going to be one of his great challenges, but he has the experience and ability to make it to work.

I, frankly, am one who is of the opinion that if a person has been in the field actually prosecuting cases, actually working at night with IRS agents and Customs agents and Immigration agents and FBI agents and DEA agents, and all of these law enforcement officers, dealing with their supervisors and bosses, they know something that somebody who has never done that cannot understand. They have a comprehension of the difficulty of our Government to work efficiently and productively. They also, if they are good at it, have proven to be successful at it. That is how you judge success in leadership, such as being a criminal division chief or a U.S. attorney—how well you can get these agencies to work together.

So I am excited about that. I have known him for a long period of time. I can say with a statement, that when he was selected as U.S. attorney in New Jersey, and I was a U.S. attorney myself at that time, everyone knew that was a promotion on merit. His reputation for excellence and skill and legal ability had been known throughout the Department of Justice for some time. His appointment there was received throughout the entire Department of Justice with great pride and hope for success. And indeed, he had a highly successful record.

So I just want to say from my personal experience with him, having served with him, having known him for many years, and having known his reputation among those who worked closely with him, that he has all the gifts and graces that are required to be a great Secretary of Homeland Security. I know they say: Well, he should turn it, he has the experience and ability to give up, from the appellate court, a highly prestigious thing in itself, to serve on the court. But he has chosen to remain. The minority is out of time.

I am so glad you have this opportunity to give him a chance to serve on the court.

Thank you for having this opportunity to give him a chance to serve on the court.
colleagues that I would like to thank in the Senate for their leadership and support—Majority Leader Frist, Republican Whip McConnell, Chairman Specter, Senator Hatch, Senator Sessions, Senator KoHL, and Senator Carper. I would like to thank those who worked as well for a job well done—Allen Hicks, Eric Ueland and Sharon Soderstrom with the majority leader; John Abegg and Kyle Simmons with Senator McConnell; Harold Kim, Michael O’Neill and David Brog with Chairman Specter; Michael Scanlin with Senator Hatch; William Smith and Cindy Hayden with Senator Sessions; and John Kivlington with Senator Carper. I would like to acknowledge in particular Jeff Miller with Senator Kohl, who worked closely with my staff on this bill over the years. Finally, I would like to thank Rita Lari Jochum, my Judiciary Committee chief counsel, who has worked on this bill since 1998, and whose legal skills and determination were instrumental in getting this bill to the floor.

Mr. SANTORUM. Mr. President, I regret that I was unable to vote on final passage of S. 5. I was traveling with President Bush in Pennsylvania.

I want to register my support of the Senate passage of S. 5, the Class Action Fairness Act. As a cosponsor of this legislation, I am pleased that the Senate passed a bill that will help prevent the serious problem of class action abuses.

The Class Action Fairness Act is a modest bipartisan bill that addresses some of the most serious abuses by allowing more large interstate class actions to be heard in Federal court, and by implementing a “Consumer Class Action Bill of Rights” to protect consumers.

S. 5 will expand Federal jurisdiction over large, interstate class actions. Since the founding of this country, Federal jurisdiction has existed over cases between citizens of different States involving large amounts of money. However, because of the way that some have interpreted the law, class action cases involving parties from many states and millions of dollars largely have been excluded from this rule and are confined to State court. The Class Action Fairness Act closes this loophole by creating Federal jurisdiction over large multi-State class actions.

I am pleased that the RECORD reflect that, had I been here, I would have voted in favor of S. 5, the Class Action Fairness Act. In passing this legislation in the Senate, we have taken a constructive step in addressing the abuses in the civil justice system while maintaining the rights of consumers.

Mr. OBAMA. Mr. President, I rise today to discuss the Class Action Fairness Act of 2005. As both a lawyer and a citizen, I am a strong believer in class actions as a way for ordinary people who have been wronged by a corporation to band together and seek justice. Some of our great advances in civil rights and consumer protections have come from these actions.

But there is overwhelming evidence that there are abuses in the class action system that should be addressed. When multimillion dollar settlements are handed down and all the victims get are coupons for a free product, justice is not being served. And when cases are tried in counties only because it’s known that those judges will award big payoffs, you get quick settlements without even finding out who’s right and who’s wrong.

Every American deserves their day in court. This bill, while not perfect, gives people that day while still providing the reasonable reforms necessary to safeguard against the most blatant abuses of the system. I also hope that the Federal judiciary takes seriously the expanded role in class action litigation, and upholds their responsibility to fairly certify class actions so that they may protect our civil and consumer rights. Senator Specter has pledged to work on these issues and address these serious concerns in the future, and I look forward to joining him so we can improve this law.

RULES OF PROCEDURE

Mr. LUGAR. Mr. President, pursuant to the requirements of paragraph 2 of Senate Rule XXVI, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Foreign Relations for the 109th Congress adopted by the committee on February 1, 2005.

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