Article III of the Constitution empowers Congress to establish federal jurisdiction over diversity cases—cases ''between citizens of different States.'' The grant of federal diversity jurisdiction was premised on concerns that state courts might discriminate against out of state defendants. In a class action, only the citizenship of the named plaintiffs is considered for determining diversity, which means that federal diversity jurisdiction will not exist if the named plaintiff is a citizen of the same state as the defendant, regardless of the citizenship of the rest of the class. Congress also imposes a monetary threshold—now $75,000—for federal diversity claims. However, the amount in controversy requirement is satisfied in a class action only if all of the class members are seeking damages in excess of the statutory minimum.

These jurisdictional statutes were originally enacted years ago, well before the modern class action arose, and they now lead to perverse results. For example, under current law, a citizen of one state may bring in federal court a simple $75,001 slip-and-fall claim against a party from another state. But if a class of 25 million product owners living in all 50 states brings claims collectively worth $15 billion against the manufacturer, the lawsuit usually must be heard in state court.

This result is certainly not what the framers had in mind when they established federal diversity jurisdiction. Our bill offers a solution by making it easier for plaintiff class members and defendants to remove class actions to federal court, where cases involving multiple state laws are more appropriately heard. Under our bill, if a removed class action is found not to meet the requirements for proceeding on a class basis, the federal court would dismiss the action without prejudice and the action could be refiled in state court.

In addition, the bill provides a number of new protections for plaintiff class members including a requirement that notices sent to class members be written in ''plain English'' and provide essential information that is easily understood. Furthermore, the bill provides judicial scrutiny for settlements that provide class members only coupons as relief for their injuries, and bars approval of settlements in which class members suffer a net loss. The bill also includes provisions that protect consumers from being disadvantaged by living far away from the courthouse. These additional consumer protections will ensure that class action lawsuits benefit the consumers they are intended to compensate.

This legislation does not limit the ability of anyone to file a class action lawsuit. It does not change anybody's rights to recovery. Our bill specifically provides that it will not alter the substantive law governing any claims as to which jurisdiction is conferred. Our legislation merely closes the loophole, allowing federal courts to hear big lawsuits involving truly interstate issues, while ensuring that purely local controversies remain in state courts. This is exactly what the framers of the Constitution had in mind when they established federal diversity jurisdiction.

I urge each of my colleagues to support this very important bipartisan legislation.

MEDICAL LIABILITY INSURANCE CRISIS RESPONSE ACT OF 2003

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. SANDLIN. Mr. Speaker, I am pleased today to introduce legislation that actually addresses the skyrocketing medical malpractice insurance premiums of such concern to physicians and other health care providers all across our Nation.

The ''Medical Liability Insurance Crisis Response Act of 2003'' takes significant steps directly to address the insurance premium crisis that plagues what is otherwise the finest health care system in the world.

First, the bill proposes a partial repeal of the McCarran-Ferguson Act to limit the antitrust exemption currently covering the medical malpractice insurance industry.

Second, the bill addresses the current economic strain faced by many health care providers by requiring the prompt payment of undisputed claims by health insurance carriers and penalizing those carriers who fail to comply.

Third, the bill authorizes the creation of a National Nurse Service Corps Scholarship Program to address our health care system's dire nursing shortage. It takes steps to improve recruitment, retention and education of our Nation's nurses.

Fourth, the bill proposes medical malpractice liability reform by requiring mandatory mediation of all malpractice claims before trial, by taking steps to prevent the filing of frivolous medical malpractice claims through the imposition of sanctions and other measures, and by requiring that plaintiffs in medical malpractice litigation to file an affidavit of merit prior to the commencement of any litigation.

Fifth, the bill directly addresses the medical malpractice insurance problems confronting our Nation's health care providers. It creates an Advisory Commission on Medical Malpractice to conduct an examination of current problems and, within one year, to provide to the Congress specific legislative and regulatory recommendations to solve the problem. It further freezes medical malpractice insurance rates during the period of the Commission's study. The bill provides significant disincentives to medical malpractice insurance carriers to address the current problems of industry exodus and renewability of coverage. It requires medical malpractice insurance carriers to offer coverage to any physician with no medical malpractice claims during the previous three years and imposes significant disclosure obligations on carriers to allow more informed monitoring of the industry with the goal of averting similar crises in the future. In addition, it limits the ability of carriers to raise malpractice insurance premiums without a clear demonstration of business necessity.

Sixth, the bill expresses the sense of Congress that states should consider additional and alternative methods to address medical malpractice insurance rates.

Finally, the bill provides tax incentives to physicians who practice in high-risk specialties or medically underserved areas to encourage them to maintain their current practices and provide improved access to our Nation's health care system.

THE COMMERCIAL TRUCK HIGHWAY SAFETY DEMONSTRATION PROGRAM ACT OF 2003

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MICHAUD. Mr. Speaker, today, along with my good friend TOM ALLEN, I am introducing the Commercial Truck Highway Safety Demonstration Program Act of 2003. This bill would allow Maine to increase the weight limits for trucks on interstate highways, by granting a three-year waiver of federal rules. It mandates a study process that will help demonstrate the positive safety effects of these changes, and permit the waiver to be extended pending these safety determinations.

This bill is important both for public safety and economic reasons. The administration of the current 80,000 pound federal weight limit law in Maine has forced heavy tractor-trailer and tractor-semitrailer combination vehicles, traveling into Maine from neighboring States and Canada, to divert onto small State and local roads where higher vehicle weight limits apply under Maine law.

The diversion of those vehicles onto such roads causes significant economic hardships and safety challenges for small communities located along those roads. Permitting heavy commercial vehicles to travel on Interstate System highways in Maine would enhance public safety by reducing the number of heavy vehicles that use town and city streets, and as a result, the number of dangerous interactions between those heavy vehicles and other vehicles such as school buses and private cars.

It would also reduce the net highway maintenance costs in Maine because the Interstate System highways, unlike the secondary roads of Maine, are built to accommodate heavy vehicles and are, therefore, more durable.

Finally, this bill would ensure that Maine can remain competitive in the transportation and manufacturing sectors, and that our neighbors do not pass us by in development. This change is fair, and will promote parity in transportation throughout New England.

I urge my colleagues to support this bill, which will enhance safety, lower maintenance costs, and promote economic development.

HONORING RIDGEWOOD BAPTIST CHURCH IN JOLIET, ILLINOIS

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. WELLER. Mr. Speaker, I rise today to honor the Ridgewood Baptist Church in Joliet, Illinois. The Ridgewood Baptist Church is celebrating its 100th anniversary on March 9, 2003.

In 1888, Mr. William Rix, Mr. Hartwell, and Reverend J. W. Conley started Sunday School meetings that were held in various homes. In 1891, an unsightly building formerly used as a pest house was cleaned and renovated. This is where the first Sunday School session was held with George L. Vance acting as Superintendent. In 1895, property was purchased on the southeast corner of Brown and Leach Avenues at a cost of $400. A Chapel was built

and dedicated in November 1896, at a total cost of slightly more than $2500 and at that time was nearly debt-free. On March 8, 1903, 32 people met in the chapel and organized themselves into what has since been known as the Ridgewood Baptist Church. During that March, a church covenant was adopted, a baptistry was built and the Plano Baptist Church donated their old church pews. Out of this humble beginning, Ridgewood Baptist Church emerged.

The Church has grown in many ways since its humble beginnings. Today, around 300 people attend services at Ridgewood Baptist Church. In 1974, the Church opened its doors to their new school, Ridgewood Baptist Academy. Reverend Albert Baker is the current pastor of the Church. Reverend Baker's vision for the church is to have more land for the sports programs at the school. He also desires spiritual growth for his people and a desire to share their worship with others.

Mr. Speaker, I urge this body to identify and recognize other groups in their own districts whose actions have so greatly benefitted and strengthened America's families and communities.

HONORING ROY T. YANASE, D.D.S.

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today to recognize my friend and true legend, Dr. Roy Yanase, a nationally and internationally prominent prosthodonist. I have known Dr. Yanase for more than a decade and am honored to pay tribute to his professional accomplishments and his dynamic mentoring of hundreds of dental students throughout Southern California.

Dr. Yanase's energy is boundless, his smile matchless, and his compassion far-reaching. He graduated from the University of Southern California in 1969 and returned there for advanced training in a residency to obtain his Board Certification as a Prosthodontist in 1981. Dr. Yanase has been on the faculty of the University of Southern California School of Dentistry since 1969 and presently serves as a Clinical Professor of Continuing Education and Advanced Prosthodontic Education.

Over the past 25 years, Dr. Yanase has lectured internationally and throughout the United States. His writings on the specialty of prosthodonties have appeared in several publications as well as three major textbooks.

Dr. Yanase has held responsible positions in several national and regional organizations including serving as Founder, President and current Treasurer of the Osseointegration Study Club of Southern California; member of the Board of the American College of Prosthodontists and President of its California Section; Prosthodontic consultant for the California State Board of Dental Examiners; President of the Southern California Japanese-American Dental Society; and President of the Pacific Coast Society of Prosthodontists.

Dr. Yanase has been elected as a Fellow of the American College of Dentists, the International College of Dentists, the American College of Prosthodontists, the International College of Prosthodontists, the Pierre Fauchard Academy and the Academy of Dentistry International.

Besides his Fellowships, Dr. Yanase is an active member of the Pacific Coast Society of Prosthodontists, American Academy of Geriatric Dentistry, the Newport Harbor Academy of Dentistry, Omicron Kappa Upsilon and the Japanese American Dental Society.

Dr. Yanase and his wife Regina have been married for 33 years and live in Torrance.

Mr. Speaker, it is with tremendous pride that I recognize the exceptional life of Dr. Roy Yanase. I congratulate him for his many accomplishments and wish him and his family the best of luck in years to come.

JAPANESE AMERICANS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. HONDA. Mr. Speaker, one of the most concise rebuttals that I have read to the notion that Japanese Americans were placed in the camps because they either posed a national security threat or for their own safety comes from a law professor from the University of North Carolina, Chapel Hill in a letter dated February 7, 2003. 1 would like to submit this letter at this point in the Record.

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

Chapel Hill, North Carolina, February 7, 2003.

Hon. HOWARD COBLE,

U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE COBLE: I am a professor of law at the University of North Carolina School of Law in Chapel Hill. My areas of expertise include constitutional law and especially the story of the internment of Japanese Americans during World War II. My book on the subject, Free to Die for their Country: The Story of the Japanese American Draft Resisters in World War 11 (Univ. of Chicago Press, 2001), was named one of the Washington Post's Top Nonfiction Titles for 2001.

I have followed with interest and concern the story about your comments on the radio on Tuesday morning to the effect that you support the internment of Japanese Americans during World War II, and that the Roosevelt administration interned Japanese Americans to protect them.

I note that you were quoted in the High Point Enterprise as saying the following: ''I still stand by what I said . . . that, in no small part, it (internment) was done to protect the Japanese-Americans themselves.'' The article further states that you said that if it were proven to you that protecting Japanese Americans was not one of FDR's motivations, you will apologize.

Here is the proof.

Just after the Pearl Harbor attack, FDR, asked Navy Secretary Frank Knox to investigate the possibility, that Fifth Column work by people of Japanese ancestry in Hawaii had contributed to the success of the Japanese sneak attack. Knox reported his conclusions to FDR by December 15, and on that day, said to reporters that he thought ''the most effective Fifth Column work of the entire war was done in Hawaii with the possible exception of Norway.'' J. Edgar Hoover immediately registered his strong disagreement with Knox's conclusions, and it turns out that Knox was wrong and Hoover was right. But it was Knox's views that were made public, and they triggered hysteria on the West Coast.

Well before the war, FDR, anticipating a possible war with Japan, had commissioned his own secret intelligence investigation of Japanese aliens and their loyalties. Leading this effort were John Franklin Carter (an author and columnist) and Curtis Munson (a prominent Republican businessman). And the Office of Naval Intelligence (''ONI'') and the FBI were for quite some time before Pearl Harbor, gathering names of Japanese aliens who might need to be apprehended in the event of war. ONI and the FBI actually compiled a list of such aliens which came to be called the ''ABC'' list—so named because the list presented three categories (Category A, Category B, and Category C) of potentially dangerous aliens. (In the days after Pearl Harbor, all of the aliens in these three categories were in fact arrested—a total of some 1500.)

Carter and Munson's investigations had led them to conclude that the overwhelming majority of Japanese aliens and an even greater percentage of American citizens of Japanese ancestry were in fact loyal to the United States, and that of those whose loyalty was even questionable, few could be expected even to consider actually doing something to support Japan or undermine the United States. Carter and Munson grew alarmed by Knox's report and the anti-Japanese outcry that followed it.

Carter and Munson quickly put together a plan for FDR's consideration that was designed to bolster the Japanese American communities of Hawaii and the West Coast. Their plan called for a number of things: FDR was urged to go on record as believing in the loyalty of American citizens of Japanese ancestry (the ''Nisei''). The Nisei should be invited to volunteer (and then should be accepted) for patriotic service in the Red Cross and civilian defense. The Nisei should be encouraged to take control of their alien parents' property. Once investigated, the Nisei should be allowed to take jobs in defense plants. Carter and Munson also urged the government to work closely with the Japanese American Citizens League, which had indicated its willingness to serve as a loyal liaison with the Japanese American community.

The goals of the Carter-Munson plan were many, but they included the discouragement of vigilante violence against Japanese Americans and Japanese aliens. The hope was that if FDR came out quickly and loudly in support of people of Japanese ancestry, and involved them quickly in activities that would permit their loyalty and patriotism to shine through, others would not see them as a threat.

The Carter-Munson plan was submitted to Roosevelt before Christmas. By mid-January, it was completely forgotten—suspended by other pressures that I'll detail in a moment. And here's the important point: the Carter-Munson plan was the only plan for dealing with Japanese Americans that took their security into account in any way. It never got off the ground.

Why didn't it get off the ground? For four main reasons.

First, by late January 1942, General John DeWitt (the commanding officer of the West Coast Defense Command) and his advisor Karl Bendetsen had become persuaded that mass action to remove all people of Japanese ancestry from the West Coast was necessary for military reasons. Their viewpoint was fed largely by outrageous rumors of Japanese American subversion, none of which ever panned out.

Second, by mid-January, a rabidly racist press along the Coast had begun campaigning for the eviction of all ''Japs'' from the area—not for their protection, but because they could not be trusted.