also has created an inequitable tax situation for rural letter carriers. If actual business expenses exceed the EMA, a deduction for those expenses should be allowed. I believe we must correct this inequity, and so I am introducing a bill that would reinstate the deduction for a rural letter carrier to claim the actual cost of the business use of a vehicle in excess of the EMA reimbursement as a miscellaneous itemized deduction.

In the next few years, more and more Americans will use the Internet to get their news and information, as well as receive and pay their bills. But mail and parcel delivery by the United States Postal Service will remain a necessity for all Americans—especially those in rural and suburban parts of the nation. Therefore, I encourage my colleagues to support this bill and ensure fair taxation for rural letter carriers.

INTRODUCTION OF THE CLASS ACTION FAIRNESS ACT OF 2001

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce today, along with my good friends from Virginia, Mr. BOUCHER and Mr. MORAN, and the Chairman of the Judiciary Committee, Mr. SENSENBRENNER, the Class Action Fairness Act of 2001.

This much-needed bipartisan legislation corrects a serious flaw in our federal jurisdiction statutes. At present, those statutes forbid our federal courts from hearing most interstate class actions—the lawsuits that involve more money and touch more Americans than virtually any other litigation pending in our legal system.

The class action device is a necessary and important part of our legal system. It promotes efficiency by allowing plaintiffs with similar claims to adjudicate their cases in one proceeding. It also allows claims to be heard in cases where there are small harms to a large number of people, which would otherwise go unaddressed because the cost to the individuals suing could far exceed the benefit to the individual. However, class actions have been used with an increasing frequency and in ways that do not promote the interests they were intended to serve.

In recent years, state courts have been flooded with class actions. As a result of the adoption of different class action certification standards in the various states, the same class might be certifiable in one state and not another, or certifiable in state court but not in federal court. This creates the potential for abuse of the class action device, particularly when the case involves parties from multiple states or requires the application of the laws of many states.

For example, some state courts routinely certify classes before the defendant is even served with a complaint and given a chance to defend itself. Other state courts employ very lax class certification criteria, rendering virtually any controversy subject to class action treatment. There are instances where a state court, in order to certify a class, has determined that the law of that state applies to all claims, including those of purported class members who live in other jurisdictions. This has the effect of making the law of that state applicable nationwide.

The existence of state courts which broadly apply class certification rules encourages plaintiffs to forum shop for the court which is most likely to certify a purported class. In addition to forum-shopping, parties frequently exploit major loopholes in federal jurisdiction statutes to block the removal of class actions that belong in federal court. For example, plaintiffs' counsel may name parties that are not really relevant to the class claims in an effort to destroy diversity. In other cases, counsel may waive federal law claims or shave the amount of damages claimed to ensure that the action will remain in state court.

Another problem created by the ability of state courts to certify class actions which adjudicate the rights of citizens of many states is that often times more than one case involving the same class is certified at the same time. In the federal court system, those cases involving common questions of fact may be transferred to one district for coordinated or consolidated pretrial proceedings.

When these class actions are pending in state courts, however, there is no corresponding mechanism for consolidating the competing suits. Instead, a settlement or judgment in any of the cases makes the other class actions moot. This creates an incentive for each class counsel to obtain a quick settlement of the case, and an opportunity for the defendant to play the various class counsel against each other and drive the settlement value down. The loser in this system is the class member whose claim is extinguished by the settlement, at the expense of counsel seeking to be the one entitled to recovery of fees.

Our bill is designed to prevent these abuses by allowing large interstate class action cases to be heard in federal court. It would expand the statutory diversity jurisdiction of the federal courts to allow class action cases involving minimal diversity—that is, when any plaintiff and any defendant are citizens of different states—to be brought in or removed to federal court.

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

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

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

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

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

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

HONORING HUGH LEE GRUNDY FOR HIS DEDICATED SERVICE TO THE UNITED STATES OF AMERICA

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. FLETCHER. Mr. Speaker, today I rise to recognize Hugh Lee Grundy, a man who has devoted a lifetime of hard work and dedication to America's Armed Forces in Southeast Asia. Mr. Grundy is the retired President of Air America, an organization that served a special and undercover purpose for our nation's Central Intelligence Agency and allied countries in Asia and throughout the world. Hugh Grundy of Crab Orchard, Kentucky spent 50 to 60 years in the active world of aviation, and I am truly proud to stand here today and honor him here in the U.S. House of Representatives.

Mr. Grundy was born at Valley Hill, Kentucky on the Grundy family farm, which he now owns and operates. Mr. Grundy raised and showed saddle horses at state and county fairs while growing up. Throughout his schooling, he worked at a local Ford dealership, rising to the position of assistant General Manager. He learned to fly light planes in Central

Kentucky in his teenage years. Mr. Grundy attended Aeronautical School in California and eventually became a teacher there. He then worked for Pan American Airlines.

Mr. Grundy faithfully served his country in various capacities for more than 30 years. During World War II, Mr. Grundy served his country as an Engineering Officer and Air Crew Member. He reached the rank of Major in the United States Army in 1946. At the close of World War II, Mr. Grundy exchanged active duty for the reserves and returned to Pan American. Later he was transferred to Shanghai, China to work for the China National Aviation Corporation.

Mr. Grundy served concurrently as President of Air America, Air Asia, and Civil Air Transport from 1954 to 1976. As President of Air America, Mr. Grundy commanded over 10,000 men and women serving in Vietnam, Cambodia, Laos, and Thailand. Mr. Grundy came out of retirement twice in order to return to preside over Southern Air Transport, a company based in Miami, Florida.

In June of 2001, the CIA presented Mr. Grundy with two citations, one in his capacity as President of Civil Air Transport and Air America, and one to him personally. This was the second time Mr. Grundy was given recognition by the CIA, the first being a medal for Honorable Service upon the occasion of his retirement from Air America.

Today I rise, Mr. Speaker, to salute Mr. Grundy for his commitment to aviation, his service to our country, and his patriotic leadership throughout the years.

INTRODUCTION OF ENERGY MARKETING MONITORING ACT—H.R. 2331

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. HORN. Mr. Speaker, for the past year, the energy markets in California have been in a state of turmoil that has produced periodic blackouts, soaring prices for electricity and natural gas and a deep uncertainty about energy supplies for the future. In addition to those serious concerns, there have been a wide range of charges that energy suppliers are engaging in illegal collusion to fix market prices and gouge consumers.

Earlier this year, on January 22nd, I asked the General Accounting Office, our nonpartisan and highly professional source for detailed information on many subjects, to investigate what was happening in California and to provide an overview of information on prices and impacts on consumers, producers and electricity providers. I also requested information on the causes of price increases and problems with the reliability of energy supplies. Finally, I requested evaluation of actions taken by the Federal Energy Regulatory Commission, the state of California, and other parties involved.

Although GAO has been able to provide preliminary information regarding California's supply, demand, and market problems, there has been a significant problem in obtaining the detailed market information necessary for comprehensive analyses or evaluation. GAO interviews with these market participants have yielded only general information and it is unclear at this time whether FERC has in its possession comprehensive market data.

In short, Mr. Speaker, at a time when Congress is wrestling with the complex and highly technical issues involved in both the California market and national energy supply, our own expert agency has limited access to the information it needs to provide analysis of what is happening and recommendations on what should be done to change federal laws and regulations.

In creating the Federal Energy Regulatory Commission (FERC) in 1977 under the Department of Energy Organization Act, Congress did not explicitly address the Comptroller General's (GAO's) authority to request and subpoena information from any body subject to FERC jurisdiction. Today, I am introducing legislation to correct this problem by making clear that the GAO and the Comptroller General have the authority to request and subpoena information from energy companies or other participants subject to the jurisdiction of the Federal Energy Regulatory Commission.

This legislation clarifies the functions of the Comptroller General to include:

Monitoring and evaluating the functions and activities of FERC.

Access to market information from those subject to FERC jurisdiction including energy prices, costs, demand, supply, industry and market structure, auction processes, and environmental impacts.

Authority to issue subpoenas, and compliance with any issued subpoena, to those subject to FERC jurisdiction to carry out the responsibilities of this Act including any audit, investigation, examination, analysis, review or evaluation.

It is essential that Congress and the American people have access to detailed and unbiased information on what is happening in our energy markets. The General Accounting Office is the right source for such information and I urge my colleagues to support this legislation to make certain that GAO has the tools it needs to perform its job in monitoring our energy markets.

The text of H.R. 2331 is below:

H.R. 2331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Energy Market Monitoring Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) When Congress created the Federal Energy Regulatory Commission in 1977 under the Department of Energy Organization Act, it did not explicitly address the Comptroller General's authority to request and subpoena information from facilities or businesses engaged in energy matters related to the Federal Energy Regulatory Commission's activities. Clarification of the scope of the Comptroller General's access to such information would facilitate the Comptroller General's monitoring of the Nation's energy programs.

(2) For markets to function properly to provide consumers with goods at a competitive price, and to protect consumers from unjust prices or price manipulation, the markets must be transparent in their transactions. Although the Federal Energy Regulatory Commission is responsible for market monitoring, it is unclear whether the Federal Energy Regulatory Commission has in its possession or has requested from market participants comprehensive market data.

(3) To ensure transparency of energy markets, and to help protect both consumers and suppliers, the General Accounting Office, as the investigative arm of Congress, must have full authority to examine all markets and market participants' activities.

SEC. 3. FUNCTIONS OF COMPTROLLER GENERAL.

(a) AMENDMENT.—Title IV of the Department of Energy Organization Act (42 U.S.C. 7171–7177) is amended by adding at the end the following new section:

''FUNCTIONS OF COMPTROLLER GENERAL

''SEC. 408. (a) SCOPE OF ACTIVITIES.—The Comptroller General shall monitor and evaluate the functions and activities of the Federal Energy Regulatory Commission.

''(b) ACCESS TO INFORMATION.—Any person owning or operating facilities or business premises subject to the jurisdiction of the Federal Energy Regulatory Commission shall provide the Comptroller General with access, including the right to make copies, of any books, documents, papers, statistics, data, records, and information where such material relates to the jurisdiction of the Federal Energy Regulatory Commission, including materials related to energy prices, costs, demand, supply, industry and market structure, auction processes, and environmental impacts.

''(c) SUBPOENAS.—To assist in carrying out the Comptroller General's responsibilities under this section, including any audit, investigation, examination, analysis, review, or evaluation, the Comptroller General may issue subpoenas to any person described in subsection (b) requiring the production of any books, documents, papers, statistics, data, records, and information.

''(d) SECURING COMPLIANCE WITH SUBPOENA.—Upon petition by the Comptroller General or the Attorney General (upon request of the Comptroller General), any United States district court within the jurisdiction of which an inquiry under this section is carried out may, in the case of refusal to obey a subpoena of the Comptroller General issued under this section, issue an order requiring compliance therewith, and any failure to obey the order of the court may be treated by the court as a contempt thereof.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of title IV of the Department of Energy Organization Act is amended by adding after the item relating to section 407 the following new item:

''Sec. 408. Functions of Comptroller General.''.

INDIAN GOVERNMENT FOUND RESPONSIBLE FOR BURNING SIKH HOMES AND TEMPLE IN KASHMIR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. TOWNS. Mr. Speaker, in March 2000 when President Clinton was visiting India, 35 Sikhs were murdered in cold blood in the village of Chithi Singhpora in Kashmir. Although the Indian government continues to blame alleged ''Pakistani militants,'' two independent investigations, by the Movement Against State Repression and Punjab Human Rights Organization and the International Human Rights Organization based at Ludhiana, have proven that the Indian government was responsible for this atrocity.