

1446(b) shall not apply), without regard to whether any defendant is a citizen of the State in which the action is brought, except that such action may be removed by any defendant without the consent of all defendants.

“(c) REVIEW OF REMAND ORDERS.—

“(1) IN GENERAL.—Section 1447 shall apply to any removal of a case under this section, except that notwithstanding section 1447(d), a court of appeals may accept an appeal from an order of a district court granting or denying a motion to remand a class action to the State court from which it was removed if application is made to the court of appeals not less than 7 days after entry of the order.

“(2) TIME PERIOD FOR JUDGMENT.—If the court of appeals accepts an appeal under paragraph (1), the court shall complete all action on such appeal, including rendering judgment, not later than 60 days after the date on which such appeal was filed, unless an extension is granted under paragraph (3).

“(3) EXTENSION OF TIME PERIOD.—The court of appeals may grant an extension of the 60-day period described in paragraph (2) if—

“(A) all parties to the proceeding agree to such extension, for any period of time; or

“(B) such extension is for good cause shown and in the interests of justice, for a period not to exceed 10 days.

“(4) DENIAL OF APPEAL.—If a final judgment on the appeal under paragraph (1) is not issued before the end of the period described in paragraph (2), including any extension under paragraph (3), the appeal shall be denied.

“(d) EXCEPTION.—This section shall not apply to any class action that solely involves—

“(1) a claim concerning a covered security as defined under section 16(f)(3) of the Securities Act of 1933 (15 U.S.C. 78p(f)(3)) and section 28(f)(5)(E) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(f)(5)(E));

“(2) a claim that relates to the internal affairs or governance of a corporation or other form of business enterprise and arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

“(3) a claim that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1)) and the regulations issued thereunder).”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 is amended by adding after the item relating to section 1452 the following:

“1453. Removal of class actions.”.

SEC. 6. REPORT ON CLASS ACTION SETTLEMENTS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Judicial Conference of the United States, with the assistance of the Director of the Federal Judicial Center and the Director of the Administrative Office of the United States Courts, shall prepare and transmit to the Committees on the Judiciary of the Senate and the House of Representatives a report on class action settlements.

(b) CONTENT.—The report under subsection (a) shall contain—

(1) recommendations on the best practices that courts can use to ensure that proposed class action settlements are fair to the class members that the settlements are supposed to benefit;

(2) recommendations on the best practices that courts can use to ensure that—

(A) the fees and expenses awarded to counsel in connection with a class action settlement appropriately reflect the extent to

which counsel succeeded in obtaining full redress for the injuries alleged and the time, expense, and risk that counsel devoted to the litigation; and

(B) the class members on whose behalf the settlement is proposed are the primary beneficiaries of the settlement; and

(3) the actions that the Judicial Conference of the United States has taken and intends to take toward having the Federal judiciary implement any or all of the recommendations contained in the report.

(c) AUTHORITY OF FEDERAL COURTS.—Nothing in this section shall be construed to alter the authority of the Federal courts to supervise attorneys' fees.

SEC. 7. ENACTMENT OF JUDICIAL CONFERENCE RECOMMENDATIONS.

Notwithstanding any other provision of law, the amendments to rule 23 of the Federal Rules of Civil Procedure, which are set forth in the order entered by the Supreme Court of the United States on March 27, 2003, shall take effect on the date of enactment of this Act or on December 1, 2003 (as specified in that order), whichever occurs first.

SEC. 8. RULEMAKING AUTHORITY OF SUPREME COURT AND JUDICIAL CONFERENCE.

Nothing in this Act shall restrict in any way the authority of the Judicial Conference and the Supreme Court to propose and prescribe general rules of practice and procedure under chapter 131 of title 28, United States Code.

SEC. 9. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action commenced on or after the date of enactment of this Act.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

MEDICARE PRESCRIPTION DRUG BENEFIT

Mr. WYDEN. Mr. President, the staggering cost estimates for the Medicare prescription drug benefit, coupled with the small number of seniors who have signed up so far, has threatened the very survival of this program. I do not want to see that happen, having voted for this program. I want to see the Senate take the steps to ensure that it works; that it delivers medicine to our seniors in a cost-effective way, and ensures that it reaches the hopes and expectations that millions of older people and their families have for this program.

The fact is, the Medicare prescription drug program now faces two very serious problems. The first is the skyrocketing cost. These are the costs we have been debating throughout the week, that have been far greater than anyone could have predicted.

A second problem may also herald very big concerns. To date, a small number of older people have signed up for the first part of the drug benefit, the drug card. So what you have is a pretty combustible mix. The combination of escalating costs and a skimpy number of older people signing up thus far raises the very real problem that a huge amount of Government money will be spent on a very small number of people. That is a prescription for a program that cannot survive.

I do not want to see that happen. As someone who voted for this program and worked with colleagues on both sides of the aisle to make this program work to meet the urgent needs of the Nation's older people, I think the Senate ought to be taking corrective action and take corrective action now, in order to deal with what I think are looming problems.

As I said, we learned a bit about the escalating costs of the program. But when you couple that with low levels of participation by older people, that is particularly troublesome. I think it is fair to say, if the drug card debacle—the first part of the program and the small number of older people signing up for the drug card continues into the full benefit phase of the program, what you have is a situation where I believe people are going to say this program cannot be justified at a time of scarce Government resources.

To turn for a moment to the drug card part of the program that I don't think has been discussed much lately, the choices are eye-glazing. There are more than 70 cards available; 39 you can get in any part of the country, the other 30-plus you can get only in some States. The Inspector General of the Department of Health and Human Services reported in an informal survey that the program information was confusing and inadequate.

What makes it amazing is that a lot of folks who were looking at it are people who were relatives of HHS employees. So you have a situation where even folks connected with those who would know a fair amount about this program are having difficulty sorting through it.

I have come to the floor today to try to sound a wake-up call, to say those of us who voted for the program, like myself, and those who opposed it, we ought to be working together on a bipartisan basis now to correct it. The first part of that effort should be to put in place sensible cost containment like we see in the private sector. It is incomprehensible to me that this program is not using the kind of cost containment strategies that you see in Minnesota and Oregon and all across the country.

The Medicare Program is pretty much like a fellow standing in the Price Club who buys one roll of toilet paper at a time. They are not shopping in a smart way. They are not using their purchasing power. I and Senator SNOWE have sought to correct that and