

McCollum	Portman	Smith (WA)
McCrery	Poshard	Solomon
McDade	Pryce	Souder
McHugh	Quillen	Spence
McInnis	Quinn	Stearns
McIntosh	Radanovich	Stenholm
McKeon	Rahall	Stockman
McKinney	Ramstad	Stump
Meehan	Rangel	Stupak
Metcalf	Reed	Talent
Meyers	Regula	Tanner
Mica	Riggs	Tate
Miller (FL)	Rivers	Tauzin
Minge	Roberts	Taylor (NC)
Moakley	Roemer	Tejeda
Molinari	Rogers	Thomas
Mollohan	Rohrabacher	Thornberry
Montgomery	Ros-Lehtinen	Thornton
Moorhead	Rose	Tiahrt
Moran	Roth	Torricelli
Morella	Roukema	Traficant
Murtha	Roybal-Allard	Upton
Myers	Royce	Vucanovich
Myrick	Salmon	Waldholtz
Neal	Sanford	Walker
Nethercutt	Saxton	Walsh
Neumann	Scarborough	Wamp
Ney	Schaefer	Watts (OK)
Norwood	Schiff	Waxman
Nussle	Schumer	Weldon (FL)
Ortiz	Sensenbrenner	Weller
Oxley	Shadegg	White
Packard	Shaw	Whitfield
Parker	Shays	Wicker
Paxon	Shuster	Wilson
Payne (VA)	Sisisky	Wolf
Peterson (FL)	Skeen	Woolsey
Petri	Skelton	Wynn
Pomeroy	Smith (MI)	Young (FL)
Porter	Smith (NJ)	Zeliff

NOES—83

Abercrombie	Hilliard	Pickett
Baldacci	Hinchee	Pombo
Becerra	Jacobs	Richardson
Bonior	Johnson, E. B.	Rush
Borski	Johnston	Sabo
Brown (CA)	Kennedy (RI)	Sawyer
Brown (FL)	Kildee	Schroeder
Clay	LaFalce	Scott
Clayton	Levin	Skaggs
Coleman	Lewis (GA)	Slaughter
Collins (MI)	Markey	Spratt
DeFazio	Matsui	Stark
Deutsch	McDermott	Studds
Dingell	McHale	Taylor (MS)
Durbin	Meek	Thompson
Edwards	Menendez	Thurman
Engel	Miller (CA)	Torkildsen
Fazio	Mink	Towns
Filner	Nadler	Vento
Frost	Oberstar	Visclosky
Gephardt	Obey	Volkmer
Gibbons	Olver	Ward
Gillmor	Orton	Waters
Green	Owens	Watt (NC)
Gutknecht	Pallone	Wise
Hall (OH)	Pastor	Yates
Hastings (FL)	Payne (NJ)	Zimmer
Hefley	Peterson (MN)	

ANSWERED "PRESENT"—1

Harman

NOT VOTING—24

Bryant (TX)	Goodling	Serrano
Collins (IL)	Gutierrez	Smith (TX)
de la Garza	Hayes	Stokes
Doggett	Kolbe	Torres
Eshoo	McNulty	Velazquez
Fields (TX)	Pelosi	Weldon (PA)
Ford	Sanders	Williams
Fowler	Seastrand	Young (AK)

So the Journal was approved.

38.10 PROVIDING FOR THE CONSIDERATION OF H.J. RES. 159

Mr. GOSS, by direction of the Committee on Rules, reported (Rept. No. 104-513) the resolution (H. Res. 395) providing for the consideration of the joint resolution (H.J. Res. 159) proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes.

When said resolution and report were referred to the House Calendar and ordered printed.

38.11 PROVIDING FOR THE CONSIDERATION OF H.R. 842

Mr. GOSS, by direction of the Committee on Rules, reported (Rept. No. 104-514) the resolution (H. Res. 396) providing for the consideration of the bill (H.R. 842) to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Funds, and the Harbor Maintenance Trust Fund.

When said resolution and report were referred to the House Calendar and ordered printed.

38.12 PRODUCT LIABILITY REFORM

Mr. HYDE, pursuant to House Resolution 394, called up the following conference report (Rept. No. 104-481):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 956), to establish legal standards and procedures for product liability litigation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Common Sense Product Liability Legal Reform Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and purposes.
- TITLE I—PRODUCT LIABILITY REFORM
- Sec. 101. Definitions.
- Sec. 102. Applicability; preemption.
- Sec. 103. Liability rules applicable to product sellers, renters, and lessors.
- Sec. 104. Defense based on claimant's use of intoxicating alcohol or drugs.
- Sec. 105. Misuse or alteration.
- Sec. 106. Uniform time limitations on liability.
- Sec. 107. Alternative dispute resolution procedures.
- Sec. 108. Uniform standards for award of punitive damages.
- Sec. 109. Liability for certain claims relating to death.
- Sec. 110. Several liability for noneconomic loss.
- Sec. 111. Workers' compensation subrogation.

TITLE II—BIOMATERIALS ACCESS ASSURANCE

- Sec. 201. Short title.
- Sec. 202. Findings.
- Sec. 203. Definitions.
- Sec. 204. General requirements; applicability; preemption.
- Sec. 205. Liability of biomaterials suppliers.
- Sec. 206. Procedures for dismissal of civil actions against biomaterials suppliers.

TITLE III—LIMITATIONS ON APPLICABILITY; EFFECTIVE DATE

- Sec. 301. Effect of court of appeals decisions.
- Sec. 302. Federal cause of action precluded.
- Sec. 303. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) our Nation is overly litigious, the civil justice system is overcrowded, sluggish, and excessively costly and the costs of lawsuits, both direct and indirect, are inflicting serious and unnecessary injury on the national economy;

(2) excessive, unpredictable, and often arbitrary damage awards and unfair allocations of liability have a direct and undesirable effect on interstate commerce by increasing the cost and decreasing the availability of goods and services;

(3) the rules of law governing product liability actions, damage awards, and allocations of liability have evolved inconsistently within and among the States, resulting in a complex, contradictory, and uncertain regime that is inequitable to both plaintiffs and defendants and unduly burdens interstate commerce;

(4) as a result of excessive, unpredictable, and often arbitrary damage awards and unfair allocations of liability, consumers have been adversely affected through the withdrawal of products, producers, services, and service providers from the marketplace, and from excessive liability costs passed on to them through higher prices;

(5) excessive, unpredictable, and often arbitrary damage awards and unfair allocations of liability jeopardize the financial well-being of many individuals as well as entire industries, particularly the Nation's small businesses and adversely affects government and taxpayers;

(6) the excessive costs of the civil justice system undermine the ability of American companies to compete internationally, and serve to decrease the number of jobs and the amount of productive capital in the national economy;

(7) the unpredictability of damage awards is inequitable to both plaintiffs and defendants and has added considerably to the high cost of liability insurance, making it difficult for producers, consumers, volunteers, and nonprofit organizations to protect themselves from liability with any degree of confidence and at a reasonable cost;

(8) because of the national scope of the problems created by the defects in the civil justice system, it is not possible for the States to enact laws that fully and effectively respond to those problems;

(9) it is the constitutional role of the national government to remove barriers to interstate commerce and to protect due process rights; and

(10) there is a need to restore rationality, certainty, and fairness to the civil justice system in order to protect against excessive, arbitrary, and uncertain damage awards and to reduce the volume, costs, and delay of litigation.

(b) PURPOSES.—Based upon the powers contained in Article I, Section 8, Clause 3 and the Fourteenth Amendment of the United States Constitution, the purposes of this Act are to promote the free flow of goods and services and to lessen burdens on interstate commerce and to uphold constitutionally protected due process rights by—

(1) establishing certain uniform legal principles of product liability which provide a fair balance among the interests of product users, manufacturers, and product sellers;

(2) placing reasonable limits on damages over and above the actual damages suffered by a claimant;

(3) ensuring the fair allocation of liability in civil actions;

(4) reducing the unacceptable costs and delays of our civil justice system caused by excessive litigation which harm both plaintiffs and defendants; and