FLOOR PROCEDURE IN THE 104TH CONGRESS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 7	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on suspension calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; waives all points of order; Contains self-executing provision.	1D.
H.R. 830	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058	Securities Litigation Reform Act	H. Res. 103	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germanes against it.	1D.
H.R. 988	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.

Note: 75% restrictive; 25% open. These figures use Republican scoring methods from the 103rd Congress. Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

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

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time and I especially want to commend his integrity because he knew that I sought this time to criticize the proposed rule from the Committee on Rules. However, I do have to say that although I am critical of the rule, I still intend to vote for it for this reason: I think the issue of legal reform is very important. I think it needs to get moving in the House of Representatives, and the issue with which, the matters with which I take issue can be addressed elsewhere in the process. Any bill that begins has a long way to go before it ever is proposed to the President for signature.

I want to say I do not criticize the rule because it simply does not include an amendment that I offered. I offered an amendment to the balanced budget amendment which was not accepted by the Committee on Rules. Nevertheless, they proposed a fundamentally fair and open exchange of views on the balanced budget amendment which I think was perfectly appropriate even if it did not happen to include an amendment that I offered.

□ 1100

In this particular case, however, as I look at the amendments which have been made in order in this bill, it appears to me that amendments have been allowed which either the Committee on Rules believes will not be accepted by a majority in the House of Representatives or they do not care if a majority in the House of Representatives adopts these amendments. And those rules, those amendments which might change this bill in a way that the Committee on Rules does not wish it changed were not even allowed to be offered on the House floor.

There has already been reference to a proposed amendment from the gentleman from Tennessee [Mr. QUILLEN]. There has been references to a bipartisan amendment that would deal with raising the damage caps on punitive damages, not taking the caps away, which I think the majority will not support, but simply raising the caps, which I think a majority would support.

Here is where I believe my proposed amendment is highly relevant. This bill is being argued in terms of a products liability bill, but it is only products liability in part. Section 1 of this bill deals with products liability. Title II, dealing with punitive damages, is not limited to products liability. In fact, it is not limited to anything.

According to title II of this bill, as it is now written, the Federal Government is going to take over the State courts with respect to punitive damages in every single case, no matter what is the subject of the case.

In other words, if two individuals get into a first fight on the front lawn between their houses, Federal law is going to govern how that lawsuit that might arise out of that takes place. Now, particularly to my Republican colleagues, let me say first I think that violates philosophically everything we have been arguing for the last 2 months. We have said the States can handle police grant block grants, we have said the States can handle child nutrition programs and now we are saying the States for some reason cannot handle the court system.

Further, we set the precedent that running the courts should be a Federal issue. And some day a Congress of a different philosophic bent can say there will be a Federal law on punitive damages which is there will be no caps on punitive damages anywhere and we will overrule and take away those existing punitive damage caps which now exist. If you can do one, you can do the other.

My amendment will simply have said the punitive damages proceedings, whatever it is, applies only to products liability.

I want to conclude with one respectful exception to the opening statement of the gentleman from Georgia [Mr. LINDER] which has been said by a number of our leaders, which makes reference to Mr. Ralph Nader and the Trials Lawyers Association. That approach reminds me very much of the others side's saying we have to pass certain laws to send a message to the National Rifle Association. I just want to say on this floor that I have voted for and against the trial lawyers' positions and voted for and against the National Rifle Association position. We should pass laws that are good laws and not based on whether or not they are supported or opposed by any particular group.

I thank the gentleman again for yielding.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 956, COMMON SENSE LEGAL STANDARDS REFORM ACT OF 1995

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman from Texas for yielding this time to me.

I am very honored to be able to follow the gentleman from New Mexico because I think he gave a very, very thoughtful approach to this rule.

Look, this bill is doing something very drastic. It is changing the entire legal system of this country as it has worked since the country began. And this bill has been written and rewritten and rewritten, and we do not even know who the final author is.

It has been like a fast-bill breeder reactor and a fast-amendment breeder reactor, and, as you see, they are now changing the rule one more time because they want to change some more amendments.

I think really we must vote down this rule because we do not know what we are doing.

Let me emphasize again what the gentleman from New Mexico said about title II. This goes far beyond product

liability. We are saying in title II the Federal Government knows best and we are going to preempt all sorts of State laws.

You heard some of them last night. In New Jersey they allow punitive damages against any person that sexually abuses a child. Well, if we pass this bill, we are going to put a cap on it. And in all sorts of States, they allow punitive damages for someone who has been killed by a driver under the influence of drugs or alcohol. Do you think we should put a cap on that and say they did not have any idea what they were doing?

Other States have put on punitive damages for people who are selling drugs to children. I am for those things. I do not think we have all the wisdom here. I think it is amazing we are going to run out and give the school lunch program to the States, which a lot of them were not asking for, and we are going to take away all of the things they tried to do if we pass title II here today.

I also must say, when we look at these amendments, there were very many amendments, as the gentleman from New Mexico said, that were not allowed that we know would have passed. And I think that is troubling.

There are other amendments that I certainly hope people listen to today because they are very important: the noneconomic damages, the ''feelings'' amendment, as they are calling it. Let me tell you, if someone's reproductive organs are destroyed, if their capacity to reproduce is destroyed, I think that goes way beyond feelings. And I know very few people who would look very favorably upon someone putting a punitive cap on what they could receive if someone intentionally did that.

We see instance after instance in this bill where we think it is not ripe for decision, where we really do need much more debate. And I think that the people assumed we would have some thoughtful application before we took a system that has been functioning for over 200 years and changed it, and changed it with such haste that we hardly know what we are doing and we are having to change the rule as it goes.

This is massive micromanagement, this is a closed rule. These are serious issues. There are limits on debate, limits on amendments, limits on everything. I hope people vote against this rule.

And I thank the gentleman for yielding the time.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. I thank the gentleman for yielding this time to me.

Mr. Speaker, in spite of the controversy and disagreements on the rule, the bill itself is a good one, and I urge all of my colleagues to support it.

Mr. Speaker, simply put, it is imperative that we bring some uniformity to tort law in respect to product liability. If we hope to compete in an equal marketplace, if we hope to protect our Nation's citizens without hamstringing our industries and our quality of life, we must meet this challenge squarely today.

We come armed with study after study documenting the adverse impact of widely varying State tort laws on competitiveness, innovation, and even safety: it's not working, it's broke and it's long past time to fix it.

Under our current system, we are, in effect, exporting American ideas. With outrageous liability awards hanging over their heads like the sword of Damocles, U.S. manufacturers often dare not bring much-needed, much-requested products to market. Mr. Speaker, our foreign competitors eagerly fill that gap.

They have not burdened themselves with the crushing product liability costs borne by U.S. manufacturers—and, in the end, consumers. Nowhere—not west of us on the Pacific rim nor east of us in the European Economic Community—are liability standards so onerous as they are in the United States.

Not least of all, we need this legislation's single, predictable set of rules to protect consumers—and we should emphasize that. None of us wants to write the common man out of the law, leaving him no redress in the courts. That's not the object of this bill. What we want to do is restore some balance between liability and accountability.

Rather than voiding the commonsense accountability of an injured party, this bill places the responsibility for accident prevention back where it belongs. Indeed, injured parties will have to bear some of that burden if they alter or misuse a product. Employers and employees alike will be encouraged to create a safer workplace.

Also, by bringing some balance back to the system, we free consumers from having to pay for accidents by individuals who abuse illegal drugs or misuse alcohol.

Predictability. Uniformity. Fairness. This legislation will bring a certainty to our tort laws that has been long missing. It will help to stop the erosion of our Nation's competitiveness and protect the consumer.

We can promise nothing more and we should accept nothing less.

Again, I urge support of the bill.

Mr. FROST. Mr. Speaker, for purpose of debate only, I yield 3 minutes to the gentleman from California [Mr. BERMAN].

(Mr. BERMAN asked and was given permission to revise and extend his remarks.)

Mr. BERMAN. Mr. Speaker, I urge the House to defeat the previous question, to allow an amended rule which would allow three amendments, all of them Republican amendments.

The gentleman from Florida, Mr. MCCOLLUM's amendment to raise the cap on all punitive damage. The bill does not just restrict punitive damages caps to products liability. It covers every single State's punitive damages remedy that exists, to raise that cap from $250,000 to $500,000. Also, to allow the Oxley-Gordon amendment, which provides a million-dollar alternative cap for all punitive damages remedies. And the Schiff amendment, which limits the punitive damages cap to what every single speaker who comes down here on the majority side talks about, which is product liability.

The bill before us provides a punitive damages cap for everything. If I were to have a product liability bill in title I and nationalize the steel industry in title II and I refused to discuss title II, I would be somewhat disingenuous. I suggest that as Republican after Republican comes down on this legislation and talks about product liability, never discusses the other issues, they are wrong.

What did the Committee on Rules do here? Why is this so objectionable? I do not think you can have a product liability under an open rule.

I know the Republican promise. I think it was silly. I think they should be allowed to change that promise. You cannot consider everything on an open rule. I do not even mind that it is a very modified time-restricted closed rule and the majority of the 82 amendments filed are not considered.

But, in essence, what the Republicans in the Committee on Rules have done, what they are threatening to do if they adopt this rule, is to say, ''Yes, there is the status quo, and some people just want to keep the status quo and do not want to change it.'' I guess that is the position of the trial lawyers.

Then there is what I consider the extreme of this bill and every amendment, which is somewhere between the status quo and the extreme of this bill offered by a Republican which has a chance to win will be denied a chance to be offered.

So that, in effect, what you are doing is what you have been yelling about the Democrats doing; you blocked amendments that could win on the House floor and you were so sanctimonious during the campaign and afterward, the outrage of what the Democrats did. ''We had amendments that could win, but they would not let us offer them.'' That is what Mr. SCHIFF's amendment is, that is what Mr. MCCOLLUM's amendment is, that is what the Oxley-Gordon amendments are; not to let all the Democratic amendments come in, but to let these three amendments come in.

I would urge the body to defeat the previous question and allow that very limited amendment to allow moderate proposals to come in.

When Mr. DREIER spoke yesterday, when my friend from California on the floor, he talked about letting ideas from the left and the right come in. They will not even let ideas from the center come in. And that is what those

amendments are. They should be allowed.

I urge defeat of the previous question so that that amended rule may be offered.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from Ohio [Ms. PRYCE].

Ms. PRYCE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to rise in support of this rule, and to compliment my friend from Georgia, Mr. LINDER, for his excellent description of this legislation.

This is a fair and responsible rule, Mr. Speaker, because it permits the House to consider 15 separate amendments reflecting a wide range of issues which are central to the product liability reform debate. Of those 15 amendments made in order, 8 are sponsored by Democrats, 6 by Republicans, and 1 is offered with bipartisan sponsorship. This rule should be even more palatable to many in this body due to the floor manager, Mr. LINDER's amendment to impose the caps on noneconomic damages to medical malpractice cases only.

On Tuesday, the Committee on Rules sat for nearly 7 hours to hear testimony from Members on a variety of amendments—83 in all—affecting many aspects of the bill, including economic and noneconomic losses, punitive damages, and joint and several liability, to name just a few.

Under this rule, Mr. Speaker, we have attempted to give ample time to the minority, and quite frankly, to the entire House, to discuss all of these critical areas, while eliminating overlapping or duplicative amendments.

Mr. Speaker, not every amendment I supported and fought for was adopted, but I believe that, all in all, the rule is fair.

□ 1115

Mr. Speaker, for nearly two decades Congress has grappled with the issue of products liability reform. Some say we are going too fast and we are going too far, but what we went too fast and too far on are the horrendous unchecked abuses over the past decade. Having been a jurist in my previous life, I can say without hesitation that there is room for commonsense legal reform in our system, especially in the area of product liability law. This bill seeks to restore common sense and fairness to product liability litigation by establishing uniform national standards in place of the patchwork system currently compromise of 50 separate State product liability laws.

Given the significant impact that product liability has upon interstate commerce, competitiveness, insurance cost and the lives of each and every American, the provisions in this legislation and the Federal action it endorses are not only warranted, but also very sound. My colleagues need look no further than the Constitution to see that action taken by this body to regulate interstate commerce is well within Congress' assigned duties.

Mr. Speaker, by adopting this fair and responsible rule, we can continue this week's process of enacting meaningful and reasonable changes to our civil justice system. Mr. Speaker, I urge my colleagues on both sides of the aisle to support this fair and reasonable rule.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL].

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I rise in strong opposition to this oppressive rule and urge Members to defeat the previous question.

It is no secret that this important legislation—that I have worked on for many years—is being grossly mishandled. There was but one subcommittee hearing on an extreme bill introduced 1 week earlier. There was no subcommittee markup—an important step in ensuring well-crafted and defensible legislation. We were given three completely different substitutes in as many days before the committee markup. Even before we received a draft of the committee report, a new bill—H.R. 1075—was introduced last week by Chairmen HYDE and BLILEY.

Before the ink was dry on H.R. 1075, Chairman SOLOMON stood here and announced the Rules Committee would meet this week ''to grant a rule which may restrict amendments.'' It is clear the Republican leadership decided sometime ago they would ram this bill through without adequate debate and without regard to the rights of Members to debate the issues and offer amendments to the bill.

We asked for an open rule, but have been given a closed rule. The Republicans have picked amendments they want to debate and foreclosed the ability of Democrats to offer and debate other important ones. Moderate or bipartisan amendments have been completely excluded by this closed rule.

For example, Mr. OXLEY and Mr. GORDON filed an amendment to raise the cap on punitive damages to $1 million. And the gentleman from Florida, a member of the Judiciary Committee, Mr. MCCOLLUM, has an amendment to raise the cap to $500,000. Instead of making these moderate and bipartisan amendments in order, the Republicans are instead only giving the House the stark choice between an extreme $250,000 cap on the one hand and no cap at all on the other. It seems the Republican leadership was very worried that the Oxley-Gordon or McCollum amendments would pass. I urge Members to defeat the previous question to give the House an opportunity to vote on these middle ground alternatives.

Even worse, the rule allows Republican amendments that go far beyond product liability reform. For example, Mr. GEKAS' amendment on medical malpractice and Mr. COX's amendments to severely limit damages for pain and suffering in all State and Federal cases will be in order if this rule passes. There has not been one hearing on these amendments by this Congress. There has not been one day of committee meetings on these amendments by this Congress. No Member has been given adequate notice or time to consider these sweeping changes to our legal system.

This unfair and ill-advised process erodes bipartisan efforts. It produces legislation fraught with defects, inconsistencies and errors. This is not about common sense, as the authors of the bill want us to believe. It is the herd mentality in action.

I stand ready to work with all of my colleagues to craft fair, balanced, and appropriate legislation in this area. But the rule before us denies me and all Members of that opportunity. As all Members of this body know: we are here to legislate, not to punch holes in laminated cards.

We should be working to produce a products liability bill that we fully understand, in which we can take pride, and which we may defend without reservation. Vote ''no'' on the previous question so that we can consider the Oxley-Gordon and McCollum amendments on punitive damages. Vote ''no'' on the rule if the previous question is approved.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Texas [Mr. BRYANT].

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Speaker, Members of the House, simply put, the rule before us today is an outrage. It is a bill that is designed to make sure that we cannot moderate in any way in a very extreme bill. It goes far beyond what any reasonable legal scholar would ever have asked for, and it is part of a 20-year, the culmination of a 20-year campaign, by companies who have repeatedly been sued for putting dangerous products on the market to convince the public that somehow we should ignore the plight of the victims of their outrageous behavior and have sympathy instead for them, and they have been telling people on the radio ads and through their various propaganda sources that there is a big crisis with regard to product liability cases, but the fact is that in the hearings, which had witnesses chosen by the Republicans, we asked the witnesses, ''Do any of you have a study to show that there is a big increase in the number of product liability cases?'' And the answer was, no, nobody had any such study.

''Do any of you have a study to show there's a big increase in the number, in the size, of the verdicts?'' No, nobody had any such study, and in fact the studies that do exist tell us just the opposite.

The fact of the matter is that product liability cases filed represent a mere thirty-six one hundredths of a percentage point of the civil case load and ninety-seven thousands of a percentage point of the total case load in the State courts. In recent years the number of product liability filings has been steadily declining. The objective stories in the press in the last few days have indicated just that. Only 10 percent of the people who were sued, who were injured, ever used the tort system

to seek compensation for their injuries anyway, and, finally, the number of fraud liability cases in Federal court declined 36 percent from 1985 to 1981.

Those are the facts. There are not any other facts, and yet, because the corporate friends of the Republican Party want to see their fondest dream come true, we have a rule before us today that says we are going to pass an extreme bill with no possibility of improving it.

What has been the hallmark of this campaign of propaganda? It has been the McDonald's coffee case. We were told all about what an outrage the McDonald's coffee case was. Well, let me tell my colleagues about a few McDonald coffee cases they did not know about.

This is a picture of an 11-year-old boy from South Carolina. The McDonald's coffee he was holding spilled and caused extreme scalding. The tests conducted during the trial showed that the coffee was 180 degrees when it was spilled even though it was poured 15 minutes earlier. Now their highest recommended temperature for the hot water heater is 140 degrees. That kid was badly hurt.

Here is a 1½-year-old child. This is a scalding of five—a 1½-year-old child that was scalded by McDonald's coffee.

As it turned out, there were 700 complaints of scalding to the McDonald's company. We never did hear about that in these radio ads; did we?

And here is the partial picture of perhaps the saddest story of all. This is a lady that was burned all the way down the front of her body, and in between her legs as well, in New Mexico. She spent the following month in the hospital. She remained wheelchair-bound after discharge and died 2 months later. She had extreme burns over all of her body.

This is a bill that would have prohibited these people from filing these cases. The truth will be told in the debate. I urge my colleagues to vote against the rule.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. COX], the author of the amendment for which we bent the rule.

Mr. COX of California. Mr. Speaker, I appreciate the opportunity to explain the need for amendment to the rule.

Obviously this amendment will change an amendment offered by one Democrat at the request of that Democratic Member and an amendment offered by one Republican at the request of that Republican.

In my case I have asked to narrow the scope of my amendment so that I can accommodate requests from Members on the other side of the aisle.

The gentleman who just spoke, I take it, is an opponent of tort reform in the Congress for a variety of reasons. He would not, presumably, have voted for an amendment that will cover all torts in all courts in terms of noneconomic damages. Likewise, Mr. Speaker, I imagine he would not vote for an amendment that covers medical malpractice which is a subset. But several Members on that side of the aisle have indicated that they very much share the desire for reducing health care costs by getting at the problem of health care lawsuits, which is a subset of the amendment that I originally offered.

So, Mr. Speaker, for that purpose, to focus the amendment more narrowly on a subject that is of broader concern in our Congress, I have asked to amend the rule to permit me to offer a more narrow amendment, and I appreciate the gentleman from the Committee on Rules offering me the opportunity to explain the purpose of my amendment.

Mr. FROST. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would ask the gentleman who just spoke, the gentleman from California [Mr. COX] a question:

Mr. COX, why did you have to change the language between the time we considered the amendment yesterday afternoon in the Rules Committee and this morning? Why wasn't the language that you really wanted before the Rules Committee when we considered the rule yesterday afternoon?

Mr. COX of California. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from California.

Mr. COX of California. As life occurred, I ran into the chairman of the Committee on Rules when I was here on the floor yesterday debating the Securities Litigation Act 15 minutes after the Committee on Rules had concluded their business, and so I just missed the bus. If I had not been on the floor all day yesterday doing the Securities Litigation Reform Act, I would have been up in the Committee on Rules, but it is literally a matter of minutes here that I was unable to learn that the Committee on Rules had already finished business.

Mr. FROST. Mr. Speaker, I say to the gentleman, Well, Mr. COX, you have submitted an amendment to the Rules Committee; isn't that correct? Originally the amendment that we made in order yesterday was one that you had actually submitted?

Mr. COX of California. Yes, not this week, but last week under the deadline that was set by the Committee on Rules. That was preprinted in the RECORD last week.

Mr. FROST. I understand——

Mr. COX of California. And after last week, as a result of conversations with Members on the Democratic side, it was suggested to me that I narrow the scope of my amendment and that I not propose an amendment to Federal law that would cover tort litigation in all the 50 States.

Mr. FROST. Mr. Speaker, I would only ask the gentleman, Mr. COX, our meetings are publicly noticed. Members know when the Rules Committee is going to meet, particularly when we're going to vote to actually take final action on a rule, and other Members have not had difficulty in getting the language of their amendments to us in a timely manner——

Mr. COX of California. I would just respond to the gentleman by saying, ''Of course this took place yesterday in the Rules Committee, and there was only one Member of Congress yesterday who had his legislation on the floor of the House, and it was this Member.''

Mr. FROST. Mr. Speaker, for purpose of debate only, I yield 3 minutes to the gentleman from Tennessee [Mr. GORDON].

Mr. GORDON. Mr. Speaker, I rise today as a support of products liability reform, not only this year, but also in the past. Last year I joined the gentleman from Florida [Mr. BILIRAKIS] and many others in a bipartisan bill, House Resolution 1510, to reform products liability, and that is why I am so concerned today that we are met with this rule that is going to gag a true debate on products liability reform and maybe put it at jeopardy, and why is that?

Mr. Speaker, why is it that the Republican leadership is going to such extremes to break a contract that they had with the American people? That contract said there would be full and open debate on this issue. Why are they breaking that contract?

Are they breaking it because there is not enough time to debate this? Well, no, that cannot be the case because just last night they announced that we are not going to be in session on Friday—I am sorry; we are going to go out of session on Friday at 3 o'clock. We are not going to be in session on Monday, we are not going to be in session Tuesday until 5 o'clock, and we are not going to be in session next Friday. So clearly there is plenty of time to debate this next week. I think we can work more than 2 hours.

Is it because they are trying to stop some partisan shenanigans? No, that is not the case because they are also not allowing some amendments from the gentleman from Ohio [Mr. OXLEY] who is a very capable chairman of the subcommittee that brought forth this bill. They are not allowing amendments by the gentleman from Florida [Mr. MCCOLLUM], their own Member, once again who is one of the subcommittee chairmen in the Committee on the Judiciary—as well as a number of other Republican amendments.

So why are they blocking, why are they gagging, this rule? Well, the only thing I can find out, Mr. Speaker, is they are gagging this rule because it is such an extreme bill that they are afraid to have debate for the American public to hear about it, for their own Members to come forward with their own amendments.

So I think the question today, and I know it is very difficult for Republicans when their leadership clamps down on them and says, ''You've got to toe the line,'' and there may be threats and may be retribution. I know it is tough to be able to step forward. But

today I think it is important because this is such an important bill.

Mr. Speaker, the questions before my friends and colleagues on the other side of the aisle are:

''Are they going to be lackeys for their leadership or conduits for their constituents?''

''Are they going to be robots for their rulers or defenders of their districts?''

''Are they going to be servants for their sovereign, or are they going to be supporters of their citizens?''

We will have that answer today, so I urge a defeat of this rule so that we can come back with a rule with open debate so that Democrats, and Republicans, and the American people can all participate in this and get a products liability reform that this country deserves and needs.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Speaker, I urge my colleagues to vote for this rule.

As the gentleman from California [Mr. COX] has stated so well, many Members across the aisle, and some on this side, have concerns that this legislation not go too far. One of the changes proposed in this rule will allow a previously allowed amendment to narrow its scope. I believe that there is support on both sides of the aisle for this change. It would seem to me that voting against this rule would actually limit many Members from voting for what they consider to be a better amendment.

I would urge my colleagues to support this rule. This rule is an improvement, not a gag.

Many Members want to debate a medical malpractice amendment because we know how it has added to the cost of our health care system in terms of defensive medicine. This rule will change that, will allow that to happen.

□ 1130

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I rise in opposition to the rule.

The list of broken promises and pledges of the Republican majority continues to grow with every day.

First the new Republican majority refused to protect Social Security from cuts under the proposed balanced budget amendment contrary to the protection that the new Speaker promised Social Security would receive. The amendment went down as a result in the Senate.

Next, came the promise to return crime fighting tools to the States, a promise promptly revoked in the prison funding legislation which dictated strict eligibility requirements to the States that they could not meet.

And then came the promise for open rules, a promise which has been broken on nearly every major bill coming out of the Judiciary Committee. Sure, strict time limits that include voting time which allow for open amendments, are not quite closed rules. But the strictures of these time limits have repeatedly cut off meritorious amendments not just by Democrats but by Republicans as well.

And now on one of the most important bills affecting every American's right to be free from harm, every American's right to go to court to right a wrong done to them, we have the ultimate in closed rules. A rule that allows only a limited number of amendments on a highly technical and complicated body of law. A rule that irresponsibly allows amendments nongermane amendments limiting rights of medical malpractice victims, an issue which was not properly considered and refined in committee, to be hoisted onto members for a vote of first impression on the House floor.

This rule refused to make in order the vast majority of amendments that Judiciary Democrats requested be made in order. It refused my amendment making particularly egregious conduct subject to criminal liability, amendments dealing with reproductive rights, the statute of repose, making businesses play by the same rules as individuals, requiring insurance reporting.

How ironic it is that such a restrictive rule comes on a bill that is attempting to restrict people's fundamental rights. That's right, this is not a bill to clean up the legal system, as a matter of fact it is doubtful that this bill will cause any reduction in American litigation.

Rather this bill is about depriving people of fundamental rights, of rights to be free from unknowable harms in our midst, in the every day products we consume. This bill is about depriving people of legal rights when they are wronged. This bill is about telling manufacturers that its OK to produce children's pajamas which are flammable, pharmaceutical which will injure rather than cure, household products which will maim, because the deterrent purpose of punitive damages will be so limited that wrongdoers will only have to pay small sums in punitive damages relative to the huge profits they will reap.

And not only does this bill guillotine damages in Federal court, but it does so for State laws as well. That's the ultimate Washington power grab. Folks at home, listen up. This bill will severely limit punitive damages in your State laws for sexual abuse of children, victims of drunk driving, and criminals who sells drugs to children. Women of America, listen close. This bill says a male corporate executive who loses wages because of temporary incapacitation will probably get more damages than you if you're sterilized by defective products in the marketplace.

This bill is about limiting individual rights, particularly for middle income Americans. The rule is about limiting members amendments to expand rights. The bill cuts off the American people's rights to go to court, the rule the right to go to the House floor. Never before has the Contract With America been bolder in its statement that it is really a ''Contract With Corporate America.''

Mr. FROST. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, I am vehemently opposed to this closed rule on a piece of legislation that threatens to decimate the health and safety of innocent men, women, and children across the United States with its enaction. I urge my colleagues to join me in vociferously voting no.

Tuesday afternoon I testified before the Rules Committee on an amendment I submitted to the bill which would have required manufacturers to retain for 25 years documents that directly relate to the elements of a product liability action. With my amendment, materials concerning design specifications, warranties, warnings, and general product safety would have been preserved and available for use at trial by injured consumers bringing suit.

Unfortunately, and to this moment without presenting me or my staff with a reason, the committee did not rule my amendment in order. I strongly object to this attempt to muffle my ability to effectively represent my constituents. It is wrong and it is unwarranted, Mr. Speaker.

Today, many companies regularly feed documents into shredders, incinerators, et cetera under the guise of ''document reduction'' programs. In reality, however, they are effectively eliminating documents which could be crucial to the merits of a plaintiff's product liability claim. Such practices must be stopped and my amendment would have done just that.

This issue arises in a variety of contexts in product liability suits. The documents obtained during the discovery process help the plaintiff's lawyer to verify the statements of witnesses, refresh the memory of those who have forgotten key details of design and safety, and fill in the gaps from witnesses who have died, disappeared, or are beyond the court's jurisdiction. Where a lengthy statute of repose is involved, as the 15-year statute in H.R. 956, the manufacturer's documents are especially important due to the difficulty in remembering details from so many years before. Most significantly, on matters where the plaintiff carries the burden of proof they must have access to the evidence necessary to present their case.

The importance of providing plaintiffs with access to a manufacturer-defendant's documents is illustrated in a fascinating book written about the Dalkon Shield tragedy. As the author describes:

> Thousands of documents sought by lawyers for victims * * * sank from sight in suspicious circumstances. A few were hidden for a decade in a home basement in Tulsa, Oklahoma. Other records were destroyed in a city dump in Columbus, Indiana, and some allegedly in an A.H. Robins furnace.

This is not an isolated case Mr. Speaker. After an American Airlines DC–10 crashed in Chicago in 1979, one of the most serious aircraft crashes in history, the airline's lawyer instructed the author of an in-house report on the accident to destroy all notes, memoranda, and other data. Many believe that this material could have established the fact that the airline knew of a crack in the engine bulkhead before the accident occurred.

As I stated, to prohibit these practices, my amendment would have required manufacturers to retain for 25 years their documents and other data which directly relate to the elements of a product liability action.

Strong civil penalties would have been imposed by my amendment in instances where evidence was destroyed or concealed. If a court found that a litigant willfully destroyed or altered any key evidence, it could have concluded that the facts at issue did, in fact, exist as contended by the opposing party. Monetary penalties would also have been assessed, as they are a tried and true method for encouraging compliance with the law. A rebuttable presumption would have applied where the documents were nonwillfully eliminated in some other way.

My amendment is necessary for a number of reasons. First and foremost, it would ease backlogs in our court system and shorten the time it takes for cases to be resolved—a primary goal of H.R. 956, or so I thought. Where documents are destroyed or made unavailable, the result is more searching and time consuming discovery because secondary and more attenuated sources of evidence must be used.

In the process, attorney's fees are needlessly increased, limiting the number of claimants who can afford to bring their cases to court. Also, there is a higher likelihood of error by the factfinder by using secondary sources of evidence instead of the essential documents themselves. Thus my amendment would save not only the valuable time of the court and the litigants, but also increase access to our justice system for more citizens as well as promote fairer and more consistent verdicts.

Finally, my record retention amendment would encourage parties to come forward promptly with requested documents to avoid the monetary penalties and adverse presumptions of my proposal. In subsequent cases involving the same product, settlement prospects would be enhanced because manufacturers would not want these negative findings to apply again.

At the very least, my amendment would have encouraged manufacturers to rethink the wisdom of destroying, altering, or hiding vital documents. Under the best of circumstances, it would have forced companies to act in the most responsible manner and take safety precautions or correct defective products where records warn of such hazards. After all, I believe greater product safety remains the bottom line. Obviously the GOP does not.

Mr. Speaker, if anyone doubts the importance of record retention, they should consider two memorable cases. First, what recourse would asbestos victims have had if someone did not locate the Johns-Manville memo showing that the company knew of the health hazards of its product as early as 1930? Second, what compensation would have been awarded to the Grimshaw family if the cost-benefit analysis done by Ford in its Pinto accident cases had not "come to light?" The answer in both cases is little, if anything, and the victims would have been denied true justice.

I am sorry the majority on the Rules Committee don't care much for justice of any kind.

Again, I urge my colleagues to vote no on this ludicrous rule.

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield 3 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I rise to deliver a eulogy for a major pillar of the Republican Contract on America. This rule buries perhaps the only part of the contract that justifiably earned the support of most Members on both sides of the aisle.

The Republican majority has entertained us over the past few weeks with moving lectures on the importance of States rights and local autonomy. They have further declared what they describe as a new openness, which supposedly allows unprecedented freedom of debate on important issues on the floor of this, the People's House. How hypocritical and really tragic, then, that on this legislation that obliterates the rights of consumers to be protected against dangerous products and against those cynical corporations that calculate that there is more money to be made by selling exploding cars or medications with life-threatening side effects than by cleaning up their act. The closed rule would severely censure the debate.

I and others, for example, have proposed amendments that would preserve the States' authority over tort law. These amendments were not made in order. Is this the fine print in the contract? Are we to be forced to listen to pious homilies about local control, about an end to the Washington-knows-best attitude, but when it comes to something as important as the rights of consumers who have been injured or killed, local authorities no longer are on the list of the Speaker's approved political vocabulary and it is not even considered important enough to allow it to be debated on the floor of the House?

The State's authority over tort law, over medical malpractice and product liability, is to be consigned to history without even a moment's debate on the floor? What a mockery. What hypocrisy. The Republican leadership is afraid of an open debate on the arrogation to the Federal Government of the entire field of tort law.

For 200 years, Mr. Speaker, tort law and consumer protection have been entrusted to the States. Today an arrogant national government coldly steals that power without a moment's discussion on the floor of this House.

Mr. Speaker, I hope the American people are watching today's vote. I hope they keep track of who supports this political power grab. I hope the American people will remember this vote the next time someone who voted for this closed rule delivers a pious but empty and hypocritical sermon about States rights or about open government.

Mr. Speaker, I urge defeat of this terribly shameful closed rule.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON], the chairman of the committee.

Mr. SOLOMON. Mr. Speaker, I do not know who the previous speaker was talking about as being hypocritical, but we ought to be a little careful about how we describe other Members.

Let me just say that 72 percent of the American people favor legislation that places tighter limits and restrictions on an individual's ability to sue another person or company; 84 percent favor requiring defendants to pay damage awards according to their percentage of fault, and 78 percent favor limiting the amount awarded in punitive damages to no more than three times the amount of economic damages.

Mr. Speaker, the thing that gets me is that lawyers, with all due respect to them, take 50 to 70 percent of every dollar spent on product liability litigation, driving up the cost of everything. Since 1977 the revenue of the lawsuit abuse industry has compounded at 12 percent per year. That is faster even than the health care industry. And Americans pay $130 billion a year in litigation and higher insurance premiums as a result of product liability and personal injury cases.

Mr. Speaker, our legal system needs reform. It has been reported that Americans file lawsuits every 14 seconds in this country. This litigation explosion has been most evident in the areas of product liability lawsuits. That is what this legislation deals with here today. That is why we need to pass this rule without question and get on with this debate. This Congress has been gagged for 20 years from debating this issue on the floor of this Congress.

Finally, the American people are going to be heard. We are going to debate this issue in a few minutes, and we are going to pass it and send it to the Senate and on to the President. And that President had better sign this bill because the American people want it.

Mr. FROST. Mr. Speaker, let me inquire as to the time remaining.

The SPEAKER pro tempore (Mr. EWING). The gentleman from Texas [Mr. FROST] has 1½ minutes remaining, and the gentleman from Georgia [Mr. LINDER] has 8½ minutes remaining.

Mr. LINDER. Mr. Speaker, I do not have any other speakers at this time, and I will reserve the right to close the debate.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] reserves the balance of his time.

Mr. FROST. Mr. Speaker, I want to serve notice that I intend to ask for a rollcall vote on the previous question, as well as on the passage of the rule, if the previous question is agreed to.

Mr. Speaker, for the purposes of debate only, I yield the remaining time on our side to the gentleman from Rhode Island [Mr. REED].

The SPEAKER pro tempore. The gentleman from Rhode Island [Mr. REED] is recognized for 1½ minutes.

(Mr. REED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REED. Mr. Speaker, I rise in opposition to this rule.

This is an outrageous rule, and my opposition is not based on any underlying opposition to the bill as it came from the Committee on the Judiciary. I was one of two Democrats who supported this bill as it came to the Committee on the Judiciary. But what has taken place with this rule is that the Committee on Rules has cut off consideration of important amendments.

For example, the gentleman from California [Mr. BERMAN] has an amendment that would clarify the issue of de minimis tort feasors. This amendment received bipartisan support in the Judiciary Committee. It was not made in order.

The gentleman from Florida [Mr. MCCOLLUM] has an amendment to raise the punitive damage ceiling to $1 million. Once again this amendment received bipartisan support in the committee and is not being allowed to be considered on this floor today. That is outrageous. I think the reason is because these amendments do have bipartisan support. They would have likely engaged not only a full debate but they may well have passed and may well have improved this legislation. And clearly, that seems to be the last thing the majority wants to do at this moment, make better legislation or conduct a fair and open debate on these issues.

In addition to these points, they have made matters worse by approving a whole list of amendments which, if they pass, have the potential of making this bill a special interest Christmas tree, not tort reform but a special interest Christmas tree.

Furthermore, they have compounded that by in fact, through the rule, changing amendments that they were adopting in the Rules Committee, and this is a travesty.

Mr. Speaker, we should reject this rule and get on to real tort reform, not rhetoric on the floor.

Mr. LINDER. Mr. Speaker, I yield myself the balance of my time to close the debate.

First, Mr. Speaker, let me address the question of closed rules that keeps coming up from the Democrat side. Not to sound too remedial, but the gentleman from Texas [Mr. FROST] made it clear that the only reference in the contract was to full and open debate, not open rules. The only open rule promised in the contract was on the term limits bill, and it will be open.

The ceilings of $250,000 for punitive damages will tend to be floors in the long run. But that is not the way most of these cases are settled.

The bill also provides for three times economic losses. Judge Griffin Bell, the former Attorney General, was in my office 1 week ago and said that a case he represented, the famous case of a $100 million settlement from General Motors, with this bill, would have been a $6 million settlement, which is about what the family is going to get anyway.

To address a final point about States rights, the gentleman from New York made the case that we are taking away from the States. However, his mayor in a letter to the editor of the New York Times, after pointing out that a jury awarded $18 million to an 18-year-old student who decided to see if he could leap over a volleyball net in gym class and wound up a quadriplegic, awarded $4.3 million to a convicted felon who was caught mugging a 71-year-old. As the thief fled, a transit policeman shot him, leaving him paralyzed. The mugger sued and won.

A jury awarded $1 million to the estate of a drunken woman who had entered a closed city park illegally and drowned in three feet of water.

Then $676,000 went to the estate of a motorist killed after a drunk drove onto an expressway the wrong way and crashed into the motorist's car.

Then the mayor's office in a letter to the editor said this: ''Congress is reviving the principles of single 'federalism' and returning power to the States, cities and other local governments. Toward that end, it should enact this simple measure to give cities like New York more control over their own fate.''

The law department of the city of New York wrote in a memorandum in support of the Common Sense Legal Standards Reform Act: ''I write to ask you to support'' these amendments.

The city of New York has experienced an exponential growth in tort settlements and judgments. In 1984, New York City paid out $83 million in tort cases; this past fiscal year we paid plaintiffs and their lawyers an astounding $262 million. A substantial portion of that amount went for the all too familiar amorphous awards known as 'pain and suffering' damages. Our civil justice system is clearly in need of an overhaul.

Mr. Speaker, I urge my colleagues to support this rule and the amendment thereto.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. LINDER. I am happy to yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, if I understand it, under the rule you are urging us to adopt, you have put out of order any amendments that would remove control of the States from this and focused it only on the Federal courts, so that the mayor of New York will have to turn to Washington rather than Albany, and the people of my State, instead of going to the State capital, will return to Washington for their product standards? In essence, you rip the tenth amendment apart?

Mr. LINDER. Mr. Speaker, the gentleman may have that opinion if he would like. I am just reading what the city of New York and its mayor said about it. The gentleman can take up his argument with him.

Mr. DOGGETT. Gladly.

Mr. LINDER. Mr. Speaker, I move the previous question on the resolution and the amendment thereto.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and on the resolution.

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

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the amendment and on the question of the adoption of the resolution.

This is a 15-minute vote on the previous question.

The vote was taken by electronic device, and there were—yeas 234, nays 191, not voting 9, as follows:

[Roll No. 217]

YEAS—234

Allard	Dunn	Largent
Archer	Ehlers	Latham
Bachus	Ehrlich	LaTourette
Baesler	Emerson	Laughlin
Baker (CA)	English	Lazio
Baker (LA)	Ensign	Leach
Ballenger	Everett	Lewis (CA)
Barr	Ewing	Lewis (KY)
Barrett (NE)	Fawell	Lightfoot
Bartlett	Fields (TX)	Linder
Barton	Flanagan	Livingston
Bass	Foley	Longley
Bateman	Forbes	Lucas
Bereuter	Fowler	Manzullo
Bilbray	Fox	Martini
Bilirakis	Franks (CT)	McCollum
Bliley	Franks (NJ)	McCrery
Blute	Frelinghuysen	McDade
Boehlert	Frisa	McHugh
Boehner	Funderburk	McInnis
Bonilla	Gallegly	McIntosh
Bono	Ganske	McKeon
Brewster	Gekas	Metcalf
Brownback	Geren	Meyers
Bryant (TN)	Gilchrest	Mica
Bunn	Gillmor	Miller (FL)
Bunning	Gilman	Molinari
Burr	Goodlatte	Moorhead
Burton	Goodling	Morella
Buyer	Goss	Myers
Callahan	Gunderson	Myrick
Calvert	Gutknecht	Nethercutt
Camp	Hall (TX)	Neumann
Canady	Hancock	Ney
Castle	Hansen	Norwood
Chabot	Hastert	Nussle
Chambliss	Hastings (WA)	Oxley
Chenoweth	Hayworth	Packard
Christensen	Hefley	Parker
Chrysler	Heineman	Paxon
Clinger	Herger	Peterson (MN)
Coble	Hilleary	Petri
Coburn	Hobson	Pombo
Collins (GA)	Hoekstra	Porter
Combest	Hoke	Portman
Condit	Horn	Pryce
Cooley	Houghton	Quillen
Cox	Hunter	Quinn
Crane	Hutchinson	Radanovich
Crapo	Hyde	Ramstad
Cremeans	Inglis	Regula
Cubin	Johnson (CT)	Riggs
Cunningham	Johnson, Sam	Roberts
Danner	Jones	Rogers
Davis	Kasich	Rohrabacher
Deal	Kelly	Ros-Lehtinen
DeLay	Kim	Roth
Diaz-Balart	King	Roukema
Dickey	Kingston	Royce
Doolittle	Klug	Salmon
Dornan	Knollenberg	Sanford
Dreier	Kolbe	Saxton
Duncan	LaHood	Scarborough

Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—191

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Graham
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velázquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Wyden
Wynn
Yates

NOT VOTING—9

Armey
Dellums
Greenwood
Hostettler
Istook
LoBiondo
Moran
Rangel
Woolsey

□ 1202

Mr. BROWN of Ohio and Mr. WARD changed their vote from ''yea'' to ''nay.''

Messrs. BASS, DEAL, and TATE changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. EWING). The question is on the amendment offered by the gentleman from Georgia [Mr. LINDER].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 181, not voting 6, as follows:

[Roll No. 218]

AYES—247

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—181

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Graham
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velázquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—6

Clay
Istook
LoBiondo
Mfume
Moran
Rangel

□ 1212

So the resolution, as amended, 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. LINDER. Mr. Speaker, I ask unanimous consent that all Members