$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 suspension 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.

□ 1015

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