

When said resolution was considered. After debate,

Mr. LINDER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce, Will the House now order the previous question?

The SPEAKER pro tempore, Mr. GUNDERSON, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present, The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 237
Nays 173

¶38.7

[Roll No. 108]
YEAS—237

Allard	Ewing	Longley
Archer	Fawell	Lucas
Armey	Flanagan	Manzullo
Bachus	Foley	Martini
Baker (CA)	Forbes	McCollum
Baker (LA)	Fox	McCrery
Ballenger	Franks (CT)	McDade
Barr	Franks (NJ)	McHugh
Barrett (NE)	Frelinghuysen	McInnis
Bartlett	Frisinger	McIntosh
Barton	Funderburk	McKeon
Bass	Galleghy	Metcalf
Bateman	Ganske	Meyers
Bereuter	Gekas	Mica
Bilbray	Geren	Miller (FL)
Bilirakis	Gilchrist	Molinari
Billey	Gillmor	Montgomery
Blute	Gilman	Moorhead
Boehlert	Goodlatte	Morella
Boehner	Gordon	Myers
Bonilla	Goss	Myrick
Bono	Graham	Nethercutt
Boucher	Greenwood	Neumann
Browder	Gunderson	Ney
Brownback	Gutknecht	Norwood
Bryant (TN)	Hall (TX)	Nussle
Bunn	Hancock	Oxley
Bunning	Hansen	Packard
Burr	Hastert	Parker
Burton	Hastings (WA)	Paxon
Buyer	Hayworth	Petri
Callahan	Hefley	Pombo
Calvert	Heineman	Porter
Camp	Herger	Portman
Campbell	Hilleary	Pryce
Canady	Hobson	Quillen
Castle	Hoekstra	Quinn
Chabot	Hoke	Radanovich
Chambliss	Holden	Ramstad
Chenoweth	Horn	Regula
Christensen	Hostettler	Riggs
Chrysler	Houghton	Roberts
Clinger	Hunter	Roemer
Coble	Hutchinson	Rogers
Coburn	Hyde	Rohrabacher
Collins (GA)	Inglis	Ros-Lehtinen
Combest	Istook	Roth
Condit	Johnson (CT)	Roukema
Cooley	Johnson, Sam	Royce
Cox	Jones	Salmon
Cramer	Kasich	Sanford
Crane	Kelly	Saxton
Crapo	Kim	Scarborough
Creameans	King	Schaefer
Cubin	Kingston	Schiff
Cunningham	Klug	Seastrand
Davis	Knollenberg	Sensenbrenner
Deal	Kolbe	Shadegg
DeLay	LaHood	Shaw
Diaz-Balart	Largent	Shays
Dickey	Latham	Shuster
Doolittle	LaTourette	Skeen
Dornan	Laughlin	Smith (MI)
Dreier	Lazio	Smith (NJ)
Dunn	Leach	Smith (WA)
Ehlers	Lewis (CA)	Solomon
Ehrlich	Lewis (KY)	Souder
Emerson	Lightfoot	Spence
English	Linder	Stearns
Ensign	Livingston	Stockman
Everett	LoBiondo	Stump

Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
Evans
Farr
Fattah
Fazio
Fields (LA)
Flner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gonzalez

Bryant (TX)
Collins (IL)
Coyne
de la Garza
Eshoo
Fields (TX)
Ford

Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)

NAYS—173

Green
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klecza
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey

NOT VOTING—21

Fowler
Gephardt
Goodling
Gutierrez
Hayes
McNulty
Serrano

Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wynn
Yates

rule I, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Thursday, March 28, 1996.

The question being put, viva voce, Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. GUNDERSON, announced that the yeas had it.

Mr. VOLKMER demanded a recorded vote on agreeing to the Chair's approval of the Journal, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 323
Nays 83
affirmative Answered present 1

¶38.9

[Roll No. 109]
AYES—323

Ackerman	Coyne	Hastings (WA)
Allard	Cramer	Hayworth
Andrews	Crane	Hefner
Archer	Crapo	Heineman
Armey	Creameans	Herger
Bachus	Cubin	Hilleary
Baesler	Cunningham	Hobson
Baker (CA)	Danner	Hoekstra
Baker (LA)	Davis	Hoke
Ballenger	Deal	Holden
Barcia	DeLauro	Horn
Barr	DeLay	Hostettler
Barrett (NE)	Dellums	Houghton
Barrett (WI)	Diaz-Balart	Hoyer
Bartlett	Dickey	Hunter
Barton	Dicks	Hutchinson
Bass	Dixon	Hyde
Bateman	Dooley	Inglis
Beilenson	Doolittle	Istook
Bentsen	Dornan	Jackson (IL)
Bereuter	Doyle	Jackson-Lee
Berman	Dreier	(TX)
Bevill	Duncan	Jefferson
Bilbray	Dunn	Johnson (CT)
Bilirakis	Ehlers	Johnson (SD)
Bishop	Ehrlich	Johnson, Sam
Bliley	Emerson	Jones
Blute	English	Kanjorski
Boehlert	Ensign	Kaptur
Boehner	Evans	Kasich
Bonilla	Everett	Kelly
Bono	Ewing	Kennedy (MA)
Boucher	Farr	Kennelly
Brewster	Fattah	Kim
Browder	Fawell	King
Brown (OH)	Fields (LA)	Kingston
Brownback	Flake	Klecza
Bryant (TN)	Flanagan	Klink
Bunn	Foglietta	Klug
Bunning	Foley	Knollenberg
Burr	Forbes	LaHood
Burton	Fox	Lantos
Buyer	Frank (MA)	Largent
Callahan	Franks (CT)	Latham
Calvert	Franks (NJ)	LaTourette
Camp	Frelinghuysen	Laughlin
Campbell	Frisa	Lazio
Canady	Funderburk	Leach
Cardin	Furse	Lewis (CA)
Castle	Galleghy	Lewis (KY)
Chabot	Ganske	Lightfoot
Chambliss	Gejdenson	Lincoln
Chapman	Gekas	Linder
Chenoweth	Geren	Lipinski
Christensen	Gilchrist	Livingston
Chrysler	Gilman	LoBiondo
Clinger	Gonzalez	Lofgren
Coble	Goodlatte	Longley
Coburn	Gordon	Lowey
Collins (GA)	Goss	Lucas
Combest	Graham	Luther
Condit	Greenwood	Maloney
Conyers	Gunderson	Manton
Cooley	Hall (TX)	Manzullo
Costello	Hamilton	Martinez
Cox	Hancock	Martini
	Hansen	Mascara
	Hastert	McCarthy

So the previous question on the resolution was ordered.

The question being put, viva voce, Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. GUNDERSON, announced that the yeas had it.

So the resolution was agreed to. A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶38.8 UNFINISHED BUSINESS—APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. GUNDERSON, pursuant to clause 5,

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