

help consumers get mail-order prescriptions from Canada, saying that reimporting cheap drugs is a violation of the law and a risk to public health.

Since Stahl and her organization do not profit from their efforts, so far no one has hassled them. Rep. Gil Gutknecht, a Minnesota Republican, is trying to pass legislation that would make it easier for people to get their drugs from Canada or overseas. Laws to that effect have passed twice before, but both times the FDA protested that it could not guarantee the safety of drugs reimported from Canada, and so the law has not taken effect. Still, Gutknecht is not alone in interpreting present laws in a way that allows people to buy personal three-month supplies of drugs overseas without problems.

Cortez has a conference table display of brand-name prescription drugs in his Tijuana office. One by one he holds them up. Pfizer's Lipitor, Eli Lilly's Prozac, Merck's Fosamax. They're not loose pills; they are individually bubble-wrapped within sealed boxes. "We have no doubt that what we're buying is what it is. It comes from world-class labs," he says. And the 30 percent of his customers who are American seem to agree.

He's aware of the irony: a businessman from the developing world profiting on sales to desperate citizens of the wealthiest country on Earth. "It doesn't get more stark than right here. You can see so clearly: Third World," he says, pointing to the roadside squalor in Tijuana, the concrete barriers at dusk crowded with men waiting for night-fall and a risky dash across the border. "First World," he finishes, pointing toward the city of San Diego across the border. "My business thrives on people coming here from the States. But I shouldn't have people thanking me for making it possible for them to survive when they are from a country like the United States."

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BUYER) is recognized for 5 minutes.

(Mr. BUYER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### ORDER OF BUSINESS

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent to give my Special Order now.

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

There was no objection.

#### LITIGATION REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, today the House passed landmark legislation in the passage of the Class Action Fairness Act of 2003. Lawsuit abuse is everywhere. It is harming American businesses, consumers, and families.

Mr. Speaker, there is something wrong with our legal system when it is easier to sue a doctor than it is to see a doctor. There is something wrong with our legal system when a plaintiff can be awarded millions of dollars because McDonald's serves hot coffee and not lukewarm coffee. There is something wrong with our legal system when people can sue Kentucky Fried Chicken for their weight gain because they ate too much fried chicken. And, Mr. Speaker, there is definitely something wrong with our legal system when the awards and settlements from class action lawsuits more often than not benefit the trial attorneys and not the purported victims.

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That is right, studies show that over half of all tort liability costs go to trial lawyers and administrative expenses, not the victims, real or imagined. In one egregious example, a Bank of Boston settlement ordered \$8.64 to each class member, but then turned right around and assessed each of those members \$90 in trial lawyer fees.

In a case against Blockbuster, the attorneys took home \$9.25 million in fees, while customers got a \$1-off coupon for future video rentals.

In a suit against Cheerios, the trial lawyers were paid nearly \$2 million in fees, while the customers from the suit received coupons for a free box of cereal.

Mr. Speaker, the examples go on and on and on; millions for trial lawyers, pennies for purported and real victims.

In recent years, State courts have been flooded with interstate class action lawsuits, many without merit. In fact, more than 15 million civil lawsuits were filed in 1999 alone. That is one lawsuit for every 18 people in our country.

Over the last 10 years alone, class action filings in State courts have increased 1,000 percent. That is right, 1,000 percent. Why is this happening? Well, with so many class action suits and so much at stake, most companies are deciding to settle these suits, even if they do not have merit, enriching trial lawyers and giving little or nothing to victims and costing the rest of us dearly.

How does it cost us, Mr. Speaker? The cost of litigation accounts for one-third of the price of an 8-foot aluminum ladder, it doubles the price of a football helmet, it adds \$500 to the sticker price of a new car, and it increases the cost of a pacemaker by \$3,000.

Mr. Speaker, the American people may not realize it, but they are paying

\$1,200 a year more for goods and services because of lawsuit abuse. That is enough to pay a couple of months of day care, purchase a home computer for a child, or buy 9 months of prescription drugs for a senior citizen. That is what each of us is losing.

It costs us in other ways as well. Another survey has found that for fear of product liability, almost half of small businesses have had to withdraw products from the marketplace, and 39 percent decided not to introduce new products. Litigation concerns have led several companies to postpone or cancel promising AIDS vaccines.

Class action lawsuit abuse especially hurts small businesses, because small businesses are often named as defendants in these suits so that the suits can be kept in trial-lawyer-friendly local courts.

These suits cause huge increases in insurance premiums, causing many small businesses to either pay up or go belly up. What a loss, Mr. Speaker, because two out of three jobs in America are created by small business.

Mr. Speaker, we must make the class action process more fair. The Class Action Fairness Act of 2003 will implement several important changes to dramatically improve our judicial system. By expanding Federal jurisdiction for truly multistate lawsuits, the Class Action Fairness Act will reduce the number of frivolous lawsuits and help prevent venue shopping by trial attorneys for favorable rulings. The judicial review and approval process will prohibit courts from awarding larger settlements to plaintiffs based solely on their proximity to the courthouse, and, very, very important, it will provide a much-needed safeguard for plaintiffs from being shortchanged by trial attorneys.

Mr. Speaker, many class action lawsuits are valid, meritorious, and address legitimate grievances by groups of people with similar claims. But the abuse of this legal tool is overwhelming. It is costing us jobs, bankrupting businesses, depleting businesses, and gouging consumers. We must have reform.

#### REPUBLICANS AND SPENDING

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, just yesterday, the Congressional Budget Office projected the Federal Government will end fiscal year 2003 with the largest deficit in the history of our country, more than \$400 billion. The Republican leadership responded to that news by scheduling a vote today on legislation that would add another \$100 billion in debt over the next decade. The Republican leadership claims that we can afford their tax cuts and balance the budget by controlling

spending. Unfortunately, the Republican rhetoric about controlling spending does not match the reality of their own record.

In the 8 years since Republicans took control of Congress, discretionary spending has increased by an average of 6.5 percent per year, compared to an average of 1.6 percent in the previous 8 years. President Bush signed spending bills increasing spending by nearly 22 percent in the first 2 years he was in office.

Now, some of that was uncontrollable, due to the war and 9/11, but not all of it. When Republicans took control of Congress in 1994, total spending was \$1.4 trillion. Under their budget they propose to spend \$2.2 trillion next year, an increase of over \$800 billion over 10 years.

If we are going to come to the floor day after day, tax cut after tax cut, a tax cut a week, if that is your strategy, and you say we are going to control spending, you have got to do something about your record.

This is the way spending is going to increase under the budget that the majority has put forward this year. By the end of this decade, total spending under the Republican budget will be more than double what it was when Republicans gained control of Congress. You would not gather that by the rhetoric we heard again today. We just keep talking over each other.

But these are the facts of what is happening. If we are going to cut taxes and if we are going to do the things that you propose to do every week, then you have got to cut spending. Otherwise we are going to run this country into the ground. And you are not proposing to do it.

Earlier this week, the administration and Republican leadership have already agreed to increase discretionary spending for the next year by \$5.2 billion, an increase above the budget resolution they passed just 2 months ago.

Just today, the administration has informed the Committee on Appropriations that they will request another \$1.6 billion in supplemental spending for the current fiscal year, an increase. The Blue Dog budget called for tough spending limits by adopting the President's overall spending levels.

I have no quarrel with what the majority proposed on discretionary spending. This is the green line. I have no quarrel with that.

The budget conference report the Republicans passed earlier this year is essentially adopting the spending levels we had in the Blue Dog budget, and that was supported by a majority of Democrats. The Blue Dogs are willing to work with Republicans to hold the line on spending at levels in their budget resolution. Unfortunately, the actions of the last few days show that the Republicans are not willing to stick with the spending levels in their own budget, but yet we keep talking about we are going to control spending.

The Republican budget policies are increasing the most wasteful spending

in the Federal budget, the \$332 billion collected from taxpayers simply to cover our national interest payments. This debt tax consumed a whopping 18 percent of all Federal tax dollars this year, and will increase to 20.1 percent by 2013. This is an increase in the debt tax that working men and women are going to have to pay in order to fulfill the economic policy that we keep hearing about every day.

The bill that passed the House today would add another \$31 billion in spending, spending, spending. We had a \$3.48 billion problem, and what does the leadership on this side of the aisle propose to do? Spend \$30.39 billion more to solve a \$3.48 billion problem.

I do not know how much longer we can do that. It does not seem to bother anybody on the other side of the aisle. I used to join with you day after day after day in saying we need to balance our Federal budget. I used to vote with you. I have not changed my voting pattern.

Under the Republican budget plan, the national debt will increase to over \$12 trillion by 2013. Now, that may not bother anyone, and we can have another tax cut next week, which I understand we are going to have.

But let me say at this point, in closing, Mr. Speaker, the Blue Dogs have issued a letter of challenge to the Republican Message Group. I have spoken with the gentleman from Georgia (Mr. KINGSTON). We would like to have a little debate on this. We have got responsible people on both sides of the aisle that are just as worried about this as we are.

Instead of talking over each other and reading our 2-minute speeches and acting like we are not even in the same world, the Blue Dogs are challenging at least once every week, every night, for the rest of this year, if that is what we agree to do, to talk about these issues, and not just have me standing up pointing to the charts, but having my friends on the other side stand up and say, "You are all wet, Charlie. That is not the way it is," even though these come right out of your budget and the OMB.

I think we need to have a real debate on this issue. So we are making this challenge, I am making it publicly right now, and I look forward to Special Orders next Monday, Tuesday or Wednesday, in which we can sit down and talk about this.

If we are going to talk about controlling spending, then let us propose a budget that does it. Let us not vote down the Blue Dog budget that would have been balanced. Let us not talk about a constitutional amendment, which, by the way, I am for and we will be starting the charge on that also next week to require a balanced budget.

If you are going to talk about it, you have to be prepared to do those things necessary to do it. And you do not cut taxes and increase the debt cost, the interest debt cost by \$30 billion to

solve a \$3 billion problem. It will not work.

As we say back home in Texas, "that dog won't hunt."

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### CHILD TAX CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I rise tonight to discuss the refundable child tax credit that we voted on earlier this evening.

I appreciate the remarks of my good friend and next-door neighbor from Texas, but, Mr. Speaker, I have to ask, how did we get here?

Our friends on the other side of the aisle have characterized the recently passed Jobs and Growth Tax Act as "misdirected" and targeted to the wrong people. They say that in order to stimulate the economy we do not need to return the tax dollars to people who pay taxes.

Well, in 2001, and, of course, I was not here then, but this House did pass a tax bill that did return tax dollars to people who do not pay taxes, but the stimulatory effect to the economy from that activity was minimal. So 2 weeks ago we did something different, and we passed the President's economic stimulus plan, which put tax dollars back in the hands of the people who make our economy go. The other side complained about the deficit again, and yet this week they advocated extending the refundable child credit another \$3.5 billion.

Mr. Speaker, the fact remains that small businesses are becoming more and more important to the Nation's overall business activity. They create the majority of new jobs and account for half of the economy's private output.

The jobs and growth plan gives small businesses the ability to immediately expense up to \$100,000, instead of the current write-off of \$25,000 in capital purchases. This encourages small businesses to buy technology, machinery and other equipment that they need to expand their business and meet the needs of their consumers.

The jobs and growth plan increased the child tax credit and eliminated the marriage penalty and exempted another 3.8 million workers from Federal tax liability. And low-income families in particular benefited from this economic growth and tax relief package through a number of provisions.

We accelerated the expansion of the 10 percent bracket. This means workers