

□ 1319

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A Bill to facilitate recovery from the effects of Hurricane Katrina by providing greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions, credit unions, and Federal regulatory agencies, and for other purposes".

A motion to reconsider was laid on the table.

**CONGRATULATING THE STATE OF ISRAEL ON THE ELECTION OF AMBASSADOR DAN GILLERMAN AS VICE-PRESIDENT OF THE 60TH UNITED NATIONS GENERAL ASSEMBLY**

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 368.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the resolution, H. Res. 368, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 26, as follows:

[Roll No. 550]

YEAS—407

Abercrombie	Bradley (NH)	Cuellar
Ackerman	Brady (PA)	Cummings
Aderholt	Brady (TX)	Davis (AL)
Akin	Brown (OH)	Davis (CA)
Alexander	Brown (SC)	Davis (FL)
Allen	Brown, Corrine	Davis (IL)
Andrews	Burgess	Davis (KY)
Baca	Burton (IN)	Davis (TN)
Bachus	Butterfield	Davis, Jo Ann
Baird	Buyer	Davis, Tom
Baker	Calvert	Deal (GA)
Baldwin	Camp	DeFazio
Barrett (SC)	Cannon	DeGette
Barrow	Cantor	Delahunt
Bartlett (MD)	Capito	DeLauro
Barton (TX)	Capps	DeLay
Bass	Capuano	Dent
Bean	Cardin	Dingell
Beauprez	Cardoza	Doggett
Becerra	Carnahan	Doolittle
Berkley	Carson	Doyle
Berman	Carter	Drake
Berry	Case	Dreier
Biggart	Castle	Duncan
Billirakis	Chabot	Edwards
Bishop (GA)	Chandler	Ehlers
Bishop (NY)	Choccola	Emanuel
Bishop (UT)	Clay	Emerson
Blackburn	Cleaver	Engel
Blumenauer	Clyburn	English (PA)
Blunt	Coble	Eshoo
Boehrlert	Cole (OK)	Etheridge
Boehner	Conaway	Evans
Bonilla	Conyers	Everett
Bonner	Cooper	Farr
Bono	Costa	Fattah
Boozman	Costello	Feeney
Boren	Cramer	Ferguson
Boucher	Crenshaw	Finer
Boustany	Crowley	Fitzpatrick (PA)
Boyd	Cubin	Flake

Forbes	Lewis (KY)	Reichert
Ford	Linder	Renzi
Fortenberry	Lipinski	Reynolds
Fossella	LoBiondo	Rogers (AL)
Fox	Loftgren, Zoe	Rogers (KY)
Frank (MA)	Lowey	Rogers (MI)
Franks (AZ)	Lucas	Rohrabacher
Frelinghuysen	Lucas	Ross
Gallegly	Lungren, Daniel E.	Rothman
Gerlach	Lynch	Royce
Gibbons	Maloney	Ruppersberger
Gilchrist	Manzullo	Rush
Gillmor	Marchant	Schwartz (PA)
Gingrey	Markey	Schwartz (MI)
Gonzalez	Marshall	Scott (GA)
Goode	Matheson	Scott (VA)
Goodlatte	Matsui	Serrano
Gordon	McCarthy	Sessions
Granger	McCaul (TX)	Shadegg
Graves	McCollum (MN)	Shays
Green (WI)	McCotter	Sherman
Green, Al	McCrery	Sherwood
Green, Gene	McDermott	Shimkus
Grijalva	McGovern	Shuster
Gutierrez	McHenry	Simpson
Gutknecht	McHugh	Skelton
Harman	McIntyre	Slaughter
Hart	McKeon	Smith (NJ)
Hastings (WA)	McKinney	Smith (TX)
Hayes	McMorris	Smith (WA)
Hayworth	McNulty	Snyder
Hefley	Meehan	Sodrel
Hensarling	Meek (FL)	Solis
Herger	Meeke (NY)	Souder
Herseth	Melancon	Spratt
Higgins	Menendez	Stark
Hinchee	Mica	Stearns
Hinojosa	Michaud	Strickland
Hobson	Millender-McDonald	Stupak
Hoekstra	Miller (FL)	Sullivan
Holden	Miller (MI)	Sweeney
Holt	Miller (NC)	Tancredo
Honda	Miller, Gary	Tanner
Hookey	Miller, George	Taylor (MS)
Hostettler	Mollohan	Taylor (NC)
Hoyer	Moore (KS)	Terry
Hulshof	Moore (WI)	Thomas
Hunter	Moran (KS)	Thompson (CA)
Hyde	Moran (VA)	Thompson (MS)
Inglis (SC)	Murphy	Thornberry
Inslee	Murtha	Tiaht
Israel	Murphy	Tiberi
Issa	Murphy	Tierney
Istook	Musgrave	Towns
Jackson (IL)	Myrick	Turner
Jackson-Lee (TX)	Nadler	Udall (CO)
	Napolitano	Udall (NM)
	Neugebauer	Upton
	Ney	Van Hollen
	Northup	Velázquez
	Norwood	Visclosky
	Nunes	Walden (OR)
	Nussle	Walsh
	Oberstar	Wamp
	Oliver	Waters
	Ortiz	Watson
	Osborne	Watt
	Otter	Waxman
	Owens	Weiner
	Oxley	Weldon (FL)
	Pallone	Weldon (PA)
	Pascrell	Weller
	Pastor	Westmoreland
	Paul	Whitfield
	Pearce	Wicker
	Pelosi	Wilson (NM)
	Pence	Wilson (SC)
	Peterson (MN)	Wolf
	Peterson (PA)	Woolsey
	Petri	Wu
	Pickering	Wynn
	Pitts	Young (AK)
	Platts	Young (FL)
	Poe	
	Pombo	
	Pomeroy	
	Porter	
	Price (GA)	
	Price (NC)	
	Pryce (OH)	
	Putnam	
	Radanovich	
	Rahall	
	Ramstad	
	Rangel	
	Regula	
	Rehberg	

NOT VOTING—26

Boswell	Gohmert	Roybal-Allard
Brown-Waite, Ginny	Hall	Sensenbrenner
Culberson	Harris	Shaw
Cunningham	Hastings (FL)	Simmons
Diaz-Balart, L.	Mack	Tauscher
Diaz-Balart, M.	Neal (MA)	Wasserman
Dicks	Obey	Schultz
Foley	Payne	Wexler
Garrett (NJ)	Reyes	
	Ros-Lehtinen	

□ 1328

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**GENERAL LEAVE**

Mr. HEFLEY. 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.J. Res. 65.

The SPEAKER pro tempore (Mr. REHBERG). Is there objection to the request of the gentleman from Colorado?

There was no objection.

□ 1330

**MOTION TO GO TO CONFERENCE ON H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006**

Mr. KOLBE. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. REHBERG). The question is on the motion offered by the gentleman from Arizona (Mr. KOLBE).

The motion was agreed to.

**GENERAL LEAVE**

Mr. KOLBE. 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 the motion to instruct on H.R. 3057.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MRS. LOWEY  
Mrs. LOWEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mrs. Lowey moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 3057, making appropriations for Foreign Operations, Export Financing, and

Related Programs for the fiscal year 2006 be instructed to insist on the provisions of the Senate bill providing a total of \$2,971,000,000 to combat HIV/AIDS, Tuberculosis and Malaria, including a total of \$500,000,000 for a U.S. contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentlewoman from New York (Mrs. LOWEY) and the gentleman from Arizona (Mr. KOLBE) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this motion to instruct the conferees on the fiscal year 2006 foreign operations bill will ensure that the House is clearly on record to provide the highest possible funding level for HIV/AIDS, tuberculosis, and malaria in 2006.

The motion I offer today makes a simple point: Although other issues have overtaken the global AIDS pandemic as front-page news, the pandemic is still growing; and we still have a responsibility to face the challenges it presents head-on.

I was very pleased, as always, to work with the gentleman from Arizona (Mr. KOLBE) to provide robust funding to fight the AIDS pandemic, both for the Office of Global AIDS coordinator at the State Department and for the Global Fund to fight AIDS, TB, and malaria. With an allocation that was more than \$2.5 billion below the President's request, we were able to provide full funding, and even a little bit more, for this key priority.

Fortunately, the Senate had even a higher allocation with which to work, and I am pleased that the Senate-passed bill significantly increased funding over the President's request for HIV/AIDS, including \$500 million for the Global Fund, the premier multilateral mechanism for fighting AIDS and other infectious diseases.

As we approach conference on the fiscal year 2006 foreign operations appropriations bill, we must maintain our resolve to fund the fight against the global AIDS pandemic at the highest possible levels.

When the fiscal year 2006 bill finally passes, Congress will have provided more than \$10 billion to fight AIDS since 2003. Our assistance has saved millions of lives, offered hope for a better future to those already infected with HIV, bolstered the institutional capacity of developing countries to deal with serious public health challenges, and offered comfort and safety to children orphaned by AIDS.

We have done so much. Still, the United Nations estimates indicate that \$15 billion will be needed in the upcoming year to fight the pandemic, a need that dwarfs the approximately \$6.1 billion available. While some have benefited from our largess and that of the international community, many millions more are being left behind.

Just yesterday, we saw reports of staggering statistics about the effect of

the AIDS pandemic on children. Only one in 20 of the HIV-infected children worldwide who need life-prolonging drugs gets them. Only one out of 100 gets a cheap antibiotic that can save nearly half of the death rate from secondary infections like diarrhea and malaria. Fewer than one in 10 mothers infected with the HIV virus are given drugs that can stop transmission to their babies. And every minute of every day a child dies of an AIDS-related illness.

The facts speak for themselves. We can and must do better. I urge my colleagues to support this motion to instruct.

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

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

Mr. Speaker, I thank the gentlewoman from New York (Mrs. LOWEY) for her motion. It gives our subcommittee, and it gives me, as chairman of the subcommittee, an opportunity to highlight once again how critical this battle against HIV/AIDS is, and this is something that is critical not only to this Congress but to President Bush and his administration.

Funding from these accounts in this fight against HIV/AIDS and also tuberculosis and malaria, three of the great killers of our time, has increased significantly in the years that I have been chairman of this subcommittee.

In the first year we were appropriating about \$615 million in the international fight. Today, in our bill, the level is \$2.7 billion. That is four times greater in just 4 years of bills for the Foreign Operations Subcommittee.

The Senate level, at nearly \$3 billion, is almost five times greater.

Our bill that we passed in the House would provide \$400 million for the Global Fund. That is twice what the President requested. The Senate bill has another \$100 million and puts that figure at \$500 million. The emergency plan for AIDS relief has revolutionized the fight against HIV/AIDS. We have not turned the corner in this disease. We have certainly not reached the end nor maybe even the beginning of the end; but to paraphrase Winston Churchill, perhaps we are at the end of the beginning. We are clearly making great progress.

According to a number of public health experts, we are finally reaching the point where the focus countries in the President's emergency program, where these resources are not the limiting factor in addressing the spread of this disease, of HIV/AIDS. More than 200,000 people now receive life-sustaining AIDS treatment in Africa, and that is thanks to the generosity and caring of the United States taxpayers. For the first time, there is hope for these people. Training and the infrastructure now has to be the focus of our efforts.

It will take the concerted will of all countries and groups that are involved with this fight to sustain and build on the progress that we have made thus far.

So once again, I want to thank my colleague for her dedication to this very important issue and for her work to help craft a bill that I think is one that we can go into conference feeling very good about and that we can defend with vigor.

So I am pleased to be able to accept the motion to instruct; and I am committed, as the gentlewoman from New York (Mrs. LOWEY) is, to reaching the highest possible level in the conference in the struggle against HIV/AIDS, tuberculosis, and malaria.

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

Mrs. LOWEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I applaud the gentleman from Arizona (Chairman KOLBE) and the ranking member of the subcommittee, the gentlewoman from New York (Mrs. LOWEY), for the bipartisan cooperation and collaboration that has been shown by this motion to instruct and the acceptance of it.

The bad news as it relates to foreign operations that seems to trickle into the American system is that we spend so much money for foreign operations and, therefore, are not addressing the domestic crises that we face. I think this bipartisan effort truly speaks to the fact that what we do and how we reach out in our collaborative work around the world, issues of democracy, issues dealing with tuberculosis, malaria, and HIV/AIDS, issues of constructing and helping in ways of creating a world friendship, is crucial to the domestic tranquility of America.

As I have worked with Ambassador Holbrooke who has cited the vast growing, although we have made strides, devastation of HIV/AIDS, the impact on children, the number of orphans that are facing life alone because of the loss of one or two parents, there is, I think, no level of giving that would be too much to try and face up to this terrible devastation. This accepting of the motion to instruct relates to that.

But I rise today to raise an additional concern, and I know this bill is not addressing it as we speak, but because of the difficulties that we have had with Hurricane Katrina and now Wilma and certainly Rita, and the eyes of Americans focused, if you will, on those tragedies, the eyes of America focused on the tragedies in Iraq and the constant bombing and the loss of 2,000 soldiers, it sometimes steers our attention away from the earthquake in the South Asian region, impacting Afghanistan to some extent, India, and Pakistan.

We know there are 79,000 dead from the earthquake. I would hope we would be able to prepare a supplemental to address those questions. We know there are appropriations for Pakistan and the South Asian region in this particular bill, but not enough due to the

loss of life and the complete elimination of towns and villages.

I have met with many from the Pakistan-American community, doctors who are attempting to be of help, the Indian embassy that is helping as well; but focused resources are going to be crucial.

We know that the world family is looking at the kinds of resources that are needed, but we need the donor community joined with the United States to be part of this very important effort. We know that the United States has given \$50 million. It is not enough. I have asked that we raise this question with the donor community so those dollars can continue to mount.

Here are the reasons why: certainly we know the medical crisis is going to be ongoing. But as I said earlier, major cities have been wiped out. People are living in tents, those who can get tents. There is a lack of food, lack of water, and a lack of how the government will rebuild the infrastructure. We realize it is in the Kashmir area, and that is a very difficult area. It is a difficult area politically and as it relates to the conflict, and so it is imperative that that area be rebuilt quickly and the infrastructure be brought into that area.

I ask my colleagues to support the motion to instruct, as I do. I want to again applaud the ranking member and the chairman of the subcommittee. I look forward to working with both of them on ways we can provide a more expedited and certainly a higher level of assistance; and, of course, I ask for the Secretary of State, Secretary Rice, and the President of the United States to consider requesting more dollars for assistance. I ask my colleagues to support the motion to instruct.

Ms. PELOSI. Mr. Speaker, I rise in strong support of the Democratic motion to support the Senate funding level of \$3 billion for our global AIDS initiatives. The funding level includes \$500 million for the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

Appropriations Foreign Operations Subcommittee Ranking Member NITA LOWEY and Chairman JIM KOLBE are to be commended for their leadership in the fight against the global AIDS pandemic. They are a model of bipartisan effectiveness and are leading the way in providing needed funding under tight budget constraints.

In 2003, President Bush and Congress took a bold step in authorizing \$15 billion over five years toward AIDS prevention and treatment. The Senate funding levels in the Foreign Operations and Labor-HHS Appropriations bills would put the U.S. on track to meet this commitment in future years.

At this critical juncture in history, the U.S. has the opportunity and the responsibility to fully fund an ambitious global effort to combat AIDS. The statistics are staggering. Of the 40 million people currently living with HIV, 95 percent live in the developing world. This week, UNICEF released a report showing that 18 million children in Africa could be orphaned by AIDS by the end of 2010.

We know how to treat this devastating disease. Success stories can be found in every

part of the world. In Uganda and Senegal, HIV rates have been brought down through effective prevention campaigns. In the past year alone, an estimated 350,000 African AIDS patients have received access to anti-retroviral drugs that will keep them alive to work and care for their families. Unfortunately, only 500,000 of the 4.7 million people in need of anti-retroviral drugs have them.

If we support what works, we can prevent nearly two-thirds of the 45 million new HIV infections projected by 2020. When we invest more resources, more people have access to life-saving drugs, more people learn how to protect themselves and their partners, more people have access to voluntary testing and counseling, and more pregnant women have services to prevent mother-to-child transmission. The longer we go without fully investing in stopping the AIDS pandemic, the further it will spread worldwide and the more expensive the bottom line will be.

The moral case is reason alone to fully fund our global AIDS initiatives, but it is also in our national security interest. As we have seen in the case of Afghanistan and Sudan, impoverished states can become incubators for terrorism and conflict. We must address the root causes of instability so that the "fury of despair" does not provoke more violence.

It is in this global context that I support the Senate funding levels for global AIDS. Let us all come together today to fully support our commitments to fight the global AIDS pandemic.

Mrs. LOWEY. Mr. Speaker, I yield back the balance of my time.

Mr. KOLBE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from New York (Mrs. LOWEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. LOWEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### GENERAL LEAVE

Mr. SMITH of Texas. 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. 420.

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

There was no objection.

#### LAWSUIT ABUSE REDUCTION ACT OF 2005

The SPEAKER pro tempore (Mr. PUTNAM). Pursuant to House Resolution 508 and rule XVIII, the Chair declares the House in the Committee of

the Whole House on the State of the Union for the consideration of the bill, H.R. 420.

□ 1345

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 420) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes, with Mr. LATHAM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. SMITH) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support H.R. 420, the Lawsuit Abuse Reduction Act of 2005.

Frivolous lawsuits bankrupt individuals, ruin reputations, drive up insurance premiums, increase health care costs, and put a drag on the economy.

Frivolous lawsuits are brought, for example, when there is no evidence that shows negligence on the part of the defendant. These nuisance lawsuits make a mockery of our legal system.

Of course, many Americans have legitimate legal grievances, from someone wrongly disfigured during an operation to a company responsible for contaminating a community's water supply. No one who deserves justice should be denied justice; however, gaming of the system by a few lawyers drives up the cost of doing business and drives down the integrity of the judicial system.

Let me give some examples. The chief executive officer of San Antonio's Methodist Children's Hospital was sued after he stepped into a plaintiff's hospital room and asked how the patient was doing. Of course, a jury cleared him of any wrongdoing.

A Pennsylvania man sued the Frito-Lay Company claiming that Doritos chips were "inherently dangerous" after one stuck in his throat. After 8 years of costly litigation, the Pennsylvania Supreme Court threw out the case, writing that there is "a commonsense notion that it is necessary to properly chew hard foodstuffs prior to swallowing." But, of course, the defendants had to absorb hundreds of thousands of dollars in legal fees.

In a New Jersey Little League game, a player lost sight of a fly ball hit because of the sun. He was injured when the ball struck him in the eye. The coach, who was forced to hire a lawyer after the boy's parents sued, had to settle the case for \$25,000.

Today almost any party can bring any suit in almost any jurisdiction. That is because plaintiffs and their attorneys have nothing to lose. All they