

of the reversion of any uncollected benefit to the defendants, or 360 days after the date on which the court approves a class action settlement under rule 23(e) of the Federal Rules of Civil Procedure, the attorney for the certified class shall submit a report to the Administrative Office of the United States Courts, which contains—

(A) the total amount of the attorneys' fees paid, a description of the method used to calculate such fees, and a detailed report of all billing records;

(B) the number of persons in the certified class determined eligible to receive benefits, the number of such persons who received benefits, and the amount of benefits paid to such persons;

(C) an accounting of the total value transferred, including the value of any cy pres or similar pay out, and the value paid by the defendants in noncash benefits; and

(D) if any benefit remains uncollected or has reverted to the defendants, the total value of such benefit.

(3) **RULEMAKING.**—The Administrative Office of the United States Courts shall promulgate regulations regarding the content, format, and timing of the reports required to be submitted under paragraphs (1) and (2).

(4) **PUBLICATION.**—The Administrative Office of the United States Courts shall make the information contained in the report submitted under paragraphs (1) and (2) publicly accessible by posting such information on its website.

**SA 9.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 5, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, strike line 21, and insert the following:

**SEC. 9. RIGHT OF INTERLOCUTORY APPEAL.**

(a) **IN GENERAL.**—Section 1292(a) is amended by adding at the end the following:

“(4) Orders of the district courts of the United States granting or denying class certification under rule 23 of the Federal Rules of Civil Procedure, if notice of appeal is filed within 10 days after entry of the order. An appeal under this paragraph shall stay all discovery and other proceedings in the district court unless the court finds, upon the motion of any party, that specific discovery is necessary to preserve evidence or to prevent undue prejudice to that party.”

(b) **CONFORMING AMENDMENT.**—Rule 23(f) of the Federal Rules of Civil Procedure is amended by striking “An appeal” and inserting “Except as provided under section 1292(a)(4) of title 28, United States Code, an appeal”.

**SEC. 10. EFFECTIVE DATE.**

**SA 10.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 5, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, beginning on line 7, strike “The court” and all that follows through line 13.

**SA 11.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 5, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, line 3, strike “all of the claims” and all that follows through “(IV)” on page 21, line 8.

**SA 12.** Mr. FEINGOLD proposed an amendment to the bill S. 5, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; as follows:

On page 22, strike line 22 and all that follows through page 23, line 4, and insert the following:

“(1) **IN GENERAL.**—Section 1447 shall apply to any removal of a case under this section, except that—

“(A) not later than 60 days after the date on which a motion to remand is made, the district court shall—

“(i) complete all action on the motion; or  
“(ii) issue an order explaining the court's reasons for not ruling on the motion within the 60 day period;

“(B) not later than 180 days after the date on which a motion to remand is made, the district court shall complete all action on the motion unless all parties to the proceeding agree to an extension; and

“(C) notwithstanding section 1447(d), a court of appeals may accept an appeal from an order of a district court granting or denying a motion to remand a class action to the State court from which it was removed if application is made to the court of appeals not less than 7 days after entry of the order.

**NOTICES OF HEARINGS/MEETINGS**

**PERMANENT SUBCOMMITTEE ON INVESTIGATIONS**

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled “The United Nations' Management and Oversight of the Oil-for-Food Program.” This is the second of several hearings the Subcommittee intends to hold on this matter. The Subcommittee's first hearing on the Oil-for-Food Program (“OFF Program”) laid the foundation for future hearings by describing how the OFF Program was exploited by Saddam Hussein. This second hearing will examine the operations of the independent inspection agents retained by the United Nations and their role within the OFF Program. The administration of the OFF Program by the U.N. Office of the Iraq Program and the findings of the U.N. Office of Internal Oversight Services will also be examined.

The Subcommittee hearing is scheduled for Tuesday, February 15, 2004, at 9:30 a.m. in Room 342 of the Dirksen

Senate Office Building. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations, at 224-3721.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, February 9 at 11:30 a.m. to consider pending calendar business.

**Agenda:**

Agenda Item 1: S. 47—A bill to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico.

Agenda Item 8: S. 63—A bill to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes.

Agenda Item 9: S. 74—A bill to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System.

Agenda Item 14: S. 134—A bill to adjust the boundary of Redwood National Park in the State of California.

Agenda Item 17: S. 153—A bill to direct the Secretary of the Interior to conduct a resource study of the Rim of the Valley Corridor in the State of California to evaluate alternatives for protecting the resources of the Corridor, and for other purposes.

Agenda Item 18: S. 156—A bill to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes.

Agenda Item 20: S. 163—A bill to establish the National Mormon Pioneer Heritage Area in the State of Utah, and for other purposes.

Agenda Item 22: S. 176—A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska.

Agenda Item 23: S. 177—A bill to further the purpose of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment of demonstration programs to control salt cedar and Russian olive, and for other purposes.

Agenda Item 24: S. 178—A bill to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes.

Agenda Item 26: S. 200—A bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes.

Agenda Item 27: S. 203—A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes.

Agenda Item 28: S. 204—A bill to establish the Atchafalaya National Heritage Area in the State of Louisiana.

Agenda Item 29: S. 205—A bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

Agenda Item 30: S. 207—A bill to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes.

Agenda Item 31: S. 212—A bill to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes, to the Committee on Foreign Relations.

Agenda Item 32: S. 214—A bill to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

Agenda Item 33: S. 225—A bill to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on recreational users of public land.

Agenda Item 34: S. 229—A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes.

Agenda Item 35: S. 231—Mr. Smith, et al.—a bill to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes.

Agenda Item 36: S. 232—A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to assist in the implementation of fish passage and screening facilities at non-Federal water projects, and for other purposes.

Agenda Item 37: S. 243—A bill to establish a program and criteria for National Heritage Areas in the United States, and for other purposes.

Agenda Item 38: S. 244—Mr. Thomas—a bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming.

Agenda Item 39: S. 249—Mr. Reid, et al.—a bill to establish the Great Basin National Heritage Route in the States of Nevada and Utah.

Agenda Item 40: S. 252—A bill to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada.

Agenda Item 41: S. 253—A bill to direct the Secretary of the Interior to

convey certain land to the land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community.

Agenda Item 42: S. 254—A bill to direct the Secretary of the Interior to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka.

Agenda Item 43: S. 263—A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes.

Agenda Item 44: S. 264—A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii.

In addition, the Committee may turn to any other measures that are ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, February 9, 2005 at 2:30 p.m. to conduct a hearing to receive testimony on EPA's proposed budget for fiscal year 2006.

The hearing will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 9, 2004 at 11 a.m. to hold a Members' Briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, February 9, 2005 at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 9, 2005 at 2:30 p.m. to hold a closed meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent the privilege of the floor be granted to Elizabeth Kennedy,

a legal intern in my office, for the duration of consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### APPOINTMENTS

The PRESIDING OFFICER. The chair, on behalf of the Vice President, pursuant to the provisions of 20 U.S.C., sections 42 and 43, appoints the Senator from Vermont, Mr. LEAHY, as a member of the Board of Regents of the Smithsonian Institution.

The chair announces, on behalf of the Democratic leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105-275, adopted October 21, 1998, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480, adopted November 20, 2004, the appointment of the following Senators to serve as members of the Senate National Security Working Group for the 109th Congress: Senator ROBERT C. BYRD, Democratic administrative cochairman; Senator CARL LEVIN of Michigan, Democratic cochairman; Senator JOSEPH R. BIDEN, JR. of Delaware, Democratic cochairman; Senator EDWARD M. KENNEDY of Massachusetts; Senator PAUL S. SARBANES of Maryland; Senator BYRON L. DORGAN of North Dakota; Senator RICHARD J. DURBIN of Illinois; Senator BILL NELSON of Florida; Senator MARK DAYTON of Minnesota.

#### STAR PRINT—S. 71

Mr. FRIST. Mr. President, I ask unanimous consent that S. 71 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR THURSDAY, FEBRUARY 10, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, February 10. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 2 hours, with the first 30 minutes under the control of the majority leader or his designee, the second 30 minutes under the control of the Democratic leader or his designee, the third 30 minutes under the control of Senator MCCAIN, and the final 30 minutes under the control of the Democratic leader or his