

the car's occupant. As someone who is small in stature, I can say the automobile companies make these airbags to protect people who are much larger and much heavier, and much taller than appropriate for children. We have seen children killed by these airbags.

We all want airbags that work, regardless of our weight, our height, or stature. A class action was blocked in a Louisiana Federal court because the judge threw up his hands. But in Oklahoma—as we all know, that is a conservative State—the State court is proceeding to look at this even though the company has been working for years to block it. We are talking about life and death. We are talking about real victims.

Let's talk about the ability to make a living. Georgie Hartwig of Washington State is a former Wal-Mart employee who was cheated out of overtime pay. This is a common practice, unfortunately, at many of the company stores. Her class action case is being heard in State court. Three Federal courts have refused to hear such Wal-Mart cases, whereas five State courts have allowed them.

I am hopeful as we move this bill forward, we will ensure that at least some court will hear these important cases. They involve real people. I am sure Georgie Hartwig of Washington State and her colleagues at Wal-Mart have to raise a family and pay the rent. If we have a system that simply shuts the courthouse door, be it a State courthouse or a Federal courthouse, we are not fulfilling our job to make sure people get justice, they get it expeditiously, and it is done fairly.

Shelly Toliver is a firefighter from Connecticut. These are the people we are talking about here—Americans. Shelly Toliver, a firefighter from Connecticut, described how she brought a State class action suit against Credit Acceptance Corporation of Michigan for cheating her and other consumers out of their vehicles in violation of Connecticut law, destroying their credit ratings in the process. We all know what it is to get a bad credit rating by mistake. It is terrible. Ultimately, the class members had their purported debt to the company wiped out and their bad ratings cleared because they were able to get their case heard.

It goes on and on. I hope as we get through this bill we will be honest with the American people regarding whose rights are at stake. We are supposed to be here for the rights of the men and women of this country, the families of this country. The corporations, which are rather faceless, I support when they do the right thing, but when they do not do the right thing, when they wrong a firefighter, if an automobile company does not do what they should to protect children, there ought to be justice. That is all we are saying.

Are there abuses? Yes. Should we resolve them? Yes. I am very happy to do that. It is true, we have abuses everywhere. We should fix those abuses.

We have to be careful we are being sincere. There is one colleague who has been very strong on capping pain and suffering, but when it happened in his own family, he went for the gold. So let's be careful. The American people are watching. If we say we ought to cap pain and suffering for our constituents—forget about it, one size fits all. This is not class action, but these are other kinds of cases this Republican Senate is coming after: one size fits all. Let's cap it it is killing us; it is killing the country.

I go to the supermarket every week. No one comes up to me and says, please, please, do something about the filing of lawsuits when their child died in a hospital. What they will say to me is, make sure there is fairness for victims.

Let's get together and do the things that have to be done so that the people who get the benefit are our constituents. Do not close the courthouse door to firefighters, moms and dads, who are working for justice in their lives.

AN INCOMPLETE BUDGET

Mrs. BOXER. The President has sent down his budget. We are going through it now to see what it means for our State. But this is quite a budget. This is a budget that does not include the costs of the war in Iraq. This is a budget that does not include the costs of the war in Afghanistan. This is a budget that does not show the true costs of making the tax cuts permanent. This is a budget that does not show the costs of what I call anti-Social Security, going into personal accounts, which is an enormous multitrillion dollar cost.

So you have a document which is, on its face, incomplete. That is the best way I can put it: incomplete. Other people might use another word for it, but I will be charitable and say it is incomplete. Why can't the President show the true costs? Because he could not hold up his head if he put the true costs in there. We would be looking at deficits that are ruinous. The truth is, the deficits are ruinous.

When President Bush took over, he had a surplus as far as the eye could see. He turned it into a deficit in 15 minutes. He said the tax cuts would be so great that we would have economic growth and we would suddenly have a balanced budget. It did not happen.

Let me tell you what else is not in this budget. Where is the money from the Iraqi oil that was supposed to be coming our way? On March 27, 2003, not that long ago, this is what Paul Wolfowitz, the Assistant Secretary of Defense said, in congressional testimony, sworn to tell the truth:

The oil revenues of Iraq could bring between \$50 and \$100 billion over the course of the next two or three years. . . . We're dealing with a country that can really finance its own reconstruction, and relatively soon.

Let me repeat that. A Bush administration spokesperson, very high up in the Defense Department, said:

The oil revenues of Iraq could bring between \$50 and \$100 billion over the course of the next two or three years. . . . We're dealing with a country that can really finance its own reconstruction, and relatively soon.

Well, here it is, folks, it is 3 years later, and not a penny of revenue is coming into our budget to help us, and the whole cost of the Iraq war is outside the budget—a disaster.

Here is another claim, by White House spokesman Ari Fleischer:

Iraq, unlike Afghanistan, is a rather wealthy country. Iraq has tremendous resources that belong to the Iraqi people. And so there are a variety of means that Iraq has to be able to shoulder much of the burden for their own reconstruction.

Where is the revenue in our budget? Not a dime, not one slim dime. They are not even talking about making these costs into loans against future oil revenues. And in the meantime, what are the American people told by this President and his budget? What are the veterans told? Oh, we are cutting back on veterans health care. Can you imagine? We are almost at 11,000 wounded, and this President's budget says, You are going to have to pay more for your pharmaceuticals, \$250 to join, and you have to pay more. Let me tell you, a lot of us are going to stop that. Let me tell you, a lot of us are not going to let that happen.

The people coming home from Iraq, half of them are very seriously wounded—thousands and thousands. Some estimates are that a third of them need mental health care. And this budget cuts veterans health. Wrong. That is not going to happen. It is unacceptable. I think it is unacceptable to the American people.

I ask my constituents if they believe we ought to be doing more for veterans or less for the veterans or the same as we did last year. I know—and I have not taken a scientific poll—they would say: Senator, you give them what they need.

The President says to the Iraqi people: As long as it takes. Whatever it is. Whatever it costs. I want to say to the veterans: Whatever it takes, however long it takes for you to get on your feet, we will be there.

We have the President eliminating a program where the Federal Government gives States funding to incarcerate illegal immigrants who have committed crimes—cut, gone, finito, finished—eliminating \$300 million. We call it SCAAP. How can a President, at this time in our history, where we are guarding our borders, where we are concerned about who is coming in, lay all of that on the border States? This is wrong. It is unacceptable.

How about this: The Bush budget slices law enforcement grants to States from \$2.8 billion to \$1.5 billion, while the President claims he is increasing homeland defense.

I have a message for the President, in a nice, respectful way: It is our local law enforcement people who are protecting our citizens in every capacity. They are the bottom line of homeland defense.

There is a special and important program to assist police departments to improve technology and their ability to communicate with other agencies through COPS technology grants. Do you know what happens if there is an emergency in one area? What we have found out is, our police departments, our fire departments, our first responders do not have the equipment they need. They do not have the communications equipment. They cannot talk to each other.

The Senate, in a bipartisan way, passed authorizing legislation to say we need to help connect these departments with one another. Because suppose something happens on a railroad track, and one sheriff sees it, and there is a disaster, and he needs to get on the line immediately to all the other agencies in the area; they cannot do it right now. They need to move toward the ability to do this. It seems shocking that we have not done that already in America, but that is the truth. What does the President do? He cuts that program. He eliminates it.

Now, the President also creates a new program. He wants to extend the No Child Left Behind to high school. Well, how about fully funding his first No Child Left Behind? I wrote the part with Senator ENSIGN that deals with afterschool programs. It has been frozen for 3 years. There are millions of kids who want to get into afterschool programs.

We know it works. Law enforcement loves the program. The teachers love the program because the kids get to do their homework. They stay out of trouble. The FBI loves the program. The FBI has told us the vast majority of juvenile crime occurs right after school until the parents come home. We did not need the FBI to tell us that. We kind of figured that out. But this is key.

So here we are with a new program to extend No Child Left Behind to high school kids when we have not fully funded the afterschool program and many of the other programs that were promised to our people in the first No Child Left Behind. That is \$1.4 billion, folks. This is not small change. This is \$1.4 billion for this new program. There are no revenues in there from Iraqi oil.

This is also the first administration not to back a polluter-pay fee. When polluters cause these superfunds, where we have toxics all over the ground seeping into the water, it costs a lot of money to clean it up. This is the first administration, Republican or Democratic, not to support this polluter-pay fee. That would bring billions in over 5 years.

There are ways for us to pay for things the American people need. I am looking forward to getting into more of the fine print of this particular budget. I used to be on the Budget Committee. I can tell you, I loved being on the Budget Committee because it was a way to look at the big picture. When I went on the Commerce Committee, I

had to give up the Budget Committee. It was a sad decision for me. But I look forward to hearing from KENT CONRAD and I look forward to hearing from the Republican chairman, who was PETE DOMENICI, and I am not sure if it has changed or not. Because I want to hear their take on this budget.

But we see new initiatives in this budget that obviously are not paid for when we are shorting probably 150 programs, according to the President. We see nothing in here about getting any revenues from the Iraqi oil that were promised to us: \$50 to \$100 billion over the course of the next 2 or 3 years we were told by this administration in 2003. I believe in holding people accountable when they say things. I think it is important. That is what they said, and we do not see any evidence of any of this in this budget.

So we have the budget to deal with. We have the class action lawsuit legislation, which I hope we can do in a way to protect the important lawsuits that need to be heard and need to be resolved. Because if they are heard and they are resolved, our people will be safer, our people will be stronger, our people will feel they have been given justice.

We have the Social Security, what I call, repeal. Not a penny has been put into this budget to reflect any of that.

I understand my time is up. There is no one on the floor so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CLASS ACTION FAIRNESS ACT OF 2005

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will proceed to the consideration of S. 5, which the clerk will report.

The assistant legislative clerk read as follows:

A 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.

Mr. SPECTER. Mr. President, I was about to note that the hour of 3 o'clock has arrived. According to the previous order, the Senate is to take up the legislation on class action. This is legislation which has been crafted over a considerable period of time. It had some difficulty in achieving 60 votes for so-

called cloture to cut off debate so that the Senate would take up the issue. It had been negotiated among a number of Senators in the past to get the requisite 60 votes, and it is represented that if the bill is passed in its current form in the Senate, it will be agreeable to the House of Representatives. When I choose my words carefully—that has been represented; you never know until it gets to the other body and see what they do—but that has been the expectation.

When the issue was negotiated, there were a number of Senators who were satisfied with the structure of the bill. But all 100 Senators had not assented, agreed to it, including this Senator. We customarily are not all involved in negotiations as to the bill so that there is obviously latitude, when the matter comes before the Senate, for individual Senators to exercise their right to either offer amendments or to join in amendments which are offered.

I support class action reform. I do so essentially to prevent judge shopping to States and even counties where courts and judges have a prejudicial predisposition on cases. Regrettably, the history has been that there are some States in the United States and even some counties where there is forum shopping, which means that lawyers will look to that particular State, that particular county to get an advantage.

Diversity jurisdiction was established in the United States so that if there was litigation between citizens of different States, there was a certain amount in controversy, a jurisdictional amount—that amount has risen over the years; when I started the practice of law it was \$3,000, now it is \$75,000—the diversity jurisdiction of the Federal courts was established to see to it that if a litigant from California, illustratively, came to Pennsylvania and might be in the State court, that there would be perhaps some predisposition on the part of State court judges to look more favorably upon the local litigant. And the Federal courts were viewed as being more impartial. And that thread remains to this day.

The legislation will leave in State courts, if the matter is predominantly a State court issue, where there are some two-thirds of the class in that State. If there is one-third or less, then the matter would go to the Federal court. And if it is between one-third and two-thirds, then it will be up to the discretion of the Federal judge on a series of standards which have been worked out through the leadership of Senator FEINSTEIN of California.

The bill came before the Judiciary Committee last Thursday. And it was my request of the Judiciary Committee members at that time that amendments not be offered because if you have controversial amendments offered in committee, they are customarily taken up again on the Senate floor. And the majority leader, Senator FRIST, had asked me in my capacity as