

Rather than writing legislation, I am calling on my fellow fathers in Congress to lead by example. Doing so will leave a powerful and lasting legacy. It is my prayer that our actions will set a standard for fathers across America and awaken the hearts of many to the necessity and the responsibility of fatherhood.

NOTICE OF DISCHARGE PETITION ON CONCURRENT RECEIPTS

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

Mr. MARSHALL. Mr. Speaker, today I will sign a discharge petition that I bring to right a wrong that has been done to disabled American veterans for more than a century.

In 1891, the United States of America imposed a tax on disabled veterans. We did not call it a tax. We called it a prohibition on concurrent receipts, something average Americans would not understand. Mr. Speaker, it is time to call the concurrent receipt prohibition what it is, the disabled veterans tax. It was wrong then; it is wrong now. It is time to end the disabled veterans tax.

Mr. Speaker, for years the majority and the Members of this House have cosponsored House Resolution 303, which would end the disabled veterans tax; and for years, House Resolution 303 has been bottled up in committee just like campaign reform was bottled up in committee. The discharge petition process forced a vote on campaign finance reform. I am using that same process to force a vote on ending the disabled veterans tax.

Mr. Speaker, at last count, 322 Members of this Congress have cosponsored House Resolution 303. Only 218 of these cosponsors must sign the discharge petition for it to be successful.

ALL-AMERICAN TAX RELIEF ACT OF 2003

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

Mr. PENCE. Mr. Speaker, last month this Congress, with the President's leadership, undertook to pass a tax relief measure that would get this economy moving again. Today, we will continue that good work with the All-American Tax Relief Act of 2003.

While some come to this floor, as we even heard this morning, and suggest that Republicans do not care about children, about 6.5 million families and 12 million children that they say were left out of the refundable per child tax credit, the truth is, Mr. Speaker, as we all know, it was Republican leadership that saw to it that that tax cut was already in place, set to take effect in 2005; but we will accelerate that today.

We will also encourage marriage by eliminating the marriage penalty. In the tax credit we will assist veterans

and the heroes in space, we will do justice, we will love kids, and we will provide the compassionate Republican leadership that is so characteristic of this institution when we adopt the All-American Tax Relief Act today.

IT IS TIME TO STOP PENALIZING DISABLED MILITARY RETIREES

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

Mr. EDWARDS. Mr. Speaker, it is time to stop penalizing disabled military retirees for having served our country for 20 or 30 years. It is time to stop the disabled veterans tax that reduces military retirees' benefits when the Veterans Administration determines that they are disabled.

This issue is known by veterans as the concurrent receipt problem. I know it as the concurrent deceit problem.

Today, through the strong leadership of the gentleman from Georgia (Mr. MARSHALL), the 300-plus House Members who have year after year cosponsored the Bilirakis bill to deal with concurrent receipt for military retirees can actually do something about passing that bill, rather than just taking credit for cosponsoring it as they speak at home to their veteran service groups.

It is time to be honest with America's veterans. It is time to stop the hypocrisy of year after year having a majority of the House cosponsor this bill and we never have a hearing, never have a vote on it.

If cosponsors will sign the gentleman from Georgia's (Mr. MARSHALL) petition today, we can have a vote on this bill before the 4th of July. Let us pass the Marshall discharge petition.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF HARRY S TRUMAN SCHOLARSHIP FOUNDATION

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to 20 U.S.C. 2004(b), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of the Harry S. Truman Scholarship Foundation:

Mr. AKIN, Missouri.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO FILE SUPPLEMENTAL REPORT ON H.R. 1950, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

Mr. PENCE. Mr. Speaker, I ask unanimous consent to file a supplemental report from the Committee on International Relations to accompany the bill H.R. 1950, the Foreign Relations Authorization Act, Fiscal Years 2004 and 2005.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1115, CLASS ACTION FAIRNESS ACT OF 2003

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 269 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 269

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1115) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the

gentleman from Texas (Mr. FROST), the ranking member of our committee, pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, H. Res. 269 is a structured rule providing for the consideration of H.R. 1115, the Class Action Fairness Act of 2003.

The rule provides 1 hour of general debate equally divided and controlled between the chairman and ranking minority member of the Committee on the Judiciary. It provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill be considered as an original bill for the purpose of amendment.

The rule makes in order only those amendments printed in the Committee on Rules report accompanying the resolution. Each amendment may be offered only in the order printed, may be offered only by a Member designated in the report, shall be debatable for the time specified equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment or demand for a division of the question.

The rule waives all points of order against consideration of the amendment in the nature of a substitute now printed in the bill and waives all points of order against such amendment.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, I would like to point out to my colleagues that while this is a structured rule, it is a balanced rule. This rule makes in order four amendments, three Democrat amendments and one bipartisan amendment. In fact, only eight amendments were originally submitted to the Committee on Rules, and two of those amendments were withdrawn from consideration. In a world often frequented with sports analogies, we would say that four for six is pretty good at the plate.

Mr. Speaker, the history of our judicial process was purposely and deliberately constructed by our forefathers to be a system that employs fairness and balance in the rendering of justice. One of the many tools of this judicial system is the class action lawsuit. In its ideal form, the class action suit is meant to give many individuals who hold the same claim of wrongdoing against the same defendant an efficient and effective way to have their grievances heard as a unified voice. Essentially, it acts as a pedestal and a megaphone using the collective nature of the many to increase the profile and the potency of the group's accusations of injustice.

As used by public interest organizations and truly injured groups of individuals, class action lawsuits have proven effective in restoring justice and righting wrongs. By correcting egregious negligence, curbing dangerous misconduct, or even convincing

people in organizations to merely abide by the law, class action suits are an integral part of the American system of justice.

However, and very sadly, these suits are also one of the most grossly abused parts of the American system of justice.

□ 1030

We have seen a deluge of frivolous lawsuits designed to coerce quick and often unwarranted settlements only to enrich a few. This abuse of the system stunts economic growth and job creation, and it clogs the courtroom and our system, making it more difficult to receive justice in valid lawsuits. In fact, class action filings in State courts have increased 1,000 percent in just 10 years; 1,000 percent in just 10 years. Somebody is catching onto something around here.

One wonders how effective local courts and judges can even start to get through their workload when it is increasing so rapidly. Perhaps worst of all is the abusive way in which class action suits enrich a small group of trial attorneys and a very small fraction of plaintiffs while leaving most of the rest of the entire class with little or next to nothing.

In one instance, and there are thousands and thousands of these types of stories, but in one instance a State court approved a class action settlement in a case brought by account holders against a bank. The result, the plaintiffs' attorneys received over \$8 million in fees and the 700,000 members of the class only received \$10 each. Eight million dollars to the trial lawyers, \$10 to the plaintiffs. In addition, each class member was stuck holding the remainder of the bank's legal bills, approximately \$100 each. These class members had to pay the bank's liabilities, a net loss at the end of the day of \$90. How thick the irony, and we want people to respect our system of justice when they see this type of result? This may seem extreme, but it is becoming the norm very, very rapidly.

My colleagues on the other side of the aisle will dispute these facts. They will allege that the system is fine as it is, and that by passing this plan and working to restore justice to our system, we are robbing consumers of their legal rights. Let me be clear, no one is eliminating or diminishing anybody's rights to sue. No one is taking a wrecking ball to the court system that our forefathers so carefully established, and no one is ignoring legitimate claims of negligence or advocating bad guys being left off the hook. We are not doing that.

This bill simply curbs the abuse of class action suits. It curbs the abuses while preserving the rights of the truly injured to bring meritorious claims to court. In addition, this plan would remove large interstate class action lawsuits to Federal court where appropriate. This provision would enable more efficient and effective consolida-

tion of claims. It would also provide greater uniformity in consideration of these cases by requiring the decisions that affect individuals from all across the country be decided by courts that represent the Nation as a whole and not just one State which might have a particular bias for particular parties.

As this plan cracks down on the abuses of class action suits, it also protects the legal rights of individuals through a consumer class action bill of rights. This bill of rights requires that the notices sent to class members be simple and intelligible, ensures that victorious plaintiffs do not suffer a net loss because the attorneys took all of the money, it prevents geographic discrimination against certain class members, and it prohibits disproportionate awards from going to some class members at the expense of others.

The bottom line is that this plan provides greater judicial scrutiny to make our court system more efficient and effective, while restoring fairness to ensure that truly wronged victims receive their fair share of settlements.

Mr. Speaker, as a former judge, I have to say, our court system and the judges and attorneys that serve within it serve nobly by administering and executing true justice when they can. But it is the job of this Congress to make sure that our judicial system is not misused or abused to the point where it cannot perform its very purpose, or it provides the very opposite of justice.

The Class Action Fairness Act creates important reforms that will reduce lawsuit abuse and protect individuals. It is as simple as that. I urge support for this legislation and for the fair and balanced rule before us.

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

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

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

Mr. FROST. Mr. Speaker, this can be a complicated legal issue, but at its core, this bill that Republicans have given such a misleading name, the Class Action Fairness Act, is very simple. Here is what it does. It protects big corporate wrongdoers like Enron and WorldCom against individuals that they harm. It makes it easier for fraudulent and unethical corporations and their executives to escape accountability for their actions.

That may not be what some of its supporters intend, but that is exactly what this bill would do, and it is exactly the type of thing the Republican House has been doing for the past 8½ years, turning the American people's government over to a small, elite group of the wealthiest and most powerful. We have seen it for the past week as House Republicans have tried to block tax relief for working and military families who need it the most. They gave millionaires tax breaks totaling \$93,000, but they called it welfare when

Democrats tried to give \$150 in tax relief to the military families who need it most to feed and clothe their children.

We are seeing it again here today on this class action bill. Believe it or not, the latest version of the Republican bill is even worse for consumers than the versions they have offered in the past two Congresses. That is because this one does not just protect future corporate wrongdoers, it acts retroactively to pull the rug out from under the victims of some of the worst corporate scandals in recent memory. If Members do not think that was intentional, just take a look at the rule the Republican leadership has written for this bill.

In the past two Congresses, the House has been allowed to vote on every amendment offered by a Member. In fact, let me read from the CONGRESSIONAL RECORD from a year ago when my friend the gentlewoman from Ohio (Ms. PRYCE) who is handling the rule today was handling the rule at that time.

"I would like to take a moment to clarify for my colleagues that while this is a structured rule, our committee, the Committee on Rules, did make in order every amendment submitted to us on this legislation. The rule simply incorporates some time confines equally applied to all of the amendments in order to provide some level of certainty and order during consideration of the legislation in the House."

In other words, last year and, in fact, the year before, the Republican majority made in order every amendment that was submitted to the committee. Now, this year they have neglected to make in order two amendments. Which two did they not make in order? The one dealing with retroactivity; that is, one cannot sue somebody for what they did a couple of years ago and suits are already on file, those suits will suddenly go away. Who are we talking about? We are talking about wrongdoers at Enron and WorldCom and other places. But they will not make that amendment in order. That, of course, is the amendment offered by the ranking member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), and the gentleman from Massachusetts (Mr. DELAHUNT).

What is the other amendment that they will not make in order this time? That deals with unnecessarily delaying lawsuits by interlocutory appeals and freezing everything in place. What is wrong with that? Well, because as it is written, this class action bill would give Enron the power to unilaterally freeze the case that defrauded retirees in Texas have filed against it. Many of these people have lost their life savings in a massive corporate fraud. Their case has already been delayed more than a year and a half, a delay that allowed Arthur Andersen to shred important documents; and now this bill

would give Enron the power to unilaterally delay the case for many more years.

Just to be clear, last year, and 2 years ago, Republicans let all of the amendments be made in order. This year, they cannot do that; no amendment on the question of retroactivity and no amendment on the question of freezing lawsuits pending appeals.

That is not just wrong, it is indefensible, because it is simply welfare for some of the worst corporate wrongdoers, companies like WorldCom, Arthur Andersen, and Enron. But the Republican leadership has used this power to protect corporate criminals, killing the Conyers-Delahunt amendment on retroactivity last night in the Committee on Rules so they would not have to debate it in the light of day on the House floor.

Mr. Speaker, there are other major problems with the Republican bill. Its operating principle is: Justice delayed is justice denied. State and Federal judiciaries, including the Chief Justice of the Supreme Court, William Rehnquist, oppose it. And because the Federal courts are already overburdened, consumers will have to wait for years for their claims to be heard. In the meantime, big corporate wrongdoers like WorldCom and Enron will have new procedural tactics to run up the bills and run out the clock on the consumers they have injured.

At the same time, the so-called consumer protection provisions of the bill are a cynical sham. They do not provide any new protections for consumers, they just codify the ones that already exist, and they do not come close to making up for the fundamental lack on consumer rights that the entire bill represents.

I am sure the Republicans will come to the floor to complain about the so-called coupon settlements which are no more common in State courts than they are in Federal courts that Republicans favor. No matter how many times Republicans talk about this problem, their bill does not do anything about it. Only the Democratic alternative increases consumer protections against coupon settlements.

The truth is the Democratic alternative offered by the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SANDLIN) is the only sensible and workable class action reform on the House floor today. It will help consumers hold corporations accountable for their actions, and it will help courts manage large class action litigation. It tightens the rules on lawyers' fees and coupon settlements. It protects consumers against unfair settlements and enacts other consumer-friendly revisions that have been recommended by the Judicial Conference of the United States. And to protect the rights of out-of-State defendants, it establishes a State level multidistrict litigation panel, like those operating on the Federal level, to manage large class action suits filed in multiple jurisdictions.

So I urge my colleagues to support the Democratic alternative. But first I urge my Republican friends to stand up to the Republican leadership and oppose the previous question. If we defeat the previous question, then the House can consider the Conyers-Delahunt amendment to strike the retroactive provisions of this bill, and it also can consider another very important amendment on the provisions that permit lawsuits to be frozen in place. This is the only way we can block welfare for corporate wrongdoers like Enron and WorldCom.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to set the record straight. Many of the objections that the gentleman from Texas (Mr. FROST) just iterated about the Committee on Rules being unfair about are contained in the Democratic substitute which was allowed by our committee. Retroactivity is specifically addressed there, so there is a chance to debate and vote on that. And it will be a lively debate, I am sure.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I thank the gentlewoman from Columbus, Ohio (Ms. PRYCE), my good friend and able colleague, and I thank her for her fine leadership on this and other issues.

Obviously our goal here is very simple. We want to empower individuals rather than the lawyers. That is what this comes down to. There is bipartisan interest in doing that, based on a number of amendments which have been proposed. And I would argue, Mr. Speaker, that we have a very fair and balanced process around which we are going to be debating this issue.

We have heard this juxtaposition between the consideration of this measure in the 107th Congress and what we are doing today. In the 107th Congress, we had a rule just like this one. It was a structured rule. We also have a structured rule in this measure. We had 8 amendments that were filed, 6 Democratic amendments, a bipartisan amendment and a Republican amendment. Two amendments were subsequently withdrawn. We made 4 amendments in order. Three of those 4 amendments have been offered by Democrats, including something they did not offer in the 107th Congress, and that is a Democratic substitute. We make a Democratic substitute in order.

In the last Congress, the gentleman from Texas (Mr. FROST) talked about the number of amendments made in order. Well, of the amendments made in order, 55 percent of them in the last Congress were Democratic amendments, and in this Congress, it is 75

percent. Three of the 4 amendments made in order have been offered by Democrats. That is why when we hear this issue of fairness continually raised, I argue that this is a very fair, a very balanced rule, that will allow us to take on one of the very, very important issues of the rights of individuals under this system of justice that we have.

□ 1045

I congratulate the members of the Committee on the Judiciary who have worked long and hard on this. We continue to try and bring this back, and we hope very much we will be able to bring about a resolution in behalf of the American people.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Of course, I just heard the comments by my friend, the chairman of the Committee on Rules; and my only point was in the last Congress, both times this came up, the last Congress and the Congress preceding, all amendments that were filed we permitted to be made in order. This time the majority has cherry-picked and said, well, we will have these couple of amendments made in order, but the ones that are really important, we are not going to let those be made in order.

Also, I would like to read from the hometown newspaper of my good friend, the gentlewoman from Ohio, who is managing the bill. This is an editorial that appeared in the Columbus Dispatch May 8, 2003: "Courts have the power to police such abuses, and proponents of the bill have not shown that abuses are widespread or that the courts have failed such that the Congress needs to step in. If there are problems that require a legislative solution, the solution should be one that is carefully tailored, not the blunt instrument of this bill."

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Committee on Rules.

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

Mr. Speaker, the Committee on Rules works in mysterious ways. As the newest member of the committee, I continue to be fascinated by the twists and contortions in the process. I have seen some crazy things: entire bills rewritten behind closed doors; Members of this House shut out of the process, and debate stifled. But last night takes the cake. Last night the Republicans in charge of the committee denied two of the six amendments that were filed. My good friend and colleague, the gentleman from Massachusetts (Mr. DELAHUNT), sponsored both of the denied amendments. He took time out of his busy schedule to testify before the Committee on Rules in support of his amendments, but the chairman and the other committee Republicans decided that the Delahunt amendments would not be considered by the House.

Now, I am sure that they had their reasons. After all, one of the Delahunt amendments would repeal the retroactive provision of the bill. In other words, the lawsuits filed by the former workers at Enron against Ken Lay after he destroyed their life savings would be delayed for years without the Delahunt amendments. And just in case all of the tax cuts for Ken Lay and his rich friends were not enough, now the Republicans are protecting him from facing his former employees in court.

Now, when we saw the rule in committee and I saw that the Delahunt amendments were not made in order, I assumed the chairman had a good reason, so I asked him why he denied these two amendments; and the chairman of the Committee on Rules, whom I have great respect for, replied that he denied these amendments "because that is what they decided." I was even more surprised to hear another Republican on the committee declare that "these amendments were denied because he wanted them denied."

Now, the irony is almost overwhelming. Every day we hear the Republican leadership whine and complain about the other body, about how a single Senator can shut down the whole process, about how so-called "holds" and filibusters are threatening the very foundation of our democracy. I want my colleagues and the American people to know that there are holds right here in the House of Representatives. Apparently, a single member of the Committee on Rules, on a thoughtless whim, has the power to shut down debate on a critical issue.

Mr. Speaker, these amendments were thoughtfully and carefully drafted. They addressed real problems with the legislation. But shockingly, we were not even given the courtesy of a genuine response to our questions. Real questions about real public policy issues were simply waved away like nuisances. We were essentially told that what happens in the Committee on Rules and in this House really is none of our business.

Now, we have debated, as the gentleman from Texas (Mr. FROST) has said, the issue of class action reform twice before, both times under an open process with relevant amendments made in order by the Committee on Rules, but not anymore. The Republicans are setting a very dangerous precedent, Mr. Speaker; and people deserve to know what is happening behind closed doors in the people's House.

The leadership of this House has become so arrogant, they believe they can stifle debate without any accountability. This body, the greatest deliberative body in the world, and the constituents we represent deserve much, much better.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 3 minutes to my good friend and very distinguished colleague, the gentleman from Georgia (Mr. LINDER), a member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank my friend and colleague of the Committee on Rules, the gentlewoman from Ohio (Ms. PRYCE), for yielding me this time.

I rise in support of House Resolution 269 and urge the House to approve this rule so that we can move on to consideration of the underlying legislation, H.R. 1115, the Class Action Fairness Act of 2003.

This structured rules makes in order a total of four amendments. In fact, three of those amendments are sponsored by Democrats. The other amendment has bipartisan sponsorship. Thus this rule will allow the House to work its will on the key issues that these amendments raise, and H. Res. 269 should receive bipartisan support for doing so.

The editorial staff for The Washington Post once wrote that "no portion of the American civil justice system is more of a mess than the world of class actions. None is in more desperate need of policymakers' attention." I agree.

Class action litigation is one of America's most embarrassing judicial practices, pitting settlement-hungry lawyers against unsuspecting consumers seeking redress for their grievances. I know that all of the Members of this House are very familiar with some of the outrageous class action settlements that have become depressingly common in States all across the Nation.

In these instances, skillful trial lawyers earn million-dollar fees for filing meritless class action lawsuits which are frequently settled rather than litigated in court. When this happens, trial lawyers are the primary beneficiaries, and the individuals with the class action lawsuits receive very modest financial payments or even, in some cases, just coupons toward future purchases. Surely we can do better than that for the American people.

Mr. Speaker, H.R. 1115 contains a number of commonsense reforms all designed to curb these abusive lawsuits, while still ensuring that legitimate lawsuits can move through the court system.

The fact that this class action reform was crafted in a bipartisan fashion is a credit to its authors, the gentlemen from Virginia (Mr. GOODLATTE) and (Mr. BOUCHER). I support their responsible collection of legal reforms, and I hope legislation of this nature can be enacted during this Congress.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT), a member of the Committee on the Judiciary.

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

I rise in opposition to the rule and the bill, H.R. 1115, the so-called Class Action Fairness Act. This is an unfair bill that does nothing to resolve disputes. Moreover, the bill has a number of significant problems.

First, the bill will disrupt ongoing litigation because it applies to pending class actions. Some of those class actions that would be affected would be those cases against Enron, WorldCom, and Arthur Andersen for financial fraud; other major cases involving environmental damage or employment discrimination; and several drug companies involving problems with their pharmaceuticals. It is fundamentally unfair for Congress to change the rules for consumers midstream by including these pending cases and, therefore, making it more difficult to resolve disputes in a timely manner.

This bill is overly broad. It defines class actions not only to include class actions, but also State actions brought on behalf of the general public by State attorneys general. These cases are important consumer protection tools in some States, particularly California; and all of these cases would be considered class actions and subject to the provisions of the bill, even though they were not filed as class actions and even though they were brought by the State attorney general under State law.

Mr. Speaker, by shifting class actions to Federal court, H.R. 1115 will overload the Federal judiciary and increase delays. Criminal cases are always given priority in Federal courts; and because the courts are already overloaded with criminal cases, including many traditionally State cases that have been transferred to Federal jurisdiction over the past few years, State actions that are referred to Federal courts by this bill will be delayed. They also may get caught up in some judicial districts that have been dealing with terrorism cases or the temporary onslaught of other criminal cases. Adding in complex class action litigation to an already overloaded docket will only add to additional delays.

These delays will be exacerbated by the provision in the bill that grants an automatic, pretrial appeal and a stay of discovery during that appeal. Guilty corporations who use their appeals under the bill will be able to delay their inevitable judgment day by several years. A rule that was offered in committee by the gentleman from Massachusetts and myself would have specifically dealt with this problem, but that amendment was rejected by the Committee on Rules.

Mr. Speaker, many of the cases, in fact, should remain in State court. H.R. 1115 would often require Federal judges to apply State law when State judges have more familiarity with the law in their own States. This may result in mistakes being made in the application of State law, affecting both plaintiffs and defendants.

H.R. 1115 violates uniform rules of Federal procedure. For example, Federal courts will be required to apply one set of rules on diversity jurisdictions for everybody except class actions. There will be a separate rule for class actions. There will also be rules on removal, dismissal, remand, appel-

late review, and discovery where there will be rules for everybody, except class actions, another set of rules for class actions.

Now, there has been a whole lot of hoopla about so-called coupon settlements, about how legislation is necessary to address that problem when plaintiffs get a negligible recovery. Now, as the gentleman from Texas has pointed out, there are as many examples of Federal court abuses regarding coupon settlements as there are State court abuses.

But there is nothing inherently wrong with coupon settlements. If a business has been stealing only 50 cents at a time, the recovery for each individual class member will be minuscule. But a class action, even with a coupon settlement, will be effective in stopping the ongoing theft. One recent case involved a business which fraudulently calibrated its cash registers to steal small amounts of money from each customer. Now, how much will each customer be entitled to if they are cheated out of 3 cents? If you cannot have a favorable verdict when the individual damages are de minimis, you give an unscrupulous corporation a free pass, so long as they do not steal too much from each person.

Federal and State judges oppose this bill. The Federal Judicial Conference headed by the Chief Justice of the United States, the Conference of the Chief Justices which represents chief justices around the country, both oppose H.R. 1115. It is also opposed by the American Bar Association and consumer advocacy groups.

We have the responsibility to our citizens to ensure timely access to the courts for damages sustained. This bill will do nothing to help that issue. It will only give unscrupulous defendants new procedural schemes to delay justice, and justice delayed is justice denied.

Mr. Speaker, I ask that we reject the rule and reject the bill as unnecessary, unwise, and creating more problems than it solves. I urge my colleagues to oppose the bill.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), my very distinguished colleague and the whip of the Republican majority.

Mr. BLUNT. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I am here in favor of the rule and, of course, the underlying bill, and looking forward to the debate today.

This is an issue that we have brought to the floor now for the last several Congresses. And every time we do it, I see our Members on both sides of the aisle, many of whom will vote for it on both sides of the aisle, begin to understand that this is a great opportunity to talk about how badly the current system works. A debate that we used to dread, a debate that we used to fear, a

debate that we used to be concerned about, now our Members are eager to talk about because of the incredible abuses out there in the system. We will see the gentleman from Virginia (Chairman GOODLATTE) and others stand up here during the day today with chart after chart after chart that shows what happens when consumers are unfairly treated in this system.

The changes we advocate today create an environment where the people that are impacted have a better chance to get money rather than the lawyers who put these class action suits together. It creates an opportunity to go to a court that will look carefully at the issues. We are going to see example after example of the millions of dollars that go to the lawyers involved and the \$1 coupons and the smallest box of Cheerios and the 33-cent check that goes to the people in the class. Obviously, the lawyers thought the class had very little impact, as demonstrated by the settlement that they were willing to agree to.

□ 1100

If people were affected by this terrible thing that the lawyers contend happened, how is 33 cents a proper settlement? How is \$1 a proper settlement? How is a coupon with money off, to go back to the same company that apparently had been so dastardly in launching suit, how could that possibly be a proper settlement?

How could any attorney spend time and go to the court and say to them at the end of this case, I want you to give my client a \$1 coupon? I want you to give my client the smallest possible box of cereal? I want you to give my client a check for 33 cents?

This system is terribly abused. It needs to be changed. Vote for this rule. Seeing Democrats and Republicans on the floor today vote for the bill sends a message that will change this system in a way that benefits consumers and benefits justice.

Mr. FROST. Mr. Speaker, I yield 7 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Speaker, I thank the ranking member for yielding time to me.

Mr. Speaker, the proponents, they do not want to reform class actions; they really want to destroy them.

Not only have they for all intents and purposes barred States from considering these cases by means of a massive expansion of Federal jurisdiction, against the advice, by the way, of the Chief Justice of the Supreme Court, Chief Justice Rehnquist, the Judicial Conference of the United States, and the Conference of State Chief Justices, but they have cleverly changed the rules in the Federal courts to further thwart class action suits. I want to acknowledge that it is a brilliant strategy.

Do Members realize that even Washington cannot dictate the rules by

which State courts handle their cases? So they simply remove most of these cases to the Federal court. Then once they are in the Federal court, they design an obstacle course to make sure that most of these cases will just linger and linger and linger and never see the light of day. They did this by adding a section which creates an automatic right of appeal. If a Federal district court simply certifies, simply certifies a class, that appeal comes before the case is even heard on the merits.

Now, that is not all. The bill, as others have indicated, would halt all discovery proceedings in the case until the appeal, until the appeal is completed. This unprecedented new right for defendants is unheard of in the American civil justice system.

What does it mean in practical terms? There is already an enormous backlog in the Federal courts, as others have suggested. This bill in and of itself will seriously exacerbate that problem and it will delay the resolution of these cases by years. As the gentleman from Virginia has said: Justice delayed is justice denied.

What I find particularly unconscionable is that the sponsors claim that the first purpose of this act is to ensure fair and prompt, and prompt, recoveries for class members with legitimate claims. Well, as that great philosopher, Rodney Dangerfield, said, Give me a break. It is important to understand that class actions do not exist solely, solely, to provide relief for private wrongs. No, they exist to correct and punish and deter; most importantly, deter corporate misconduct that harms large numbers of ordinary people and can put all Americans at risk.

Remember, Mr. Speaker, the Firestone case, the tobacco cases, where it was class action suits that revealed the ugly truth that lives had been sacrificed because of corporate greed? Because of this bill, we will create fertile ground for future Firestone and tobacco cases. That is a tragedy.

We should also understand that the existing practice which was adopted by rule in 1998 gives the judge discretion to permit an appeal of a class certification order and to stay proceedings. But as Judge Scirica, writing on behalf of the Judicial Conference of the United States, said in a recent letter to the committee, and now I am quoting, "Providing an appeal as a right might tempt a party to appeal solely for tactical reasons."

He pointed out that many appeals are unnecessary, wasteful, and expensive. He said that he was unaware of any dissatisfaction, not a single complaint from the bench or bar, with the current rule; and that since the rule had only been promulgated recently, any consideration of it being amended should be deferred.

Well, as my colleague, the gentleman from Virginia (Mr. SCOTT) said, we agreed with Judge Scirica and filed an amendment to undo their damage. Of course, it was not made in order. I guess I should not be surprised.

Members should know that these concerns would not only affect future class action suits in the Federal court. No, the sponsors were not satisfied with that. They wanted the whole enchilada. Unbelievably, they made that provision retroactive, so it will alter the course of hundreds of cases that have already been filed in Federal court and cause further delay, further delay; cases like the ImClone case, in which that CEO was just sentenced to 7 years in prison for fraud and perjury and obstruction of justice; and like the Enron case, brought by thousands of investors who claim more than \$20 billion in damages as a result of the series of fraudulent transactions that destroyed the company and rendered its stock worthless.

Are there abuses of the system? Of course. That is undeniable. The Democratic substitute would address them; but the underlying bill does not. That is not its purpose. Its purpose is to shield corporate wrongdoers from civil liability and leave the public unprotected.

This is not about protecting plaintiffs, and, as I said, ensuring prompt recoveries; it is about protecting large corporations whose conduct has been egregious. It is about protecting the powerful at the expense of the powerless, and to prevent people from banding together as a class to challenge power in the only way they can.

Defeat the rule and defeat the bill.

Mr. Speaker, there's a lot that's wrong with this bill. But nothing is as wrong as the provision that was added to it during our committee debate to give it retroactive effect with respect to cases already pending in court.

It's one thing to make new policy for future cases. It's quite another to rewrite the rules once the whistle has sounded.

Why in the world would the sponsors of the bill insist on making it retroactive?

During our markup, one of the supporters of the amendment making the bill retroactive said, and I quote, "If this bill is enacted but pending cases that have not been certified for class treatment are excluded, it would discriminate against those who may be joined to a class in a pending case after the date of enactment."

In other words, Mr. Speaker, we must transfer all pending cases to federal court and make every class certification subject to automatic appeal to ensure that no individual is forced to be a member of a class against his or her will. That's like saying that we have to quarantine the entire U.S. population to contain a single outbreak of West Nile virus. The truth is that individuals can already opt out of the class at the time they receive notice of the suit. And under rules that go into effect in December, judges will be able to extend the opt-out even after certification.

Such an argument does not deserve to be taken seriously. But the supporters also make a second argument. Unless we apply the new rules to pending cases, they say, there will be a rush to the courthouse by new plaintiffs seeking to file "frivolous" lawsuits under the old rules.

Here again, they propose to disrupt the hundreds of cases now awaiting class certifi-

cation, some of which have already been in court proceedings for many months, in order to prevent certain other people, as yet unknown, from racing to file other cases.

This argument is almost so absurd that one is embarrassed to respond to it. If a suit is frivolous, it will survive a motion to dismiss, where it is filed in state or federal court. That is the customary remedy for frivolous lawsuits, and the courts are quite capable of using it.

No, I'm afraid that "this dog won't hunt," as my good friend, the gentleman from North Carolina (Mr. COBLE), is so fond of saying.

The real reason they're so desperate to make the bill retroactive is obvious. It's the only way to throw a monkey wrench into the class actions that are now proceeding against the former executives at companies like Enron, WorldCom, and Global Crossing, who are facing both civil and criminal liability for the systematic looting of their companies. For the brazen misconduct and self-dealing that defrauded creditors and investors of billions of dollars, and stripped employees and retirees of their livelihood and life savings.

If this bill passes, those executives will be able to breathe a sign of relief. In fact, they'll get another year or two in which to spend down their ill-gotten gains before they need to worry about going to trial.

It's no surprise that the House leadership was unwilling to make in order an amendment that would have stripped the retroactivity language from the bill. They don't want the public to know what they're doing. They're embarrassed by it. And they ought to be.

Oppose the rule and vote "no" on the bill.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 8 minutes to my distinguished colleague, the gentleman from Virginia (Mr. GOODLATTE), chairman of the Committee on Agriculture; but more importantly, today, the author of this important reform legislation and a very valued member of the Committee on the Judiciary.

Mr. GOODLATTE. Mr. Speaker, I thank the gentlewoman, our excellent conference chairman, for yielding me this time.

Mr. Speaker, this is a good and fair rule. I would urge my colleagues to adopt it. It makes in order important amendments that should be considered and debated carefully. It makes in order an amendment offered by the gentleman from the other side of the aisle, the gentleman from Virginia (Mr. BOUCHER), along with the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENBRENNER) and myself, which will take into account some of the provisions that were considered in the Senate. We are pleased to do that because we are certainly interested in making the bill better.

I would urge my colleagues to defeat the other amendments that are going to be offered because they do not make this legislation better; they would gut it, they would harm it. I would urge Members' opposition to it.

In response to my good friend, the gentleman from Virginia (Mr. SCOTT), this is not tort reform; this is court reform. As a result, we are not harming the ability of any of those cases that

the gentleman cited to be considered carefully and fairly.

In fact, because this legislation improves the court process, it is court reform, and it will make those cases heard better in courts more capable of hearing them. We will address some of those specific cases as the debate proceeds.

With regard to his comments about coupon settlement reform, let me point out that while the gentleman may laud coupon settlements, most of us think they are a considerable abuse. The reason is very simple: The plaintiffs' attorney sues a company and then settles the case for millions of dollars, not for the plaintiffs but in attorneys' fees. The plaintiffs, the people he is supposed to be protecting, supposed to be representing, get a coupon to buy more of the product that he alleged was defective in the first place.

Coupon settlements are a gross abuse, and what this bill does to correct the problem is to require greater scrutiny of those cases. It also cuts out the abuse of that plaintiffs' attorney going to his or her secretary or friend or neighbor and saying, hey, help me bring this case because you fit into this class, and I will give you \$100,000 for doing that when we settle the case; but the rest of the plaintiffs will get a coupon. That is an abuse. It ought to be ended.

To the gentleman from Texas (Mr. FROST), I would point out that while he may cite the newspaper of the gentleman from Ohio criticizing this legislation, that newspaper is by far in the minority in this country on this issue.

America's newspapers know that this is a class act when they see it, and that is what this legislation is. The Washington Post called it "Making Justice Work." They said, "This", the current system, "is not justice. It's an extortion racket that only Congress can fix."

Newsday, not a newspaper that ordinarily endorses legislation from this side of the aisle, they said, "Congress should stem abuses of class-action lawsuits. Class-action lawsuits are ripe for reform."

The Christian Science Monitor: "Reforming Class-Action Suits." "Class-action suits have also become an ATM for unscrupulous lawyers . . ."

USA Today: "Class-action Plaintiffs Deserve More Than Coupons." ". . . lawyers, who put their own welfare ahead of their client's needs," under the current system.

The Hartford Current: The Class-Action Racket." They described the current system. ". . . the Class Action Fairness Act would help eliminate some of the worst abuses."

It does not stop there. The Buffalo News, the Indianapolis Star, the Des Moines Register, the St. Louis Post Dispatch, the Omaha World Herald, the Wall Street Journal, the Providence Journal, the Financial Times, the Chicago Tribune, the Oregonian, Cedar Rapids Gazette, the Akron Beacon

Journal, the Albany Times Union, the list goes on and on of newspapers endorsing what we are trying to do. Why? Because of the abuses.

Here is a great case: A settlement with Cheerios over food additives produced a \$2 million settlement in attorneys' fees, while class members only received coupons for more Cheerios.

Here is another one: After being named in 23 class action lawsuits, Blockbuster agreed to provide class members with only \$1-off coupons; buy one, get one free coupons; and free Blockbuster Favorites video rentals. And those are the old videos you come back and hope they will rent more of, not the latest ones. Attorneys for the plaintiff received \$9.2 million in fees.

It gets better. A settlement of a suit against an airline gave class members \$25 coupons off to use when they purchased an additional airline ticket of \$250 or more from the same airline from which, I presume, there was some complaint regarding the service they were providing. You get a 10 percent discount if you buy another ticket for \$250 or more. What did the plaintiff's attorneys get? Sixteen million dollars.

The Bank of Boston, a settlement over disputed accounting practices produced an \$8.5 million attorneys' fee and actually cost the class members they were representing. Why? Because they had to pay an additional \$80. Later, the plaintiffs' attorney came into the case and sued the class members, the people they were representing, for an additional \$25 million. You did not pay them enough. Even though you had to pay \$80 in the settlement of the case and you did not get a coupon, they had to get more.

Here is my favorite. This is the case where consumers were awarded a 33-cent check in a class action against Chase Manhattan Bank, 33 cents. Great. There was a catch, though. At that time, in order to accept your 33-cent check, you had to use a 34-cent stamp to send in the acceptance.

□ 1115

Sounds like a 1-cent net loss. The attorneys in the case, well, they came out all right, \$4 million in attorney fees. Here is one of the checks: 33 cents.

Now, some have said that there is an issue of federalism here, that somehow we are taking away rights from the States. But under current law, a simple slip-and-fall lawsuit involving a Virginia defendant and a Maryland plaintiff can be brought in Federal district court today. Yet, a nationwide class action lawsuit worth \$100 million, \$1 billion, with plaintiffs in the hundreds of thousands from all 50 States, with multiple defendants from more than one State, that winds up in a State court in Illinois. It cannot be removed to Federal court because of the antiquated class action laws.

Now, do people understand this? You bet they do. Here is a USA Today poll. Opinions on class action lawsuits. Who benefits most from class action law-

suits? Is it the plaintiffs? Is it consumers? No, they know. Lawyers for the plaintiffs, 47 percent of the public says that. Who is second? Lawyers for the defendants. They come out all right, too. They are going to get paid.

How about the plaintiffs themselves? Nine percent. Sixty-seven percent say the lawyers benefit. Nine percent say the plaintiffs themselves are benefiting.

And, again, I remind you, there is broad bipartisan support for this legislation. The clients get token payments while the lawyers get enormous fees.

This is not justice. This is an extortion racket that only Congress can fix. Who said it? The Washington Post.

I urge my colleagues to support this rule and to support the underlying legislation. This has great prospect for success this year. We are very close in the Senate to passage of this legislation as well. The President anxiously awaits it on his desk.

Let us support this bipartisan simple tort reform that will make it possible for class actions to be heard and dealt with fairly throughout this country.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN), my very distinguished colleague.

Mr. SULLIVAN. Mr. Speaker, I would like to thank the gentleman from Virginia (Mr. GOODLATTE) for those very informative charts. I believe we need to stop the lawsuit lottery in this country.

Today I rise in support of H.R. 1115, the Class Action Fairness Act of 2002. H.R. 1115 is a critical piece of legislation that can reform tort law and give reprieve to our beleaguered State and local courts that are suffering under the weight of frivolous lawsuits.

Statistics have shown that upwards of 93 percent of Americans believe tort reforms are needed. These statistics also show that 50 percent of all tort awards go towards lawyers' fees and their administrative costs. From these figures it is easy to discern that the American people demand tort reform and protection from lawyers who are looking out for their own interests rather than those of the plaintiffs they represent.

The Class Action Fairness Act of 2003 seeks a balanced and sensible approach to address the worst class action abuses. It provides protections for consumers and assures fair and prompt recoveries for class members with legitimate claims. The bill specifically discourages lawyers from forum shopping for courts most likely to approve a prospective class of plaintiffs and award large monetary decisions.

By curbing these abuses of the class action system, consumer costs will be driven down and these lawsuits will benefit plaintiffs they are intended to compensate. This sensible legislation will restore balance, fairness, and uniformity to our civil justice system. It

is a good step in the right direction in reforming tort law and will protect plaintiffs and consumers alike.

I urge my colleagues to vote in favor of H.R. 1115 to set a precedent of judicial fairness.

Ms. PRYCE of Ohio. Mr. Speaker, I have one remaining speaker. Does the gentleman from Texas (Mr. FROST) have anyone further?

Mr. FROST. Mr. Speaker, does the gentlewoman have one speaker, and then will she close after that?

Ms. PRYCE of Ohio. Yes, Mr. Speaker.

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

Ms. PRYCE of Ohio. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from Ohio (Ms. PRYCE) has 5½ minutes remaining. The gentleman from Texas (Mr. FROST) has 7½ minutes remaining.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING), my distinguished colleague and a member of the Committee on the Judiciary.

(Mr. KING of Iowa asked and was given permission to revise and extend his remarks.)

Mr. KING of Iowa. Mr. Speaker, I would like to remark on the distinguished gentleman from Virginia's (Mr. GOODLATTE) comments.

There is nothing I can add to the emphasis he has put here today. I simply add my voice and I wish to associate myself with the very dramatic and emphatic presentation that the gentleman from Virginia (Mr. GOODLATTE) has made.

I would point out that our tort system consumes up to 3 percent of our gross domestic product. If we need 3½ growth just to sustain our economy, and our freedom, I might add, then our economy has to grow at 6½ percent in order to make up for the 3 percent that is consumed in our tort system.

It is a deep problem that we must address. It is a loophole in our current system that allows class action lawsuits involving plaintiffs from nearly every State to file suits in those few States that are known to be plaintiff-friendly and hostile to out-of-State defendants.

These few State courts are making the decisions that set the policy for other States and the entire country. Out-of-State companies and residents are being sued in class action lawsuits in other States where their rights are being determined under those State laws. H.R. 1115 appropriately addresses this forum shopping problem by allowing Federal courts to hear class action lawsuits involving plaintiffs or defendants from multiple States or foreign countries.

The biggest winners in the current class action scheme are trial lawyers, not consumers. The public knows that, as was pointed out. The large fees awarded class action lawyers through settlements all too often do not con-

stitute legitimate harm, because many companies agree to these settlements in order to lower the costs of nuisance lawsuits. Unfortunately, settling cases with little or no merit results in higher prices for consumers. Frivolous class action cases are, in effect, a litigation tax imposed on consumers because the economic damage to a company results in higher prices for its products.

The explosion of class actions lawsuits has reached crisis proportions. I encourage you to vote for H.R. 1115 and help address the growing class action problem in America.

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

Mr. Speaker, I have been listening to the great crocodile tears shed on the other side on the issue of coupon settlement proposition. Of course, if they want to change that, they should support the Democratic substitute which is stronger on the issue of coupon settlements than their underlying bill.

Also, it is fascinating to listen to the advocates of States rights on the other side suddenly shift gears and become advocates of a very strong Federal system. I guess there is just a fundamental distrust of our State court system on the part of Republicans, and I find that very curious and very interesting. Also, particularly in light of the fact that the Chief Justice of the Supreme Court of the United States is opposed to dumping these additional lawsuits into the already overburdened Federal system.

So we just have a peculiar situation in which people on the other side of the aisle are disregarding the Chief Justice of the United States, a member of their own party, and are also suddenly, in this particular instance, advocating for stronger action by the Federal system which would override the State system that they normally support.

Mr. Speaker, I urge Members to vote no on the previous question. Last night the Committee on Rules broke with its past precedents and refused to make in order two important amendments Democratic Members brought to the committee.

If the previous question is defeated, I will offer an amendment to the rule that will restore fairness in the debate on class action reform that the House has adopted in the previous two Congresses. Under my proposal, the House will be allowed to debate one amendment by the gentleman from Michigan (Mr. CONYERS) and the gentleman from Massachusetts (Mr. DELAHUNT) that will delete the bill's retroactive provisions; and, two, the Delahunt-Scott amendment to prevent corporations from using interlocutory appeals to run out the clock on class action lawsuits.

No matter what their position is on this bill or on these particular amendments, all Members should support bringing fairness back to the process and vote no on the previous question.

I am merely asking that all Members with serious amendments be allowed to

bring them to the House floor just as they have been able to on the earlier occasions when we have debated class action reform.

Let me make it very clear. A no vote would not stop the House from taking up the Class Action Fairness Act and would not prevent any of the amendments made in order by the rule from being offered. However, a yes vote will preclude the House from considering these two very important amendments that are critical to the debate on class action lawsuits.

Mr. Speaker, I ask unanimous consent to insert the text of the amendments immediately prior to the vote on the previous question.

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

There was no objection.

Mr. FROST. Mr. Speaker, again, vote no on the previous question.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing let me just remind my colleagues that the critics had it backwards. This bill restores, rather than undermines, the principled balance of Federalism. It is the other 49 States' rights that are being protected when one State's judge is precluded from making law and determining the law and the outcome for the other 49. This is truly an example of a principle of federalism.

This legislation provides important and needed reform. It will help plaintiffs that are part of a class receive more than just a coupon for a box of cereal, a coupon that goes back to the very company that was sued in the first place.

It is laughable, Mr. Speaker. It will give needed accountability while preserving the rights of the truly injured. But more importantly for me as a former member of the bench, it will bring back the public's faith in our justice system, because really it has become a joke. As you listen to the debate this afternoon, it is so sad that it is almost funny. This country is only as strong as the faith our citizens have in its laws and how they are applied to them. When it becomes a joke, it weakens us.

H.R. 1115 has the strong support of the administration. It is an important step forward in commonsense reform. I urge my colleagues to put the plaintiffs first. Let us get justice back in our system. Support this fair and balanced rule and the underlying legislation.

The material previously referred to by Mr. FROST is as follows:

PREVIOUS QUESTION FOR H. RES. 269—RULE ON H.R. 1115, CLASS ACTION FAIRNESS ACT OF 2003

At the end of the resolution, add the following:

"SEC. 2. Notwithstanding any other provision of this resolution, the amendments printed in section 3 shall be in order as

though printed after the amendment numbered 3 in the report of the Committee on Rules if offered by the Member designated. Each amendment may be offered only in the order specified in section 3 and shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent.

“SEC. 3. The amendments referred to in section 2 are as follows:”

(1) Amendment by Representative CONYERS of Michigan or a designee:

Strike section 8 and insert the following:

SEC. 8. EFFECTIVE DATE.

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

(2) Amendment by Representative DELAHUNT of Massachusetts or a designee:

Strike section 6 and redesignate the succeeding sections accordingly.

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. 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.

Pursuant to clause 8 and 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered on the question of adoption of the resolution and, thereafter, on approving the Journal.

The vote was taken by electronic device, and there were—yeas 229, nays 193, not voting 12, as follows:

[Roll No. 265]

YEAS—229

Aderholt	Capito	Frelinghuysen
Akin	Carter	Gallegly
Bachus	Castle	Garrett (NJ)
Baker	Chabot	Garloch
Ballenger	Chocola	Gibbons
Barrett (SC)	Coble	Gilchrest
Bartlett (MD)	Cole	Gillmor
Barton (TX)	Collins	Gingrey
Bass	Cox	Goode
Beauprez	Crane	Goodlatte
Bereuter	Crenshaw	Goss
Biggert	Culberson	Granger
Bilirakis	Cunningham	Graves
Bishop (UT)	Davis, Jo Ann	Green (WI)
Blackburn	Davis, Tom	Greenwood
Blunt	Deal (GA)	Gutknecht
Boehlert	DeLay	Harris
Boehner	DeMint	Hart
Bonilla	Diaz-Balart, L.	Hastings (WA)
Bonner	Diaz-Balart, M.	Hayes
Bono	Dooley (CA)	Hayworth
Boozman	Doolittle	Hefley
Boucher	Dreier	Hensarling
Bradley (NH)	Duncan	Herger
Brady (TX)	Dunn	Hobson
Brown (SC)	Ehlers	Hoekstra
Brown-Waite,	Emerson	Hostettler
Ginny	English	Houghton
Burgess	Everett	Hulshof
Burns	Feeney	Hunter
Burr	Ferguson	Hyde
Burton (IN)	Flake	Isakson
Buyer	Fletcher	Issa
Calvert	Foley	Istook
Camp	Forbes	Janklow
Cannon	Fossella	Jenkins
Cantor	Franks (AZ)	Johnson (IL)

Johnson, Sam	Norwood
Jones (NC)	Nussle
Keller	Osborne
Kelly	Ose
Kennedy (MN)	Otter
King (IA)	Oxley
King (NY)	Paul
Kingston	Pearce
Kirk	Pence
Kline	Peterson (PA)
Knollenberg	Petri
Kolbe	Pickering
LaHood	Pitts
Latham	Platts
LaTourette	Pombo
Leach	Porter
Lewis (CA)	Portman
Lewis (KY)	Pryce (OH)
Linder	Putnam
LoBiondo	Quinn
Lucas (OK)	Radanovich
Manzullo	Ramstad
McCotter	Regula
McCrery	Rehberg
McHugh	Renzi
McInnis	Reynolds
McKeon	Rogers (AL)
Mica	Rogers (KY)
Miller (FL)	Rogers (MI)
Miller (MI)	Rohrabacher
Miller, Gary	Ros-Lehtinen
Moran (KS)	Royce
Moran (VA)	Ryan (WI)
Murphy	Ryun (KS)
Musgrave	Saxton
Myrick	Schrock
Nethercutt	Scott (GA)
Neugebauer	Sensenbrenner
Ney	Sessions
Northup	Shadegg

NAYS—193

Abercrombie	Ford
Alexander	Frank (MA)
Allen	Frost
Andrews	Gonzalez
Baca	Gordon
Baird	Green (TX)
Baldwin	Grijalva
Ballance	Gutierrez
Becerra	Hall
Bell	Harman
Berkley	Hastings (FL)
Berman	Hill
Berry	Hinchey
Bishop (GA)	Hinojosa
Bishop (NY)	Hoefel
Blumenauer	Holden
Boswell	Holt
Boyd	Honda
Brady (PA)	Hooley (OR)
Brown (OH)	Hoyer
Brown, Corrine	Insole
Capps	Israel
Capuano	Jackson (IL)
Cardo	Jackson-Lee
Caroza	(TX)
Carson (IN)	John
Carson (OK)	Johnson, E. B.
Case	Jones (OH)
Clay	Kanjorski
Clyburn	Kaptur
Cooper	Kennedy (RI)
Costello	Kildee
Cramer	Kilpatrick
Crowley	Kind
Cummings	Kleckza
Davis (AL)	Kucinich
Davis (CA)	Lampson
Davis (FL)	Langevin
Davis (IL)	Lantos
Davis (TN)	Larsen (WA)
DeFazio	Larson (CT)
DeGette	Lee
DeLaHunt	Levin
DeLauro	Lewis (GA)
Deutsch	Lipinski
Dicks	Lofgren
Dingell	Lowey
Doggett	Lucas (KY)
Doyle	Lynch
Edwards	Majette
Emanuel	Maloney
Engel	Markey
Etheridge	Matheson
Evans	Matsui
Farr	McCarthy (MO)
Fattah	McCarthy (NY)
Filner	McCollum

Shaw	Shaw
Shays	Shays
Sherwood	Sherwood
Shimkus	Shimkus
Shuster	Shuster
Simmons	Simmons
Simpson	Simpson
Smith (MI)	Smith (MI)
Smith (NJ)	Smith (NJ)
Smith (TX)	Smith (TX)
Souder	Souder
Stearns	Stearns
Sullivan	Sullivan
Sweeney	Sweeney
Tancredo	Tancredo
Tauzin	Tauzin
Taylor (NC)	Taylor (NC)
Terry	Terry
Thomas	Thomas
Thornberry	Thornberry
Tiahrt	Tiahrt
Tiberi	Tiberi
Toomey	Toomey
Turner (OH)	Turner (OH)
Upton	Upton
Vitter	Vitter
Walden (OR)	Walden (OR)
Walsh	Walsh
Wamp	Wamp
Weldon (FL)	Weldon (FL)
Weldon (PA)	Weldon (PA)
Weller	Weller
Whitfield	Whitfield
Wicker	Wicker
Wilson (NM)	Wilson (NM)
Wilson (SC)	Wilson (SC)
Wolf	Wolf
Young (AK)	Young (AK)
Young (FL)	Young (FL)

Stenholm	Stenholm
Strickland	Strickland
Stupak	Stupak
Tanner	Tanner
Tauscher	Tauscher
Taylor (MS)	Taylor (MS)
Thompson (CA)	Thompson (CA)
Thompson (MS)	Thompson (MS)
Tierney	Tierney

Towns	Towns
Turner (TX)	Turner (TX)
Udall (CO)	Udall (CO)
Udall (NM)	Udall (NM)
Van Hollen	Van Hollen
Velazquez	Velazquez
Visclosky	Visclosky
Waters	Waters
Watson	Watson

Watt	Watt
Waxman	Waxman
Weiner	Weiner
Wexler	Wexler
Woolsey	Woolsey
Wu	Wu
Wynn	Wynn

NOT VOTING—12

Ackerman	Gephardt	Nunes
Conyers	Jefferson	Rothman
Cubin	Johnson (CT)	Sherman
Eshoo	Marshall	Smith (WA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1148

Messrs. CAPUANO, BOYD, BAIRD and RODRIGUEZ changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 188, not voting 11, as follows:

[Roll No. 266]

AYES—235

Aderholt	Cole	Granger
Akin	Collins	Graves
Bachus	Cox	Green (WI)
Baker	Cramer	Greenwood
Ballenger	Crane	Gutknecht
Barrett (SC)	Crenshaw	Harris
Bartlett (MD)	Culberson	Hart
Barton (TX)	Cunningham	Hastings (WA)
Bass	Davis (TN)	Hayes
Beauprez	Davis, Jo Ann	Hayworth
Bereuter	Davis, Tom	Hefley
Biggert	Deal (GA)	Hensarling
Bilirakis	DeLay	Herger
Bishop (UT)	DeMint	Hobson
Blackburn	Diaz-Balart, L.	Hoekstra
Blunt	Diaz-Balart, M.	Hostettler
Boehlert	Dooley (CA)	Houghton
Boehner	Doolittle	Hulshof
Bonilla	Dreier	Hunter
Bonner	Duncan	Hyde
Bono	Dunn	Isakson
Boozman	Ehlers	Issa
Boucher	Emerson	Istook
Boyd	English	Janklow
Bradley (NH)	Everett	Jenkins
Brady (TX)	Feeney	John
Brown (SC)	Ferguson	Johnson (IL)
Brown-Waite,	Flake	Johnson, Sam
Ginny	Fletcher	Jones (NC)
Burgess	Foley	Keller
Burns	Forbes	Kelly
Burr	Fossella	Kennedy (MN)
Burton (IN)	Franks (AZ)	King (IA)
Buyer	Frelinghuysen	King (NY)
Calvert	Gallegly	Kingston
Camp	Garrett (NJ)	Kirk
Cannon	Gerlach	Kline
Cantor	Gibbons	Knollenberg
Capito	Gilchrest	Kolbe
Carter	Gillmor	LaHood
Castle	Gingrey	Latham
Chabot	Goode	LaTourette
Chocola	Goodlatte	Leach
Coble	Goss	Lewis (CA)

Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)

NOES—188

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva

Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster

Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiaht
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

Waxman
Weiner
Ackerman
Cubin
Eshoo
Gephardt

Wexler
Woolsey
Wu
Wynn
Johnson (CT)
Nunes
Rothman
Rush
Sherman
Smith (WA)
Sullivan

NOT VOTING—11

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1157

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question de novo of the Chair's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCNULTY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.
The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 347, noes 74, not voting 13, as follows:

[Roll No. 267]

AYES—347

Abercrombie
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Cooper
Cox
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.

Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrist
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Grijalva
Hall
Harman

Harris
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klecza
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo

Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Owens
Oxley
Pallone
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)

NOES—74

Aderholt
Baird
Baldwin
Berry
Brady (PA)
Brown (OH)
Capuano
Carson (IN)
Clay
Costello
Crane
DeFazio
Delahunt
Deutsch
English
Evans
Filner
Fletcher
Ford
Fossella
Franks (AZ)
Gonzalez
Green (TX)
Gutierrez

Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiaht
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Whitfield
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

Pastor
Peterson (MN)
Ramstad
Rush
Hinchee
Sabo
Sanchez, Linda
T.
Sanchez, Loretta
Schakowsky
Shadegg
Stark
Lewis (GA)
Lipinski
LoBiondo
Matheson
McDermott
McGovern
McNulty
Miller, George
Moore
Oberstar
Obey
Olver
Ortiz
Pascrell