

then send this very private information to private health insurance companies, and seniors' confidential information will be sent all across the country, a situation ripe for abuse.

Medicare currently does not means test benefits, and it does not have staff to deal with this complicated matter. The Republican bill will increase government bureaucracy in both Medicare and the IRS to administer the provision. And under the Republican bill, Medicare is supposed to have a process for seniors who have seen their incomes decline to come in and get an adjustment; and because we know seniors' income declines as they age, Medicare would need to be able to deal with millions of people coming in every year to have their income information reevaluated.

Mr. Speaker, private plans will have a hard time administering this means test provision as well. They will have different catastrophic levels for every senior making above \$60,000 in income. More importantly, with this income information, the provision to allow means testing of catastrophic levels will also enable plans to risk-select and pick out other seniors to be in their plans. Private insurance companies will have incentives to seek out only higher-income seniors to make their premiums lower. Because higher-income seniors will have a higher catastrophic level, plan premiums will be lower because the plan will be paying less of beneficiaries' drug costs. And seniors living in low-income areas may find that plans do not want to come there because these seniors will make the plan premiums more expensive.

Mr. Speaker, all in all the provision in the House Republican bill is a bad idea for Medicare. It increases government bureaucracy, injects the IRS into Medicare, and it will be unworkable for plans and seniors. The approach taken in the Republican bill is wrong. We should not be taxing middle class seniors twice for Medicare benefits or because they have retiree coverage. This threatens the program's broad support and popularity, fragmenting public support and confidence in the Medicare program and making it easier to end the program once and for all.

I urge my colleagues on the conference committee to eliminate the means testing of catastrophic drug coverage and all Medicare benefits. Means testing will destroy the universality of Medicare and will destroy the Medicare program altogether.

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#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HEFLEY) at 2 p.m.

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#### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Blessed are You, Lord, God of mercy. Throughout the ages You have sustained and guided Your people. In the darkest hours You have come to our aid. In the bright shining moments of our history Your love and goodness have flourished.

Guide the Nation at this moment in history. Strengthen the Members of this, the people's House. May they be forthright and defiant against evil and accomplish what is best for Your people.

In time of need may they prove themselves Your servants.

This we pray, in this we trust, now and forever.

Amen.

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#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

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#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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#### SUPPORTING ISRAEL'S FIGHT AGAINST TERRORISM

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

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in support of Israel's actions to destroy terrorist training camps in Syria, sending a message that terrorists cannot hide and will be destroyed wherever they are found. As the United States has defended itself against terrorism in Afghanistan and Iraq, Israel is defending itself against further attacks by the terrorist group Islamic Jihad. This violent group's latest attack came on Saturday, before Yom Kippur, at a Haifa restaurant, killing 19 innocent people and injuring 55.

As President Bush has said, "Israel's got a right to defend herself, that Israel must not feel constrained in

terms of defense of the homeland." No nation would sit by as their civilians are killed and terrorized, and Israel has a duty to protect its people. Palestinians that desire peace must work to dismantle the terror networks, and so must the people of Syria. As United States U.N. Ambassador John Negroponte said, "Syria is on the wrong side of the War on Terrorism." Syria has harbored and supported terrorists and this must end.

Israel is in the midst of a battle in the War on Terrorism and America stands with her.

In conclusion, God bless our troops.

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#### IMMIGRANT WORKERS FREEDOM RIDE

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

Mr. FILNER. Mr. Speaker, when I was a college student over 40 years ago, I was one of the first Freedom Riders in Mississippi. With fellow students, we went to jail to spotlight for Americans the injustice and inhumanity of racial segregation.

Last week as a Congressman, I was able to meet and make personal the historical connection with the Immigrant Workers Freedom Ride. Tens of thousands of immigrants rode across our great Nation to spotlight for Americans the injustices and inhumanity of our current immigration laws.

The Freedom Rides in the early 1960s did lead to the elimination of the laws of segregation. Let us work today to protect the rights of immigrants in the workplace, to ensure their civil liberties and civil rights, to reunite immigrant workers with their families, and to create a path to citizenship for those who work hard every day, pay their taxes, and support their families.

Let us truly salute the Immigrant Workers Freedom Ride with real congressional action.

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#### IN MEMORY OF THE HONORABLE DONALD MITCHELL

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

Mr. BOEHLERT. Mr. Speaker, the Honorable Donald J. Mitchell passed away on Saturday, September 27, 2003. He is gone, but his life's work and patriotism will never be forgotten.

The life of Donald Mitchell is that of an all-American patriot. In times of war, he served his country as a carrier-based naval aviator in World War II and as a flight instructor during the Korean War.

In times of peace, he served his community. He was an optometrist by profession, but a public servant at heart as a Herkimer town councilman from 1954 to 1957, as mayor of the village from 1957 to 1960. From 1964 to 1972, during times of great change, he served as a New York State Assemblyman. Always

a leader, he was there too as the majority whip. And from 1972 to 1982, during times of great debate and political uncertainty, he served his country once again as one of the most effective members of this great institution, the people's House.

While in Congress, he was progressive and steady. He always took the high road and served his constituents with honor. I should know. During those 7 years, I proudly served as a member of Congressman Don Mitchell's staff. And after his retirement, I was elected to the seat he held.

For me, he was always a role model. Every day since, I have made it my goal as Representative Mitchell's successor in Congress to serve my constituents with the honor and dignity that Don Mitchell brought to the job. Don Mitchell left an indelible mark on the fabric of our society.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

#### E-GOVERNMENT ACT OF 2002 AMENDMENTS

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1303) to Amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference, as amended.

The Clerk read as follows:

H.R. 1303

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

#### SECTION 1. RULEMAKING AUTHORITY OF JUDICIAL CONFERENCE.

*Section 205(c) of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note) is amended by striking paragraph (3) and inserting the following:*

*(3) PRIVACY AND SECURITY CONCERNS.—*

*“(A)(i) The Supreme Court shall prescribe rules, in accordance with sections 2072 and 2075 of title 28, United States Code, to protect privacy and security concerns relating to electronic filing of documents and the public availability under this subsection of documents filed electronically or converted to electronic form.*

*“(ii) Such rules shall provide to the extent practicable for uniform treatment of privacy and security issues throughout the Federal courts.*

*“(iii) Such rules shall take into consideration best practices in Federal and State courts to protect private information or otherwise maintain necessary information security.*

*“(iv) Except as provided in clause (v), to the extent that such rules provide for the redaction of certain categories of information in order to protect privacy and security concerns, such rules shall provide that a party that wishes to file an otherwise proper document containing such protected information may file an unredacted document under seal, which shall be*

*retained by the court as part of the record, and which, at the discretion of the court and subject to any applicable rules issued in accordance with chapter 131 of title 28, United States Code, shall be either in lieu of, or in addition to, a redacted copy in the public file.*

*“(v) Such rules may require the use of appropriate redacted identifiers in lieu of protected information described in clause (iv) in any pleading, motion, or other paper filed with the court (except with respect to a paper that is an exhibit or other evidentiary matter, or with respect to a reference list described in this sub-clause), or in any written discovery response—*

*“(I) by authorizing the filing under seal, and permitting the amendment as of right under seal, of a reference list that—*

*“(aa) identifies each item of unredacted protected information that the attorney or, if there is no attorney, the party, certifies is relevant to the case; and*

*“(bb) specifies an appropriate redacted identifier that uniquely corresponds to each item of unredacted protected information listed; and*

*“(II) by providing that all references in the case to the redacted identifiers in such reference list shall be construed, without more, to refer to the corresponding unredacted item of protected information.*

*“(B)(i) Subject to clause (ii), the Judicial Conference of the United States may issue interim rules, and interpretive statements relating to the application of such rules, which conform to the requirements of this paragraph and which shall cease to have effect upon the effective date of the rules required under subparagraph (A).*

*“(ii) Pending issuance of the rules required under subparagraph (A), any rule or order of any court, or of the Judicial Conference, providing for the redaction of certain categories of information in order to protect privacy and security concerns arising from electronic filing or electronic conversion shall comply with, and be construed in conformity with, subparagraph (A)(iv).*

*“(C) Not later than 1 year after the rules prescribed under subparagraph (A) take effect, and every 2 years thereafter, the Judicial Conference shall submit to Congress a report on the adequacy of those rules to protect privacy and security.”*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

#### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1303 currently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 1303 amends the E-Government Act to require the Judicial Conference of the United States to promulgate national rules to address privacy and security concerns relating to the electronic filing of court documents and the public availability of documents filed electronically.

To the extent any rules provide for the redaction of certain information in

order to protect privacy, this bill requires that the rules allow litigants to file and access unredacted documents under seal for evidentiary purposes in addition to a redacted version for public use.

H.R. 1303 addresses the concerns of both the Department of Justice and the judiciary. The Department of Justice was concerned that the privacy policy of the Judicial Conference could impede the legal introduction into evidence of information it deemed necessary to prove the elements of certain cases, such as bank account numbers in a fraud prosecution. The judiciary was concerned that a privacy policy allowing parties to file unredacted and sealed documents and a redacted public version could result in confusion, error, privacy risks, and reduction in access to public documents. H.R. 1303 requires the enactment of national rules to protect privacy and security concerns. However, such rules permit the filing of one “reference list,” to be kept under seal, that would include a complete version of each personal data identifier and a corresponding partially redacted version of each identifier. Only the partially redacted version may be used in future filings.

The bill encourages uniformity in all jurisdictions and empowers and Department of Justice to access the information necessary to prosecute crimes. The Judicial Conference will retain the authority to enact rules that comply with case law, provide the greatest public access to information possible, and protect the privacy of all participants in the Federal judicial system.

This is a good bill and I urge my colleagues to support it.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1303, and ask my colleagues to vote for it. H.R. 1303 will address serious concerns expressed by the U.S. courts about the E-Government Act of 2002. I believe the legislation will address these concerns while still serving the worthwhile purposes of the E-Government Act.

In the wee hours of the last day of the 107th Congress, the House and Senate both passed the E-Government Act of 2002 by unanimous consent. The President later signed the act into law as Public Law 107-347.

Section 205 of that legislation required the U.S. courts to establish and maintain Web sites containing a variety of information. Required information includes access to docket information for each case, access to the substance of all written opinions issued by the court, and access to documents filed with the courthouse in electronic form.

The legislation wisely recognized that the public interests in access to court documents and the protection of privacy must be balanced. Many court