal court.

Contrast that to the Bank of Boston case, where the depositors in Boston were not even aware they were members of a plaintiff class, where a lawyer filed suit down in Alabama supposedly representing their interest, and they found out when they had their bank account reduced by \$90; \$90 was taken out of the mortgage escrow account from these depositors to pay the lawyers when they were not even aware they were a member of the plaintiff's suit, and the lawyer walks off with \$8.25 million. That is judicial abuse, and that is what this bill corrects.

This is a reasonable bill. The fact is that in so many State and local courts, they do not have the resources to go through the mountains of evidence that have to be presented in class action suits. In Federal courts they are far more likely to have those resources. They have court clerks and they can hire magistrates that can go through all of the evidence.

There has been far too much abuse where judges have certified these settlements at the tort lawyer's request and then, the defendant has to settle for large sums of money. That is not the way it is supposed to work.

On balance, I think the judicial system will be far more fair, responsible, and reasonable under this compromise bill; so I would urge my colleagues, particularly on the Democratic side, to support this bill.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute. I would like to respond to my good friend, the gentleman from Virginia (Mr. MORAN).

First of all, I think the NAACP and the civil rights groups will be eager to find out that his wisdom is superior to their experience in the civil rights movement. What the gentleman was suggesting may have been correct a number of years ago, but I would point out to the gentleman that the Federal courts more recently have not been as desirable a forum for civil rights activities.

The Bank of Boston case, that was 10 years ago and an anomaly. There are not other examples of class actions where class members lost money. No other court has made the same mistake. I would urge that neither the gentleman nor any of us rewrite class action rules because of one mistake.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I heard an earlier speaker refer to class actions as a game. Try telling that to the 9-year-old son of Janet Huggins, a 39-year-old healthy Tennessee mother who took Vioxx and died in September 2004. Tell her family that the effort to protect her family is a game. This is not a game. This is flesh and blood, the ability to protect your family when something happens to you that you did not have anything to do with.

This bill is the Vioxx Protection Bill. It is the Wal-Mart Protection Bill. It is the Tyco Protection Bill. It is the Enron Protection Bill. Anyone in the State of Washington who saw what Enron did to us, stealing \$1 billion, should not be voting for this bill, because this bill in many ways is the Just Say No Bill to People Who Are Injured By Rapacious Wrongdoers.

In three ways it says "just say no" to consumers who were hurt by Enron, because in the Federal courts, if you happen to be in a plaintiff's group of multiple States and the laws are a little different in the States, do you know what the Federal courts do? They throw out the class action.

Do you want to know why the Chamber of Commerce is spending \$1 billion to lobby on what seems to be a procedural issue? Because they throw out class actions where there is any difference in States, meaning you will not be able to have a class action anywhere, anywhere, Federal or State.

Why is this so important? I liken this to right now you have two arms to protect Americans, the State judicial system and the Federal judicial system. This reduces by half the resources that are available to Americans to get redress when Enron steals from them or when Vioxx kills them.

On 9/11, did we respond to September 11 by taking out city police officers and only having the FBI? On 9/11, did we respond by not having local fire departments and only having the Coast Guard or Army fire department? No. We recognized that in our system of federalism, Americans deserve the full protection, not just half the protection.

This cuts the available judicial resources in half. Why is that important? The second reason it just says no to injured Americans is the Federal courts cannot handle these class actions. They do not have enough courts and judges. You go down and ask how long you will wait today to get into a Federal court. Then add about 4 or 5 years after this bill if this bill were to come into effect. You just say no because it takes the keys away from the courthouse.

The third reason it just says no to good American citizens is it takes from the State attorneys general their ability to protect people. That is why the States attorneys general, Republican and Democrat alike, are adamantly opposed to this bill, because this bill takes cops off the beat; attorneys general whose job it is to protect us from what Roosevelt called the "malefactors of great wealth" are off the beat.

Mr. Speaker, we should reject this bill.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary and a ranking subcommittee member.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks, and include extraneous material.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for the time that he has spent on this legislation. I think we have seen this come across our desks for a number of sessions, and we have tried to work in a bipartisan manner in order to find a way to respond to some of the larger class actions that are now proceeding before us in the courts.

Mr. Speaker, let me start out by trying to address some of the large dilemmas that have seemingly been the underpinnings of this overhaul of a system that is not broken.

I know some two or three sessions ago we were in the midst of conversations about the asbestos lawsuits. Frankly, I believe that with a reasonable dialogue and exchange, we were nearing some sort of resolution that would have allowed that heinous series of events over the years, the asbestos poisoning for many, many workers, to be brought to a conclusion.

For some reason, those favoring class action reform want to paint with a broad brush the victims, those who have been victimized by asbestos poisoning. Even today as we are looking to reconstruct some of the older buildings in my community, we are finding an asbestos problem. But because of the notice that was given through these class action lawsuits, we now have companies who are protecting workers who are going in trying to clean out asbestos. We would not have had that had we had not had this asbestos crisis.

It is the same thing with tobacco. Although there has been some humor about "don't you know when to stop smoking," we know that for years and years, years and years, there was no labeling of cigarettes to suggest that they in fact caused cancer. So the tobacco lawsuits are not in fact frivolous. They may be high in return, but they are not frivolous.

This class action lawsuit legislation, I believe, is excessive and overreaching. What it simply wants to do is burden Federal courts without giving them any resources. There is nothing in this legislation that increases the funding of our Federal courts.

Take the southern district, for example. We are so overburdened with criminal cases, immigration cases, smuggling cases, drug cases, there is absolutely no room to orderly now prosecute or allow to proceed class action lawsuits from people who have been damaged enormously.

This legislation wants to federalize mass torts, that is thousands and thousands of people, when they realize that the compromise, for example, that was offered in the Senate, the Feinstein compromise, does not do anything, because what it says is you can go into State court if you can find one of the defendants of a large corporation in your State. If you happen to be a small State or maybe some State that is not the headquarters of corporate entities, like on the east coast, for example, you will find no defendant, so you will be languishing year after year after year trying to get into Federal court.

What it also does is minimizes the opportunity of those who can secure their local lawyer to get them into a State court and burdens them with the responsibility of finding some high-priced counsel that they cannot afford to try to understand Federal procedure law to get into the Federal court. It closes the door to the least empowered: the poor, the working class and the middle class.

What we find as well is that this legislation is much broader than is needed. Why close the door to those who are injured by the failings of products? Why close the doors to those who are injured by the mass and unfortunate activities of a company like Enron in my congressional district, penalizing thousands of workers all over America unfairly and giving them no relief, giving no relief to the pensioners who lost all of their dollars?

Mr. Speaker, what we have here is a response to no crisis, a response to no problem. Frankly, I believe that if we reasonably look at this legislation, we will find that all it does is it zippers the courthouse door.

To my good friend who mentioned that civil rights can take place whenever is necessary, let me just share with you that civil rights is not a popular cause; and, therefore, to then add it to get in line now with thousands of other cases, you can be assured that there will be a crisis.

Mr. Speaker, let me simply say I rise to support the substitute that has the civil rights carve-out, the wage-and-hour carve-out. It excludes non-action cases involving physical injuries, an attorney general carve-out, the anti-secrecy language; and in particular it does not allow companies to go offshore to avoid class action lawsuits.

Mr. Speaker, let me simply say this is a bill on the floor with no problem. But I can tell you, America, you are going to have a big problem once this bill is passed, and I am saddened by the fact that time after time we come to this floor and we close out the working people, we close out the middle-class, and we close out those who need relief.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have listened carefully to the discussion here, and it is very clear that one thing is for sure: this is not a simple procedural fix to class actions in our courts.

□ 1145

Another thing, it is clear that all of the totally unsatisfactory provisions have not been removed.

First, the bill, as the gentlewoman from Texas has said, harms working Americans and victims of discrimination who are in no position to bring individual actions of wage-and-hour cases or civil rights discrimination claims. Moving the cases to Federal court will result in many never being ever heard at all.

Many State laws provide better protection than Federal statutes. For example, 20 States provide protection for marital status and Federal law does not. Twenty-one States extend Federal definitions of national origin discrimination by including ancestry, place of birth, and citizenship status; and 31 States prohibit genetic discrimination in the workplace, not provided under Federal law.

Secondly, this bill closes the door on victims of large-scale personal injury cases resulting from accidents, environmental disasters, or dangerous drugs that are widely sold. Although these cases are filed in State courts under State law, the bill will treat them as class actions and throw them willy-nilly into the Federal court.

While harming victims of personal injury, this provision greatly helps the companies, like Merck, the company that manufactured the deadly drug Vioxx. Since the discovery of the dan-

gers of Vioxx, hundreds of cases from all over the country have been filed against Merck, and we can anticipate likely thousands more. However, under this proposal before us today, those who suffered harm from the drug will be denied their day in court and their ability to seek justice.

Finally, this bill makes it difficult for consumers to pursue claims against defendants who violated consumer protection laws. The bill will force many of these cases filed in State courts into the Federal system. But some Federal courts will not certify class actions involving the laws of multiple States because they deem the case too complex and unmanageable. Result: harmed consumers will never have their cases adjudicated in the courts.

It also makes it impossible for States to pursue actions against defendants who have caused harm to the State's citizens. State attorneys general often pursue these claims under State consumer protection statutes, antitrust laws, often with the attorney general acting as the class representative for the consumers of the State.

Under this bill, would we want these cases to be thrown into Federal court and severely impede the State's ability to enforce its own laws for its own citizens? That is what will happen. That is what will take place.

So I am very pleased to put in the RECORD the letter from the States attorneys general opposing this legislation, those attorneys general from California, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Oklahoma, Oregon, Vermont, and West Virginia.

I would also like to add the letter from the environmental organizations which have made their case as to why this would be a very harmful measure. The signatories of this letter include the United States Public Interest Research Group, PIRG; the Wilderness Society; the Sierra Club; the National Environment Trust; Greenpeace; Friends of the Earth; and the National Audubon Society, and many others.

Finally, Mr. Speaker, I include in this debate from the Leadership Conference and the AFL-CIO, and the Alliance For Justice, all writing on one letter, and they plead with us in the House of Representatives to protect working men and women and civil rights litigants by opposing the measure that is before us.

Washington, DC, February 15, 2005.

DEAR REPRESENTATIVE: On behalf of the undersigned civil rights and labor organizations, we write to urge you to vote against the Class Action Fairness Act (S. 5), which passed the Senate last week. While the bill was pending before the Senate, we pushed for an amendment offered by Senator Kennedy that would have exempted civil rights and wage and hour *state law* cases. Because the amendment was not adopted, we ask you to reject S. 5 in order to ensure that the Class Action Fairness Act does not adversely impact the workplace and civil rights of ordinary Americans by making it extremely difficult to enforce civil rights and labor rights.

During Congress' extensive examination into the merits of class action lawsuits, nowhere has a case been made that abuses exist in anti-discrimination and wage and hour class-action litigation. By allowing dozens of employees to bring one lawsuit together, the class-action device is frequently the only means for low wage workers who have been denied mere dollars a day to recover their lost wages. Moreover, class actions also are often the only means to effectively change a policy of discrimination. These suits level the playing field between individuals and those with more power and resources, and permit courts to decide cases more efficiently.

Wage and hour class actions are most often brought in state courts under the law of the state in which the claims arise. The reason is that state wage and hour laws typically provide more complete remedies for victims of wage and hour violations than the federal wage and hour statute. For instance, the federal Fair Labor Standards Act (FLSA) offers no protection for a worker who works 30 hours and is paid for 20, so long as the worker's total pay for the 30 hours worked exceeds the federal minimum wage. However, many states have "payment of wage" laws that would require that the worker be fully paid for those additional 10 hours of work. Also, federal law provides no remedy for part-time workers who often work 10-16 hour days, yet earn no overtime because they work less than 40 hours per week. At least six states and territories, however, including California and Alaska, require payment of overtime after a prescribed number of hours are worked in a single day.

Likewise, state laws increasingly provide greater civil rights protection than federal law. For example, every state has passed a law prohibiting discrimination on the basis of disability. Some of these state statutes provide a broader definition of disability and a greater range of protection in comparison to the federal Americans with Disabilities Act including California, Minnesota, New Jersey, New York, Rhode Island, Washington, and West Virginia. In addition, every state has enacted a law prohibiting age discrimination in employment, and some of these state laws—including those of California, Michigan, Ohio and the District of Columbia—contain provisions affording greater protection to older workers than comparable provisions of the federal Age Discrimination in Employment Act (ADEA).

In addition, many state laws provide protections to classifications not covered by federal law. For example, the following states provide protection for marital status: Alaska, California, Connecticut, Delaware, Florida, Hawaii, Illinois, Maryland, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oregon, Virginia, Washington, and Wisconsin. Moreover, several states have expanded Title VII's ban on national origin discrimination to prohibit discrimination on the basis of ancestry, or place of birth, or citizenship status. These states include Arkansas, California, Colorado, Connecticut, Hawaii, Illinois, Indiana, Kansas, Maine, Massachusetts, Missouri, New Jersey, New Mexico, Ohio, Pennsylvania, South Dakota, Vermont, West Virginia, Wisconsin, Wyoming, and the Virgin Islands.

Finally, 31 states have enacted legislation prohibiting genetic discrimination in the workplace—an important protection given the rapid increase in the ability to gather this type of information. The 31 states are Arizona, Arkansas, California, Connecticut, Delaware, Hawaii, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North

Carolina, Oklahoma, Oregon, Rhode Island, South Dakota, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin. In addition, Florida and Illinois have enacted more limited protections against genetic discrimination.

Under S. 5, citizens are denied the right to use their own state courts to bring class actions against corporations that violate these state wage and hour and state civil rights laws, even where that corporation has hundreds of employees in that state. Moving these state law cases into federal court will delay and likely deny justice for working men and women and victims of discrimination. The federal courts are already overburdened. Additionally, federal courts are less likely to certify classes or provide relief for violations of state law.

In light of the lack of any compelling need to sweep state wage and hour and civil rights claims into the scope of the bill, which is done in the current bill, we urge you to vote against S. 5. In the event that amendments are offered, we support any amendment that, like the Kennedy amendment and others offered in the Senate, preserves the right of individuals to bring class actions in an effective, efficient manner.

If you have any questions, or need further information, please call Nancy Zirkin, Deputy Director of the Leadership Conference on Civil Rights (202-263-2880); Sandy Brantley, Legislative Counsel, Alliance for Justice (202-822-6070); or Bill Samuel, Legislative Director, AFL-CIO (202-637-5320).

Sincerely,

AARP; AFL-CIO; Alliance for Justice; American-Arab Anti-Discrimination Committee; American Association of People with Disabilities; American Association of University Women; American Civil Liberties Union; American Federation for the Blind; American Federation of Government Employees; American Federation of School Administrators; American Federation of State, County & Municipal Employees; American Federation of Teachers; American Jewish Committee; Americans for Democratic Action.

The Arc of the United States; Association of Flight Attendants; Bazelon Center for Mental Health Law; Center for Justice and Democracy; Coalition of Black Trade Unionists; Communications Workers of America; Consortium for Citizens with Disabilities Civil Rights Task Force; Department for Professional Employees, AFL-CIO; Disability Rights Education and Defense Fund; Epilepsy Foundation; Federally Employed Women; Federally Employed Women's Legal & Education Fund, Inc.; Food & Allied Service Trades Department, AFL-CIO; Human Rights Campaign.

International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers; International Brotherhood of Electrical Workers; International Brotherhood of Teamsters; International Federation of Professional & Technical Engineers; International Union of Bricklayers and Allied Craftworkers; International Union of Painters and Allied Trades of the United States and Canada; International Union, United Automobile, Aerospace & Agricultural Workers of America; Jewish Labor Committee; Lawyers' Committee for Civil Rights Under Law; Lawyers' Committee for Civil Rights of the San Francisco Bay Area; Leadership Conference on Civil Rights; Legal Momentum; Mexican American Legal Defense and Educational Fund.

NAACP; NAACP Legal Defense & Educational Fund, Inc.; National Alliance of Postal and Federal Employees; National Asian Pacific American Legal Consortium;

National Association for Equal Opportunity in Higher Education; National Association of Protection and Advocacy Systems; National Association of Social Workers; National Employment Lawyers Association; National Fair Housing Alliance; National Organization for Women; National Partnership for Women and Families; National Women's Law Center; Paper, Allied-Industrial, Chemical and Energy Workers International Union; Paralyzed Veterans of America.

People For the American Way; Pride At Work, AFL-CIO; Service Employees International Union; Transport Workers Union of America; Transportation Communications International Union; UAW; Unitarian Universalist Association of Congregations; UNITE!; United Cerebral Palsy; United Food and Commercial Workers International Union; United Steelworkers of America; Utility Worker Union of America; and Women Employed.

FEBRUARY 7, 2005.

DEAR SENATOR: Our organizations are opposed to the sweepingly-drawn and misleadingly named "Class Action Fairness Act of 2005." This bill is patently unfair to citizens harmed by toxic spills, contaminated drinking water, polluted air and other environmental hazards involved in class action cases based on state environmental or public health laws. S. 5 would allow corporate defendants in many pollution class actions and "mass tort" environmental cases to remove these kinds of state environmental matters from state court to federal court, placing the cases in a forum that could be more costly, more time-consuming, and disadvantageous to your constituents harmed by toxic pollution. State law environmental harm cases do not belong in this legislation and we urge you to exclude such pollution cases from the class action bill.

Class actions protect the public's health and the environment by allowing people with similar injuries to join together for more efficient and cost-effective adjudication of their cases. All too often, hazardous spills, water pollution, or other toxic contamination from a single source affects large numbers of people, not all of whom may be citizens or residents of the same state as that of the defendants who caused the harm. In such cases, a class action lawsuit in state court based on state common law doctrines of negligence, nuisance or trespass, or upon rights and duties created by state statutes in the state where the injuries occur, is often the best way of fairly resolving these claims.

For example, thousands of families around the country are now suffering because of widespread groundwater contamination caused by the gasoline additive MTBE, which the U.S. government considers a potential human carcinogen. According to a May, 2002 GAO report, 35 states reported that they find MTBE in groundwater at least 20 percent of the time they sample for it, and 24 states said that they find it at least 60 percent of the time. Some communities and individuals have brought or soon will bring suits to recover damages for MTBE contamination and hold the polluters accountable, but under this bill, MTBE class actions or "mass actions" based on state law could be removed to federal court by the oil and gas companies in many of these cases.

This could not only make these cases more expensive, more time-consuming and more difficult for injured parties, but could also result in the dismissal of legitimate cases by federal judges who are unfamiliar with, or less respectful of, state-law claims. For example, in at least one MTBE class action, a federal court dismissed the case based on oil companies' claims that the action was barred by the federal Clean Air Act (even

though that law contains no tort liability waiver for MTBE). Yet a California state court rejected a similar federal preemption argument and let the case go to a jury, which found oil refineries, fuel distributors, and others liable for damages. These cases highlight how a state court may be more willing to uphold legitimate state law claims. Other examples of state-law cases that would be weakened by this bill include lead contamination cases, mercury contamination, perchlorate pollution and other "toxic tort" cases.

In a letter to the Senate last year, the U.S. Judicial Conference expressed their continued opposition to such broadly written class action removal legislation. Notably, their letter states that, even if Congress determines that some "significant multi-state class actions" should be brought within the removal jurisdiction of the federal courts, Congress should include certain limitations and exceptions, including for class actions "in which plaintiff class members suffered personal injury or personal property damage within the state, as in the case of a serious environmental disaster." The Judicial Conference's letter explains that this "environmental harm" exception should apply "to all individuals who suffered personal injuries or losses to physical property, whether or not they were citizens of the state in question."

We agree with the Judicial Conference that cases involving environmental harm are not even close to the type of cases that proponents of S. 5 cite when they call for reforms to the class action system. Including such cases in the bill penalizes injured parties in those cases for no reason other than to benefit the polluters. No rationale has been offered by the bill's supporters for including environmental cases in S. 5's provisions. We are unaware of any examples offered by bill supporters of environmental harm cases that represent alleged abuses of the state class actions.

More proof of the overreaching of this bill is that the so-called "Class Action Fairness Act" is not even limited to class action cases. The bill contains a provision that would allow defendants to remove to federal court all environmental "mass action" cases involving more than 100 people—even though these cases are not even filed as class actions. For example, the bill would apply to cases similar to the recently concluded state-court trial in Anniston, Alabama, where a jury awarded damages to be paid by Monsanto and Solutia for injuring more than 3,500 people that the jury—found had been exposed over many years—with the companies' knowledge—to cancer-causing PCBs.

There is little doubt in the Anniston case that, had S. 5 been law, the defendants would have tried to remove the case from the state court that serves the community that suffered this devastating harm. Even in the best-case scenario, S. 5 would put plaintiffs like those in Anniston in the position of having to fight costly and time-consuming court battles in order to preserve their chosen forum for litigating their claims. In any case, it would reward the kind of reckless corporate misbehavior demonstrated by Monsanto and Solutia by giving defendants in such cases the right to remove state-law cases to federal court over the objections of those they have injured.

The so-called "Class Action Fairness Act" would allow corporate polluters who harm the public's health and welfare to exploit the availability of a federal forum whenever they perceive an advantage to doing so. It is nothing more than an attempt to take legitimate state-court claims by injured parties out of state court at the whim of those who have committed the injury.

Cases involving environmental harm and injury to the public from toxic exposure

should not be subject to the bill's provisions; if these environmental harm cases are not excluded, we strongly urge you to vote against S. 5.

Sincerely,

S. Elizabeth Birnbaum, Vice President for Government Affairs, American Rivers.

Doug Kendall, Executive Director, Community Rights Counsel.

Mary Beth Beetham, Director of Legislative Affairs, Defenders of Wildlife.

Sara Zdeb, Legislative Director, Friends of the Earth.

Anne Georges, Acting Director of Public Policy, National Audubon Society.

Karen Wayland, Legislative Director, National Resources Defense Council.

Tom Z. Collina, Executive Director, 20/20 Vision.

Linda Lance, Vice President for Public Policy, The Wilderness Society.

Paul Schwartz, National Campaigns Director, Clean Water Action.

James Cox, Legislative Counsel, Earthjustice.

Ken Cook, Executive Director, Environmental Working Group.

Rick Hind, Legislative Director, Toxics Campaign, Greenpeace US.

Kevin S. Curtis, Vice President, National Environmental Trust.

Ed Hopkins, Director, Environmental Quality Programs, Sierra Club.

Julia Hathaway, Legislative Director, The Ocean Conservancy.

Anna Aurilio, Legislative Director, U.S. Public Interest Research Group.

NATIONAL ASSOCIATION
OF ATTORNEYS GENERAL,
Washington, DC, February 7, 2005.

Hon. BILL FRIST,

*Senate Majority Leader, U.S. Senate,
Dirksen Building, Washington, DC.*

Hon. HARRY REID,

*Senate Minority Leader, U.S. Senate,
Hart Building, Washington, DC.*

DEAR SENATE MAJORITY LEADER FRIST AND SENATE MINORITY LEADER REID: We, the undersigned State Attorneys General, write to express our concern regarding one limited aspect of pending Senate Bill 5, the "Class Action Fairness Act," or any similar legislation. We take no position on the Act as a general matter and, indeed, there are differing views among us on the policy judgments reflected in the Act. We join together, however, in a bipartisan request for support of Senator Mark Pryor's potential amendment to S. 5, or any similar legislation, clarifying that the Act does not apply to, and would have no effect on, actions brought by any State Attorney General on behalf of his or her respective state or its citizens.

As Attorneys General, we frequently investigate and bring actions against defendants who have caused harm to our citizens. These cases are usually brought pursuant to the Attorney General's *parens patriae* authority under our respective consumer protection and antitrust statutes. In some instances, such actions have been brought with the Attorney General acting as the class representative for the consumers of the state. It is our concern that certain provisions of S. 5 might be misinterpreted to hamper the ability of the Attorneys General to bring such actions, thereby impeding one means of protecting our citizens from unlawful activity and its resulting harm.

The Attorneys General have been very successful in litigation initiated to protect the rights of our consumers. For example, in the pharmaceutical industry, the States have recently brought enforcement actions on behalf of consumers against large, often foreign-owned, drug companies for overcharges and market manipulations that illegally

raised the costs of certain prescription drugs. Such cases have resulted in recoveries of approximately 235 million dollars, the majority of which is earmarked for consumer restitution. In several instances, the States' recoveries provided one hundred percent reimbursement directly to individual consumers of the overcharges they suffered as a result of the illegal activities of the defendants. This often meant several hundred dollars going back into the pockets of those consumers who can least afford to be victimized by illegal trade practices, senior citizens living on fixed incomes and the working poor who cannot afford insurance.

We encourage you to support the aforementioned amendment exempting all actions brought by State Attorneys General from the provisions of S. 5, or any similar legislation. It is important to all of our constituents, but especially to the poor, elderly and disabled, that the provisions of the Act not be misconstrued and that we maintain the enforcement authority needed to protect them from illegal practices. We respectfully submit that the overall purposes of the legislation would not be impaired by such an amendment that merely clarifies the existing authority of our respective States.

Thank you for your consideration of this very important matter. Please contact any of us if you have questions or comments.

Sincerely,

Mike Beebe, Attorney General, Arkansas.
Gregg Renkes, Attorney General, Alaska.
Mark Shurtleff, Attorney General, Utah.
Fiti Sunia, Attorney General, American Samoa.

Terry Goddard, Attorney General, Arizona.
John Suthers, Attorney General, Colorado.
Jane Brady, Attorney General, Delaware.
Charlie Crist, Attorney General, Florida.
Mark Bennett, Attorney General, Hawaii.
Stephen Carter, Attorney General, Indiana.

Bill Lockyer, Attorney General, California.
Richard Blumenthal, Attorney General, Connecticut.

Robert Spagnoletti, Attorney General, District of Columbia.

Thurbert Baker, Attorney General, Georgia.

Lawrence Wasden, Attorney General, Idaho.

Tom Miller, Attorney General, Iowa.
Greg Stumbo, Attorney General, Kentucky.

Steven Rowe, Attorney General, Maine.
Tom Reilly, Attorney General, Massachusetts.

Mike Hatch, Attorney General, Minnesota.
Jay Nixon, Attorney General, Missouri.
Jon Bruning, Attorney General, Nebraska.
Kelly Ayotte, Attorney General, New Hampshire.

Charles Foti, Attorney General, Louisiana.
Joseph Curran, Attorney General, Maryland.

Mike Cox, Attorney General, Michigan.
Jim Hood, Attorney General, Mississippi.
Mike McGrath, Attorney General, Montana.

Brian Sandoval, Attorney General, Nevada.
Peter Harvey, Attorney General, New Jersey.

Eliot Spitzer, Attorney General, New York.

Wayne Stenehjem, Attorney General, North Dakota.

Jim Petro, Attorney General, Ohio.
Hardy Myers, Attorney General, Oregon.

Roberto Sanchez Ramos, Attorney General, Puerto Rico.

Henry McMaster, Attorney General, South Carolina.

Roy Cooper, Attorney General, North Carolina.

Pamela Brown, Attorney General, N. Mariana Islands.

W.A. Drew Edmondson, Attorney General, Oklahoma.

Tom Corbett, Attorney General, Pennsylvania.

Patrick Lynch, Attorney General, Rhode Island.

Lawrence Long, Attorney General, South Dakota.

Paul Summers, Attorney General, Tennessee.

Darrell McGraw, Attorney General, West Virginia.

Patrick Crank, Attorney General, Wyoming.

Rob McKenna, Attorney General, Washington.

Peg Lautenschlager, Attorney General, Wisconsin.

Mr. Speaker, I urge my colleagues to seriously consider the excellent presentations made on our side of the aisle and vote against the measure that is before us today.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, notwithstanding what we have heard from opponents of this legislation, its passage would not extinguish the legal right of any injured party, whether it be a class action, a mass action, or an individual lawsuit from proceeding in a court of competent jurisdiction in the United States. What the bill does do is it puts some sense into the class action system so that the members of the plaintiff's class will be fairly and adequately compensated rather than seeing all of their gains go to attorneys and them just getting coupon settlements from the people who have allegedly done them wrong.

I was particularly perturbed listening to the gentleman from Massachusetts (Mr. MARKEY), who said that the kids who start smoking at 13 and 14 years old are going to be denied their day in court, and that the tobacco companies are going to end up cashing in on a big bonanza.

Well, I had my staff, while this was going on, look at what has happened to Altria, the parent company of Philip Morris. Since the other body passed this bill, Altria stock has gone down by at least \$1.50, or 2 percent. And today, the Reuters story that came out less than an hour ago says that the Dow has been dragged down by Altria.

Now, if this was the bonanza to investors in Altria, the stock would not be going down. It is not. That is a fallacious argument. Reject the substitute and pass the bill.

Mr. HASTERT. Mr. Speaker, I'm pleased join my colleagues here today who support taking a historic first step to breaking one of the main shackles holding back our economy and America's workforce—lawsuit abuse.

For the last decade, the Republican Congress has worked to end out of control lawsuits. Today is the day we will pass common-sense legislation and put an end to Class Action Lawsuit abuse.

I particularly want to praise the efforts of House Judiciary Chairman JIM SENSENBRENNER for his relentless work. Without his

stewardship, I don't think the achievement would have become a reality.

I come from Illinois—the Land of Lincoln—where downstate Madison County has the dubious distinction as a personal injury lawyer's paradise. No, there are not palm trees or sandy beaches there. Instead, Madison County, Illinois, is home to very warm courtrooms where frivolous lawsuits are filed virtually everyday.

Why's Madison County? The answer: "venue shopping."

Cagey trial lawyers have figured out there's a pretty good likelihood their case—no matter what its merit—will literally get its day in court because of favorable judges.

To use a sports analogy, thanks to willing judges, personal injury lawyers get to play on their "home court" each and every time they file a frivolous lawsuit there.

For instance, a legendary class action case from Madison County illustrates what's wrong with the current legal system.

In 2000, Cable TV customers who filed suit over their cable operator's late fee policy won their case, but received nothing . . . not a dime, not a nickel, not a Lincoln penny. Instead, their \$5.6 million settlement went directly into the pockets of their attorneys. How is that justice? How does that help victims?

The American people deserve better. Our working families demand better.

Today's action takes a step in the right direction to end the so-called Tort Tax.

The Tort Tax makes consumers pay more for the goods and services they use.

The Tort Tax adds to the cost of everything we buy because businesses and manufacturers have to cover themselves and their employees—just in case they get sued by a greedy personal injury lawyer.

At last estimate, this outrageous Tort Tax cost the nation's economy \$246 billion a year, and by 2006, it will cost the average American nearly \$1,000 more each year on their purchases because of defensive business practices.

In closing, as a matter of principle, damage awards should go to the victim, not the lawyers. Lawsuits should not be "strike it rich" schemes for lawyers.

There has to be some limit to what lawyers can take from their clients. Otherwise, cagey attorneys end up with the lion's share of the settlement and the victims end up with little more than scraps.

Mr. UDALL of Colorado. Mr. Speaker, the House has considered similar legislation in 1999, 2002, and 2003. On each of those occasions, I voted "no"—not because I was unalterably opposed to Congress acting on this subject, but because in my judgment the defects of those bills outweighed their potential benefits.

When it was announced that this bill would be considered, I hoped that the pattern would be broken and that this time I would be able to support the legislation. And if the Conyers substitute had been adopted, that would have been the case.

Adoption of the substitute would have greatly improved the legislation. It would have reaffirmed the authority and ability of each State's Attorney General to carry out his or her duties under State law. It would have made sure that the bill would not prejudice people with complaints about violations of their civil rights. It would have properly focused the

legislation on class actions unrelated to personal injuries. It would have added important protections for the public's right to know about the proceedings in our courts. And it would have made other changes that would have improved the bill.

Unfortunately, the substitute was not adopted—and I have come to the reluctant conclusion that I must vote against the bill.

That conclusion is reluctant because in several ways this bill is better—or, more accurately, less bad—than its predecessors.

Unlike earlier versions, S. 5 would not have a retroactive effect, so it would not affect pending cases. It also does not include a provision for immediate interlocutory appeals of denials of class action certification, or for a stay of all discovery while the appeal was pending. And in several other ways, it differs for the better from previous versions.

However, while the bill is less bad, in my opinion it still is not good enough. I remain unconvinced that the problem the bill purports to address is so great as to require such a sweeping remedy, and I am still concerned that in too many cases the side-effects of this treatment will be more severe than the disease.

Mr. Speaker, one of the most important rights we have as Americans is the ability to seek redress from the courts when we believe our rights have been abridged or we have been improperly treated. And, when a complaint arises under a State law, it is both appropriate and desirable that it be heard in State court because those are the most convenient and with the best understanding of State laws and local conditions.

Of course, it is appropriate to provide for removing some State cases to Federal courts. But I think that should be more the exception than the rule, and I think this bill tends to reverse that. I think it excessively tilts the balance between the States and the Federal government so as to throw too many cases into already-overburdened Federal courts—with the predictable result that too many will be dismissed without adequate consideration of their merits.

So, while I respect those who have urged the House to pass this bill, I cannot vote for it.

Mr. BLUMENAUER. Mr. Speaker, I agree with this bill's intent to prevent the legal system from being "gamed" by attorneys who lump thousands of speculative claims into a single class action lawsuit and then seek out a sympathetic State court. Any abusive or frivolous class action is a drain on the system and forces innocent defendants to settle cases rather than play judicial roulette with the risk of a huge unjustified settlement.

Unfortunately, instead of narrowly focusing on such abuses, Senate bill 5 completely reconfigures the judicial system, resulting in diminished corporate accountability and fundamental legal rights of individuals. While this bill makes some improvements to limit frivolous lawsuits, it does so at a price that will make it harder for average Americans to successfully pursue real claims against interests that violate their States' consumer health, civil rights, and environmental protection laws. This is an unnecessary tradeoff. I voted for a Democratic substitute motion which would have minimized some of these abuses. Sadly, it was defeated and, as a result, I voted against final passage.

I will continue to be open to changes that make our judicial system work better, but not at the expense of the people I represent. It is essential that we hold accountable the forces that have so much impact on the lives of every American.

Mr. WEXLER. Mr. Speaker, I rise today in strong opposition to the so-called "Class Action Fairness Act." I have strong objections to not only to the text of the bill itself but also to the very process by which it was strong-armed by the Republican leadership past the Judiciary Committee. This process did not allow any opportunity for committee members to raise our objections or to work constructively to fix the major problems in this legislation. This circumvention of regular order is being sold to us with a myriad of excuses, one of them is that the bill is a simple procedural fix for a judicial crisis with nothing controversial in it.

Nothing could be further from the truth. This bill is a federal mandate to undermine and all but kill the ability to raise class actions cases in State courts. Under this so-called "procedural bill," almost every class action lawsuit would be removed from State jurisdiction and forced onto an already overburdened Federal judiciary. Moving these cases to Federal court will make litigation more costly, more time-consuming and less likely that victims can get their rightful day in court at all. This bill is so preposterously far-reaching it would prevent State courts from considering class action cases that only involve State laws. We have already added so many State cases to Federal jurisdiction that if this bill passes victims will be added to the substantial backlog of Federal cases and will likely find it difficult to ever have their cases heard.

It should be obvious to even the most casual observer that the intent of this bill is to prevent class action lawsuits from ever being heard. Members should make no mistake about it—if we pass this misguided legislation, we will have effectively shut the door on civil rights, on workers rights and on anyone injured through corporate negligence.

Mr. Speaker, I urge my colleagues to join me in opposing one of the most destructive and far reaching civil justice measures ever considered by this body.

Mr. SHAYS. Mr. Speaker, I rise in support of S. 5, the Class Action Fairness Act.

This legislation will work to balance class actions. Currently, plaintiffs' lawyers take advantage of the system by bringing large, national lawsuits in specific jurisdictions with relaxed certification criteria.

Attorneys are increasingly filing interstate class actions in State courts, mostly in what are known as "magnet" jurisdictions. Courts in these jurisdictions are attractive to lawyers because they routinely approve settlements in which attorneys receive large fees and the class members receive virtually nothing, and they also decide the claims of other state's citizens under the court's state law.

This results in more and more class actions being losing propositions for everyone involved—except for the lawyers who brought them.

The Class Action Fairness Act works to improve our legal system by allowing larger interstate class action cases to be heard in Federal courts, closing the magnet jurisdiction loophole.

This bill will also make it easier for local businesses to avoid harassment. Currently,

plaintiffs' lawyers can name a local business in a nationwide liability suit to stay out of Federal court. This legislation will put an end to this unfair practice.

Finally, S. 5 protects consumers with a consumer class action bill of rights. The bill of rights includes several provisions designed to ensure class members—not their attorneys—are the primary beneficiaries of the class action process, and are not simply awarded a coupon at the end of a trial.

Allowing judges to limit attorney's fees when the value of the settlement received by the class member is small in comparison and banning settlements that award some class members more simply because they live closer to the court will make class action suits more fair and help compensate the people who were wronged, not the attorney's handling their case.

I strongly support S. 5 and encourage my colleagues to do so as well.

Mr. DELAHUNT. Once again, Mr. Speaker, we have before us a bill that would sweep aside generations of State laws that protect consumers. Citizens will be denied their basic right to use their own State courts to file class action lawsuits against companies—even if there are clear violations of State labor laws or State civil rights laws. This bill comes after a lobbying campaign costing business interests tens of millions of dollars. Well, that was money well spent. With this sweeping legislation, corporations will have free reign to avoid responsibility for the wrongs they commit.

It is just shameful that the victims of corporate misconduct do not have the same level of influence here in the halls of Congress. Let's not forget the people who died as a result of defective tires manufactured by Firestone. What about countless individuals who died as a result of the tobacco industry's failure to disclose the risks of cigarettes?

Well, if it is any indication of this bill's intent—tobacco is already celebrating this week. Stocks are up and the industry is glowing. Let me quote their take on this bill, "The practical effect of the change could be that many cases will never be heard given how overburdened Federal judges are."

Plainly that is the goal of the bill. The goal is to ensure that legitimate plaintiffs are denied any recovery at all. And that whatever recovery they do receive is delayed as long as possible. I have spent decades in courtrooms and I can tell my colleagues—from my own experience—that justice delayed is justice denied. The doors to the courthouse will be locked shut. And this Republican leadership is handing the key to corporate America.

With complete disregard for precedent-setting individual and class action litigation, the Republican leadership is determined to destroy America's civil justice system, eliminating protections for the poor and powerless. This bill is a disgrace to the historic victories in courts across the country—to expand consumer rights, protect our environment, and strengthen workers' rights.

And there has been complete disregard for the legislative process in the House. While we have had hearings and markups on class action legislation in the past, this bill is quite complex and very different than previous versions. The fact that the other Chamber has already approved this matter in no way justifies a "rush to judgment" in the House, when so many important rights are at stake.

Class actions have addressed the looting of company after company by corporate insiders, whose brazen misconduct and self-dealing defrauded creditors and investors of billions of dollars, and stripped employees and retirees of their livelihood and life savings.

Yet if this bill becomes law, the victims of those practices will face new obstacles in their efforts to call those executives to task.

This bill is not about protecting plaintiffs. It's not about protecting the public. It's about protecting large corporations whose conduct has been egregious. It's about protecting the powerful at the expense of the powerless. And to prevent people from banding together as a class to challenge that power in the only way they can.

We must also see this bill in its proper context. It is part of an ambitious and multi-pronged campaign by major corporations to evade their obligations to society.

Under the guise of "deregulation" we're watching the wholesale dismantling of health and safety standards, environmental protections, and longstanding limits on concentration of ownership within the media and other key industries.

Today's bill completes this picture. It takes aim at the civil justice system that exists to correct the wrongs that the government cannot or will not address. I urge my colleagues to oppose this blatant effort to muzzle the courts. This bill is but the latest in a series of assaults by those on the other side attacking the ability of individuals to seek relief from the courts. And it is also but the latest in a series of assaults on States' rights to provide legal remedies for harm suffered by their citizens.

We cannot allow them to do it, Mr. Speaker. I urge my colleagues to vote "no."

Mr. BACA. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I rise in strong opposition of S. 5, the so-called "Class Action Fairness Act."

This bill will send the majority of class action suits from State to Federal courts, making it more difficult for people who have been unfairly hurt to collect compensation for their injuries.

Federal courts are already overwhelmed by a large number of drug and immigration cases, and they don't have the time or the resources to deal with complex issues of State law.

This bill has it all wrong. Instead of punishing individuals who pursue frivolous lawsuits, this bill will punish innocent people who have been wrongfully hurt.

This bill is a payoff to large companies and special interests. It takes rights away from consumers in order to protect drug manufacturers, insurance companies, HMOs and negligent doctors. There is no accountability on their part.

It is not "frivolous" for an innocent person who has been harmed through no fault of their own to seek compensation for their injuries.

When a child is disabled or maimed by a preventable error, it is not frivolous to seek damages from the company responsible for the injury.

This is a bill that's going to significantly harm small consumers who want to hold large companies accountable for defrauding them.

I urge my colleagues to vote "no" on S. 5. Mr. MEEHAN. Mr. Speaker, I rise in opposition to S. 5, the so-called Class Action Fairness Act.

Few of us would stand here and argue that there is too much accountability in corporate America today. In recent years, millions of our constituents have been swindled out of their retirement savings by corporate crooks at Enron, WorldCom, and other companies. For years, many unscrupulous mutual fund managers were skimming off the top of their clients' investment funds. Drug companies put new products on the market like Vioxx that they knew to be unsafe.

This bill is a windfall for companies that have profited while causing harm to others. And no industry is in a better position to benefit than the tobacco industry. It's little wonder that tobacco stocks rallied at the news that the Senate had passed this bill.

I'd like to read from a Wall Street analyst's view of how this bill would impact the tobacco industry. "Flash—Senate Just Passed Class Action Bill—Positive for Tobacco," the analyst writes.

"The Senate just passed a bill 72–26 which is designed to funnel class-action suits with plaintiffs in different States out of State courts and into the Federal court system, which is typically much less sympathetic to such litigation. The practical effect of the change could be that many cases will never be heard given how overburdened Federal judges are, which might help limit the number of cases."

I only wish that the proponents of this bill would use such candid language to describe its true intent—to make sure that legitimate cases are never heard, and to shield corporations from accountability for their actions.

The class action system is a major reason why we have safer consumer products, more honest advertising, cleaner air and drinking water, and better workplace protections than many other countries.

All of us are empowered by the right to band together and seek justice. Class actions are one of the most effective and powerful ways we have to hold people accountable for their actions.

I oppose this attempt to shut the courthouse door to people who have been wronged.

Mr. STARK. Mr. Speaker, I rise today to oppose this misguided legislation to limit the ability of average Americans to seek redress for injury and harm caused by corporate malfeasance.

Don't be fooled by the title of this bill. Congress is not standing up for the average American under this bill. It's not fixing inequities in our judicial system. It's making those inequities worse by giving the upper hand to big corporations.

I won't vote for this Republican-sponsored hoax. It unfairly threatens the very people we are all elected to protect. When the so-called party of local control makes it a top priority to move class action cases from State to Federal court, there's an ulterior motive.

Don't believe the myth my Republican colleagues want to sell you. Class action suits aren't frivolous. They allow average Americans financially unable to launch a judicial battle on their own the means to seek redress for injury or death of a loved one. They empower consumers to challenge wrongdoings by wealthy corporations who would otherwise ignore their appeal.

I don't think that the American public would be satisfied knowing that if this bill passes, the accountability of companies like Eron would be held less accountable. And the makers of

Vioxx and other dangerous drugs would be held less accountable.

It is truthful, law-abiding citizens who will lose if this bill becomes law. Apparently, in America today, we have government for, by, and of corporate interests and not the people.

I ask my colleagues to stand up for real people and vote against this shameful bill.

The SPEAKER pro tempore (Mr. BOOZMAN). All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. CONYERS:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Class Action Fairness Act of 2005”.

(b) **REFERENCE.**—Whenever in this Act reference is made to an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 28, United States Code.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; reference; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Consumer class action bill of rights and improved procedures for interstate class actions.

Sec. 4. Federal district court jurisdiction for interstate class actions.

Sec. 5. Removal of interstate class actions to Federal district court.

Sec. 6. Report on class action settlements.

Sec. 7. Enactment of Judicial Conference recommendations.

Sec. 8. Rulemaking authority of Supreme Court and Judicial Conference.

Sec. 9. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds the following:

(1) Class action lawsuits are an important and valuable part of the legal system when they permit the fair and efficient resolution of legitimate claims of numerous parties by allowing the claims to be aggregated into a single action against a defendant that has allegedly caused harm.

(2) Over the past decade, there have been abuses of the class action device that have—

(A) harmed class members with legitimate claims and defendants that have acted responsibly;

(B) adversely affected interstate commerce; and

(C) undermined public respect for our judicial system.

(3) Class members often receive little or no benefit from class actions, and are sometimes harmed, such as where—

(A) counsel are awarded large fees, while leaving class members with coupons or other awards of little or no value;

(B) unjustified awards are made to certain plaintiffs at the expense of other class members; and

(C) confusing notices are published that prevent class members from being able to fully understand and effectively exercise their rights.

(4) Abuses in class actions undermine the national judicial system, the free flow of interstate commerce, and the concept of diversity jurisdiction as intended by the framers of the United States Constitution, in that State and local courts are—

(A) keeping cases of national importance out of Federal court;

(B) sometimes acting in ways that demonstrate bias against out-of-State defendants; and

(C) making judgments that impose their view of the law on other States and bind the rights of the residents of those States.

(b) **PURPOSES.**—The purposes of this Act are to—

(1) assure fair and prompt recoveries for class members with legitimate claims;

(2) restore the intent of the framers of the United States Constitution by providing for Federal court consideration of interstate cases of national importance under diversity jurisdiction; and

(3) benefit society by encouraging innovation and lowering consumer prices.

SEC. 3. CONSUMER CLASS ACTION BILL OF RIGHTS AND IMPROVED PROCEDURES FOR INTERSTATE CLASS ACTIONS.

(a) **IN GENERAL.**—Part V is amended by inserting after chapter 113 the following:

“CHAPTER 114—CLASS ACTIONS

“Sec.

“1711. Definitions.

“1712. Coupon settlements.

“1713. Protection against loss by class members.

“1714. Protection against discrimination based on geographic location.

“1715. Notifications to appropriate Federal and State officials.

“1716. Sunshine in court records.

“§ 1711. Definitions

“In this chapter:

“(1) **CLASS.**—The term ‘class’ means all of the class members in a class action.

“(2) **CLASS ACTION.**—The term ‘class action’ means any civil action filed in a district court of the United States under rule 23 of the Federal Rules of Civil Procedure or any civil action that is removed to a district court of the United States that was originally filed under a State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representatives as a class action. The term ‘class action’ does not include any civil action brought by, or on behalf of, any State attorney general or the chief prosecuting or civil attorney of any county or city within a State.

“(3) **CLASS COUNSEL.**—The term ‘class counsel’ means the persons who serve as the attorneys for the class members in a proposed or certified class action.

“(4) **CLASS MEMBERS.**—The term ‘class members’ means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

“(5) **PLAINTIFF CLASS ACTION.**—The term ‘plaintiff class action’ means a class action in which class members are plaintiffs.

“(6) **PROPOSED SETTLEMENT.**—The term ‘proposed settlement’ means an agreement regarding a class action that is subject to court approval and that, if approved, would be binding on some or all class members.

“(7) **STATE.**—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possessions of the United States.

“(8) **STATE ATTORNEY GENERAL.**—The term ‘State attorney general’ means the chief legal officer of a State.

“§ 1712. Coupon settlements

“(a) **CONTINGENT FEES IN COUPON SETTLEMENTS.**—If a proposed settlement in a class action provides for a recovery of coupons to a class member, the portion of any attorney’s fee award to class counsel that is attributable to the award of the coupons shall be based on the value to class members of the coupons that are redeemed.

“(b) **OTHER ATTORNEY’S FEE AWARDS IN COUPON SETTLEMENTS.**—

“(1) **IN GENERAL.**—If a proposed settlement in a class action provides for a recovery of coupons to class members, and a portion of the recovery of the coupons is not used to determine the attorney’s fee to be paid to class counsel, any attorney’s fee award shall be based upon the amount of time class counsel reasonably expended working on the action.

“(2) **COURT APPROVAL.**—Any attorney’s fee under this subsection shall be subject to approval by the court and shall include an appropriate attorney’s fee, if any, for obtaining equitable relief, including an injunction, if applicable. Nothing in this subsection shall be construed to prohibit application of a lodestar with a multiplier method of determining attorney’s fees.

“(c) **ATTORNEY’S FEE AWARDS CALCULATED ON A MIXED BASIS IN COUPON SETTLEMENTS.**—If a proposed settlement in a class action provides for an award of coupons to class members and also provides for equitable relief, including injunctive relief—

“(1) that portion of the attorney’s fee to be paid to class counsel that is based upon a portion of the recovery of the coupons shall be calculated in accordance with subsection (a); and

“(2) that portion of the attorney’s fee to be paid to class counsel that is not based upon a portion of the recovery of the coupons shall be calculated in accordance with subsection (b).

“(d) **SETTLEMENT VALUATION EXPERTISE.**—In a class action involving the awarding of coupons, the court may, in its discretion upon the motion of a party, receive expert testimony from a witness qualified to provide information on the actual value to the class members of the coupons that are redeemed.

“(e) **JUDICIAL SCRUTINY OF COUPON SETTLEMENTS.**—In a proposed settlement under which class members would be awarded coupons, the court may approve the proposed settlement only after a hearing to determine whether, and making a written finding that, the settlement is fair, reasonable, and adequate for class members. The court, in its discretion, may also require that a proposed settlement agreement provide for the distribution of a portion of the value of unclaimed coupons to 1 or more charitable or governmental organizations, as agreed to by the parties. The distribution and redemption of any proceeds under this subsection shall not be used to calculate attorneys’ fees under this section.

“§ 1713. Protection against loss by class members

“The court may approve a proposed settlement under which any class member is obligated to pay sums to class counsel that would result in a net loss to the class member only if the court makes a written finding that nonmonetary benefits to the class member substantially outweigh the monetary loss.

“§ 1714. Protection against discrimination based on geographic location

“The court may not approve a proposed settlement that provides for the payment of greater sums to some class members than to others solely on the basis that the class members to whom the greater sums are to be

paid are located in closer geographic proximity to the court.

“§ 1715. Notifications to appropriate Federal and State officials

“(a) DEFINITIONS.—

“(1) APPROPRIATE FEDERAL OFFICIAL.—In this section, the term ‘appropriate Federal official’ means—

“(A) the Attorney General of the United States; or

“(B) in any case in which the defendant is a Federal depository institution, a State depository institution, a depository institution holding company, a foreign bank, or a non-depository institution subsidiary of the foregoing (as such terms are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person.

“(2) APPROPRIATE STATE OFFICIAL.—In this section, the term ‘appropriate State official’ means the person in the State who has the primary regulatory or supervisory responsibility with respect to the defendant, or who licenses or otherwise authorizes the defendant to conduct business in the State, if some or all of the matters alleged in the class action are subject to regulation by that person. If there is no primary regulator, supervisor, or licensing authority, or the matters alleged in the class action are not subject to regulation or supervision by that person, then the appropriate State official shall be the State attorney general.

“(b) IN GENERAL.—Not later than 10 days after a proposed settlement of a class action is filed in court, each defendant that is participating in the proposed settlement shall serve upon the appropriate State official of each State in which a class member resides and the appropriate Federal official, a notice of the proposed settlement consisting of—

“(1) a copy of the complaint and any materials filed with the complaint and any amended complaints (except such materials shall not be required to be served if such materials are made electronically available through the Internet and such service includes notice of how to electronically access such material);

“(2) notice of any scheduled judicial hearing in the class action;

“(3) any proposed or final notification to class members of—

“(A)(i) the members’ rights to request exclusion from the class action; or

“(ii) if no right to request exclusion exists, a statement that no such right exists; and

“(B) a proposed settlement of a class action;

“(4) any proposed or final class action settlement;

“(5) any settlement or other agreement contemporaneously made between class counsel and counsel for the defendants;

“(6) any final judgment or notice of dismissal;

“(7)(A) if feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State’s appropriate State official; or

“(B) if the provision of information under subparagraph (A) is not feasible, a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement; and

“(8) any written judicial opinion relating to the materials described under subparagraphs (3) through (6).

“(c) DEPOSITORY INSTITUTIONS NOTIFICATION.—

“(1) FEDERAL AND OTHER DEPOSITORY INSTITUTIONS.—In any case in which the defendant is a Federal depository institution, a depository institution holding company, a foreign bank, or a non-depository institution subsidiary of the foregoing, the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person.

“(2) STATE DEPOSITORY INSTITUTIONS.—In any case in which the defendant is a State depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the State bank supervisor (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) of the State in which the defendant is incorporated or chartered, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person, and upon the appropriate Federal official.

“(d) FINAL APPROVAL.—An order giving final approval of a proposed settlement may not be issued earlier than 90 days after the later of the dates on which the appropriate Federal official and the appropriate State official are served with the notice required under subsection (b).

“(e) NONCOMPLIANCE IF NOTICE NOT PROVIDED.—

“(1) IN GENERAL.—A class member may refuse to comply with and may choose not to be bound by a settlement agreement or consent decree in a class action if the class member demonstrates that the notice required under subsection (b) has not been provided.

“(2) LIMITATION.—A class member may not refuse to comply with or to be bound by a settlement agreement or consent decree under paragraph (1) if the notice required under subsection (b) was directed to the appropriate Federal official and to either the State attorney general or the person that has primary regulatory, supervisory, or licensing authority over the defendant.

“(3) APPLICATION OF RIGHTS.—The rights created by this subsection shall apply only to class members or any person acting on a class member’s behalf, and shall not be construed to limit any other rights affecting a class member’s participation in the settlement.

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to expand the authority of, or impose any obligations, duties, or responsibilities upon, Federal or State officials.

“§ 1716. Sunshine in court records

“No order, opinion, or record of the court in the adjudication of a class action, including a record obtained through discovery, whether or not formally filed with the court, may be sealed or subjected to a protective order unless the court makes a finding of fact—

“(1) that the sealing or protective order is narrowly tailored, consistent with the protection of public health and safety, and is in the public interest; and

“(2) if the action by the court would prevent the disclosure of information, that disclosing the information is clearly outweighed by a specific and substantial interest in maintaining the confidentiality of such information.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part V is

amended by inserting after the item relating to chapter 113 the following:

“114. Class Actions 1711”.

SEC. 4. FEDERAL DISTRICT COURT JURISDICTION FOR INTERSTATE CLASS ACTIONS.

(a) APPLICATION OF FEDERAL DIVERSITY JURISDICTION.—Section 1332 is amended—

(1) by redesignating subsection (d) as subsection (e), and amending the subsection to read as follows:

“(e) As used in this section—

“(1) the term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possessions of the United States; and

“(2) the term ‘State attorney general’ means the chief legal officer of a State.”; and

(2) by inserting after subsection (c) the following:

“(d)(1) In this subsection—

“(A) the term ‘class’ means all of the class members in a class action;

“(B) the term ‘class action’—

“(i) means any civil action filed under rule 23 of the Federal Rules of Civil Procedure or similar State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representative persons as a class action; and

“(ii) does not include—

“(I) any civil action brought by, or on behalf of, any State attorney general or the chief prosecuting or civil attorney of any county or city within a State;

“(II) any class action brought under a State or local law prohibiting discrimination on the basis of race, color religion, sex, national origin, age, disability, or other classification specified in that law; or

“(III) any class action or collective action brought to obtain relief under a State or local law for failure to pay the minimum wage, overtime pay, or wages for all time worked, failure to provide rest or meal breaks, or unlawful use of child labor;

“(C) the term ‘class certification order’ means an order issued by a court approving the treatment of some or all aspects of a civil action as a class action; and

“(D) the term ‘class members’ means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

“(2) The district courts shall have original jurisdiction of any civil action in which the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs, and is a class action in which—

“(A) any member of a class of plaintiffs is a citizen of a State different from any defendant;

“(B) any member of a class of plaintiffs is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or

“(C) any member of a class of plaintiffs is a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.

“(3) A district court may, in the interests of justice and looking at the totality of the circumstances, decline to exercise jurisdiction under paragraph (2) over a class action in which greater than one-third but less than two-thirds of the members of all proposed plaintiff classes in the aggregate and the primary defendants are citizens of the State in which the action was originally filed based on consideration of—

“(A) whether the claims asserted involve matters of national or interstate interest;

“(B) whether the claims asserted will be governed by laws of the State in which the

action was originally filed or by the laws of other States;

“(C) whether the class action has been pleaded in a manner that seeks to avoid Federal jurisdiction;

“(D) whether the action was brought in a forum with a distinct nexus with the class members, the alleged harm, or the defendants;

“(E) whether the number of citizens of the State in which the action was originally filed in all proposed plaintiff classes in the aggregate is substantially larger than the number of citizens from any other State, and the citizenship of the other members of the proposed class is dispersed among a substantial number of States; and

“(F) whether, during the 3-year period preceding the filing of that class action, 1 or more other class actions asserting the same or similar claims on behalf of the same or other persons have been filed.

“(4) A district court shall decline to exercise jurisdiction under paragraph (2)—

“(A)(i) over a class action in which—

“(I) greater than two-thirds of the members of all proposed plaintiff classes in the aggregate are citizens of the State in which the action was originally filed;

“(II) at least 1 defendant is a defendant—

“(aa) from whom significant relief is sought by members of the plaintiff class;

“(bb) whose alleged conduct forms a significant basis for the claims asserted by the proposed plaintiff class; and

“(cc) who is a citizen of the State in which the action was originally filed; and

“(III) principal injuries resulting from the alleged conduct or any related conduct of each defendant were incurred in the State in which the action was originally filed; and

“(ii) during the 3-year period preceding the filing of that class action, no other class action has been filed asserting the same or similar factual allegations against any of the defendants on behalf of the same or other persons; or

“(B) two-thirds or more of the members of all proposed plaintiff classes in the aggregate, and the primary defendants, are citizens of the State in which the action was originally filed.

“(5) Paragraphs (2) through (4) shall not apply to any class action in which—

“(A) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief; or

“(B) the number of members of all proposed plaintiff classes in the aggregate is less than 100.

“(6) In any class action, the claims of the individual class members shall be aggregated to determine whether the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs.

“(7) Citizenship of the members of the proposed plaintiff classes shall be determined for purposes of paragraphs (2) through (6) as of the date of filing of the complaint or amended complaint, or, if the case stated by the initial pleading is not subject to Federal jurisdiction, as of the date of service by plaintiffs of an amended pleading, motion, or other paper, indicating the existence of Federal jurisdiction.

“(8) This subsection shall apply to any class action before or after the entry of a class certification order by the court with respect to that action.

“(9) Paragraph (2) shall not apply to any class action that solely involves a claim—

“(A) concerning a covered security as defined under 16(f)(3) of the Securities Act of 1933 (15 U.S.C. 78p(f)(3)) and section 28(f)(5)(E) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(f)(5)(E));

“(B) that relates to the internal affairs or governance of a corporation or other form of

business enterprise and that arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

“(C) that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1)) and the regulations issued thereunder).

“(10) For purposes of this subsection and section 1453, an unincorporated association shall be deemed to be a citizen of the State where it has its principal place of business and the State under whose laws it is organized.

“(11)(A) For purposes of this subsection and section 1453 of this title, a foreign corporation which acquires a domestic corporation in a corporate repatriation transaction shall be treated as being incorporated in the State under whose laws the acquired domestic corporation was organized.

“(B) In this paragraph, the term ‘corporate repatriation transaction’ means any transaction in which—

“(i) a foreign corporation acquires substantially all of the properties held by a domestic corporation;

“(ii) shareholders of the domestic corporation, upon such acquisition, are the beneficial owners of securities in the foreign corporation that are entitled to 50 percent or more of the votes on any issue requiring shareholder approval; and

“(iii) the foreign corporation does not have substantial business activities (when compared to the total business activities of the corporate affiliated group) in the foreign country in which the foreign corporation is organized.”

(b) CONFORMING AMENDMENTS.—

(1) Section 1335(a)(1) is amended by inserting “subsection (a) or (d) of” before “section 1332”.

(2) Section 1603(b)(3) is amended by striking “(d)” and inserting “(e)”.

SEC. 5. REMOVAL OF INTERSTATE CLASS ACTIONS TO FEDERAL DISTRICT COURT.

(a) IN GENERAL.—Chapter 89 is amended by adding after section 1452 the following:

“§ 1453. Removal of class actions

“(a) DEFINITIONS.—In this section, the terms ‘class’, ‘class action’, ‘class certification order’, and ‘class member’ shall have the meanings given such terms under section 1332(d)(1).

“(b) IN GENERAL.—A class action may be removed to a district court of the United States in accordance with section 1446 (except that the 1-year limitation under section 1446(b) shall not apply), without regard to whether any defendant is a citizen of the State in which the action is brought, except that such action may be removed by any defendant without the consent of all defendants.

“(c) REVIEW OF REMAND ORDERS.—

“(1) IN GENERAL.—Section 1447 shall apply to any removal of a case under this section, except that notwithstanding section 1447(d), a court of appeals may accept an appeal from an order of a district court granting or denying a motion to remand a class action to the State court from which it was removed if application is made to the court of appeals not less than 7 days after entry of the order.

“(2) TIME PERIOD FOR JUDGMENT.—If the court of appeals accepts an appeal under paragraph (1), the court shall complete all action on such appeal, including rendering judgment, not later than 60 days after the date on which such appeal was filed, unless an extension is granted under paragraph (3).

“(3) EXTENSION OF TIME PERIOD.—The court of appeals may grant an extension of the 60-day period described in paragraph (2) if—

“(A) all parties to the proceeding agree to such extension, for any period of time; or

“(B) such extension is for good cause shown and in the interests of justice, for a period not to exceed 10 days.

“(4) DENIAL OF APPEAL.—If a final judgment on the appeal under paragraph (1) is not issued before the end of the period described in paragraph (2), including any extension under paragraph (3), the appeal shall be denied.

“(d) EXCEPTION.—This section shall not apply to any class action that solely involves—

“(1) a claim concerning a covered security as defined under section 16(f)(3) of the Securities Act of 1933 (15 U.S.C. 78p(f)(3)) and section 28(f)(5)(E) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(f)(5)(E));

“(2) a claim that relates to the internal affairs or governance of a corporation or other form of business enterprise and arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

“(3) a claim that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1)) and the regulations issued thereunder).”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 is amended by adding after the item relating to section 1452 the following:

“1453. Removal of class actions.”

(c) CHOICE OF STATE LAW IN INTERSTATE CLASS.—Notwithstanding any other choice of law rule, in any class action over which the United States district courts have jurisdiction and that asserts claims arising under State law concerning products or services marketed, sold, or provided in more than 1 State on behalf of a proposed class which includes citizens of more than 1 such State, as to each such claim and any defense to such claim, the district court shall not deny class certification, in whole or in part, on the ground that the law of more than 1 State will be applied.

SEC. 6. REPORT ON CLASS ACTION SETTLEMENTS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Judicial Conference of the United States, with the assistance of the Director of the Federal Judicial Center and the Director of the Administrative Office of the United States Courts, shall prepare and transmit to the Committees on the Judiciary of the Senate and the House of Representatives a report on class action settlements.

(b) CONTENT.—The report under subsection (a) shall contain—

(1) recommendations on the best practices that courts can use to ensure that proposed class action settlements are fair to the class members that the settlements are supposed to benefit;

(2) recommendations on the best practices that courts can use to ensure that—

(A) the fees and expenses awarded to counsel in connection with a class action settlement appropriately reflect the extent to which counsel succeeded in obtaining full redress for the injuries alleged and the time, expense, and risk that counsel devoted to the litigation; and

(B) the class members on whose behalf the settlement is proposed are the primary beneficiaries of the settlement; and

(3) the actions that the Judicial Conference of the United States has taken and intends to take toward having the Federal judiciary implement any or all of the recommendations contained in the report.

(c) AUTHORITY OF FEDERAL COURTS.—Nothing in this section shall be construed to alter the authority of the Federal courts to supervise attorneys' fees.

SEC. 7. ENACTMENT OF JUDICIAL CONFERENCE RECOMMENDATIONS.

Notwithstanding any other provision of law, the amendments to rule 23 of the Federal Rules of Civil Procedure, which are set forth in the order entered by the Supreme Court of the United States on March 27, 2003, shall take effect on the date of enactment of this Act or on December 1, 2003 (as specified in that order), whichever occurs first.

SEC. 8. RULEMAKING AUTHORITY OF SUPREME COURT AND JUDICIAL CONFERENCE.

Nothing in this Act shall restrict in any way the authority of the Judicial Conference and the Supreme Court to propose and prescribe general rules of practice and procedure under chapter 131 of title 28, United States Code.

SEC. 9. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action commenced on or after the date of enactment of this Act.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to the rule, I claim the time in opposition.

The SPEAKER pro tempore. Pursuant to House Resolution 96, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to briefly describe why this substitute is the superior piece of legislation before us today. The substitute is much better for the following reasons: civil rights carve-out. The substitute would carve out State civil rights claims in order to make sure that civil rights plaintiffs, especially those seeking immediate injunctive relief, can have their grievances addressed in a timely manner.

Believe me, this is an issue of great moment to those of us who are still prosecuting for a fair day in our Nation and have civil rights laws to back us up, but we now are pleading to keep the proper forums. For example, every State in the Union has passed a law prohibiting discrimination on the basis of disability. The language does not affect the Federal jurisdiction over Federal claims.

The second consideration for this is the wage-and-hour carve-out. Wage-and-hour class actions are often brought in State courts because State wage-and-hour remedies are often, I am sorry to say, more complete than the Federal wage-and-hour statute; and we have examples of that.

The third reason: we exclude non-class action cases involving physical injuries. The measure before us applies not only to class actions, but also to mass torts. The Democratic substitute removes the mass tort language. And then, of course, the attorney general carve-out which clarifies cases brought by State attorneys general are excluded from the provisions of the class action bill and would not be forced into Federal court.

These are the major reasons why we encourage a supportive vote for the substitute to the measure that is being debated today.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the Democratic substitute amendment and urge my colleagues to reject it. The new math behind the substitute amendment rests on the following arithmetic: if you add a number of amendments rejected by large bipartisan majorities in the other body last week and combine them with the amendment ideas overwhelmingly rejected on the House floor by a bipartisan vote last year, the sum will somehow equal a credible solution. Funny math.

Mr. Speaker, this formula simply does not add up. The American consumers and businesses will be left with change in their pockets if the amendment passes. The Democratic substitute is less than the sum of its parts and represents a quotient that renders Senate Bill 5's core reform elements meaningless.

The individual elements of this proposal deserve some comment and explanation. First, I note with some amusement that the substitute totally recycles the findings of S. 5. The pages of findings discuss abusive class action windfall settlements for trial attorneys, forum shopping, and the need for more of these large interstate class action cases to be in Federal court.

While the minority substitute reargues the compelling case for reform of the class action system, it is followed by text that will only perpetuate the crisis the findings identify. Their admitting you have a problem is the first step to recovery, and we appreciate that admission; but the minority sponsors clearly are not ready for step two.

One element of the substitute amendment is the State attorney general provision allowing any class action to be brought by or on behalf of the State attorney general to be in State court. This provision is unnecessary because when State attorneys general sue on behalf of their citizens, those actions are almost always "parens patriae" actions, and not class actions; and the former will be in no way affected by this bill.

Also, the provision could produce troubling associations between attorneys general and plaintiffs' lawyers. For these reasons, the Pryor amendment in the other body that this provision copies verbatim failed to garner even 40 votes on the Senate floor last week.

A second element of the substitute is the "choice of law" provision. This provision would not only eviscerate the bill, but also would overturn 70 years of established Supreme Court precedent and would export to Federal courts a

primary expedient of class action abuse we seek to remedy: the reckless application by local courts of the law of one State to the entire Nation in large interstate cases.

□ 1200

This provision is reprinted from a Senate amendment by Senator FEINSTEIN and Senator BINGAMAN. It was also soundly defeated.

The third element of the substitute is the so-called labor and civility rights carveout. This provision seeks to keep all class actions involving alleged civil rights and labor law violations in State court, despite the fact that the most generous racial discrimination and employment class action settlements in recent years have been in the Federal courts. The language was also offered in the other body and rejected.

Other major elements of the substitute include one our colleagues might remember as the Jackson-Lee House floor amendment to the bill in the last Congress. That amendment makes companies that incorporate abroad for tax purposes a citizen of a State and punishes them by keeping them out of Federal court. This is at least an admission that going into certain State courts as a defendant is indeed punishment, and that amendment was defeated in this House by the last Congress by a vote of 183 to 238. There is also a loophole creating a provision on mass actions and a completely unnecessary public disclosure provision, both based on Senate amendments in the other body that were offered and withdrawn.

What the minority has chosen as a substitute package certainly belies any grumblings about the lack of regular order this year. Since there is not a single original idea among the provisions that has not already been debated and defeated either in this House or the other body, it is hard to give credence to such complaints. This is a package of oldies but not goodies; oldies that have been rejected and should not be resurrected.

Finally, Mr. Speaker, a vote on this substitute is clearly just a vote to further deny or delay meaningful class action reform, and a vote on the substitute could not in any way be construed as reform of any kind but, rather, support for the trial-lawyer-dominated status quo.

I urge my colleagues to reject this recycled package of recycled amendments. The time for reform of a class action system which is out of control is now.

I urge my colleague to vote "no" on the substitute, and "yes" on S. 5.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I rise in support of the substitute. One of the problems with the substitute is you have to debate all of the different

issues all at once. If we had the opportunity to introduce individual amendments, we could have discussed them one at a time and had a much more coherent discussion.

As it has been said, the underlying bill does not extinguish the right to get to court but it does gratuitously complicate the litigation. It does not fix coupons, it just moves them from State court to Federal courts. It adds procedural hurdles, and this substitute removes many of those hurdles.

The main thing it does is it carves out many of the different cases that belong in State court or at least ought to have the opportunity in the State court. It also fixes the yo-yo effect where you start off in State court, get removed to Federal court, Federal court does not certify the class, and then what happens? I guess you come back to State court or, I do not know, you might not be able to get back to State court. You may end up in a procedural trap where you have lost your case just in the time it takes to get over there and try to get back.

This amendment fixes that quagmire. It also carves out, as has been said, the State civil rights cases where some States have civil rights laws that are stronger and cover different people, different classes than the Federal laws. Wage and hour laws, some States have better laws than the Federal court. Mass torts where you have not class actions per se, but a lot of different litigants all in the same State. It fixes the problem with Attorneys General in bringing a case in State court on behalf of not only members of their State, but if the injury has occurred to a lot of other people, the Attorney General might want to bring that case.

I have a letter, Mr. Speaker, signed on this specific issue by 47 Attorneys General.

It also denies benefits under the bill for tax traitors, those who move their corporate headquarters off shore to avoid corporate taxes; and it also provides a limitation on sealed settlements that the gentleman from New York (Mr. NADLER) has been very active in making sure that cases that are settled cannot be sealed beyond public view, unless if such a sealing would violate public health or other important considerations.

This is a well-reasoned substitute. It eliminates many but not all of the problems in the underlying bill, and I would hope that the House would adopt the substitute.

NATIONAL ASSOCIATION
OF ATTORNEYS GENERAL,
Washington, DC, February 7, 2005.

Hon. BILL FRIST,
Senate Majority Leader, U.S. Senate,
Dirksen Building, Washington, DC.

Hon. HARRY REID,
Senate Minority Leader, U.S. Senate,
Hart Building, Washington, DC.

DEAR SENATE MAJORITY LEADER FRIST AND SENATE MINORITY LEADER REID: We, the undersigned State Attorneys General, write to express our concern regarding one limited aspect of pending Senate Bill 5, the "Class Action Fairness Act," or any similar legisla-

tion. We take no position on the Act as a general matter and, indeed, there are differing views among us on the policy judgments reflected in the Act. We join together, however, in a bipartisan request for support of Senator Mark Pryor's potential amendment to S. 5, or any similar legislation, clarifying that the Act does not apply to, and would have no effect on, actions brought by any State Attorney General on behalf of his or her respective state or its citizens.

As Attorneys General, we frequently investigate and bring actions against defendants who have caused harm to our citizens. These cases are usually brought pursuant to the Attorney General's parens patriae authority under our respective consumer protection and antitrust statutes. In some instances, such actions have been brought with the Attorney General acting as the class representative for the consumers of the state. It is our concern that certain provisions of S. 5 might be misinterpreted to hamper the ability of the Attorneys General to bring such actions, thereby impeding one means of protecting our citizens from unlawful activity and its resulting harm.

The Attorneys General have been very successful in litigation initiated to protect the rights of our consumers. For example, in the pharmaceutical industry, the States have recently brought enforcement actions on behalf of consumers against large, often foreign-owned, drug companies for overcharges and market manipulations that illegally raised the costs of certain prescription drugs. Such cases have resulted in recoveries of approximately 235 million dollars, the majority of which is earmarked for consumer restitution. In several instances, the States' recoveries provided one hundred percent reimbursement directly to individual consumers of the overcharges they suffered as a result of the illegal activities of the defendants. This often meant several hundred dollars going back into the pockets of those consumers who can least afford to be victimized by illegal trade practices, senior citizens living on fixed incomes and the working poor who cannot afford insurance.

We encourage you to support the aforementioned amendment exempting all actions brought by State Attorneys General from the provisions of S. 5, or any similar legislation. It is important to all of our constituents, but especially to the poor, elderly and disabled, that the provisions of the Act not be misconstrued and that we maintain the enforcement authority needed to protect them from illegal practices. We respectfully submit that the overall purposes of the legislation would not be impaired by such an amendment that merely clarifies the existing authority of our respective States.

Thank you for your consideration of this very important matter. Please contact any of us if you have questions or comments.

Sincerely,
Mike Beebe, Attorney General, Arkansas.
Gregg Renkes, Attorney General, Alaska.
Mark Shurtleff, Attorney General, Utah.
Fiti Sunia, Attorney General, American Samoa.

Terry Goddard, Attorney General, Arizona.
John Suthers, Attorney General, Colorado.
Jane Brady, Attorney General, Delaware.
Charlie Crist, Attorney General, Florida.
Mark Bennett, Attorney General, Hawaii.
Stephen Carter, Attorney General, Indiana.

Bill Lockyer, Attorney General, California.
Richard Blumenthal, Attorney General, Connecticut.

Robert Spagnoletti, Attorney General, District of Columbia.

Thurbert Baker, Attorney General, Georgia.

Lawrence Wasden, Attorney General, Idaho.

Tom Miller, Attorney General, Iowa.
Greg Stumbo, Attorney General, Kentucky.

Steven Rowe, Attorney General, Maine.
Tom Reilly, Attorney General, Massachusetts.

Mike Hatch, Attorney General, Minnesota.
Jay Nixon, Attorney General, Missouri.
Jon Bruning, Attorney General, Nebraska.
Kelly Ayotte, Attorney General, New Hampshire.

Charles Foti, Attorney General, Louisiana.
Joseph Curran, Attorney General, Maryland.

Mike Cox, Attorney General, Michigan.
Jim Hood, Attorney General, Mississippi.
Mike McGrath, Attorney General, Montana.

Brian Sandoval, Attorney General, Nevada.
Peter Harvey, Attorney General, New Jersey.

Eliot Spitzer, Attorney General, New York.

Wayne Stenehjem, Attorney General, North Dakota.

Jim Petro, Attorney General, Ohio.
Hardy Myers, Attorney General, Oregon.

Roberto Sanchez Ramos, Attorney General, Puerto Rico.

Henry McMaster, Attorney General, South Carolina.

Roy Cooper, Attorney General, North Carolina.

Pamela Brown, Attorney General, N. Mariana Islands.

W.A. Drew Edmondson, Attorney General, Oklahoma.

Tom Corbett, Attorney General, Pennsylvania.

Patrick Lynch, Attorney General, Rhode Island.

Lawrence Long, Attorney General, South Dakota.

Paul Summers, Attorney General, Tennessee.

Darrell McGraw, Attorney General, West Virginia.

Patrick Crank, Attorney General, Wyoming.

Rob McKenna, Attorney General, Washington.

Peg Lautenschlager, Attorney General, Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished majority Whip.

Mr. BLUNT. Mr. Speaker, the vote in this House we will take within the hour will leave only one more step, the President's signature, in this first major attack on lawsuit abuse.

I oppose the substitute and support the bill. I want to express my appreciation to the gentleman from Wisconsin (Mr. SENSENBRENNER) and his committee and all the Members, in fact, who have been willing to take on this tough fight, but particularly to the chairman for working hard to find a way to get this bill on the floor and to the President this early in this Congress.

Frivolous lawsuits are clogging America's judicial system, endangering America's small businesses, jeopardizing jobs, and driving up prices for consumers. The bill we are debating today will reduce these junk lawsuits through tougher sanctions and increased commonsense protections.

The past few years have witnessed an explosion of interstate class actions being filed in State courts, particularly

in certain magnet jurisdictions. These magnet courts are filled with class action abuses. They routinely approve settlements in which the lawyers receive large fees and the class members receive virtually nothing.

The Class Action Fairness Act is a commonsense bipartisan plan that addresses this serious problem by allowing larger interstate class action cases, cases that truly do involve multiple States, to be filed in Federal court. In addition to unclogging certain overused courts, this bill ends the harassment of local businesses through forum shopping. Lawyers who now manipulate this system often do anything to stay out of Federal court. They sometimes name a local pharmacy or a local convenience store in a nationwide product liability suit simply because they believe that court, and that court often has created a reputation as the place to go to get unjust settlements.

Sometimes they wait and amend their complaint and add millions of dollars of claims after the deadline for removal to Federal court. This bill stops this unfair practice as well.

This bill also establishes a much-needed class action rights bill. Several provisions are specifically designed to ensure that class members, not their attorneys, are the primary beneficiaries of the class action process.

Six years ago on this floor we really began the process of attacking this system. The stories go on and on and on, to the point that by the time we passed legislation like this in the last Congress for the third Congress straight, Members were eager to just simply get a couple of minutes to talk about one of the classes where the people in the class get a dollar-off coupon, the people in the class get the smallest possible box of Cheerios, the people in the class get a 31-cent check, or the people in the class even wind up having to pay the lawyers of the class additional money because there really was no money for the people in the class that was being determined.

This bill requires that judges carefully review settlements and limits attorneys fees when the value of the settlement received by the class members is minor in comparison or when there is a net loss settlement where the class members actually end up losing money.

This bill bans settlements that award some class members a large recovery simply because they live closer to the court that the lawyers shopped for to get that case in that judge's court.

It allows Federal courts to maximize the benefit of class action settlements by requiring that unclaimed settlement funds be donated to charitable organizations.

The Class Action Fairness Act is good for small business and good for consumers. I urge a "no" vote on the substitute. I urge my colleagues to support this important legislation.

Mr. Speaker, I thank the chairman and his committee for their hard work on this effort.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the minority leader of our caucus.

Ms. PELOSI. Mr. Speaker, I rise in strong opposition to this legislation.

Today Republicans are bringing to the floor as their first major legislative action a payback to big business at the expense of consumers. The Republican agenda is to ensure that some Americans do not get their day in court.

Make no mistake that this class action bill before us today is an extreme bill. It is not a compromise bill as some have claimed. It is an extreme bill that is an injustice to consumers and a windfall for irresponsible corporations. Consumers will be hit hard by this bill, Mr. Speaker. It lumps together individual personal injury cases such as those involving Vioxx, which are not class action under current procedures, and forces them into the Federal courts. Doing so will greatly increase the likelihood that such cases will never be heard.

When Americans are injured or even killed by Vioxx or Celebrex or discriminated against by WalMart, they may never get their day in court. Those cases that do go forward will take significantly longer because the Federal courts are overburdened and unequipped for this caseload. That is why the bill is opposed by Federal judges, including The Judicial Conference of the United States. Special interests have even admitted that the real intent of this bill is to clog the Federal courts and, therefore, stop the cases.

To irresponsible corporations, however, the class action bill is a belated Valentine. It is exactly what they have asked for. Powerful corporations will largely be immune from the accountability that currently comes from meritorious State class action cases. For example, this bill would help shield large corporations from any accountability for Enron-style shareholder fraud, for activities that violate employee rights under State law, and for telemarketing fraud targeted at the elderly.

It should come as no surprise, however, that Republicans are seeking yet another way to protect irresponsible corporations.

The Washington Post reported that last year's Republican medical malpractice bill contained special liability protections that would have precluded consumers from suing to recover punitive damages arising for the types of injuries caused by Vioxx and Celebrex. Protecting big drug companies is always at the top of the Republican agenda. We saw that in the prescription drug bill under Medicare. This is yet again another example of Republicans being the handmaidens of the pharmaceutical industry.

This bill also runs counter to the principles of federalism that my colleagues on the other side of the aisle claim to support. It throws thousands

of State cases into Federal courts that are not equipped to adjudicate State laws. For instance, lawsuits involving the enforcement of the State hourly wage laws, which often have greater protections than Federal wage laws, would be forced into Federal courts. In fact, 46 State Attorneys General on a bipartisan basis have requested an exemption so that they can continue to protect their citizens under the State consumer protection laws in State courts. The Republicans have rejected that request while Democrats have incorporated it into our substitute.

Democrats in our substitute support sensible approaches that weed out frivolous lawsuits but not meritorious claims. Our Democratic substitute says that certain kinds of cases must always have their day in court. Physical injury cases, civil rights cases, wage and hour cases, State Attorneys General cases, and others must be heard if we are to remain a Nation that strives for justice for all.

President Harry Truman said it so well. "The Democratic party stands for the people. The Republican party stands, and has always stood, for special interest."

I urge my colleagues to stand up to the special interests, to support the Democratic substitute, to listen, to listen to the recommendation of the Federal judges and the Judicial Conference of the United States and oppose this extreme legislation.

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Mr. SENSENBRENNER. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding me time.

Mr. Speaker, all Americans should thank the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Wisconsin (Chairman SENSENBRENNER) for their leadership on this most important issue.

The Class Action Fairness Act is a bipartisan, sensible bill that clarifies the rights of consumers and restores confidence in America's judicial system. It reforms the class action system and addresses the abuses that harm so many Americans.

We have all heard of the lawsuits in which plaintiffs walk away with pennies, sometimes literally, while the attorneys walk away with millions of dollars in fees. This problem will be addressed by providing greater scrutiny over settlements that involve coupons or very small cash amounts.

This legislation also ensures that deserving plaintiffs are able to make full use of the class action system. It allows easier removal of class action cases to Federal courts. This is important because class actions tend to affect numerous Americans and often involve millions of dollars. Federal court is the right place for such large lawsuits.

Moving more class actions to Federal courts also prevents one of the worst

problems in class actions today, forum shopping.

Mr. Speaker, while many concessions were made on both sides, this is still a very worthwhile bill that contains many good reforms, and I fully support it and look forward to its enactment into law and also encourage my colleagues to support it as well.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. NADLER), a distinguished member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding me the time.

I rise in strong opposition to this egregious legislation and in support of the Conyers/Nadler/Jackson-Lee substitute amendment.

This substitute amendment amends this bill in several ways to ensure that consumers, workers and victims in personal injury cases are not precluded from having a fair opportunity to present their cases in court. I know the distinguished minority leader and others have mentioned some of these instances.

My good friend Eliot Spitzer, the distinguished attorney general of New York State, has joined 46 State attorneys general in expressing their concern that this legislation could limit their power to investigate and bring actions in their State courts against defendants who have caused harm to their citizen. Our amendment clarifies that cases brought by States attorneys general will not be subject to the provision of this bill and would not be forced into Federal court.

The substitute also includes a provision which I have advocated for many years, which actually was supported by the distinguished chairman and passed the Committee on the Judiciary a couple of times, to limit the ability of corporations settling lawsuits to demand that records that may indicate threats to public health and safety be sealed, unless it is necessary to protect trade confidentiality.

The substitute provides that when such a gag order is requested, and it is normally requested by both the plaintiff and the defendant because in the settlement the defendant insists on this as a condition of the settlement, the court then rubber stamps it. This substitute provides that if such a gag order is requested, the court must make a finding as to whether the defendant's interest in confidentiality outweighs the public interest in knowing of the threat to its health or safety.

If the court finds that the privacy interest outweighs the public interest, the court will issue the gag order. If the court finds the public interest in health and safety outweighs the privacy interest claimed in the specific case, the court must prohibit the sealing of the information.

Too often, critical information is sealed from the public and people are

harmed as a result. How many people were killed or injured because the court sealed records relating to exploding Firestone tires, for one example. This provision will allow the public to learn of threats to this health and safety so as to take proper action to protect the public, while protecting legitimate confidential information.

The Conyers/Nadler/Jackson-Lee substitute amendment also deals with a major catch-22 created by the bill for victims of large and complex multistate court torts. On the one hand, the bill provides State courts cannot hear such cases; but when these cases are removed to Federal court, plaintiffs will find that the Federal courts routinely refuse to hear them. Federal courts are very reluctant to certify a multistate consumer class action suit, and six circuit courts and 26 district courts have expressly refused to consider certifying cases where several State laws apply.

Our substitute protects victims from facing this catch-22 and having the courtroom door completely closed to them by providing that if these cases are removed to Federal court by this bill, the Federal courts cannot refuse to certify a class action simply because more than one State law applies.

I urge my colleagues not to allow this bill to completely deny victims their day in court, either in State court or in Federal court. That would render this bill completely hypocritical. I urge my colleagues to vote "yes" on the Conyers/Nadler/Jackson-Lee substitute and "no" on the main bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE), the author of the bill.

Mr. GOODLATTE. Mr. Speaker, I thank the chairman for yielding me time and for his leadership in bringing this legislation to the floor and for working with the Senate to achieve the compromise that we need.

The gentlewoman from California (Ms. PELOSI), the minority leader, called this an extreme Republican measure. Apparently, she has not spoken to her own fellow San Franciscan and senior Senator from her State, DIANNE FEINSTEIN, who negotiated the compromise that has brought this legislation to the floor of the House, or to Senator CHUCK SCHUMER, also a member of the Committee on the Judiciary on the Democratic side in the Senate, or 16 other Democratic Senators who voted for this legislation.

She also apparently has not spoken to members of her own Democratic Caucus, many of whom have voted for this legislation in each of the last three Congresses that have passed the House of Representatives and many more of whom will vote for the legislation today.

A number of the folks who have spoken on the other side of the aisle criticizing the legislation have cited total inaccuracies about what the legislation will do.

The gentleman from Massachusetts (Mr. MARKEY) would not yield to me, but he said that the Amerada Hess case in New Hampshire, with gasoline leaking into groundwater, would not be heard in the State court; but if you live in New Hampshire and you have gasoline leaking in your groundwater and virtually all of the plaintiffs are New Hampshire residents, the case, under this bill, would be heard in the State courts.

Some have mentioned the Vioxx case against Merck would be affected by this, and they have argued that Senate 5 should be rejected because it will hurt consumers bringing Vioxx cases against Merck. The truth, however, is that this legislation will have absolutely no effect on Vioxx suits. Here is why: the majority of personal injury cases brought against Merck are individual cases that would not be affected by the bill in any manner whatsoever. These include more than 400 personal injury cases that are part of a coordinated proceeding in New Jersey State court. None of these cases will be affected by the bill because they are neither class actions nor mass actions.

Now, what kind of cases would be affected by this legislation? Well, let me show my colleagues how a select number of class action trial lawyers play the class action wheel of fortune.

How about the Kay Bee Toys case where the lawyers got \$1 million in attorneys fees and the consumers got 30 percent off selected products of an advertised sale at Kay Bee Toys for one week.

Or the Poland Spring Water case where the lawyers got \$1.35 million in the wheel of fortune and the consumers got coupons to buy more of the water that the lawyers were alleging was defective.

How about the Ameritech case. The price goes up, \$16 million for those lawyers; the consumers, \$5 phone cards.

How about the Premier Cruise line case. The lawyers got nearly \$900,000. The consumers got \$30 to \$40 off of their next thousand dollar cruise, with a coupon to buy more of the product the lawyers were alleging was defective.

Or the computer monitor litigation, \$6 million in attorneys fees in a case alleging that the size of the computer screen was slightly off, and therefore, they were entitled to something. What did the consumers get? A \$13 rebate to purchase their next purchase.

How about the register.com case, \$642,500 to the lawyers. The consumers, \$5-off coupons.

My favorite case, the case against Chase Manhattan Bank, the lawyers got \$4 million in attorneys fees, but the plaintiffs that allegedly the opponents of this bill are protecting, they got 33 cents. Here is one of the actual checks. The catch was that at the time, to accept this 33-cent magnanimous check, they had to use a 34-cent postage stamp to send in the acceptance to get their 33-cent fee.

How about the case that President Bush cited last week when he highlighted problems with this of the woman who had a defective television set against Thompson Electronics, found she had been made a member of a class action seeking redress of her grievances and many others against Thompson Electronics. What did the lawyers get? \$22 million in attorneys fees. What did she get? A coupon for \$25 to \$50 off her next purchase of exactly what she did not want, another Thompson Electronics television set.

Now, the gentlewoman from California, the minority leader, also cited the Washington Post. Let me tell my colleagues, the Washington Post has repeatedly endorsed this legislation, along with over a hundred other major newspapers, the Washington Post, the Wall Street Journal, the Financial Times, Christian Science Monitor, on and on the list goes. And here is what the Washington Post said, and that is why we need to pass this legislation today. The clients get token payments while the lawyers get enormous fees. This is not justice. It is an extortion racket that only Congress can fix.

I urge my colleagues to pass the bill.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New York (Mr. WEINER), a distinguished member of the Committee on the Judiciary.

Mr. WEINER. Mr. Speaker, I thank the gentleman from Michigan for the time.

Sometimes during these debates I like to step in to take a perspective of someone on the committee who is not a lawyer; but I have to tell my colleagues, the previous speaker, the gentleman from Virginia, went to great lengths to talk about the lawyers fees. There is nothing in this bill that limits lawyers fees, and there is not anything in the bill actually that argues for his point, which is apparently that there should be a minimum amount that wrongdoers pay to each individual aggrieved person, which is a novel argument, I have not heard it made by my colleague before, saying that the plaintiffs are receiving too little now.

Let me explain very briefly why it is that we have situations like that. Those of us who are individuals of modest means, if we have been aggrieved by a major company, if they have done something that has harmed our health or our community or our family, we as individuals frankly do not have the ability to take on a major company to stop them from doing the wrongful things, to make sure they understand that there is a cost of doing it. So we join together as a community and we bring these actions as a group. We cannot, frankly, pay the lawyer up front so they are paid on contingencies, and that is the way these actions get taken.

One thing the gentleman from Virginia did not say even once through that whole wheel of rhetoric was that any of those that were held account-

able by juries of their peers were not guilty of those things. In those cases, those parties, each and every one of them, on the wheel of rhetoric actually was found by a judge or a jury to have done substantial bad things to the community. The system actually worked in those cases.

We can quibble about the person, the individual that wound up getting a payment. There were so many of them, millions of people who had been harmed by those companies, that when they were done divvying up what seemed like a very large judgment, tens of millions of dollars, there was only left a 35, 40-cent coupon and the like.

I stand perfectly ready to vote in favor of an amendment by the gentleman from Virginia to have minimum payments to people who have been harmed. If the gentleman thinks it is not enough that they get 35 cents, I am with him. Some of those companies did outrageous things to our community, and they should be held accountable. If my colleague thinks a 35-cent check is not enough, I am with him. Let us make minimum amounts that they pay for the injuries, that they have to get, because the harm is so great.

I want to remind my colleagues and the citizens watching this why the system is structured this way. Imagine for a moment if someone who is making a shoddy automobile, who was not paying attention to whether sharp objects got into a cereal box, did not have to be concerned about lawsuits anymore. Do my colleagues think they would really say let us hire that extra safety precaution, that extra employee to keep an eye out for consumers? No. They would be less inclined to do that.

The system works as it is intended. Are there abuses? I am sorry to say that there are some, and I wish we would address some of them in this legislation which, of course, we do not; but frankly to stand before the wheel of rhetoric, which really is a wheel of bad doers who got caught by the justice system, which we are trying to dismantle here today, and say this is evidence that the system does not work is entirely the opposite of the truth, unless my colleagues believe that a jury of people's peers cannot make these informed decisions, that we are the only people brilliant enough to make these decisions. I love these small government types who believe we have better judgment on these things than 12 men and women in a community, then we have to believe that the system in those cases worked.

I would say to my colleagues on both sides of the aisle that the Conyers/Nadler/Jackson-Lee substitute only puts lipstick on a fraud. It still leaves a very, very flawed bill; but at least we go from being completely destructive to only being moderately destructive, and we protect ourselves from some of the worst abuses.

□ 1230

Mr. Speaker, I urge a "yes" vote on the substitute, a "no" vote on the base bill, and I urge us to stop this drumbeat on the other side of blaming average Americans for being victimized by big corporations.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time, and I thank the gentleman from New York (Mr. WEINER) for raising the points on those cases on the class action wheel of fortune because he makes a good point. In not one of those cases was there any wrongdoing found on the part of any of those defendants because all of those were settlements. They were extortionate settlements because they are in the jurisdiction of a court where they know they are facing a hanging judge and a hanging jury.

The gentleman also raised another good point, and we should not leave plaintiffs in the situation where they get a 33-cent check or a coupon for a box of Cheerios, like in another case, and that is what this bill does. It requires extra-special scrutiny for coupon settlement cases so the courts will no longer let the manufacturers' attorneys and the defendants' attorneys come in with a settlement that simply gets out of the case, that gives the plaintiffs' attorney a huge sum of money and everyone else walks away and the plaintiffs get left holding the bag.

Mr. Speaker, the gentleman ought to talk to his colleague, the senior Senator from New York, the predecessor of his seat, who supported this legislation.

In addition, when the gentleman talks about abuse of plaintiffs in these cases, take into consideration the nationwide class action lawsuit filed in Alabama against the Bank of Boston, headquartered in Massachusetts, over mortgage escrow accounts. The class members won the case but actually lost money. Amazing.

Under the settlement agreement, the 700,000 class members received small payments of just a couple of dollars or no money at all. About a year later, they found out that anywhere from \$90 to \$140 had been deducted from their escrow accounts. For what? To pay their lawyers' legal fees, of what? \$8.5 million. And when some of those class members, some of those beleaguered plaintiffs, that I am glad the gentleman from New York is standing up for, sued their class action lawyers for malpractice, the lawyers countersued them for \$25 million saying that their former clients were trying to harass them.

This is an extortionate practice. A small cartel of class action lawyers around the country are abusing the system and we need to change it.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I thank the gentleman very much for yielding me this additional time, and I am surprised that such an able lawyer would be unwilling to engage in a debate on his time, but I will take 30 seconds simply to rebut what the gentleman said.

In every one of those cases on the wheel of rhetoric that the gentleman put up, those that were found guilty, those who were found to be responsible, those who were found to be culpable of doing harmful things to our community admitted it, paid a fine, paid a penalty, that was approved by a judge, and that is the fact; that the gentleman took cases of people who admitted with their actions there was wrongdoing involved.

And if they had not been caught by this system, I ask the gentleman, what system would they be caught by?

Mr. CONYERS. Mr. Speaker, I am pleased to yield the balance of my time to the gentlewoman from Texas (Ms. JACKSON-LEE), a cosponsor of the substitute amendment.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, that pig may have lipstick, but I can tell my colleagues that it is still pretty unattractive.

It is interesting that my good friend from Virginia keeps talking about coupons and this 30 cents. What he is not telling those of us who understand what class action settlements really mean is that in the settlement comes the punishment for not doing or the incentive to not violate the law again. In the settlement comes an injunction that argues or stops the culprit, the violator, from doing harm again. There is an action. Class actions do not always generate into dollars to petitioners. If you have been done harm, you want that harm to stop immediately so someone else cannot be harmed.

And the class action lawsuit and the so-called millions of dollars to attorneys for attorneys fees does not take into account the preparation for that case, the depositions, the travel. So it looks as if there is a great bounty or a gift being given to lawyers who are working to ensure that the punitive entity, the entity that has caused thousands of employees to lose pensions from corporations, the entity such as MCI and others who have thrown away their corporate responsibility to their employees and caused them to lose all their money, who violated corporate laws and had the violation of trust and made sure that they did the self-dealing, these class actions were to say "and do that no more," and "we will not allow you to do that anymore."

For example, the particular amendment that is included in the Conyers-Nadler-Jackson-Lee substitute, which I rise enthusiastically to support, the tax traitor corporation which leaves America and incorporates somewhere else and depletes all of its savings accounts, or all of its accounts, so there-

fore if there is an action, if you are harmed, if you are hurt and you sue here in the United States, you look up in the court and you find out there is empty pockets. Why? Because they have overcome the laws of this land. They have absconded and you have no way of seeking relief. The substitute includes the relief that is necessary to ensure that citizens and consumers are protected.

There is a civil rights carveout, so that you have a right to address your grievances without the expenses of a Federal Court. There is a wage and hour carveout, so that you can file against a company in your local jurisdiction as a class action when you have been violated on the minimum wage. Physical injuries, so that when your child is injured in a park because of a defective product you have the right to go into your State courts and seek relief.

Now, I want to share with those who feel that we are now opening the doors of opportunity with the Federal courts. Let me share this with you. This is why this is a bogus litigation or legislation that will not work. Arizona has 159 State judges, only 13 Federal courts. Tell me the difference in being able to go into a court that has 159 judges versus those who have 13.

What about the State of South Carolina, with 48 State judges and merely 10 federal judges; or Rhode Island with 22 State judges and three Federal judges; New York with 593 State judges and a mere 52 Federal courts; Louisiana, 211 State judges and 22 Federal courts?

Frankly, there is a farce going on here. At the end of the 108th Congress there were 35 judicial vacancies in the Federal courts. There is no opportunity to go into the Federal courts. They are overburdened and overworked. Justice Rehnquist said something very important. He said, "I have criticized Congress and the President for their propensity to enact more and more legislation which brings more and more cases into the Federal Court system. This criticism received virtually no public attention. If Congress enacts and the President signs new laws, allowing more cases to be brought into the Federal courts, just filling the vacancies will not be enough. We need additional judgeships."

This is a farce, I am saddened to say, even with the compromise. We all want to see the judicial system work. I know my good friend from Virginia has good intentions, but this responds to a non-crisis with no resources, no added courts to the Federal bench, and the backlog of cases all over America simply slams the door to injured parties across this land.

The substitute is fair. It allows you to go into the State courts that have a bounty of judges, allows you to be heard, and it allows those corporate offenders or those products that have offended and harmed and maybe killed, those defective automobiles, to be in the courthouse and to have their concerns heard.

Mr. Speaker, I rise in opposition to this bill, S. 5, the Class Action Fairness Act. Unfortunately for the millions of aggrieved plaintiffs in America with legitimate claims, this body has brought yet another piece of legislation to the floor that threatens to close the doors of the court.

This bill, despite its name, is *not* fair to all complainants who come to the courts for relief. In addition, it fails to render accountability to parties who are in the best financial position. One issue that I planned to address by way of amendment was that of punishing fraudulent parties to class action proceedings by preventing them from removing the matter to federal court.

I am a co-sponsor of the amendment in nature of a substitute that will be offered by my colleagues. With the provisions that it contains, requirements for Federal diversity jurisdiction will not be watered down resulting in the removal of nearly all class actions to Federal court. A wholesale stripping of jurisdiction from the State courts should not be supported by this body. Therefore, it needs to be made more stringent as to all parties and it needs to contain provisions to protect all claimants and their right to bring suit.

Contained within the amendment in nature of a substitute is a section that I proposed in the context of the Terrorist Penalties Enhancement Act that was included in the bill passed into law. This section relates to holding "tax traitor corporations" accountable for their terrorist acts. With respect to S. 5, the right to seek removal to Federal courts will be precluded for tax traitor corporations.

The "tax traitor corporation" refers to a company that, in bad faith, takes advantage of loopholes in our tax code to establish bank accounts or to ship jobs abroad for the main purpose of tax avoidance. A tax-exempt group that monitors corporate influence called "Citizen Works" has compiled a list of 25 Fortune 500 Corporations that have the most offshore tax-haven subsidiaries. The percentage of increase in the number of tax havens held by these corporations since 1997 ranges between 85.7 percent and 9,650 percent.

This significant increase in the number of corporate tax havens is no coincidence when we look at the benefits that can be found in doing sham business transactions. Some of these corporations are tax traitor corporations because they have given up their American citizenship; however, they still conduct a substantial amount of their business in the United States and enjoy tax deductions of domestic corporations.

The provision in the substitute amendment will preclude these corporations from enjoying the benefit of removing State class actions to Federal court. Forcing these corporate entities to defend themselves in State courts will ensure that these class action claims will be fairly and fully litigated.

Mr. Speaker, S. 5 applies not only to class actions but to all tort cases. It is highly inefficient to overwhelm the Federal courts with the massive number of State claims that will come their way. Not only are the Federal courts less sympathetic to this kind of litigation, the practical effect will be that many cases will never be heard.

The barriers to gaining Federal jurisdiction to have a case heard is much higher than in State courts by virtue of their creation. As a result, the Federal courts will be quick to

refuse class certification in complex litigation matters. State courts are better suited to adjudicate complex class actions.

I oppose this legislation and urge my colleagues to join me.

Mr. Speaker, I ask my colleagues to vote for the substitute and defeat the underlying bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the amendment in the nature of a substitute completely guts this bill. Every crippling amendment that was rejected either in this House or the other body in this Congress or the previous Congress is incorporated in this amendment. They do not have any new ideas over there. They just repackage and try to regurgitate the old ideas that have been found lacking.

The issue in this bill is very clear, and that is that we have to restore some sanity to the civil justice system by dealing with the abuses that a small group of lawyers have turned the class action system into.

When the framers of the Constitution wrote that inspired document, they gave Congress the power to regulate interstate Congress. What has happened as a result of the abuse of the class action system is that judges in small out-of-the-way counties, like Madison County, Illinois and Jefferson County, Texas end up being the ultimate arbiters of interstate commerce.

This bill puts some balance back into the system. The amendment perpetuates the existing system. Vote "no" on the amendments, vote "no" on the motion to recommit, and pass the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COLE of Oklahoma). Pursuant to House Resolution 96, the previous question is ordered on the bill and on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. CONYERS).

The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 178, nays 247, not voting 9, as follows:

[Roll No. 36]

YEAS—178

Abercrombie	Baldwin	Berry
Ackerman	Barrow	Bishop (GA)
Allen	Bean	Bishop (NY)
Andrews	Becerra	Blumenauer
Baca	Berkley	Boswell
Baird	Berman	Brady (PA)

Brown (OH)	Jackson-Lee	Pastor	Kennedy (MN)	Myrick	Schwartz (MI)
Brown, Corrine	(TX)	Payne	King (IA)	Neugebauer	Scott (GA)
Butterfield	Jefferson	Pelosi	King (NY)	Ney	Sensenbrenner
Capps	Johnson, E. B.	Pomeroy	Kingston	Northup	Sessions
Capano	Jones (OH)	Price (NC)	Kirk	Norwood	Shadegg
Cardin	Kanjorski	Rahall	Kline	Nunes	Shaw
Cardoza	Kaptur	Reyes	Knollenberg	Nussle	Shays
Carnahan	Kennedy (RI)	Ross	Kolbe	Osborne	Sherwood
Carson	Kildee	Rothman	Kuhl (NY)	Otter	Shimkus
Chandler	Kilpatrick (MI)	LaHood	LaHood	Oxley	Shuster
Clay	Kind	Latham	Latham	Paul	Simmons
Cleaver	Kucinich	LaTourette	LaTourette	Pearce	Simpson
Clyburn	Langevin	Leach	Leach	Pence	Smith (NJ)
Conyers	Lantos	Lewis (CA)	Lewis (CA)	Peterson (MN)	Smith (TX)
Costa	Larsen (WA)	Lewis (KY)	Lewis (KY)	Peterson (PA)	Sodrel
Costello	Larson (CT)	Linder	Linder	Petri	Souder
Crowley	Lee	LoBiondo	LoBiondo	Pickering	Stearns
Cummings	Levin	Lucas	Lucas	Pitts	Sweeney
Davis (AL)	Lewis (GA)	Lungren, Daniel	Lungren, Daniel	Platts	Tancredo
Davis (CA)	Lipinski	E.	E.	Poe	Tanner
Davis (FL)	Lofgren, Zoe	Mack	Mack	Pombo	Taylor (MS)
DeFazio	Lowe	Manzullo	Manzullo	Porter	Taylor (NC)
DeGette	Lynch	Marchant	Marchant	Portman	Terry
DeLahunt	Maloney	Marshall	Marshall	Price (GA)	Thornberry
DeLauro	Markey	Matheson	Matheson	Pryce (OH)	Tiahrt
Dicks	McCarthy	McCaul (TX)	McCaul (TX)	Putnam	Tiberi
Dingell	McCollum (MN)	McCotter	McCotter	Radanovich	Turner
Doggett	McDermott	McCrery	McCrery	Ramstad	Upton
Doyle	McGovern	McHenry	McHenry	Regula	Walden (OR)
Edwards	McIntyre	McHugh	McHugh	Rehberg	Walsh
Emanuel	McKinney	McKeon	McKeon	Renzi	Wamp
Engel	McNulty	McMorris	McMorris	Reynolds	Weldon (FL)
Etheridge	Meehan	Mica	Mica	Rogers (AL)	Weldon (PA)
Evans	Meek (FL)	Miller (FL)	Miller (FL)	Rogers (KY)	Weller
Fattah	Meeks (NY)	Miller (MI)	Miller (MI)	Rogers (MI)	Westmoreland
Filner	Melan (CA)	Miller, Gary	Miller, Gary	Rohrabacher	Whitfield
Frank (MA)	Menendez	Moran (KS)	Moran (KS)	Ros-Lehtinen	Wicker
Gonzalez	Michaud	Moran (VA)	Moran (VA)	Royce	Wilson (NM)
Green, Al	Millender-McDonald	Murphy	Murphy	Ryan (WI)	Wilson (SC)
Green, Gene	Miller (NC)	Murtha	Murtha	Ryun (KS)	Wolf
Grijalva	Miller, George	Musgrave	Musgrave	Saxton	Young (AK)
Gutierrez	Mollohan				
Harman	Moore (KS)				
Hastings (FL)	Moore (WI)				
Herseth	Nadler				
Higgins	Napolitano				
Hinchee	Neal (MA)				
Hinojosa	Oberstar				
Holt	Obey				
Honda	Oliver				
Hooley	Ortiz				
Hoyer	Owens				
Inslee	Pallone				
Israel	Pascrell				
Jackson (IL)					

NAYS—247

Aderholt	Chocola	Garrett (NJ)
Akin	Coble	Gerlach
Alexander	Cole (OK)	Gibbons
Bachus	Conaway	Gilchrest
Baker	Cooper	Gillmor
Barrett (SC)	Cox	Gingrey
Bartlett (MD)	Cramer	Gohmert
Barton (TX)	Crenshaw	Goode
Bass	Cubin	Goodlatte
Beauprez	Cuellar	Gordon
Biggett	Culberson	Granger
Bilirakis	Cunningham	Graves
Bishop (UT)	Davis (KY)	Green (WI)
Blackburn	Davis (TN)	Gutknecht
Blunt	Davis, Jo Ann	Hall
Boehlert	Davis, Tom	Harris
Boehner	Deal (GA)	Hart
Bonilla	DeLay	Hastert
Bonner	Dent	Hastings (WA)
Bono	Diaz-Balart, L.	Hayes
Boozman	Diaz-Balart, M.	Hayworth
Boren	Doolittle	Hefley
Boucher	Drake	Hensarling
Boustany	Dreier	Herger
Boyd	Duncan	Hobson
Bradley (NH)	Ehlers	Hoekstra
Brady (TX)	Emerson	Holden
Brown (SC)	English (PA)	Hostettler
Brown-Waite,	Everett	Hulshof
Ginny	Feeney	Hunter
Burgess	Ferguson	Hyde
Burton (IN)	Fitzpatrick (PA)	Inglis (SC)
Buyer	Flake	Issa
Calvert	Foley	Istook
Camp	Forbes	Jenkins
Cannon	Ford	Jindal
Cantor	Fortenberry	Johnson (CT)
Capito	Fossella	Johnson (IL)
Carter	Fox	Johnson, Sam
Case	Franks (AZ)	Jones (NC)
Castle	Frelinghuysen	Keller
Chabot	Galleghy	Kelly

Kennedy (MN)	Myrick	Schwartz (MI)
King (IA)	Neugebauer	Scott (GA)
King (NY)	Ney	Sensenbrenner
Kingston	Northup	Sessions
Kirk	Norwood	Shadegg
Kline	Nunes	Shaw
Knollenberg	Nussle	Shays
Kolbe	Osborne	Sherwood
Kuhl (NY)	Otter	Shimkus
LaHood	Oxley	Shuster
Latham	Paul	Simmons
LaTourette	Pearce	Simpson
Leach	Pence	Smith (NJ)
Lewis (CA)	Peterson (MN)	Smith (TX)
Lewis (KY)	Peterson (PA)	Sodrel
Linder	Petri	Souder
LoBiondo	Pickering	Stearns
Lucas	Pitts	Sweeney
Lungren, Daniel	Platts	Tancredo
E.	Poe	Tanner
Mack	Pombo	Taylor (MS)
Manzullo	Porter	Taylor (NC)
Marchant	Portman	Terry
Marshall	Price (GA)	Thornberry
Matheson	Pryce (OH)	Tiahrt
McCaul (TX)	Putnam	Tiberi
McCotter	Radanovich	Turner
McCrery	Ramstad	Upton
McHenry	Regula	Walden (OR)
McHugh	Rehberg	Walsh
McKeon	Renzi	Wamp
McMorris	Reynolds	Weldon (FL)
Mica	Rogers (AL)	Weldon (PA)
Miller (FL)	Rogers (KY)	Weller
Miller (MI)	Rogers (MI)	Westmoreland
Miller, Gary	Rohrabacher	Whitfield
Moran (KS)	Ros-Lehtinen	Wicker
Moran (VA)	Royce	Wilson (NM)
Murphy	Ryan (WI)	Wilson (SC)
Murtha	Ryun (KS)	Wolf
Musgrave	Saxton	Young (AK)

NOT VOTING—9

Davis (IL)	Rangel	Sullivan
Eshoo	Reichert	Thomas
Farr	Stupak	Young (FL)

□ 1308

Messrs. CULBERSON, SIMMONS, BASS, GOODE, GARY G. MILLER of California, HOBSON, FORD, CUELLENAR, and Mrs. CUBIN changed their vote from "yea" to "nay."

Messrs. GEORGE MILLER of California, SMITH of Washington, and MOLLOHAN changed their vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. COLE of Oklahoma). The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

MOTION TO COMMIT OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BROWN of Ohio. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. Brown of Ohio moves to commit the bill S. 5 to the Committee on the Judiciary with instructions that the Committee report the same back to the House forthwith with the following amendments:

In section 1711(2) of title 28, United States Code, as added by section 3(a) of the bill, add after the period the following: "The term 'class action' does not include any action arising by reason of the use of the drug Vioxx."

In section 1332(d)(1)(B) of title 28, United States Code, as amended by section 4(a)(2) of the bill, insert before the semicolon the following “, except that the term ‘class action’ does not include any action arising by reason of the use of the drug Vioxx”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes in support of his motion.

Mr. BROWN of Ohio. Mr. Speaker, Janet Huggins died last September. She was 39 years old. She had a 9-year-old son.

She had no personal or family history of heart problems, but she suffered a fatal heart attack just a month after she began taking a new medicine for her early-onset arthritis.

That medicine she took was Merck's anti-inflammatory drug, Vioxx. Cardiologist, Dr. Eric Topol, and other researchers at the Cleveland Clinic sounded the alarm in August of 2001.

Their article in the Journal of the American Medical Association pointed to increased occurrence of heart problems in patients taking Vioxx and similar Cox-II anti-inflammatory drugs. Dr. Topol even called Merck's CEO and research director to talk about his concerns. His calls went unanswered. His warnings went unheeded.

Instead, Merck continued to sell Vioxx, continued to spend \$100 million a year on direct-to-consumer advertising, encouraging more and more Americans to buy Vioxx. That is what Ms. Huggins did. She was buried the same day that Merck finally took Vioxx off the market.

Her husband Monty has filed suit against Merck. His suit will be captured, along with thousands of other Vioxx suits, under the mass actions provisions of S. 5. This bill is designed to make it more difficult for Monty Huggins and others to pursue their claims that companies like Merck will never be held accountable.

S. 5 will make it more expensive for him and much harder for him to travel for court proceedings. It may even dead-end Monty Huggins' claim entirely.

Federal Courts have repeatedly refused to certify multistate class actions because they found them too complex to choose one State law over the other. So Monty Huggins may arrive in Federal Court only to find that is the end of the line.

The bitter irony here is that Vioxx claims are not really class actions at all.

Here is a good example of the sort of things settled by class action lawsuits. This iPod portable music player is all the rage. There are some people out there who thought the batteries on these things run out too quickly. They have filed a class action lawsuit against the manufacturer. If they win, everybody in the class probably gets a few bucks and the whole thing is done.

That is what class action lawsuits are about. They do not generally involve personal injuries. They do not

generally involve huge losses. There is a world of difference, Mr. Speaker, between a faulty battery in this, and the death of a 39-year-old wife and mother.

Perhaps the worst aspect of this bill is that it treats these suits the same. We should strip out the whole class action, the mass action provision, but that is not realistic in this political environment.

My motion to commit prevents harm so obvious it cannot be ignored by specifically exempting Vioxx lawsuits.

Dr. Topol at the Cleveland Clinic, who I mentioned earlier wrote, “Neither of the two major forces in this 5-and-a-half year affair, neither Merck nor the FDA, fulfilled its responsibilities to the public.”

This motion to commit offers an opportunity for someone at last to act responsibly.

If we adopt this motion to commit, Monty Huggins will have a fighting chance for justice. If we do not, the U.S. House of Representatives will join the list of those who betrayed the public's trust.

Mr. Speaker, I yield the reminder of my time to my friend, the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, the Class Action Fairness Act could not be more inappropriately named, and this motion to commit shows why.

Since 1999, Merck has spent over \$100 million a year to advertise Vioxx. More than 80 million people took Vioxx, and the drug generated sales of \$2.5 billion for Merck.

Merck should take responsibility for the harm their products may cause. Thousands, literally thousands of American families believe they lost a loved one or suffered personal harm because Vioxx was unsafe.

These families believe Merck knew of the danger Vioxx was causing, but allowed the drug to remain on the market anyway. Maybe they are right. Maybe they are not. But the point is that the so-called Class Action Fairness Act does not give them a fair chance to make their case before a jury of their peers.

The Class Action Fairness Act makes it very difficult for those who feel they were harmed by drugs like Vioxx from getting the justice they deserve. We should adopt this motion to commit and pass a Class Action Fairness Act worthy of the name.

Mr. GOODLATTE. Mr. Speaker, I rise in opposition to the motion to commit.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, first let me thank Chairman SENSENBRENNER for his leadership in bringing us to this historic point. He and I have been working on this for over 6 years. It has passed the House of Representatives three times before.

Due to his good work, it has now passed the Senate and we have the opportunity to send it to the President. He is waiting to sign it and we shouldn't waste any more time.

□ 1315

Now the truth about class action fairness and Vioxx. Critics have been arguing in the press that S. 5 should be rejected because it will hurt consumers bringing Vioxx cases against Merck. The truth is, however, that this legislation will have absolutely no effect on Vioxx suits, and here is why. The majority of personal injury cases brought against Merck are individual cases that would not be affected by the bill in any manner whatsoever. These include more than 400 personal injury cases that are part of a coordinated proceeding in New Jersey State Court. None of these cases will be affected by the bill because they are neither class actions nor mass actions.

Merck has been named in more than 75 statewide and nationwide class actions involving Vioxx, but only a small percentage are personal injury class actions. To the extent these cases do involve personal injury, most were already brought in or removed to Federal Court because each potential class member's claims exceeds \$75,000. Thus, these cases are removable to Federal Court under the old rules.

There are a few cases which plaintiffs have joined together in mass action-type cases against Merck. However, not a single Vioxx case has been brought against Merck in State court by more than 100 plaintiffs, one of the requirements for removal to Federal Court under the class action legislation. Thus, there is no reason to believe that the mass action provision would affect any Vioxx-related cases whatsoever.

Most of the class actions have been brought against Merck. Since the legislation is not retroactive, it would absolutely have no effect on the 75 class actions already filed against Merck in the wake of the Vioxx withdrawal.

Mr. BROWN of Ohio. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. COLE of Oklahoma). Does the gentleman from Virginia yield to the gentleman from Ohio for a parliamentary inquiry?

Mr. GOODLATTE. Mr. Speaker, I do not yield.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. GOODLATTE) may continue.

Mr. GOODLATTE. Mr. Speaker, given the large number of suits already filed and the fact that every former Vioxx taker in America is already a proposed class member in numerous class actions, it is unlikely there will be many more class actions after the legislation is enacted.

It is bad legislation to have something pass that covers all class actions in the country for all time and name one specific product or one specific company in the legislation. It is irrelevant anyway.

Now, let me tell you the kinds of cases that are affected by this legislation. Take a look at the “Class Action Wheel of Fortune” on this chart. It will tell you what we are doing here today.

You have got the case against Ameritech. Ameritech, the attorneys for the plaintiffs got \$16 million in attorneys fees. What did the plaintiffs they represent get? Five-dollar phone cards.

The Premier Cruise Line case, the lawyers got almost \$1 million; the consumers got a \$30- to \$40-off coupon for their next cruise.

The computer monitor litigation case, the lawyers, \$6 million in fees; the consumers, a \$13 rebate against your next future purchase of the alleged defective product.

Register.com, \$650,000 for the lawyers; \$5 for the consumers.

KB Toys, \$1 million for the lawyers; 30 percent off your selected product in a unadvertised 1-week sale at KB Toys.

Poland Spring Water, \$1.35 million for the lawyers; a coupon for more of the allegedly defective water for the consumers.

My favorite case, however, is this one, the Chase Manhattan Bank case, where the lawyers got \$4 million in attorneys fees; the plaintiffs, a check, we have got one right here, for 33 cents. But there was a catch, because if you wanted to accept the 33 cents, you had to use a 34-cent postage stamp to send in your acceptance notice. How is that for a bargain for you?

And how about the \$22 million case that President Bush cited last week against Thompson Electronics? The lawyers got \$22 million in attorneys fees; the plaintiffs, one of whom was there, got a \$25- to \$50-off coupon to buy more of what? The very television set that she was complaining was defective in the first place.

It is a racket, it is extortionate. The people of the country know it. When they are asked the question, who benefits from our class action industry today, 47 percent say it is the plaintiffs' lawyers; 20 percent say it is the lawyers for the companies; 67 percent of our public recognizes it is the lawyers who benefit from this system.

It is time we change it. This bill does just that. It protects American consumers and makes sure that they get justice by examining these ridiculous coupon settlements.

Mr. Speaker, I urge my colleagues to support this legislation, defeat the motion to commit, and send the bill to the President, and starting very soon, we will have justice for American consumers.

Mr. Speaker, I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. BROWN of Ohio. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BROWN of Ohio. Mr. Speaker, under provisions of this bill, is it not the case that all future Vioxx cases are prohibited?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BROWN of Ohio. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to commit will be followed by 5-minute votes on the passage of S. 5, if ordered, and the motion to suspend the rules on H. Res. 91.

The vote was taken by electronic device, and there were—ayes 175, noes 249, not voting 10, as follows:

[Roll No. 37]

AYES—175

Abercrombie	Hastings (FL)	Obey
Ackerman	Herseth	Olver
Allen	Higgins	Ortiz
Andrews	Hinchey	Owens
Baca	Hinojosa	Pallone
Baird	Holt	Pascarell
Baldwin	Honda	Pastor
Barrow	Hooley	Payne
Bean	Hoyer	Pelosi
Becerra	Insee	Price (NC)
Berkley	Israel	Rahall
Berman	Jackson (IL)	Reyes
Berry	Jackson-Lee	Ross
Bishop (GA)	(TX)	Rothman
Bishop (NY)	Jefferson	Roybal-Allard
Blumenauer	Johnson, E. B.	Ruppersberger
Boswell	Kanjorski	Rush
Brady (PA)	Kaptur	Ryan (OH)
Brown (OH)	Kennedy (RI)	Sabo
Brown, Corrine	Kildee	Salazar
Butterfield	Kilpatrick (MI)	Sanchez, Linda
Capps	Kind	T.
Capuano	Kucinich	Sanchez, Loretta
Cardin	Langevin	Sanders
Cardoza	Lantos	Schakowsky
Carnahan	Larsen (WA)	Schiff
Carson	Larson (CT)	Schwartz (PA)
Chandler	Lee	Scott (VA)
Clay	Levin	Serrano
Cleaver	Lewis (GA)	Sherman
Clyburn	Lipinski	Skelton
Conyers	Lofgren, Zoe	Slaughter
Costa	Lowey	Smith (WA)
Costello	Lynch	Snyder
Crowley	Maloney	Solis
Cummings	Markey	Stark
Davis (CA)	McCarthy	Strickland
Davis (FL)	McCollum (MN)	Tauscher
Davis (IL)	McDermott	Taylor (MS)
DeFazio	McGovern	Thompson (CA)
DeGette	McIntyre	Thompson (MS)
DeLahunt	McKinney	Tierney
DeLauro	McNulty	Towns
Dicks	Meehan	Udall (CO)
Dingell	Meeke (FL)	Udall (NM)
Doggett	Meeks (NY)	Van Hollen
Doyle	Melancon	Velázquez
Edwards	Menendez	Visclosky
Emanuel	Michaud	Wasserman
Etheridge	Millender-	Schultz
Evans	McDonald	Waters
Fattah	Miller (NC)	Watson
Filner	Miller, George	Watt
Frank (MA)	Mollohan	Waxman
Gonzalez	Moore (KS)	Weiner
Green, Al	Moore (WI)	Wexler
Green, Gene	Nadler	Woolsey
Grijalva	Napolitano	Wu
Gutierrez	Neal (MA)	Wynn
Harman	Oberstar	

NOES—249

Aderholt	Bass	Boehner
Akin	Beauprez	Bonilla
Alexander	Biggart	Bonner
Bachus	Bilirakis	Bono
Baker	Bishop (UT)	Boozman
Barrett (SC)	Blackburn	Boren
Bartlett (MD)	Blunt	Boucher
Barton (TX)	Boehler	Boustany

Boyd	Hart	Paul
Bradley (NH)	Hastert	Pearce
Brady (TX)	Hastings (WA)	Pence
Brown (SC)	Hayes	Peterson (MN)
Brown-Waite,	Hayworth	Peterson (PA)
Ginny	Hefley	Petri
Burgess	Hensarling	Pickering
Burton (IN)	Herger	Pitts
Calvert	Hobson	Platts
Camp	Hoekstra	Poe
Cannon	Holden	Pombo
Cantor	Hostettler	Pomeroy
Capito	Hulshof	Porter
Carter	Hunter	Portman
Case	Hyde	Price (GA)
Castle	Issa	Pryce (OH)
Chabot	Istook	Putnam
Chocola	Jenkins	Radanovich
Coble	Jindal	Ramstad
Cole (OK)	Johnson (CT)	Regula
Conaway	Johnson (IL)	Rehberg
Cooper	Johnson, Sam	Renzi
Cramer	Jones (NC)	Reynolds
Crenshaw	Keller	Rogers (AL)
Cubin	Kelly	Rogers (KY)
Cuellar	Kennedy (MN)	Rogers (MI)
Culberson	King (IA)	Rohrabacher
Cunningham	King (NY)	Ros-Lehtinen
Davis (AL)	Kingston	Royce
Davis (KY)	Kirk	Ryan (WI)
Davis (TN)	Kline	Ryan (KS)
Davis, Jo Ann	Knollenberg	Saxton
Davis, Tom	Kolbe	Schwarz (MI)
Deal (GA)	Kuhl (NY)	Scott (GA)
DeLay	LaHood	Sensenbrenner
Dent	Latham	Sessions
Diaz-Balart, L.	LaTourette	Shaw
Diaz-Balart, M.	Leach	Shays
Doolittle	Lewis (CA)	Sherwood
Drake	Lewis (KY)	Shimkus
Dreier	Linder	Shuster
Duncan	LoBiondo	Simmons
Ehlers	Lucas	Simpson
Emerson	Lungren, Daniel	Smith (NJ)
Engel	E.	Smith (TX)
English (PA)	Mack	Sodrel
Everett	Manzullo	Souder
Feeney	Marchant	Spratt
Ferguson	Marshall	Stearns
Fitzpatrick (PA)	Matheson	Sullivan
Flake	McCauley (TX)	Sweeney
Foley	McCotter	Tancredo
Forbes	McCreary	Tanner
Ford	McHenry	Taylor (NC)
Fortenberry	McHugh	Terry
Fossella	McKeon	Thomas
Fox	McMorris	Thornberry
Franks (AZ)	Mica	Tiahrt
Frelinghuysen	Miller (FL)	Tiberi
Gallely	Miller (MI)	Turner
Garrett (NJ)	Miller, Gary	Upton
Gerlach	Moran (KS)	Walden (OR)
Gibbons	Moran (VA)	Walsh
Gilchrest	Murphy	Wamp
Gillmor	Murtha	Weldon (FL)
Gingrey	Musgrave	Weldon (PA)
Gohmert	Myrick	Weller
Goode	Neugebauer	Westmoreland
Goodlatte	Ney	Whitfield
Gordon	Northup	Wicker
Granger	Norwood	Wilson (NM)
Graves	Nunes	Wilson (SC)
Green (WI)	Nussle	Wolf
Gutknecht	Osborne	Young (AK)
Hall	Otter	Young (FL)
Harris	Oxley	

NOT VOTING—10

Buyer	Inglis (SC)	Shadegg
Cox	Jones (OH)	Stupak
Eshoo	Rangel	
Farr	Reichert	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COLE of Oklahoma) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1341

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

Mr. MARKEY changed his vote from "aye" to "no."

The SPEAKER pro tempore (Mr. MCHUGH). The question is on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 279, nays 149, not voting 6, as follows:

[Roll No. 38]

YEAS—279

Aderholt	Everett	Lewis (KY)
Akin	Feeney	Linder
Alexander	Ferguson	Lipinski
Bachus	Fitzpatrick (PA)	LoBiondo
Baird	Flake	Lucas
Barrett (SC)	Foley	Lungren, Daniel
Bartlett (MD)	Forbes	E.
Barton (TX)	Ford	Mack
Bass	Fortenberry	Manzullo
Bean	Fossella	Marchant
Beauprez	Fox	Marshall
Berry	Franks (AZ)	Matheson
Biggert	Frelinghuysen	McCaul (TX)
Bilirakis	Gallely	McCotter
Bishop (UT)	Garrett (NJ)	McCrery
Blackburn	Gerlach	McHenry
Blunt	Gibbons	McHugh
Boehlert	Gilchrest	McKeon
Boehner	Gillmor	McMorris
Bonilla	Gingrey	Meeks (NY)
Bonner	Gohmert	Melancon
Bono	Gonzalez	Mica
Boozman	Goode	Michaud
Boren	Goodlatte	Miller (FL)
Boucher	Gordon	Miller (MI)
Boustany	Granger	Miller, Gary
Boyd	Graves	Moore (KS)
Bradley (NH)	Green (WI)	Moran (KS)
Brady (TX)	Gutknecht	Moran (VA)
Brown (SC)	Hall	Murphy
Brown-Waite,	Harman	Murtha
Ginny	Harris	Musgrave
Burgess	Hart	Myrick
Burton (IN)	Hastert	Neugebauer
Buyer	Hastings (WA)	Ney
Calvert	Hayes	Northup
Camp	Hayworth	Norwood
Cannon	Hefley	Nunes
Cantor	Hensarling	Nussle
Capito	Herger	Osborne
Carter	Higgins	Otter
Case	Hinojosa	Oxley
Castle	Hobson	Paul
Chabot	Hoekstra	Pearce
Chandler	Holden	Pence
Chocola	Hostettler	Peterson (MN)
Coble	Hulshof	Peterson (PA)
Cole (OK)	Hunter	Petri
Conaway	Hyde	Pickering
Cooper	Inglis (SC)	Pitts
Costa	Issa	Platts
Costello	Istook	Poe
Cox	Jenkins	Pombo
Cramer	Jindal	Pomeroy
Crenshaw	Johnson (CT)	Porter
Cubin	Johnson (IL)	Portman
Cuellar	Johnson, Sam	Price (GA)
Culberson	Jones (NC)	Pryce (OH)
Cunningham	Kanjorski	Putnam
Davis (AL)	Keller	Radanovich
Davis (IL)	Kelly	Rahall
Davis (KY)	Kennedy (MN)	Ramstad
Davis (TN)	Kind	Regula
Davis, Jo Ann	King (IA)	Rehberg
Davis, Tom	King (NY)	Renzi
Deal (GA)	Kingston	Reyes
DeLay	Kirk	Reynolds
Dent	Kline	Rogers (AL)
Diaz-Balart, L.	Knollenberg	Rogers (KY)
Diaz-Balart, M.	Kolbe	Rogers (MI)
Drake	Kuhl (NY)	Rohrabacher
Dreier	LaHood	Ros-Lehtinen
Duncan	Larsen (WA)	Royce
Edwards	Larsen (CT)	Ruppersberger
Ehlers	Latham	Ryan (WI)
Emanuel	LaTourette	Ryun (KS)
Emerson	Leach	Saxton
English (PA)	Lewis (CA)	Schwarz (MI)

Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel

Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton

Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. Issa) that the House suspend the rules and agree to the resolution, H. Res. 91, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 24, as follows:

[Roll No. 39]

YEAS—409

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Caroza
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Engel
Etheridge
Evans
Fattah
Filner
Frank (MA)
Green, Al
Green, Gene
Grijalva
Gutierrez

NAYS—149

Hastings (FL)
Herseth
Hinchev
Holt
Honda
Hooley
Hoyer
Insole
Israel
Jackson (IL)
Jackson-Lee
 (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeke (FL)
Menendez
Millender-
 McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Nader
Napolitano
Neal (MA)
Oberstar
Obey

Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda
 T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Solis
Spratt
Stark
Strickland
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Viscosky
Wasserman
 Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
 Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capps
Capuano
Cardin
Caroza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox

Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart

NOT VOTING—6

Baker
Eshoo

Farr
Rangel

Reichert
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1349

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE AND LEGACY OF FORMER LEBANESE PRIME MINISTER RAFIK HARIRI

The SPEAKER pro tempore (Mr. MCHUGH). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 91, as amended.

Marchant	Pearce	Slaughter
Markey	Pelosi	Smith (NJ)
Marshall	Pence	Smith (TX)
Matheson	Peterson (MN)	Smith (WA)
McCarthy	Peterson (PA)	Snyder
McCaul (TX)	Petri	Sodrel
McCollum (MN)	Pickering	Solis
McCotter	Pitts	Souder
McCrery	Platts	Spratt
McDermott	Poe	Stark
McGovern	Pombo	Stearns
McHenry	Pomeroy	Strickland
McHugh	Porter	Sullivan
McKeon	Portman	Sweeney
McKinney	Price (GA)	Tancredo
McMorris	Price (NC)	Tanner
McNulty	Pryce (OH)	Tauscher
Meehan	Putnam	Taylor (MS)
Meek (FL)	Rahall	Terry
Meeks (NY)	Ramstad	Thomas
Melancon	Regula	Thompson (CA)
Menendez	Rehberg	Thompson (MS)
Mica	Renzi	Thornberry
Michaud	Reyes	Tiahrt
Millender-	Reynolds	Tiberi
McDonald	Rogers (AL)	Tierney
Miller (FL)	Rogers (KY)	Towns
Miller (MI)	Rogers (MI)	Turner
Miller (NC)	Rohrabacher	Udall (CO)
Miller, Gary	Ros-Lehtinen	Udall (NM)
Miller, George	Ross	Upton
Moore (KS)	Rothman	Van Hollen
Moore (WI)	Roybal-Allard	Royce
Moran (KS)	Royce	Rush
Moran (VA)	Rush	Visclosky
Murphy	Ryan (OH)	Walden (OR)
Murtha	Ryan (WI)	Walsh
Musgrave	Ryun (KS)	Wamp
Myrick	Salazar	Wasserman
Nadler	Sánchez, Linda	Schultz
Napolitano	T.	Watson
Neal (MA)	Saxton	Watt
Neugebauer	Schakowsky	Waxman
Ney	Schiff	Weiner
Northup	Schwartz (PA)	Weldon (FL)
Norwood	Schwarz (MI)	Weldon (PA)
Nunes	Scott (GA)	Weller
Nussle	Scott (VA)	Westmoreland
Oberstar	Sensenbrenner	Wexler
Obey	Serrano	Whitfield
Olver	Sessions	Wicker
Ortiz	Shadegg	Wilson (NM)
Osborne	Shaw	Wilson (SC)
Otter	Shays	Wolf
Owens	Sherman	Woolsey
Oxley	Sherwood	Wu
Pallone	Shimkus	Wynn
Pastor	Shuster	Young (AK)
Paul	Simmons	Young (FL)
Payne	Simpson	

NOT VOTING—24

Baker	Kind	Ruppersberger
Boehner	Kirk	Sabo
Capito	McIntyre	Sánchez, Loretta
Eshoo	Mollohan	Sanders
Farr	Pascarell	Skelton
Feeney	Radanovich	Stupak
Gallely	Rangel	Taylor (NC)
Kaptur	Reichert	Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in the vote.

□ 1357

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "A resolution condemning the terrorist bombing attack that occurred on February 14, 2005, in Beirut, Lebanon, that killed former Lebanese Prime Minister Rafik Hariri and killed and wounded others."

A motion to reconsider was laid on the table.

Stated for:

Ms. LORETTA SANCHEZ. Mr. Speaker, on Thursday, February 17, 2005, I was unavoidably detained due to a prior obligation. Had I been present and voting, I would have voted as follows: Rollcall No. 39, "yes" (H. Res. 91).

Mr. REICHERT. Mr. Speaker, I was absent on February 17, 2005 due to the funeral of a close friend. Had I been present, I would have voted "yes" on Rollcall No. 38.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO HAVE UNTIL MIDNIGHT, FEBRUARY 24, 2005 TO FILE REPORT ON H.R. 841

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that the Committee on House Administration have until midnight, Thursday, February 24, 2005, to file a report to accompany H.R. 841.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONDITIONAL ADJOURNMENT TO MONDAY, FEBRUARY 21, 2005

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, February 21, 2005, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 66, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, MARCH 2, 2005

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, March 2, 2005.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

HONORING THE SOLDIERS OF THE ARMY'S BLACK CORPS OF ENGINEERS

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the concurrent resolution (H. Con. Res. 67) honoring the soldiers of the Army's Black Corps of Engineers for their contributions in constructing the Alaska-Canada highway during World War II and recognizing the importance of these contributions to the subsequent integration of the military, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, reserving the right to object, however, I do not intend to object, I yield to the gentleman from Alaska (Mr. YOUNG) for an explanation of the resolution.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for introducing this resolution.

This resolution honors the soldiers of the Army's Black Corps of Engineers for their contribution in construction of the Alaska-Canada Highway during World War II.

There is no doubt about the enormous contribution made by these soldiers and the lasting legacy they left to Alaska and the security of our Nation.

This is long overdue and I strongly support the gentlewoman's resolution and appreciate her efforts.

Mr. Speaker, may I suggest somebody should read the great story of this Corps of Engineers brigade and what they were able to do, the work they put in, the time they put in, and the excellent job they did in building a highway of approximately 1,400 miles in less than 365 days of a year.

Again, I commend the gentlewoman for introducing this resolution. It is long overdue. And for those who do not understand this, drive this highway someday and you will understand the work they put in.

Ms. EDDIE BERNICE JOHNSON of Texas. Further reserving the right to object, Mr. Speaker, I would like to talk a little bit about the legislation that we are considering. The construction of the Alaska-Canada Highway from Dawson Creek, Canada to Fairbanks, Alaska in 1942 was heralded as one of America's greatest public works projects of the 20th century.

The emergency war measure, made necessary by the bombing of Pearl Harbor, was authorized by President Franklin Delano Roosevelt on February 11, 1942. The construction of the 1,522 mile long road through rugged unmapped wilderness and extreme temperatures ranging between 80 degrees below and 90 degrees above zero was completed in an astonishing 8 months and 12 days. Upon completion, the road was the only overland route that strategically linked Alaska and the lower 48 States and facilitated the construction of airstrips for refueling planes and vital supply routes during World War II.

Critical to the construction of the Alaska-Canada Highway were the men of the 93rd, 95th, and 97th regiments, in addition to the 388th battalion of the Army Corps of Engineers. Segregated by race and seldom recognized, members of the Black Corps of Engineers

comprised over one-third of the total troop strength in this project.

In spite of severe racially discriminatory policies and detestable living and social conditions, the soldiers of the Black Corps of Engineers performed notably and unselfishly on this project.

□ 1400

Regretfully, since 1942, their contributions toward this country's Western defense during World War II and subsequent integration of the military have been excluded from many of the footnotes of history; but this being the last day we can make presentations during Black History Month, I am delighted and thankful that the gentleman from Alaska (Mr. YOUNG) knew about them and is cosponsoring this resolution.

It is with great pride and honor that I, with the cosponsorship of the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), urge my colleagues to join me in honoring this group of soldiers whose works have existed in the shadows of the Nation's history since 1942, the Army's Black Corps of Engineers; and the Congressional Black Caucus joins me in supporting this. Let me thank again the gentleman from Alaska (Mr. YOUNG).

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. CONAWAY). Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 67

Whereas the bombing of Pearl Harbor necessitated constructing an overland route between Alaska and the lower 48 States for military purposes;

Whereas on February 11, 1942, President Franklin Delano Roosevelt authorized the construction of the Alaska-Canada Highway (also known as the "Alcan Highway");

Whereas construction of the Alcan Highway, a 1,522-mile long road from Dawson Creek, Canada, to Fairbanks, Alaska, was an engineering feat of enormous challenge;

Whereas the Alcan Highway was constructed by approximately 10,000 United States troops through rugged, unmapped wilderness and extreme temperatures, ranging from 80-degrees-below to 90-degrees-above zero;

Whereas the Corps of Engineers units assigned to construct the Alcan Highway were segregated by race;

Whereas the 93rd, 95th, and 97th Regiments and 388th Battalion of the Corps of Engineers, part of a group known as the "Black Corps of Engineers", were African American units assigned to the Alcan Highway project, and these units comprised one-third of the total engineering workforce on the project;

Whereas despite severe discriminatory policies, and abominable living and social conditions, the soldiers of the Black Corps of Engineers performed notably and unselfishly on the project;

Whereas on November 20, 1942, the Alcan Highway was completed in an astonishing 8 months and 12 days, becoming one of the Nation's greatest public works projects in the 20th century;

Whereas the Alcan Highway became the only land route that strategically linked the

northern territory to the remainder of the continental United States and facilitated the construction of airstrips for refueling planes and vital supply routes during World War II;

Whereas although considerable praise was bestowed upon soldiers for exemplary work in constructing the Alcan Highway, the soldiers of the Black Corps of Engineers were seldom recognized; and

Whereas despite enduring indignities and double standards, the soldiers of the Black Corps of Engineers contributed unselfishly to the western defense in World War II and these contributions helped lead to the subsequent integration of the military: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors the soldiers of the Army's Black Corps of Engineers for their contributions in constructing the Alaska-Canada highway during World War II and recognizes the importance of these contributions to the subsequent integration of the military.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

APPOINTMENT OF HON. TOM DAVIS OF VIRGINIA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MARCH 1, 2005

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

February 17, 2005.

I hereby appoint the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through March 1, 2005.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 3003 note, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe:

Mr. CARDIN, Maryland;

Ms. SLAUGHTER, New York;

Mr. HASTINGS, Florida;

Mr. MCINTYRE, North Carolina.

REINING IN THE COST OF MEDICARE PRESCRIPTION DRUG ENTITLEMENT

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, last week we heard projections that the prescription drug benefit is going to be far more expensive than we figured. Now, many of us never believed that it would cost just \$400 million, and the fact that it is much higher than that is not surprising at all.

I would encourage the President and our leadership to work with us to be able to rein in this monster that we have created.

Over a period of 75 years, the initial estimates were that this would add \$7 trillion in unfunded liabilities. I should point out that every dime to pay for this new benefit is borrowed. Therefore, every dime will be paid for by our kids and our grandkids.

It is time to get the bridle on the horse before the horse leaves the barn, and we need to work now, before this benefit starts next year, to make sure that we can reign in the costs.

Mr. Speaker, last week the White House released budget projections that show that the cost of the prescription drug benefit that Congress added to Medicare last year could balloon to \$1.2 trillion over the next ten years. The initial price estimate of the new entitlement was \$400 billion.

Frankly, the initial estimate of \$400 billion was more than many of us could stomach, but we knew that \$400 billion was a lowball estimate and the real cost was sure to be higher. Having said that, it gives none of us pleasure to say "see, we told you so."

When President Bush first proposed the new prescription drug benefit, it was targeted and means-tested for low-income seniors who did not currently have prescription drug coverage. President Bush's plan also coupled the new benefit with some needed reforms of the Medicare program.

It should come as no surprise that by the time Congress was done with the package, it looked nothing like the President's proposal. Congress expanded coverage to all seniors and yanked the reforms that would have helped curb future costs from the bill.

What does come as a surprise is President Bush's recent threat to veto any attempt by Congress to go back and fix our mistake.

Shortly after Congress passed the new prescription drug entitlement, and the initial cost estimate was already going up, I introduced a bill that would cap the cost of the program at the initial estimate of \$400 billion. If the cost overran the estimate, my bill would have required Congress to offset the difference or scale back the entitlement.

I plan to reintroduce that legislation shortly, and I urge Congress to take it up quickly. Whether or not Congress acts on this specific piece of legislation, we need to begin talking about ways to control the monster we created.

President Bush sent over a budget to Congress a couple of weeks ago that proposed cutting or killing over 150 programs. Of course, Members of Congress immediately began maneuvering to make sure that their pet projects did not get the axe. I think the President is on the right track by trying to pare back congressional spending and I will certainly be doing what I can to help him in that effort. However, the truth is that, compared to federal mandatory spending on entitlement programs like Medicare, Medicaid, and Social

Security, Congress and President Bush are quibbling over pocket change.

If President Bush is serious about controlling Federal spending, and I believe that he is, he ought to reconsider his threat to veto any attempt to pare back the prescription drug entitlement.

President Bush's initial prescription drug benefit was much more fiscally responsible than the proposal he signed into law. I hope that if there is an effort in Congress to make the prescription drug benefit look more like President Bush's original plan, he will embrace it rather than fight it.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SMART SECURITY AND FISCAL YEAR 2006 DEFENSE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the Bush's administration national security priorities are so out of balance that it is hard to know where to begin. Between the debacle in Iraq, the failure to address America's true homeland security needs and funding for research on new nuclear weapons, there are plenty of options to choose from.

Last October during the final Presidential debate before the November election, President Bush claimed that the gravest threat America faces is the threat of nuclear attack. Unfortunately, the President has done very little to address this threat.

One of the primary nuclear threats America faces is the development of such hostile weapons by countries like Iran and North Korea. That is why we need to engage these nations in aggressive diplomacy, not aggressive saber rattling.

Earlier this week, North Korea indicated that it wishes to hold bilateral talks with the United States, presumably to receive financial assistance in exchange for dismantling its nuclear weapons program. Iran, on the other hand, feels threatened by recent whispers that the Bush administration might attempt a military assault on their nuclear weapons facilities.

We absolutely must negotiate with both countries. After using the U.S. military to take down Saddam Hussein, this President probably thinks that negotiations are beneath him; but I have got news for the Bush administration. Negotiations work and foreign assistance works. We need to start relying more on nonmilitary security tools to work out our international differences.

The other major nuclear threat comes not from foreign countries, but from terrorist organizations like al Qaeda. To address this threat, we must

secure the nuclear stockpiles that are out there before they get into the hands of terrorists.

Most people agree that the best program to secure nuclear materials is the Cooperative Threat Reduction program, or CTR, which enlists the Department of Defense to dismantle nuclear warheads, reduce nuclear stockpiles, and secure nuclear weapons and materials in the states of the former Soviet Union.

CTR is crucial in keeping nuclear weapons out of the hands of terrorists. Terrorists know that it would not be difficult to steal material from poorly guarded nuclear plants in Russia. That is why it is important to increase our funding for CTR and provide funding to extend the program so that other regions of the world can be included.

Last year, the Cooperative Threat Reduction program received only \$409 million from the Defense budget, and the Department of Defense did not even use all of this money. We should triple or quadruple our funds and our efforts for CTR in the fiscal year 2006 budget, and we should extend this vital program to other countries where nuclear materials are not safely guarded, countries like Iran, North Korea, Libya, and Pakistan.

Instead of continuing down our current path, Mr. Speaker, I believe we must pursue a new national, smarter security strategy that I call SMART security, which is a Sensible Multilateral American Response to Terrorism for the 21st century.

I have also introduced H. Con. Res. 35, legislation that would pursue a smarter strategy for rebuilding Iraq. Twenty-eight of my House colleagues have joined me in offering this important legislation.

The immoral and ill-conceived war in Iraq has already claimed the lives of nearly 1,500 American troops. Another 11,000 have been gravely wounded as a result of this war, and the 150,000 soldiers that remain in Iraq are sitting ducks, sitting ducks for Iraq's growing insurgency. I am sure that many of these soldiers understand what our President does not, that the military option is not working.

Yet the President and his administration refuse to consider alternatives to the way we are handling the situation in Iraq. Think about the good that could be accomplished if even a fraction of the billions that have been spent on military operations were instead spent on nonmilitary security.

We could help secure Iraq by rebuilding schools so that their children could learn, constructing new water processing plants so that the Iraqi people could have clean water to drink, and building new roads so that citizens can travel safely from one city to another.

Our assistance should not end there. If we want to be truly smart about how we rebuild Iraq, we also need to bring nongovernmental organizations and humanitarian agencies into this country to help create a robust civil society

and ensure that Iraq's economic infrastructure becomes fully viable.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109-1)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Joint Economic Committee and ordered to be printed:

To the Congress of the United States:

The United States is enjoying a robust economic expansion because of the good policies we have put in place and the strong efforts of America's workers and entrepreneurs. Four years ago, our economy was sliding into recession: The bursting of the high-tech bubble, revelations of corporate scandals, and terrorist attacks hurt our economy, leading to falling incomes and rising unemployment.

We acted by passing tax relief so American families could keep more of their own money. At the same time, we gave businesses incentives to invest and create jobs. Last year, we gained over 2 million new jobs, and the economy's production of goods and services rose by 4.4 percent. The unemployment rate is now 5.2 percent, which is lower than the average of each of the past three decades and the lowest since the attacks of September 11, 2001. Our pro-growth policies are taking us in the right direction.

As I start my second term, we must take action to keep our economy growing. I will not be satisfied until every American who wants to work can find a job. I have laid out a comprehensive strategy to sustain growth, create jobs, and confront the challenges of a changing America.

I am committed to restraining spending by eliminating government programs that do not work and by making government provide important services more efficiently. I have pledged to cut the deficit in half by 2009, and we are on track to do so.

The greatest fiscal challenges we face arise from the aging of our society. Because Americans are having fewer children and living longer, seniors are becoming a larger proportion of the population. This change has important implications for the Social Security system, because the benefits paid to retirees come from taxes on today's workers. In 1950, there were 16 workers paying into Social Security for every person receiving benefits. Now there are just over 3, and that number will fall to 2 by the time today's young workers retire. We will not change Social Security for those now retired or nearing retirement. We need to permanently fix the Social Security system for our children and grandchildren. I will work with the Congress to fix Social Security for generations to come.

The current tax code is a drag on the economy. It discourages saving and investment, and it requires individuals and businesses to spend billions of dollars and millions of hours each year to comply with the complicated system. I will lead a bipartisan effort to reform our tax code to make it simpler, fairer, and more pro-growth.

We are working to make health care more affordable and accessible for American families. The Medicare modernization bill I signed gives seniors more choices and helps them get the benefits of modern medicine and prescription drug coverage. We have created health savings accounts, which give workers and families more control over their health care decisions. We will open or expand more community health centers for those in need. To help control health costs and make health care more accessible, we must let small businesses pool risks across states so they can get the same discounts for health insurance that big companies get. We will increase the use of health information technology that will make health care more efficient, cut down on mistakes, and control costs.

Our litigation system encourages junk lawsuits and harms our economy, and the system must be reformed. I support medical liability reform to control the cost of health care, keep good medical professionals from being driven out of practice, and ensure that patient care—not avoidance of lawsuits—is the central concern in all medical decisions. I support class action reform to eliminate the waste, inefficiency, and unfairness of the class-action system. And I support reforms to the asbestos litigation system in order to protect victims with asbestos related injuries and prevent frivolous lawsuits that harm our economy and cost jobs.

I will continue to push for energy legislation to help keep our economy strong. We must modernize our electricity system to make it more reliable. To make our energy supply more secure, we must explore for more energy in environmentally friendly ways in our own country, develop alternative sources of energy, and encourage conservation.

I will work to further simplify and streamline federal regulations that hinder growth and encumber our job creators. Our economy needs to allow entrepreneurs to spend more time doing business and less time with their lawyers and accountants.

I believe that Americans benefit from open markets and free and fair trade, and I am working to open up markets around the world and make sure that the playing field is level for our workers, farmers, manufacturers, and other job creators. In the past four years, we concluded free-trade agreements with Singapore, Chile, Australia, Morocco, Bahrain, Jordan, and six countries in Central America and the Caribbean. My Administration will continue to

work to expand trade on a multilateral, regional, and bilateral basis, and to enforce our trade laws to help ensure a level playing field.

I have a plan to prepare our young people for the jobs of the 21st century. We have brought greater accountability to our public schools and are working to improve our high schools. We have made Pell grants available to one million more students, and we will work to make college more affordable by increasing the size of Pell grants for low-income students. We are reforming our workforce training programs to help Americans obtain the skills needed for the jobs that our economy is creating.

I have an ambitious agenda for the next four years. During my first term, working with the Congress, I put policies in place to ensure a rapid recovery and to support strong growth. In my second term, together we will cut the budget deficit in half, fix Social Security, reform the tax code, reduce the burden of junk lawsuits, ensure a reliable and affordable energy supply, continue to promote free and fair trade, help make health care affordable and accessible for American families, and expand the quality and availability of educational opportunities. These policies will produce an economic environment that continues to unleash the creativity and energy of the American people.

GEORGE W. BUSH.
THE WHITE HOUSE, February 2005.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. CAMP. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TRIBUTE TO MICHAEL F. KERGIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CAMP) is recognized for 5 minutes.

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to the distinguished service of Ambassador Michael Kergin, a man who has done much to advance the combined interests of Canada and the United States of America.

Mr. Kergin has spent the better part of the last 4 decades in public service. His experience has served him not only well at home but also here. He has served the American people very well.

When our Nation was attacked by terrorists on September 11, 2001, I knew

we had a friend in Michael Kergin and in Canada. Standing shoulder to shoulder, our two countries moved forward to battle against those who sought to disrupt the free and democratic world.

Having served as chairman of the former Select Committee on Homeland Security, Subcommittee on Infrastructure and Border Security, I have always been especially thankful that Ambassador Kergin was a constant source of goodwill and great insight as we secured our shared border while protecting our economies and the hundreds of thousands of jobs dependent on North American trade.

Together, we were able to secure a new working agreement, implement new tactics, utilize advanced technology and biometrics, and integrate border teams, all in order to strengthen border security without straining our friendship. The delicacy of such strategic initiatives and the relative ease with which they were accomplished is a testament to the skills Ambassador Kergin has always employed to ensure our historic friendship with our northern border remains sound.

As I am sure his services will be missed in Canada, on a personal note, they will also be missed in America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PUBLICATION OF THE RULES OF THE COMMITTEE ON AGRICULTURE, 109TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, I am pleased to submit for printing in the CONGRESSIONAL RECORD, pursuant to Rule XI, clause 2(a) of the Rules of the House, a copy of the Rules of the Committee on Agriculture, which were adopted at the organizational meeting of the Committee on this date, February 16, 2005.

Appendix A of the Committee Rules will include excerpts from the Rules of the House relevant to the operation of the Committee. Appendix B will include relevant excerpts from the Congressional Budget Act of 1974. In the interests of minimizing printing costs, Appendices A and B are omitted from this submission.

RULES OF THE COMMITTEE ON AGRICULTURE, 109TH CONGRESS

RULE I.—GENERAL PROVISIONS

(a) *Applicability of House Rules.*—(1) The Rules of the House of Representatives shall

govern the procedure of the committee and its subcommittees, and the Rules of the Committee on Agriculture so far as applicable shall be interpreted in accordance with the Rules of the House of Representatives, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the committee and its subcommittees. (See appendix A for the applicable Rules of the House of Representatives.)

(2) As provided in clause 1(a)(2) of House rule XI, each subcommittee is part of the committee and is subject to the authority and direction of the committee and its rules so far as applicable. (See also committee rules III, IV, V, VI, VII and X, *infra*.)

(b) *Authority to Conduct Investigations.*—The committee and its subcommittees, after consultation with the chairman of the committee, may conduct such investigations and studies as they may consider necessary or appropriate in the exercise of their responsibilities under rule X of the Rules of the House of Representatives and in accordance with clause 2(m) of House rule XI.

(c) *Authority to Print.*—The committee is authorized by the Rules of the House of Representatives to have printed and bound testimony and other data presented at hearings held by the committee and its subcommittees. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee and its subcommittees shall be paid from applicable accounts of the House described in clause (i)(1) of House rule X in accordance with clause 1(c) of House rule XI. (See also paragraphs (d), (e) and (f) of committee rule VIII.)

(d) *Vice Chairman.*—The member of the majority party on the committee or subcommittee designated by the chairman of the full committee shall be the vice chairman of the committee or subcommittee in accordance with clause 2(d) of House rule XI.

(e) *Presiding Member.*—If the chairman of the committee or subcommittee is not present at any committee or subcommittee meeting or hearing, the vice chairman shall preside. If the chairman and vice chairman of the committee or subcommittee are not present at a committee or subcommittee meeting or hearing the ranking member of the majority party who is present shall preside in accordance with clause 2(d), House rule XI.

(f) *Activities Report.*—(1) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under rules X and XI of the Rules of the House of Representatives during the Congress ending on January 3 of such year. (See also committee rule VIII(h)(2).)

(2) Such report shall include separate sections summarizing the legislative and oversight activities of the committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the committee pursuant to clause 2(d) of House rule X, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the committee, and any recommendations made or actions taken with respect thereto.

(g) *Publication of Rules.*—The committee's rules shall be published in the CONGRESSIONAL RECORD not later than 30 days after the committee is elected in each odd-numbered year as provided in clause 2(a) of House rule XI.

(h) *Joint Committee Reports of Investigation or Study.*—A report of an investigation or

study conducted jointly by more than one committee may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

RULE II.—COMMITTEE BUSINESS MEETINGS—
REGULAR, ADDITIONAL AND SPECIAL

(a) *Regular Meetings.*—(1) Regular meetings of the committee, in accordance with clause 2(b) of House rule XI, shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or Congress is in recess or is adjourned, in which case the chairman shall determine the regular meeting day of the committee, if any, for that month. The chairman shall provide each member of the committee, as far in advance of the day of the regular meeting as practicable, a written agenda of such meeting. Items may be placed on the agenda by the chairman or a majority of the committee. If the chairman believes that there will not be any bill, resolution or other matter considered before the full committee and there is no other business to be transacted at a regular meeting, the meeting may be canceled or it may be deferred until such time as, in the judgment of the chairman, there may be matters which require the committee's consideration. This paragraph shall not apply to meetings of any subcommittee. (See paragraph (f) of committee rule X for provisions that apply to meetings of subcommittees.)

(b) *Additional Meetings.*—The chairman may call and convene, as he or she considers necessary, after consultation with the ranking minority member of the committee, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such additional meetings pursuant to a notice from the chairman.

(c) *Special Meetings.*—If at least three members of the committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for such special meeting. Such request shall specify the measure or matters to be considered. Immediately upon the filing of the request, the majority staff director (serving as the clerk of the committee for such purpose) shall notify the chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting in accordance with clause 2(c)(2) of House rule XI. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the majority staff director (serving as the clerk) of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered, and only the measure or matter specified in that notice may be considered at that special meeting.

RULE III.—OPEN MEETINGS AND HEARINGS;
BROADCASTING

(a) *Open Meetings and Hearings.*—Each meeting for the transaction of business, including the markup of legislation, and each hearing by the committee or a subcommittee shall be open to the public unless closed in accordance with clause 2(g) of House rule XI. (See appendix A.)

(b) *Broadcasting and Photography.*—Whenever a committee or subcommittee meeting

for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of House rule XI. (See appendix A.) When such radio coverage is conducted in the committee or subcommittee, written notice to that effect shall be placed on the desk of each member. The chairman of the committee or subcommittee, shall not limit the number of television or still cameras permitted in a hearing or meeting room to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(c) *Closed Meetings—Attendees.*—No person other than members of the committee or subcommittee and such congressional staff and departmental representatives as the committee or subcommittee may authorize shall be present at any business or markup session that has been closed to the public as provided in clause 2(g)(1) of House rule XI.

(d) *Addressing the Committee.*—A committee member may address the committee or a subcommittee on any bill, motion, or other matter under consideration. (See committee rule VII (e) relating to questioning a witness at a hearing.) The time a Member may address the committee or subcommittee for any such purpose shall be limited to 5 minutes, except that this time limit may be waived by unanimous consent. A Member shall also be limited in his or her remarks to the subject matter under consideration, unless the Member receives unanimous consent to extend his or her remarks beyond such subject.

(e) *Meetings to Begin Promptly.*—Subject to the presence of a quorum, each meeting or hearing of the committee and its subcommittees shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(f) *Prohibition on Proxy Voting.*—No vote by any member of the committee or subcommittee with respect to any measure or matter may be cast by proxy.

(g) *Location of Persons at Meetings.*—No person other than the committee or subcommittee members and committee or subcommittee staff may be seated in the rostrum area during a meeting of the committee or subcommittee unless by unanimous consent of committee or subcommittee.

(h) *Consideration of Amendments and Motions.*—A Member, upon request, shall be recognized by the chairman to address the committee or subcommittee at a meeting for a period limited to 5 minutes on behalf of an amendment or motion offered by the Member or another Member, or upon any other matter under consideration, unless the Member receives unanimous consent to extend the time limit. Every amendment or motion made in committee or subcommittee shall, upon the demand of any Member present, be reduced to writing, and a copy thereof shall be made available to all Members present. Such amendment or motion shall not be pending before the committee or subcommittee or voted on until the requirements of this paragraph have been met.

(i) *Demanding Record Vote.*—

(1) A record vote of the committee or subcommittee on a question or action shall be ordered on a demand by one-fifth of the Members present.

(2) The chairman of the committee or subcommittee may postpone further proceedings when a recorded vote is ordered on the question of approving a measure or matter or adopting an amendment. If the chairman postpones further proceedings:

(A) the chairman may resume such postponed proceedings, after giving Members

adequate notice, at a time chosen in consultation with the ranking minority member and

(B) notwithstanding any intervening order for the previous question, the underlying proposition on which proceedings were postponed shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(j) *Submission of Motions or Amendments In Advance of Business Meetings.*—The committee and subcommittee chairman may request and committee and subcommittee members should, insofar as practicable, cooperate in providing copies of proposed amendments or motions to the chairman and the ranking minority member of the committee or the subcommittee 24 hours before a committee or subcommittee business meeting.

(k) *Points of Order.*—No point of order against the hearing or meeting procedures of the committee or subcommittee shall be entertained unless it is made in a timely fashion.

(l) *Limitation on Committee Sitings.*—The committee or subcommittees may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(m) *Prohibition of Wireless Telephones.*—Use of wireless telephones during a committee or subcommittee hearing or meeting is prohibited.

RULE IV.—QUORUMS

(a) *Working Quorum.*—One-third of the members of the committee or a subcommittee shall constitute a quorum for taking any action, other than as noted in paragraphs (b) and (c).

(b) *Majority Quorum.*—A majority of the members of the committee or subcommittee shall constitute a quorum for:

(1) the reporting of a bill, resolution or other measure. (See clause 2(h)(1) of House rule XI, and committee rule VIII);

(2) the closing of a meeting or hearing to the public pursuant to clauses 2(g) and 2(k)(5) of rule XI of the Rules of the House of Representatives; and

(3) the authorizing of a subpoena as provided in clause 2(m)(3), of House rule XI. (See also committee rule VI.)

(c) *Quorum for Taking Testimony.*—Two members of the committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE V.—RECORDS

(a) *Maintenance of Records.*—The committee shall keep a complete record of all committee and subcommittee action which shall include:

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical and typographical corrections authorized by the person making the remarks involved, and

(2) written minutes shall include a record of all committee and subcommittee action and a record of all votes on any question and a tally on all record votes.

The result of each such record vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee and by telephone request. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(b) *Access to and Correction of Records.*—Any public witness, or person authorized by such

witness, during committee office hours in the committee offices and within 2 weeks of the close of hearings, may obtain a transcript copy of that public witness's testimony and make such technical, grammatical and typographical corrections as authorized by the person making the remarks involved as will not alter the nature of testimony given. There shall be prompt return of such corrected copy of the transcript to the committee. Members of the committee or subcommittee shall receive copies of transcripts for their prompt review and correction and prompt return to the committee. The committee or subcommittee may order the printing of a hearing record without the corrections of any Member or witness if it determines that such Member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action that is subject of the hearing. The record of a hearing shall be closed 10 calendar days after the last oral testimony, unless the committee or subcommittee determines otherwise. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record is closed unless the committee or subcommittee determines otherwise. The committee or subcommittee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

(c) *Property of the House.*—All committee and subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Members serving as chairman and such records shall be the property of the House and all Members of the House shall have access thereto. The majority staff director shall promptly notify the chairman and the ranking minority member of any request for access to such records.

(d) *Availability of Archived Records.*—The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with House rule VII. The chairman shall notify the ranking minority member of the committee of the need for a committee order pursuant to clause 3(b)(3) or clause 4(b) of such House rule, to withhold a record otherwise available.

(e) *Special Rules for Certain Records and Proceedings.*—A stenographic record of a business meeting of the committee or subcommittee shall be kept and thereafter may be published if the chairman of the committee, after consultation with the ranking minority member, determines there is need for such a record. The proceedings of the committee or subcommittee in a closed meeting, evidence or testimony in such meeting, shall not be divulged unless otherwise determined by a majority of the committee or subcommittee.

(f) *Electronic Availability of Committee Publications.*—To the maximum extent feasible, the committee shall make its publications available in electronic form.

RULE VI.—POWER TO SIT AND ACT; SUBPOENA POWER.

(a) *Authority to Sit and Act.*—For the purpose of carrying out any of its function and duties under House rules X and XI, the committee and each of its subcommittees is authorized (subject to paragraph (b)(1) of this rule)—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such wit-

nesses and the production of such books, records, correspondence, memoranda, papers and documents, as it deems necessary. The chairman of the committee or subcommittee, or any Member designated by the chairman, may administer oaths to any witness.

(b) *Issuance of Subpoenas.*—(1) A subpoena may be authorized and issued by the committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, as provided in clause 2(m)(3)(A) of House rule XI. Such authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee. As soon as practicable after a subpoena is issued under this rule, the chairman shall notify all members of the committee of such action.

(2) Notice of a meeting to consider a motion to authorize and issue a subpoena should be given to all members of the committee by 5 p.m. of the day preceding such meeting.

(3) Compliance with any subpoena issued by the committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(4) A subpoena duces tecum may specify terms of return other than at meeting or hearing of the committee or subcommittee authorizing the subpoena.

(c) *Expenses of Subpoenaed Witnesses.*—Each witness who has been subpoenaed, upon the completion of his or her testimony before the committee or any subcommittee, may report to the offices of the committee, and there sign appropriate vouchers for travel allowances and attendance fees to which he or she is entitled. If hearings are held in cities other than Washington, DC, the subpoenaed witness may contact the majority staff director of the committee, or his or her representative, before leaving the hearing room.

RULE VII.—HEARING PROCEDURES.

(a) *Power to Hear.*—For the purpose of carrying out any of its functions and duties under House rule X and XI, the committee and its subcommittees are authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed, or has adjourned. (See paragraph (a) of committee rule VI and paragraph (f) of committee rule X for provisions relating to subcommittee hearings and meetings.)

(b) *Announcement.*—The chairman of the committee shall after consultation with the ranking minority member of the committee, make a public announcement of the date, place and subject matter of any committee hearing at least 1 week before the commencement of the hearing. The chairman of a subcommittee shall schedule a hearing only after consultation with the chairman of the committee and after consultation with the ranking minority member of the subcommittee, and the chairmen of the other subcommittees after such consultation with the committee chairman, and shall request the majority staff director to make a public announcement of the date, place, and subject matter of such hearing at least one week before the hearing. If the chairman of the committee or the subcommittee, with concurrence of the ranking minority member of the committee or subcommittee, determines there is good cause to begin the hearing sooner, or if the committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the chairman of the committee or subcommittee, as appropriate, shall request the majority staff director to make such public announcement at the earliest possible date.

The clerk of the committee shall promptly notify the Daily Digest clerk of the CONGRESSIONAL RECORD, and shall promptly enter the appropriate information into the committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(c) *Scheduling of Witnesses.*—Except as otherwise provided in this rule, the scheduling of witnesses and determination of the time allowed for the presentation of testimony at hearings shall be at the discretion of the chairman of the committee or subcommittee, unless a majority of the committee or subcommittee determines otherwise.

(d) *Written Statement; Oral Testimony.*—(1) Each witness who is to appear before the committee or a subcommittee, shall insofar as practicable file with the majority staff director of the committee, at least 2 working days before day of his or her appearance, a written statement of proposed testimony. Witnesses shall provide sufficient copies of their statement for distribution to committee or subcommittee members, staff, and the news media. Insofar as practicable, the committee or subcommittee staff shall distribute such written statements to all members of the committee or subcommittee as soon as they are received as well as any official reports from departments and agencies on such subject matter. All witnesses may be limited in their oral presentations to brief summaries of their statements within the time allotted to them, at the discretion of the chairman of the committee or subcommittee, in light of the nature of the testimony and the length of time available.

(2) As noted in paragraph (a) of committee rule VI, the chairman of the committee or one of its subcommittees, or any Member designated by the chairman, may administer an oath to any witness.

(3) To the greatest extent practicable, each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(e) *Questioning of Witnesses.*—Committee or subcommittee members may question witnesses only when they have been recognized by the chairman of the committee or subcommittee for that purpose. Each Member so recognized shall be limited to questioning a witness for five minutes until such time as each Member of the committee or subcommittee who so desires has had an opportunity to question the witness for 5 minutes; and thereafter the chairman of the committee or subcommittee may limit the time of a further round of questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless a majority of the committee or subcommittee determines otherwise, no committee or subcommittee staff shall interrogate witnesses.

(f) *Extended Questioning for Designated Members.*—Notwithstanding paragraph (e), the chairman and ranking minority member may designate an equal number of members from each party to question a witness for a period not longer than 60 minutes.

(g) *Witnesses for the Minority.*—When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee or subcommittee shall be entitled, upon request to the chairman by a majority of those minority members before the com-

pletion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least 1 day of hearing thereon as provided in clause 2(j)(1) of House rule XI.

(h) *Summary of Subject Matter.*—Upon announcement of a hearing, to the extent practicable, the committee shall make available immediately to all members of the committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the chairman of the committee or subcommittee shall, to the extent practicable, make available to the members of the committee any official reports from departments and agencies on such matter. (See committee rule X(f).)

(i) *Open Hearings.*—Each hearing conducted by the committee or subcommittee shall be open to the public, including radio, television and still photography coverage, except as provided in clause 4 of House rule XI (see also committee rule III (b)). In any event, no Member of the House may be excluded from nonparticipatory attendance at any hearing unless the House by majority vote shall authorize the committee or subcommittee, for purposes of a particular series of hearings on a particular bill or resolution or on a particular subject of investigation, to close its hearings to Members by means of the above procedure.

(j) *Hearings and Reports.*—(1)(i) The chairman of the committee or subcommittee at a hearing shall announce in an opening statement the subject of the investigation. A copy of the committee rules (and the applicable provisions of clause 2 of House rule XI, regarding hearing procedures, an excerpt of which appears in appendix A thereto) shall be made available to each witness upon request. Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The chairman of the committee or subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full committee may cite the offender to the House for contempt.

(ii) Whenever it is asserted by a member of the committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness, such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (j) of this rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person. The committee or subcommittee shall afford a person an opportunity voluntarily to appear as a witness; and the committee or subcommittee shall receive and shall dispose of requests from such person to subpoena additional witnesses.

(iii) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee or subcommittee. In the discretion of the committee or subcommittee, witnesses may submit brief and pertinent statements in writing for inclusion in the record. The committee or subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. A witness may obtain a transcript copy of his or her testi-

mony given at a public session or, if given at an executive session, when authorized by the committee or subcommittee. (See paragraph (c) of committee rule V.)

(2) A proposed investigative or oversight report shall be considered as read if it has been available to the members of the committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day) in advance of their consideration.

RULE VIII.—THE REPORTING OF BILLS AND RESOLUTIONS

(a) *Filing of Reports.*—The chairman shall report or cause to be reported promptly to the House any bill, resolution, or other measure approved by the committee and shall take or cause to be taken all necessary steps to bring such bill, resolution, or other measure to a vote. No bill, resolution, or measure shall be reported from the committee unless a majority of committee is actually present. A committee report on any bill, resolution, or other measure approved by the committee shall be filed within 7 calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the majority staff director of the committee a written request, signed by a majority of the committee, for the reporting of that bill or resolution. The majority staff director of the committee shall notify the chairman immediately when such a request is filed.

(b) *Content of Reports.*—Each committee report on any bill or resolution approved by the committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) a statement of committee and subcommittee consideration of the measure including a summary of amendments and motions offered and the actions taken thereon;

(4) the results of each record vote on any amendment in the committee and subcommittee and on the motion to report the measure or matter, including the names of those Members and the total voting for and the names of those Members and the total voting against such amendment or motion (See clause 3(b) of House rule XIII);

(5) the oversight findings and recommendations of the committee with respect to the subject matter of the bill or resolution as required pursuant to clause 3(c)(1) of House rule XIII and clause 2(b)(1) of House rule X;

(6) the detailed statement described in section 308(a) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures, except that the estimates with respect to new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law;

(7) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in connection with such bill or resolution pursuant to section 402 of the Congressional Budget Act of 1974 if submitted in timely fashion to the committee;

(8) a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding;

(9) a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution;

(10) an estimate by the committee of the costs that would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and for its authorized duration or for each of the 5 fiscal years following the fiscal year of reporting, whichever period is less (see Rule XIII, clause 3(d)(2), (3) and (h)(2), (3)), together with—(i) a comparison of these estimates with those made and submitted to the committee by any Government agency when practicable, and (ii) a comparison of the total estimated funding level for the relevant program (or programs) with appropriate levels under current law (The provisions of this clause do not apply if a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report);

(11) the changes in existing law (if any) shown in accordance with clause 3 of House rule XIII;

(12) the determination required pursuant to section 5(b) of Public Law 92-463, if the legislation reported establishes or authorizes the establishment of an advisory committee; and

(13) the information on Federal and intergovernmental mandates required by section 423(c) and (d) of the Congressional Budget Act of 1974, as added by the Unfunded Mandates Reform Act of 1995 (P.L. 104-4).

(14) a statement regarding the applicability of section 102(b)(3) of the Congressional Accountability Act, Public Law 104-1.

(c) *Supplemental, Minority, or Additional Views.*—If, at the time of approval of any measure or matter by the committee, any Member of the committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than 2 subsequent calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such date) in which to file such views, in writing and signed by that Member, with the majority staff director of the committee. When time guaranteed by this paragraph has expired (or if sooner, when all separate views have been received), the committee may arrange to file its report with the Clerk of the House not later than 1 hour after the expiration of such time. All such views (in accordance with House rule XI, clause 2(1) and House rule XIII, clause 3(a)(1)), as filed by one or more members of the committee, shall be included within and made a part of the report filed by the committee with respect to that bill or resolution.

(d) *Printing of Reports.*—The report of the committee on the measure or matter noted in paragraph (a) above shall be printed in a single volume, which shall:

(1) include all supplemental, minority or additional views that have been submitted by the time of the filing of the report; and

(2) bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under House rule XII, clause 3(a)(1)) are included as part of the report.

(e) *Immediate Printing; Supplemental Reports.*—Nothing in this rule shall preclude—

(1) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by paragraph (c), or (2) the filing by the committee of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

(f) *Availability of Printed Hearing Records.*—If hearings have been held on any reported bill or resolution, the committee shall make

every reasonable effort to have the record of such hearings printed and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House. Each printed hearing of the committee or any of its subcommittees shall include a record of the attendance of the Members.

(g) *Committee Prints.*—All committee or subcommittee prints or other committee or subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the chairman of the committee or the committee prior to public distribution.

(h) *Post Adjournment Filing of Committee Reports.*—(1) After an adjournment of the last regular session of a Congress *sine die*, an investigative or oversight report approved by the committee may be filed with the Clerk at any time, provided that if a member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 7 calendar days in which to submit such views for inclusion with the report.

(2) After an adjournment of the last regular session of a Congress *sine die*, the chairman of the committee may file at any time with the Clerk the committee's activity report for that Congress pursuant to clause 1(d)(1) of rule XI of the Rules of the House of Representatives without the approval of the committee, provided that a copy of the report has been available to each member of the committee for at least 7 calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the committee.

(i) The chairman is directed to offer a motion under clause 1 of rule XXII of the Rules of the House of Representatives whenever the chairman considers it appropriate.

RULE IX.—OTHER COMMITTEE ACTIVITIES

(a) *Oversight Plan.*—Not later than February 15 of the first session of a Congress, the chairman shall convene the committee in a meeting that is open to the public and with a quorum present to adopt its oversight plans for that Congress. Such plans shall be submitted simultaneously to the Committee on Government Reform and to the Committee on House Administration. In developing such plans the committee shall, to the maximum extent feasible—

(1) consult with other committees of the House that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction, with the objective of ensuring that such laws, programs, or agencies are reviewed in the same Congress and that there is a maximum of coordination between such committees in the conduct of such reviews; and such plans shall include an explanation of what steps have been and will be taken to ensure such coordination and cooperation;

(2) review specific problems with Federal rules, regulations, statutes, and court decisions that are ambiguous, arbitrary, or nonsensical, or that impose severe financial burdens on individuals; and

(3) give priority consideration to including in its plans the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority; and

(4) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review at least once every 10 years.

The committee and its appropriate subcommittees shall review and study, on a continuing basis, the impact or probable impact of tax policies affecting subjects within its jurisdiction as provided in clause 2(d) of House rule X. The committee shall include in

the report filed pursuant to clause 1(d) of House rule XI a summary of the oversight plans submitted by the committee under clause 2(d) of House rule X, a summary of actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the committee and any recommendations made or actions taken thereon.

(b) *Annual Appropriations.*—The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) *Budget Act Compliance: Views and Estimates* (See appendix B).—Not later than 6 weeks after the President submits his budget under section 1105(a) of title 31, United States Code, or at such time as the Committee on Budget may request, the committee shall submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year (under section 301 of the Congressional Budget Act of 1974—see appendix B) that are within its jurisdiction or functions; and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

(d) *Budget Act Compliance: Recommended Changes.*—Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974 (See appendix B).

(e) *Conference Committees.*—Whenever in the legislative process it becomes necessary to appoint conferees, the chairman shall, after consultation with the ranking minority member, determine the number of conferees the chairman deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be appointed by the Speaker as provided in clause House rule I, clause 11, the names of those members of the committee of not less than a majority who generally supported the House position and who were primarily responsible for the legislation. The chairman shall, to the fullest extent feasible, include those members of the committee who were the principal proponents of the major provisions of the bill as it passed the House and such other committee members of the majority party as the chairman may designate in consultation with the members of the majority party. Such recommendations shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority party members to minority party members on the committee. In making recommendations of minority party members as conferees, the chairman shall consult with the ranking minority member of the Committee.

RULE X. SUBCOMMITTEES

(a) *Number and Composition.*—There shall be such subcommittees as specified in paragraph (c) of this rule. Each of such subcommittees shall be composed of the number of members set forth in paragraph (c) of this rule, including *ex officio* members. The chairman may create additional subcommittees of an *ad hoc* nature as the chairman determines to be appropriate subject to any limitations provided for in the House rules.

(b) *Ratios.*—On each subcommittee, there shall be a ratio of majority party members to minority party members which shall be consistent with the ratio on the full committee. In calculating the ratio of majority party members to minority party members, there shall be included the *ex officio* members of the subcommittees and ratios below reflect that fact.

(c) *Jurisdiction.*—Each subcommittee shall have the following general jurisdiction and number of members:

Department Operations, Oversight, Dairy, Nutrition, and Forestry (15 members, 8 majority and 7 minority).—Agency oversight, review and analysis, special investigations, food stamps, nutrition and consumer programs, forestry in general, forest reserves other than those created from the public domain, energy and biobased energy production; and dairy.

Livestock and Horticulture (24 members, 13 majority, 11 minority).—Livestock, poultry, meat, seafood and seafood products, inspection, marketing and promotion of such commodities, aquaculture, animal welfare, grazing, fruits and vegetables, and marketing orders.

General Farm Commodities and Risk Management (30 members, 16 majority, 14 minority).—Program and markets related to cotton, cotton seed, wheat, feed grains, soybeans, oilseeds, rice, dry beans, peas, lentils, the Commodity Credit Corporation, crop insurance, and commodity exchanges.

Specialty Crops and Foreign Agriculture Programs (17 members, 9 majority and 8 minority).—Peanuts, sugar, tobacco, honey and bees, marketing orders related to such commodities, foreign agricultural assistance, and trade promotion programs, generally.

Conservation, Credit, Rural Development, and Research (19 members, 10 majority and 9 minority).—Soil, water, and resource conservation, small watershed program, agricultural credit, rural development, rural electrification, farm security and family farming matters, agricultural research, education, and extension services; plant pesticides, quarantine, adulteration of seeds, and insect pests; biotechnology.

(d) Referral of Legislation.—

(1)(a) *In general.*—All bills, resolutions, and other matters referred to the committee shall be referred to all subcommittees of appropriate jurisdiction within 2 weeks after being referred to the committee. After consultation with the ranking minority member, the chairman may determine that the committee will consider certain bills, resolutions, or other matters.

(b) Trade Matters.—Unless action is otherwise taken under subparagraph (3), bills, resolutions, and other matters referred to the committee relating to foreign agriculture, foreign food or commodity assistance, and foreign trade and marketing issues will be considered by the committee.

(2) The chairman, by a majority vote of the committee, may discharge a subcommittee from further consideration of any bill, resolution, or other matter referred to the subcommittee and have such bill, resolution or other matter considered by the committee.

The committee having referred a bill, resolution, or other matter to a subcommittee in accordance with this rule may discharge such subcommittee from further consideration thereof at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(3) Unless the committee, a quorum being present, decides otherwise by a majority vote, the chairman may refer bills, resolutions, legislation or other matters not specifically within the jurisdiction of a subcommittee, or that is within the jurisdiction of more than one subcommittee, jointly or exclusively as the chairman deems appropriate, including concurrently to the subcommittees with jurisdiction, sequentially to the subcommittees with jurisdiction (subject to any time limits deemed appropriate), divided by subject matter among the subcommittees with jurisdiction, or to an *ad hoc* subcommittee appointed by the chairman for the purpose of considering the matter and reporting to the committee thereon, or make such other provisions deemed appropriate.

(e) *Participation and Service of Committee Members on Subcommittees.*—(1) The chairman and the ranking minority member shall serve as *ex officio* members of all subcommittees and shall have the right to vote on all matters before the subcommittees. The chairman and the ranking minority member may not be counted for the purpose of establishing a quorum.

(2) Any member of the committee who is not a member of the subcommittee may have the privilege of sitting and nonparticipatory attendance at subcommittee hearings or meetings in accordance with clause 2(g)(2) of House rule XI. Such member may not:

(i) vote on any matter;

(ii) be counted for the purpose of establishing a quorum;

(iii) participate in questioning a witness under the 5-minute rule, unless permitted to do so by the subcommittee chairman in consultation with the ranking minority member or a majority of the subcommittee, a quorum being present;

(iv) raise points of order; or

(v) offer amendments or motions.

(f) *Subcommittee Hearings and Meetings.*—(1) Each subcommittee is authorized to meet, hold hearings, receive evidence, and make recommendations to the committee on all matters referred to it or under its jurisdiction after consultation by the subcommittee chairmen with the committee chairman. (See committee rule VII.)

(2) After consultation with the committee chairman, subcommittee chairmen shall set dates for hearings and meetings of their subcommittees and shall request the majority staff director to make any announcement relating thereto. (See committee rule VII(b).) In setting the dates, the committee chairman and subcommittee chairman shall consult with other subcommittee chairmen and relevant committee and subcommittee ranking minority members in an effort to avoid simultaneously scheduling committee and subcommittee meetings or hearings to the extent practicable.

(3) Notice of all subcommittee meetings shall be provided to the chairman and the ranking minority member of the committee by the majority staff director.

(4) Subcommittees may hold meetings or hearings outside of the House if the chairman of the committee and other subcommittee chairmen and the ranking minority member of the subcommittee is consulted in advance to ensure that there is no scheduling problem. However, the majority

of the committee may authorize such meeting or hearing.

(5) The provisions regarding notice and the agenda of committee meetings under committee rule II(a) and special or additional meetings under committee rule II(b) shall apply to subcommittee meetings.

(6) If a vacancy occurs in a subcommittee chairmanship, the chairman may set the dates for hearings and meetings of the subcommittee during the period of vacancy. The chairman may also appoint an acting subcommittee chairman until the vacancy is filled.

(g) *Subcommittee Action.*—(1) Any bill, resolution, recommendation, or other matter forwarded to the committee by a subcommittee shall be promptly forwarded by the subcommittee chairman or any subcommittee member authorized to do so by the subcommittee.

(2) Upon receipt of such recommendation, the majority staff director of the committee shall promptly advise all members of the committee of the subcommittee action.

(3) The committee shall not consider any matters recommended by subcommittees until 2 calendar days have elapsed from the date of action, unless the chairman or a majority of the committee determines otherwise.

(h) *Subcommittee Investigations.*—No investigation shall be initiated by a subcommittee without the prior consultation with the chairman of the committee or a majority of the committee.

RULE XI.—COMMITTEE BUDGET, STAFF, AND TRAVEL

(a) *Committee Budget.*—The chairman, in consultation with the majority members of the committee, and the minority members of the committee, shall prepare a preliminary budget for each session of the Congress. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the committee and subcommittees. After consultation with the ranking minority member, the chairman shall include an amount budgeted to minority members for staff under their direction and supervision. Thereafter, the chairman shall combine such proposals into a consolidated committee budget, and shall take whatever action is necessary to have such budget duly authorized by the House.

(b) *Committee Staff.*—(1) The chairman shall appoint and determine the remuneration of, and may remove, the professional and clerical employees of the committee not assigned to the minority. The professional and clerical staff of the committee not assigned to the minority shall be under the general supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate. (See House rule X, clause 9)

(2) The ranking minority member of the committee shall appoint and determine the remuneration of, and may remove, the professional and clerical staff assigned to the minority within the budget approved for such purposes. The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the ranking minority member of the committee who may delegate such authority as he or she determines appropriate.

(3) From the funds made available for the appointment of committee staff pursuant to any primary or additional expense resolution, the chairman shall ensure that each subcommittee is adequately funded and staffed to discharge its responsibilities and that the minority party is fairly treated in the appointment of such staff (See House rule X, clause 6(d)).

(c) *Committee Travel*.—(1) Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of committee members and committee staff regarding domestic and foreign travel (See House rule XI, clause 2(n) and House rule X, clause 8 (reprinted in appendix A)). Official travel for any Member or any committee staff member shall be paid only upon the prior authorization of the chairman. Official travel may be authorized by the chairman for any committee Member and any committee staff member in connection with the attendance of hearings conducted by the committee and its subcommittees and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(i) The purpose of the official travel;
 (ii) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;
 (iii) The location of the event for which the official travel is to be made; and
 (iv) The names of members and committee staff seeking authorization.

(2) In the case of official travel of members and staff of a subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such subcommittee to be paid for out of funds allocated to the committee, prior authorization must be obtained from the subcommittee chairman and the full committee chairman. Such prior authorization shall be given by the chairman only upon the representation by the applicable subcommittee chairman in writing setting forth those items enumerated in clause (1).

(3) Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the committee chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

(4) Local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purpose of defraying expenses of members of the committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to their use of such currencies:

(i) No Member or employee of the committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(ii) Each Member or employee of the committee shall make an itemized report to the chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose, and shall summarize in

these categories the total foreign currencies and appropriated funds expended. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

RULE XII.—AMENDMENT OF RULES

These rules may be amended by a majority vote of the committee. A proposed change in these rules shall not be considered by the committee as provided in clause 2 of House rule XI, unless written notice of the proposed change has been provided to each committee Member 2 legislative days in advance of the date on which the matter is to be considered. Any such change in the rules of the committee shall be published in the CONGRESSIONAL RECORD within 30 calendar days after its approval.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PUBLICATION OF THE RULES OF THE COMMITTEE ON FINANCIAL SERVICES, 109TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. OXLEY) is recognized for 5 minutes.

Mr. OXLEY. Mr. Speaker, in accordance with clause 2(a)(2) of rule XI of the Rules of the House of Representatives, I am reporting that the Committee on Financial Services adopted the following rules for the 109th Congress on February 2, 2005 in open session, a quorum being present, and submit those rules for publication in the CONGRESSIONAL RECORD:

RULES OF THE COMMITTEE ON FINANCIAL SERVICES

U.S. House of Representatives, 109th Congress, First Session

RULE 1: GENERAL PROVISIONS

(a) The rules of the House are the rules of the Committee on Financial Services (hereinafter in these rules referred to as the "Committee") and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are privileged motions in the Committee and shall be considered without debate. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the Rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

RULE 2: MEETINGS

Calling of Meetings

(a)(1) The Committee shall regularly meet on the first Tuesday of each month when the House is in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereinafter in these rules referred to as the "Chair"), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair, in accordance with clause 2(g)(3) of rule XI of the rules of the House.

(4) Special meetings shall be called and convened by the Chair as provided in clause 2(c)(2) of rule XI of the Rules of the House.

Notice for Meetings

(b)(1) The Chair shall notify each member of the Committee of the agenda of each regular meeting of the Committee at least two calendar days before the time of the meeting.

(2) The Chair shall provide to each member of the Committee, at least two calendar days before the time of each regular meeting for each measure or matter on the agenda a copy of—

(A) the measure or materials relating to the matter in question; and

(B) an explanation of the measure or matter to be considered, which, in the case of an explanation of a bill, resolution, or similar measure, shall include a summary of the major provisions of the legislation, an explanation of the relationship of the measure to present law, and a summary of the need for the legislation.

(3) The agenda and materials required under this subsection shall be provided to each member of the Committee at least three calendar days before the time of the meeting where the measure or matter to be considered was not approved for full Committee consideration by a subcommittee of jurisdiction.

(4) The provisions of this subsection may be waived by a two-thirds vote of the Committee, or by the Chair with the concurrence of the ranking minority member.

RULE 3: MEETING AND HEARING PROCEDURES

In General

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television broadcast, radio broadcast, and still photography in accordance with the provisions of clause 4 of rule XI of the Rules of the House (which are incorporated by reference as part of these rules). Operation and use of any Committee operated broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of rule XI and all other applicable rules of the Committee and the House.

(4) Opening statements by members at the beginning of any hearing or meeting of the Committee shall be limited to 5 minutes each for the Chair or ranking minority member, or their respective designee, and 3 minutes each for all other members.

(5) No person, other than a Member of Congress, Committee staff, or an employee of a Member when that Member has an amendment under consideration, may stand in or be seated at the rostrum area of the Committee rooms unless the Chair determines otherwise.

Quorum

(b)(1) For the purpose of taking testimony and receiving evidence, two members of the Committee shall constitute a quorum.

(2) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, of closing a meeting

or hearing pursuant to clause 2(g) of rule XI of the rules of the House (except as provided in clause 2(g)(2)(A) and (B)) or of releasing executive session material pursuant to clause 2(k)(7) of rule XI of the rules of the House.

(3) For the purpose of taking any action other than those specified in paragraph (2) one-third of the members of the Committee shall constitute a quorum.

Voting

(c)(1) No vote may be conducted on any measure or matter pending before the Committee unless the requisite number of members of the Committee is actually present for such purpose.

(2) A record vote of the Committee shall be provided on any question before the Committee upon the request of one-fifth of the members present.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) In accordance with clause 2(e)(1)(B) of rule XI, a record of the vote of each member of the Committee on each record vote on any measure or matter before the Committee shall be available for public inspection at the offices of the Committee, and, with respect to any record vote on any motion to report or on any amendment, shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those members voting for and against.

(5) Postponed record votes.—(A) Subject to subparagraph (B), the Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed request at any time, but no later than the next meeting day.

(B) In exercising postponement authority under subparagraph (A), the Chairman shall take all reasonable steps necessary to notify members on the resumption of proceedings on any postponed record vote;

(C) When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

Hearing Procedures

(d)(1)(A) The Chair shall make public announcement of the date, place, and subject matter of any committee hearing at least one week before the commencement of the hearing, unless the Chair, with the concurrence of the ranking minority member, or the Committee by majority vote with a quorum present for the transaction of business, determines there is good cause to begin the hearing sooner, in which case the Chair shall make the announcement at the earliest possible date.

(B) Not less than three days before the commencement of a hearing announced under this paragraph, the Chair shall provide to the members of the Committee a concise summary of the subject of the hearing, or, in the case of a hearing on a measure or matter, a copy of the measure or materials relating to the matter in question and a concise explanation of the measure or matter to be considered. (2) To the greatest extent practicable—

(A) each witness who is to appear before the Committee shall file with the Committee two business days in advance of the appearance sufficient copies (including a copy in electronic form), as determined by the Chair, of a written statement of proposed testimony and shall limit the oral presentation to the Committee to brief summary thereof; and

(B) each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(3) The requirements of paragraph (2)(A) may be modified or waived by the Chair when the Chair determines it to be in the best interest of the Committee.

(4) The five-minute rule shall be observed in the interrogation of witnesses before the Committee until each member of the Committee has had an opportunity to question the witnesses. No member shall be recognized for a second period of 5 minutes to interrogate witnesses until each member of the Committee present has been recognized once for that purpose.

(5) Whenever any hearing is conducted by the Committee on any measure or matter, the minority party members of the Committee shall be entitled, upon the request of a majority of them before the completion of the hearing, to call witnesses with respect to that measure or matter during at least one day of hearing thereon.

Subpoenas and Oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, or pursuant to paragraph (2).

(2) The Chair, with the concurrence of the ranking minority member, may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the Chair, authorization and issuance of the subpoena is necessary to obtain the material or testimony set forth in the subpoena. The Chair shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable, but in no event later than one week after service of such subpoena.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

Special Procedures

(f)(1)(A) Commemorative medals and coins.—It shall not be in order for the Subcommittee on Domestic and International Monetary Policy, Trade, and Technology to hold a hearing on any commemorative medal or commemorative coin legislation unless the legislation is cosponsored by at least two-thirds of the members of the House.

(B) It shall not be in order for the subcommittee to approve a bill or measure authorizing commemorative coins for consideration by the full Committee which does not conform with the mintage restrictions established by section 5112 of title 31, United States Code.

(C) In considering legislation authorizing Congressional gold medals, the subcommittee shall apply the following standards—

(i) the recipient shall be a natural person;

(ii) the recipient shall have performed an achievement that has an impact on American history and culture that is likely to be recognized as a major achievement in the recipient's field long after the achievement;

(iii) the recipient shall not have received a medal previously for the same or substantially the same achievement;

(iv) the recipient shall be living or, if deceased, shall have been deceased for not less than 5 years and not more than 25 years;

(v) the achievements were performed in the recipient's field of endeavor, and represent either a lifetime of continuous superior achievements or a single achievement so significant that the recipient is recognized and acclaimed by others in the same field, as evidenced by the recipient having received the highest honors in the field.

(2) Testimony of certain officials.—

(A) Notwithstanding subsection (a)(4), when the Chair announces a hearing of the Committee for the purpose of receiving—

(i) testimony from the Chairman of the Federal Reserve Board pursuant to section 2B of the Federal Reserve Act (12 U.S.C. 221 et seq.), or

(ii) testimony from the Chairman of the Federal Reserve Board or a member of the President's cabinet at the invitation of the Chair, the Chair may, in consultation with the ranking minority member, limit the number and duration of opening statements to be delivered at such hearing. The limitation shall be included in the announcement made pursuant to subsection (d)(1)(A), and shall provide that the opening statements of all members of the Committee shall be made a part of the hearing record.

RULE 4: PROCEDURES FOR REPORTING MEASURES OR MATTERS

(a) No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present.

(b) The Chair of the Committee shall report or cause to be reported promptly to the House any measure approved by the Committee and take necessary steps to bring a matter to a vote.

(c) The report of the Committee on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure pursuant to the provisions of clause 2(b)(2) of rule XIII of the Rules of the House.

(d) All reports printed by the Committee pursuant to a legislative study or investigation and not approved by a majority vote of the Committee shall contain the following disclaimer on the cover of such report: "This report has not been officially adopted by the Committee on Financial Services and may not necessarily reflect the views of its Members."

(e) The Chair is directed to offer a motion under clause 1 of rule XXII of the House whenever the Chair considers it appropriate.

RULE 5: SUBCOMMITTEES

Establishment and Responsibilities of Subcommittees

(a)(1) There shall be 5 subcommittees of the Committee as follows:

(A) Subcommittee on capital markets, insurance, and government sponsored enterprises.—The jurisdiction of the Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises includes—

(i) securities, exchanges, and finance;

(ii) capital markets activities;

(iii) activities involving futures, forwards, options, and other types of derivative instruments;

(iv) secondary market organizations for home mortgages including the Federal National Mortgage Association, the Federal

Home Loan Mortgage Corporation, and the Federal Agricultural Mortgage Corporation;

(v) the Office of Federal Housing Enterprise Oversight;

(vi) the Federal Home Loan Banks; and

(vii) insurance generally.

(B) Subcommittee on domestic and international monetary policy, trade, and technology.—The jurisdiction of the Subcommittee on Domestic and International Monetary Policy, Trade, and Technology includes—

(i) financial aid to all sectors and elements within the economy;

(ii) economic growth and stabilization;

(iii) defense production matters as contained in the Defense Production Act of 1950, as amended;

(iv) domestic monetary policy, and agencies which directly or indirectly affect domestic monetary policy, including the effect of such policy and other financial actions on interest rates, the allocation of credit, and the structure and functioning of domestic financial institutions;

(v) coins, coinage, currency, and medals, including commemorative coins and medals, proof and mint sets and other special coins, the Coinage Act of 1965, gold and silver, including the coinage thereof (but not the par value of gold), gold medals, counterfeiting, currency denominations and design, the distribution of coins, and the operations of the Bureau of the Mint and the Bureau of Engraving and Printing;

(vi) development of new or alternative forms of currency;

(vii) multilateral development lending institutions, including activities of the National Advisory Council on International Monetary and Financial Policies as related thereto, and monetary and financial developments as they relate to the activities and objectives of such institutions;

(viii) international trade, including but not limited to the activities of the Export-Import Bank;

(ix) the International Monetary Fund, its permanent and temporary agencies, and all matters related thereto; and

(x) international investment policies, both as they relate to United States investments for trade purposes by citizens of the United States and investments made by all foreign entities in the United States.

(C) Subcommittee on financial institutions and consumer credit.—The jurisdiction of the Subcommittee on Financial Institutions and Consumer Credit includes—

(i) all agencies, including the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System and the Federal Reserve System, the Office of Thrift Supervision, and the National Credit Union Administration, which directly or indirectly exercise supervisory or regulatory authority in connection with, or provide deposit insurance for, financial institutions, and the establishment of interest rate ceilings on deposits;

(ii) the chartering, branching, merger, acquisition, consolidation, or conversion of financial institutions;

(iii) consumer credit, including the provision of consumer credit by insurance companies, and further including those matters in the Consumer Credit Protection Act dealing with truth in lending, extortionate credit transactions, restrictions on garnishments, fair credit reporting and the use of credit information by credit bureaus and credit providers, equal credit opportunity, debt collection practices, and electronic funds transfers;

(iv) creditor remedies and debtor defenses, Federal aspects of the Uniform Consumer Credit Code, credit and debit cards, and the preemption of State usury laws;

(v) consumer access to financial services, including the Home Mortgage Disclosure Act and the Community Reinvestment Act;

(vi) the terms and rules of disclosure of financial services, including the advertisement, promotion and pricing of financial services, and availability of government check cashing services;

(vii) deposit insurance; and

(viii) consumer access to savings accounts and checking accounts in financial institutions, including lifeline banking and other consumer accounts.

(D) Subcommittee on housing and community opportunity.—The jurisdiction of the Subcommittee on Housing and Community Opportunity includes—

(i) housing (except programs administered by the Department of Veterans Affairs), including mortgage and loan insurance pursuant to the National Housing Act; rural housing; housing and homeless assistance programs; all activities of the Government National Mortgage Association; private mortgage insurance; housing construction and design and safety standards; housing-related energy conservation; housing research and demonstration programs; financial and technical assistance for nonprofit housing sponsors; housing counseling and technical assistance; regulation of the housing industry (including landlord/tenant relations); and real estate lending including regulation of settlement procedures;

(ii) community development and community and neighborhood planning, training and research; national urban growth policies; urban/rural research and technologies; and regulation of interstate land sales;

(iii) government sponsored insurance programs, including those offering protection against crime, fire, flood (and related land use controls), earthquake and other natural hazards; and

(iv) the qualifications for and designation of Empowerment Zones and Enterprise Communities (other than matters relating to tax benefits).

(E) Subcommittee on oversight and investigations.—The jurisdiction of the Subcommittee on Oversight and Investigations includes—

(i) the oversight of all agencies, departments, programs, and matters within the jurisdiction of the Committee, including the development of recommendations with regard to the necessity or desirability of enacting, changing, or repealing any legislation within the jurisdiction of the Committee, and for conducting investigations within such jurisdiction; and

(ii) research and analysis regarding matters within the jurisdiction of the Committee, including the impact or probable impact of tax policies affecting matters within the jurisdiction of the Committee.

(2) In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Referral of Measures and Matters to Subcommittees

(b)(1) The Chair shall regularly refer to one or more subcommittees such measures and matters as the Chair deems appropriate given its jurisdiction and responsibilities. In making such a referral, the Chair may designate a subcommittee of primary jurisdiction and subcommittees of additional or sequential jurisdiction.

(2) All other measures or matters shall be subject to consideration by the full Committee.

(3) In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(4) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

Composition of Subcommittees

(c)(1) Members shall be elected to each subcommittee and to the positions of chair and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the Committee shall designate a member of the majority party on each subcommittee as its vice chair.

(2) The Chair and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees.

(3) The subcommittees shall be comprised as follows:

(A) The Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises shall be comprised of 49 members, 26 elected by the majority caucus and 23 elected by the minority caucus.

(B) The Subcommittee on Domestic and International Monetary Policy, Trade, and Technology shall be comprised of 26 members, 14 elected by the majority caucus and 12 elected by the minority caucus.

(C) The Subcommittee on Financial Institutions and Commercial Credit shall be comprised of 47 members, 25 elected by the majority caucus and 22 elected by the minority caucus.

(D) The Subcommittee on Housing and Community Opportunity shall be comprised of 26 members, 14 elected by the majority caucus and 12 elected by the minority caucus.

(E) The Subcommittee on Oversight and Investigations shall be comprised of 20 members, 11 elected by the majority caucus and 9 elected by the minority caucus.

Subcommittee Meetings and Hearings

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it, consistent with subsection (a).

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the Committee.

(3) The chair of each subcommittee shall set hearing and meeting dates only with the approval of the Chair with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

Effect of a Vacancy

(e) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee as long as the required quorum is present.

Records

(f) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chair deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 6: STAFF

In General

(a)(1) Except as provided in paragraph (2), the professional and other staff of the Committee shall be appointed, and may be removed by the Chair, and shall work under

the general supervision and direction of the Chair.

(2) All professional and other staff provided to the minority party members of the Committee shall be appointed, and may be removed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member.

(3) It is intended that the skills and experience of all members of the Committee staff be available to all members of the Committee.

Subcommittee Staff

(b) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 6(d) of rule X of the Rules of the House, ensure that sufficient staff is made available so that each subcommittee can carry out its responsibilities under the rules of the Committee and that the minority party is treated fairly in the appointment of such staff.

Compensation of Staff

(c)(1) Except as provided in paragraph (2), the Chair shall fix the compensation of all professional and other staff of the Committee.

(2) The ranking minority member shall fix the compensation of all professional and other staff provided to the minority party members of the Committee.

RULE 7: BUDGET AND TRAVEL

Budget

(a)(1) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

(2) From the amount provided to the Committee in the primary expense resolution adopted by the House of Representatives, the Chair, after consultation with the ranking minority member, shall designate an amount to be under the direction of the ranking minority member for the compensation of the minority staff, travel expenses of minority members and staff, and minority office expenses. All expenses of minority members and staff shall be paid for out of the amount so set aside.

Travel

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

RULE 8: COMMITTEE ADMINISTRATION

Records

(a)(1) There shall be a transcript made of each regular meeting and hearing of the

Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the members of the Committee requests such printing. Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of rule XI of the Rules of the House.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House of Representatives. The Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

Committee Publications on the Internet

(b) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

INTRODUCTION OF LEGISLATION TO CREATE A COOPERATIVE RESEARCH PROGRAM FOR HAZARDOUS MATERIALS TRANSPORTATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, today I am introducing legislation to establish a Cooperative Research Program

for Hazardous Materials Transportation.

This program will enable experts from the multiple Federal agencies responsible for regulating and enforcing the hazardous waste materials industry to join with the private sector and State and local governments to research cross-cutting issues in the transportation of hazardous materials that are not adequately addressed by existing mode-specific research programs.

Hazardous materials move through thousands of local communities across the United States every day, usually without the knowledge of residents or even of local officials. During the past decade, the United States Department of Transportation has recorded between 14,000 and 18,000 unintentional releases of hazardous materials during transportation on an annual basis. Between 1994 and 2003, these incidents resulted in 210 fatalities and more than 3,400 injuries.

Recent incidents involving the release of hazardous waste being transported by trains, including a 2001 incident in my district in Baltimore that resulted in a massive fire, as well as incidents in South Carolina, Texas and South Dakota that resulted in fatalities, have dramatically reminded us of the danger that these shipments can pose to our communities.

It is, therefore, imperative that we take every concrete step available to us to improve the safety and security of hazardous materials transportation, and the bill I introduce today takes a joint step towards enabling us to improve all facets of hazardous materials transportation.

□ 1415

Currently more than a dozen Federal agencies have regulatory, enforcement and operational responsibilities over the estimated 1 million hazardous materials shipments that are made on a daily basis in the United States.

These Federal agencies share responsibilities with literally thousands of State and local agencies and private sector actors, for anticipating and responding to the varied risks, including safety, security, human health and environmental risks associated with the transportation of hazardous materials.

A report just issued by the Transportation Research Board has found that perhaps the most notable gap in America's system of ensuring hazardous material safety and security is in the conduct of research that is cross-cutting and/or multimodal in application.

This is a wake-up call urging us to begin to address the transport of hazardous materials from a comprehensive multimodal perspective rather than from the isolated perspective of a single mode program or material type.

Modeling the successful cooperative research programs that already exist to study transit and highway transportation, my bill will create a cooperative research program that will bring

together representatives of 10 Federal agencies, private sector hazardous material shippers and carriers, and State and local governments to study cross-cutting topics in hazardous materials transportation.

Priority will be given in the selection of research projects to topics that yield results immediately applicable to risk analysis and mitigation and/or that will strengthen the ability of first responders to respond to incidents and accidents involving hazardous materials, among other topics.

My bill mandates that the research program conduct studies that will inform the routing of hazardous shipments and the development of regulations regarding mandatory routing decisions, the formulation of appropriate packaging requirements for those hazardous materials that are most frequently involved in release incidents, the development of reasonable models of State and local risk response and management plans that effectively address both safety and security considerations, and the definition of the roles and responsibilities of carriers and shippers in the hazardous materials events response and even event response procedures that can be consistently applied across all transportation modes.

Without the ability to adequately research and respond to issues in hazardous materials transportation that are multimodal in scope and national in application, our ability to make informed legislative, regulatory, and operational decisions regarding hazardous materials transportation is unacceptably limited.

Therefore, I urge you to join me in supporting the formulation of a cooperative research program for hazardous materials transportation by cosponsoring this important legislation.

HONORING VOLKMAR WENTZEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. MOLLOHAN) is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Speaker, on Friday evening, the German Embassy here in Washington will pay tribute to a man of extraordinary talent, a native son whose artistry with a camera has opened the eyes the world over.

Today I rise to salute this remarkable gentleman and his distinguished career. Volkmar Wentzel had an unusual introduction to photography. His father was a photochemist and built a darkroom at the family home in Dresden. He would send his boys there when they misbehaved. One day young Volkmar happened to hit the switch that turned on the red inspection light. There in the darkroom he saw the magic of photography for the very first time.

When he was 9, he and his father built a pinhole camera. It was another defining experience. In his words, "My camera became the passport to a fas-

cinating life." Two years later the Wentzels left Germany, escaping the turmoil that followed World War I. They started a new life here in America, in New York.

As a young man, Volkmar set off in search of adventure, but his grand vision to travel to South America stalled in Washington, D.C. By chance, he made new friends who steered to him to Aurora, West Virginia. A colony called the Youghiogheny Forest had been started there by a mix of artists, musicians, writers, doctors and others. It is where they spent slow periods during the Great Depression. They hired Volkmar to look after their property and studios. To our great pride, that is where his career began, in the mountains of Preston County.

The first images he captured were the breathtaking beauty of the countryside. Soon he focused his lens on the people. He gave farm families pictures of their children in exchange for vegetables from their gardens.

One day Eleanor Roosevelt stopped in Aurora for lunch. She was on a trip to Arthurdale, a New Deal Homestead community that she had taken under her wing. The First Lady bought a few of the postcards Volkmar had made. The real profit was not the price she paid, rather, it was the encouragement that Volkmar felt.

He was inspired to come back to Washington to pursue a professional career, and what an amazing career it has been.

I am sure that many of my colleagues have been dazzled by his book, "Washington by Night." It gives a dramatically different view of the city's best known landmarks. Even today, more than 60 years after he captured those images, they still enhance our sense of wonder.

The same is certainly true of Volkmar's long and distinguished career with the National Geographic. From the Himalayas to Newfoundland, his work gave us rich new perspectives, and new understanding, of the world around us. And that is what makes him such a compelling artist. His keen eye, his technical skill, his respectful nature, his gracious manner, all of these things are evident in every photograph he takes.

Of course I have a special affinity for his award-winning work in West Virginia, and I am always proud to tell people that Volkmar and his wife, Viola, consider Aurora to be their home and are active in the local historical society.

The Wentzels recently celebrated his 90th birthday at their Washington residence. Tomorrow's reception will allow his friends and admirers to mark the happy occasion and to salute the work of this outstanding talent and true gentleman.

REMOVAL OF NAME OF MEMBERS AS COSPONSORS OF H.R. 227

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent that the gentleman

from North Carolina (Mr. JONES), the gentleman from Maryland (Mr. VAN HOLLEN), the gentleman from Michigan (Mr. KILDREE), the gentleman from California (Mr. SHERMAN), and the gentleman from California (Mr. FARR) be removed as cosponsors of H.R. 227. I am the sponsor of H.R. 227, and their names were added in error.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

BLACK HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to be able to join my colleagues who are here on the floor and will be presenting a Special Order in tribute to black history. I know my colleagues will begin an hour in just a few minutes, and I want to add to their offering this afternoon by sharing the importance of acknowledging this month with something a little bit different.

I am glad that through the calendar year we give an opportunity to be able to recognize the richness of the diversity of Americans. We are in fact a mosaic, not necessarily a melting pot, and we have many months to be able to honor so many different groups. And although this month has been designated as Black History Month, might I say that I look forward to the day that we stand as Americans and we are enriched by all of our cultures and that we respect them throughout the year, and that our classes throughout America are filled with anecdotal stories about all of the pioneers who came to this country, some of us quite differently.

I believe that Black History Month has been established primarily because, of course, the ancestors of those of us who are African Americans came first to this Nation in the bottom of the belly of a slave boat. But through that journey, that dark passage, we came to this Nation recognizing that its very tenets represented our ideals, and that is of opportunity, of sharing, of giving, of excellence.

So today I cite for our colleagues the importance of Black History Month, to be able to share those heroes. I may call a very limited list, because to call the whole roll would be enormous. I know they are familiar names, such as W. E. B. Dubois, George Washington Carver, or Sojourner Truth, the suffragette who may have been left unknown and unexpressed, but we know of her great emancipation work and her work on behalf of women, giving them the opportunity to work.

Harriet Tubman was known as General Moses, who helped to bring slaves through a free America. George White was the last African American to serve in the United States Congress in 1901

when he was redrawn out of this House through redistricting. He stood on the floor of the House and he said, "Like a phoenix, the Negro will rise."

General Chappie James during World War II showed himself to be a proud American, fighting against the forces of evil. The Tuskegee Airmen, which we honored just a few weeks ago. So many.

Then, of course, we bring ourselves to the civil rights movement. And who does not know the name of Rosa Parks, someone who was willing to sit down and be counted against, again, the evil of segregation. We know the names of those like Martin Luther King, but do we know Josea Williams and Andrew Young? These are great icons.

And of course we know that so many of them brought us to the point where we could stand on this floor, Dorothy Height, who is with us today, her great leadership, and C. Dolores Tucker, both women who were pioneers and willing to take a chance.

Might I share, Mr. Speaker, some of the local heroes of Houston, Texas.

Jack Yates, who founded the Bethel Baptist Church, which suffered an enormous fire just a few weeks ago. How grateful I am that that community has come together and has stood together to say that history is important, not just for African Americans or Houstonians, but for all of us.

F. M. Williams. His father had a school named for him, M. C. Williams. We thank him for the spiritual leadership and being able to be concerned about education.

Christie Adair, Moses Leroy, Zollie Scales are all great heroes in our community who passed on, but Beulah Shepard, who remains in her early eighties, is someone who believed that just one single vote could make a difference, and went throughout the community registering people to vote and empowering them. She was a political leader. Unelected, but yet a leader in our community.

So many stand as heroes. Esther Williams. She was one of the early precinct judges and a dear friend. She was always in the political organizational aspect of our leadership, and she did it to open the doors for others.

Our first judges, like Henry Doyle; and certainly some of our attorneys, like attorney Plummer and attorney Whitcliff; or our early doctors, like John B. Coleman. So many. Dr. E. A. Lord and many others who have preceded the Perrys, Dr. and Mrs. Perry.

So I list these names not because they asked to be listed, but because this month is extremely important in recognizing the fullness of America and the diversity of America and our willingness to acknowledge them by this month. Let us always be reminded that our brilliance, our greatness is because we can stand under one flag, differently but yet united.

I go to my seat, Mr. Speaker, challenging the City of Houston and our school district, the Houston Inde-

pendent School District, to cherish that history and ask and plead with them not to close Jack Yates High School, Kashmir High School, and Sam Houston High School because our history is so important.

BLACK HISTORY MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, February is designated as Black History Month, and I want to take this opportunity to utilize this very practical observance, or practical designation.

The observances have very practical values. Some people have said they are useless and also they are insulting because our history goes on all the time. Why do we need to single it out for just one month? And if they are important, why only have one month?

Well, the way Americans do things, part of our culture and part of our way of life is we do highlight things, days of observances, holidays, special ceremonies, all these things are part of the way we capture people's attention.

□ 1430

I am grateful for the fact that the whole month of February is designated as Black History Month. There was a time when there was no such designation, and there was a gentleman named Carter G. Woodson who resided here in Washington D.C. who worked for years to get a Black History Week designation.

The purpose for his Black History Week designation was a practical one. He wanted an opportunity to be able to highlight some of the achievements of African Americans over the years. So the fact now that television stations and corporations and various other people have pitched in and they pay homage to Black History Month is an achievement to be saluted. I congratulate the people who worked to have that done. It is for us, both black and white, to understand ways in which we can take advantage of the fact that this observance exists. You cannot separate American history from black history or black history from American history. The history of African Americans certainly is interwoven with the history of the United States of America in a way which can never be separated.

I would like to see us deal with black history as a continuum. The fact that people in small groups or individuals made contributions should not be played down. We are proud of the fact that you have a whole series of individual achievements that were highlighted when you start celebrating. We know that Thomas Edison had a black assistant who played a great role in what he did. Alexander Graham Bell. The inventor of the traffic light was a

black man. Crispus Attucks was one of the first people to fall in the Boston Massacre. Crispus Attucks was a black man. There are a whole bevy of achievements that are saluted.

We often bring up the Tuskegee Airmen and how it took black groups highlighting the achievements of the Tuskegee Airmen in World War II before they were recognized nationally by the entire American public. They did not fly in a segregated war. They were escorts for bombers flying to Germany in World War II. They played a major role and should have been recognized right away, but that was not the case.

So the separate recognition and the efforts made by people to highlight their group achievements have been very important. Dorey Miller, who was one lone individual, needs to be celebrated and highlighted and maybe we will one day get an appropriate Congressional Medal of Honor for Dorey Miller. Dorey Miller happened to be a black man who was in the Navy, on one of the ships that was attacked on the day of the Pearl Harbor raid. Dorey Miller was a cook. He was not allowed to handle the guns at all. He had never been trained as a gunner and generally was forced to stay away from any kind of combat training. But on the day of Pearl Harbor, Dorey Miller shot down two Japanese planes standing on the deck of the Arizona, I think it was, with courage and skill fought back and deserves to be recognized. And on and on it goes in terms of highlighting individuals.

I think as we highlight individuals, we also should understand that the social and political and economic history is much more complicated and has to be part of what we discuss as we observe Black History Month in February. I would like to call the attention of the Members to the fact that the Public Broadcasting System, which is under attack right now for various reasons, from the left and the right, is not given the kind of acclaim they deserve for producing magnificent programs. The quality of their programming is really outstanding.

They did a series on slavery. That series ended last night. I saw the last part of it. It is a magnificent series that introduces a number of basic facts that most people have never known and others have forgotten. It also highlights the passion and the fervor of the struggle, the struggle on both sides, the struggle of the African slaves to get free in this country and the struggle and fervor of the people on the other side who wanted them very much to never be free because they were property earning great profits. The magnitude of those profits earned by slave labor was discussed at great length.

Everybody in this country needs to understand the role of slave labor in the building of the wealth of America. They need to understand it was not just the South but New York City was one of the biggest, it was the second or

third largest port where slaves came into the country. They need to understand that although cotton was king and very profitable, it was profitable not only for the people who grew the cotton in the South but the mills in New England and in the North that made textiles also profited greatly from the slave labor that produced the cotton that they made into textiles. That piece of economic history is very important to understand and comprehend.

People dismiss and consider it an insult when certain groups of African Americans say that we do reparations. Reparations is not a silly idea. Reparations ought to be considered because of the fact that so much slave labor, free labor, labor taken with no compensation, went into the building of this Nation, that there ought to be some consideration in some way. I will not go into any great detail at this point, but this Capitol was built by slaves. This Capitol was built by slaves. Only recently have they discovered documents which certainly make it quite clear that slave labor built the Capitol. They have the actual records of how they contracted with the masters of the slaves and paid them, I think, \$5 a week or something for their slaves to work. You can document it if you are interested in seeing it in greater detail and if you doubt that that is the truth, but the Capitol was built by slave labor and much of Washington and much of the east coast, I assure you, in the early days, before the Civil War, was built with slave labor as well.

We have an African-American museum that is about to be undertaken here in Washington with the support of our government. It is going to be a museum which brings all this together. We have achieved, finally, the American Indian museum on the Mall that opened, I think, last year. That American Indian museum pays proper homage to the original Americans who were here when the explorers from Europe came. I think that is very important. But proper homage has not been paid to the Africans who helped to build this Nation, who were not here when the Europeans came, who did not come voluntarily as immigrants, but who came here kidnapped and in chains, but nevertheless their labor helped to build America.

That African-American museum is going to be a part of the Smithsonian Institute. That African-American museum will be partially financed by the Federal Government and partially financed by private funds, I think like the museum of the Holocaust, partially paid for with private funds and some government funds.

The African-American museum is a great opportunity to accomplish what I was talking about before in terms of the continuum, showing in a continuation the economic, social, and political development of black life in America and what the impact of African-American labor and participation was here in America.

It is going to be on the Mall, I am told by my colleague, the great John Lewis, John Lewis, who has participated in the making of a great deal of African-American history. John participated the hard way. He was a hero in the civil rights struggle. If you want to go back and watch the films, you can see John on the Edmund Pettis Bridge getting beaten up. You can see John in some film of the freedom rides where they were trying to integrate the Greyhound buses, interstate buses. You can see them beating John Lewis. So John Lewis was definitely a part of history. It is altogether fitting and proper that John Lewis has played a major role as we prepare for this museum to be developed and opened on the Mall here. John tells me that it is going to be on the Mall. There was some question about whether it would be located on the Mall or somewhere else. There were people who said the Mall is crowded now and there is no more room for another museum. There were people who felt that there were other locations in Washington where you should put the African-American museum; but I am so proud of the fact that John reports, and I salute President Bush, John reports that President Bush says he wants the museum on the Mall. He will support the building of the African-American museum on the Mall.

We will have collected there the whole range of activities that go into the making of the history of a people. I am certain that a lot of things that have been lost will now be found. The records of the early Members of Congress after the Civil War who were black, one has to search very diligently to find out who was here, what kinds of speeches they made and what the situation was and the whole drama that was played out as they removed the more than 30 African-Americans who came to Congress and the Senate shortly after the Civil War. That whole drama is a story that needs to be told as there are many other stories that need to be told.

The story needs to be told of what it meant for the early colonists to have all that slave labor that was available through the slaves in terms of overcoming the wilderness that was quite unfriendly and the wilderness that had in many cases defeated the gentlemen who came from Great Britain who were not prepared to do the kind of hard work that had to be done to sustain a nation in the wilderness.

The story has to be told of how in the French and Indian wars, the blacks fought side by side with George Washington and the Americans against the French, and the Revolutionary War where blacks divided. Some wanted freedom, they were promised freedom by the English and they fought on the side of the English; and many more fought on the side of the American patriots. George Washington had a major assistant who was black, who has gotten lost in history out there and would be retrieved.

The whole history of how in New York City, the building of that city and the movement of the black population from one place to another would be retrieved in this African-American museum. Central Park was a major location of an African-American settlement. That settlement was unceremoniously bulldozed and removed later on. That story needs to be told.

The story of the Negro burial ground in lower Manhattan which recently received a memorial. A memorial was built there because we have a Federal building that was being built on that ground over the Negro burial ground, and the excavation process brought up skeletons and indicated it was a ceremony and there was a protest. This is a 10-year project that went on. Finally, the settlement was that they built a memorial right there at the Federal building and they reinterred the bones of those who had been dug up. I was at that ceremony, recognizing the tremendous cost that was sustained by the African-American community at that time.

Facts came to light as to terms of the volume, the large numbers of people who were worked to death. They even took some of the bones to various institutions and analyzed the bones and the trauma that had been experienced by the bones and found out that necks were broken because of the load that they had to carry, that spines were cracked and the horror of slave labor you get from that Negro burial ground memorial in New York.

That is one of many black history exhibitions and museums and libraries across the country. They all make a small contribution. The wonderful thing about having an African American museum on the Mall is that it says to all of America, it says to the whole world, that we are prepared to recognize fully the involvement, the contributions and the role played by African Americans in the history of the United States of America. Across the country we have a lot of small museums that deserve to be examined. As you travel from one place to another, you can find in many places various museums and cultural centers.

□ 1445

In Richmond, Virginia there is the Black Museum and Cultural Center. Out in Idaho there is the Black History Museum. Right here in Washington, of course, we have the Anacostia Museum; and the Museum of African American History in Boston; New York Institute for Special Education in the Bronx, a small recent one; the Lucy Craft Laney Museum of Black History in Augusta, Georgia; Charles H. Wright Museum of African American History in Detroit, Michigan.

I am not going to read them all, but just to give some example of how there is a body out there, maybe too few.

Rosa Parks Library & Museum in Montgomery, Alabama. I think the

Rosa Parks Museum in Montgomery, Alabama is located in the same corner where she refused to go to the back of the bus. That is very symbolic. And the great National Civil Rights Museum in Memphis is one of the most dramatic of the museums. Memphis, Tennessee was where Martin Luther King was assassinated. He was assassinated at the Lorraine Motel, and that is the site of the museum. The Lorraine Motel has been converted into a civil rights museum.

The University of Colorado Department of History has a museum; the African American Museum in Dallas, Texas; the Howard A. Mims African American Cultural Center in Cleveland; the African American Culture Links throughout the country now on the Internet. Of course in New York City we have the great Shimberg Library, which is probably the definitive collection of books and materials about African Americans, not just African Americans but Africans from time and memorial.

So we would like to take this opportunity in February, when we have the observance and the attention is focused, to remind people that they can go find out quite a bit about black history in these places. The Public Broadcasting System's documentary which I referred to before, that is available. People can get the documentary itself, and it would be, I assure my colleagues, worthwhile to have a copy of that documentary which does a very dramatic and human presentation of slavery in America.

There are a lot of different Black History Month events that are going on right now. Just to give a few examples, the Slave Life of Mount Vernon is being performed at the Mount Vernon Estate and Gardens in Mount Vernon here, not far away. The College of Notre Dame of Maryland is doing a Soul Bake Sale. The Writing on the Wall is an exploration of the recent renaissance of graffiti art as a form of social critique. It goes back to Africa, at the Community College of Baltimore. There is a Black History Month Film Series at the Walters Art Museum, et cetera. Many other events are taking place this month from here. Up to February 17, today, there have been many others.

Mr. Speaker, I will submit for the RECORD two items: the Black History Month events in the metropolitan area, a listing of those events; and the Black History and Culture libraries and museums listing across the Nation.

BLACK HISTORY MONTH EVENTS IN METRO AREA

THURSDAY, FEBRUARY 17

How Old Is A Hero

This musical production is a tribute to children of the Civil Rights era., Where: Carl J. Murphy Fine Arts Center., Time: 4 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Mar-

tha Washington., Where: Mount Vernon Estate and Gardens., Time: 9 a.m.-4 p.m.

Soul Food Bake Sale

Feed your soul with goodies like homemade rice pudding, sweet potato pie, pound-cake, chocolate cake and more., Where: College of Notre Dame of Maryland., Time: 11 a.m.-2 p.m.

Soul Food Cooking Class

Learn how to prepare healthful soul food at the store known for healthy food., Where: Whole Foods Market., Time: 7:30 p.m.

The Writing on the Wall

Explore the recent renaissance of graffiti art as a form of social critique in this art exhibit by Aniekian Udofia., Where: Community College of Baltimore County, Essex Campus., Time: 11 :30 p.m.-1 :30 a.m.

FRIDAY, FEBRUARY 18

Black History Month Film Series

This film series, "Exploring African American Women Through Film," includes "Lift" and "Chisholm '72—Unbought and Unbossed.", Where: The Walters Art Museum., Time: 7:30 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington., Where: Mount Vernon Estate and Gardens., Time: 9 a.m.-4 p.m.

SATURDAY, FEBRUARY 19

African-American History at the Walters Art Museum

Celebrate Black History Month with an array of African-American art forms., Where: The Walters Art Museum., Time: 10 a.m.-4 p.m.

How Old Is A Hero

This musical production is a tribute to children of the Civil Rights era., Where: Carl J. Murphy Fine Arts Center., Time: 1 p.m.

Saturday Film Series

Explore the triumphs and struggles of African-Americans throughout history., Where: Banneker-Douglass Museum., Time: 12:30 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington., Where: Mount Vernon Estate and Gardens., Time: 9 a.m.-4 p.m.

SUNDAY, FEBRUARY 20

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington., Where: Mount Vernon Estate and Gardens., Time: 9 a.m.-4 p.m.

MONDAY, FEBRUARY 21

DJ Workshop Featuring Ron Brown

Washington hip-hop legend Ron Brown leads an instructional workshop for aspiring and experienced DJs., Where: Community College of Baltimore County, Essex Campus., Time: 11:30 a.m.-1 :30 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington., Where: Mount Vernon Estate and Gardens., Time: 9 a.m.-4 p.m.

TUESDAY, FEBRUARY 22

Alvin Ailey American Dance Theater

Come watch the Alvin Ailey American Dance Theater perform works from its clas-

sic repertory including Ailey's signature masterpiece exploring African American spirituals., Where: The Kennedy Center., Time: 7 p.m.

Hip-Hop Panel Discussion

A panel of experts discusses Hip-Hop Kujichagalia: Hip-Hop and African American Self-Determination., Where: Community College of Baltimore County, Essex Campus., Time: 12:20 p.m.-1:15 p.m.

Presentation of Sistahs Speak Out: Hip Hop

Sistahs Speak Out performs live hip-hop., Where: Anne Arundel Community College., Time: noon-2 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington., Where: Mount Vernon Estate and Gardens., Time: 9 a.m.-4 p.m.

WEDNESDAY, FEBRUARY 23

Alvin Ailey American Dance Theater

Come watch the Alvin Ailey American Dance Theater perform works from its classic repertory including Ailey's signature masterpiece exploring African-American spirituals., Where: The Kennedy Center., Time: 7:30 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington., Where: Mount Vernon Estate and Gardens., Time: 9 a.m.-4 p.m.

THURSDAY, FEBRUARY 24

Alvin Ailey American Dance Theater

Come watch the Alvin Ailey American Dance Theater perform works from its classic repertory including Ailey's signature masterpiece exploring African-American spirituals., Where: The Kennedy Center., Time: 7:30 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington., Where: Mount Vernon Estate and Gardens., Time: 9 a.m.-4 p.m.

FRIDAY, FEBRUARY 25

Alvin Ailey American Dance Theater

Come watch the Alvin Ailey American Dance Theater perform works from its classic repertory including Ailey's signature masterpiece exploring African-American spirituals., Where: The Kennedy Center., Time: 7:30 p.m.

Black History at the Aquarium

Spend the evening at the aquarium and see a presentation of black watermen and a mini-lecture with David T. Terry., Where: National Aquarium in Baltimore., Time: 5 p.m.-9 p.m.

Black History Month Film Series

This film series, "Exploring African American Women Through Film," includes "Lift" and "Chisholm '72—Unbought and Unbossed.", Where: The Walters Art Museum., Time: 7:30 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington., Where: Mount Vernon Estate and Gardens., Time: 9 a.m.-4 p.m.

SATURDAY, FEBRUARY 26

Alvin Ailey American Dance Theater

Come watch the Alvin Ailey American Dance Theater perform works from its classic repertory including Ailey's signature

masterpiece exploring African-American spirituals., Where: The Kennedy Center. Time: 1:30 p.m., 7:30 p.m.

Cabaret

In celebration of Black History Month, the Theater Company presents a spectacular evening of dinner, entertainment and dancing. Where: Johns Hopkins University. Time: 6:30 p.m.

Illumination: Master Works

In honor of the Martin Luther King Jr. holiday, this display of African American Art is from the collection of Harryette and Otis M. Robertson. Where: Towson University.

Life Opera

Hear a live performance of an original composition that shows how the changes in music have complemented and mirrored the lives of African-Americans. Where: Lexington Market. Time: noon-2 p.m.

Saturday Film Series

Explore the triumphs and struggles of African-Americans throughout history. Where: Banneker-Douglass Museum. Time: 12:30 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington. Where: Mount Vernon Estate and Gardens. Time: 9 a.m.-4 p.m.

SUNDAY, FEBRUARY 27

Alvin Ailey American Dance Theater

Come watch the Alvin Ailey American Dance Theater perform works from its classic repertory including Ailey's signature masterpiece exploring African-American spirituals. Where: The Kennedy Center. Time: 1:30 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington. Where: Mount Vernon Estate and Gardens. Time: 9 a.m.-4 p.m.

MONDAY, FEBRUARY 28

Baldwin Over Cocktails

The National James Baldwin Literary Society presents an evening of music and food, featuring readings of Baldwin's work and other performances. Where: Mansion House Seafood Restaurant. Time: 5:30 p.m.-8:30 p.m.

James Baldwin Black History Month Celebration

Come have a great night out featuring food, live music and dancing all in support of The National James Baldwin Literary Society in Baltimore. Where: Maryland Zoo in Baltimore. Time: 5:30 p.m.-8:30 p.m.

Slave Life at Mount Vernon

In observance of Black History Month, interpreters stationed at the Slave Quarters in Mount Vernon highlight the lives and contributions of the slaves who built and operated the plantation home of George and Martha Washington. Where: Mount Vernon Estate and Gardens. Time: 9 a.m.-4 p.m.

SATURDAY, MARCH 19

Telling Our Stories . . . Our Way

Authors who speak to the African-American experience through various literary genres will talk to an audience of adults and families. Where: Johns Hopkins University. Time: 9 a.m.-3 p.m.

FRIDAY, APRIL 8

Theatre Morgan presents Raisin, the Musical!

Theatre Morgan's grand finale of the season features the talents of the Morgan State University Fine Arts Department. "Raisin, The Musical" is based on Lorraine Hansberry's "A Raisin in the Sun," which won the 1974 Tony Award for best musical. Where: Carl J. Murphy Fine Arts Center. Time: 7:30 p.m.

SATURDAY, APRIL 9

Theatre Morgan presents Raisin, the Musical!
Theatre Morgan's grand finale of the season features the talents of the Morgan State University Fine Arts Department. "Raisin, The Musical" is based on Lorraine Hansberry's "A Raisin in the Sun," which won the 1974 Tony Award for best musical. Where: Carl J. Murphy Fine Arts Center. Time: 7:30 p.m.

SUNDAY, APRIL 10

Theatre Morgan presents Raisin, the Musical!
Theatre Morgan's grand finale of the season features the talents of the Morgan State University Fine Arts Department. "Raisin, The Musical" is based on Lorraine Hansberry's "A Raisin in the Sun," which won the 1974 Tony Award for best musical. Where: Carl J. Murphy Fine Arts Center. Time: 3 p.m.

FRIDAY, APRIL 15

Theatre Morgan, presents Raisin, the Musical!

Theatre Morgan's grand finale of the season features the talents of the Morgan State University Fine Arts Department. "Raisin, The Musical" is based on Lorraine Hansberry's "A Raisin in the Sun," which won the 1974 Tony Award for best musical. Where: Carl J. Murphy Fine Arts Center. Time: 7:30 p.m.

SATURDAY, APRIL 16

Theatre Morgan presents Raisin, the Musical!
Theatre Morgan's grand finale of the season features the talents of the Morgan State University Fine Arts Department. "Raisin, The Musical" is based on Lorraine Hansberry's "A Raisin in the Sun," which won the 1974 Tony Award for best musical. Where: Carl J. Murphy Fine Arts Center. Time: 3 p.m., 7:30 p.m.

SUNDAY, APRIL 17

Theatre Morgan presents Raisin, the Musical!
Theatre Morgan's grand finale of the season features the talents of the Morgan State University Fine Arts Department. "Raisin, The Musical" is based on Lorraine Hansberry's "A Raisin in the Sun," which won the 1974 Tony Award for best musical. Where: Carl J. Murphy Fine Arts Center. Time: 3 p.m.

BLACK HISTORY & CULTURE LIBRARIES & MUSEUMS

The Black History Museum and Cultural Center, Richmond, VA, <http://www.blackhistorymuseum.org>.

The Idaho Black History Museum, <http://www.ibhm.org>.

The Anacostia Museum & Center for African American History and Culture, Washington, DC, <http://www.anacostia.si.edu>.

Museum of Afro American History, Boston, MA, <http://www.afroammuseum.org>.

The New York Institute for Special Education, Bronx, NY, <http://www.nyise.org/blackhistory/>.

The Lucy Craft Laney Museum of Black History, Augusta, GA, <http://www.lucycraftlaneymuseum.com/>.

Charles H Wright Museum of African American History, Detroit, MI, <http://www.maah-detroit.org/>.

Museum of Afro American History, Boston, MA, <http://www.afroammuseum.org/>.

DuSable Museum of African American History, Chicago, IL, <http://www.dusablemuseum.org/home.asp>.

Reginald F. Lewis Museum of Maryland African American History & Culture, Baltimore, MD, http://www.africanamericanculture.org/museum_reglewis.html.

African American Historical Museum & Cultural Center of Iowa, Cedar Rapids, IA, <http://www.blackiowa.org/>.

Rosa Parks Library & Museum, Montgomery, AL, <http://www.tsum.edu/museum/>.

National Civil Rights Museum, Memphis, TN, <http://www.civilrightsmuseum.org/>.

University of Colorado Department of History, Colorado Springs, CO, <http://web.uccs.edu/history/ushistory/afroam.htm>.

The African American Museum, Dallas, TX, <http://www.aamdallas.org>.

The Howard A. Mims African American Cultural Center, Cleveland, OH, <http://www.csuohio.edu/blackstudies/afam.html>.

African American Culture Links, <http://cobbalt.lang.osaka-u.ac.jp/~krkvl/afrocul.html>.

Mr. Speaker, this is 60 minutes dedicated to the observance of black history, taken by the Congressional Black Caucus.

Mr. Speaker, I yield to any Member of the Congressional Black Caucus who wants to speak on this Special Order of the black history observance.

Ms. NORTON. Mr. Speaker, will the gentleman yield?

Mr. OWENS. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding to me, and I thank him for his leadership in coming forward during this whole month of February when the whole Nation is invited to think about the history of African Americans and about their present effort to obtain first-class citizenship.

I was just at the White House, perhaps last week, it was when the President had a commemoration built around the new African American Museum, approved by the House and the Senate, something that African Americans have been trying to get ever since Civil War soldiers in Washington, D.C. asked for a museum. I want to just say how much I appreciate that the House and the Senate now have agreed that the Congress will pay for 50 percent, and we will raise money, we in the public, Americans of every background, for this museum here in the District of Columbia to commemorate the history, the very long history, a history as long as the history of the Nation itself, of African Americans in our country who were central to building the Nation as we know it, were critical to building its great economic might, and have been late because of the tragic history of our country in claiming the benefits and the rewards that most Americans are used to obtaining within a generation or two of coming to this country.

To the gentleman from New York, from Brooklyn in particular, a very distinguished member of a number committees, the Committee on Government Reform, on which I serve; and especially the Committee on Education and the Workforce, in which his long service has helped in many benefits in education that are remarkably important not only to African Americans but to our country, I say to him that I recognize that we began with a theme about the Niagara Movement.

Some may wonder about the Niagara Movement, which in a real sense started the 20th century movement for equal rights, the forerunner of the NAACP. A number of Washingtonians

were at that first call. I just celebrated the life of one of them, Mary Church Terrell, a woman who in her eighties was picketing out in front of public accommodations, yes, here in the Nation's Capital, a southern city which was as segregated as any part of the South, picketing to open ordinary accommodations. This woman was the first member of any Board of Education in the United States; a very distinguished history, and one of only two women who put out the call for African Americans to come from around the country to talk about what they should do as the 20th century dawned to eliminate racism and discrimination in our country.

I want to note the extraordinary two works of Dr. David Levering Lewis, a historian who has won the Pulitzer Prize for his volumes on the life on W.E.B. Du Bois. This is the intellectual father of the civil rights movement, the first black to receive a Ph.D. from Harvard University, a man who in many ways was responsible for what remains the intellectual underpinning of black aspiration in America.

This is an extraordinary work. I have just finished Volume 1 and am just beginning Volume 2. He had a very long life, died on the day that the March on Washington gathered here in his late nineties. So no wonder it took two volumes. But it was his remarkable life, a life that in a real sense takes us on a journey of 20th century America for what blacks have encountered and how their effort to obtain equality in our country has proceeded. I recommend it to anyone who is interested not only in serious history but in wonderful writing and in events that in a real sense help us understand a lot of what is happening today. It is extraordinary work, which is why I think it won the Pulitzer Prize in the first place.

The second black to graduate from Harvard with a Ph.D. was one far less well known than W.E.B. Du Bois, whose name is so closely associated with the NAACP. He worked for the NAACP for "The Crisis," their publication, for decades. He was central to its formation.

But less well known is the second black person to graduate from Harvard, Carter G. Woodson. As Dr. Du Bois was the intellectual father of the NAACP and of the Civil Rights Movement, Carter G. Woodson was the man who discovered black history at a time when almost no publisher would even publish works, even serious works like his own, about African American history, and now he is regarded by his peers as one of America's great historians. Carter G. Woodson proceeded right here in the District of Columbia to do his own work in a brownstone located in the historic Shaw area, organizing his own organization, the Association for the Study of African American Life and History, which continues to this day; his own presses.

When I was a youngster going to segregated schools in the District of Columbia, there was a Negro history bul-

letin that came every other week. So he somehow managed to do on-the-ground education of ordinary blacks like us in the schools, and to do some of the most important writing of history, in the professional sense, that has ever been done. He started the whole effort to not rewrite but to write American history.

People have to understand that much of American history as it described African Americans could only be called defamatory. Not only did it not bring out the contributions of African Americans, it defamed African Americans, built in the prejudices and discrimination of the larger society. It took a great intellectual like Carter G. Woodson to begin the process of undoing that.

Now we have Ph.Ds from all the great universities. We see some of them on television telling the story of African American life in the many documentaries, for example, that are being shown.

The gentleman from New York (Mr. OWENS) mentioned that the Capitol was built by slave labor. I want to reinforce that. The Capitol was built, yes, by slave and free labor, and there were also immigrant labor who contributed to it. But this House and the Senate passed a resolution indicating that we should find some way to take note of the fact that this very place where we now stand, we owe to the labor of free and enslaved blacks. Some of the enslaved blacks were simply brought here to work by their masters. The masters were paid; the slaves were not.

Some, frankly, were runaway slaves. My own great grandfather who came to Washington in the 1850s was a runaway slave. He did not work on the Capitol, but he certainly worked on the streets of D.C., because one could work on the streets. They were building D.C., and they did not ask them who they were unless the master came and found them, and under the Fugitive Slave Law, he could take them back. So that was always a real risk. But working on the Capitol, I am sure those were, as it were, well-documented slaves.

But, Mr. Speaker, until now the legislation which requires a task force to be formed to make sure that this commemoration takes place has not been formed. I know that the gentlewoman from California (Ms. PELOSI) has sent a letter to the Speaker, simply reminding him of that, because I am sure that that must be an oversight.

But the Visitors Center is about to be completed and the time to take care of this is when we are under construction. If I may express my own opinion, nobody wants, or at least I do not want, a statue of some slave in the Capitol. That is not what we are after. Some kind of tasteful reminder of this place and how it came to be has by statute been mandated, and I simply draw to the attention of both sides of the aisle that we have not done the start-up work to getting the appropriate kind of memorial of some kind built.

I mean, I think of the Vietnam Memorial. Nobody, when they thought there was going to be a Vietnam Memorial, ever envisioned that it would be that wall that now is a virtual place of worship.

□ 1500

It does not have any soldiers on it; it is just a wall with some names on it. In the District of Columbia, we have a Civil War memorial. It is the first memorial to the hundreds of thousands of African Americans who actually served in the Civil War. What it has are a listing of all those names. They served in the Navy and the Army. We got those names by working with Howard University, and there they are.

It is not a wall; it is another kind of an edifice. But it is, by the way, the only one of its kind, the only memorial to African Americans who fought for their own freedom and for one Nation, indivisible, at a time when they were not free, because when you entered the armed services, and talk about some volunteer soldiers, these were real volunteer soldiers, they did not give you your freedom in return. In order to recruit you, they did not say, You serve us, you are free. You were still a slave.

These are men who fought for their country at a time when we were in danger of becoming at least two countries. At the very least, let us begin here in the Capitol by remembering those who were black, some of them not free, who helped build the very place where we meet every week.

Mr. Speaker, I do note that during this African American History Month, Black History Month, we just lost two great Americans, Shirley Chisholm and Ossie Davis. These were one-of-a-kind historic figures; Shirley Chisholm not only because she was first, but she was first in many ways.

She was first in what she was willing to do to break barriers, the first African American woman elected to Congress, the first to run for President of the United States. I was in Florida at her funeral. She will be remembered. Indeed, she will never be forgotten.

She said she did not want to be remembered for being first. Shirley Chisholm understood what was important. She believed that you have to do something in order to be remembered. To many of us, her being the first black woman to come to Congress was doing a whole lot. For her it was not doing a whole lot. But her record in this House is an indication that it was.

But I think we would all do well to remember that before she died she did not even want to be remembered for what she is most likely to be remembered for, and that is being first to have the guts to run for President and being the first to become a Member of the House of Representatives itself.

As a woman, I count myself and the 22 other African American women who have come since as her living legacy. None of us had to encounter what she encountered, which was a House with

nobody in it that looked like her. She deserves to be remembered for what she did for our country, for what she did for African Americans.

I do want to say about Ossie Davis, because I am still, as I was when he was alive, awed by his multiple gifts, it is very hard for me to understand people who have more than one gift. Most of us do not have even one. But here is a man who died nearing 90, therefore who lived through the worst days of segregation, and somehow or the other was able to press himself to bring his gifts out.

Those gifts were across the board. Those gifts were the gift of language, his gift as an actor, his gift as a producer, his gift as a leader of the civil rights movement, his gift in letters and in arts, and his gift as a playwright. Heavens, would that any of us, even those who are just being born black, be able to do in their lives as well even one of those things Ossie Davis will be remembered for.

We remember people in Black History Month precisely because they encourage us to do better, because they did it against far greater odds.

Finally, Mr. Speaker, I want to say a word during this shooting war about the role of African Americans in the United States military, because if there is any moment to remember them and if there is any time to remember those who now serve, it is now.

I have just come from a hearing this morning on the treatment of the National Guard and Reserve when it comes to their health care. My congratulations to the chairman of the committee who called the hearing, the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Committee on Government Reform. This is not the first hearing he has had on this matter.

Mr. Speaker, the hearing was called because members of the National Guard and Reserve have complained about being treated as, for lack of a better word, I will call it second-class soldiers. They are not regularly enlisted soldiers. They are soldiers who are citizen soldiers, called forward in numbers we have never seen before. Almost 50 percent of the troops in Iraq are National Guard and Reserve.

When they are injured, they are not treated as enlisted people are treated. They are sent and held at medical hold companies, and these are scandalously underserved companies where they could not get medical treatment. The hearings have helped to focus on this and provide some improvements.

But what made me think of them to today is the history of disproportionate service by African Americans in the armed services of the United States ever since the war that created our country, the Revolutionary War. This urge to serve, often, perhaps most often, as volunteers, it does seem to me we should note during this Black History Month.

Dr. David Lewis in his volume begins to describe African Americans coming

back after World War I. After you fought that kind of war, World War I, you kind of get your gumption, and even though the majority of African Americans lived in the South, we do note that that is when you had the great decade of lynchings, because so many of these African American soldiers came back, particularly to the South in the United States, and assumed that they should act like first-class citizens.

It was perhaps the most shameful decade of our country, and certainly the treatment of these World War I veterans was perhaps the most shameful chapter in American history because of the upsurge of lynchings, many of them men just released from a war that is still very much debated, World War I, where people still try to find out why we were there, why did it happen. It resulted in all the aftermath. Woodrow Wilson tried to make sure, though, that such a war never happened again, and World War II was brought about in part because of the failings of World War I.

I want to note the extraordinary over-representation of blacks in the Reserve and National Guard. Many of them, like so many volunteers in the Army today, are there first to serve their country, and, secondly, because they do not have the same economic rights that my son, that your son and your children have, and service in the volunteer Army is a way to go to college, a way to get a job. Any treatment of them other than first-class treatment in a war like this, a very controversial war, is very much to be criticized until we do much better.

Finally, Mr. Speaker, may I say that among those who are serving in this war are young men and women from the District of Columbia, the same as those who have served our country in every war since the Revolutionary War, and, if I may say so, very specifically in disproportionate numbers. For example, in the Vietnam War the District lost more men than did 10 States, and yet this is a city.

I have gone to a number of funerals; I have gone to Arlington National Cemetery. And just as the first from the District of Columbia served without a vote, so today not only do my constituents serve their country without a vote. They pay taxes, second per capita in the United States, without a vote.

That is bad enough, Mr. Speaker. But on top of that, to go to war without a vote, where your Member cannot vote one way or the other, and yet you volunteer for war, it seems to me that that ought to call to question whether or not the people of the District of Columbia ought to have equal representation in the Congress of the United States.

There is a young man working in my office, his name is Emory Kosh, and he spent a year on the front lines in Iraq. When he came back, somebody told him I was looking for staff assistants. He came and I was pleased to hire him.

I must tell you, I congratulate the armed services and I congratulate his parents, because he has been such an excellent worker.

The armed services has done a great deal for African Americans because it was the best and continues to be the best equal employment opportunity employer in the United States.

But this young man stepped forward just as the Congress opened with two of his buddies from the District of Columbia who had graduated from high school here, and they asked for a meeting with the gentleman from Illinois (Speaker HASTERT) and our leader, the gentlewoman from California (Ms. PELOSI), simply to ask for the return of the vote in the Committee of the Whole to the District, a vote that I won in the 103rd Congress and which was taken back from me when the Congress changed hands.

They came to say, if I may paraphrase them, it would be a first step toward voting rights, and they came because they were about to see what we saw January 30, with the people of Iraq getting the very voting rights in their parliament that these three young men, who were just back from Iraq, did not have.

So they used the occasion to remind the Congress that they were proud to serve, they would serve again, they were volunteers, but that our country had an obligation to them and their families and that was to allow them the same representation, the same equality in the Congress that interestingly they felt they had in the armed forces of the United States.

Mr. Speaker, I draw that to your attention during Black History Month because I want my colleagues to understand that not all of this is history. In the District of Columbia now I am talking about a majority black population, about 60/40 black. But for 150 years the majority here was white. It is because the Congress of the United States has exercised an undemocratic proprietary sense of this city to intervene into its local affairs and to deny the citizens of this city the same rights that you insist upon for your citizens.

Remember that during Black History Month. Remember that black people in the District of Columbia, white people in the District of Columbia, anybody in the District of Columbia, because they live in the capital of their country, the proud capital of their country, are least proud of not having the same rights, particularly when Emory Kosh and other young men and women find themselves this very day in Iraq, Afghanistan, and all over the world serving their country in our name.

It is not history, Mr. Speaker, it is here and now; and we must take action here and now to make it history, to make it yesterday, just as slavery was yesterday, just as Jim Crow in the Nation's Capital was yesterday, just as the segregated schools I went to in the Nation's Capital were yesterday.

Let us make unequal representation in the Congress of the United States

yesterday, make it history, for black, white, Hispanic and people of every background who live in the District of Columbia, who live in their Nation's Capital.

Mr. OWENS. Mr. Speaker, reclaiming my time, I thank the gentlewoman from the District of Columbia. Her point is that history is still continuing, and in the African American history museum that I spoke about before, there probably should be a section for unfinished business.

□ 1515

One of the pieces of unfinished business certainly is the fate of the District of Columbia respective of full representation in the House and the Senate.

I would like to say that the gentlewoman from the District of Columbia had mentioned some individuals, and that is very much a part of the history that is ongoing, and I hope that there will never be a minimizing of the role that has been played by individuals like Shirley Chisholm, like Ossie Davis.

But more closer to home, today is the 80th birthday of Congressman Louis Stokes. Congressman Stokes was an outstanding Member of Congress serving on many different committees: the Select Committee on Intelligence, the Committee on Standards of Official Conduct, and the Committee on Appropriations. The kinds of things he got done while he was here are legendary, and I hope that history does not lose track of the achievements of Congressman Stokes.

A few days ago, at the ceremony for Shirley Chisholm, Congressman Ron Dellums was here. Ron Dellums is one of the most brilliant minds in America today still; but certainly when he was here, he had a chance to exhibit one of the most brilliant minds one would want to find on matters related to the military and international events. And Parren Mitchell also I hope will not get lost in history. These are people who served during the time that I have been a Member. Parren Mitchell from Maryland was a genius in the area of economic development. And he got started some things that continue and have been broadened to set aside for Federal contracts that started for minorities and was, of course, broadened to include women, and it continues.

So we do not want to lose track of the heroes who might inspire our young people. One of the great values of the African American history museum is that it will bring all of this together. We have a great problem with our young people in terms of them understanding what the history has been and understanding what the challenges are. And I think that to have physically located in one place these kinds of items, such as blacks in the military, and there will be a section related to what the gentlewoman from the District of Columbia was saying before, not just the role of blacks in World

War I and World War II, but it goes all the way back to the war of 1812 and the Revolutionary War. There have been very few wars that have been fought where a major role was not played by African Americans.

So the stream of history, we want to make certain that that is properly handled; and then the mosaics, the little pieces, the individuals who made history should be a part of that in the proper places, and some of these heroes that I have just mentioned certainly should not get lost. The record and the inspiration and the achievements of Louis Stokes, Parren Mitchell, and Ron Dellums should live on forever.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for his vigilance and for sponsoring this Special Order. I also thank him for his constant work and hard work with regard to education, fully understanding that as we celebrate Black History Month that a people cannot rise unless that people is educated. So I thank the gentleman from New York (Mr. OWENS) very much for all that he does every day.

Mr. Speaker, those who have no record of what their forebearers have accomplished lose the inspiration that comes from history. These wise words were spoken by the Father of Black History, Carter G. Woodson. In 1926 he initiated Negro History Week, a week-long celebration of African American cultural heritage. Woodson knew that self-respect sprang from self-knowledge. He knew that an awareness of our history was crucial to our dignity and essential in our fight for equal rights in this country.

Carter G. Woodson also knew, as we know, that African American history is American history. African American history and American history is the sound of slaves invoking the Declaration of Independence. It is Sojourner Truth fighting for all of her sisters as she demanded, "Ain't I a woman?" It is the sorrow of spirituals and the joy of jazz. It is the horror of crosses crackling aflame in moonlight, of strange fruit dangling from treetops, of poverty and, yes, of pain.

And it is the bravery of freedom fighters desegregating buses, lunch counters, and schools. Mr. Speaker, African American history is the diverse tapestry of people who compose this Congress.

Carter G. Woodson would be proud to see that Negro History Week has blossomed into a month of events celebrating the giants of African American arts, letters, science, sports, and politics. He would delight in the flurry of assemblies in schools that showcase the inspirational stories of Frederick Douglass and Rosa Parks, both of whose birthdays fall in the month of February.

But Carter G. Woodson would be saddened that this flurry of attention to black history peters out as the snows

of February melt out into the warmer days of March. He would realize, Mr. Speaker, that we still have a battle to wage and we are not stopping at February.

We will fight for education funding, for Social Security, and for health parity between blacks and whites. We will not accept that the mortality rate for African Americans is 30 percent higher than for whites. We will not accept that homicide is the leading cause of death of black men. We will not accept that 21 percent of African Americans are without health insurance, and we simply will not accept that changing Social Security is a solution to these fundamental inequities.

President Bush has declared the theme of this year's Black History Month to be the Niagara Movement. This movement, led by W.E.B. Du Bois, called for civil rights and civil liberties for all. In DuBois's "Address to the Nation" at Harper's Ferry in 1906, he said: "We will not be satisfied to take one jot or tittle less than our full manhood rights. We claim for ourselves every single right that belongs to a free-born American, political, civil, and social; and until we get these rights, we will never cease to protest and assail the ears of America. The battle we wage is not for ourselves alone, but for all true Americans."

It is in this spirit that I say, let us use this Black History Month as a springboard to call for equality for all Americans all year-round. Let us look to the leadership of Woodson and DuBois as we fight for all who toil and suffer among us.

Mr. Speaker, I would like to close with the words of a great man to whom we reluctantly bid farewell this Black History Month. In an interview last year, Ossie Davis said, "We can't float through life. We can't be incidental or accidental. We must fix our gaze on a guiding star as soon as one comes up on the horizon. And once we have attached ourselves to that star, we must keep our eyes on it and our hands on the plow."

Mr. Speaker, let us not be incidental or accidental. Let Ossie Davis be our guiding star as we pledge to keep our hands on the plow and fight for equality every day of the year.

Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. OWENS. Mr. Speaker, I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from New York (Mr. OWENS) for yielding, and I would like to associate myself with some of the comments that both he and the gentleman from Maryland (Mr. CUMMINGS) have made relative to the import and the importance of African American History Month.

I would certainly agree that all of those who have lived and who have come to this country have become a part of making America the great Nation that it indeed is. Oftentimes, when

we think of black history, I grew up in an era where I was taught to read by unlocking words and, to an extent, we were taught that history meant his story, and lots of people think of history as meaning his or her story. I have been challenging young people throughout my district and every place that I have gone to view black history not so much in the context of history, but in terms of "mystery," meaning that it becomes my story. And each one of us has a story that we can write or a story that we can tell.

I spent part of Monday, I say to the gentleman from New York, with 10 kindergartners in a school, and they were watching "Roots" as I came into the classroom. And before we ended the day, each one of them had decided that they were going to be an integral part of making black history and that they were going to look back to understand where they came from so that they would have a better understanding of how they got to where they are, and they would have a greater awareness and appreciation of where they ought to be going.

So I want to commend the gentleman from New York and the gentleman from Maryland for helping to bring alive the historical development of African Americans in this country so that all of us know that we continue to move forward even as we look back. I thank the gentleman for this opportunity.

Mr. OWENS. Mr. Speaker, I would like to close by saying that this year, the year 2005, is a landmark year for the observance of African American history in that there will be an African American museum launched here on the Mall during this year. The money has been appropriated for the planning. There is a distinguished board of Americans who are going to go forward with this, including Oprah Winfrey, Ken Chenault of American Express, Tony Welters of AmeriChoice, and a whole group of business people and academics who will oversee the beginning of this process. I would like to call upon all celebrities out there who have money, because part of the arrangement is that the government will pay for one-half of it, and the other half has to be raised in private contributions. So I call on all of the celebrities and the stars and the athletes to come forward and let us make certain that this great project does not falter at all as a result of not having the private funds to match the government funds.

It is a great day in the observance of African American history, a long haul from the day when Carter G. Woodson asked for a 1-day observance and could not get it, and then it finally became a week and a month. We want a museum that brings it all together right here in Washington to make sure that our children and the children of all Americans, not just African American descendants but all Americans, understand the role and the contribution of African Americans to the history of this great Nation.

MOURNING THE LOSS AND CELEBRATING THE LIVES OF THREE PROMINENT CHICAGO CITIZENS

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from North Carolina (Ms. FOXX) for giving me the opportunity to make these comments prior to the hour that she will be using on behalf of the majority.

Mr. Speaker, this week, residents of Chicago lost three of its most prominent citizens. Earlier today, the funeral was held for a blues singer, a fellow named Tyrone Davis, who has had great popular songs such as "Mom's Apple Pie" and "Turn Back the Hands of Time." Tyrone grew up in Mississippi, rural Mississippi, as a matter of fact, not far from Greenville. He came to Chicago and ultimately became one of the top recording artists in the country. He also happens to be a resident of the neighborhood that I come from. He came and lived on the west side of the city of Chicago and interacted in the night clubs and blues joints before he rose to the top.

□ 1530

And so I simply want to express condolences to the wife and family of Tyrone Davis, great blues singer. We also lost this week attorney Earl Neal, one of the most accomplished lawyers that the country has ever seen.

Earl distinguished himself as a great attorney, great trial lawyer, but also was actively engaged and involved in civics and community affairs, chairman of the board of trustees of the University of Illinois, his alma mater; chairman of the University of Illinois Alumni Association; and also chairman of the Urban Health Program, where, through his efforts, the University of Illinois trained more African American physicians and dentists than any college or university in the Nation, with the exception of Howard and Meharry.

And so certainly we want to extol our condolences to Earl's wife, Isabella, his son, attorney Langdon Neal, and other members of his family.

And finally Milton Davis, who was chairman of Shorebank, little group of people got together, started a bank, they called it south Shorebank. It emerged as the number-one community lending institution in the Nation. Right now its assets are more than a billion dollars, and Milton Davis and I collaborated, and he put a bank in the neighborhood where I lived, called the Austin branch of Shorebank.

So I simply want to express condolences to his wife and family, and all of those who are associated with Shorebank, one of the top community lending institutions in the Nation, on the life and legacy of Milton Davis, its former president and chairman.

Mr. Speaker, I take this opportunity to commend the life and work of one of America's

most skilled, most effective and most influential lawyers, Attorney Earl Neal. Over the years, I have often heard Earl Neal referred to as a lawyer's lawyer or as the city's expert on may issues, no matter who the mayor or city's management might have been composed of. I have been involved in court cases and litigation where I was on one side and Earl was on the other. In each instance, although we were (in fact adversaries) I always found myself wishing that we were on the same side. There were instances where we were on the same side of issues and I always had the highest level of assurance that were being represented as well as humanely possible.

In addition to being an outstanding lawyer, Earl and his wife Isabella were prominent civic and social leaders in the State of Illinois. He was intimately associated with his alma mater, the University of Illinois serving on the Board of Trustees, President of the Alumni Association and Chairman of the Urban Health Advisory Council which resulted in the University of Illinois training more African American physicians and dentists than any medical school in the USA with the exception of Howard and Meharry.

To Mrs. Neal and Attorney Langdon Neal and other members of the family, you have the heartfelt condolences of myself, my wife, Vera and our entire family. Earl has been as Harold Washington would say, "fruit of the loom, best of the breed, in a class by himself."

STOPPING WASTE, FRAUD AND ABUSE IN GOVERNMENT SPENDING

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the majority leader.

Ms. FOXX. Mr. Speaker, I rise with my colleagues today to highlight the important role this Congress must play in rooting out waste, fraud and abuse in government spending. The Federal Government currently spends over \$69,000 every second of every day. That astonishing figure is simply too high. This Congress must become a better steward of the taxpayers' dollars and we must do it now.

Our constituents deserve to send less of their hard-earned dollars to Washington and have more of their money to spend on their families, businesses and dreams. They meticulously budget their dollars at their kitchen tables and we owe it to them to do the same here in Washington.

Mr. Speaker, in order to do this, we must crack down on waste, fraud and abuse in government spending. We are going to have others of our party speak.

And now I would like to yield the floor to my esteemed colleague, the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding. I appreciate the esteemed remark. I am not sure what that means, but I will take it as a compliment. Thank you very much.

You cannot talk about eliminating waste, fraud and abuse in Federal spending without kind of putting it in some context. During the 1950s, the Federal income tax amounted to about 2 percent of the family budget.

At that point in time, Americans had continued to experience a growing standard of living as it has continued to grow. In the 1990s, however, the Federal income tax consumes about 25 percent of that same family of four's income. And I think most of us have run on platforms that have said that Americans are overtaxed.

Tax levels at all levels when you begin to add Federal income taxes, State income taxes, local taxes, the sales taxes, the variety of taxes that we all pay from cradle to grave, they consume about 50 percent of a family's income.

We will celebrate, sometime in April, May, June, the day keeps getting longer each year, a tax holiday in a sense that most average Americans will have worked through that part of the year in order just to pay their taxes.

We will spend in this government on the order of \$2.5 trillion in fiscal 2005 and 2006. You have already put that in context, \$69,000 per second that is spent across the board, for the most part, most of it on programs that we all agree on; but some of it I think gets spent on things and in ways that we believe would be inappropriate.

The House Budget Committee has recently released a report that shows that there are billions, literally billions of dollars that are going to waste. These moneys are being paid to people who do not deserve them, people being paid by accident, being paid in many instances through fraud schemes, where folks are frauding the very systems that we put in place to help and nurture those in our society, those in our communities who can least afford to live. Those programs get preyed upon by some of the worst in our society.

You know, I suspect that speaker after speaker has stood at these microphones, on both sides of the aisle, to condemn wasteful spending, money that is getting spent that should not get spent. I suspect that if we took a vote in this House it would be a 435-to-0 vote against wasteful spending. It is very difficult to find a politician who would stand up and defend wasteful spending.

It is hard to find a constituent group that would stand and defend wasteful spending. The President has proposed a budget recently, and in that budget he has proposed about 150 programs that would be either cut, or spending reduced. In Washington, since that budget came out on the February 7, we have been the recipients of special interest groups across the board who want to defend those very programs. We cannot find a single special interest group who would be willing to defend waste, fraud and abuse in our Federal spending.

Let me give you some examples that will help put this in context for our fellow Members here in the House this afternoon, kind of what we are talking about. Twenty-one of the 26 major departments and agencies currently receive the lowest possible rating for their financial management.

Let me put this overall thing in context. I am a CPA. I have been in business as a practicing accountant for some approximately 36 years. And hearing things like this are obviously troubling to me on a professional level as well as on a taxpayer level, that we would have things like this going on.

The single most troubling one, as a former auditor, someone who has examined other peoples' books and rendered opinions as to the reasonableness of those books, the U.S. General Accounting Office will not certify the Federal Government's own accounting books because the bookkeeping is so bad.

Unfortunately we have got agencies, big and small, who cannot keep up with the tax dollars that Congress allocates to them to spend. We are 2½-plus years now into living under the Sarbanes-Oxley bill, a bill that came into existence as a result of financial accounting abuses by certain of my brethren in the accounting profession and certain leadership in various corporations.

We now have in place rules and regulations that require publicly traded companies to certify their books, that the chief financial officer certifies that book, that the CEO certifies that the books are correct under the penalties of going to jail for Federal felonies if those are incorrect. There is no one in the Federal Government who signs a financial statement under that same penalty.

So the fact that we cannot keep our own books ought to be troubling on a variety of levels. Talking about some specific dollars, the Federal Government made \$20 billion in overpayments in overall payments. Medicare payments by themselves totaled \$12 billion overpayments in 2001.

Mr. Speaker, I think we can do a lot with \$12 billion. There is an awful lot of those programs listed in the President's 150 that could be covered by that \$12 billion. I think the total savings that the President projects out of that 150 is about \$20 billion.

Now, those of us who have a checkbook and write checks, you know, never write a billion-dollar check. We do not have a clue realistically how much money a billion dollars is in trying to stack it up. But to put it in context of overall savings of \$20 billion, if we have got overpayments, either through by accident, charges that should not have been, double billings, physicians and health care providers who are scamming the system, that 12 billion is a big number.

Social Security income program has made overpayments of about \$2 billion in 2002. And the Federal Management Service at the U.S. Treasury Depart-

ment could not produce details on outstanding checks. In one case it caused a \$3.1 billion overstatement of cash.

Now, I used to be a small businessperson and worked with companies as their auditor. One of the things you do when you write a check is you have a source document as to why you wrote that check. You got an invoice from a vendor in most instances, and you attach it; someone approves that invoice and someone sends it over to the check-writing department and they write that check. Then you file that invoice, and then at the end of the year the auditor comes in or the owner comes in and said, I need to kind of figure out where we spent our money.

You see this list of checks. You want to know why this check was issued. Then you go look in the file cabinet, or, in today's world, the way electronic data is kept, you go look for that source document: Why did we write that check?

Well, in an organization as large and as expansive as the Federal Government, you would expect a few invoices to be missing. I mean, that is just the nature of the beast. We do not all keep all of the records that we are supposed to. That is not to condone it, but it is the real world. \$3.1 billion in checks written that we do not know why they were written, or we cannot prove why they are written, seems to be an area that we could make some improvements in.

If I may give one example, a personal example. My mom and dad are of an age that they are on Medicare. And my dad has got diabetes and needs a certain supply of things to handle and take care of his diabetes. The suppliers continue to overship that stuff to my mom and dad.

Well, my mother is just very diligent and Rambo about not accepting it and shipping it back, because, you know, she just keeps the regular 30-day supply of the supplies that my dad needs to take care of his diabetes.

Well, what is happening here is that these companies are gaming the system. Because when they ship it, then they get to bill Medicare for those products. That is just simply not fair.

So I will brag on my mom. She is out there in the hinterlands lands of west Texas, out in Odessa, Texas, trying to save and do her part to save taxpayer dollars so that legitimate Medicare expenses that ought to be paid get paid. And that as we try to work with the very daunting task of cutting spending in Federal Government this next year, starting with the budget process right now, and working through the appropriations process and the authorizing process, that we are looking at dollars that ought to go to programs. We are not looking at dollars that are being funneled into areas or into scams or overpayments.

As I mentioned, as a CPA and one who has signed the firm's name on audit papers before and audit reports,

we can do better. I do not pretend that we cannot. It is a tough job. Obviously the Federal Government is the single largest financial entity, I suspect, on Earth, the U.S. Federal Government.

And so keeping track of all of those dollars ought to be hard. It is hard, but that is no excuse for why it should not be done, why it should not be done to the same standards that we require the largest multinational corporations in our country to maintain their books, to be able to report to their shareholders what is going on, so that each year in October when we get the financial statements from the Federal Government we have got some confidence in those numbers, that we can then take that information and use the information to make public policy decisions that ought to be made.

Included in all of this effort of keeping the books correctly ought to be an ongoing vigilance to watch out for waste, fraud and abuse. Wasteful spending hurts, fraudulent spending is a crime, abusive spending is a crime. Those folks should go to jail. I know we have got some instances where that is happening. But the cost of not doing this means that legitimate recipients for all of those programs have the risk of not being able to get the money, because it has gone in a wasteful manner, or in a fraudulent manner or in an abusive manner, so that the taxpayers of this good country are overburdened to the extent that we do have waste, fraud and abuse within our system.

□ 1545

So I want to thank the gentlewoman for bringing this topic to the table today to let us have a chance to rant and rave about it, to talk to our fellow Members here in the House to try to help them with seeing how important it is as we go about this work to do that.

So I thank the gentlewoman for her bringing this topic up today and allowing me to speak.

Ms. FOXX. Mr. Speaker, I thank the gentleman from Texas (Mr. CONAWAY).

One of the wonderful things about having these programs and allowing different people to speak is that we get lots of different perspectives, and I think the Representative from Texas has brought us the perspective of a CPA, and I think that is an excellent perspective. We need more people with the kind of background that he has.

I want to say that I think we are extraordinarily fortunate to help us in putting a focus on this issue of waste, fraud, and abuse that we have the President having set the tone for us. He said in his State of the Union address a couple of weeks ago, the principle here is clear: taxpayer dollars must be spent wisely or not at all.

I think that that is absolutely the attitude that all of us must have at all levels of government, but particularly at the Federal Government level. We all have to remember that we are in the business of spending other people's

money, and we have to be as careful with that as we are with spending our own money, even more so. We have to really work at making sure that the dollars are spent wisely; and, again, as my esteemed colleague said, we do not want waste, we do not want fraud, we do not want abuse because where Federal dollars are being spent on programs, we want them to go for much-needed services.

I want to, Mr. Speaker, yield to the gentleman from Louisiana (Mr. JINDAL), my esteemed colleague who is here to add his perspective on this issue.

Mr. JINDAL. Mr. Speaker, I thank the gentlewoman for the opportunity to speak on such an important topic.

We as Members of the House have several responsibilities. Perhaps one of the most important responsibilities is to be a good steward of the people's money. We have to approve the budget every year, but we need to remember that money comes from the hard-working taxpayers of this great country of ours, and so often I get frustrated when people act as if that money literally grows on trees rather than being paid into our Treasury by people that are struggling to balance their checkbooks, to pay their mortgages, to pay off their debts. We need to be more responsible. The philosophy should not be, if we can get it, then we should spend it. We need to be much more responsible than that.

I would like to share with my colleagues here just a few of the most glaring examples of the waste, fraud, and abuse in our Federal Government. Anybody who thinks that we need to raise taxes to get rid of a portion of our debt or deficit has not paid attention to all the waste that is currently happening in our Federal spending.

I will give my colleagues a few examples. First comes from the National Park Service, and maybe my colleagues have heard of this one before. They spent up to \$800,000, that number is not incorrect, \$800,000 on an individual outhouse. The Park Service spent \$330,000 in design costs, and then they built this particular outhouse at the Delaware Water Gap National Recreational Area with imported wood and \$20,000 cobblestone veneers, and that is despite the fact these toilets do not even work in the winter because the facility only has running water 6 months of this year. This is according to ABC News. Think about that. Hundreds of thousands of dollars for an outhouse that only works 6 months a year. No wonder taxpayers are outraged and they demand we do better.

A second example. The Women, Infants and Children program that is designed to serve low-income mothers and their children who are at nutritional risk. Some wonderful successes, and this program achieves some wonderful goals, especially in my home State of Louisiana.

However, the \$5 billion program annually does no income verification of

its participants. If we did one simple thing, if we simply made sure that those who get WIC are actually eligible for WIC, that the number of participants who have incomes exceeding eligibility levels were properly limited the way we do in the school lunch program, as many as 27 percent of the current participants may not be eligible. That is according to the Los Angeles Daily News. Twenty-seven percent of the participants in what is otherwise a good program may not be eligible if we just enforce our existing rules.

Another example. This comes from an Inspector General's report. The Department of Justice's Inspector General audits of the COPS grant program, again a program that has had some successes, identified more than \$1 million in questioned costs and more than \$3 million in funds that could have been put to better use.

Also from the same Inspector General at the Department of Justice, in the same year, found nearly \$1 million in equipment purchased with grant funds was unavailable for use because the grantees did not properly distribute the equipment. They could not even locate it or had not been trained on how to operate it. That is \$1 million of taxpayer dollars spent on equipment that might be needed to enforce laws and bring safety to our communities that is being wasted because they do not know where the equipment is or they have not trained their staff in how to use the equipment.

The Forest Service, another example again from the Inspector General. The Forest Service recently said they could not figure out why they spent \$215 million out of a \$3.4 billion operating budget, nor why the agency double-counted \$45 million of income. They double-counted \$45 million of income from other agencies. Think about that. If any of us did that in our private lives, in a business or in our checkbooks, we would probably not only be audited but may even be guilty of charges, and yet here we have our own government doing this, double-counting income, not knowing how they spent \$215 million of our money.

I want to spend some time on Medicaid fraud. In 2002, a Wisconsin transportation company repaid \$1.6 million to Medicaid for multiple round-trip billings for dead people and people in the hospital. Think about that. They repaid \$1.6 million, had to repay that back because it was found out they were billing the Federal program for providing services to dead people.

In my own home State of Louisiana, I had the honor of serving as the Secretary of the Department of Health and Hospitals; and back in 1996 and 1997, we were facing some fairly large budget challenges. As we tried to overcome those challenges, we discovered it was possible to cut hundreds of millions of dollars of spending, even while we improved the quality of health care.

Part of the way we did that was to weed out the rampant fraud and abuse,

even though the vast majority of providers, those who needed it the most, a small number of people, abused that program, ended up wasting millions, if not billions, of dollars in Federal taxpayer money.

For example, we also had some challenges with nonemergency transportation providers. There used to be joke in Louisiana that it was sometimes hard to get a taxi because they would all become nonemergency transportation providers. There were reports of people being taken to shopping and other errands and the State and the Federal Government paying for this as if they were medical visits. We, too, had reports of agencies billing the Federal Government and the State government, providing services to dead patients.

We used to have another joke in our State about dead people voting and being accused of that happening in the past; and I used to say, I do not know if they are voting, but they are certainly getting health care services in our State and we are paying for it. We as taxpayers are paying for it.

We had instances where we had literally providers sending out vans to pick up children after school, and oftentimes they were reputed to have the parents or offer the children candy bars or cigarettes for the parents or maybe \$5 to bring those children to these Medicaid mills where they bill again the State and the Federal Government for services they were not even being provided. They would literally run through dozens and dozens of children, billing thousands and thousands of dollars for services that were never rendered.

We had an audiologist that billed the State for services even though he did not own the equipment needed to provide those services. We had one hospital paid even after it had closed its doors, and we could go on and on about these instances of abuse, of waste, of fraud.

Perhaps two of the saddest things about that, and I am proud we did eliminate that, we did get rid of those abuses which saved hundreds of millions of dollars for the taxpayers, even as we improved the quality of health care.

Immunizations went up. Louisiana rankings went up. People got better quality health care. We gave senior citizens more control over health care choices, even as we controlled spending; but there were two lessons that I learned from that.

One, and unfortunately we were reminded of the fact, simply throwing money at the problem is not the solution. Louisiana went from the late 1980s a billion dollar Medicaid program to when we took over almost between a \$4.5 billion Medicaid program, spent all of that additional money, almost 70 percent of which came from Federal taxpayers; and yet we still did not improve our health ranking substantially. I think what that proved is simply

throwing Federal money at a problem without putting in the right safeguards and accountability, it does not improve the quality of life for the people we were elected to serve, but rather too often wastes taxpayer dollars.

So the first thing we must remember in this Chamber as we are responsible for appropriating the people's money, we are responsible for representing those that elected us here is we must keep a vigilant oversight over these Federal agencies, over these dollars being spent out of this Nation's Capitol, because there is too much of an opportunity for fraud, for waste, and for abuse.

The second lesson that we learned that we also were reminded of was too often there are those that have the attitude that, well, I am simply spending somebody else's money, why are you worried about this. We confronted a provider who had been guilty of cheating the program, admitted he was cheating the program, and he simply said, everybody else was doing it, I thought I should do it as well. I cannot think of a sadder commentary when you think of the real genuine needs we have in this country, the people that truly need help in their health care, when you think of the needs we have to continue to cut people's taxes.

We as an American people pay too much in taxes as it is, and here you have people whose attitude sometimes seems to be, well, that is somebody else's money, as if Federal money grew on trees, as if their taxes were not supporting these Federal programs.

So I congratulate and I thank the gentlewoman for giving us this opportunity to come here and shine a spotlight on the abuses rampant in so many of our Federal programs, to give us an opportunity to remind this Chamber, to remind my colleagues of the importance of eliminating fraud, waste, and abuse.

When we have serious challenges facing our country, when we have the obligation to provide body armor and supplies to our brave men and women in uniform who are defending our freedoms overseas, we have an obligation to strengthen Social Security so that our parents, our grandparents, and our children will all be able to benefit from this program in their retirement age.

When we have got challenges with the number of uninsured in this country, we cannot afford to be wasting billions of dollars of taxpayers' money. It is not right, and it is something that we must put an end to.

I want to thank again the gentlewoman for giving me this opportunity to shine the spotlight on what needs to be done.

Ms. FOXX. Mr. Speaker, I thank the gentleman very much.

I think that comments from the other two speakers are a perfect segue into our presenting some information on how individual citizens can report fraud and abuse to us. Both the Committee on the Budget and the Com-

mittee on Government Reform, on which I serve, have worked hard to try to identify fraud and abuse and inefficiencies, and I want to put up this information to show people that if you know of a situation where you know there is waste or abuse or fraud, that you will get in touch.

You can get in touch, of course, with your own personal Representative or Senator, but you can also get in touch directly to the Committee on the Budget, wasteful spending, and there is an address here. The phone number may be a little bit hard to remember. It is (202) 226-9844. If you wanted to get in touch with me, and guarantee that something would be done or someone would follow up on it, my number is (202) 225-2071. This is an issue about which I feel very, very strongly and always follow up on.

I have a letter here that I received recently that I have passed along to the people in the State of North Carolina because of the concern, and this is the kind of thing that we have to stop because all of us are paying for this.

The letter says, I am a citizen of Greensboro, North Carolina, and something has come to my attention I just have to make you all aware of. I have been watching a case of Medicaid fraud for over a year now, and it has only gotten worse. I have called all kinds of fraud lines in North Carolina, and no one seems to care or know who to direct me to. So I have come to you.

What I did was I passed this along to the appropriate people in North Carolina. I do not have answers on it yet, but this is an example of really egregious fraud, and I am sure there are lots of other examples, and my hope is that people watching us today will talk with their friends and let us know if there are other situations like these.

There is this woman that is a certified nursing assistant that is supposed to be going into this home to give care to a 70-year-old woman. The CNA comes in for only 10 minutes, sometimes 30 minutes at the most, and goes to the ABC store for this woman and leaves.

□ 1600

Sometimes she just goes inside and comes right back out.

The woman works for an agency that knows she is doing this, because at one time there was a complaint by a family member. The problem is that the State of North Carolina is paying her for services rendered in the amount of 4 hours daily at \$9 an hour. This has been going on for over a year and it has gotten even worse because, as of last year, the husband now is on Medicaid and he is now receiving these same services. Now the hours have doubled but the care has not changed.

"The CNA is not caring for the husband and wife, only going to the ABC store. Sometimes she takes him to the grocery store. They only call the CNA when they want to go to the ABC store. I think this is an expensive way for the

taxpayers to have to pay for taxi services, because that is all she does. She comes out of the house, laughing, after being inside only 10 minutes. She is laughing all the way to the bank at our expense.

"Please look into this situation very carefully because there's a possibility that this CNA may have added another Medicaid person to her pay. The agency that she works for is very much aware of this but they have done nothing about it. She has brought in three cases, and one of them has dropped because of the attention it was bringing.

"This needs to be stopped and very soon. We've paid these people enough money for nothing. The couple that is receiving these services are in their right mind and know this is fraud because I have told them this and they continue to sign time sheets, false records."

And then she goes on to give the names of the people receiving the services, and she also says that she has been threatened for doing this. She has also given the information to newspapers in Greensboro and Winston-Salem, but they have done nothing about it. "It is so crazy for dollars to be wasted and every year taxes go up."

So I want that individual to know that I have passed this along to the proper agencies in North Carolina and I am expecting them to look into the case and make sure that we stop this waste of money.

Now, I want to go back to talking a little bit about what our committees are doing here in the Congress to deal with this. I commend the efforts of the gentleman from Iowa (Mr. NUSSLE), chairman of the Committee on the Budget, and the gentleman from Virginia (Mr. TOM DAVIS), chairman of the Committee on Government Reform, for the commitment they have made to eliminating waste and reducing the budget.

The gentleman from Iowa (Mr. NUSSLE), as chairman of the House Committee on the Budget, spearheaded the effort to eliminate waste, fraud and abuse during the last Congress and made great strides in identifying and eliminating such spending. He pledged to find and eliminate one penny out of every dollar.

Now, that may not sound like a lot, but it soon adds up. His commitment to deficit reduction should be applauded, and this is one of the mechanisms that the Committee on the Budget came up with, is to establish this abuse line and abuse office so that people could report it and have something done with it.

The gentleman from Virginia (Mr. TOM DAVIS), as chairman of the Committee on Government Reform, also reminds us that the answer to the deficit problem is not to merely cut off fingers and toes, but what the Federal Government has to do is trim the fat. We have to, just like our constituents have done, tighten our belts and control the amount of spending so that we can re-

duce and ultimately eliminate the deficit. We must eradicate duplicative programs and hold government agencies accountable for their spending practices.

This is something I am very proud that Republicans are emphasizing more and more, and that is to hold the programs accountable. As I said earlier, the President has said that if we are going to spend a dollar, it has to be spent well.

I want to talk a little more about some of the differences between the Democrats and the Republicans and their attitudes toward holding down spending, but I would like to recognize my colleague, another one of my colleagues from the State of Texas, for him to make some comments about this very important issue.

Mr. Speaker, I now yield the floor to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I want to thank the gentlewoman from North Carolina for yielding to me. She is a dear friend, and I am glad to count her as a friend. I appreciate this opportunity.

As we know, there are many areas in which there is plenty of waste, fraud and abuse. We can look around and see it for ourselves. One of the things I have felt more and more strongly about that I would not mind seeing is a moratorium on Federal building and leasing here in Washington. Because the more that gets built in Washington, the more that gets leased in Washington, the more bureaucrats it means back in our States, the more bureaucrats back in our State capitals, and then more bureaucrats have to be in our local districts. That is something I would sure like to work on.

Now, having been a district judge and a chief justice of the court of appeals, I am also quite familiar with other types of waste. I do think it is a waste and an abuse when we have three separate branches of government and one branch decides to take the obligations of the other two branches and begins to legislate as well as usurping some executive functions.

We have had courts that took on the management of different things. We have heard testimony about a court that is trying to manage, and it has been going on for, I guess 9 years, with regard to the Native Americans' money, and it is in litigation right now. Courts have an obligation to get cases to trial, to come to judicial conclusions. They do not have the right nor the obligation, for sure, to begin legislating or taking on the executive function of managing. We have seen far too much of that.

Now, we have passed today in the House class action reform. Hopefully that will make a difference in some of the abuse that has occurred in some types of class actions. There has to be a remedy for people who are wronged. There has to be the availability of the class action in order to remedy some

wrongs. But for those cases in which it has gotten out of hand, I am proud we have been able to pass some legislation to move toward curbing that abuse.

Another thought has occurred to me. I know personally that we have courts that need help. They are overworked. We have had the President renominate 12 candidates for the judicial bench in the Federal system. One of my friends and classmates from Baylor Law School, Priscilla Owen, was nominated May 9 of 2001. She was abused to the extent that she is going on 4 years now without having an up-or-down vote, as the law requires.

There were a number of other judges who were nominated in 2001. It is an abuse and a failure to comply with the oaths that were taken to vote up or down on these people. Give them a vote. Their life is in limbo. It is a pure abuse. And it has left courts unmanned. They need the help.

So one of the thoughts I had, and I do not know that I have ever really talked to my colleague about this, but one of my thoughts is, where we find that there are courts, say for example the Ninth Circuit, who begin legislating from the bench, obviously they have got too much time on their hands. We have courts that just cannot get to their backlogs. They need help.

My thought is that it would help the system, help curb the waste and abuse, if those areas where they have too much time on their hands, that we take some of their funding, take some of their personnel, take some of their benches and put them over in area where they do not have time to legislate; where they are strictly a judicial body. Because they need all the help they can to take care of their caseload. Let us move some of those people that had the free time to start legislating and started managing functions of other groups and let us get their benches, their assets, over in areas where they need the help. I think that would curb things greatly.

I am also cosponsoring a bill. We have heard where some Federal funds, Medicare, may be used to buy Viagra for folks. Well, that has gotten a rise out of people here in Washington. That is something we need to address. Federal funds should not be for pleasure purposes. It is to help people that really need help. So I am looking forward to us curbing that bit of waste and abuse.

Mr. Speaker, I appreciate the opportunity to address a couple of these issues, and I appreciate the gentlewoman's yielding some of her time. I think that some of the judicial waste and abuse that has occurred should be curbed because there are some really, really, fine Federal judges. They need help. We need to get them help and we need to cut out the waste in those courts that have abused their situations.

Ms. FOXX. Mr. Speaker, I thank my colleague for his comments.

As I said earlier, one of the nice things about having these events is

that we get different perspectives from different legislators and from different parts of the country.

I think that Republicans feel very, very strongly about what the President has said, that we must spend taxpayers' dollars wisely or not at all. I have asked the pages to put these charts up here again, and we will do it right at the end of this hour once more, so that we can make sure people know that there is a place they can write, there is a place they can call to report abuse, fraud and inefficiency, and that we will look into those.

I think Republicans are very much committed to this principle. But, unfortunately, we are having to overcome an attitude that has been in existence for a long time in this country relative to the spending of Federal dollars. The other day in a meeting of the Committee on Education and the Workforce, I was struck by a comment that one of my Democratic colleagues made. As a freshman, I had decided I was not going to make very many comments. But this comment just struck such a nerve with me that I had to speak up. He said that we were not spending enough money on counseling for people who were out of work in New York City and that he wanted us to spend \$750 million more on a program. He called that a paltry sum of money.

Paltry means a very, very small amount. Insignificant. As I said, I had not intended to say anything, but that struck such a nerve with me, because I know that the American people think that \$750 million is not a paltry sum of money. As one of our predecessors in the Senate said some time ago, "A million here, a million there, and pretty soon you're talking about real money."

So we have to adopt the attitude that even a dollar is real money. And when we have people who speak in a committee and say that \$750 million is a paltry sum of money, their way of thinking is quite different from mine and I think from the majority of the Republicans in this House, and I am glad to report that.

I know that we have some other Members that are going to speak on this issue, and I want to recognize another colleague, who has a very famous name, the gentleman from the great State of Kentucky (Mr. DAVIS), to offer his comments at this time.

Mr. DAVIS of Kentucky. Mr. Speaker, I thank the gentlewoman for yielding to me.

I believe that our founders would stand aghast if they saw the size and the reach of the Federal Government and how it has grown over two centuries. Certainly times have changed, but the cost of government continues to rise. Archaic processes, lax accountability and a lack of connectivity, and often competing agendas on top of that, consume more and more dollars and waste untold billions of hard-earned taxpayer dollars.

My colleagues have shared horror stories of how these dollars have been

wasted, but this afternoon I would like to offer a prescription for reform. The solution is not simply removing regulations, it is not simply identifying programs where we feel pain or see pain, it is, rather, we need to change as a government, as a people, and as regulatory agencies, how we think about the spending of this money, how these processes are run and, ultimately, how the citizens of the United States are best served.

□ 1615

King Solomon said in the Bible that there is nothing new under the sun. Successful businesses, successful service organizations have applied principles for decades that have cut billions and billions in waste. They have improved our ability to compete internationally and made many of our businesses and aid organizations the envy of the world for efficiency and for effectiveness. I might add that these are in the private sector.

I think there are several steps that need to be understood, four key ones in bringing about any rational change to our government. They are simply this: we need to identify, we need to simplify, we need to accelerate, and we need to automate.

To identify means simply that we need to get to reality. We need to understand where these problems are before we can make a decision about what to fix or what to change. As we have seen so many times here in Washington, knee-jerk legislation is often the reaction to a symptom rather than the root cause of our problems. Instead of helping people, it often creates problems that hurt the very ones who are intended to be helped. I believe that the old saying, "The greatest source of inspiration is desperation," needs to be applied in our institutions. We need to get beyond what we think the governing process is, how we think our agencies work and understand how they really work, see what reality is and see those opportunities to take steps out of the process, time out of the process, and resources out of the process. In the end, what it will do is bring about great benefit when we get to that reality.

That means simplifying. Over and over again it has been shown that if we challenge the way we think, if we challenge our assumptions, we can assure, Mr. Speaker, that we are going to spend the people's money more wisely and ultimately can increase service, increase the breadth of service and reduce costs. Our Armed Forces have shown that in the transformation they are undergoing where they are massively multiplying combat power, but keeping the size of the active military the same.

The Navy has shown with its carrier task force that it can actually take a carrier task force out of operation and actually increase the ability to project combat power into a theater of operations.

These principles applied there, applied in business, need to be applied to our agencies that are serving our citizens as well.

Once we identify those improvements, we can accelerate them. Change will speed up. We have seen it applied in the medical arena; we have seen it applied in factories, where processes that took days and weeks can be reduced literally to hours or minutes. It gives back flexibility, it reduces the cost and the overhead that is necessary to serve people, and ultimately provides a better return to the taxpayer.

Finally, once we have achieved that, it is time to automate. So many times, we have spent billions of dollars on projects, system integrations in the government that have failed, that have never been implemented because people never challenge their basic assumptions of why they were doing what they were doing, and they automated inefficient and ineffective processes.

All that did to the agencies was allow them to commit error and increase waste more efficiently, which is an ironic contradiction. We have agencies that do not communicate. In the Immigration and Naturalization Service, for example, nearly 20 information systems do not communicate with each other on the tracking of aliens. This is unbelievable in an age of connectivity when international organizations have real-time information around the world. Major retail distributors can take the purchase of one single item on the other side of the world and have it documented in their system within seconds of that transaction taking place at a cash register.

Likewise, we need to bring about a greater level of connectivity to reduce waste. Another benefit that would come from that is increased security as our agencies are able to share information more effectively. It also reduces error that causes increased costs and also increased anxiety and burden on American citizens who are depending on government services for their lives. I think that in the end we want to increase our capacity to serve our citizens without increasing the amount of money that is being spent. Adding more money will simply add more problems in the long run because we are not dealing with the root causes, Mr. Speaker.

For example, 9 percent of the food stamp allocations or spending on food stamps are incorrect payments. Fundamentally, that is nearly \$3 billion in wasted taxpayer dollars. By having some simple improvement to the process with real-time information systems, off the shelf, used today in the commercial world, we could give that \$3 billion back to the taxpayers whose money it is.

We also speed up the turnaround. In our district as we have inherited a great deal of Social Security claims, there is a great need and a necessity to help our senior citizens, to effectively keep our promise to them. They do not

need to be standing in line or waiting for weeks or months for casework to be completed. Using state-of-the-art technology not only would we save the taxpayer money but we could serve them effectively and nearly immediately.

In closing, nothing is going to change until we learn to see the ground differently. We need to observe opportunities and zero in on them, orient on the thousands and thousands of small opportunities in government to bring about improvement and change. We need to decide that we are going to exercise the will that is necessary to bring about that improvement, and then we need to act energetically, persistently, and patiently. To do otherwise assures one thing, Mr. Speaker, that is, that this problem will grow, that Federal spending will continue to grow, that the waste will continue to grow and eventually strangle the United States Government.

If I were working in my former profession, helping manufacturing companies to compete, I would say that the United States Government, my client now, is sick and is filled with waste that can be taken away with simple principles applied to return to healthy agencies, healthy fiscal status, and ultimately to strengthen our agencies and our ability to serve our citizens in the long run. Little by little, we can see the same kind of effective transformation that our military has gone through, that is coming out of the Cold War era. There is nothing new here, simply applying proven principles that other institutions have applied successfully for decades.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentlewoman yield?

Ms. FOXX. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentlewoman for yielding. I have to say after listening to the gentleman there in that strong condemnation of the current state of the American Government, the Republican Party has been in control of the Presidency, the executive branch and both Houses of Congress for more than 4 years, and yet the gentleman and others have talked in a very condemnatory tone. Are you not being a little hard on yourselves? If, in fact, things are still so bad, what has the Republican Party been doing for the 4 years in which it has been in complete control of the government, not to mention seven of the nine Supreme Court Justices appointed by Republican Presidents?

Ms. FOXX. Let me respond to the gentleman from Massachusetts. The Republicans have worked very hard always at reducing waste, fraud, and abuse at all levels of government. I will give you an example of something that I did. I have only been here for about 6 weeks, but I can tell you that I am already working on looking for ways to reduce spending in the Federal Government, and I can assure you that all Members of the freshmen class are

doing that. As people point out to us over and over and over again, one of the great things about having new people come into government is that you bring in new ideas and fresh ideas and that you work at trying to get these accomplished.

I think that our colleagues who came before us and especially as they have been in charge have shown ways to cut spending and they have done that. We have reduced the Federal deficit last year. We have not cut spending because there has been so much demand for spending. We have a war to fight. The money that is being spent on the war is appropriately being spent, but we are having to overcome 40 years of profligate spending, and we are working very hard to reduce again the waste and inefficiencies in government.

I can assure you that there will be no let-up. As I said, I think that the President has set the tone for this and I think that you are going to see, particularly in this session of Congress, us working hard at making sure that we live up to what the President has said, that we are not going to spend a dime or a dollar of the taxpayers' money unless we can spend it wisely.

Let me give you an example of something that I was able to accomplish and how I challenged my colleagues in the State of North Carolina on my last speech that I made in the North Carolina Senate. I had been contacted by a family and this is a Democratically controlled State, by the way, both at the gubernatorial level and at the legislative level. This family contacted me and said this lady's husband who had retired from the Department of Transportation had passed away. The month he passed away, they got his check. They notified the retirement system. They said, go ahead and cash the check and we will make sure that we show her as the beneficiary. She did not get a check the next month. She did not get a check the next month. She did not get a check the next month. She inquired as to why. Well, she needed to fill out a form. She filled out a form and sent it in, did not get her check, contacted the people, they said, well, you filled out the form wrong, you have to fill it out another way.

They called me on a Sunday afternoon. On a Monday morning, I contacted the retirement system and I said, I want to know why this lady has gone for 4 months and not been able to get her check. They said, we will look into it, and we will get back in touch with you. So by Friday, they got back in touch with me and they said, she will be getting her check at the end of this month. I said, you know, that is not good enough. It is not good enough that you are solving this one problem for this person. What I want to know is, why is the system broken? Tell me what is wrong with your system that would allow this to happen. They promised they would look into it.

About 3 weeks later, I had a visit from the head of the retirement sys-

tem. Actually, he wrote me a letter and then came by to see me and he said, I am so glad that you brought this to my attention. I did not know this, but we have a system whereby three different people had to approve this lady filling out a new form. This is a system already set. She is due the money. She is not asking for something she is not due. She is the inheritor of her husband's retirement. So she is due the money. But in that system there, in the State government, controlled by the Democrats, they had three different people who had to approve something that did not need to be approved at all. By my bringing this to his attention, he changed the system to show that it would not have to be done that way.

I challenged my colleagues in the North Carolina Senate, anytime that someone came to them and complained, to follow the complaint to its source and to make sure that if there was a systemic problem that they changed the system. And I said to them, if all 50 of you once a year could go to the source of the problem and change the system, we pretty soon would be cutting out lots of useless positions, because we cut out, in effect, two positions or the handling by two people of that paperwork.

So what we have to be doing is going into every single system and making sure that we go to the heart of the matter and we solve the problems at the heart of the matter. That, I think, is the way we are going to do that. And I think that you are going to see a renewed effort in this session of the Congress to go to the heart of the matter and make sure that we are solving the waste, fraud, and abuse. We are encouraging citizens to get in touch with us, let us know where there is waste, where there is fraud, where there is abuse, and we ourselves, and I would challenge you and every other Member of the Congress to do the same thing. If you have a constituent who has run into a problem with the Federal Government because they did not get something taken care of at the right time, let us look at that and see where there is waste in systems.

But if you have somebody who tells you that there is waste and fraud, let us go to the heart of that matter and prosecute those people for doing things that are wrong, whether it is on the part of a citizen or whether it is on the part of a Federal official. I think that that is something we all have to do. We take an oath to uphold the Constitution, and I think a part of that is to do everything that we can to promote the principles that we were elected to promote and that is a part of our responsibility.

Mr. DAVIS of Kentucky. If the gentlewoman will yield further, in response to the distinguished gentleman from Massachusetts, the distinguished gentleman has a long and illustrious career of leadership advancing the values of his party. He is widely respected

nationally and certainly in his home State. We have seen ample evidence of that expansion of government service to serve his constituents. I respect the gentleman's contributions to this body and its history.

Yet at the same time, I think that it is important that we set aside partisan rancor. This is not a Democratic problem or a Republican problem. This is an American problem. It is important that bureaucratic agendas be put aside, that party agendas, partisanship and rancor simply moving for control over debate and taking away that time for necessary dialogue be brought into the context of what the American people see us here to do.

I believe that it is important in the remainder of the time that we have before the gentleman speaks that we look at the problems that are being faced today. As you so effectively pointed out in those examples, our citizens on the street have seen over and over again examples of waste, examples of fraud, examples of abuse.

□ 1630

Much of the waste, the majority of that waste, is not ill-intended. We have thousands and thousands of very dedicated civil servants. I have met very few in my entire career of public service, whether in the military or in government, who were not dedicated and committed and worked very hard. Rather, the issue that I was addressing, which the gentleman missed, was the issue of process, processes that have grown up, processes that are not connected, processes that do not communicate effectively. These are not partisan issues. These are simple issues of accelerating the ability to make decisions more effectively and to reduce costs.

I thank the gentlewoman from Colorado for yielding to me.

Ms. FOXX. Mr. Speaker, I appreciate his pointing that out again. That obviously was something that I was trying very hard to point out, was the fact that we are trying to improve the systems, improve the processes. And I want to thank the gentleman from Kentucky for pointing out the fact that most of the employees of the Federal Government, indeed the States and local governments, are very dedicated people who want very much to do their jobs well, and that sometimes what we need to do is lead them in the direction of doing things better than we have been doing them. I know very often we lapse into a way of doing something that may not be the best way of doing it and it just continues that way because nobody has suggested doing it differently.

I think one of the great things that we could do in this Congress and in future Congresses is to go to our employees and ask them to make suggestions on ways that we could save money in the Federal Government and make it operate more efficiently, and I thank the gentleman from Kentucky for re-

mind me that that is something that we obviously ought to be talking about.

We not only want the citizens of this country to help us figure out ways to make the government operate more efficiently and effectively, but there is nobody better qualified to do that than the great employees that we have, because they are there on the front line every day and they understand what needs to be done and how we could do things differently. So I think that if we do have employees who could make suggestions on how we could do this better that we should do it.

I want to point out again that we have places that people can write and call to let us know how they think that we can do things better, especially in the area of waste, fraud, and abuse, and I hope that they will take note of these places and be in touch with us.

PEACE IN THE MIDDLE EAST

The SPEAKER pro tempore (Mr. POE). Under the Speaker's announced policy of January 4, 2005, the gentleman from Massachusetts (Mr. FRANK) is recognized for 60 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, before I proceed with the subject of my own Special Order, I want to continue the discussion I tried to have and it became kind of one-sided when I was not recognized to continue it.

The gentleman from Kentucky particularly interested me because he objected to my introducing a note of partisanship. But I did not. It was the gentlewoman who had the floor who talked about the Republican way of doing things. When they were talking about it and boasting about the extent to which they were going to end these wasteful practices, they talked about it as a Republican proposal. When I asked why the Republican Party had allowed this apparently to happen for 4 years, suddenly nonpartisanship popped up.

The fact is that the gentlewoman's premise was repeatedly, explicitly, there is a different Republican way. The fact is that the Republican Party has controlled the entire Federal Government since 2001. The gentlewoman said, what about 40 prior years that they had to deal with? I think she is being a little hard on Ronald Reagan. Ronald Reagan, of course, was President for 8 of those years. He never vetoed a spending bill; so apparently he thought the spending levels were appropriate. And it was not just Ronald Reagan, but for 6 of his 8 years, the United States Senate was Republican. Then we had 4 years of George Bush, the father of the current President. So we come back to this: The Republican Party has had very strong control of the entire Federal Government for 4 years and apparently it is still ridden with waste, riddled with abuse, and bloated, because we have these Republicans who just spoke, boasting about how they will change it.

The gentleman from North Carolina did give us a very interesting history of

an incident he was involved in in North Carolina. I now know more about that particular aspect of North Carolina than I had ever expected to, but I do not understand how that in any way explains why after 4 years of Republican control of the White House and the Congress, members of the Republican Party come here to denounce this bloated Federal Government, over which their party has presided over for 4 years and promise to make it better in the future.

I now want to turn to one of the important subjects now facing us, and it is good news. I know people do not often come down here to talk about good news, Mr. Speaker, but I am very optimistic about the Middle East. We have an excellent chance, I believe, if we all work constructively, to end one of the conflicts that has caused considerable anguish and misery and the loss of human life, and that is if we are all constructive, there is a chance. I guess "optimistic" was too optimistic, but I feel better about this prospect than I have in a long time, namely of there being within reach of an agreement between Israel and the Arab world, particularly the Palestinians, that can lead to peace. I want to talk a little bit about that.

Particularly I want to talk about what those of us not directly involved can do, or, more clearly, as I will point out, what we can refrain from doing. Peace will have to be made by the Israelis and the Palestinians themselves.

Two developments recently have made that possible. One, the death of Yasser Arafat. Those of us who have long believed that Yasser Arafat was an obstacle to peace and, in fact, the enemy of the best interests of the people he represented, I think that has been vindicated. People have debated back and forth Arafat's role. I think the fact that we are in one of the best moments we have been in in the history of that troubled area is because, not since, but because of his death. That speaks to the historical record. And I join with people in the Israeli Government in their willingness to recognize the courage and commitment of the President now of the Palestinian Authority, of Mahmoud Abbas, and I share the view that a major difference is that he has succeeded Yasser Arafat.

The other major change has been the evolution of the views of the Prime Minister of Israel, Ariel Sharon. I should say at the outset, if I were an Israeli citizen, I would not vote for Ariel Sharon. I do not think that is too harsh. If Ariel Sharon lived in Massachusetts, I do not think he would vote for me. What we have, however, is a man whose views, from my standpoint, are further to the right than I would like, but who has done an extraordinarily courageous thing in recognizing a central truth, central to the survival in its best form of his own country, central to the prosperity and quality of life of his own country, even

though recognizing that truth contradicted some of his own past political history and in particular many in his own party.

We who are in politics like to talk about how courageous we are when we stand up to our enemies. People boast about the fact that I defied them, I stood up to them. I remember the great book by A.J. Liebling, the Earl of Louisiana. He noted how fiercely Earl Long repudiated the support of the Communist Party and of the NAACP at times when neither one of them was, of course, interested in supporting him, when they were both unpopular, though with widely different justifications, it seems to me.

Standing up to one's enemies is not only easy for most of us in politics, and, frankly, it is certainly true in America, standing up in politics is generally the best way to raise money. People are always praising their own courage by standing up to people who have been opposed to them in fundraising letters. The hard thing in politics is to stand up to one's friends. The hard thing in politics is to tell people whose values they share, whose traditions they come from, the people who are aligned with them on most issues, the hard thing is to say to them on this I think they are wrong, in this I think in our own best interest we have to rethink it.

And Ariel Sharon has done it, and he has done it, along with others. The number two man in the government, the former mayor of Jerusalem, Ehud Olmert, deserves a lot of credit for this, for articulating this.

And here is the central truth that they have articulated, which is that for Israel to be a Jewish democratic state, it cannot continue to preside over millions of Palestinians who live in Gaza and in the entire West Bank. If Israel continues to be the ruler over lands in which so many millions of Palestinians live, because there is also a significant number of Palestinians within Israel, then Israel has two choices: Either indefinitely it does not allow them to participate politically, in which case its own democracy will be jeopardized; or it allows them to vote and it will not continue to be a Jewish state because it will not be the Jewish majority they need. They do not need a majority only. They need a large enough majority so that divisions within the Jewish population are not going to be fodder for a very large minority.

And let me just address now those who have begun to say, wait a minute, we should not have a Jewish state. Let us have a binational state. People who argue against a religious state, when we are talking about Israel being a Jewish state, do not have a great deal of credibility when they see no problem with the existence of a number of very strict Islamic states.

How can we accept the existence of the theocracy of Saudi Arabia and then object to a Jewish state in Israel? Ideally, I suppose, there are people who

could argue that no state should be a religious state, but I do not know anyone in the world who consistently holds that position. Certainly in the Middle East, a large number of the states are religious states. They are Islamic states. Iraq, the predominant party of the last Iraq election, which we consider to be a great triumph of democracy, they are committed to an Islamic state. There is debate about how strictly they will hold to it.

So objecting to Israel being a Jewish state, especially given the history of the Holocaust, given the lack of a place to which Jews could go when their lives were at risk, to quibble about Israel being a Jewish state, when we do not at all object to the proliferation of Arab states, clearly is not a morally coherent position. It can be disregarded.

So it is valid for Israel to be a Jewish democratic state, and to do that it must not rule over millions of Palestinians, or at least it should try hard to avoid it. Because I should say while I hope very much that we get a solution in which Israel withdraws from all of Gaza and most of the West Bank, I think it is reasonable for Israel to continue to have some of the places, an expanded Jerusalem, with some exchanges of territory that work that out. I think that is the goal.

I should add that as I look at this historically, I do not blame Israel for the fact that it has been in occupation of those areas. Indeed, if the Arabs had in 1948 accepted the U.N. resolution, there would today be an Israel much smaller even than the pre-1967 Israel. And if before 1967 the Arab states had not engaged in their warfare against Israel, the 1967 war would not have produced the expansion of Israel.

Indeed, if the Arab states really, genuinely, sincerely, had wanted from the outset a nation known as Palestine occupying the lands of Gaza and the West Bank, they could have created one. Gaza was controlled by Egypt and the West Bank by Jordan until 1967. They could have created such a state. Israel might have been angry. Certainly early on in the years, Israel would not have been able to do anything about it and probably would have been restrained by others from trying if they had been so inclined. So I do believe that the occupation was provoked.

Having said that, I have been some critical of some aspects of it. I do not think that the Israelis have always in the course of the occupation been as respectful of their own traditions and values as they should be.

Let me deal here with the notion that says, well, wait a minute, if one is criticizing Israel, somehow that must mean they do not support the country. We should be very clear. Criticism of specific policies of any Israeli Government, at any given time, in no way implies that someone is anti-Israel, much less anti-Semitic. Indeed, if people want to hear at any given time, vig-

orous, even virulent criticisms of the Israeli Government in power, go to the Knesset, go to Israel. There is certainly nothing remotely anti-Israel about being critical, any more than my saying that I deplore the Iraq War and I feel every day that I was right to vote against it. I do not think that makes me anti-American. And I do not think it makes me anti-Israel to say that some aspects of the occupation were wrong. It is, in fact, an argument against the continued occupation that it is almost impossible for one nation physically to occupy another group of people and be fully respectful of human rights. One does not send young people into these kinds of difficult situations or middle-aged people, for that matter, and put them in situations where their lives are at risk and their safety is endangered and have them act as if they were all members in good standing of the Civil Liberties Union or the equivalent Israeli organizations.

□ 1645

But the point is central. It is important for Israel to try very hard to withdraw. And it does not seem that you have, in Abbas and Sharon, leaders who are prepared to do that. Each dealing with dissidents, the dissidents that Abbas has to deal with, seem to me far worse in many ways than those Sharon has to deal with. I do not mean to equate Hamas and the conservative element in the Israeli Knesset, but both leaders have got to be willing to meet with each other and negotiate with each other while dealing with some of their own more extreme followers.

The question then is, what should the rest of us do about it? And one of the things that we can do is to refrain from causing harm. This means that the Arab leadership, the Egyptians and the Saudis in particular, because the Jordanians have been more constructive, and hopefully the Syrians, but that is probably a hope too far, that they will do everything that they can to restrain those elements within the Palestinian community who believe that murder is still a good idea, and who in fact want to engage in violence precisely because they do not want to see a solution which would have an Israel and a Palestine side by side.

And let us be clear. There will be people, particularly in the Palestine area, who will try to undermine this, who will try to, by murdering others, stop this. They must not be allowed to succeed. This will call upon the Israelis for some restraint.

Understanding that there are murderers who will kill, because they want to kill individuals as a part of killing the peace process, means that you cannot let them succeed, and that allowing their violence which will undoubtedly, unfortunately, succeed to some extent, allowing that to derail the peace process gives them a greater victory than even the one they get if they are able to kill some innocent people. That has to be resisted.

But the Arab world has got to be fully supportive of Abbas and help prevent what goes on in the area of terror. And this will be particularly a challenge with regard to Syria.

Another thing people can do, and this leads me, the mention of Syria leads me to this, people can stop the unfair demonization of Israel. I have said I think the Israeli occupation ought to end. I agree that in the course of the occupation, Israeli personnel have done things they should not do. That happens, I think they have not always been as tough as they should be in preventing it.

But the Israeli occupation of Gaza and the West Bank does not seem to me to be the worst occupation by far in the Middle East. The occupation that is enduring, far less justified, and apparently open ended, is the occupation of Lebanon by Syria.

Remember what happened? Lebanon was, outside of Israel, the only nation in the Middle East that qualified as a democracy. And it was a multi-religious democracy. It was a democracy in which Christian and various Islamic sects coexisted. And then the PLO was expelled from Jordan. And the PLO was not welcome in any Arab country. So they went to Lebanon, because only Lebanon, a thriving, commercial democratic society, was too weak to keep them out.

And so first the PLO come into Lebanon, and that caused great turmoil in Lebanon, and then Syria used that as an excuse to take it over. We recently saw the murder of a Lebanese patriot who was a critic of Syrian domination, and we do not know who did it. But I have no reason to disagree with the apparent view of our administration that Syrians are the likeliest culprits in this murder, and certainly Syria has throttled the one democracy that existed in the Arab world, and Syria continues to be a destabilizing force.

So one of the things that we have to do if we are to get this peace is to put pressure on, and this is something that the other Arab states have to take the lead in doing, to restrain Syria from encouraging the murderers.

Similarly, our European allies have been working with Iran, and yet they are trying to restrain Iran from nuclear activity. But Iran must also be restrained, if they can do this at all, from financing the terror or Hezbollah and the murders of Israelis. And this means that the Europeans ought to stop the unfair and excessive demonization of Israel.

I am critical of some things that Israel has done. I thought the recent decision by Natan Sharansky, a man who was a great hero himself in his own light, a decision to say that Arabs who could not get to their land in Jerusalem should lose that land, when the reason they could not get to the land was that they were physically prevented by Israel for doing that; that was a terrible thing.

I was glad that the Attorney General overruled that. It is a credit to the

Israeli legal system that there have been a number of occasions when unfair denials of the human rights of Arabs in the greater Jerusalem area were denied by policies, and frequently they have been reversed. So I think that is legitimate to be critical of that.

But people go beyond that. I am a man of the left in American politics, I think to some extent in the world. And by every value that motivates me to be in politics, the Nation of Israel is by far the superior nation in the Middle East. There is no value by which those of us on the left measure societies and governments where Israel does not far exceed any of its neighbors.

If you are an Arab, and you wish in the Middle East to be bitterly critical of the government which presides over you, you are probably better off living in Israel than in Egypt, Syria, Jordan or Saudi Arabia.

I should note one other thing which a whole lot of people do not want me to talk about. But one of the things the Nation of Israel does is to offer refuge to gay Palestinians who face severe oppression and who fear death if they stay in the Palestine Authority once they have acknowledged being gay. And the Nation of Israel, true to its traditions, true to its own experience of the lack of a haven for an oppressed people, provides a refuge for some of those gay Palestinians.

I am critical of some aspects of religious domination in Israel. But by no standard does Israel fall anywhere but number one in all of those categories.

So when people on the left condemn Israel and leave out of the account the fact that it is democratic, not just democratic, there is one aspect of Israeli society which I think all defenders of civil liberty and freedom ought to be particularly grateful. Israel, through no fault of its own through 1948 on, throughout its entire existence, has been under assault. It has been assailed by enemies.

Despite living in that difficult situation, it has remained a vibrant democracy. Those who believe that democracy is somehow a luxury for the prosperous and the secure have to cope with the example of Israel; Israel, a country which has been a vigorous and vibrant democracy in the face of these assaults.

By the way, just to revert to an earlier topic, Israel is also a country in which gay men and lesbians are allowed openly to serve in the military. Now, I know some who defend our terribly unfair and inefficient policy of kicking gay men and lesbians out of the military and not letting brave and able young men and women serve our country. They say, well, if you allow these people in there, it would somehow undermine morale. And we say, "Well, other militaries don't do that." They say, "Well, yeah, but what are you talking about, these other militaries?" They kind of dismiss these other militaries as not being really combat forces.

No one denies, I think, that the Israeli defense forces are as effective a military fighting force as exists in the world. They have had to be. And the fact that this fighting force has gay and lesbian people serving openly without any negative effect on morale is not only an important argument, but it ought to get some recognition from those on the left who have been so critical.

It ought to be possible to be critical of some aspects of Israeli policy without condemning Israel as a nation, denying its right to exist. And it certainly ought to be possible, if you are going to be critical of some things that Israel does, to take note of the far worse things, in virtually every category in which Israel is criticized, that are done by its neighbors.

So there are things that the Europeans can do and that the other Arabs can do to strengthen the hand of those in Israel, who now include the Prime Minister, who are prepared to tell some unpleasant truths to some of their people, who are prepared to give up territory won in a war that they considered a defensive war, countries do not always do that, restore these lands to people who have been their enemies, and allow a Palestinian state. I think that is in Israel's interest and it is in the rest of the world's interest to allow that to happen.

But there are also things that friends of Israel should refrain from doing, and that brings me to this Chamber right here, Mr. Speaker.

Explicitly, I think we should resolve that those on the right wing in Israel who object to Prime Minister Sharon's decision to withdraw from Gaza and to begin a withdrawal from the West Bank and to begin a process that we hope will lead to a Palestinian state, we have got to be careful that they do not win in the United States House of Representatives what they have lost in the Knesset, because they are going to try and they will, unfortunately, have allies here.

We have a history here of people in this body and in American politics taking the overwhelming support that exists for the Nation of Israel's existence and for Israel's general cause and manipulating this in ways that I think are intended to have a negative effect on the chances for peace, but certainly can have that.

Let me give you one example. In 1995, I believe Prime Minister Rabin was still alive, Bill Clinton was the President and the Labor Party was in power in Israel and Oslo had been signed and there was a genuine effort to bring peace in the Middle East. It ultimately failed. I think the murder of Yitzhak Rabin by right-wing extremists in Israel was one of the reasons. But Arafat's ultimate unwillingness ever to make peace was a greater reason.

But while there was a serious effort to bring about peace, this House of Representatives passed a resolution brought forward by the majority, the

Republicans, to demand that the United States Embassy be moved from Tel Aviv to Jerusalem. Now, I believe that Jerusalem ought ultimately to be recognized as the capital of Israel for a variety of reasons, and I believe as part of the peace process it will be.

But to raise that issue at that time was intended to undermine the peace process. Do you know how I know that, Mr. Speaker? That was in 1995 when Bill Clinton was in power in the White House and the Labor Party was in power in Israel, and they were trying to make peace. At that point, the Likud Party, the conservative party, opposed those peace efforts.

So when the Democrats and Labor were in power, this House was asked to pass a resolution to move the embassy. I voted "present," because I think the embassy should ultimately be moved, but I objected to the timing. I could not say no; I did not think it was the right time to say yes.

But overwhelmingly it passed, because people here believe in Israel's cause and believe the embassy ought to be in Jerusalem. But it was not the right time to do it. And people knew that, because in 2001, when things had changed and you had a Republican President and Likud in power, you know what you did not see, Mr. Speaker? You did not see the moving trucks going down the highway from Tel Aviv to Jerusalem with the American Embassy's furniture in it.

In other words, when the Labor and the Democrats were in power, moving the embassy to Jerusalem was used to destabilize the situation. But when the Republicans and Likud were in power, have you heard of any of that since? Have we passed such a resolution since? No. Not because people do not think the capital of Israel ultimately should be Jerusalem, but because they recognize that it is an inappropriate time and place to do that.

I hope we will not see more of that. We have not recently, partly I think because the Israeli Government asked them not to. I will tell you, when the Israeli representatives of Prime Minister Sharon came here in 2001 during the Bush administration, I asked them if there had been conversations about acting on that resolution and moving the embassy. They were not pleased with the question and said no very shortly.

But that is not the only thing we have done of this sort. We have passed resolutions here, we passed the one last June, I believe it was, House Concurrent Resolution 460, we passed it June 23. I voted for it. I was a little troubled. I agreed with everything it said, but I also agreed with some things it did not say. I agreed with most of it.

It, I think, suggested that perhaps Israel should not have to withdraw from most of the West Bank, and I think that would be fatal to the peace process and therefore damaging to Israel's own legitimate best interests. But it did not give sufficient recogni-

tion to what ultimately should be the Palestinian's result in this process.

It stated the legitimate concerns of Israel, and it left silent some of the concerns of the Palestinians. Of course, it came before us unamendable and you had to vote yes or no. This is the kind of dilemma we had.

I hope we will now determine, Mr. Speaker, that the Members of this House will not be put in the position of voting on an unamendable resolution with only 40 minutes' debate which will be the truth, nothing but the truth, but not the whole truth, and which will perhaps be designed to undercut the peace process.

□ 1700

I mean that quite seriously. We know there are people who do not think there should be two States. There are people who think Israel should not withdraw from Gaza and the West Bank.

Let me deal with one of those arguments, by the way. There are some within Israel and within the United States, some orthodox Jews, some very deeply believing Christians, who believe that the authority for Israel to continue to rule in the West Bank particularly and, in many cases, Gaza, comes from the Bible. Mr. Speaker, the Bible is a document worthy of veneration, but it cannot be taken as a map for dividing up territory today.

Those of us who have been critical of Islamist fundamentalism, who have been critical of those who would use the Koran to control the lives of others cannot then say, but it is okay to take the Bible, the Old Testament, and let it be the map that governs modern society. That has to be repudiated, just as efforts to impose any other particular religious tradition on people who do not subscribe to it must be repudiated.

Now, it is important for America to show its support for Israel, the Israeli people. It is a democracy. They are being asked by vote to give up territories they conquered in wars they thought were wars of self-defense. They have already done some of that. They have given up the Sinai. They have now announced they are giving up Gaza. They came very close, under Prime Minister Barak, to giving up most of the Golan Heights; but they were not able to make a deal with the Syrian regime. That is the fault of the Syrian regime, a hard-line regime that has recently, I think, shown its irreconcilable side. But you are not going to get those votes in Israel if the Israeli people do not feel secure, and they will not feel secure without first the strong support of the United States, but they also will not feel secure in the face of unremitting and unfair hostility from the rest of the world.

Israel was created by the United Nations, but today it is prohibited from full participation in the U.N. the way other countries can, by participation in regional blocks. And some of that anti-

Israel sentiment in the rest of the world, particularly in Europe, is unfortunately growing. You have an elected Prime Minister who is offering to give up significant territory. And I think it is important that he do that. I think it is important that he give up Gaza and almost all of the West Bank. I think it is also important, by the way, with regard to the wall that Israel is constructing, that Israel follow its own high court.

Mr. Speaker, last year, we had two examples of the judiciary and democracies acting at the finest tradition of the judiciary. I know it is fashionable, particularly on the Republican side of the aisle, to beat up the judiciary, seven of the nine Supreme Court Justices of course being Republican and, in fact, Republican appointees. In fact, if we want to make a list of laws stricken by Supreme Court Justices, the very creative jurisprudence by Justice Scalia on the 11th amendment, which he has used to strike down a whole range of antidiscrimination laws enacted by the Federal Government, he would be in first place, I believe, along with Clarence Thomas in striking down laws.

But the overwhelming majority of the United States Supreme Court, 8 to 1, and the high court in Israel in the same week said to their government, you know, we understand you have problems. You have security, but you cannot let that be a basis for ignoring basic human rights. In America they said, no, Mr. President, you cannot just lock up any American citizen you want for as long as you want to on your own say-so. It was a very important 8 to 1 decision, only Thomas believing that the Federal Government can do whatever it wants whenever it wants to, but the other eight said no.

The high court in Israel said, yes, you can build a fence for security, but you cannot build it in a way that violates other people's rights. And I think that is very important. A fence for security, yes. A fence that unfairly cuts off Arabs from their land and inflames passions, that is not in Israel's interest. It is in Israel's interest to put an end to this war, to let the Israeli people live in peace.

Israel has done marvelous things with its economy. It has done that while having to pay a higher percentage of its gross domestic product to the military than any society in recent times. Think what marvels it could perform, think what it could do for the quality of its own life and for the lives of others if it were able to reduce, not abolish, but reduce that military burden.

So, Mr. Speaker, I hope we will say that what President Abbas and Prime Minister Sharon are trying to do is reach an agreement whereby two states can live side by side and in which Israel can have a Jewish democratic majority, with an expanded Jerusalem, with some of the areas in the West Bank that have been settled, but with most

of the West Bank and all of Gaza being part of a viable Palestinian state.

I was very pleased in Switzerland at the World Economic Forum when Shimon Peres said, well, one of the things we have to do right away, now the vice premier of Israel, is to ease the ability of people to send goods from Gaza to the West Bank, and he said, we are going to spend some money to do that; and I am glad they are doing it.

I should have added, Mr. Speaker, there is one other thing we can refrain from doing. We in this Congress can refrain from trying to stop money from being sent to the Palestinian Authority. The Israeli Government wants to do that. Recently, in December, we had an effort here by some to say no, no, we are going to criticize the United States Government for sending money to the Palestinians. If we are not prepared to send money to them, it will not work. As long as Abbas is trying as he is, yes, we should be sending money to the Palestinians.

I was pleased, and I do not mean to be entirely negative about the Congress, I was pleased that when the so-called REAL ID Act, the REAL ID Act was the bill sponsored by the chairman of the Committee on the Judiciary which dealt with asylum and driver's licenses came forward, there was initially a provision that said that people who belonged to the Palestinian Liberation Organization could not come to America. Well, we are in the process of sending them money. We are in the process of negotiating with them. That was a very bad idea. It was dropped, and I am glad it was dropped. That is the kind of thing that never should have been even, I think, considered.

We need to understand that for the Israelis and Palestinians to make peace, America must be seen as a willing facilitator. That also means we are going to have to spend some money. We are going to help spend money to relocate the settlers. We are going to help spend money, I believe, to compensate Palestinians who will not be returning to Israel. And let me make what I think is a very important point that has to be explicit.

The basis on which Prime Minister Sharon and his allies within his party and the greater majority of the Israeli people, the basis on which they are willing voluntarily to give up this territory that they won is essentially the need for Israel to be a Jewish democratic state in which there will be a sufficient Jewish majority, a sufficient majority that believes in the State of Israel, so that they can have the normal give-and-take of a democracy, which Israel alone in that area has, and not have it jeopardized.

That means getting out of Gaza, it means getting out of most of the West Bank, and it means no right of return, physically exercised by the Palestinians. Because how does it advance the cause of having a Jewish democratic state with a majority in Israel who believe in a Jewish State of Israel, if you

give up the territories where the Palestinians live, but bring the Palestinians into Israel. That does not work. So, clearly, there should be some compensation. But it should not come from America alone, and here I think we have a right to say to the Western Europeans, you have been very critical; there ought to be participation by the Western Europeans. I was glad to hear Vice Prime Minister Peres say the World Bank is participating in this.

So that is where we are, Mr. Speaker. We should recognize that two men, Mahmoud Abbas and Ariel Sharon, have committed themselves to peace. And I do not mean to equate them; there are great differences in their backgrounds and histories, but they are both in this position now. They are both moving in opposition to some with whom they have previously been allied to some who have formed their political bases in different ways, a more violent one in the case of the Palestinians, a more democratic one in the case of the Israelis.

They are prepared to break with them and to do what democratically elected officials do not always do, which is to say to their people we have to give a little; we have to give up some. We are not that good at that around here. When other people are prepared to tell their people to make sacrifices, I think we ought to understand how important that is and be fully supportive.

That means no resolutions here which are designed or will have the effect of unsettling things and making things harder. Mr. Speaker, I think that the Israeli Government and the Palestinians will be able to make peace, if they can, with no help from resolutions from this House. Yes, we should be willing to provide funding, funding to continue to support the Israelis' necessary self-defense capacity, funding to help relocate settlers, funding for the Palestinian Authority. But I think they do very well without a lot of politically motivated resolutions coming out of this place. And I hope that we will refrain from doing that.

I hope that the Arab world will fully support Abbas as he cracks down on those people who want to use murder to kill the peace process. I hope that the Europeans and others will get a little more balanced in this and not regard the democratic nation of Israel as the arch villain while, apparently, not being too concerned when the Syrians continue to oppress Lebanon.

I hope that the American Government, and I must say I think the Bush administration was absent more than it should have been, but with the death of Arafat we have this opportunity. And the opportunity should be to work with those people in Israel, Prime Minister Sharon, Shimon Peres, Ehud Olmert, and others, because they represent the majority in Israel, to say, look, we will be at your side. We understand you are being asked to make

painful sacrifices; we think they are in your long-term interests, although they will be short-term difficult.

That means getting out of Gaza and almost all of the West Bank, not mistreating Palestinians, defending yourself, but defending yourself with the full understanding of the importance, not just morally, but politically, of not doing anything that exacerbates, not appearing to be doing things for the purpose of seizing land rather than for protecting yourselves. If we are prepared to be fully supportive of the Israelis during that and recognize the importance of fair treatment for the Palestinians within the context of complete security for Israel, then we have a real chance.

So, Mr. Speaker, let me just say in closing, there is a lot of urging for us to do; but, in particular, I want to make this clear now: what happens in some of these resolutions that come forward, like the one on moving Jerusalem, we do not have enough time to debate them; we only have 40 minutes. I want to announce now, and I hope others will join me, we are not going to be quiescent if politically motivated resolutions come forward which will have the effect of causing troubles in the peace process.

I am a strong believer in the importance morally and in other ways of a vibrant, free, and democratic Israel. I want to do everything I can to promote that, and I think the best way to do that is to create the conditions in which Abbas and Sharon are able to come to a genuine agreement, which will mean a viable, independent Palestinian state in Gaza and most of the West Bank, and a secure, democratic Jewish Israel with Jerusalem as its capital. That is now within our reach. Not our reach, their reach. What we have to do is to be supportive and to restrain any political impulses to undercut that situation.

Mr. Speaker, I cannot think of a more solemn obligation or important task for us going forward.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. BECERRA, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. MOLLOHAN, for 5 minutes, today.

(The following Members (at the request of Mr. GOHMERT) to revise and extend their remarks and include extraneous material:)

Mr. OXLEY, for 5 minutes, today.

Mr. CAMP, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 384. An act to extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for 2 years; to the Committee on Government Reform.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 5. An act to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

ADJOURNMENT

Mr. CONAWAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. POE). Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Monday, February 21, 2005, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 66, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon (at 5 o'clock and 15 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 2 p.m. on Monday, February 21, 2005, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 66, in which case the House shall stand adjourned pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

850. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Proposed Data Collection, Reporting, and Recordkeeping Requirements Applicable to Cranberries Not Subject to the Cranberry Marketing Order [Docket No.

FV01-926-1 FR] received February 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

851. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Olives Grown in California; Redistricting and Reapportionment of Producer Membership on the California Olive Committee [Docket No. FV04-932-2 FR] received February 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

852. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Add Malaysia to List of Regions in Which Highly Pathogenic Avian Influenza Subtype H5N1 is Considered to Exist [Docket No. 04-091-1] received February 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

853. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide; Removal of Expired Time-limited Tolerances for Emergency Exemptions [OPP-2005-0025; FRL-7690-6] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

854. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Thiamethoxam; Pesticide Tolerances for Emergency Exemptions [OPP-2005-0015; FRL-7696-8] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

855. A letter from the Acting Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting a biennial strategic plan for the Defense Advanced Research Projects Agency (DARPA), pursuant to 10 U.S.C. 2352; to the Committee on Armed Services.

856. A letter from the Director, United States Mint, Department of the Treasury, transmitting the 32nd Quarterly Financial Report of the United States Mint Commemorative Coin Program, covering the first quarter of FY 2005, ending on December 31, 2004, related to commemorative coins authorized for 2003-2005, pursuant to Public Law 104-208, section 529(c) (110 Stat. 3009-352); to the Committee on Financial Services.

857. A letter from the Secretary, Bureau of Economics, Federal Trade Commission, transmitting the Commission's final rule — Charges for Certain Disclosures — received February 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

858. A letter from the Secretary, Department of Health and Human Services, transmitting the twenty-fourth annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and the Workforce.

859. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received February 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

860. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control Volatile Organic Com-

pound Emissions from Consumer Related Sources [R06-OAR-2005-TX-0001; FRL-7871-7] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

861. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference [WV100-6030; FRL-7861-3] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

862. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List for Uncontrolled Hazardous Waste Sites [FRL-7871-9] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

863. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan Maricopa County Environmental Services Department [AZ131-125; FRL-7860-8] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

864. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — South Carolina: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7870-2] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

865. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — XBRL Voluntary Financial Reporting Program on the EDGAR System (RIN: 3235-AJ32) received February 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

866. A letter from the Director, Defense Security Cooperation Agency, transmitting reports containing the 30 September 2004 status of loans and guarantees issued under the Arms Export Control Act, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

867. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: BE-10, Benchmark Survey of U.S. Direct Investment Abroad—2004 [Docket No. 040907254-4254-01] (RIN: 0691-AA52) received February 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

868. A letter from the Secretary, Council of the District of Columbia, transmitting a copy of Council Resolution 15-763, "Transfer of Jurisdiction of a Portion of Square 1171 Approval Resolution of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

869. A letter from the Executive Director, Broadcasting Board of Governors/International Broadcasting Bureau, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

870. A letter from the Under Secretary for Management, Department of Homeland Security, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

871. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting a copy of the annual report in compliance with the Government in

the Sunshine Act covering the calendar year 2004, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

872. A letter from the Chief of Staff, Federal Mediation and Conciliation Service, transmitting the FY 2004 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

873. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2006 Performance Budget, in accordance with the Government Performance and Results Act of 1993; to the Committee on Government Reform.

874. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for Calendar Year 2004, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

875. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Pay Administration (General) (RIN: 3206-AK74) received February 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

876. A letter from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

877. A letter from the Chair, U.S. Election Assistance Commission, transmitting the Commission's FY 2004 Annual Report, submitted in accordance with Section 207 of the Help America Vote Act of 2002 (HAVA); to the Committee on House Administration.

878. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Regulatory Program [WV-102-FOR] received February 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

879. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Regulatory Program [WV-102-FOR] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

880. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 041202339-4339-01; I.D.011905B] received February 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

881. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 041202339-4339-01; I.D.012405C] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

882. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041202339-4339-01; I.D. 012705A] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

883. A letter from the Counsel for Legislation and Regulations, Department of Hous-

ing and Urban Development, transmitting the Department's final rule — Extension of Minimum Funding Under the Indian Housing Block Grant Program [Docket No. FR-4825-I-03; HUD-2005-0001] (RIN: 2577-AC43) received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

884. A letter from the General Counsel, EOIB, Department of Justice, transmitting the Department's final rule — Background and Security Investigations in Proceedings Before Immigration Judges and the Board of Immigration Appeals [EOIR No. 1401; AG Order No. 2755-2005] (RIN: 1125-AA44) received February 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

885. A letter from the Secretary, Office of General Counsel, Federal Trade Commission, transmitting the Commission's final rule — Federal Civil Penalties Inflation Adjustment Act — received February 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

886. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Jet Route 187, and Revision of Jet Routes 180 and 181; MO [Docket No. FAA-2004-16091; Airspace Docket No. 03-ACE-74] (RIN: 2120-AA66) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

887. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class D Airspace; Springfield/Chicopee, MA [Docket No. FAA-2004-19601] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

888. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sedalia, MO. [Docket No. FAA-2004-19334; Airspace Docket No. 04-ACE-63] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

889. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sedalia, MO. [Docket No. FAA-2004-19334; Airspace Docket No. 04-ACE-63] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

890. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Standards: Transport Category Rotorcraft; Equipment: Flight and Navigation Instruments; Correction — received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

891. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Civil Penalty Assessment Procedures; Correction [Docket No. 27854; Amendment No. 13-32] (RIN: 2120-AE84) received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

892. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials; Incorporated of Exemptions into Regulations. [Docket No. RSPA-03-16370(HM-233)] (RIN: 2137-AD84) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

893. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs [FHWA-2003-14747] (RIN: 2125-AE97) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

894. A letter from the American Legion, transmitting the financial statement and independent audit of The American Legion proceedings of the 86th annual National Convention of the American Legion, held in Nashville, Tennessee from August 31, September 1, and 2, 2004 and a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. 109-8); to the Committee on Veterans' Affairs and ordered to be printed.

895. A letter from the Assistant Secretary for Import Administration, Department of Commerce, transmitting the annual report on the activities of the Foreign-Trade Zones Board for fiscal year 2003, pursuant to 19 U.S.C. 81p(c); to the Committee on Ways and Means.

896. A letter from the Acting Asst. Secretary & Acting Asst. U.S. Trade Rep., Department of Commerce and Office of the U.S. Trade Representative, transmitting a report entitled, "Subsidies Enforcement: Annual Report To The Congress"; to the Committee on Ways and Means.

897. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Rev. Proc. 2005-14) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

898. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Differential Earnings Rate for Mutual Life Insurance Companies [Notice 2005-18] received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

899. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Determining Income and Resources under the Supplemental Security Income (SSI) Program [Regulation No. 16] (RIN: 0960-AF84) received February 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

900. A letter from the Secretary and Attorney General, Departments of Health and Human Services and Justice, transmitting the seventh Annual Report on the Health Care Fraud and Abuse Control (HCFAC) Program for Fiscal Year 2003, pursuant to 42 U.S.C. 1395i; jointly to the Committees on Energy and Commerce and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HULSHOF (for himself, Mr. CRAMER, Mr. HERGER, Mr. SHAW, Mr. MCCREERY, Mr. CAMP, Mr. SAM JOHNSON of Texas, Mr. ENGLISH of Pennsylvania, Mr. HAYWORTH, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. BRADY of Texas, Mr. REYNOLDS, Mr. RYAN of Wisconsin, Mr. CANTOR, Ms. HART, Mr. CHOCOLA, Mr. BLUNT, Ms. PRYCE of Ohio, Mr. ABERCROMBIE, Mr. AKIN, Mr. BACHUS, Mr.

BAKER, Mr. BARTLETT of Maryland, Mr. BASS, Mrs. BIGGERT, Mr. BISHOP of Georgia, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mrs. BONO, Mr. BOOZMAN, Mr. BOUCHER, Mr. BRADLEY of New Hampshire, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CANNON, Mrs. CAPITO, Mr. CARDOZA, Mr. CHABOT, Mr. CONAWAY, Mr. COX, Mr. CRENSHAW, Mr. CULBERSON, Mrs. DRAKE, Mr. DREIER, Mr. EDWARDS, Mr. EHLERS, Mrs. EMERSON, Mr. EVERETT, Mr. FORBES, Mr. FORTUÑO, Mr. FOSSELLA, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. GORDON, Mr. GRAVES, Ms. HARRIS, Mr. HOEKSTRA, Mr. JOHNSON of Illinois, Mr. JONES of North Carolina, Mr. KENNEDY of Minnesota, Mr. KOLBE, Mr. LAHOOD, Mr. LOBIONDO, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MCHUGH, Mr. MCINTYRE, Mr. MCKEON, Mr. MANZULLO, Mr. MATHESON, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mrs. MUSGRAVE, Mr. OSBORNE, Mr. OTTER, Mr. PEARCE, Mr. PENCE, Mr. PITTS, Mr. PLATTS, Mr. REICHERT, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. RYUN of Kansas, Mr. SESSIONS, Mr. SHIMKUS, Mr. SHUSTER, Mr. SMITH of Texas, Mr. SOUDER, Mr. STEARNS, Mr. SULLIVAN, Mr. TANGREDO, Mr. TERRY, Mr. THORNBERRY, Mr. TIAHRT, Mr. TURNER, Mr. WALDEN of Oregon, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. WICKER, Mr. WILSON of South Carolina, and Mr. WOLF):

H.R. 8. A bill to make the repeal of the estate tax permanent.

By Mr. POMBO (for himself, Mr. RAHALL, Mr. FLAKE, Mr. ABERCROMBIE, Mr. BURTON of Indiana, Ms. BORDALLO, Mr. FALCOMAVAEGA, Mrs. CHRISTENSEN, Mr. CASE, Mr. YOUNG of Alaska, Mr. BLUNT, Mr. DOOLITTLE, Mr. CARDOZA, Mr. WALDEN of Oregon, Mr. FORTUÑO, Mr. REHBERG, Mr. RADANOVICH, Mr. COLE of Oklahoma, Mr. GILCHREST, and Mr. CANTOR):

H.R. 873. A bill to provide for a nonvoting delegate to the House of Representatives to represent the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Resources.

By Mr. NORWOOD (for himself, Mr. BOEHNER, Mr. SAM JOHNSON of Texas, Mr. MCKEON, Mr. SOUDER, Mrs. BIGGERT, Mr. KELLER, Mr. WILSON of South Carolina, Mr. KLINE, Mrs. MUSGRAVE, Mr. INGLIS of South Carolina, Mrs. DRAKE, Mr. KINGSTON, Mr. LINDER, Mr. DEAL of Georgia, Mr. KING of Iowa, Mr. HAYWORTH, Mr. WICKER, Mr. BRADY of Texas, Mr. CULBERSON, Mr. GARRETT of New Jersey, Mr. BURTON of Indiana, Mr. SULLIVAN, Mr. OTTER, Mr. PENCE, Mrs. BLACKBURN, Mr. GALLEGLY, Mr. GILLMOR, Mr. BARTLETT of Maryland, Mr. AKIN, Mr. PITTS, Mr. HAYES, Mr. DOOLITTLE, Mr. SESSIONS, Mr. GARY G. MILLER of California, Mr. CHABOT, Mr. COBLE, Mr. BROWN of South Carolina, Mr. FLAKE, Mr. FRANKS of Arizona, Mr. JONES of North Carolina, and Mr. MANZULLO):

H.R. 874. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board; to the Committee on Education and the Workforce.

By Mr. WELLER:

H.R. 875. A bill to amend the Internal Revenue Code of 1986 to allow businesses to expense qualified security devices; to the Committee on Ways and Means.

By Mr. WELLER:

H.R. 876. A bill to amend part E of title IV of the Social Security Act to increase payments to States for expenditures for short term training of staff of certain child welfare agencies; to the Committee on Ways and Means.

By Mr. WELLER (for himself, Mr. BECERRA, and Mrs. JOHNSON of Connecticut):

H.R. 877. A bill to amend the Internal Revenue Code of 1986 to expand the expensing of environmental remediation costs; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. MARKEY, Mr. PALLONE, Mr. RUSH, Mr. TOWNS, Mr. STRICKLAND, Mr. BOUCHER, Ms. SCHAKOWSKY, Mrs. CAPPS, Mr. INSLEE, Mr. WAXMAN, Ms. BALDWIN, Mr. ENGEL, Mr. WYNN, Mr. STUPAK, Mr. ALLEN, Mr. GORDON, Mr. DOYLE, Mr. BROWN of Ohio, Ms. DEGETTE, and Ms. SOLIS):

H.R. 878. A bill to improve the reliability of the Nation's electric transmission system; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Ms. SOLIS, Mrs. CAPPS, Mr. WYNN, Ms. SCHAKOWSKY, Mr. PALLONE, Ms. BALDWIN, Mr. MARKEY, and Mr. STUPAK):

H.R. 879. A bill to amend the Solid Waste Disposal Act to provide for secondary containment to prevent MTBE and petroleum contamination; to the Committee on Energy and Commerce.

By Mr. KIND (for himself, Mr. OSBORNE, Mr. TAYLOR of Mississippi, Mr. OBERSTAR, Mr. ROSS, Mrs. CHRISTENSEN, Mr. PETERSON of Minnesota, Mr. STUPAK, Mr. KILDEE, Mr. MCHUGH, and Mr. MARSHALL):

H.R. 880. A bill to amend part C of title XVIII of the Social Security Act to require Medicare Advantage (MA) organizations to pay for critical access hospital services and rural health clinic services at a rate that is at least 101 percent of the payment rate otherwise applicable under the Medicare Program; 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 Mr. WELDON of Florida (for himself and Mrs. MALONEY):

H.R. 881. A bill to amend the Federal Food, Drug, and Cosmetic Act to reduce human exposure to mercury through vaccines; to the Committee on Energy and Commerce.

By Mr. BOEHLERT:

H.R. 882. A bill to require the National Oceanic and Atmospheric Administration, through the National Weather Service, to establish a tsunami hazard mitigation program for all United States coastal States and insular areas; to the Committee on Science.

By Mr. DAVIS of Alabama (for himself, Mr. LEACH, Mr. ROGERS of Alabama, Mr. HINOJOSA, Mr. SANDERS, Mr. PAUL, Mr. MCHUGH, and Mr. CONYERS):

H.R. 883. A bill to amend the Internal Revenue Code of 1986 to allow a first time homebuyer credit for the purchase of principal residences located in rural areas; to the Committee on Ways and Means.

By Mr. CANNON (for himself, Mr. BERMAN, Mr. RADANOVICH, Mr. PETERSON of Minnesota, Mr. PUTNAM, Mr. REYES, Mr. LINCOLN DIAZ-BALART of

Florida, Ms. JACKSON-LEE of Texas, Mr. LAHOOD, Mr. COSTA, Mr. NUNES, Ms. HOOLEY, Mr. MARIO DIAZ-BALART of Florida, Mr. MCGOVERN, Ms. SOLIS, and Mr. REYNOLDS):

H.R. 884. A bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes; to the Committee on the Judiciary.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. SMITH of New Jersey, and Mr. BERMAN):

H.R. 885. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine; to the Committee on Ways and Means.

By Mr. KOLBE (for himself and Mr. CROWLEY):

H.R. 886. A bill to extend certain trade preferences to certain least-developed countries, and for other purposes; to the Committee on Ways and Means.

By Mr. FORD:

H.R. 887. A bill to provide for a program under which postal benefits shall be made available for purposes of certain personal correspondence and other mail matter sent from within the United States to members of the Armed Forces serving on active duty abroad who are engaged in military operations, and for other purposes; to the Committee on Government Reform, 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. REGULA (for himself, Mr. NORWOOD, Mr. LATHAM, Mr. RYAN of Ohio, Mr. BOSWELL, Mr. HINCHEY, Mr. RAHALL, Mr. MEEHAN, Mr. BROWN of Ohio, Mr. BARROW, Mr. DOYLE, Mr. WILSON of South Carolina, Mr. WAMP, Mr. MURTHA, Mr. McNULTY, Mrs. KELLY, Mr. LEACH, Mr. TIERNEY, Mr. BROWN of South Carolina, Mr. CLYBURN, Mr. NEY, and Mr. SWEENEY):

H.R. 888. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. LOBIONDO, and Mr. FILNER):

H.R. 889. A bill to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 890. A bill to provide for the establishment of national and global tsunami warning systems and to provide assistance for the relief and rehabilitation of victims of the Indian Ocean tsunami and for the reconstruction of tsunami-affected countries; to the Committee on International Relations, and in addition to the Committees on Resources, and Science, 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. BACA (for himself, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, Mr. WYNN, Mr. TOWNS, Mr. MCGOVERN, Mr. FALCOMAVAEGA, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CLAY, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. PAYNE, and Mr. OWENS):

H.R. 891. A bill to provide for the award of a gold medal on behalf of the Congress to Tiger Woods, in recognition of his service to the Nation in promoting excellence and good sportsmanship, and in breaking barriers with grace and dignity by showing that golf is a sport for all people; to the Committee on Financial Services.

By Mr. BACA (for himself, Mr. BURTON of Indiana, Mr. PETERSON of Pennsylvania, Mr. MURTHA, Mr. MCCRERY, Mr. SHAW, Mr. GRIJALVA, Mr. MCGOVERN, Mr. FALCONE, Mr. WALSH, Ms. HART, and Mr. BLUNT):

H.R. 892. A bill to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf; to the Committee on Financial Services.

By Mr. BECERRA (for himself, Mr. CASE, Mr. MCDERMOTT, Mr. GUTIERREZ, Mr. MORAN of Virginia, Ms. SOLIS, Mr. PAYNE, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. ABERCROMBIE, Mr. DAVIS of Tennessee, Ms. ROYBAL-ALDARDO, Ms. LEE, Mr. BERMAN, Mr. HONDA, and Ms. BORDALLO):

H.R. 893. A bill to allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes; to the Committee on the Judiciary.

By Mr. BECERRA (for himself and Mr. BROWN of Ohio):

H.R. 894. A bill to assist low income taxpayers in preparing and filing their tax returns and to protect taxpayers from unscrupulous refund anticipation loan providers, and for other purposes; to the Committee on Ways and Means, 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 Ms. BERKLEY (for herself, Mr. MATHESON, Ms. CARSON, Mr. MARKEY, and Mr. RANGEL):

H.R. 895. A bill to provide for interagency planning for preparing for, defending against, and responding to the consequences of terrorist attacks against the Yucca Mountain Project, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on 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. BILIRAKIS (for himself, Ms. ESHOO, Mr. UPTON, Mr. SHAYS, Mr. MARKEY, Mr. INSLEE, Mr. ALLEN, Mr. RUSH, Mr. TOWNS, Ms. SLAUGHTER, and Mr. WAXMAN):

H.R. 896. A bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on health and human services, including volunteer services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CAMP (for himself, Mr. LEVIN, Mr. RANGEL, Mr. FOLEY, Mr. RAMSTAD, Mr. RYAN of Wisconsin, Mr. GORDON, Mr. ENGLISH of Pennsylvania, Mrs. JOHNSON of Connecticut, Mr. NEAL of Massachusetts, Mr. DELAHUNT, Mr. MANZULLO, Mrs. MCCARTHY, Mr. MCHUGH, Mr. STARK, Mr. LEWIS of Georgia, Mr. COLE of Oklahoma, and Mr. EHLERS):

H.R. 897. A bill to restore and make permanent the exclusion from gross income for amounts received under qualified group legal

services plans and to increase the maximum amount of the exclusion; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself, Mr. PICKERING, Mr. GORDON, Mr. FOLEY, Ms. ESHOO, Mr. MCCOTTER, Mr. GENE GREEN of Texas, Mr. WYNN, Ms. SOLIS, Mr. GEORGE MILLER of California, Mr. CUMMINGS, Mr. FARR, Mr. MOORE of Kansas, Mr. ABERCROMBIE, Mr. MATHESON, Mr. OWENS, Mr. LANTOS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. MCNULTY, Mr. LYNCH, Mrs. DAVIS of California, Mr. WEXLER, Mr. ORTIZ, and Mr. DOGGETT):

H.R. 898. A bill to amend the Public Health Service Act to strengthen education, prevention, and treatment programs relating to stroke, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CARDIN (for himself, Mr. ENGLISH of Pennsylvania, Mr. LEVIN, Ms. ROS-LEHTINEN, Mr. MCDERMOTT, and Mr. BECERRA):

H.R. 899. A bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a 2-year extension of supplemental security income in fiscal years 2006 through 2008 for refugees, asylees, and certain other humanitarian immigrants; to the Committee on Ways and Means.

By Mr. CASE (for himself, Mr. HONDA, Mr. SERRANO, Mr. TOWNS, Mr. CROWLEY, Mr. MEEKS of New York, Ms. BORDALLO, Mr. GRIJALVA, Mr. ABERCROMBIE, Ms. JACKSON-LEE of Texas, and Mr. FALCONE):

H.R. 900. A bill to amend the Immigration and Nationality Act to remove from an alien the initial burden of establishing that he or she is entitled to nonimmigrant status under section 101(a)(15)(B) of such Act, in the case of certain aliens seeking to enter the United States for a temporary stay occasioned by the serious illness or death of a United States citizen or an alien lawfully admitted for permanent residence, and for other purposes; to the Committee on the Judiciary.

By Mr. CASE (for himself, Mr. SCOTT of Virginia, Ms. BORDALLO, and Mr. FILLNER):

H.R. 901. A bill to amend the Immigration and Nationality Act to give priority in the issuance of immigrant visas to the sons and daughters of Filipino World War II veterans who are or were naturalized citizens of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. CASTLE (for himself and Mrs. MALONEY):

H.R. 902. A bill to improve circulation of the \$1 coin, create a new bullion coin, and for other purposes; to the Committee on Financial Services.

By Mr. COOPER (for himself, Mr. TANNER, Mr. CARDOZA, Mr. MATHESON, Mr. BOYD, Mr. ROSS, Mr. BARROW, Mr. CASE, Mr. MICHAUD, Mr. DAVIS of Tennessee, Mr. SALAZAR, Ms. HARMAN, Mr. THOMPSON of California, Mr. COSTA, Mr. BOSWELL, Ms. HERSETH, Mr. MOORE of Kansas, Mr. SCOTT of Georgia, Mr. CHANDLER, Mr. FORD, Mr. BERRY, Mr. HOLDEN, Mr. MCINTYRE, Mr. BISHOP of Georgia, Mr. SCHIFF, and Mr. TAYLOR of Mississippi):

H.R. 903. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget Act of 1974 to extend the discretionary spending caps and the pay-as-you-go requirement, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for con-

sideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN:

H.R. 904. A bill to provide for the disposition of United States Government uranium inventories; to the Committee on Energy and Commerce.

By Mrs. CUBIN:

H.R. 905. A bill to amend the Mineral Leasing Act to provide for the development of Federal coal resources; to the Committee on Resources.

By Mrs. CUBIN:

H.R. 906. A bill to amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts, and for other purposes; to the Committee on Resources.

By Mrs. CUBIN:

H.R. 907. A bill to amend the Outer Continental Shelf Lands Act to authorize the Secretary of the Interior to grant easements and rights-of-way on the Outer Continental Shelf for activities otherwise authorized by that Act; to the Committee on Resources.

By Mr. CUMMINGS:

H.R. 908. A bill to establish within the United States Marshals Service a short term State witness protection program to provide assistance to State and local district attorneys to protect their witnesses in cases involving homicide, serious violent felonies, and serious drug offenses, and to provide Federal grants for such protection; to the Committee on the Judiciary.

By Mr. CUMMINGS:

H.R. 909. A bill to provide for the establishment of a hazardous materials cooperative research program; to the Committee on Science, 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. DAVIS of Illinois (for himself and Mr. SHIMKUS):

H.R. 910. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TOM DAVIS of Virginia (for himself, Mr. MORAN of Virginia, Mr. GRAVES, Ms. NORTON, Mr. EHLERS, Mr. PEARCE, and Mr. HAYES):

H.R. 911. A bill to require the Secretary of Homeland Security to develop and implement standards for the operation of non-scheduled, commercial air carrier (air charter) and general aviation operations at Ronald Reagan Washington National Airport; to the Committee on Transportation and Infrastructure.

By Mr. DELAHUNT (for himself, Mr. DELAY, Mr. LANTOS, Ms. PRYCE of Ohio, Mr. BLUNT, Mr. KOLBE, Mr. SHAYS, Mr. CRAMER, Mr. SMITH of New Jersey, Mr. PORTER, Mr. MCGOVERN, Mr. FOLEY, Mr. CARDOZA, and Mr. POMEROY):

H.R. 912. A bill to ensure the protection of beneficiaries of United States humanitarian assistance; to the Committee on International Relations.

By Mr. DREIER (for himself, Ms. ESHOO, Mr. BLUNT, Mr. CROWLEY, Mr. SHADEGG, Mr. WU, Mr. CANTOR, Mr. INSLEE, Mr. ROYCE, Mr. MCINTYRE, Mr. GARY G. MILLER of California, Ms. ZOE LOFGREN of California, Mr. HEFLEY, Mr. LANTOS, Mrs.

BLACKBURN, Mr. MILLER of North Carolina, Mr. COX, Mr. SMITH of Texas, Mr. SIMPSON, Mr. ROGERS of Michigan, Mr. HAYWORTH, Mr. SENBRENNER, and Mr. WILSON of South Carolina):

H.R. 913. A bill to direct the Securities and Exchange Commission to require enhanced disclosures of employee stock options, and to require a study on the economic impact of broad-based employee stock option plans, and for other purposes; to the Committee on Financial Services.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. PUTNAM):

H.R. 914. A bill to amend the Internal Revenue Code of 1986 to provide parity in reporting requirements for national party committees and unregulated political organizations, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Ms. HART, Mr. MCGOVERN, Mr. MCDERMOTT, Mr. HOLDEN, and Mr. PAYNE):

H.R. 915. A bill to authorize the President to take certain actions to protect archaeological or ethnological materials of Afghanistan; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. BLUNT, Mr. CARDIN, and Mr. PALLONE):

H.R. 916. A bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps; 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. FILNER:

H.R. 917. A bill to amend title 38, United States Code, to permit eligible veterans to receive direct access to chiropractic care; to the Committee on Veterans' Affairs.

By Mr. FLAKE (for himself, Mr. PAUL, Mr. BURTON of Indiana, Mr. WAMP, and Mr. MILLER of Florida):

H.R. 918. A bill to contain the costs of the Medicare prescription drug program under part D of title XVIII of the Social Security Act, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Rules, 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. FOLEY:

H.R. 919. A bill to amend the Internal Revenue Code of 1986 to treat certain publicly-traded debt issued or guaranteed by Federal, State, or local governments as qualified non-recourse financing; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. MACK, Mr. BOYD, Mr. HAYWORTH, Mr. OTTER, Mr. LEWIS of Kentucky, Mr. COOPER, Ms. ROS-LEHTINEN, Mr. DOOLITTLE, Mr. CHABOT, Mr. SESSIONS, Mr. SHAW, Mr. RENZI, Mr. GARRETT of New Jersey, Mr. TIBERI, and Mr. SAM JOHNSON of Texas):

H.R. 920. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction; to the Committee on Ways and Means.

By Mr. FORBES (for himself, Mr. TOWNS, Mr. BAKER, Mr. ROSS, Mr. MARSHALL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, and Mr. BISHOP of Georgia):

H.R. 921. A bill to establish a digital and wireless network technology program, and

for other purposes; to the Committee on Science, and in addition to the Committee on Education and the Workforce, 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. FORD:

H.R. 922. A bill to improve treatment of post-traumatic stress disorder for veterans of service in Afghanistan and Iraq and the war on terrorism; 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. FOSSELLA (for himself, Mr. KING of New York, Mr. TOWNS, Mr. PETRI, and Mr. KIND):

H.R. 923. A bill to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and parcels sent by family members from within the United States to members of the Armed Forces serving on active duty in Iraq or Afghanistan; to the Committee on Government Reform.

By Mr. FOSSELLA (for himself, Mr. RANGEL, and Mr. GREEN of Wisconsin):

H.R. 924. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for uncompensated education costs incurred by veterans' survivors and dependents who are in receipt of educational assistance under chapter 35 of title 38, United States Code; to the Committee on Ways and Means.

By Mr. GALLEGLY (for himself, Mr. CHABOT, Mr. KING of Iowa, Mr. SMITH of Texas, Mr. ROHRBACHER, Mr. NORWOOD, Mr. SAM JOHNSON of Texas, Mr. HEFLEY, Mr. SIMPSON, Mr. GARRETT of New Jersey, Mr. WELDON of Florida, Mrs. JO ANN DAVIS of Virginia, Mr. GARY G. MILLER of California, Mr. SULLIVAN, Mr. FORBES, Mr. BAKER, Mr. GOODE, Mr. BARRETT of South Carolina, Mr. GOHMERT, and Mr. UPTON):

H.R. 925. A bill to prohibit a Federal agency from accepting a form of individual identification issued by a foreign government, except a passport that is accepted on the date of enactment; to the Committee on Government Reform, and in addition to the Committees on the Judiciary, House Administration, and 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. GERLACH (for himself and Mr. SMITH of New Jersey):

H.R. 926. A bill to amend title 38, United States Code, to authorize Department of Veterans Affairs police officers to execute on Department property arrest warrants of a State or local government within the jurisdiction of which such Department property is located; to the Committee on Veterans' Affairs, and in addition to the Committee on the Judiciary, 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. GILLMOR (for himself, Mr. ROSS, Mr. JENKINS, Mr. WOLF, Mr. GOODE, Mr. SOUDER, Mr. OXLEY, and Mr. LIPINSKI):

H.R. 927. A bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States; to the Committee on Resources.

By Mr. GUTIERREZ (for himself, Mr. FRANK of Massachusetts, Mrs.

MALONEY, Mr. HINOJOSA, Mr. MEEKS of New York, Ms. SOLIS, Ms. WATERS, Mr. CROWLEY, Mr. AL GREEN of Texas, Ms. LEE, Mr. ACKERMAN, and Ms. WASSERMAN SCHULTZ):

H.R. 928. A bill to amend the Electronic Fund Transfer Act to extend certain consumer protections to international remittance transfers of funds originating in the United States, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on International Relations, 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 Ms. HART (for herself, Mr. ENGLISH of Pennsylvania, Mr. DOYLE, and Mr. MURPHY):

H.R. 929. A bill to designate Pennsylvania State Route 60 and United States Routes 22 and 30 as part of the Dwight D. Eisenhower National System of Interstate and Defense Highways, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HAYWORTH (for himself, Mr. FOLEY, Mr. JEFFERSON, Mr. RAMSTAD, Mr. LEWIS of Kentucky, Mr. ENGLISH of Pennsylvania, Mr. WELLER, Mr. SHAW, and Mr. CANTOR):

H.R. 930. A bill to amend the Internal Revenue Code of 1986 to provide that seven year class life for motorsports entertainment complex property be made permanent; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself, Mr. KING of Iowa, Mr. OTTER, Mr. ENGLISH of Pennsylvania, and Mr. SIMPSON):

H.R. 931. A bill to require Congress and the President to fulfill their constitutional duty to take personal responsibility for Federal laws; to the Committee on the Judiciary, and in addition to the Committee on Rules, 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. HEFLEY (for himself, Mr. SESSIONS, and Mr. GARY G. MILLER of California):

H.R. 932. A bill to require the Secretary of the Treasury to mint coins in commemoration of Ronald Wilson Reagan, the 40th President of the United States; to the Committee on Financial Services.

By Ms. HERSETH (for herself and Mr. RENZI):

H.R. 933. A bill to grant a Federal charter to the National American Indian Veterans, Incorporated; to the Committee on the Judiciary.

By Mr. HINCHEY (for himself, Mr. KILDEE, Mr. GOODE, Mr. OWENS, Mr. McNULTY, Mr. EVANS, Ms. WOOLSEY, Mr. KENNEDY of Rhode Island, and Mr. BISHOP of New York):

H.R. 934. A bill to amend the Internal Revenue Code of 1986 to allow a \$1,000 refundable credit for individuals who are bona fide volunteer members of volunteer firefighting and emergency medical service organizations; to the Committee on Ways and Means.

By Mr. HONDA (for himself and Mr. ROYCE):

H.R. 935. A bill to urge the Government of Ethiopia to hold orderly, peaceful, and free and fair national elections in May 2005 and to authorize United States assistance for elections-related activities to monitor the Ethiopian national elections; to the Committee on International Relations.

By Mr. HONDA (for himself, Mr. MORAN of Virginia, Ms. LEE, Mr. EVANS, Mr. MEEKS of New York, Mr. SCHIFF, Mr. GRIJALVA, Mr. ABERCROMBIE, Ms. JACKSON-LEE of Texas,

Mr. FARR, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LINDA T. SÁNCHEZ of California, Mr. CONYERS, Ms. SOLIS, Mr. GENE GREEN of Texas, and Ms. BORDALLO):

H.R. 936. A bill to provide for immigration relief in the case of certain immigrants who are innocent victims of immigration fraud; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas (for herself, Ms. WATSON, Mr. RUSH, Ms. LEE, Mr. BRADY of Pennsylvania, Mr. HASTINGS of Florida, Ms. KILPATRICK of Michigan, Mr. McDERMOTT, Mr. CONYERS, Mr. SERRANO, Mrs. MALONEY, Mr. BISHOP of Georgia, Mr. PALLONE, Mr. BROWN of Ohio, and Mr. MEEKS of New York):

H.R. 937. A bill to direct the Architect of the Capitol to enter into a contract to revise the statue commemorating women's suffrage located in the rotunda of the United States Capitol to include a likeness of Sojourner Truth; to the Committee on House Administration.

By Mrs. JOHNSON of Connecticut (for herself and Mr. OLVER):

H.R. 938. A bill to establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes; to the Committee on Resources.

By Mrs. JONES of Ohio:

H.R. 939. A bill to amend the Help America Vote Act of 2002 to require a voter-verified paper record, to improve provisional balloting, to impose additional requirements under such Act, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, 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. KELLER (for himself, Mr. EHLERS, Mr. HOEKSTRA, Mr. WELDON of Florida, Mr. SHAW, Ms. ROSLEHTINEN, Mr. FOLEY, Ms. HARRIS, Mr. DICKS, Mr. JONES of North Carolina, Mr. DUNCAN, Mr. RENZI, Mr. BROWN of South Carolina, Mrs. MILLER of Michigan, Mr. TAYLOR of Mississippi, and Mr. UPTON):

H.R. 940. A bill to amend the Longshore and Harbor Workers' Compensation Act to clarify the exemption for recreational vessel support employees, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. KELLY:

H.R. 941. A bill to amend the Internal Revenue Code of 1986 to modify the limitation on the deduction for college tuition and related expenses and to make the deduction permanent; to the Committee on Ways and Means.

By Ms. KILPATRICK of Michigan (for herself, Mr. McDERMOTT, and Ms. NORTON):

H.R. 942. A bill to require government agencies carrying out surface transportation projects to conduct a cost-benefit analysis before procuring architectural, engineering, and related services from a private contractor, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, 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. LANGEVIN (for himself, Mr. KENNEDY of Rhode Island, and Mr. CONYERS):

H.R. 943. A bill to direct the Consumer Product Safety Commission to issue standards addressing open flame ignition of con-

sumer products containing polyurethane foam; to the Committee on Energy and Commerce.

By Mr. LEACH (for himself and Mr. GORDON):

H.R. 944. A bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes; to the Committee on Energy and Commerce.

By Ms. LEE (for herself, Mr. BROWN of Ohio, Mrs. CHRISTENSEN, Mrs. MCCARTHY, Mr. HASTINGS of Florida, Mr. RUSH, Mr. WYNN, Mr. OWENS, Mr. PAYNE, Mr. SANDERS, Mr. GRIJALVA, Ms. NORTON, Mr. RANGEL, Mr. TOWNS, Mr. WEXLER, Ms. WOOLSEY, Mr. CUMMINGS, Ms. CARSON, Ms. MOORE of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, Mr. CONYERS, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, and Ms. WATERS):

H.R. 945. A bill to provide assistance to combat infectious diseases in Haiti and to establish a comprehensive health infrastructure in Haiti, and for other purposes; to the Committee on International Relations.

By Ms. LEE (for herself, Mr. CONYERS, Ms. KILPATRICK of Michigan, Mrs. JONES of Ohio, Mr. OWENS, Mr. GRIJALVA, Ms. NORTON, Mr. RANGEL, Mr. TOWNS, Mr. BROWN of Ohio, and Ms. WATERS):

H.R. 946. A bill to establish the Independent Commission on the 2004 Coup d'Etat in the Republic of Haiti; to the Committee on International Relations.

By Mr. LEWIS of Kentucky (for himself, Mr. CARDOZA, Mr. BISHOP of Utah, Mr. ETHERIDGE, Mr. LAHOOD, Mr. BUTTERFIELD, and Mr. BARTLETT of Maryland):

H.R. 947. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit against income tax for individuals who purchase a residential safe storage device for the safe storage of firearms; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. KING of New York, Mr. ACKERMAN, Mr. HINCHEY, Mr. RANGEL, Mr. NADLER, Mr. BISHOP of New York, Mr. SERRANO, Mrs. LOWEY, Mrs. MCCARTHY, Mr. TOWNS, and Mr. McNULTY):

H.R. 948. A bill to amend title 10, United States Code, to provide that members of the National Guard who served in the counties declared Federal disasters areas in response to the September 11, 2001, terrorist attacks on the United States, and who served under State duty so that they could immediately assist in the response to the terrorist attacks should have that service counted as Federal active duty for purposes of military retirement credit; to the Committee on Armed Services.

By Mrs. MALONEY (for herself and Ms. PRYCE of Ohio):

H.R. 949. A bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Mr. RANGEL, Ms. MILLENDER-MCDONALD, Mr. WEXLER, and Mr. GONZALEZ):

H.R. 950. A bill to authorize assistance to support programs to protect children who are homeless or orphaned as a result of the tsunamis that occurred on December 26, 2004, in the Indian Ocean from becoming victims of trafficking; to the Committee on International Relations.

By Mr. MARKEY:

H.R. 951. A bill to reinstate the Federal Communications Commission's rules for the

description of video programming; to the Committee on Energy and Commerce.

By Mr. MARKEY (for himself, Mr. FILLNER, Mr. OWENS, Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. HONDA, Ms. MCCOLLUM of Minnesota, Mr. KUCINICH, Mr. HINCHEY, Mr. LANTOS, Mr. PASTOR, Mr. SERRANO, Mr. McDERMOTT, Mr. BLUMENAUER, Mr. MCGOVERN, Mr. SANDERS, Mr. GEORGE MILLER of California, Mr. HOLT, Mr. OLVER, Mr. STARK, Mrs. DAVIS of California, Ms. LEE, Ms. WOOLSEY, Mr. WAXMAN, Mr. SABO, Mr. DOGGETT, Mr. CONYERS, Mr. TIERNEY, Mr. ALLEN, Mr. DAVIS of Illinois, Mrs. MALONEY, and Ms. MILLENDER-MCDONALD):

H.R. 952. A bill to prohibit the transfer or return of persons by the United States, for the purpose of detention, interrogation, trial, or otherwise, to countries where torture or other inhuman treatment of persons occurs; to the Committee on International Relations.

By Mr. MENENDEZ (for himself, Mr. BURTON of Indiana, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. DELAHUNT, Mrs. NAPOLITANO, Ms. HARRIS, Mr. MEEKS of New York, Mr. PAYNE, Ms. LEE, Mr. BERMAN, Mr. ACKERMAN, Mr. SHERMAN, Mr. WEXLER, Mr. ENGEL, Mr. CROWLEY, Ms. CORRINE BROWN of Florida, Mr. GONZALEZ, Mr. RUSH, Mr. MCGOVERN, Mr. GUTIERREZ, Mr. RANGEL, Mr. OWENS, Mr. SERRANO, Mr. REYES, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Ms. VELÁZQUEZ, Ms. LINDA T. SÁNCHEZ of California, and Mr. BACA):

H.R. 953. A bill to authorize the establishment of a Social Investment and Economic Development Fund for the Americas to provide assistance to reduce poverty and foster increased economic opportunity in the countries of the Western Hemisphere, and for other purposes; to the Committee on International Relations, 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. NEY (for himself and Mr. HOLDEN):

H.R. 954. A bill to improve the safety of rural roads; to the Committee on Transportation and Infrastructure.

By Mr. OLVER (for himself and Mr. GILCHREST):

H.R. 955. A bill to amend the Clean Air Act to establish an inventory, registry, and information system of United States greenhouse gas emissions to inform the public and private sectors concerning, and encourage voluntary reductions in, greenhouse gas emissions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OLVER (for himself, Mr. BASS, Mr. BRADLEY of New Hampshire, Mr. MCGOVERN, Mr. MARKEY, Mr. MEEHAN, and Mr. TIERNEY):

H.R. 956. A bill to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes; to the Committee on Resources.

By Ms. PELOSI (for herself and Mr. LANTOS):

H.R. 957. A bill to clarify the authorities for the use of certain National Park Service properties within Golden Gate National Recreation Area and San Francisco Maritime National Historical Park, and for other purposes; to the Committee on Resources.

By Mr. PETRI (for himself, Mr. KANJORSKI, and Mr. RAHALL):

H.R. 958. A bill to amend the Internal Revenue Code of 1986 to provide a credit and a deduction for small political contributions; to the Committee on Ways and Means.

By Mr. PITTS (for himself, Mr. ENGLISH of Pennsylvania, Mr. NEUGEBAUER, Mr. OTTER, Mr. HASTINGS of Florida, Mr. TAYLOR of Mississippi, and Ms. HOOLEY):

H.R. 959. A bill to amend title 49, United States Code, to allow additional transit systems greater flexibility with certain mass transportation projects; to the Committee on Transportation and Infrastructure.

By Mr. PLATTS:

H.R. 960. A bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act; to the Committee on Government Reform.

By Mr. PLATTS:

H.R. 961. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and to increase the lump sum death payment to reflect changes in the cost of living; to the Committee on Ways and Means.

By Mr. PLATTS (for himself and Mr. SKELTON):

H.R. 962. A bill to amend title 10, United States Code, to allow faculty members at Department of Defense service academies and schools of professional military education to secure copyrights for certain scholarly works that they produce as part of their official duties in order to submit such works for publication, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and 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 Ms. PRYCE of Ohio (for herself and Mr. MURTHA):

H.R. 963. A bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, and for other purposes; 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. RENZI (for himself, Mr. ABERCROMBIE, Mr. LYNCH, Mr. TERRY, Mr. ROSS, and Mrs. JO ANN DAVIS of Virginia):

H.R. 964. A bill to amend title XVIII of the Social Security Act to recognize the services of respiratory therapists under the plan of care for home health services; 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 Ms. ROS-LEHTINEN (for herself, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 965. A bill to hold accountable Members of Congress who advocate on behalf of a foreign person or commercial entity for the

purpose of influencing or seeking a change in a law or regulation of the United States that would ease any restriction on a state sponsor of terrorism, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on International Relations, 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. SAXTON:

H.R. 966. A bill to require the Nuclear Regulatory Commission to consider certain criteria in relicensing nuclear facilities, and to provide for an independent assessment of the Oyster Creek Nuclear Generating Station by the National Academy of Sciences prior to any relicensing of that facility; to the Committee on Energy and Commerce.

By Mr. SAXTON:

H.R. 967. A bill to provide that normal trade relations treatment may not be extended to the products of any country the government of which engages in certain violations of human rights; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. FOLEY, Mr. BILIRAKIS, Mr. WILSON of South Carolina, Mr. SMITH of New Jersey, Mr. LYNCH, Mr. PAUL, Mr. WHITFIELD, Mr. EDWARDS, Mr. MILLER of Florida, Mr. BROWN of South Carolina, Mr. MCGOVERN, Mr. ANDREWS, Mr. CALVERT, Mr. TOM DAVIS of Virginia, Mr. PICKERING, and Mr. LOBIONDO):

H.R. 968. A bill to amend title 10, United States Code, to change the effective date for paid-up coverage under the military Survivor Benefit Plan from October 1, 2008, to October 1, 2005; to the Committee on Armed Services.

By Ms. SCHAKOWSKY (for herself, Ms. SOLIS, Ms. NORTON, Mr. EVANS, Mr. MCGOVERN, Mr. DOGGETT, Mr. SERRANO, Mr. WEXLER, Mr. BRADY of Pennsylvania, Mr. SANDERS, Ms. KILPATRICK of Michigan, Mr. BUTTERFIELD, Mr. MCDERMOTT, Mr. STARK, Mr. NADLER, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Ms. CARSON, and Ms. WOOLSEY):

H.R. 969. A bill to provide additional protections for recipients of the earned income tax credit, and for other purposes; to the Committee on Ways and Means, 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. SCHIFF (for himself and Mrs. BONO):

H.R. 970. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMMONS:

H.R. 971. A bill to extend the deadline for commencement of construction of certain hydroelectric projects in Connecticut, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Mr. PAYNE, Mr. BLUNT, Mr. WOLF, Mr. CARDIN, Ms. ROS-LEHTINEN, Mr. PITTS, Mr. PENCE, and Mr. FALEOMAVAEGA):

H.R. 972. A bill to authorize appropriations for fiscal years 2006 and 2007 for the Traf-

ficking Victims Protection Act of 2000, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Armed Services, the Judiciary, and 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 Mr. SMITH of Washington (for himself, Mr. SHAYS, Mr. SHERMAN, Mr. ENGLISH of Pennsylvania, Mr. KIND, Mr. WOLF, Mr. EMANUEL, Mr. HEFLEY, and Mr. DAVIS of Florida):

H.R. 973. A bill to establish the Program Reform Commission to review unnecessary Federal programs and make recommendations for termination, modification, or retention of such programs, and to express the sense of the Congress that the Congress should promptly consider legislation that would make the changes in law necessary to implement the recommendations; to the Committee on Government Reform.

By Mr. SMITH of Washington (for himself, Mr. SHAYS, Mr. SHERMAN, Mr. ENGLISH of Pennsylvania, Mr. KIND, Mr. WOLF, Mr. EMANUEL, Mr. HEFLEY, and Mr. DAVIS of Florida):

H.R. 974. A bill to establish the Corporate Subsidy Reform Commission to review inequitable Federal subsidies and make recommendations for termination, modification, or retention of such subsidies, and to state the sense of the Congress that the Congress should promptly consider legislation that would make the changes in law necessary to implement the recommendations; to the Committee on Government Reform, 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. TANCREDO (for himself, Mr. UDALL of Colorado, Mr. BEAUPREZ, Mr. OTTER, Mr. HEFLEY, and Mrs. MUSGRAVE):

H.R. 975. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, 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. TERRY (for himself, Mr. JONES of North Carolina, Mr. SESSIONS, Mr. BOUCHER, Mr. SAXTON, Mr. KENNEDY of Minnesota, Mr. PAUL, Ms. GINNY BROWN-WAITE of Florida, Mr. SIMPSON, Mr. MCCOTTER, Mrs. MUSGRAVE, Mr. SOUDER, Mr. GORDON, Mr. HYDE, and Mr. PETERSON of Minnesota):

H.R. 976. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, or a section 403(b) contract shall not be includable in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Ways and Means.

By Mr. TIAHRT:

H.R. 977. A bill to amend the Occupational Safety and Health Act of 1970 with respect to enforcement provisions; to the Committee on Education and the Workforce.

By Mr. TIAHRT:

H.R. 978. A bill to amend the Occupational Safety and Health Act of 1970 with respect to

enforcement provisions; to the Committee on Education and the Workforce.

By Mr. TIAHRT:

H.R. 979. A bill to amend the Occupational Safety and Health Act of 1970 with respect to enforcement provisions; to the Committee on Education and the Workforce.

By Mr. TIAHRT:

H.R. 980. A bill to amend the Occupational Safety and Health Act of 1970 with respect to enforcement provisions; to the Committee on Education and the Workforce.

By Mr. TIAHRT:

H.R. 981. A bill to amend the Occupational Safety and Health Act of 1970 with respect to enforcement provisions; to the Committee on Education and the Workforce.

By Mr. UDALL of Colorado:

H.R. 982. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on the Budget, and in addition to the Committee on Rules, 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. UDALL of New Mexico (for himself, Mr. UDALL of Colorado, Mr. LEACH, Mr. PALLONE, Mr. WAXMAN, Mr. SHAYS, and Mr. PLATTS):

H.R. 983. A bill to amend title VI of the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable energy portfolio standard for certain retail electric utilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. UDALL of New Mexico (for himself, Mr. SERRANO, Mr. GRIJALVA, Mr. MENENDEZ, Mr. MCDERMOTT, Ms. LINDA T. SÁNCHEZ of California, Mr. GONZALEZ, and Mr. HINOJOSA):

H.R. 984. A bill to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mrs. WILSON of New Mexico (for herself, Mrs. CHRISTENSEN, Mr. OTTER, Mr. GORDON, Mrs. JOHNSON of Connecticut, Mr. WYNN, Mr. MCHUGH, Mr. RUSH, Mr. KING of New York, Mr. ENGEL, Mr. PLATTS, Mr. UDALL of New Mexico, Mr. LOBIONDO, Mr. RANGEL, Mr. SAXTON, Mr. NEAL of Massachusetts, Mr. ENGLISH of Pennsylvania, Ms. CORRINE BROWN of Florida, Ms. CARSON, Mr. CLAY, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. LEE, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. PAYNE, Mr. SCOTT of Virginia, Ms. WATSON, Mr. OLVER, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Ms. WATERS, Mr. JACKSON of Illinois, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mr. CLEAVER, Mr. FATTAH, Mr. FORD, Mr. AL GREEN of Texas, Mr. JEFFERSON, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Ms. MCKINNEY, Ms. MILLENDER-MCDONALD, Mr. OWENS, Mr. WATT, Mr. CROWLEY, Mr. GERLACH, and Mr. WALSH):

H.R. 985. A bill to provide for the establishment of a Bipartisan Commission on Medicaid; to the Committee on Energy and Commerce.

By Mrs. WILSON of New Mexico (for herself, Mr. BOSWELL, Mr. BERRY, Mr. BOEHNER, Mr. CARDOZA, Mr. DAVIS of

Alabama, Mr. ENGLISH of Pennsylvania, Mr. ETHERIDGE, Mr. HOLT, Mr. HOLDEN, Ms. MILLENDER-MCDONALD, Mr. KENNEDY of Rhode Island, Mr. PEARCE, Mr. MOORE of Kansas, Mr. PAUL, Mr. SHIMKUS, Mr. SIMPSON, Mr. TIBERI, Mr. SHERMAN, Mr. WILSON of South Carolina, Mr. SIMMONS, Mr. UDALL of New Mexico, Mr. SOUDER, Mr. MILLER of Florida, Ms. CARSON, Mr. ALLEN, Mr. BEAUPREZ, and Mr. DAVIS of Kentucky):

H.R. 986. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for teachers and principals who work in certain low income schools; to the Committee on Ways and Means.

By Ms. WOOLSEY (for herself, Ms. LEE, Mr. BOSWELL, Mr. COOPER, Mr. GRIJALVA, Mr. KILDEE, Mr. WAXMAN, Mr. CUMMINGS, Ms. KAPTUR, Mr. MEEKS of New York, Mr. VAN HOLLEN, Mr. MCDERMOTT, Ms. MILLENDER-MCDONALD, Mr. GUTIERREZ, Mrs. MCCARTHY, Mr. NADLER, Mrs. CHRISTENSEN, Mr. OWENS, Mr. LANTOS, Mr. TIERNEY, Mr. BUTTERFIELD, Mr. WEINER, Ms. HARMAN, Mr. MCINTYRE, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 987. A bill to provide funding for programs at the National Institute of Environmental Health Sciences regarding breast cancer in younger women, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska (for himself, Mr. KING of New York, Mrs. MALONEY, and Mr. CANNON):

H.R. 988. A bill to require the Secretary of the Treasury to mint coins in commemoration of the founding of America's National Parks, and for other purposes; to the Committee on Financial Services.

By Mr. COOPER (for himself, Mr. CARDOZA, Mr. MATHESON, Mr. BOYD, Mr. ROSS, Mr. BARROW, Mr. CASE, Mr. MICHAUD, Mr. DAVIS of Tennessee, Mr. SALAZAR, Ms. HARMAN, Mr. THOMPSON of California, Mr. COSTA, Mr. BOSWELL, Ms. HERSETH, Mr. MOORE of Kansas, Mr. SCOTT of Georgia, Mr. CHANDLER, Mr. TANNER, Mr. FORD, Mr. BERRY, Mr. MCINTYRE, Mr. BISHOP of Georgia, and Mr. TAYLOR of Mississippi):

H.J. Res. 22. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Ms. HERSETH (for herself and Mrs. CUBIN):

H.J. Res. 23. A joint resolution disapproving the rule submitted by the Department of Agriculture relating to the establishment of minimal-risk regions for the introduction of bovine spongiform encephalopathy into the United States; to the Committee on Agriculture.

By Mr. HOYER (for himself, Mr. BERMAN, Mr. SENSENBRENNER, Mr. SABO, and Mr. PALLONE):

H.J. Res. 24. A joint resolution proposing an amendment to the Constitution of the United States to repeal the 22nd amendment to the Constitution; to the Committee on the Judiciary.

By Mr. MICHAUD:

H.J. Res. 25. A joint resolution proposing an amendment to the Constitution of the United States relating to the maintenance of a system of social insurance that provides social security for its citizens; to the Committee on the Judiciary.

By Mr. ROHRBACHER (for himself and Mr. BAIRD):

H.J. Res. 26. A joint resolution proposing an amendment to the Constitution of the

United States relating to Congressional succession; to the Committee on the Judiciary.

By Mr. CHABOT:

H. Con. Res. 70. Concurrent resolution expressing the sense of Congress that the United States should strongly oppose China's anti-secession legislation with respect to Taiwan; to the Committee on International Relations.

By Ms. LEE (for herself, Ms. CORRINE BROWN of Florida, Mrs. JONES of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Ms. KILPATRICK of Michigan, Mr. SERRANO, Mr. PAYNE, Mr. RANGEL, Mr. TOWNS, Mr. WATT, Mr. VAN HOLLEN, Mr. LEWIS of Georgia, Mr. RUSH, Mr. OWENS, Mr. KUCINICH, Mr. WEINER, Mr. CUMMINGS, Ms. NORTON, Mr. LANTOS, Mr. HASTINGS of Florida, Mr. FORD, Mr. ENGEL, Mr. MEEK of Florida, Mr. CLAY, Mr. JEFFERSON, Mr. GRIJALVA, Ms. WATERS, and Ms. JACKSON-LEE of Texas):

H. Con. Res. 71. Concurrent resolution expressing the sense of Congress that there should be established a Caribbean-American Heritage Month; to the Committee on Government Reform.

By Mr. MARKEY (for himself, Mr. HOBSON, Mr. CAPUANO, Mr. OLVER, Mr. MEEHAN, Mr. MCGOVERN, Mr. TIERNEY, Mr. LYNCH, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Mr. PAYNE, Mr. SCOTT of Georgia, Mr. JACKSON of Illinois, Mr. THOMPSON of Mississippi, Ms. KILPATRICK of Michigan, Mr. CLEAVER, Mr. RUSH, Mr. HASTINGS of Florida, Mr. CUMMINGS, Mr. JEFFERSON, Mrs. CHRISTENSEN, Ms. NORTON, Ms. MOORE of Wisconsin, Mr. SCOTT of Virginia, Mr. DELAHUNT, Mr. NEAL of Massachusetts, Mr. RANGEL, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Illinois, Ms. LEE, Ms. WATSON, Mr. MEEK of Florida, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, and Mr. TOWNS):

H. Con. Res. 72. Concurrent resolution expressing the sense of Congress that W.E.B. DuBois should be recognized for his legacy of devotion civil rights and scholarly advancement, and as a defender of freedom; to the Committee on Education and the Workforce.

By Mr. MCCRERY:

H. Con. Res. 73. Concurrent resolution supporting the goals and ideals of National High School Seniors Voter Registration Day; to the Committee on House Administration.

By Mr. MEEKS of New York (for himself, Ms. LEE, Mr. PAYNE, Mr. CROWLEY, Mrs. CHRISTENSEN, Mr. RANGEL, Ms. CARSON, and Mr. CONYERS):

H. Con. Res. 74. Concurrent resolution expressing the sense of Congress with respect to the urgency of providing adequate assistance to the Co-operative Republic of Guyana devastated by severe flooding as a result of torrential rains from late December 2004 to January 2005; to the Committee on International Relations.

By Mr. MEEKS of New York:

H. Con. Res. 75. Concurrent resolution expressing the sense of the Congress that the illegal importation of prescription drugs severely undermines the regulatory protections afforded to United States consumers, and for other purposes; 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. MILLER of Florida:

H. Con. Res. 76. Concurrent resolution expressing the sense of Congress that the

United States should urge the People's Republic of China not to enact into law the so-called "anti-secession" legislation with respect to Taiwan and should reaffirm its unwavering commitment to Taiwan, and for other purposes; to the Committee on International Relations.

By Mr. RUSH (for himself, Mr. BUTTERFIELD, Mr. CAPUANO, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. FILNER, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Mr. MOORE of Kansas, Mr. OWENS, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Ms. WATERS, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. CLAY, Mr. DAVIS of Alabama, Mr. FATTAH, Mr. FORD, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, Ms. LEE, Ms. ZOE LOFGREN of California, Mr. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. TOWNS, Mr. UPTON, Ms. WATSON, Mr. MCDERMOTT, Mr. RANGEL, and Mr. HASTINGS of Florida):

H. Con. Res. 77. Concurrent resolution expressing the sense of Congress with respect to the murder of Emmett Till; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Ms. ROSELEHTINEN, Mr. ACKERMAN, and Mr. BERMAN):

H. Con. Res. 78. Concurrent resolution expressing the grave concern of Congress regarding the arrest of Ayman Nour, the leader of the Al Ghad party, by the Government of the Arab Republic of Egypt and the support of Congress for continued progress toward democracy in Egypt; to the Committee on International Relations.

By Mr. ISSA (for himself, Mr. JONES of North Carolina, Mr. BLUNT, Ms. KAPTUR, Mr. LAHOOD, Mr. RAHALL, Mrs. NAPOLITANO, Mr. TANNER, Mr. TAYLOR of Mississippi, Mr. COOPER, Mr. DAVIS of Tennessee, Mr. COX, Mr. GARRETT of New Jersey, Mr. FLAKE, Mr. KOLBE, Mr. GILCREST, Mrs. CUBIN, Mr. POMBO, Mr. CUNNINGHAM, Mr. REYES, Mr. ROHRBACHER, Mr. HAYES, Mr. GREEN of Wisconsin, Mr. WELLER, Mr. JENKINS, Mr. KENNEDY of Minnesota, Mr. SOUDER, Mr. NUNES, Mrs. KELLY, Mrs. CAPITO, Mr. REBERG, Mrs. WILSON of New Mexico, Mr. OSBORNE, Mr. REYNOLDS, Mr. WICKER, Mr. BEAUPREZ, Mr. BOUSTANY, Mr. FERGUSON, Mr. BACHUS, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. DENT, Mr. SHAW, Mr. KILDEE, Ms. BORDALLO, Mr. CASE, Mr. EHLERS, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. WILSON of South Carolina, Mr. BARROW, Mr. SAM JOHNSON of Texas, Mr. EVANS, Mr. LYNCH, Mr. MCCOTTER, Mr. MCHENRY, Mr. PUTNAM, Ms. BEAN, Mr. BISHOP of New York, Mr. BRADY of Pennsylvania, Ms. KILPATRICK of Michigan, Mr. PICKERING, Mr. COSTA, Mrs. DAVIS of California, Ms. WATSON, Mr. MARKEY, Mr. FARR, Mr. HERGER, Mr. HOSTETTTLER, Mr. MORAN of Virginia, Mr. HEFLEY, Mr. DUNCAN, Mr. KLINE, Ms. SLAUGHTER, Mr. FOLEY, Mr. MCDERMOTT, Mr. PENCE, Mr. WHITFIELD, Mr. TANCREDO, Mr. SHIMKUS, Mr. MCGOVERN, Mr. REICHERT, Mr. RAMSTAD, Mr. MENENDEZ, Mr. TOM DAVIS of Virginia, Mr. PALLONE, Mrs. MCCARTHY, Mr. KUCNICH, Mr. COSTELLO, Ms. BERKLEY, Mr. MILLER of Florida, Mr. SENBRENNER, Mr. WELDON of Pennsyl-

vania, Mr. SNYDER, Mr. PEARCE, Ms. FOX, Mr. BISHOP of Georgia, Mr. FOSSELLA, Mr. CANTOR, Mr. AKIN, Mr. PORTER, Mr. KELLER, Mr. ROYCE, Mr. CANNON, Mr. DANIEL E. LUNGREN of California, Mr. SCHWARZ of Michigan, and Mr. CARTER):

H. Res. 119. A resolution recognizing the contributions of the United States Marine Corps and other units of the United States Armed Forces on the occasion of the 60th anniversary of the Battle of Iwo Jima during World War II; to the Committee on Armed Services.

By Mr. BLUMENAUER (for himself and Mr. LEACH):

H. Res. 120. A resolution commending the outstanding efforts by members of the Armed Forces and civilian employees of the Department of State and the United States Agency for International Development in response to the earthquake and tsunami of December 26, 2004; to the Committee on International Relations, 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. COOPER (for himself, Mr. TANNER, Mr. CARDOZA, Mr. MATHESON, Mr. BOYD, Mr. ROSS, Mr. BARROW, Mr. CASE, Mr. MICHAUD, Mr. DAVIS of Tennessee, Mr. SALAZAR, Ms. HARMAN, Mr. THOMPSON of California, Mr. COSTA, Mr. BOSWELL, Ms. HERSETH, Mr. MELANCON, Mr. MOORE of Kansas, Mr. SCOTT of Georgia, Mr. CHANDLER, Mr. FORD, Mr. BERRY, Mr. MCINTYRE, Mr. BISHOP of Georgia, Mr. SCHIFF, and Mr. TAYLOR of Mississippi):

H. Res. 121. A resolution amending the Rules of the House of Representatives to strengthen the budget process; to the Committee on Rules.

By Mr. HOLT (for himself and Mr. TIBERI):

H. Res. 122. A resolution expressing the sense of the House of Representatives regarding the study of languages and supporting the designation of a Year of Languages; to the Committee on Education and the Workforce.

By Mr. KING of New York:

H. Res. 123. A resolution establishing a Select Committee on POW and MIA Affairs; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. CUBIN:

H.R. 989. A bill for the relief of Ashley Ross Fuller; to the Committee on the Judiciary.

By Mr. GILCREST:

H.R. 990. A bill to provide for the transfer of the decommissioned destroyer ex-U.S.S. Forrest Sherman (DD-931) to the USS Forrest Sherman DD-931 Foundation, Inc., a nonprofit organization under the laws of the State of Maryland; to the Committee on Armed Services.

By Mr. LATOURETTE:

H.R. 991. A bill for the relief of Michael Dvorkin; to the Committee on the Judiciary.

By Mr. LATOURETTE:

H.R. 992. A bill for the relief of Zdenko Lisak; to the Committee on the Judiciary.

By Mr. MORAN of Virginia:

H.R. 993. A bill for the relief of Van Lien Tran, Xuan Mai T. Che, Lien Mai Binh Tran, Kim Hoan Thi Nguyen, and Nam V. Nguyen; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. FRANK of Massachusetts.

H.R. 21: Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BAIRD, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOYD, Mr. CAPUANO, Mr. CARDIN, Mr. CLYBURN, Mr. CONYERS, Mr. COOPER, Mr. CRAMER, Mr. CASE, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Tennessee, Mr. DEFazio, Mr. DELAHUNT, Mr. DICKS, Mr. EMANUEL, Mr. ENGEL, Mr. FORD, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. MARSHALL, Mr. MATHESON, Mrs. MCCARTHY, Ms. MCCOLLUM of MINNESOTA, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. LYNCH, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. OLVER, Mr. ORTIZ, Mr. OWENS, Mr. PASCRELL, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHAY, Mr. HINOJOSA, Mr. HOLDEN, Mr. HOLT, Mr. GRIJALVA, Mr. HOYER, Ms. JACKSON-LEE OF TEXAS, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KANJORSKI, Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. LEE, Mr. SALAZAR, Ms. LINDA T. SANCHEZ of California, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SKELTON, Mr. SCOTT of Virginia, Mr. STRICKLAND, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. TANNER, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. THOMPSON of California, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. ROSS, Mr. WATT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. ENGLISH of Pennsylvania, Mrs. BIGGERT, Mr. CHABOT, Mrs. CAPITO, Mr. COLE of Oklahoma, Mr. HUNTER, Mr. HYDE, Mrs. KELLY, Mr. GARRETT of New Jersey, Mr. HOSTETTTLER, Mr. KNOLLENBERG, Mrs. MUSGRAVE, Mr. OSBORNE, Mr. PETERSON of Pennsylvania, Mr. YOUNG of Alaska, Mr. LATOURETTE, Ms. PRYCE of Ohio, Mr. WALDEN of Oregon, and Mr. WHITFIELD.

H.R. 27: Mr. LATHAM.

H.R. 37: Mr. GOHMERT.

H.R. 41: Mr. OTTER.

H.R. 44: Mr. RUPPERSBERGER, Mr. CARDIN, Mr. WYNN, Mr. HOYER, and Mr. VAN HOLLEN.

H.R. 49: Mr. PRICE of North Carolina.

H.R. 64: Mr. GERLACH.

H.R. 65: Mr. SOUDER, Mr. PAUL, Mr. CALVERT, Mr. HOSTETTTLER, Mr. JONES of North Carolina, Mr. CUNNINGHAM, Mr. THORNBERRY, Mr. SAM JOHNSON of Texas, Ms. CARSON, Mr. SESSIONS, Mr. WEXLER, and Mr. PITTS.

H.R. 66: Mr. OSBORNE.

H.R. 68: Mr. CRENSHAW, Mr. KINGSTON, Mr. LAHOOD, Mr. ROGERS of Alabama, Ms. SLAUGHTER, Mr. YOUNG of Florida, Mrs. BIGGERT, Mr. COBLE, Mr. GINGREY, Ms. HARRIS, Mr. HULSHOF, Mr. KELLER, Mr. KING of New York, Mr. KIRK, Mr. MCHUGH, Mrs. MYRICK, Mr. ROGERS of Kentucky, Mr. SIMMONS, Mr. SODREL, Mr. UPTON, Mr. YOUNG of Alaska, Mr. KNOLLENBERG, and Mr. KILDEE.

H.R. 69: Mr. BARRETT of South Carolina, Mr. TAYLOR of Mississippi, and Mr. LIPINSKI.

H.R. 114: Mr. KENNEDY of Rhode Island.

H.R. 115: Mr. BOEHLERT.

H.R. 128: Mr. OLVER, Mr. CUMMINGS, and Mr. ORTIZ.

H.R. 132: Mr. GILLMOR.

H.R. 133: Mr. WEINER.

H.R. 135: Mr. BUTTERFIELD.

H.R. 136: Mr. BARRETT of South Carolina.

H.R. 147: Mr. GILLMOR, Mr. BLUNT, Mr. LIPINSKI, and Mr. PICKERING.

H.R. 192: Mr. MENENDEZ, Mrs. NAPOLITANO, Mr. PASTOR, Mr. REYES, Ms. LORETTA SANCHEZ of California, Ms. SOLIS, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Mr. DAVIS

of Illinois, Ms. JACKSON-LEE of Texas, Mr. OWENS, Mr. ORTIZ, Mr. McNULTY, Mr. MARKEY, and Mr. SCHIFF.
 H.R. 213: Mr. MARKEY.
 H.R. 215: Mr. WEXLER.
 H.R. 225: Mr. WEINER.
 H.R. 226: Mr. LIPINSKI.
 H.R. 227: Mr. WEINER.
 H.R. 282: Mr. BONO, Mr. MEEK of Florida, and Mr. CLAY.
 H.R. 284: Mr. JOHNSON of Illinois.
 H.R. 292: Mr. HOSTETTLER, Mr. BLUMENAUER; Mr. ROGERS of Michigan, Mr. BARRETT of South Carolina, and Mr. GERLACH.
 H.R. 303: Ms. WOOLSEY.
 H.R. 311: Mr. ANDREWS, Ms. ROYBAL-ALLARD, Mr. HONDA, Ms. SCHAKOWSKY, Ms. WOOLSEY, Ms. KILPATRICK of Michigan, Mr. UDALL of New Mexico, Mr. CUMMINGS, Mr. STARK, Mr. SERRANO, Ms. WASSERMAN SCHULTZ, Mr. COSTA, Mr. SCOTT of Georgia, Mr. RUPPERSBERGER, Mr. LEWIS of Georgia, Ms. WATERS, Mr. WATT, Mr. GENE GREEN of Texas, Mr. TIERNEY, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. SALAZAR, Mr. CUELLAR, Mr. BUTTERFIELD, Mr. CASE, Mr. MCINTYRE, Mr. HOLDEN, Mr. RENZI, Mr. MURTHA, Mr. DOGGETT, Mr. FATTAH, Mr. SIMPSON, Ms. HARMAN Mr. BECERRA, Mr. GUTIERREZ, Mr. REYES, Mr. HINOJOSA, Ms. BERKLEY, Mr. THOMPSON of California, Mr. MENENDEZ, Mr. CROWLEY, Mr. KUCINICH, Mr. ABERCROMBIE, Mr. RAHALL, Mr. DOYLE, Mr. LARSON of Connecticut, Mrs. CAPPAS, Ms. MILLENDER-McDONALD, Ms. SLAUGHTER, and Mrs. MCCARTHY.
 H.R. 312: Mr. OLVER.
 H.R. 313: Mr. HULSHOF.
 H.R. 314: Mr. HULSHOF.
 H.R. 328: Mr. LANTOS, Mr. PAYNE, Mr. ORTIZ, Mr. BROWN, of South Carolina, Mr. CLEAVER, Mr. LARSON of Connecticut, Mr. PETERSON of Minnesota, Mr. CONYERS, and Mr. WEXLER.
 H.R. 331: Mr. KIND.
 H.R. 354: Mrs. NORTHUP and Mr. BUTTERFIELD.
 H.R. 358: Mr. BARROW, Mr. AL GREEN of Texas, Mr. LANGEVIN, Mr. BOREN, Mr. DOOLITTLE, Mrs. EMERSON, Ms. WASSERMAN SCHULTZ, Ms. SCHWARTZ of Pennsylvania, Mr. POMEROY, Mr. SABO, Mr. PAYNE, Ms. ROYBAL-ALLARD, Mr. BECERRA, Mr. LIPINSKI, Ms. CORRINE BROWN of Florida, Mr. GENE GREEN of Texas, Mr. EVERETT, Mr. WICKER, and Mr. SHERMAN.
 H.R. 369: Mr. BUTTERFIELD and Mr. SCHIFF.
 H.R. 371: Mr. DAVIS of Illinois.
 H.R. 373: Mrs. MALONEY, Mr. GONZALEZ, Mr. PRICE of North Carolina, Mr. CAPUANO, Mr. TIERNEY, Mr. DAVIS of Illinois, Mr. OLVER, and Mr. KENNEDY of Rhode Island.
 H.R. 380: Mr. LUCAS.
 H.R. 387: Mr. GILLMOR, Mr. COLE of Oklahoma, Mr. WILSON of South Carolina, Mr. OWENS, Mr. JONES of North Carolina, Mr. McCAUL of Texas, Mr. ROSS, Mr. JEFFERSON, Mr. KENNEDY of Minnesota, Mr. KUHL of New York, Mr. BAKER, Mrs. JO ANN DAVIS of Virginia, Mr. WAMP, Mr. GOODE, Mrs. MYRICK, Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. BARRETT of South Carolina, Mr. SODREL, Mr. HOSTETTLER, Mr. FEENEY, Mr. McHENRY, Mr. MARCHANT, Mr. PENCE, Mr. BRADY of Texas, Mr. MELANCON, Mr. RYUN of Kansas, Mr. ESHOO, Mr. BOUSTANY, Mr. BOUCHER, and Mr. SOUDER.
 H.R. 389: Mr. GUTKNECHT.
 H.R. 415: Mr. SABO, Mr. YOUNG of Florida, Mr. LEWIS of Georgia, and Mr. UPTON.
 H.R. 438: Mrs. BONO, Mr. STARK, and Ms. ZOE LOFGREN of California.
 H.R. 456: Mr. BISHOP of Utah.
 H.R. 458: Mr. FOLEY.
 H.R. 461: Mr. CASE.
 H.R. 475: Mr. OLVER, Mr. BLUMENAUER, Mr. GUTIERREZ, and Mr. LARSON of Connecticut.

H.R. 476: Mr. GUTIERREZ.
 H.R. 496: Mr. OBERSTAR and Ms. LEE.
 H.R. 501: Ms. JACKSON-LEE of Texas.
 H.R. 503: Mr. CRENSHAW, Mr. JONES of North Carolina, Mr. KILDEE, Mr. VAN HOLLEN, Mr. FARR, Mr. KING of New York, Mr. SHERMAN, Mr. DICKS, Mr. LEVIN, Mr. GEORGE MILLER of California, Mr. DOYLE, Mr. LEWIS of California, Ms. SCHAKOWSKY, Mrs. MALONEY, Mr. HASTINGS of Florida, Mr. STRICKLAND, Ms. WOOLSEY, Mr. McNULTY, Mr. HINCHEY, and Mr. STARK.
 H.R. 511: Mr. WEINER.
 H.R. 513: Mr. BASS and Mr. BISHOP of New York.
 H.R. 516: Mr. PRICE of Georgia.
 H.R. 517: Mr. NUNES and Mr. REICHERT.
 H.R. 523: Mr. GOODE and Mr. GARRETT of New Jersey.
 H.R. 525: Mr. BARRETT of South Carolina, Mr. BOUSTANY, and Mr. BURTON of Indiana.
 H.R. 535: Mr. FILNER, Ms. JACKSON-LEE of Texas, and Ms. WATERS.
 H.R. 551: Mr. McDERMOTT, Ms. WATSON, Mr. GRIJALVA, Ms. LEE, Ms. MCCOLLUM of Minnesota, Mr. KUCINICH, Mr. CONYERS, Mr. WEXLER, and Mr. NADLER.
 H.R. 556: Mr. FITZPATRICK of Pennsylvania and Mr. UPTON.
 H.R. 558: Mr. BASS, Mr. CASE, Mr. SCOTT of Georgia, and Mr. PASTOR.
 H.R. 559: Mr. UDALL of New Mexico.
 H.R. 561: Mr. UPTON.
 H.R. 562: Mr. BARTLETT of Maryland.
 H.R. 566: Mr. BUTTERFIELD.
 H.R. 567: Mr. BAIRD, Mr. CASE, Mr. LEWIS of Georgia, and Ms. ROYBAL-ALLARD.
 H.R. 596: Mr. RUSH, Mr. GREEN of Wisconsin, Mr. CONYERS, and Mr. PAYNE.
 H.R. 598: Mr. KENNEDY of Rhode Island.
 H.R. 601: Ms. HARMAN and Mr. SNYDER.
 H.R. 602: Mr. MCINTYRE, Mr. RUPPERSBERGER, Mr. ORTIZ, Mr. NEAL of Massachusetts, Mr. CASE, Mr. DAVIS of Alabama, and Ms. WATERS.
 H.R. 615: Mr. MILLER of Florida, Mr. GENE GREEN of Texas, Ms. DeLAURO, Mr. FILNER, Mr. CRAMER, Mr. SMITH of Washington, Mr. MCINTYRE, and Ms. VELÁZQUEZ.
 H.R. 616: Mr. MCINTYRE, Mr. EMANUEL, and Mr. CASE.
 H.R. 623: Mr. SESSIONS and Mr. GOODE.
 H.R. 625: Ms. CARSON and Mr. NEAL of Massachusetts.
 H.R. 649: Mr. CLAY.
 H.R. 653: Mr. BOSWELL, Mr. CROWLEY, Mr. BISHOP of Georgia, Mr. LARSON of Connecticut, Mr. PETERSON of Minnesota, Mr. GUTIERREZ, Mr. CLEAVER, Mrs. MALONEY, Mr. MICHAUD, Mr. McNULTY, and Mr. SCOTT of Georgia.
 H.R. 670: Mr. BUTTERFIELD.
 H.R. 682: Mr. GOHMERT.
 H.R. 685: Mr. LEACH, Mr. PAUL, Mr. BROWN of South Carolina, Miss McMORRIS, Mr. REBERG, Mr. BISHOP of Utah, Mr. FLAKE, Mr. KINGSTON, Mr. GALLEGLY, Mr. TANCREDO, Mr. PICKERING, Mr. McCAUL of Texas, Mr. McHENRY, Mr. HAYWORTH, and Mr. EVERETT.
 H.R. 686: Mr. CARDIN, Mr. WEXLER, and Mr. RANGEL.
 H.R. 691: Mr. BARTLETT of Maryland.
 H.R. 712: Mr. MORAN of Kansas.
 H.R. 728: Mr. GUTIERREZ and Mr. NORWOOD.
 H.R. 737: Mr. SANDERS, Ms. JACKSON-LEE of Texas, and Mr. CASE.
 H.R. 748: Mr. RYAN of Wisconsin, Mr. KLINE, Mr. McHUGH, Mr. SKELTON, Mr. SIMPSON, Mr. HALL, and Mr. MILLER of Florida.
 H.R. 752: Mr. CUMMINGS, Ms. WOOLSEY, Mr. OWENS, Mr. ABERCROMBIE, Mr. McDERMOTT, Mr. FILNER, Mr. McNULTY, Mr. SANDERS, Mr. SNYDER, and Mr. LIPINSKI.
 H.R. 759: Mr. McDERMOTT, Mr. Wexler, Mr. McNULTY, and Mr. ALLEN.
 H.R. 765: Mr. OWENS, Mr. PETERSON of Minnesota, Mr. WELDON of Florida, Mr. HASTINGS of Washington, and Mr. CROWLEY.

H.R. 769: Mr. McNULTY.
 H.R. 771: Mr. CUMMINGS.
 H.R. 772: Mr. MILLER of Florida.
 H.R. 790: Mr. SABO, Mr. MILLER of North Carolina, and Mr. WATT.
 H.R. 791: Mr. KILDEE, Mr. DICKS, Mr. SIMMONS, Mr. ORTIZ, Mr. CUMMINGS, and Ms. SOLIS.
 H.R. 792: Mr. KIND.
 H.R. 795: Mr. EHLERS, Mr. ISSA, Mr. CAMP, Mr. WOLF, Mr. LANTOS, Mr. HERGER, Mr. WEINER, Mr. SKELTON, and Mr. UPTON.
 H.R. 800: Mr. DENT, Mr. KNOLLENBERG, Mr. WALSH, Mr. SAM JOHNSON of Texas, Mr. SALAZAR, Mr. KLINE, Mr. KENNEDY of Minnesota, Mr. PLATTS, Mr. BEAUPREZ, Mr. CONAWAY, Mr. SAXTON, Mr. GERLACH, and Mr. McHENRY.
 H.R. 809: Mr. AKIN and Mr. WILSON of South Carolina.
 H.R. 810: Mr. CHANDLER, Ms. CORRINE BROWN of Florida, Mr. ETHERIDGE, Mr. WATT, Mr. FATTAH, Mrs. JONES of Ohio, Ms. VELÁZQUEZ, Mr. BACA, Ms. MCKINNEY, Ms. MILLENDER-McDONALD, Mr. UDALL of New Mexico, Mr. SERRANO, and Mr. BAIRD.
 H.R. 817: Mr. PETRI and Mr. CLAY.
 H.R. 818: Mr. GRIJALVA.
 H.R. 819: Mr. EMANUEL.
 H.R. 859: Mr. SIMMONS, Mr. NADLER, Mr. HOLDEN, Mr. MCGOVERN, Mr. SABO, and Mr. McNULTY.
 H.R. 864: Mr. MORAN of Virginia, Mr. MEEHAN, Mr. CONYERS, and Mr. BACA.
 H.J. Res. 17: Mr. EVANS.
 H. Con. Res. 35: Mr. SLAY.
 H. Con. Res. 38: Mr. SNYDER.
 H. Con. Res. 42: Mr. McNULTY, Mr. WOLF, and Mr. MILLER of Florida.
 H. Con. Res. 45: Mr. NEAL of Massachusetts and Mr. PORTER.
 H. Con. Res. 50: Mr. DeFAZIO, Ms. GINNY BROWN-WAITE of Florida, Mr. GUTKNECHT, Mr. DEAL of Georgia, and Mr. FORBES.
 H. Con. Res. 53: Mr. SMITH of Texas.
 H. Res. 20: Mrs. BONO, Ms. GINNY BROWN-WAITE of Florida, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. KINGSTON, and Mr. SESSIONS.
 H. Res. 30: Mr. BISHOP of New York, Mr. CASE, Mrs. CHRISTENSEN, Mr. FALCOMA VAEGA, Mr. FILNER, Mr. GRIJALVA, Mr. HOBSON, Ms. KILPATRICK of Michigan, Mr. MOORE of Kansas, Mrs. NAPOLITANO, Mr. OWENS, Mr. ROSS, Mr. SCHIFF, Mr. WYNN, Mr. EMANUEL, Ms. HARRIS, Mr. HONDA, Mr. RANGEL, Mr. SANDERS, and Ms. LORETTA SANCHEZ of California.
 H. Res. 84: Mr. BOEHNER, Mr. KIND, and Mr. UPTON.
 H. Res. 85: Mr. McDERMOTT, Ms. LINDA T. SANCHEZ of California, Mr. SCHIFF, Mr. MICHAUD, Mr. WESTMORELAND, and Mr. PRICE of North Carolina.
 H. Res. 91: Mr. LANTOS, Mr. HOLT, Mr. CONYERS, Mrs. MALONEY, Mr. HYDE, Mr. WILSON of South Carolina, Mr. COX, and Mr. FALCOMA VAEGA.
 H. Res. 101: Mr. KING of Iowa, Mr. McNULTY, Mrs. MCCARTHY, Mr. CROWLEY, Mr. SHIMKUS, Mr. WEINER, Mrs. JO ANN DAVIS of Virginia, Mr. NADLER, Mr. PITTS, Mr. LEACH, and Mr. SMITH of New Jersey.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 227: Mr. JONES of North Carolina, Mr. FARR, Mr. KILDEE, Mr. SHERMAN, and Mr. VAN HOLLEN.