PERSONAL EXPLANATION

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. PASTOR. Mr. Speaker, during rollcall vote number 139 on the Journal I was unavoidably detained. Had I been present, I would have voted ''yes.'' I ask unanimous consent that my statement appear in the RECORD immediately following rollcall vote number 139.

GAS TAX RESTITUTION ACT OF 1996

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. RAHALL. Mr. Speaker, today I am introducing legislation to transfer to the highway trust fund revenues received from the 4.3 cents of the Federal motor fuel tax that is currently going to the general fund.

Many of us concerned with our surface transportation infrastructure were troubled when in 1993 this tax of 4.3 cents per gallon of motor fuel was imposed not for the purposes of bolstering receipts into the highway trust fund, but for the purpose of deficit reduction. I would note, however, that this was not the first time this occurred. As part of the Omnibus Budget Reconciliation Act of 1990, the Federal motor fuel tax was increased by 5 cents, with one-half of this amount dedicated to the general fund. This 2.5 cents was later restored to the highway trust fund effective September 30, 1995.

As we all know, the basic premise of the Federal motor fuel tax is that it is a user fee collected for the express purpose of making improvements to our road and highway infrastructure. It is one of the few taxes where Americans can see an immediate and direct result for having to pay it as they drive on the Nation's highways.

Today, the debate is centered on repealing the 4.3-cents-per-gallon tax. I offer an alternative. Restore it to the highway trust fund.

Few, if anyone in this body, can say that the areas they represent do not require road and highway improvements. The legislation I am introducing today will not only restore faith with the American people on the uses of the Federal motor fuel taxes, but will certainly assist in making needed surface transportation enhancements.

THE COMMON SENSE PRODUCT LIABILITY REFORM ACT

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. GINGRICH. Mr. Speaker, I would like to bring to the attention of my colleagues the following statements, made during a press conference on April 30, 1996, marking the transmission to the president of the Common Sense Product Liability Reform Act.

First, a statement of former Attorney General Dick Thornburgh; second, statement of Lewis Fuller, president of Fuller Medical Company; third, Tara Ransom, 9-year-old girl who uses a silicone shunt; and fourth, Linda Ranson, mother of 9-year-old Tara.

SENATE MAJORITY LEADER DOLE AND HOUSE SPEAKER GINGRICH BRIEFING ON PRODUCT LIABILITY LEGISLATION

Speaker GINGRICH: Let me thank all of you for coming today. We are transmitting to the president today our product liability reform bill. We believe that product liability reform will lower prices to consumers, lead to the faster development of better products, and as you'll hear today, in some cases literally save lives, because of some products which are being priced out of existence and threatened out of existence by lawsuits and by the problems of unnecessary litigation.

We believe that the product liability reform bill is an important reform of the legal system. I would just point out that Dr. Edwards Deming, the founder of the quality movement and the man who taught the Japanese the concept, said consistently for his entire lifetime that the American litigation system was a major blockage point to us being able to compete in the world market, that it caused unnecessary lawsuits and led to unnecessary expenses and did unnecessary harm. We hope that the president will decide in the interest of lower consumer prices and better products and greater American competition in the world market, that we need a product liability reform bill, and I hope—we hope that he will sign this bill. And I think when you've listened to today's statements, and particularly listened to Linda and Tara Ransom (sp), you'll see why it is vitally important to have a product liability reform bill to help Americans in a variety of ways.

And let me now turn this over to former Attorney General Dick Thornburgh.

Mr. THORNBURGH. Thank you, Mr. Speaker. Good morning. As a former governor of the state of Pennsylvania and attorney general of the United States, I've been a long-time advocate of civil justice reform. The damage lawsuit abuse does to our economy and to the rule of law in this country has reached the stage where reform is absolutely necessary. As you will hear, today's distorted system inflicts injury on thousands of small businesses like Louis Fuller's (sp), and it can do real harm to shunt-dependent children like Tar Ransom and my son Peter.

Congress has finally wrapped up its long and productive debate over civil justice reform. And I want to commend Majority Leader Dole and Speaker Gingrich, in signing the letter of transmittal for this measure today, and sending it to the president. And we must acknowledge something else, something remarkable that happened in this session of Congress to make this day possible. This was a bipartisan effort.

Senators Rockefeller and Lieberman joined Senators Dole and Gorton in spearheading the passage of this legislation to curb lawsuit abuse through its voyage through the Senate—a truly non-partisan effort against some truly non-productive practices.

As Senator Lieberman said, ''This is a moderate, thoughtful bill reflecting years of effort and many compromises.'' He observes, ''Opponents of this bill have tried to paint the bill as pro-business and anti-consumer, but the status quo is terrible for consumers. The current system is inefficient, unpredictable, costly, slow and inequitable.''

He continues: ''Injured people wait years for judgments. Some of those with the worst injuries are under-compensated, while those with smaller injuries are over-compensated. Businesses act defensively, avoid innovation as too risky, and devote enormous numbers of personnel and resources to litigation. The length between fault and judgments and settlements is more and more attenuated. Consumers pay higher prices in order to cover product-related costs.'' ''And,'' Senator Lieberman acidly concludes, ''lawyers prosper.''

Reform has been too long coming. This is a modest measure. It corrects the worst abuses of our current system while fully respecting the plaintiff's need for justice. Yet defying his own personal history of support for this legislation, and after offering signals that he would sign this bill, President Clinton has promised so far to veto it. So this looks to be the message from the White House: No matter how desperately the Louis Fullers (sp) and the Tara Ransoms (sp) of America may need lawsuit reform, we're going to have to wait for a change of heart by the president, or a change of presidents to get it. I don't like to draw invidious conclusions; it's not my style. But it doesn't take this former law enforcement official long to make a link between the promise of a veto and the motive for the president's threatened action. Where's the smoking gun? I'm compelled to respond: Follow the money.

Trial lawyers give a great deal money in political campaign contributions, more than the top 10 oil companies and the big three auto companies combined. And the doors of the Clinton White House appear to have swung wide open for this lobby of greed, while closing the door on average Americans who seek justice.

The top 50 big-giver trial lawyers contributed a total of $2.6 million to Mr. Clinton's 1992 campaign. In just the first nine months of 1995, lawyers and law firms pumped another 2½ million into the president's reelection campaign coffers.

Listen to Senator Jay Rockefeller. He said, ''The president needs trial lawyers and their money more than he needs good public policy.'' Now the president obviously does not want to appear to be buckling to this special interest, so he says he opposes reform because he's concerned that the measure will be unwarranted intrusion on state authority. This argument was dismissed years ago, when the National Governors' Association, true defenders of state authority, called for a uniform national product liability standard. Among them at the time was then-Governor Bill Clinton of Arkansas. He was in fact part of the very committee that persuaded his fellow governors to call for national lawsuit reform to greatly enhance the effectiveness of interstate commerce.

Now President Bill Clinton espouses a kind of phoney federalism to resist reform. Now he chooses to put the interests of the trial lawyers ahead of those of thousands whose lives depend on medical innovation. Now this president is banking his campaign on the forces of greed and putting the rewards of a small, powerful elite before the national interest.

And unless he has change of heart, President Clinton will be putting the interests of those trial lawyers before the lives of those like this little girl that you will hear from later, Tara Ransom (sp).

We should call and we do call on President Clinton to take a second look at his promise to veto this bill. It's not too late to change one's mind, and it's certainly not too late to change one's heart.

Mr. LOUIS FULLER (sp): Thank you, General Thornburgh.

My name is Lewis Fuller. I live in Gadsden, Alabama, where I am the president of a small medical supply company.

Every now and then, I hear Alabamans debate whether or not we need a state lottery. I remind them that we already have one—it's called the civil justice system.

I'm sure most of you have heard about the lawsuit in Alabama where a wealthy doctor