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Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, WEDNESDAY, FEBRUARY 16, 2000 No. 15

Senate

The Senate was not in session today. Its next meeting will be held on Tuesday, February 22, 2000, at 11 a.m.

House of Representatives

WEDNESDAY, FEBRUARY 16, 2000

The House met at 10 a.m.

The Reverend Dr. Ronald F. Christian, Lutheran Social Services, Fairfax, Virginia, offered the following prayer:

Almighty God, in this moment of silence and reflection, we acknowledge Your presence. The Psalmist reminds us that You hear the prayers of all people, the rich and the poor, the mighty and the weak, the hopeful and the discouraged. And, that before You all words are the same, all petitions are known and all needs are recognized.

O God, we believe it is Your will to bring us all together in a single peace. So, therefore our simple prayer this day is, that we will show mercy, as we would want mercy shown, that we will care about others, as we would be cared about, that we will give love as we would want love to be given, and that we will be patient as we request patience to be provided to us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCDERMOTT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. MCDERMOTT. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 354, nays 46, not voting 34, as follows:

[Roll No. 22]

YEAS—354

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Printed on recycled paper.

Rivers	Shimkus	Thornberry
Rodriguez	Shows	Thune
Roemer	Shuster	Thurman
Rogers	Simpson	Toomey
Rohrabacher	Sisisky	Towns
Ros-Lehtinen	Skeen	Traficant
Rothman	Skelton	Turner
Roukema	Smith (MI)	Upton
Roybal-Allard	Smith (NJ)	Velazquez
Rush	Smith (TX)	Vitter
Ryan (WI)	Smith (WA)	Walden
Ryun (KS)	Souder	Walsh
Salmon	Spence	Wamp
Sanchez	Spratt	Watkins
Sanders	Stabenow	Watt (NC)
Sandlin	Stark	Watts (OK)
Sawyer	Stearns	Waxman
Saxton	Stump	Weiner
Scarborough	Stupak	Weldon (FL)
Schakowsky	Sununu	Weldon (PA)
Scott	Sweeney	Wexler
Sensenbrenner	Talent	Whitfield
Serrano	Tancredo	Wicker
Sessions	Tanner	Wilson
Shadegg	Tauscher	Wise
Shaw	Tauzin	Wolf
Shays	Taylor (NC)	Woolsey
Sherman	Terry	Wynn
Sherwood	Thomas	Young (FL)

NAYS—46

Aderholt	Hill (MT)	Sabo
Bilbray	Hilliard	Schaffer
Borski	Hulshof	Slaughter
Brady (PA)	Klink	Stenholm
Clyburn	Kucinich	Strickland
Costello	LaFalce	Taylor (MS)
Crane	LoBiondo	Thompson (CA)
English	McDermott	Thompson (MS)
Etheridge	McNulty	Udall (CO)
Filner	Meeks (NY)	Udall (NM)
Ford	Moore	Visclosky
Gibbons	Oberstar	Waters
Gillmor	Peterson (MN)	Weller
Gutierrez	Pickett	Wu
Gutknecht	Ramstad	
Hefley	Rogan	

NOT VOTING—34

Baird	Danner	Myrick
Baldacci	DeFazio	Owens
Barton	Doyle	Royce
Bishop	Fossella	Sanford
Boehner	Gejdenson	Snyder
Brown (OH)	Gephardt	Tiahrt
Callahan	Graham	Tierney
Campbell	Hutchinson	Vento
Capps	Jones (OH)	Weygand
Chenoweth-Hage	Lowey	Young (AK)
Clay	Martinez	
Cooksey	McCollum	

□ 1028

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. LATOURETTE). Will the gentleman from Ohio (Mr. PORTMAN) come forward and lead the House in the Pledge of Allegiance.

Mr. PORTMAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 396

Mr. ABERCROMBIE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 396.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minutes on each side.

SOCIAL SECURITY EARNINGS LIMIT

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

Mr. GIBBONS. Mr. Speaker, Benjamin Franklin once said that when people ''are employed, they are best contented.'' Unfortunately, our Government right now is denying contentment to millions of seniors who want to work but cannot because of the Social Security earnings limit.

Because of this earnings limit, seniors who work are being stripped of their Social Security benefits, the very Social Security benefits that they have spent their adult life earning and paying for with their own money. They are being penalized $2 for every $1 they earn if they choose to keep working. This is nonsense. It is wrong. And it must end.

Fortunately, the Republicans here in the House are supporting a plan that would give relief to the millions of seniors who are burdened by the earnings limit. We understand that senior citizens who choose to work should not have to put their Social Security benefits at risk.

Senior citizens can and do make lasting contributions in the workforce, and they should not be denied that right. The time has come to put an end to the Social Security earnings limit and tell our working citizens that we do not think they should be punished for having a job.

AFFORDABLE PRESCRIPTION DRUGS IN AMERICA

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, the discharge petition drive that is being launched today is strong medicine, and it is the right prescription for American families.

But do not take my word for it. Just ask Sue Darling, who is a constituent of mine in Port Huron, Michigan.

Mrs. Darling suffers from Parkinson's Disease and other illnesses. In fact, before her husband died last year, they spent 60 percent of their income on the medicine that they both needed.

The cost of filling three prescriptions Mrs. Darling needs just for her emphysema alone comes to more than $300 per month. That is $300 for three prescriptions.

She has Medigap coverage, but it is exhausted after three months.

Mrs. Darling is at the point now where she would beg her physician for free samples of the inhalers that she needs. That is why we are jump-starting the debate over affordable prescription drugs in this country.

The chance to craft a sensible solution, we are not asking for anything more than that.

Lord knows Americans like Mrs. Darling deserve nothing less.

□ 1030

LET US GIVE SENIORS RELIEF FROM SOCIAL SECURITY EARNINGS LIMIT

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

Mr. PITTS. Mr. Speaker, Thomas Edison once said, there is no substitute for hard work. I think most of us in the chamber could agree with that. There is no substitute for the feeling of satisfaction after a hard day's work. Too often, work is something that many people take for granted. But one group of people who do not take work for granted is our seniors. Because of the Social Security earnings limit, working seniors can literally not afford to take work for granted. Because of the Social Security earnings limit, millions of working seniors are stripped of their Social Security benefits. Their crime is employment. Because they have a job, the government takes away the Social Security benefits that they have spent a lifetime earning.

This is wrong. This is not fair. Last week, the House took the first step in giving relief to married couples who pay tax penalties because they are married. Now it is time to give relief to seniors who are penalized because they work. Let us all join together and give seniors relief from the Social Security earnings limit.

SENIORS DESERVE TO PAY LESS FOR PRESCRIPTION DRUGS

(Mr. CUMMINGS asked and was given permission to address the House for 1 minute.)

Mr. CUMMINGS. Mr. Speaker, we have a health crisis in this Nation. Our seniors are being priced out of the prescription drugs that help keep them alive and allow them to live healthy lives. I submit that after a lifetime of service to family and community, our seniors deserve to pay less. They deserve to pay less than customers of drug companies who receive discounts because they have market power. But more importantly, they deserve to pay less than that which is paid for drugs used by animals. Today I am releasing a government reform minority study of my district in Maryland which reveals that drug manufacturer prices are twice as high for humans than for animals, and these price differentials cannot be justified by quality differences

or research costs. Now is the time to act. I urge my colleagues to end this discrimination by supporting a comprehensive benefit for all Medicare beneficiaries.

RECOGNIZING UNIVERSITY OF UTAH ON ITS 150TH ANNIVERSARY

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

Mr. COOK. Mr. Speaker, I rise today in order to recognize the University of Utah's 150th anniversary. On February 28, 1850, the Utah State Assembly ordained the University of the State of Deseret, better known today as the University of Utah. Since its creation, the University of Utah has conferred over 180,000 degrees, making it the State's most profuse provider of higher education. In addition to its educational excellence, the university is also a leader in cultural, social, scientific, economic, medical and artistic contributions.

I would like to take this time to honor the faculty, staff, and students of the University of Utah for enriching the great State of Utah and the Nation. Today with undergraduate and graduate enrollment nearing 26,000 and students representing all 29 counties, all 50 States, and 102 foreign countries, I am proud to say that the University of Utah is indeed a diverse population bringing together great ideas. I know this because my wife and I both graduated from The U in 1969. We are proud to be part of the university's educational excellence, and I am honored to speak on its 150th anniversary.

ON INTERNATIONAL CHILD ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, today I begin a series of 1-minutes that recognize the enormous problem this Nation has with children who have been abducted internationally. Last week I met with six parents from across the country whose children have been taken from them and are being held in foreign countries. I had the opportunity to sit down with them, to look into their eyes and to hear their stories. And the pain that they experience on a daily basis is heart wrenching.

There are 10,000 American children who have been taken to foreign countries; and it is time for Congress, the media, and the American people to focus their attention on these children and bring them home to their rightful parents. These stories are about families, about reuniting children and parents. When we look at a globe, we may see boundaries; but when it comes to reuniting families, we must know no boundaries.

Tomorrow I will tell the story of Saif Ahmed, a young boy from my hometown who was abducted by his father and is now being illegally held in Egypt. The meetings last week and the 1-minute addresses that will tell the story of these international abductions are just the first steps in what will be an ongoing dialogue with the American people to bring our children home.

CENSUS 2000

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute.)

Mr. MILLER of Florida. Mr. Speaker, the census is just weeks away. In fact, in remote regions of our Nation such as Alaska, the enumeration has already begun. Next month, 119 million households will receive their census forms in the mail. One of the most important tools the bureau is using to promote returning census forms is called the Census in the Schools project, which strives to help students learn what a census is and why it is important to them, their families, and the community; increase participation in the census 2000; to galvanize students, teachers, and families to support the census; and to recruit teachers and parents to work as census takers and in other support jobs.

I have participated in several of these census in the schools programs in my district and here in the District of Columbia. I can say firsthand that the children get enthusiastic about supporting the census and getting their parents to return the forms. I encourage all my colleagues, both Democrats and Republicans, to conduct a census in the schools program in their district to promote this vital, important civic responsibility.

IT IS TIME TO DUMP THE TAX CODE

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

Mr. TRAFICANT. Mr. Speaker, our Tax Code costs us $140 billion a year. There are over 200 forms. All our income, savings, education, and investments are taxed. Even business taxes are passed on to us. We are even taxed for marital sex. Beam me up. It is time to pass a flat national retail sales tax, 15 percent. No more income taxes, no more taxes on savings, no more forms, no more deadlines, no more accountants, no more lawyers, no more receipts, no more Internal Revenue Service. It is time, ladies and gentlemen of Congress.

I yield back this Communist, un-American Tax Code by saying to both parties: tax this.

SIGN THE PRESCRIPTION DRUG DISCHARGE PETITION

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

Mr. UDALL of New Mexico. Mr. Speaker, today Members of this Chamber will have the opportunity to sign the prescription drug discharge petition that will bring this issue to the floor of this body. Members will have to decide, will they help the people of their districts or continue the price discrimination of the big drug companies?

Many New Mexicans have told me how the high cost of prescription drugs affects their lives. One of my constituents, Suzette Binder of Santa Fe, wrote to me:

> We are crippled financially because of diabetic pill costs for which there is no generic brand. We live in retirement on the same money we had 10 years ago. But the money goes like the wind and drug costs are one of the major causes. Do what you can.

Mr. Speaker, during the January recess, I heard from many people that expressed similar sentiments to me. I firmly believe widespread price discrimination is wrong.

I urge my colleagues on both sides of the aisle to sign the petition. No one in America should ever have to decide between needed medication and food.

HOUSE IS WORKING TO ELIMINATE MARRIAGE TAX PENALTY AND SENIOR EARNINGS PENALTY

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

Mr. WELLER. Mr. Speaker, this House is making progress. This past week we passed legislation to address what I consider to be the most unfair aspect of the Tax Code, the marriage tax penalty suffered by 25 million married working couples who pay $1,400 on average in higher taxes just because they are married.

Later on today in the Committee on Ways and Means, we are going to move legislation that eliminates the earnings penalty on senior citizens who are on Social Security who need to continue working or who want to continue working and right now they are punished. In fact, $2 out of $3 of their Social Security benefits if they earn more than $17,000 are taxed and taken away just because they want to work. That is wrong. That is what that is all about. We want to bring fairness to the Tax Code. That is why we worked to eliminate the marriage tax penalty.

My hope is our friends in the Senate will join with us. My hope is those on the other side of the aisle will join with us and make it a bipartisan effort to eliminate the marriage tax penalty and to eliminate the earnings penalty on our senior citizens. It is all about fairness.

IT IS TIME TO PROVIDE RELIEF FOR SENIORS FROM THE HIGH COST OF PRESCRIPTION DRUGS

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

Mr. ALLEN. Mr. Speaker, from Maine to California, seniors cannot afford to buy the medicines that their doctors tell them they have to take. Why? Because the pharmaceutical industry engages in widespread price discrimination against seniors. Seniors pay twice as much as the drug companies' best customers. They pay 70 percent more than Canadians and 100 percent more than Mexicans. They are discriminated against. In short, the most profitable industry in the country is charging the highest prices in the world to people who can least afford it.

Today, we Democrats are signing a discharge petition to bring two bills to the floor, one bill to give all seniors a discount and the second bill to provide universal prescription drug coverage on Medicare. It is time to act. We should act now, sign the discharge petition and give our seniors some relief.

REPUBLICANS STAND FIRM ON BUDGET PRIORITIES

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Mr. Speaker, we are continuing right now the very important budget negotiation process. One thing that the Republican Party stands firm on is that we have to meet our Social Security/Medicare obligations. Last year our budget's first priority was to put aside $1.9 trillion for Social Security and Medicare. The second step is debt reduction. Last year, we put aside $2 trillion for debt reduction. And then after those three things have happened, and only after those three things happened, was there a trigger for tax relief. This year we passed the marriage tax penalty because it is not fair that if you live with each other you pay less taxes than if you are married. We passed that out of the House. We hope the Senate will pass it, and we hope the President will not veto it as he already has promised to do.

But the second part of that tax relief for tax fairness is to say to a senior, if you are working, you should not be penalized on your Social Security, because people are living longer, the needs are greater, and people need to work and want to work. It is healthy. There are lots of benefits to it. But if they do make this decision, they should not be penalized under Social Security.

The Republican Party will be having this bill in committee today. I hope we get it on the floor soon and pass it so that the Senate can.

□ 1045

MAKE PRESCRIPTION MEDICINE AFFORDABLE AND ACCESSIBLE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, our seniors face skyrocketing prices for prescription drugs. Many of my constituents have written to me about having to choose between buying food and paying for the life-saving medicines that they need. For millions of seniors, a prescription drug benefit is the difference between getting the medicine they need for healthy, independent lives, and pain and suffering. For those who are skipping meals or missing rent payments, a prescription drug benefit is a necessity that would bring dignity to their lives.

I urge my colleagues today to sign the petitions at the desk to allow a debate on proposals that would end price discrimination and provide a prescription drug benefit for all seniors. We have an historic opportunity to make medicine affordable and accessible. We could do this in a heartbeat if the Republican leadership would allow debate on this floor.

Modern science has blessed us with many wonderful new medicines, but if seniors cannot afford them, these medicines are of little use. I implore my colleagues, sign the petitions at the desk. Begin substantive discussion on how to make prescription drugs affordable to the people who need them.

PRESCRIPTION DRUG BENEFIT NEEDED NOW

(Mrs. THURMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. THURMAN. Mr. Speaker, today we have heard about the 24 million people we supposedly helped last week. Well, let us talk about the 39 million people we could help that are under Medicare.

Let me just explain to you that this is a dollars and cents issue for us. We are grappling with the trust fund on Medicare and making sure that the expenses are kept down. Well, there is one way you can do that, and the one way you can do that is to make sure that seniors get their prescription drugs.

Let me just give you an example of what somebody wrote to me in my district. ''My mom and dad do not have prescription drugs coverage, therefore must pay full price for all of their drugs. Mom has been cutting her cholesterol pill, Zocor, in half, so it will last two months. The pharmacist says they will not be effective and she is endangering her health. The prescription drug went from $80.49 at the beginning of last year to $95.99.''

What do you think the cost of this is when this woman ends up in the hospital because she cannot take the medicine that is going to keep her healthy?

We need to make sure Members are signing this discharge petition so we can have an honest debate on this floor to help the 39 million people, and that number is growing.

AMERICA NEEDS A PRESCRIPTION DRUG BENEFIT

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

Mr. FORD. Mr. Speaker, I rise today to urge this Congress to take steps towards enacting a comprehensive prescription drug benefit. We have heard from so many of our colleagues why this is important, not only to their constituents, but constituents around the Nation.

Since the creation of the polio vaccine almost 50 years ago, the United States has been the engine of worldwide medical advancement. The finest doctors in the world are trained at our medical schools. Our government funds cutting-edge research at the National Institutes of Health and the Centers for Disease Control.

American pharmaceutical companies are at the forefront of innovation. American innovation in the prescription drug industry is the envy of the world. They are producing new drugs that will allow people to lead healthier, happier, and longer lives.

But in America today, those most in need of those life-sustaining and life-saving drugs frequently find themselves on buses bound for Canada to find affordable prescription drugs.

Prescription drugs are an integral part of health care, especially for seniors. But at least 13 million Medicare beneficiaries have no drug coverage at all. Seniors often have to pay three times as much for drugs than those under the age of 65. It is unfair and it is wrong.

This is an issue that is critical to the citizens of my District and my State. In 1998, Tennessee led the Nation in prescription drug use, with a per capita consumption of 40 percent above the national average.

It is time for a Medicare prescription drug benefit. I urge my colleagues to sign the discharge petition.

PRESCRIPTION DRUG PRICES TOO HIGH FOR SENIORS

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

Mr. GREEN of Texas. Mr. Speaker, this Congress should have an open floor debate on legislation to help seniors afford the high cost of prescription drugs. We cannot sit on this issue any longer.

It is estimated we have 13 million seniors who do not have prescription drug coverage, and the number is increasing rapidly, almost as rapidly as

the cost of the drugs they need. These seniors worked hard and paid into the system their entire lives, but now must choose between buying their prescriptions or their groceries. Seniors tell me they have to skip their medication to make it last longer.

I recently sent out a questionnaire to constituents in my District in Houston to learn what they think Congress' priorities should be. I received many responses from seniors saying Congress must act immediately to help them with the high cost of prescription drugs.

I heard from seniors like Norma Keyes of Houston who writes, ''I need help with my prescriptions. I spend over half my Social Security on prescriptions. I can't get enough money to pay for my house and taxes.''

Joyce Belyeu wrote, ''I am now retired after 53 years of working. I have Medicare and a supplement, but no prescription drug benefit at all. I can't afford the $250 per month for prescription drugs, so I can not take the prescription daily. I skip days.''

We need to do better, and this Congress must do it.

TIME TO DO RIGHT BY OUR SENIORS ON PRESCRIPTION DRUGS

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

Mr. SHOWS. Mr. Speaker, I have had the opportunity to visit with many of my senior citizens to talk about the high cost of medicine.

Let me tell you about one of my constituents, Ms. Lucille Bruce. Ms. Bruce lives in Clinton, Mississippi. She enjoyed all the freedoms of being a senior citizen until she started to pay the high cost of prescription medication and had to move in with her daughter. She pays hundreds of dollars each month for prescription medicine while living on a fixed income.

Ms. Bruce told me without her daughter, she did not know how she would make it, and she wonders and is concerned about seniors who do not have the family support that she has. She often feels a burden on her daughter. She is going to have some more hospital visits, and it may result in more costs to her and her daughter.

Because of Ms. Bruce and millions of others, I am filing a discharge petition today, H.R. 664, the Prescription Drug Fairness for Seniors Act. We cannot wait; our seniors sure cannot wait. For every day of inaction there are seniors out there doing without medication.

It is time to do the right thing and make them favorite customers, just like the large HMOs and the Federal Government.

Mr. Speaker, folks like Ms. Bruce need our help.

PROVIDE A PRESCRIPTION DRUG BENEFIT FOR SENIORS NOW

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

Mr. DOGGETT. Mr. Speaker, when two people walk into the same pharmacy and one, who has no insurance, is forced to pay 136 percent more than the other, who is one of the pharmaceutical industry's most favored customers, something is very wrong. That something wrong is price discrimination against seniors for whom these pharmaceuticals are vital to sustain their health.

That is exactly what I found when I surveyed our local pharmacies in Austin, Texas. This occurs, not as a result of any fault on the part of the local business, but because the pharmaceutical industry discriminates against the uninsured.

Last September, I secured the first vote in this Congress to outlaw that type of price discrimination. Unfortunately, the Republican members of the Committee on Ways and Means joined with the pharmaceutical industry to block that initiative. But with today's discharge petition, we are renewing the struggle, the struggle to see that America's seniors are dealt with fairly and that they have access to prescription drugs. We must put a stop to this wrongful price discrimination.

Join us, renew the effort by signing this petition to end the discrimination against seniors.

CONGRESS MUST ACT ON MEDICARE PRESCRIPTION DRUG BENEFIT

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

Mr. MCGOVERN. Mr. Speaker, the time has come to end the excuses and begin the action on providing a prescription drug benefit for all our seniors. The outrageously high cost of prescription drugs is forcing people to choose between their medicines and their groceries.

Congress must act now, because, sadly, we cannot expect the pharmaceutical industry to do the right thing and lower their prices. It is now the responsibility of this Congress to provide a comprehensive Medicare prescription drug benefit and to ensure that all Americans can afford their prescriptions. Our goal should be nothing short of a comprehensive benefit.

The Republican leadership of this Congress has dragged its feet on this issue for too long. The American people want a vote, and they want it now.

I call on my colleagues to join together and sign the discharge petition to force a vote. This leadership must act now. Our senior citizens, who have raised our families, who have worked in our factories, who have fought our wars, deserve nothing less than a comprehensive drug benefit. The excuses must end and the action must begin.

ACTION NEEDED NOW ON PRESCRIPTION DRUGS

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

Mr. TIERNEY. Mr. Speaker, today we have heard all stories from our constituents who have to choose between medication and food or rent. We all know that by paying higher prices than individuals anywhere else in the world, Americans are subsidizing the drugs that benefit others. We know that private prescription drug expenditures have been growing at a rate of 17 percent a year.

We do not deny the drug manufacturers, who enjoy the highest profits of any industry profits of any industry, engage in important, sometimes lifesaving research that should be encouraged. But the burden should not be on the elderly and those least able to afford it.

Let us clear up one misconception now: H.R. 664 does not mandate price controls, but uses market forces such as volume buying.

The United States makes large public commitments to drug research already, through taxes and the National Institutes of Health research money. While companies in the United States generally face an effective taxation rate of about 27 percent, drug companies, through generous tax credits and benefits, were effectively taxed at roughly 16 percent. Financial encouragement of research should not be eliminated and would not be under the legislation we seek to bring to the floor.

During the 1984 Waxman-Hatch Act effort and the 1990 Medicaid debate, drug companies complained they would have to cut research, yet they subsequently contradicted themselves by expanding it instead. We merely seek to strike some balance. With the many public benefits received by the drug companies also comes some social responsibility.

PROVIDING FOR CONSIDERATION OF H.R. 2366, SMALL BUSINESS LIABILITY REFORM ACT OF 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 423 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 423

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2366) to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for

amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 423 is a fair structured rule providing for consideration of H.R. 2366, the Small Business Liability Reform Act of 2000. H. Res. 423 provides one hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule makes in order the Committee on the Judiciary's amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment.

House Resolution 423 makes in order those amendments printed in the Committee on Rules report accompanying this resolution. These amendments may be offered only in the order printed in the report and may be offered only by a Member designated in the report.

Additionally, these amendments, may be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent, shall not be subject to an amendment, and cannot be divided in the House or the Committee of the Whole. The rule waives all points of order against the amendments printed in the report.

□ 1100

Mr. Speaker, the Committee on Rules has made in order three amendments offered by Democrats and one amendment offered by the majority. I want to briefly discuss the amendments that will be discussed on the floor following general debate.

First, an amendment to be offered by the gentleman from Arkansas (Mr. HUTCHINSON) would permit a court to exceed the $250,000 cap on punitive damages if it finds by clear and convincing evidence that the defendant acted with specific intent to cause the type of harm for which action was brought.

Second, an amendment to be offered by the gentleman from Virginia (Mr. MORAN) would clarify that the term ''punitive damages'' does not include civil penalties, civil fines or treble damages assessed or enforced by a government agency under Federal or State statute.

Third, an amendment to be offered by the gentleman from North Carolina (Mr. WATT) to eliminate a provision in the bill which precludes Federal court jurisdiction.

Finally, the rule makes in order a comprehensive amendment that will be offered jointly by the gentleman from Michigan (Mr. CONYERS), the ranking minority member of the Committee on the Judiciary, and the gentleman from Virginia (Mr. SCOTT).

Mr. Speaker, H. Res. 423 permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if that vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit with or without instructions, as is the right of the minority.

Mr. Speaker, with all of the accolades that have circulated in recent days as the country enters its 107th month of tremendous economic growth, I place my congratulations with the American worker. With that, we must make special recognition for the small businessman. It is these innovative, determined and resourceful employers that employ 60 percent of America's workforce and have been the engine behind the economy that has brought our Nation so much success.

However, despite their success, many small business owners still operate out of fear. But they do not fear missing a rent payment or sending a shipment late. Instead, small business owners alter their business plans, forego promising opportunities, and avoid hiring the next employee because they fear the ambiguous concept of ''liability.''

When I was an owner of businesses before coming to Congress, I thought it was hard enough to manage the here and now: financing, sales, and competition. Today, though, thousands of employers have to consider what could be, simply because they know that a lawyer is always waiting for them to misstep. One hit from a liability lawsuit will kill the average small business, and when that happens, they have not only lost their savings, but they have put their employees out of work and ended their dreams of building their business into an important part of the American economy.

The Small Business Liability Reform Act will end this culture of fear and return some measure of security to important decisions that come daily for the average small business owner. The bill establishes uniform liability rules that will promote fairness within the justice system, prevent frivolous lawsuits, and restore sanity to a tort system that often employs a scattershot method to liability. Specifically, the bill ensures that small businesses pay their fair share of noneconomic damages without exposing them to disproportionate penalties that threaten the viability of otherwise law-abiding businesses.

Mr. Speaker, I applaud my friend from California (Mr. ROGAN) for his hard work on this legislation which provides small businesses with a measure of stability and predictability when considering how best to direct their operations in the current legal climate. I encourage every Member to support this fair rule and the underlying bill.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Georgia (Mr. LINDER) for yielding me the customary time.

This is a restrictive rule which will allow for the consideration of H.R. 2366, which is the Small Business Liability Reform Act. As my colleague from Georgia has explained, this rule provides for 1 hour of general debate to be equally divided and controlled by the Chairman and ranking minority member of the Committee on the Judiciary.

The bill limits the punitive damages against small businesses. It also reduces liability of retailers, wholesalers, and distributors. Product liability claims are often a burden on small businesses and on product sellers. The mere threat of litigation, even if frivolous, is enough sometimes to curtail the activities of some small businesses. This bill attempts to address these and other liability-related challenges facing small businesses and product sellers.

Unfortunately, the sweeping reforms in this bill could have many negative consequences, and the President has threatened to veto if enacted in its present form.

This restrictive rule gives few opportunities to improve the bill. Under the

rule, only four amendments selected by the Committee on Rules majority may be offered on the House floor.

One of the amendments the Committee on Rules denied would have been offered by the gentlewoman from California (Ms. LOFGREN) and others. This amendment maintained the existing legal authority to hold fully accountable unethical gun dealers and the manufacturers of cheap Saturday night specials.

Mr. Speaker, too many crimes in our Nation take place with easily available guns, and we need every tool we can to end this plague of violence. That is why more than 20 cities and counties in the country are holding manufacturers and dealers liable. It is a valuable tool in the battle against gun violence.

Without the Lofgren amendment, this bill will make it more difficult for cities and counties to use this tool. The organization, Handgun Control, labeled the bill ''The Gun Industry Relief Act'' because it lets some manufacturers and dealers off the hook for their actions.

The Committee on Rules should have made this amendment in order so that it could be fully debated on the House floor. However, the Committee on Rules, on a 6–3 straight party-line vote rejected it. I regret that so early in the session this year the Committee on Rules is starting with restrictive rules like this.

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

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.

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

Mr. HALL of Ohio. 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.

The vote was taken by electronic device, and there were—yeas 223, nays 187, not voting 24, as follows:

[Roll No. 23]

YEAS—223

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—187

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOT VOTING—24

Baird
Baldacci
Bishop
Brown (OH)
Callahan
Campbell
Capps
Clay
Cooksey
DeFazio
Frost
Graham
Gutierrez
Lowey
Martinez
McCollum
McIntyre
Myrick
Sanford
Smith (NJ)
Snyder
Tiahrt
Vento
Weygand

□ 1130

Ms. DEGETTE, Ms. RIVERS, and Messrs. FORBES, RANGEL, MINGE, CLYBURN and CUMMINGS changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2366, the legislation about to be considered.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2372

Mr. BARCIA. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2372.

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

There was no objection.

SMALL BUSINESS LIABILITY REFORM ACT OF 2000

The SPEAKER pro tempore. Pursuant to House Resolution 423 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2366.

□ 1131

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the

consideration of the bill (H.R. 2366) to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers, with Mr. THORNBERRY in the Chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from California (Mr. ROGAN) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I introduced the Small Business Liability Reform Act last summer, along with the gentleman from Pennsylvania (Mr. HOLDEN), the gentleman from Virginia (Mr. MORAN), and the gentleman from North Carolina (Mr. BURR) with the express intent of advancing the cause of small business owners across the Nation. Its provisions are designed to improve the fairness of the civil justice system, to enhance its predictability, and to eliminate the wasteful and excessive costs of the legal system by reducing unnecessary litigation.

In H.R. 2366, my colleagues and I have attempted to approach this goal in an incremental and pragmatic way by focusing on a few narrowly crafted reforms that have won the bipartisan support of Members in this Chamber in recent years.

This bill was crafted with an eye toward helping America's small businesses become more competitive, more profitable, and better able to resist the single greatest threat to their existence, a frivolous lawsuit that can ruin a small business overnight and crush the American dream for those men and women who are driving our Nation's economic expansion.

For the smallest of America's businesses, those with fewer than 25 full-time employees, this bill limits punitive damages that may be awarded against a small business to the lesser of three times the claimant's compensatory damages, or $250,000. Punitive damages would be allowed in cases where the plaintiff shows by clear and convincing evidence that the defendant engaged in particularly egregious misconduct.

It is important to note that this cap on punitive damages does not cap or diminish a claimant's right to sue for both economic and noneconomic losses, such as lost wages, medical bills and pain and suffering.

Similarly, the bill provides that a small business shall be liable for noneconomic damages in proportion to their responsibility for causing a claimant's harm. As such, our bill borrows from the California model enacted overwhelmingly by referendum in 1986, which abolished joint liability for these kind of damages.

Title II of the bill provides that product sellers other than manufacturers will be liable in product liability cases when they are responsible for the claimant's harm. Innocent sellers finally will find protection from frivolous lawsuits.

The bill would not change the current liability rules if the manufacturer is not subject to judicial process or is judgment-proof. In either of those cases, the seller would still be liable for the harm. This provision will protect innocent claimants from being left with no redress in the courts if they are harmed. It simply focuses liability on the party where it is most appropriately targeted.

Furthermore, it shields renters and lessors from being held liable for someone else's wrongful conduct simply due to product ownership.

An amendment that my good friend, the gentleman from Arkansas (Mr. HUTCHINSON), will offer later is the result of continuing discussions that began during our committee deliberations as to whether there should be some exception to the punitive damage cap when a small business defendant has acted with the intent to commit a specific harm. In that case, an exception is appropriate.

These issues are familiar to many of our colleagues. In the 104th Congress, this House passed legislation, including similar, more broadly applied punitive damage and joint liability reforms, as well as the product seller liability standard. More recently, provisions similar to the latter two were included in product liability litigation that was debated in the Senate during the 105th Congress, which the President then indicated he would sign if given the opportunity.

Further, Title II's joint liability reforms borrow from those enacted by the Congress in 1997 as part of the Volunteer Protection Act.

Mr. Chairman, this bill presented before our colleagues today is supported by the United States Chamber of Commerce, National Federation of Independent Businesses, the National Association of Manufacturers, the Association of Builders and Contractors, the National Association of Wholesale Distributors, the National Restaurant Association, and millions of small business-owning men and women around our country who are looking to Congress for fairness in the court system.

Mr. Chairman, the purpose of this legislation is to reduce needless litigation that unfairly burdens and easily can cripple small businesses with wasteful legal costs. I look forward to the support of our colleagues on this vital measure to protect every American, small business owner, from the threat of back-breaking litigation.

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

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. CONYERS. Mr. Chairman, we are now confronted with a measure that ought to begin with the observation of the necessity for truth in labeling. The sponsors of this bill have had the courage to put small business liability, to put ''small'' in the title. They have been bold enough to include this phrase in the title.

The problem, of course, is on any reading of this, this measure is in no way limited to small business. Title II, which limits the liability of product sellers, contains no size limitation whatsoever. The fact that we talk about 25 employees or less ignores the simple fact that there is no constraint on the amount the business is doing in terms of revenues.

Hundreds of millions, if not billions of dollars, could be included, as we know, in financial organizations that frequently have far less than 25 employees. So this is not a small business bill.

Of course, to fundamentally limit victims' rights when it comes to dangerous products, negligence and other misconduct is, to me, going in the wrong direction, because it follows the form of other liability legislation we passed that is already going in the wrong direction.

This bill has to stand next to the class action bill that federalized most class actions; the statute of repose bill that created an 18-year limit on durable goods and machinery and equipment. And now we come up with a bill misnamed a small business bill, which puts a cap on punitive damages, limits joint and several liability and exempts a number of corporations from the doctrines of strict liability, failure to warn, and breach of an implied contract.

This is a serious move in the wrong direction. It is not just an unnecessary bill; it is moving way, way in a direction that I do not think most of the Members here, once they recognize what is in this bill, will support.

First, the bill imposes severe evidentiary restrictions and an overall cap of $250,000 in punitive damages in every civil case against businesses with fewer than 25 employees. Collectively, these restrictions are likely to eliminate not only the incentive for seeking punitive damages but it also eliminates any realistic possibility of obtaining them. It sends exactly the wrong message to people with deliberate intent to do wrong, people who are not concerned with the considerations of safety in the workplace. They are being told it does not matter how harmful or malicious their action or behavior is, they will never be realistically subject to significant punitive damages, which erodes the whole concept of punitive damages.

When we eliminate joint and several liability for noneconomic damages, we are eliminating in those few cases the right to pain and suffering recovery and loss of life and limb that so frequently is important in the cases where those theories would apply.

This has the effect of making innocent victims bear the risk of loss when

a co-defendant is judgment-proof and would severely discriminate against seniors and women who bear the greatest portion of noneconomic damages in our society.

To take one class of defendants and relieve them of responsibility from the doctrines of strict liability, the failure to warn or breach of implied warranty, is unbelievable, leaving only a plaintiff with negligence as a cause of action.

So, in my view, the legislation is not just unnecessary, it is misleading and it is reckless and it should be turned aside.

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

Mr. ROGAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise today in support of this legislation which seeks to enact reasonable reforms to liability laws affecting America's small businesses. Through passage of this legislation today, this body makes clear its dedication to promoting sensible policies which acknowledge the importance of our small businesses.

As vice chairman of the Committee on Small Business, I can attest that it is the work and energy of small business enterprises that comprise a driving force behind our Nation's economy. It is essential that we continually work to ensure that they are able to operate in a free and fair marketplace.

In supporting this bill, we also make clear today our reproach for those who seek to exploit shortcomings in current liability statutes.

Approval of this measure will mark an important stride in removing the onerous and unreasonable threat of litigation which serves to stifle the growth and entrepreneurial spirit of small businesses.

Current liability law encourages many of these businesses to impose limitations on their own promise, to bypass opportunities to improve and expand. This not only conflicts fundamentally with our American character, but it is an unnecessary restraint on the livelihood of the millions of Americans who work for these businesses. This simply is not right, and this Congress ought to do what it can to change it.

I ask my colleagues to join me in doing so today, by voting in favor of this sensible reform measure.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time.

Mr. Chairman, I rise to speak in strong opposition to the Small Business Liability Reform Act and speak in support of the Conyers-Scott amendment when I speak later on.

□ 1145

Mr. Chairman, there are numerous problems with the bill. The gentleman from Michigan (Mr. CONYERS), the ranking member and chairman to be, will be introducing that amendment later. But there are some false inferences represented in the bill's title.

The title is Small Business Liability Reform Act. While the bill purports to protect small businesses which presumably do not possess the resources to defend themselves against supposedly frivolous and costly lawsuits, the truth about the Small Business Liability Reform Act is that it rewards all businesses, big and small, with broad and sweeping legal protections when they cause personal and financial injury due to defective products.

With those parts of the bill which actually pertain to small business, the small business in this bill contains no qualifier that limits their revenues. So even billion-dollar corporations can still qualify for small business protection.

While the bill purports to constitute liability reform, the language is overbroad and covers contract law, antitrust law, trademark protection, and other areas not properly considered by the committee.

Although the Conyers/Scott amendment seeks to inject some truth in advertising into the legislation, there are other problematic provisions. For example, the bill will raise the bar for awarding punitive damages, capping the damages at a maximum of $250,000 and making it more difficult to get punitive damages. While the proponents of caps on punitive damages claim that those caps would discourage frivolous lawsuits, those Draconian caps and arbitrary caps would actually apply to least frivolous lawsuits, those which in fact can get the larger damages.

In fact, punitive damages are rare and available only when a defendant is engaged in the worst misconduct. This bill would effectively give businesses licenses to engage in reckless behavior as long as they are willing to pay the $250,000 price tag. Because the bill does not define a small business in terms of revenue, this may be a small price to pay for those companies who have revenues in the millions and even billions of dollars.

The bill eliminates joint and several liability for non-economic damages, thus preventing many injured persons from full compensation for their injury. This bill would preempt laws in most States where injured persons are permitted to collect damages from any of the people that are found responsible.

The rationale is that injured parties should not suffer because one or more of the wrongful actors cannot compensate them for a number of reasons. For example, that party might not even be a party to the lawsuit, they may be a foreign company, they may have gone bankrupt. And the non-economic damages, including the loss of a spouse or child, the loss of fertility, the loss of a limb, disfigurement, or chronic pain, those losses go uncompensated when defendants cannot be held jointly responsible for non-economic damages.

Unfortunately, the burden of uncompensated non-economic loss is most likely to fall on those least likely to protect themselves: the poor, the elderly, the disabled. And because these persons make limited incomes and do not work, they are least likely to collect large sums in economic damages and, therefore, must depend on awards of non-economic loss if they are to recover any significant compensation at all.

Again, there are numerous reasons to oppose the bill, but in its entirety, the bill sets a dangerous precedent in law. It encourages corporate misconduct, endangers health and safety, and leaves injured people with little compensation for their pain and suffering.

So I ask my colleagues to vote no on this anti-consumer legislation.

Mr. ROGAN. Mr. Chairman, I yield 3 minutes to our friend and colleague, the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. Mr. Chairman, I am pleased to join my colleague from California in cosponsoring H.R. 2366, the Small Business Liability Reform Act of 1999.

Like the other pieces of civil justice reform legislation that have recently been enacted into Federal law, this bill departs from the comprehensive approach that advocates of broad product liability and tort reform have taken in the past.

Instead, this bill focuses on a few key specific liability issues: the exposure of small business with fewer than 25 full-time employees to joint liability for non-economic damages and punitive damages, and the exposures of retailers, wholesalers, distributors, and other non-manufacturing product sellers to product liability lawsuits for harms they did not cause.

Mr. Chairman, I have many small businesses in my Congressional district that stand to benefit greatly from this legislation. Many of these businesses have been family run for several generations, and this bill will protect them from the type of frivolous litigation that threatens their existence.

Let me emphasize that the bill we are considering here today is careful not to overreach. As I previously indicated, this is a narrowly crafted, tightly focused bill. The provisions restraining joint liability and punitive damages do not apply to civil cases that may arise from certain violations of criminal law or gross misconduct. Nor do they apply in States that elect to opt out with respect to cases brought in State court in which parties are citizens of that State.

The product seller liability provisions are strictly confined to product liability actions and protect the ability of innocent victims of defective products to fully recover damage awards which they are entitled.

Mr. Chairman, some of my colleagues who oppose this legislation might say

the bill is unnecessary. They may say this last year there were only 14 cases where punitive damages were awarded in the entire United States.

That may be true, Mr. Chairman, but it is irrelevant. It is irrelevant because it does not take into account the countless incidences where cases were filed that seek such extraordinarily high punitive damages that defendants are frightened into settlement rather than risking what might happen in a court of law. This bill tries to put an end to this abuse.

Lastly, Mr. Chairman, the provisions of this legislation have previously won bipartisan support in this chamber as well as the other body. Although limited in scope, their enactment into law will reduce unnecessary litigation and wasteful legal costs and improve the administration of civil justice across this country.

I urge my colleagues on both sides of the aisle to vote yes and pass this limited but meaningful civil justice reform bill.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 4½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the committee.

Mr. DELAHUNT. Mr. Chairman, well, here we go again. We have a bill before us now that would sweep aside generations of State laws that protect consumers so that corporations can evade their responsibilities for wrongs that they commit.

Forget about States' rights. Federalism as a core Democratic principle is withering away in this institution, and this proposal is an example of that.

Earlier today, the Committee on the Judiciary was to consider a proposal which would shift to the Federal courts local zoning issues. And those that speak and preach States' rights and devolution I suggest should revisit their words.

Let me join with others who have stressed that we are not talking about small businesses here. I mean, if we read the bill, that simply is inaccurate. It is absurd in fact. There are no revenue caps in this legislation. The bill would permit large, prosperous businesses making enormous profits to escape liability so long as they maintain a small employee base.

A corporation could have millions of dollars of revenue, tens of millions of dollars in revenue, hundreds of millions of dollars in revenue, and they could evade their responsibility under the parameters of this bill.

But, of course, while the bill does not put caps on revenues of profits, it does cap punitive damages, punitive damages that would apply to conduct that is so egregious it would border on the criminal.

Now, the proponents of the bill claim that a cap is necessary to prevent juries, juries made up of American citizens, people in the community, from awarding appropriate punitive damages. Of course, there is no evidence that there is a problem. In fact, it was the previous speaker who spoke in support of the bill that, last year, in the entire United States, there were 14 cases where juries awarded punitive damages. But the proponents would suggest there is a problem. There is no evidence and there is no data to that effect.

The real problem is that this negates the entire purpose of punitive damages. And the purpose of punitive damages is to deter misconduct, wanton and willful and egregious misconduct. The rationale for punitive damages is to induce companies to spend the money to safeguard workers and protect consumers rather than take the risk of being hit with substantial damages down the road.

This bill will fail to deter misconduct. It will fail and will allow for injuries that were fully foreseeable and preventable from happening.

This bill is nothing more than a warrant for corporate recklessness. And, of course, the bill overreaches in this and many other ways. It eviscerates the traditional product liability law in this country. It exempts all product sellers, renters, and lessors regardless of their size.

Again, no, it is not about small business. This bill should be defeated.

Mr. ROGAN. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding me the time. I also want to thank the gentleman and the gentlewoman for their indulgence.

Mr. Chairman, I rise today in opposition to H.R. 2366. This bill would strip society of the important tools it uses to deter bad behavior by corporations. At stake is a wall of legal safeguards that protect people from malicious conduct by businesses.

Title I of this bill encourages a company to act egregiously and to act with flagrant disregard to the rights and safety of American consumers. Additionally, despite the title's deceptive suggestion, Title II unfairly exempts from liability both small and large business retailers for the sale of defective products.

Title I of H.R. 2366 takes the bite out of monetary damages imposed for malicious corporate conduct. The punitive damages are designed to punish corporations for willful misconduct and it deters future reckless behavior. This bill caps punitive damages to the arbitrary amount of a quarter of a million dollars.

H.R. 2366 takes away the deterring effect of punitive damages and sets a price at which companies can figure in the expense of conducting business maliciously. This bill deprives the jury from the ability to hold a company morally responsible for their willful misconduct.

Title II of H.R. 2366 unfairly protects all business retailers in their ability to profit from dangerous products. Under current law, a seller warrants that the product it sells is safe. The consumer then has the confidence of being able to use the product without risking injury. H.R. 2366 takes away the only legal reason a consumer would have confidence. It changes the law and allows the retailer to sell and make money from a defective product that the retailer knows or should have known is dangerous. If the seller gets a benefit, they should also pay when consumers are hurt.

In conclusion, H.R. 2366 takes away corporate incentives to produce and sell safe products. This bill puts profit before product safety.

Mr. Chairman, I strongly urge my colleagues to vote no on H.R. 2366.

Mr. ROGAN. Mr. Chairman, I yield 3 minutes to my patient friend and colleague, the gentlewoman from Illinois (Mrs. BIGGERT).

(Mrs. BIGGERT asked for and was given permission to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Chairman, I rise today in support of H.R. 2366, and I commend my colleague, the gentleman from California (Mr. ROGAN), for his sponsorship of this legislation.

The Small Business Liability Reform Act will help alleviate the abusive and frivolous lawsuits filed against the smallest of America's smallest businesses.

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I have long been a supporter, a strong supporter, of tort reform. As a State representative, I sponsored legal reforms to ensure that businesses in Illinois could operate and compete on a fair, flexible, and equal opportunity in the marketplace. I am proud to continue these efforts here in Congress. Small businesses create the bulk of our Nation's jobs. Yet a recent survey of more than 1200 small businesses found that one in three have been sued, and more than half have been threatened with a lawsuit in the last 5 years. Our small businesses are being victimized by the litigiousness of our society and they desperately need relief.

Small business owners face rising costs for liability insurance, not to mention the crippling cost of defending themselves should they be named in a lawsuit. Innocent or not, defending oneself is costly. The estimated cost of a business owner's defense in the average lawsuit is $100,000. Considering that the actual salary of a typical small business owner is between $40,000 and $50,000, it is easy to see that just one frivolous lawsuit can easily put a small firm out of business.

H.R. 2366 provides crucial limits on the lawsuits by capping punitive damages at $250,000, or three times noneconomic damages, for businesses only with fewer than 25 employees. I would like to see how many small mom and pop stores would ever dream of having revenues of $100,000, $200,000, $300,000 and the riches that the Members across the aisle seem to imply.

It also abolishes joint liability for noneconomic damages, ensuring that small business owners are only liable for damages in proportion to their fault. H.R. 2366 embodies key legal reforms that this House has overwhelmingly supported in the past. This bill is good business and good law. I urge my colleagues to support H.R. 2366 to enact small business legal reform that is long overdue.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentlewoman from California (Ms. LOFGREN), a distinguished member of the Committee on the Judiciary who has worked very hard on the measure.

Ms. LOFGREN. Mr. Chairman, I oppose the bill before us today, and I think it is worth pointing out that I am joined in this opposition by the Violence Policy Center, the National Conference of State Legislatures, Handgun Control, as well as the attorney general of the State of California.

This so-called small business liability reform bill offered by the gentleman from California (Mr. ROGAN) is not really about small businesses at all. In fact, the businesses may be quite big, making millions and millions of dollars and still be protected by this bill. It is only judged small by the number of employees.

Interestingly enough, it turns out that the manufacturers of most of the guns that have caught our attention in the tragedies that have beset this Nation, for example, the horrible shootings in Columbine, were in fact manufactured by gun companies that fall below the 25-employee limit, who would be, if this bill were to pass, immune from liability.

That liability is now being pursued by a number of local governments. For example, back home, the county of San Mateo and the city of Los Angeles are pursuing lawsuits against gun manufacturers and dealers to try and assess the responsibility for wrong behavior. Unfortunately, this bill would put those lawsuits out of court. I do not think that is the right thing to do. I do not think that is the right thing for this Congress to do.

Now, it may be true that the causes of action being pursued by these local governments to hold these gun manufacturers responsible for misbehavior, it may be that these causes of action will not be sustained. But I do not believe it is proper for Congress to intervene in that judicial process. I do not think we should be giving a court holiday to the manufacturer of the Tec DC–9 that tried to evade the rules and the laws that Congress adopted against assault weapons. We know the result of that evasion was that young people in Columbine High School lost their lives.

I am a member of the Juvenile Justice Conference Committee. I am mindful that we have met only once. We met on August 3 of last year. There was a lot of talk at that time that we would come together and address the gun safety issues that the Senate had passed, that we would do that in time for the beginning of this school year. Time is a-wasting. My daughter is now preparing for her high school graduation, not the onset of high school, and yet we have done nothing, to do nothing except propose to take away the only tool that exists for local government to try and get control of this out-of-control gun violence issue. I think what we are doing is shameful.

I would hope that we would listen to the Council of State Governments and butt out of this litigation issue, that we would not create a web of safety for gun manufacturers who have acted improperly. I would add that we offered an amendment at the Committee on Rules, myself and the gentlewoman from New York (Mrs. MCCARTHY) and the gentlewoman from Colorado (Ms. DEGETTE) and the gentlewoman from Connecticut (Ms. DELAURO) and some others. That amendment was not put in order. I think that was a real shame, that we would not have an opportunity to exempt gun dealers and manufacturers from the protections that this bill would provide.

Because of that and many other reasons, I would hope that people who want to do something about gun violence, people who feel that we owe something to the mothers and fathers of this country to make their children a little bit safer in school from gun violence, that we will vote against this measure. That is all that we can do in decency.

Mr. Chairman, I oppose the bill before us today. I think it is worth pointing out that I am joined in this opposition by the Violence Policy Center, the National Conference of State Legislatures, Handgun Control, as well as the Attorney General of the State of California.

This so-called small business liability reform bill, offered by the gentleman from California (Mr. ROGAN), is not really about small businesses at all. In fact, the businesses may be quite big, making millions and millions of dollars and still be protected by this bill for small businesses. It is only judged small by the number of employees.

Interestingly enough, it turns out that the manufacturers of most of the guns that have caught our attention in the tragedies that have beset this Nation, including the horrible shootings in Columbine, were gun manufacturers that fall below the 25-employee limit and who would be, if this bill were to pass, immune from liability for the damage they've done.

Liability for wrong doing by these manufacturers is now being pursued by a number of local governments. For example, back home in California, the county of San Mateo and the city of Los Angeles are suing gun manufacturers and dealers for wrong behavior, to try and assess their irresponsibility. Unfortunately, this bill would put such lawsuits out of court and on the street. I do not think that is the right thing for this Congress to do.

Now, of course, it may be true that the causes of action being pursued in court by these local governments, seeking to hold these gun manufacturers responsible for misbehavior, may not be upheld. But I do not believe it is proper for Congress to intervene in such judicial processes and determine the issue this way. I do not think we should be giving a court holiday to the manufacturer of the Tec DC–9. That gun manufacturer tried to evade the rules and the laws that Congress adopted against assault weapons by slight modifications to their weapons to evade our proscriptions. We know the result of that evasion was that their weapon was available and young people in Columbine High School lost their lives.

I am a member of the Juvenile Justice Conference Committee. I am mindful that we have met only once and that was on August 3rd of last year. There was a lot of talk at that time by the majority about how we would come together and address the gun safety issues that the Senate had passed, that we would do that in time for the beginning of the school year, that is, the school year that began last September. Well, time is a-wasting. My daughter is now preparing not for the beginning of the year but for her high school graduation. Yet we have done nothing—nothing except propose to take away the only tool that exists for local government to try to get control of this out-of-control gun violence issue. I think what we are doing is shameful.

I would hope that we would listen to the Council of State Governments who believe this is their business, not ours, and butt out of this litigation issue. I would hope that we would not create a safety shield that protects gun manufacturers who have acted improperly. It is not like we haven't tried to avoid this miscarriage. I argued against this in an amendment offered in the Judiciary Committee. We offered the same amendment before the Committee on Rules, myself, the gentlewoman from New York (Mrs. MCCARTHY), the gentlewoman from Colorado (Ms. DEGETTE), and the gentlewoman from Connecticut (Ms. DELAURO). That amendment was ruled out of order even though it was germane and voted upon in the Judiciary Committee. It was ruled out of order for a vote by the full House. I think that was a real shame, that we would not have an opportunity for the members of this House to exempt gun dealers and manufacturers from the protections that this bill would provide.

For this and many other reasons, I would hope that people who want to do something about gun violence, people who feel that they owe something to the mothers and fathers of this country to make their children a little bit safer in school from gun violence, that they will vote against this measure. That is all that they can do in decency and justice.

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume. Just briefly in response to the comments of my friend and colleague from California, I think it is wholly unfortunate that she wishes to hold up this bill, which is so necessary for small businesses, in the mistaken attempt of turning this into somehow some gun control bill. The fact is, Mr. Chairman, her claim that some of these lawsuits or all of these lawsuits would be thrown out of court simply misses the mark.

As I indicated in my opening statement, this bill would do nothing to preclude a claimant from obtaining economic damages which include wages, medical expenses, and business loss. It

would do nothing to preclude a claimant from receiving noneconomic damages, such as pain and suffering, disfigurement, loss of enjoyment or companionship and other recognized damages. Finally, Mr. Chairman, this bill again would do nothing under the amendment that I contemplate will be accepted if in fact there was an intentional wrong done by a small businessperson who happened to be a gun manufacturer.

I hate to see this bill held up by those attempting to pursue a gun control agenda. This is not about gun control. This is about small businesspeople being given the protection of law that they so desperately need to keep their small businesses afloat.

Mr. Chairman, I yield such time as he may consume to my good friend, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time, and I congratulate him for his outstanding work on this issue which is so important to small businesspeople across this country but to others as well. Small businesses create more new jobs in this country than all of the large corporations in America combined. Small business, the millions of small businesses we have, are the engine that drives our economy. They are so often the ones that create the new jobs, new enterprises that grow later into larger businesses that provide more jobs. But for a company that provides 10, 15, 20 jobs, it is the employees of those businesses as well as the businessmen and women who own them that will find this legislation important, and also consumers will benefit from this legislation as well because it will help to hold down the cost of goods and services provided by those small businesses.

Many small businesses are in some of the most competitive industries that there are. When they are faced with unfair legal costs, it often either puts them out of business or forces them to raise their prices and make themselves uncompetitive or to pass those charges on to the consumers that do business with them. Putting a cap on punitive damages for small businesses, this is something that I think we should provide in every lawsuit, no matter what the size of the corporation or business or individual who is in business; but we certainly should do it for small businesses, for companies with fewer than 25 employees.

To face a fine of more than $250,000 could easily put 10, 15, or 20 people out of work when a small company or an individual employing them cannot meet that kind of punitive damage liability, and joint liability. Again, so many instances where lawsuits are filed against a whole host of people. The small businessperson who might be the distributor, the manufacturer's representative, might be engaged in a part of a transaction but have only a small amount of the responsibility for the damages that are caused; and if the manufacturer has gone out of business or somebody who misused the product in installing it or some other involvement in it goes out of business, that small businessperson can be left with an enormous amount of liability and should not face that if they only cause a small portion of the damages involved.

And then finally, we know about all of these lawsuits that are filed where a shotgun approach is used where a whole host of defendants are made a party to the suit and somebody is brought in as a defendant in a suit and they really have a very limited liability for it; but there is not a clear definition of what that liability might be.

And so when we have the provision in title II that establishes a uniform liability standard that would be applied to nonmanufacturers or product sellers in product liability cases, a standard that would allow the product sellers to be liable only for the harms caused by their own negligence, intentional misconduct or when the manufacturing supplier is culpable but judgment-proof, it seems to me that setting a definite national standard when so many of these transactions involve interstate commerce is entirely appropriate for the Congress to do.

I commend the gentleman for his support for this legislation. I commend him for garnering the kind of bipartisan support that he has and support from a whole host of organizations concerned about small businesses like the National Federation of Independent Businesses. This is truly good legislation. I would call upon my colleagues on the other side of the aisle to join with us in giving some relief to the people who do the most for job creation in this country.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute, because the author of this bill, the gentleman from California (Mr. ROGAN), knows what I know, namely, that the 70,000 gun dealers in this country are happy to assume that they would enjoy the protection of H.R. 2366's restriction on the liability of product sellers.

We had this amendment debated in Judiciary. The bill attempts to exempt some legal theories that apply to the negligent sale of firearms, such as negligent entrustment and negligence per se. But there are many numerous other theories that have been successfully used against firearm retailers and proprietors of gun clubs or target ranges to recover damages caused by the sale or rental of a firearm. This is a cover for gun dealers against lawsuits that are coming up that are using theories such as public nuisance, negligent marketing, and unfair and fraudulent business practices. We cannot give the gun dealers a free ride in this bill.

Mr. ROGAN. Mr. Chairman, I am pleased to yield 3 minutes to my good friend, the gentleman from Ohio (Mr. CHABOT).

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Mr. CHABOT. Mr. Chairman, I rise today as both a Member of the Committee on the Judiciary and Committee on Small Business to urge my colleagues to support H.R. 2366, the Small Business Liability Reform Act of 1999, and I would like to commend my colleague from the Committee on the Judiciary, the gentleman from California (Mr. ROGAN), for his leadership in this area.

Small businesses with 25 or fewer full-time workers employ nearly 60 percent of the American workforce. Their continued vitality is essential to our strong economy. However, just one lawsuit, frivolous or not, can easily destroy a small business.

Today, small businesses operate in constant fear that they will be named as a defendant in a lawsuit, be found minimally responsible for the claimant's harm, and be financially crushed under the weight of damages and attorneys' fees and the rest.

According to a recent Gallop survey, one out of every five small businesses decides not to hire more employees, not to expand its business, not to introduce a new product or not to improve an existing product out of fear of litigation.

Mr. Chairman, H.R. 2366 would help alleviate the tremendous burden and fear of unlimited liability on businesses that employ less than 25 people by making two modest changes to existing tort law, while still steadfastly protecting injured plaintiffs' rights to sue.

First, H.R. 2366 would raise the burden of proof to a clear and convincing evidence standard for a plaintiff suing for punitive damages and place reasonable caps on these damages, up to three times the total amount awarded for economic and non-economic loss or $250,000. This provision is vitally important, because businesses cannot be insured to cover these types of judgments.

H.R. 2366 would also eliminate joint and several liability for non-economic damages for small businesses. In the States that have joint and several liability in place, a defendant who is found only 1 percent responsible for an injury can be stuck paying 100 percent of the damages. Such a judgment could easily bankrupt a small business that is only minimally responsible for a non-economic harm. If that happens, workers lose their jobs.

I want to emphasize that real economic damages, including medical costs, are not limited by this bill, and plaintiffs remain free to sue more responsible parties.

Mr. Chairman, more than 60 percent of small business owners make no more than $50,000 a year. Litigation costs and excessive judgments can put them out of business in a heartbeat, causing employees, again, to lose their jobs and impacting the community that has come to rely upon the services of that particular business.

This is a commonsense tort reform bill, and I encourage Members to vote yes on H.R. 2366.

I again commend the gentleman from California (Mr. ROGAN) for showing his leadership in proposing this important legislation.

Mr. CONYERS. Mr. Chairman, I am happy to yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a distinguished member of the Committee on the Judiciary.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member for his leadership on this issue.

I appreciate the desire of the gentleman from California (Mr. ROGAN) to be helpful in the enhancement of small businesses in the United States of America. I think, unfortunately, I need to disabuse those who have debated this bill of any suggestion that they are supporting a small business protection bill. This is not.

This is, again, a back-door attempt to do tort reform when the members of the other party fully recognize that we have been unsuccessful in doing such and there have been no calls for these kinds of major changes in tort reform or product liability.

In particular, I will be supporting the Conyers amendment, that really speaks to small businesses, and that is to narrow the protection of this bill to businesses earning $5 million or less. That is a small business. The only thing we have in this bill is to suggest that if you have 25 employees. But we well know that in the trucking industry, where, unfortunately, we have suffered over 440,000 large trucks involved in accidents, including 4,871 fatal crashes, we realize that those can be considered small businesses.

So this is a farce. This is a farce as it relates to the very important issue that we have discussed about the enormous gun violence that is going on in America, and, I might add, the very important litigation that has been going on.

This bill fails to exempt several well-known causes of action: Public nuisance, negligent marketing and unfair and fraudulent business practices, the cornerstone of many cases dealing with gun violence.

I cannot say to the gentleman from California (Mr. ROGAN) that every mayor of every city is wrong about their attempt to protect their cities from gun violence by the lawsuits that they have filed. Their communities want them to file them; their communities want gun violence to stop; their communities want the proliferation of guns to stop; and we want our children to stop dying. This bill is a farce as it relates to providing the protection of that these litigants need to address their grievances.

The other point is why is this bill protecting the actor of the act, meaning the one who has negligently acted, and has no concern about the victim, by capping punitive damages? The gentleman from California (Mr. ROGAN) fully knows that the courts rarely give punitive damages, and it is only in egregious circumstances that such is given. Now he is suggesting he is going to fall on the side of the negligent actor, as opposed to the victim.

Secondly, in the Committee on Rules they refused to listen when we offered a hate crimes amendment, because the hate crimes provision in this bill is benign, at best. We wanted to put language in that reflects an intentional act, when some business, a KKK-run business would intentionally burn a synagogue or, if you will, to refuse service or to do something violent to an individual, and it is a business, an intentional act, we could not get the committee on rules to accept that or even in the committee.

I ask where the seriousness behind this legislation is, if we are not willing to protect people from hateful, intentional acts?

In addition, this bill does not protect children whose parents may not file an action before they reach the age of majority. It is well known that many times children are in fact the victims of a negligent act. At Lincoln Park Daycare, Danny Kasar died in a collapsed crib in a daycare center. That crib may have been sold by a small business, and the idea is if there is an egregious act through the manufacturer and the seller, then this legislation keeps poor Danny, if, for example, in this instance, he died, it keeps any case that may happen if the child had not died to be able to be reached in majority.

Let me conclude, Mr. Chairman, by saying this is a bad bill, it is not a small business bill, and I wish the gentleman from California (Mr. ROGAN) would take it back so we can work in a bipartisan manner, and I ask my colleagues to defeat it.

Mr. Chairman, I rise in strong opposition to H.R. 2366, the Small Business Liability Reform Act of 1999. This bill is not a small business bill—it is a measure to insulate potentially large corporations from the most egregious misconduct.

This bill seeks to limit injured parties' punitive damages to $250,000 or 3 times compensatory damages, whichever is less for any business with 25 or fewer employees regardless of the company's actual financial earnings. In today's Internet economy it is likely that a company with 25 or fewer employees is flush with income—why should this Congress limit their punitive damages to such a low level?

Punitive damages are often awarded to deter those companies who engage in behavior that is deemed grossly negligent. The fear of a jury awarding punitive damages is our legal system's way of saying to Corporate America that we will not tolerate willful and wanton conduct that may injure our citizens.

For example, a little girl whose hand was caught in an exposed rotating chain saw and lost three fingers was awarded $420,100 in damages. If this bill becomes law the manufacturer of this chainsaw with 25 or fewer employees would cap this girl's compensation to $250,000 for a product that endangered this child's life. Our children and our loved ones will be adversely affected by this bill. Why should the Nation's most egregious corporate wrongdoers be protected at the expense of innocent victims.

As you may be aware, tort law has evolved over the centuries to reflect societal values and needs. Because it is common law—or judge-made law—State tort law has developed from generation to generation in the form of reported cases: ''In theory, the judges [draw] their decision from existing principles of law; ultimately, these principles [reflect] the living values, attitudes and ethical ideas of the people.''

The tort system provides a number of benefits to society: it (1) compensates injured victims; (2) deters misconduct that may cause perceived injury and punishes wrongdoers who inflict injury; (3) prevents injury by removing dangerous products and practices from the marketplace; (4) forces public disclosure of information on dangerous products and practices otherwise kept secret; and (5) expands public health and safety rights in a world of increasingly complex technology. The tort system is intended to effect behavior through the forces of the private market. The ''invisible hand'' of the tort system alters behavior so as to prevent dangerous and reckless conduct, which is often not prohibited by any governmental regulation.

Product liability law, in particular, typically refers to the liability of a manufacturer, seller or other supplier of products to a person who suffers physical harm caused by the product. The legal liability of the defendant may rest on five theories: (1) intent; (2) negligence; (3) strict liability; (4) implied warranties of merchantability and fitness for a particular purpose; and (5) representation theories (express warranty and misrepresentation).

Historically, if the courts upset the liability rules that balance the interests of injured citizens and wrongdoers, the State legislatures are able to respond by either strengthening or weakening the laws. For example, during the 1980's, a majority of States adopted a number of product liability reforms involving such areas as punitive damages, joint and several liability and strict liability in reaction to a perceived ''insurance crisis.'' Each State has developed its own tort system and considered and adopted reforms based on the needs of its citizens and its desires to attract commerce. Restatements of law, written by legal scholars, can indicate areas suitable for nationwide uniformity if the states consider it to be in their own best interests.

Congress has been considering product liability legislation since as early as 1979 when Representative DINGELL introduced legislation which would have federalized a number of areas of State liability law. Proponents of such reforms have argued, inter alia, that State laws have led to excessive product liability damage awards and that the unpredictable and ''patchwork'' nature of the State product liability system harms the competitiveness of domestic manufacturing firms. After being unable to bring a product liability reform bill to either the House or Senate floor for a number of years, during the 104th Congress the House and Senate agreed to product liability legislation which would have, inter alia,

capped punitive damages for large and small businesses and narrowed the standards for awarding such damages; eliminated joint and several liability for non-economic damages; created a fifteen-year statute of repose and a two-year statute of limitations; limited seller liability; and limited liability for medical implant suppliers. President Clinton subsequently vetoed the legislation.

In the wake of President Clinton's veto, the White House entered into negotiations with Senators ROCKEFELLER and GORTON, which culminated in a somewhat narrower form of product liability legislation (the ''Senate Product Liability Proposal''). The Senate Product Liability Proposal was brought directly to the Senate floor but its proponents were unable to obtain cloture to cut off debate.

The Senate Product Liability Proposal, among other things, capped the maximum amount of punitive damages which may be awarded against ''small businesses;'' narrowed the ground for the award of punitive damages to those cases where there is a ''conscious, flagrant, indifference to the rights or safety of others'' which can be established by ''clear and convincing evidence;'' provided for a national statute of limitations and statute or repose; and offered relief to product sellers, lessors, and renters by specifying that they may only be subject to product liability suit where they (1) failed to exercise reasonable care, (2) violated an express warranty, or (3) engaged in intentional wrongdoing.

H.R. 2366 is similar to the 1998 Senate Product Liability Proposal, however, it is broader in that it is not limited entirely to product liability actions and it is narrower in that it excludes (1) the statute of repose provision and (2) potential pro-victim provisions such as a two-way preemptive federal statute of limitations running from the time the harm was actually discovered.

I am skeptical of the need for this bill, as there is no credible empirical evidence to support the notion that there is currently a litigation explosion in the state and federal courts. Additionally, punitive damages tend to be awarded in only the most egregious cases. Furthermore, Congress should not be in the business of protecting the rogue small business from reckless or harmful behavior, particularly legislation such as this that rewards businesses that hire temporary employees rather than full time employees. Yet again, the Majority is attempting to undermine the principles of federalism by the federal preemption of the state-based liability system. Given my concerns, I will not support this bill which jeopardizes the right of innocent victims to recover for corporate wrongdoing. We must continue to protect our children, our loved ones, and to encourage the deterrence of corporate misconduct.

Mr. ROGAN. Mr. Chairman, I am pleased to yield such time as he may consume to my friend the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding me time. I want to congratulate him for his outstanding work on this legislation and the spirit in which he worked with the different members on the committee.

I also want to express my appreciation to the minority, because I believe their participation in the Committee on the Judiciary improved the entire process and the bill, and we have a very good product here.

To the gentlewoman from Texas, she just raised a question about the instances of intentional conduct and she cited some examples. I believe she used the KKK, if they engage in some intentional conduct, that there would be caps on damages.

There is an amendment, I would say to my friend the gentlewoman from Texas, that will be offered subsequently to this that would remove the cap on intentional conduct that causes harm. So, with that, which we will offer at a later time, it improves this bill even more. It makes sure everyone is protected.

It is very important that litigants have access to the court. We wanted to make sure that is accomplished and preserved. It is an important right in America.

But, at the same time, we want to have a balance, so that in those rare cases where the damages go out of whack, and that is what puts the chilling effect on small businesses, that that is brought back into scale and in line with the American system of justice.

This bill does very simple things: It eliminates joint and several liability for the pain and suffering aspect of it, and then it puts some reasonable caps on punitive damages. It applies this to small business.

Now, I am a trial lawyer. I made my living after I was a Federal prosecutor trying cases, going to court, representing litigants in personal injury cases.

There is the rare case there is an abuse. I was with another lawyer friend of mine, and I said, ''Can you tell me a moral justification to defend joint and several liability?'' He tries more cases in Arkansas than probably anyone. He said, ''No, I can't.'' It was an honest answer. I believe this is good reform for the legal system.

So I very much congratulate my friend the gentleman from California (Mr. ROGAN) who has worked so hard on this legislation. What it does is that it makes sure that the plaintiff will get economic damages, first of all. That is the medical bills, the lost wages, the future lost wages, those are those out-of-pocket expenses that you can itemize for the jury. Those he can get without any limitation whatsoever. Pain and suffering, there is absolutely no limitation on pain and suffering. I think that is reasonable.

The joint and several liability limitation only applies to the pain and suffering aspect. The punitive damages is what is capped. It is a very reasonable cap on punitive damages, and that is what is intended to punish, not intended to reward a plaintiff, and that is what we keep in scope. There should be a limitation on punishment.

Again, with the amendment I am offering shortly, if there is intentional conduct, extremely egregious conduct, the judge can override that cap even at that instance so that justice can continue to be done. It applies only to small business, less than 25 employees. There are some amendments that I believe will be offered that will change the definition of that, but this is a good, simple, fair definition, less than 25 employees. It is easy to quantify. It is similar to the civil rights statutes in that regard.

Again, I would ask my colleagues to support this bill. It is a good bill for small business, but it is also a good and fair bill for the legal system, which I cherish and honor and want to strengthen.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute to discuss this lawyer's discussion that the gentleman from Arkansas has been having with other lawyers who think this is a fine bill.

Well, maybe some of them do, but the fact of the matter is that as this measure stands now, we are going to eliminate joint and several liability for non-economic damages, and this is going to have a very harmful effect on the victims. You do not have to be a lawyer to figure that out. That is what the bill accomplishes, whether lawyers like it or not. The bill imposes severe evidentiary restrictions and an overall $250,000 cap on punitive damages in all civil cases.

Now, 25 employees or less, you must know that there are businesses doing hundreds of millions of dollars of business with less than 25 employees. Yes, it protects ''mom and pops,'' but it lets in at the other end these huge companies that are going to be so happy to know that you have got this provision on the floor.

Mr. ROGAN. Mr. Chairman, I am pleased to yield 3 minutes to my good friend, the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, I thank my friend for yielding me time.

Mr. Chairman, just to respond to the gentleman from Michigan, victims are not hurt by capping punitive damages. They still get all their actual damages. They get economic damages. Punitive damages are to punish defendants who behave in the wrong way, not to reward the victims. This does not touch what the victims can get from actual damages.

But I support this legislation. Small businesses are the engine that drives our economy. Small businesses account for 99.7 percent of the nation's employers, employing 53 percent of the private workforce, contributing 47 percent of all sales in this country and responsible for 50 percent of the private gross domestic product.

In a recent Gallop survey, one out of every 5 small businesses claimed they do not hire more employees or expand their business or introduce a new product or improve an existing product out of fear of litigation.

The facts show that nationwide liability reform is what our small businesses need. For example, there was an increase of 28 percent in civil filings in State courts since 1984, and the median awards in product liability cases increased 227 percent between 1997 and 1998. Small businesses simply cannot afford to stay in business if they spend their time, energy, and resources fighting lawsuits that are without merit.

Small businesses are often severely burdened by frivolous lawsuits. Since 1960, the number of such lawsuits have tripled and unwarranted lawsuits have cost them billions of dollars, and in effect cost American consumers that same amount. Many small businesses are being forced to settle lawsuits, rather than bear the expense of litigation.

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In an effort to counter this growing trend, H.R. 2366 seeks to protect small businesses by reducing their exposure to frivolous litigation. I believe this is much-needed legislation because it includes strategically targeted reforms which have strong bicameral, bipartisan support.

This measure comprises several measures that will limit product liability in small businesses. Those businesses are defined as having fewer than 25 employees. This legislation will cap punitive damages at $250,000 or three times compensatory damages, whichever is less, in any civil lawsuit against small business. In order to receive damages, plaintiffs must meet the ''clear and convincing evidence'' standard that the defendant acted with willful misconduct and was flagrantly indifferent to the rights and safety of others.

In addition, H.R. 2366 exempts small business defendants from joint and several liability for noneconomic damages, such as pain and suffering. Under this legislation, defendants will only be liable for the proportion of the judgment that corresponds to their percentage of the actual fault.

Mr. Chairman, H.R. 2366 exempts retailers, renters, and lessors from legal responsibility for products that they receive from manufacturers, but did not alter, and which subsequently malfunctioned or caused damages, which makes perfect sense. I believe the uniform standard for awarding punitive damages outlined in this legislation is a vital and necessary part of tort reform. This is a fair and sensible solution to the high number of frivolous lawsuits clogging up our court today.

Given that nearly 60 percent of the American workforce is employed by small business with 25 or fewer full-time employees, I think it is essential that we pass this legislation so our small businesses may become more innovative and competitive in today's global marketplace.

I thank the gentleman for introducing this legislation, and I urge my colleagues to support it.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the ranking member for yielding me this time.

Mr. Chairman, I rise in strong opposition to this legislation. I would encourage the rest of my colleagues to oppose it as well if, for no other reason, than because of the Federal preemption implications over State law and the work that many State legislatures throughout the country have put into this issue. This is another classic example of ''Washington-knows-best'' when it comes to our system of justice in this country.

This is not just a concern and a belief that I have, but even the Republican governor from my home State of Wisconsin has expressed this concern in a letter to our ranking member on the committee in which he, along with the chairman of the Council of State Governments, State Senator Kenneth McClintock, expressed their severe reservations to this legislation.

In the letter they wrote, ''We are very concerned about the following preemption aspects of this bill:

''The bill establishes new evidentiary tests for punitive damages that would negate State laws for punitive damages, even though every State already requires that a plaintiff prove that a defendant acted in some particularly deliberate or egregious way to receive punitive damages.

''The bill overturns the doctrine utilized in many States of joint and several liability.

''The bill makes a dramatic and unacceptable change that alters the theory of strict product liability that is accepted and practiced in most States.

''The bill only preempts the laws of those States that offer greater protections to consumers, which we challenge from an equity perspective.''

They went on to state, ''Protecting small business in this Nation is a laudable goal. We, as State officials, have a vested interest in the economic growth spawned by small business development, and to this end we are excited to join with you in creating effective and sound legislative solutions.

''We are very concerned with the seeming eagerness of Congress to attempt to preempt State law. We urge you to reconsider your approach to this issue.''

Again, this is a Republican governor from the State of Wisconsin, Tommy Thompson, in opposition to H.R. 2366.

I have another letter from the National Conference of State Legislatures in which Executive Director William Pound wrote that they oppose H.R. 2366 ''because of the damage it would due to our system of constitutional federalism. The tort law and its reform historically and appropriately have been matters within the jurisdiction of States.''

So, Mr. Chairman, I think the attempt here may be laudable, but I hope it is not just an election-year gimmick to try to make some Members appear weak in their support of small businesses when, in fact, we are talking about the very serious issue of Federal preemption over State jurisdiction.

The CHAIRMAN. The Chair would inform Members that the gentleman from California (Mr. ROGAN) has 2 minutes remaining; the gentleman from Michigan (Mr. CONYERS) has 1½ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield our remaining time to the gentlewoman from Connecticut (Ms. DELAURO).

The CHAIRMAN. The gentlewoman from Connecticut (Ms. DELAURO) is recognized for 1½ minutes.

Ms. DELAURO. Mr. Chairman, I rise in opposition to this misnamed and misguided piece of legislation under the guise of helping small businesses succeed, which is a goal that we can all support. This bill gives cover to businesses that make faulty products, that injure and even kill. This bill would protect companies that make cheap, poorly made firearms. These are weapons that are not made for hunting or for home protection; they are made to give criminals more bang for the buck.

Let me give my colleagues an example. Intratec is best known for its inexpensive assault pistols, notably, the TEC–9, the TEC–DC9 and the AB–10. The TEC–DC9 was one of the guns used in the 1999 massacre at Columbine High School in Colorado.

This is also the company that markets Saturday night special handguns or what they call junk guns. Their advertising copy brags, and I quote, ''that our guns are as tough as your toughest customers.'' In fact, this legislation, my friends, would provide cover to the makers of the weapons that were used at Columbine.

I am dismayed that the Republican majority would not allow this House to consider an amendment that the gentlewoman from California (Ms. LOFGREN) offered, which would have removed the protection from just the gun makers.

This is wrong. We ought to be in the business of encouraging responsibility across the board, including small businesses; but this bill takes us in the wrong direction. It puts consumers, it puts our kids at undue risk by weakening key protections.

Mr. ROGAN. Mr. Chairman, I yield myself the remainder of the time.

I want to thank all of my colleagues who joined in this debate today. I appreciate their comments.

I must say that I deeply regret hearing some of the characterizations of this bill and the way it has been twisted. I have sat here for the last hour listening to the fact that if we give a limitation of liability on punitive damages to small businesses, that people will be killed in the streets and that greedy corporate officers will rake in millions of dollars at the expense of working people; and that just simply is not the case, Mr. Chairman.

When we talk about small business protection, who are these small businesses that we are addressing and that we are trying to demonstrate some protection for in this bill? Mr. Chairman, in our country today, fully 60 percent of every business would be characterized as a small business under the definition of this bill, 24 employees or less, and more than half of those businesses, Mr. Chairman, take in less than $50,000 per year. These are not rich corporate megamerger giant businesses that this bill protects.

The Republican majority is attempting to protect those men and women who are out there trying to create jobs who are risking their capital and are attempting to provide an economic engine for our country. In fact, Mr. Chairman, median business earnings in 1996 were $25,000; about 25 percent of the self-employed earned less than $12,500, and about 25 percent earned more than $50,000. Only 9 percent of small business owners took over $100,000 from their business when these statistics were taken. That is the people that this bill is attempting to protect, those small businessmen and women who are investing their lives and their capital into making this country's economic engine run.

The Congress of the United States has a moral obligation to protect them from frivolous lawsuits so that their livelihood, their families, their homes, and their businesses are not taken by greedy trial lawyers in frivolous lawsuits or worse, be forced to settle a case that has no merit because the gun of punitive damages has been cocked and put to their head and that threat is so great that they cannot afford to defend themselves.

I urge support for this bill.

Mr. Chairman, on behalf of the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, and the gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce, I submit the following exchange of letters:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, February 10, 2000.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR HENRY: Please find enclosed my recent letter to the Speaker agreeing to be discharged from further consideration of the bill, H.R. 2366, the Small Business Liability Reform Act. As you know, the Committee on Commerce's referral was recently extended to February 14, 2000. I am agreeing to have the Committee discharged without taking action on the bill in light of the need to bring this important product liability legislation to the floor in an expeditious manner.

By agreeing to waive its consideration of the bill, the Commerce Committee does not waive its jurisdiction over H.R. 2366 or similar bills. In addition, the Commerce Committee reserves its authority to seek the appointment of an appropriate number of conferees on this bill or similar legislation that may be the subject of a House-Senate conference. I ask for your commitment to support any request by the Commerce Committee for conferees on H.R. 2366 or similar legislation.

I also ask that you include a copy of this letter and your response as part of the Record during consideration of this legislation on the House floor. Thank you for your assistance and cooperation in this matter. I remain,

Sincerely,

TOM BLILEY,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, February 10, 2000.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, the Capitol, Washington, DC.

DEAR MR. SPEAKER: On February 7, 2000, you extended the Committee on Commerce's referral of H.R. 2366, the Small Business Liability Reform Act, for a period ending not later than February 14, 2000. Recognizing the need to bring this important product liability legislation to the floor as soon as possible, I will agree to have the Committee on Commerce discharged from further consideration of H.R. 2366. By agreeing to be discharged, I am not waiving the Committee's jurisdiction over H.R. 2366 or other similar legislation, and I will seek the appointment of an appropriate number of conferees should this legislation be the subject of a House-Senate conference.

Thank you for your assistance and understanding in this matter. I remain.

Sincerely,

TOM BLILEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 11, 2000.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, House of Representatives, Washington, DC.

DEAR TOM: Thank you for your letter regarding your committee's jurisdictional interest in H.R. 2366, the ''Small Business Liability Reform Act of 2000.''

I acknowledge your committee's jurisdiction over title II of this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. As you are well aware, your decision to forgo further action on the bill will not prejudice the Commerce Committee with respect to its jurisdictional prerogatives on this or similar legislation. I will be happy to support your request for conferees on those provisions within the Committee on the Commerce's jurisdiction should they be the subject of a House-Senate conference. I will also include a copy of your letter and this response in the Congressional Record when the legislation is considered by the House.

Thank you again for your cooperation.

Sincerely,

HENRY HYDE,
Chairman.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, February 16, 2000.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In the cost estimate for the Small Business Liability Reform Act of 2000 (H.R. 2366), as ordered reported by the House Committee on the Judiciary on February 1, 2000, the Congressional Budget Office (CBO) stated that an estimate of the bill's impact on the private sector would be provided in a separate statement. CBO has now completed its review of this bill.

CBO finds that H.R. 2366 would impose no new private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995.

If you wish further details on this analysis, we will be pleased to provide them. The CBO staff contact is John Harris (202–226–2949).

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

Mr. POMEROY. Mr. Chairman, I rise in opposition to H.R. 2366, the Small Business Liability Reform Act of 1999. I believe strongly that action must be taken to protect small businesses from the financial burdens imposed by frivolous lawsuits. In trying to address this issue, however, H.R. 2366 would supersede State tort law, including important statutes enacted in my own State of North Dakota. The preemptive provisions in H.R. 2366 would deny States the right to determine tort law free from Federal intrusion and thereby undermine the principle of federalism upon which our form of government rests.

Mr. Chairman, there is little dispute that small businesses in this country deserve protection from frivolous lawsuits and the resulting increase in insurance costs. In North Dakota, small businesses are the cornerstone of our communities and have helped diversify and stimulate our rural economy. Although these businesses are critically important to the future of States like North Dakota, many have been unfairly disadvantaged by costly lawsuits. Unfortunately, small businesses are often compelled to settle these lawsuits even if they would have prevailed in court, simply in order to avoid the costs of litigation. I believe, as do many of my colleagues, that States should reexamine their tort laws to address this problem.

I also believe, however, that H.R. 2366 does not represent the appropriate Federal response to the issue of frivolous lawsuits. Historically, determination of tort law as well as its reform have fallen within the jurisdiction of the States. Over the past 15 years, several States have substantially reformed tort laws to provide manufacturers and retailers greater protection from liability. My own State of North Dakota, for example, has enacted a statute on punitive damages that is more protective of businesses than the punitive damages provision in this bill. H.R. 2366 would interfere with North Dakota's right, and the right of every State, to determine its own tort law. Because they recognize the potential threat H.R. 2366 poses to our system of federalism, I am joined in my opposition to this bill both by the Council on State Governments and the National Conference of State Legislatures.

Mr. Chairman, although I do not support this particular vehicle for tort reform, I remain committed to protecting small businesses from excessive litigation. I also look forward to working with my colleagues on both sides of the aisle on legislative strategies to encourage small business development in all 50 States.

Mr. DINGELL. Mr. Chairman, I rise in opposition to H.R. 2366, the Small Business Liability Reform Act of 2000. This legislation is very poorly drafted and unclear in its terms and application. It does not simply apply to reform of the product liability laws, which I support. Instead, H.R. 2366 exempts what it defines as small businesses from a broad and unspecified range of civil liability.

There are provisions of this legislation which I have supported, such as the product seller protections in title II. However, I am extremely concerned that no one seems to have a clear and full understanding of all the circumstances

in which this bill would limit the rights victims have to be compensated for the fraud and deception they suffer. The proponents of this legislation are asking for our support without identifying all the existing rights victims have that the bill may preempt.

The sponsors have offered amendments they claim fix a lot of the bill's problems, but I am not at all sure they are right, and furthermore I am very sure we have not yet identified all the problems this legislation creates. For example, the Securities and Exchange Commission (SEC) staff say H.R. 2366 would still limit punitive damages that a victim of a securities ''boiler room'' scam could recover in a case he or she brings in State court. The SEC openly admits that it is not capable of taking on total responsibility for making sure the securities market is free of fraud and deception. Instead, the SEC says that private plaintiffs are a vital supplement to the Commission's enforcement program.

Suing for fraud is the only way a securities ''boiler room'' victim can recoup his or her losses, other than commissions paid. With more and more Americans investing in securities every day, do the sponsors of this legislation really want to arbitrarily limit punitive damage awards that senior citizens and others may receive from State courts in cases of fraud perpetrated by securities ''boiler rooms''?

That's definitely not the kind of litigation reform I support, and I seriously doubt if it's what many of my colleagues want, either. The threat of substantial and meaningful liability is a very important tool needed to keep securities fraud at a minimum. If that liability is reduced by this bill to a point that unscrupulous securities dealers are willing to absorb their reduced liability as a cost of doing business, investors, particularly the least sophisticated investors, will be victimized, and they will suffer.

I cannot vote for a bill that so clearly increases, rather than reduces, the chance that innocent investors will be the victims of fraud and deception in the securities market. I would hope that my colleagues would also find that to be a totally unacceptable and dangerous outcome. Nor can I vote for a bill that is so ambiguous and potentially sweeping in its scope. For these reasons, I urge my colleagues to vote ''no'' on H.R. 2366. It is a fundamentally flawed piece of legislation that does not deserve your support.

Mr. SENSENBRENNER. Mr. Chairman, I rise in strong support of H.R. 2366, the Small Business Liability Reform Act of 2000. In my view, the American tort system is a disaster. It resembles a wealth redistribution lottery more than an efficient system designed to compensate those injured by the wrongful acts of others. Our current system raises the prices of goods made in America, forces State and local governments to expend precious resources, and causes unwarranted personal anguish and damages reputations. Companies should be held responsible for truly negligent behavior resulting in actual harm. But a civil justice system that perpetuates the concept of ''joint and several liability'' and has no effective mechanism, such as a loser pays rule, to deter frivolous lawsuits is simply not just. I am pleased that H.R. 2366 takes the first step toward alleviating this problem. H.R. 2366 would eliminate joint and several liability of small business defendants for non-economic damages, such as pain and suffering, but would retain if for economic damages, such as medical expenses. This would partially relieve the situation where a small business defendant is held liable for damages far in excess of its actual responsibility.

I have been a longtime supporter of legislation to set uniform standards for product liability actions brought in State and Federal court. Inconsistencies within and among the States in rules of law governing product liability actions result in differences in State laws that may be inequitable with respect to plaintiffs and defendants, which, in turn, impose burdens on interstate commerce. Establishing uniform legal principles of liability for product seller, lessors, and renters will provide a fair balance among the interest of all parties in the chain of product manufacturing, distribution, and use, reduce costs and delays in product liability actions, and reduce the burdens on interstate commerce.

Mr. Chairman, I urge passage of this long overdue legislation.

Mrs. MINK of Hawaii. Mr. Chairman, I rise today in opposition to H.R. 2366, the Small Business Liability Reform Act of 1999. H.R. 2366 takes away rights of victims to be compensated for injuries they suffer due to the negligence of manufacturers and retailers and in doing so, encourages corporations to evade their responsibility to provide consumers with safe products.

This bill masquerades as an attempt to assist our Nation's small businesses. In reality however, only title I applies to small businesses, title II of the bill, the products liability provisions, applies to all businesses, despite H.R. 2366's title.

H.R. 2366 will cap punitive damages at $250,000 and will eliminate joint and several liability for noneconomic damages like pain and suffering, loss of limb, loss of fertility, permanent disfigurement, and loss of a child. In doing so, this bill attempts to change a multitude of areas of law and does not solely concentrate on pure liability reform. Beyond that, this bill discriminates against women and our Nation's seniors who bear the greatest portion of noneconomic damages.

If H.R. 2366 becomes law, our Nation's consumers will be left with very limited avenues of recourse if they suffer damages. This bill will set damage caps on liability suits at $250,000 for all businesses with fewer than 25 employees regardless of how much revenue the business generates. It will allow product liability suits in three instances only: when there is a failure to exercise reasonable care, when there is a violation of a manufacturer's express warranty, and when there is intentional wrong doing by the company.

By eliminating joint and several liability, this bill makes unknowing and innocent members of the public bear the burden of their damages as small businesses will, under this bill, be considered judgment proof.

It is no surprise that the National Conference of State Legislators are against this bill. First, this bill does not meet its goal of creating uniformity among our Nation's laws because of its unequal treatment of the issue of punitive damages. This bill does not create punitive damages in States where it does not exist, but it does cap punitive damages for the States that already have punitive damage awards.

Second, H.R. 2366 will eliminate the rights of States and cities to sue gun manufacturers as most of them are considered small businesses under the definition of the bill and therefore are exempt from suit. This robs our States of the autonomy of deciding for themselves how to handle suits against gun manufacturers and retailers. Also, H.R. 2366 raises serious federalism problems. This bill totally disregards States from exercising jurisdiction over their own tort laws, an area of law which has historically been reserved for them to exercise their own jurisdiction over. Many States have already set laws which require that higher standards be met before punitive damages can be awarded but no State has limited punitive damages for intentional injury. This bill would require States to do so. H.R. 2366 dictates to the States what recourse their own citizens have in their own State courts when they are injured by manufacturers and retailers. It is curious to note that this bill affects our Nation's State courts but denies our Federal district courts the right to hear cases that would fall under this bill.

I urge my colleagues to vote against this bill and not allow the victims of dangerous products to be robbed of their right to recourse. We need to vote against this bill and help our States decide for themselves how best to protect their own consumers.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to H.R. 2366. This bill would jeopardize the enforcement of the laws which protect our health and our environment, and undermine the responsibility of companies to make product safety a priority.

It is wrong to assume that a company should be less accountable for damage it causes simply because it has fewer employees, or to pretend that a company's smaller size in any way mitigates the extent of the damage it can cause. Think of the far reaching impact of a biotech company that markets a faulty vaccine; a small chemical company that pollutes groundwater; or a small business gun dealer that sold weapons used in a school shooting.

Furthermore, the $250,000 cap on punitive damages is not only an arbitrary slap in the face of the innocent individuals who suffer, it is a dangerous green light for corporate irresponsibility. Placing a quantitative limit on damages turns liability into a cost-benefit business equation where product safety becomes a choice rather than an imperative.

Let me give you a very serious example of how this legislation could interfere with important efforts to deter environmental degradation. In literally thousands of locations throughout California, the fuel additive MTBE is showing up in groundwater.

In my district, for example, the city of Santa Monica has faced the most serious MTBE contamination of any community in the country. Before MTBE contaminated Santa Monica's drinking water, groundwater provided 70 percent of the city's water supply. Now, after the contamination, the city imports more than 80 percent of its drinking water from northern California and the Colorado River. In short, MTBE from leaking underground storage tanks has shut down our drinking water well fields, making the drinking water taste and smell like turpentine.

This is not an isolated problem. It seems each week more MTBE contamination is found in California—as well as in the northeastern States. And in Santa Monica the cleanup could cost as much as $200 million.

Congress should be working to address this serious problem. We should be moving to prevent further contamination and working to aggressively clean up MTBE contamination. However, this legislation takes us in the opposite direction by shielding negligent polluters from punitive damages under State tort claims.

Recently, the TV show ''60 minutes'' documented a small town in California which has been turned into a ghost town due to MTBE contamination from a single gas station. When the city lost their drinking water, the businesses shut down, the residents lost their livelihoods, and the few residents who remain are drinking contaminated drinking water. It makes no sense for Congress to move to protect this gas station owner from State tort claims, in any way, when their leaking underground storage tanks have decimated a small town.

This bill would create a giant loophole for small companies to subvert Federal and State health and environmental laws, and severely weaken their deterrence against faulty business practices. If you want strong deterrence against MTBE contamination of groundwater, oppose this ill-considered legislation.

I also want the record to be clear that the amendment offered by Representatives ROGAN and HUTCHINSON does not address the critical problems with this legislation.

Even with the adoption of their amendment, punitive damages awarded under State tort claims and citizen suits under environmental laws are severely limited.

The Rogan-Hutchinson amendment would allow the $250,000 cap to be exceeded if the defendant acted with specific intent to cause the type of harm for which the action was brought. In the case of MTBE contamination, no business has acted with the intent to contaminate groundwater. However, some businesses may have acted so irresponsibly that we should send a clear signal that we cannot tolerate this behavior. Especially, when the cost is so great on our communities.

With MTBE contamination showing up all over the country, why should we be establishing a safe harbor for polluters?

I urge all members to oppose this bill, regardless of whether or not this amendment passes.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Liability Reform Act of 2000''.

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

Sec. 1. Short title; table of contents.

TITLE I—SMALL BUSINESS LAWSUIT ABUSE PROTECTION

Sec. 101. Findings.
Sec. 102. Definitions.
Sec. 103. Limitation on punitive damages for small businesses.
Sec. 104. Limitation on joint and several liability for noneconomic loss for small businesses.
Sec. 105. Exceptions to limitations on liability.
Sec. 106. Preemption and election of State nonapplicability.

TITLE II—PRODUCT SELLER FAIR TREATMENT

Sec. 201. Findings; purposes.
Sec. 202. Definitions.
Sec. 203. Applicability; preemption.
Sec. 204. Liability rules applicable to product sellers, renters, and lessors.
Sec. 205. Federal cause of action precluded.

TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.

TITLE I—SMALL BUSINESS LAWSUIT ABUSE PROTECTION

SEC. 101. FINDINGS.

Congress finds that—

(1) the defects in the United States civil justice system have a direct and undesirable effect on interstate commerce by decreasing the availability of goods and services in commerce;

(2) there is a need to restore rationality, certainty, and fairness to the legal system;

(3) the spiralling costs of litigation and the magnitude and unpredictability of punitive damage awards and noneconomic damage awards have continued unabated for at least the past 30 years;

(4) the Supreme Court of the United States has recognized that a punitive damage award can be unconstitutional if the award is grossly excessive in relation to the legitimate interest of the government in the punishment and deterrence of unlawful conduct;

(5) just as punitive damage awards can be grossly excessive, so can it be grossly excessive in some circumstances for a party to be held responsible under the doctrine of joint and several liability for damages that party did not cause;

(6) as a result of joint and several liability, entities including small businesses are often brought into litigation despite the fact that their conduct may have little or nothing to do with the accident or transaction giving rise to the lawsuit, and may therefore face increased and unjust costs due to the possibility or result of unfair and disproportionate damage awards;

(7) the costs imposed by the civil justice system on small businesses are particularly acute, since small businesses often lack the resources to bear those costs and to challenge unwarranted lawsuits;

(8) due to high liability costs and unwarranted litigation costs, small businesses face higher costs in purchasing insurance through interstate insurance markets to cover their activities;

(9) liability reform for small businesses will promote the free flow of goods and services, lessen burdens on interstate commerce, and decrease litigiousness; and

(10) legislation to address these concerns is an appropriate exercise of the powers of Congress under clauses 3, 9, and 18 of section 8 of article I of the Constitution of the United States, and the 14th amendment to the Constitution of the United States.

SEC. 102. DEFINITIONS.

In this title:

(1) CRIME OF VIOLENCE.—The term ''crime of violence'' has the same meaning as in section 16 of title 18, United States Code.

(2) DRUG.—The term ''drug'' means any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) that was not legally prescribed for use by the defendant or that was taken by the defendant other than in accordance with the terms of a lawfully issued prescription.

(3) ECONOMIC LOSS.—The term ''economic loss'' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(4) HARM.—The term ''harm'' means any physical injury, illness, disease, or death or damage to property.

(5) HATE CRIME.—The term ''hate crime'' means a crime described in section 1(b) of the Hate Crime Statistics Act (28 U.S.C. 534 note).

(6) INTERNATIONAL TERRORISM.—The term ''international terrorism'' has the same meaning as in section 2331 of title 18, United States Code.

(7) NONECONOMIC LOSS.—The term ''noneconomic loss'' means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), injury to reputation, or any other nonpecuniary loss of any kind or nature.

(8) PERSON.—The term ''person'' means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(9) SMALL BUSINESS.—

(A) IN GENERAL.—The term ''small business'' means any unincorporated business, or any partnership, corporation, association, unit of local government, or organization that has fewer than 25 full-time employees as determined on the date the civil action involving the small business is filed.

(B) CALCULATION OF NUMBER OF EMPLOYEES.—For purposes of subparagraph (A), the number of employees of a subsidiary of a wholly owned corporation includes the employees of—

(i) a parent corporation; and

(ii) any other subsidiary corporation of that parent corporation.

(10) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, commonwealth, territory, or possession.

SEC. 103. LIMITATION ON PUNITIVE DAMAGES FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Except as provided in section 105, in any civil action against a small business, punitive damages may, to the extent permitted by applicable State law, be awarded against the small business only if the claimant establishes by clear and convincing evidence that conduct carried out by that defendant through willful misconduct or with a conscious, flagrant indifference to the rights or safety of others was the proximate cause of the harm that is the subject of the action.

(b) LIMITATION ON AMOUNT.—In any civil action against a small business, punitive damages shall not exceed the lesser of—

(1) 3 times the total amount awarded to the claimant for economic and noneconomic losses; or

(2) $250,000.

SEC. 104. LIMITATION ON JOINT AND SEVERAL LIABILITY FOR NONECONOMIC LOSS FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Except as provided in section 105, in any civil action against a small business, the liability of each defendant that is a small business, or the agent of a small business, for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—In any civil action described in subsection (a)—

(A) each defendant described in that subsection shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable; and

(B) the court shall render a separate judgment against each defendant described in that subsection in an amount determined under subparagraph (A).

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the harm to the claimant, regardless of whether or not the person is a party to the action.

SEC. 105. EXCEPTIONS TO LIMITATIONS ON LIABILITY.

The limitations on liability under sections 103 and 104 do not apply—

(1) to any defendant whose misconduct—

(A) constitutes—

(i) a crime of violence;

(ii) an act of international terrorism; or

(iii) a hate crime;

(B) results in liability for damages relating to the injury to, destruction of, loss of, or loss of use of, natural resources described in—

(i) section 1002(b)(2)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(b)(2)(A)); or

(ii) section 107(a)(4)(C) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)(4)(C));

(C) involves—

(i) a sexual offense, as defined by applicable State law; or

(ii) a violation of a Federal or State civil rights law;

(D) occurred at the time the defendant was under the influence (as determined under applicable State law) of intoxicating alcohol or a drug, and the fact that the defendant was under the influence was the cause of any harm alleged by the plaintiff in the subject action; or

(2) to any cause of action which is brought under the provisions of title 31, United States Code, relating to false claims (31 U.S.C. 3729–3733) or to any other cause of action brought by the United States relating to fraud or false statements.

SEC. 106. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—Subject to subsection (b), this title preempts the laws of any State to the extent that State laws are inconsistent with this title.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title does not apply to any action in a State court against a small business in which all parties are citizens of the State, if the State enacts a statute—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this title does not apply as of a date certain to such actions in the State; and

(3) containing no other provision.

TITLE II—PRODUCT SELLER FAIR TREATMENT

SEC. 201. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) although damage awards in product liability actions may encourage the production of safer products, they may also have a direct effect on interstate commerce and consumers of the United States by increasing the cost of, and decreasing the availability of, products;

(2) some of the rules of law governing product liability actions are inconsistent within and among the States, resulting in differences in State laws that may be inequitable with respect to plaintiffs and defendants and may impose burdens on interstate commerce;

(3) product liability awards may jeopardize the financial well-being of individuals and industries, particularly the small businesses of the United States;

(4) because the product liability laws of a State may have adverse effects on consumers and businesses in many other States, it is appropriate for the Federal Government to enact national, uniform product liability laws that preempt State laws; and

(5) under clause 3 of section 8 of article I of the United States Constitution, it is the constitutional role of the Federal Government to remove barriers to interstate commerce.

(b) PURPOSES.—The purposes of this title, based on the powers of the United States under clause 3 of section 8 of article I of the United States Constitution, are to promote the free flow of goods and services and lessen the burdens on interstate commerce, by—

(1) establishing certain uniform legal principles of product liability that provide a fair balance among the interests of all parties in the chain of production, distribution, and use of products; and

(2) reducing the unacceptable costs and delays in product liability actions caused by excessive litigation that harms both plaintiffs and defendants.

SEC. 202. DEFINITIONS.

In this title:

(1) ALCOHOL PRODUCT.—The term ''alcohol product'' includes any product that contains not less than ½ of 1 percent of alcohol by volume and is intended for human consumption.

(2) CLAIMANT.—The term ''claimant'' means any person who brings an action covered by this title and any person on whose behalf such an action is brought. If such an action is brought through or on behalf of an estate, the term includes the claimant's decedent. If such an action is brought through or on behalf of a minor or incompetent, the term includes the claimant's legal guardian.

(3) COMMERCIAL LOSS.—The term ''commercial loss'' means—

(A) any loss or damage solely to a product itself;

(B) loss relating to a dispute over the value of a product; or

(C) consequential economic loss, the recovery of which is governed by applicable State commercial or contract laws that are similar to the Uniform Commercial Code.

(4) COMPENSATORY DAMAGES.—The term ''compensatory damages'' means damages awarded for economic and noneconomic losses.

(5) DRAM-SHOP.—The term ''dram-shop'' means a drinking establishment where alcoholic beverages are sold to be consumed on the premises.

(6) ECONOMIC LOSS.—The term ''economic loss'' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for that loss is allowed under applicable State law.

(7) HARM.—The term ''harm'' means any physical injury, illness, disease, or death or damage to property caused by a product. The term does not include commercial loss.

(8) MANUFACTURER.—The term ''manufacturer'' means—

(A) any person who—

(i) is engaged in a business to produce, create, make, or construct any product (or component part of a product); and

(ii)(I) designs or formulates the product (or component part of the product); or

(II) has engaged another person to design or formulate the product (or component part of the product);

(B) a product seller, but only with respect to those aspects of a product (or component part of a product) that are created or affected when, before placing the product in the stream of commerce, the product seller—

(i) produces, creates, makes, constructs and designs, or formulates an aspect of the product (or component part of the product) made by another person; or

(ii) has engaged another person to design or formulate an aspect of the product (or component part of the product) made by another person; or

(C) any product seller not described in subparagraph (B) that holds itself out as a manufacturer to the user of the product.

(9) NONECONOMIC LOSS.—The term ''noneconomic loss'' means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), injury to reputation, or any other nonpecuniary loss of any kind or nature.

(10) PERSON.—The term ''person'' means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(11) PRODUCT.—

(A) IN GENERAL.—The term ''product'' means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state that—

(i) is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient;

(ii) is produced for introduction into trade or commerce;

(iii) has intrinsic economic value; and

(iv) is intended for sale or lease to persons for commercial or personal use.

(B) EXCLUSION.—The term ''product'' does not include—

(i) tissue, organs, blood, and blood products used for therapeutic or medical purposes, except to the extent that such tissue, organs, blood, and blood products (or the provision thereof) are subject, under applicable State law, to a standard of liability other than negligence; or

(ii) electricity, water delivered by a utility, natural gas, or steam.

(12) PRODUCT LIABILITY ACTION.—

(A) GENERAL RULE.—Except as provided in subparagraph (B), the term ''product liability action'' means a civil action brought on any theory for a claim for any physical injury, illness, disease, death, or damage to property that is caused by a product.

(B) The following claims are not included in the term ''product liability action'':

(i) NEGLIGENT ENTRUSTMENT.—A claim for negligent entrustment.

(ii) NEGLIGENCE PER SE.—A claim brought under a theory of negligence per se.

(iii) DRAM-SHOP.—A claim brought under a theory of dram-shop or third-party liability arising out of the sale or providing of an alcoholic product to an intoxicated person or minor.

(13) PRODUCT SELLER.—

(A) IN GENERAL.—The term ''product seller'' means a person who in the course of a business conducted for that purpose—

(i) sells, distributes, rents, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce; or

(ii) installs, repairs, refurbishes, reconditions, or maintains the harm-causing aspect of the product.

(B) EXCLUSION.—The term ''product seller'' does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who—

(I) acts in only a financial capacity with respect to the sale of a product; or

(II) leases a product under a lease arrangement in which the lessor does not initially select the leased product and does not during the lease term ordinarily control the daily operations and maintenance of the product.

(14) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, commonwealth, territory, or possession.

SEC. 203. APPLICABILITY; PREEMPTION.

(a) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), this title governs any product liability action brought in any Federal or State court.

(2) ACTIONS FOR COMMERCIAL LOSS.—A civil action brought for commercial loss shall be governed only by applicable State commercial or contract laws that are similar to the Uniform Commercial Code.

(b) RELATIONSHIP TO STATE LAW.—This title supersedes a State law only to the extent that the State law applies to an issue covered by this title. Any issue that is not governed by this title, including any standard of liability applicable to a manufacturer, shall be governed by any applicable Federal or State law.

(c) EFFECT ON OTHER LAW.—Nothing in this title shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any State law;

(2) supersede or alter any Federal law;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede or modify any statutory or common law, including any law providing for an action to abate a nuisance, that authorizes a person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief, for remediation of the environment (as defined in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8))).

SEC. 204. LIABILITY RULES APPLICABLE TO PRODUCT SELLERS, RENTERS, AND LESSORS.

(a) GENERAL RULE.—

(1) IN GENERAL.—In any product liability action covered under this title, a product seller other than a manufacturer shall be liable to a claimant only if the claimant establishes that—

(A)(i) the product that allegedly caused the harm that is the subject of the complaint was sold, rented, or leased by the product seller;

(ii) the product seller failed to exercise reasonable care with respect to the product; and

(iii) the failure to exercise reasonable care was a proximate cause of the harm to the claimant;

(B)(i) the product seller made an express warranty applicable to the product that allegedly caused the harm that is the subject of the complaint, independent of any express warranty made by a manufacturer as to the same product;

(ii) the product failed to conform to the warranty; and

(iii) the failure of the product to conform to the warranty caused the harm to the claimant; or

(C)(i) the product seller engaged in intentional wrongdoing, as determined under applicable State law; and

(ii) the intentional wrongdoing caused the harm that is the subject of the complaint.

(2) REASONABLE OPPORTUNITY FOR INSPECTION.—For purposes of paragraph (1)(A)(ii), a product seller shall not be considered to have failed to exercise reasonable care with respect to a product based upon an alleged failure to inspect the product, if—

(A) the failure occurred because there was no reasonable opportunity to inspect the product; or

(B) the inspection, in the exercise of reasonable care, would not have revealed the aspect of the product that allegedly caused the claimant's harm.

(b) SPECIAL RULE.—

(1) IN GENERAL.—A product seller shall be deemed to be liable as a manufacturer of a product for harm caused by the product, if—

(A) the manufacturer is not subject to service of process under the laws of any State in which the action may be brought; or

(B) the court determines that the claimant is or would be unable to enforce a judgment against the manufacturer.

(2) STATUTE OF LIMITATIONS.—For purposes of this subsection only, the statute of limitations applicable to claims asserting liability of a product seller as a manufacturer shall be tolled from the date of the filing of a complaint against the manufacturer to the date that judgment is entered against the manufacturer.

(c) RENTED OR LEASED PRODUCTS.—

(1) DEFINITION.—For purposes of paragraph (2), and for determining the applicability of this title to any person subject to that paragraph, the term ''product liability action'' means a civil action brought on any theory for harm caused by a product or product use.

(2) LIABILITY.—Notwithstanding any other provision of law, any person engaged in the business of renting or leasing a product (other than a person excluded from the definition of product seller under section 202(13)(B)) shall be subject to liability in a product liability action under subsection (a), but any person engaged in the business of renting or leasing a product shall not be liable to a claimant for the tortious act of another solely by reason of ownership of that product.

SEC. 205. FEDERAL CAUSE OF ACTION PRECLUDED.

The district courts of the United States shall not have jurisdiction under this title based on section 1331 or 1337 of title 28, United States Code.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

This Act shall take effect with respect to any civil action commenced after the date of enactment of this Act without regard to whether the harm that is the subject of the action occurred before such date.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order, except those printed in House Report 106–498. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is in order to consider Amendment No. 1 printed in House Report 106–498.

AMENDMENT NO. 1 OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HUTCHINSON:

Page 7, strike line 13 through line 6 on page 8 and insert the following:

SEC. 103. LIMITATION ON PUNITIVE DAMAGES FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Except as provided in section 105, in any civil action against a small business, punitive damages may, to the extent permitted by applicable Federal or State law, be awarded against the small business only if the claimant establishes by clear and convincing evidence that conduct carried out by that defendant with a conscious, flagrant indifference to the rights or safety of others was the proximate cause of the harm that is the subject of the action.

(b) LIMITATION ON AMOUNT.—In any civil action against a small business, punitive damages awarded against a small business shall not exceed the lesser of—

(1) 3 times the total amount awarded to the claimant for economic and noneconomic losses, or

(2) $250,000,

except that the court may make this subsection inapplicable if the court finds that the plaintiff established by clear and convincing evidence that the defendant acted with specific intent to cause the type of harm for which the action was brought.

(c) APPLICATION BY THE COURT.—The limitation prescribed by this section shall be applied by the court and shall not be disclosed to the jury.

The CHAIRMAN. Pursuant to House Resolution 423, the gentleman from Arkansas (Mr. HUTCHINSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to rise in support of this carefully drafted and well-balanced legislation. I do believe that balanced tort reform can be achieved, and this bill takes us in the right direction to do that. I want to thank the gentleman from California (Mr. ROGAN) again for his work and leadership on this.

With the language that we have developed in this amendment, I am now able to lend my enthusiastic support to the legislation.

Small businesses across the country operate in fear of being named as a defendant in a liability case. Though they may be found minimally responsible in the case, the weight of the legal expenses can crush a small enterprise. According to a Gallup survey, one out of every five small businesses do not hire more employees, expand their business, improve their existing products, or introduce new products out of fear of litigation. This legislation addresses the situation by reforming joint and several liability, which ensures that defendants are held liable only for the portion of the harm that they cause. It limits punitive damages in routine cases and establishes uniform liability standards.

Over the last several weeks, after the Committee on the Judiciary passed this bill out, the gentleman from California and I have worked on language that I was very concerned about which would provide an override for the cap on punitive damages. As originally

drafted, the bill capped punitive damages awards at $250,000, or three times the total compensatory award, whichever is less, with no provision for departure in cases of extreme misconduct. I was specifically concerned that the bill did not include a judicial override provision allowing judges to respond to the most egregious cases, and some of the Members have raised this issue even in the debate today.

The amendment that I offer today provides an opportunity for judges to exceed the punitive damages cap if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to cause the type of harm for which the action was brought. I think we can all agree that intentional behavior demonstrates such a callousness on the part of a defendant that merits application of the full punitive damage award as approved by the jury. This concept of a judicial override has manifested itself previously, but I believe that this language is even better than what has been offered before. The provision is carefully crafted to achieve a balance that provides full punitives in the most egregious cases, while not creating a loophole that undermines the concept of a cap.

There have been a number of discussions as to exactly what a plaintiff has to prove under this language. Let me first say what the plaintiff does not have to prove. The plaintiff will not have to prove that the defendant intended to harm that particular plaintiff or that the defendant intended to cause the harm that occurred. In other words, the plaintiff can prove by clear and convincing evidence that the defendant intended to cause harm to people. He or she does not have to prove that the defendant set out to harm the person specifically.

In addition, if a plaintiff can prove that the defendant intended to cause physical injury, illness, disease, death or property damage, he or she does not have to prove that the defendant meant to cause a specific injury such as a broken leg, dislocated back, or a particular strain of disease. Proving that a defendant intentionally set out to harm others, regardless of who was ultimately hurt or what particular harm resulted, is sufficient to activate this judicial override provision.

So I would like to note for my colleagues that in the 104th Congress, the President vetoed comprehensive tort reform legislation because he was concerned that there was not an adequate judicial override. This addresses his concern. I believe it will lead to the President's signature hopefully on this bill.

There were a number of other technical corrections that were made, including clarifying that the limitation on punitive damages applies only to punitive damages against small businesses. This is very important. The original bill was not clear as to how multidefendant cases where some defendants who did not qualify as a small business would be treated under the bill. This change makes it clear that only small business defendants will enjoy the provisions of this legislation.

So I believe it is a good amendment; it improves the bill. I appreciate my friend and colleague working with me to come up with this language, and I would ask my colleagues to support it.

□ 1245

Mr. ROGAN. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I am happy to yield to the gentleman from California.

Mr. ROGAN. Mr. Chairman, first I want to congratulate and commend my colleague, the gentleman from Arkansas, for his exceptional work on this. We spent many long and arduous hours during the committee, both in committee and after hours, trying to perfect this amendment.

I believe that through this amendment we are increasing the scope of fairness to a fundamentally important area. Once again, I want to thank my colleague for his sensitivity, his hard work and his commitment. I enthusiastically support this amendment.

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) seek to control the time in opposition?

Mr. CONYERS. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend our distinguished colleague, the gentleman from Arkansas (Mr. HUTCHINSON), for his effort. If he thinks that the president is not going to continue his veto over this legislation because of this amendment, then I am afraid he has another thought coming, because this is too little and too late. This amendment falls well short and offers far too much protection for drug dealers, polluters, copyright infringers, and other types of misconduct.

I am going to explain how and why that is. First of all, the carve-out is purely discretionary with the court. The court does not have to do this, I say to the gentleman from California (Mr. ROGAN), it is up to them, so the damage cap may apply or the damage cap may not apply. A judge that may be considered pro-defendant in legal circles would have total discretion to render the Rogan-Hutchinson amendment to be a nullity.

Second, the amendment fails to safeguard the wide variety of civil statutes on the books which authorize punitive damages and which are based on far less stringent evidentiary requirements than set forth in the amendment. State laws frequently permit award of punitive damages against businesses based on more lenient evidence standards.

So in some areas we may be of marginal help, but in other areas we are not helping at all. For example, in Illinois, the Drug Dealer Liability Act authorizes punitive damages against corporations participating in illegal drug markets, which would be overturned by the legislation. Florida has an environmental liability law which provides for treble damages in private actions against unlawful pollution or discharge, which would also be overturned by this bill.

The last thing we would want to be doing is creating further legal obstruction to bring drug dealers and corporate polluters to justice. I do not think that this is intentionally set about as an objective, but still, this is the result. It is another example of intent to do well versus the results of what happens when this measure is put into practice.

The copyright law, let us look at this. Plaintiffs are entitled to receive up to $150,000 in penalties where the defendant acted willfully, which is a much lower standard than is put forth in the Hutchinson amendment. The standard for Hutchinson is ''specific intent,'' so the gentleman is making it harder to get those people that may be acting in violation of copyright law.

This is a current major issue in litigation over the I Crave TV web site, a foreign firm which is accused of stealing copyrighted television signals and airing them on the Internet. Unfortunately, the legislation continues to severely minimize liability for copyright theft and harm of all our Nation's intellectual property owners.

Finally, even in the ordinary tort context there are numerous examples of misconduct which should be subject to punitive damages, but which will never meet the ''specific intent'' standard set forth in the amendment. Example: What about the trucking companies? Three hundred thousand trucking companies, most of which have less than 25 employees, would be shielded for punitive damages for flagrant highway accidents, even if they violate State regulations and injure or kill drivers or passengers. This is of particular concern to all of us who are concerned about highway safety.

So I sympathize, I say to the gentleman from Arkansas, with what the gentleman is trying to do with the amendment, but it falls short. It does not go far enough. It will not protect us from a presidential veto, which has happened before in this kind of case, and it is not the kind of thing that we would want to have happen in terms of giving protection to drug dealers, polluters, copyright infringers, and other types of misconduct.

The CHAIRMAN. All time has expired on the amendment.

The question is on the amendment offered by the gentleman from Arkansas (Mr. HUTCHINSON).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 106–498.

AMENDMENT NO. 2 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MORAN of Virginia:

Page 6, insert after line 15 the following:

(9) PUNITIVE DAMAGES.—The term ''punitive damages'' means damages awarded against any person or entity to punish or deter such person, entity, or others from engaging in similar behavior in the future. Such term does not include any civil penalties, fines, or treble damages that are assessed or enforced by an agency of State or Federal government pursuant to a State or Federal statute.

The CHAIRMAN. Pursuant to House Resolution 423, the gentleman from Virginia (Mr. MORAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 2366 in my mind is a focused, tightly-crafted bill that will reduce unnecessary litigation and legal costs. It is careful not to overreach, and as such, gives us the opportunity to respond on a bipartisan basis to the concerns we have been hearing year after year from smaller employers about our civil justice system.

For the smallest of the Nation's businesses, those with less than 25 employees, Title I will abolish joint liability for noneconomic damages and to limit punitive damages. States may elect to opt out and instead apply their own joint liability and punitive damages rules in cases brought in State court when the parties are all citizens of the same State.

Further, these provisions do not apply to civil cases that may arise from certain violations of criminal law or egregious misconduct.

Today our smallest enterprises operate in fear that they will be named as a defendant in a lawsuit, be found minimally responsible for the claimant's harm, but be maximally crushed under the weight of all the damages as a result of the application of joint or deep pockets liability. Most States have recognized the inequity of the unfettered application of joint liability and have acted to abolish or restrain it in some way.

The Small Business Liability Reform Act adopts a fair, balanced approach by limiting the noneconomic damages exposure of a small business defendant to its own proportionate share. Similarly, the owners and employees of a very small commercial enterprise know their business could be destroyed by the legal costs associated with simply defending against a civil action in a jurisdiction where punitive damages are unrestrained.

Rather than face that prospect, small business defendants are coerced into inflated settlements of marginal, sometimes even meritless, lawsuits.

Title II holds non-manufacturer product sellers, lessors, and renters liable for their own negligence and intentional wrongdoing, but it only holds them responsible for the supplier manufacturer's liability when that manufacturer is judgment-proof.

This policy has been a noncontroversial part of Federal product liability legislation since the Carter administration published the model Uniform Product Liability Act 21 years ago.

Most recently, the product seller liability standard in title II was included in the 1998 product liability compromise that President Clinton had agreed to sign. This provision will reduce the exposure of retailers and distributors to meritless product liability claims and unnecessary costs, while meticulously preserving the ability of injured persons to recover their full damages.

Mr. Chairman, this modest but meaningful legislation will improve the administration of civil justice in the United States, and I urge my colleagues to support it.

The amendment that I am offering today addresses the legitimate concerns raised by the White House in their statement of administration policy. The administration is concerned that without a specific definition of punitive damages, provisions of the bill may be read to cap the government's ability to impose civil penalties, civil fines, or treble damages, all of which are punitive in purpose.

This amendment would define ''punitive damages'' in the bill as damages awarded against any person or entity to punish or deter such person, entity, or others from engaging in similar behavior in the future. That is the purpose of punitive damages.

The amendment also makes clear that punitive damages, as defined in the bill, will not include any civil penalties, fines, or treble damages that are assessed or enforced by an agency of State or Federal Government pursuant to a State or Federal statute.

I can tell the Members, as an original cosponsor of the underlying legislation, none of the sponsors of this legislation intended for the bill to include such actions. I do applaud the administration for suggesting the clarifying language in this amendment.

Mr. ROGAN. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from California.

Mr. ROGAN. Mr. Chairman, I thank the gentleman for yielding to me. I simply want to commend the gentleman, both for his amendment, which I think makes a good bill much better, and secondly, from the bottom of my heart I thank the gentleman for not just his leadership on this bill, but for the pleasure of working with him on it. I am proud to have had him as an original cosponsor.

Once again, I thank the gentleman for the impending success of a good piece of legislation.

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman very much for his remarks, and I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from Michigan (Mr. CONYERS) seek to control time in opposition?

Mr. CONYERS. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

I want to start off, Mr. Chairman, by letting everyone know how much I think of the gentleman from Virginia (Mr. MORAN). He is a good friend of mine.

I suppose, in the final analysis, he has added a marginal benefit to the bill. What he has done is say that the government, that is, the Federal system and the States, should not be caught by the strictures of this bill, and we should allow them to move forward and be able to bring lawsuits in some range not encumbered by the limitations that we are placing on everybody else.

In other words, a citizen or private environmental groups are not affected by the Moran Amendment. The governments are going to be given an exclusion, Federal and State, but not individual citizens and environmental suits.

That is what we are trying to do in the environmental sector of improving our society. We are trying to encourage citizens and environmental organizations which are not within the purview of this bill.

For example, the bill would continue to wipe out incentives for private citizens to enforce environmental laws by bringing private and whistleblower acts under the Clean Water Act. They would be caught by this bill, even with the Moran Amendment. That is why my praise for the gentleman from Virginia is so limited this afternoon. I really hate to go through this long list of things that are not accomplished by the Moran Amendment.

Yet, it is a modest improvement, but it does not help anybody bringing a whistleblower action. It will not help any citizen suing under the Clean Water Act, the Solid Waste Disposal Act, the Clean Air Act, the Superfund, the Safe Drinking Water Act, the Toxic Substance Control Act, the Lead-Based Paint Hazard Reduction Act. Those and other cases brought by citizens or environmental organizations, these people will wave the Moran Amendment to their dismay when they find out that it only applies to State and local governments.

Another problem with the amendment is that it fails to deal with the problems of the bill's overturning a wide variety of joint and several liability standards designed to deter misconduct. Now, in this area, the bill does not do anything for anybody. At least the gentleman is treating the citizens and the government fairly.

This is a particular problem in the context, again, of environmental claims, which are frequently brought by State and Federal governments, as well as private individuals. There are numerous Federal environmental statutes which provide for joint and several liability for noneconomic damages by perpetrators, and are not carved out from the bill's protection.

□ 1300

These include the Clean Water Act, the National Marine Sanctuaries Act, the Park System Resource Protection Act, and other measures that would be overturned by this legislation with the Moran amendment.

I cannot vote for an amendment that continues to protect corporations from oil spills which destroy natural sanctuaries and which damage our natural parks.

So what can I say? The only way to truly fix this problem is to limit the bill's provisions to product liability cases as an amendment offered by myself and another gentleman from Virginia (Mr. SCOTT), which our amendment would do.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I would say to the distinguished gentleman from Michigan (Mr. CONYERS), an ardent leader of the full committee, that the purpose of the amendment was to address what was in the statement of administration policy, and I think the amendment does that.

In terms of private rights of action, I suspect that may be addressed in conference and in the Senate as well, but I can understand the gentleman's concerns. I just do not necessarily share them as strongly as the gentleman does.

Mr. CONYERS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 106–498.

AMENDMENT NO. 3 OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer amendment No. 3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. WATT of North Carolina:

Page 24, line 11, strike ''or 1337''.

The CHAIRMAN. Pursuant to House Resolution 423, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment deals solely with title II, the products liability part of the bill, a part of the bill which I would point out to my colleagues has no limitation to small businesses and is a complete usurpation of State law on products liability. It preempts all State law in this area to the extent that State laws are inconsistent with title II.

I would point out to my colleagues that this is absolutely contrary to everything that my Republican colleagues say that they stand for. They tell us day after day after day that they believe in States' rights; they believe in moving government closer to the people, sending it back to the local level. This runs absolutely counter to that stated proposition. They have had to go out of their way to justify doing it, and I want to read specifically how they have done it.

They have said products liability cases fall under the commerce clause of the United States. This is what they say in the findings leading into title II. ''Although damage awards in product liability actions may encourage the production of safer products, they may also have a direct effect on interstate commerce.''

They go on to say, ''Some of the rules of law governing product liability actions are inconsistent within and among the States, resulting in differences in State laws that may be inequitable with respect to plaintiffs and defendants and may impose burdens on interstate commerce.''

They go on to say, ''Under clause 3 of Section 8 of article I of the United States Constitution, it is the constitutional role of the Federal Government to remove barriers to interstate commerce.''

These are their findings, and in the purpose of this section, this is what they say and I am quoting, ''The purposes of this title, based on the powers of the United States under clause 3 of Section 8 of article I of the United States Constitution, are to promote the free flow of goods and services and lessen the burdens on interstate commerce.''

They have tried to take over this area of the law because they say there is a compelling Federal Government interest under the interstate commerce clause, but, Mr. Chairman, beware because then we get to the end of the bill. What do they say at the end of the bill? Despite this compelling Federal interest, they then say, ''The district courts of the United States,'' the Federal courts, ''shall not,'' shall not, shall not, Mr. Chairman, ''have jurisdiction under'' the commerce clause of the Constitution.

So Big Brother is saying to the States, we know how to say what the law ought to be in this area, but Big Brother is also saying to the States and to the individual people, despite the compelling Federal interest that we have at the Federal level, we are not going to give access to the Federal courts to litigate these cases.

Is there not something sinister and outrageous and unfair about that?

All my amendment would do is say to them, if there is a compelling Federal reason for doing this, and I do not believe there is, but if there is, as they say there is, at least we ought to allow the citizens of our country to come to the Federal court to talk about and litigate about this supposed Federal remedy that we are giving to them under the statute.

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

Mr. ROGAN. Mr. Chairman, would the gentleman yield for 15 seconds?

The CHAIRMAN. The gentleman from North Carolina reserves the balance of his time.

Does the gentleman from California seek to control the time in opposition?

Mr. ROGAN. No, Mr. Chairman. I am in support of the amendment.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am delighted and I want to express my absolute delight that despite the fact that they have fought this amendment all the way through the committee process, they have finally come to the light that if there is a Federal right here involved, there ought to at least be access to the Federal courts and I express my appreciation to the gentleman from California (Mr. ROGAN).

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 106–498.

AMENDMENT NO. 4 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offered amendment No. 4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. CONYERS:

Page 6, line 23, insert before the period the following: ''and had revenues in each of the last 2 years of $5,000,000 or less''.

Page 19, line 10, strike ''(14)'' and insert ''(15)'' and after line 9 insert the following:

(14) SMALL BUSINESS.—

(A) IN GENERAL.—The term ''small business'' means any unincorporated business, or any partnership, corporation, association, unit of local government, or organization that has fewer than 25 full-time employees as determined on the date the civil action involving the small business is filed and had revenues in each of the last 2 years of $5,000,000 or less.

(B) CALCULATION OF NUMBER OF EMPLOYEES.—For purposes of subparagraph (A), the number of employees of a subsidiary of a wholly owned corporation includes the employees of—

(i) a parent corporation; and

(ii) any other subsidiary corporation of that parent corporation.

(Title II Applicable to Small Business)

Page 21, line 12, insert after ''title'' the following: ''brought against a small business''.

(Definition of Product and Product Liability Action)

Page 6, beginning in line 16 redesignate paragraphs (9) and (10) as paragraphs (11) and (12), respectively, and add after line 15 the following:

(9) PRODUCT.—

(A) IN GENERAL.—The term ''product'' means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state that—

(i) is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient;

(ii) is produced for introduction into trade or commerce;

(iii) has intrinsic economic value; and

(iv) is intended for sale or lease to persons for commercial or personal use.

(B) EXCLUSION.—The term ''product'' does not include—

(i) tissue, organs, blood, and blood products used for therapeutic or medical purposes, except to the extent that such tissue, organs, blood, and blood products (or the provision thereof) are subject, under applicable State law, to a standard of liability other than negligence; or

(ii) electricity, water delivered by a utility, natural gas, or steam.

(10) PRODUCT LIABILITY ACTION.—

(A) GENERAL RULE.—Except as provided in subparagraph (B), the term ''product liability action'' means a civil action brought on any theory for a claim for any physical injury, illness, disease, death, or damage to property that is caused by a product.

(B) The following claims are not included in the term ''product liability action'':

(i) NEGLIGENT ENTRUSTMENT.—A claim for negligent entrustment.

(ii) NEGLIGENCE PER SE.—A claim brought under a theory of negligence per se.

(iii) DRAM-SHOP.—A claim brought under a theory of dram-shop or third-party liability arising out of the sale or providing of an alcoholic product to an intoxicated person or minor.

(Making Title I Applicable to only Product Liability Actions)

Page 6, line 22 and page 8, lines 1, 11, and 16, strike ''civil action'' and insert ''product liability action''.

(Definition of Hate Crime)

Page 5, strike lines 23 through 25 and insert the following:

(5) HATE CRIME.—The term ''hate crime'' means a crime in which the defendant intentionally selects a victim, or in the case of property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of the victim or owner of the property.

(Making Section 103 Applicable to Punitive Damages Irrespective of State Law)

Page 7, beginning in line 17, strike '', to the extent permitted by applicable State law,''.

(Allowing State to Elect Nonapplicability by Enacting a Referendum or Initiative)

Page 11, line 9, after ''a statute'' insert '', an initiative, or referendum'', add ''and'' at the end of line 10, in line 13, strike ''; and'' and insert a period, and strike line 14

Page 21, insert after line 7 the following:

(d) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title does not apply to any action in a State court against a small business in which all parties are citizens of the State, if the State enacts a statute, an initiative, or referendum—

(1) citing the authority of this subsection; and

(2) declaring the election of such State that this title does not apply as of a date certain to such actions in the State.

The CHAIRMAN. Pursuant to House Resolution 423, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT), my cosponsor.

Mr. SCOTT. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time.

Mr. Chairman, I rise to speak in support of the Conyers-Scott amendment which will simply conform the bill to its title and provide some truth in advertising and legislation. Despite its name, the truth about the Small Business Liability Reform Act is that it will reward all businesses, big and small, with broad and sweeping legal protections when they cause personal or financial harm, even intentionally due to defective products.

For those parts of the bill which actually pertain to small businesses, the definition of small business in this bill contains no qualifiers pertaining to annual revenues, so even a billion dollar corporation, with relatively few employees, can still qualify for special protection as a small business.

Furthermore, while this bill purports to constitute liability reform, the language is overbroad and covers contract law and other areas of the law not properly considered by the committee. So this amendment will first define a small business as one with fewer than 25 employees, as it has in the bill, but also one with under $5 million in annual revenues.

Without this amendment, a company with less than 25 employees with revenues in the billions, an Internet corporation, for example, or a brokerage firm, could still be designated as a small business; and they could rip off millions of people for billions of dollars and still get protection under this bill.

Second, this amendment would truly limit the bill to suits against small businesses. As it presently exists, the second part of the bill is a general products liability bill which notwithstanding the title of the bill applies to all businesses, large and small.

Third, this bill would limit the scope of part one of the bill to product liability rather than civil action as the bill does. So the bill protects wrongdoers involving contract law, antitrust law, trademark protection and everything else. The scope of this title is unreasonably broad and expansive and should be narrowed to conform to the title Small Business Liability Reform Act.

Fourth, this amendment would create consistency and uniformity in that all States would be required to provide for punitive damages under limited conditions set forth in the bill. As presently written, the bill unfairly disadvantages consumers, as it preempts any State law more favorable to consumers while leaving intact State laws more favorable to businesses in the area of punitive damages.

Fifth, the bill allows an opt-out by States by statute. This amendment would allow the State to opt out by initiative and referendum for those States which also allow initiative and referendum in enacting laws.

Sixth, this amendment expands the hate crime exclusion to include victims of gender discrimination. A hate crime based on gender discrimination is just as despicable as one based on race, religion, or national origin; and it should, therefore, be included in a definition of a hate crime and not protected by this bill.

In closing, this bill sets some dangerous precedents as also it is dangerous to public health and safety. I strongly urge my colleagues to vote yes on this amendment which seeks to both conform the bill to its title, as well as provide a remedy for some of the most egregious aspects of the legislation.

Mr. ROGAN. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, this amendment would use the word ''revenue'' to define a small business rather than the current definition of 24 or fewer employees. Under the gentleman's suggested change, a small business would have to have revenues in each of the prior 2 years of $5 million or less.

First, we know, Mr. Chairman, from what has been presented here today, that the bulk of small businesses do not make $5 million. The amendment is not sufficiently defined. For instance, is it proposing to use gross revenues or net?

The simple statement that revenues should be used is not sufficient. Net revenue is more difficult to determine than the number of full-time employees. Full-time employees is a more constant measure of a small business. Revenue is more volatile year to year, whereas the number of full-time employees can easily be determined by looking at a company's W–2 form.

Using gross revenues instead of the number of employees offers a very narrow view of small business. A small business' gross revenue can change dramatically over a period of time.

I remind my colleagues that the Y2K Act approved by Congress and signed into law last year by the President capped punitive damages and defined a small business as fewer than 50 full-time employees, with no revenue limits.

The standard in the underlying bill before this Chamber today, that is under 25 employees, ensures that only the smallest of America's small businesses will be covered.

Further, litigation could end up focusing upon the sole issue of the period of gross revenue in question.

Finally, defining a small business by any revenue sends a disturbing policy message that discourages owners and employees from achieving greater revenues.

□ 1315

Next, the amendment would substantially abbreviate the effect of Title I by limiting the applicability of its provisions to non-manufacturing product sellers that are also small businesses as defined by Title I.

This amendment would further complicate product liability law. Because product liability affects interstate commerce, the rules of the road governing the liability of product sellers for compensatory damages to claimants due to harms caused by defective products should be a uniform Federal standard applicable to all product sellers.

Defeating this amendment and enacting Title II as presented in the underlying bill will reduce unnecessary lawsuits against blameless product sellers and reduce the wasteful legal and litigation-related costs that go hand in hand with them. Neither the content nor the effect of Title II is business-size sensitive.

Because the practical effect of Title I will be to focus litigation on the parties alleged to have been truly responsible for causing the claimant's harm rather than to change outcomes, neither claimant nor consumers have anything whatsoever to gain by limiting the scope of Title II to product sellers which are small businesses.

Next, the gentleman seeks to apply limitations on punitive damages to only product liability actions and not civil actions against a small business.

The fear of having to settle a frivolous lawsuit is not just limited to product liability cases but to all civil actions. Many business owners are forced to settle out of court for significant awards due to the fear of unlimited punitive damages and civil actions even if the claim is unwarranted.

Testimony submitted by Mr. David Harker before the House Committee on the Judiciary last year confirmed his frivolous suit was not over a product but over damages incurred to property. There are legions of other examples of such frivolous suits in the record of the committee.

H.R. 2366 does not cap compensatory damages, that is economic and noneconomic damages, for civil actions. Although compensatory damages in civil actions may be covered by liability insurance, punitive damages frequently are not covered and defendants must cover those out of pocket.

Next, this amendment would create punitive damage awards in those States that do not recognize punitive damages. Under the current bill, punitive damages are only available if the State already has them. The intent of the legislation is to reduce frivolous litigation and legal costs. This amendment would significantly expand the number of States in which punitive damages are available and the potential for more widespread abuse.

The punitive damage cap in the underlying bill is consistent with the Y2K act that was, again, signed into law by the President last year.

Another section of this amendment would undermine the intent of Title II to create a uniform standard of liability for all non-manufacturing product sellers in product liability cases.

Section 204, subsections (a) and (b), establish a uniform standard of liability for all non-manufacturing product sellers in product liability cases. A seller would be liable to the claimant for harm caused by a defective product when the harm is caused by the seller's own negligence, breach of an express warranty, or a seller's intentional wrongdoing.

Under Title II, product sellers who injure consumers due to their failure to exercise reasonable care are liable. The failure to recognize reasonable care is neither driven nor affected in any way by the size of a business.

Under Title II, if a claimant's injury was caused by a breach of the product seller's own express warranty, the seller is liable. Breaches of express warranties are neither caused nor in any way affected by the mere size of a business.

Under Title II, product sellers are liable and will pay if the manufacturer is not subject to service of legal process or if the court determines that the claimant would not be able to enforce the judgment against a liable manufacturer. The relevant status of a culpable manufacturer is not in any way dependent upon the size of the product seller.

The standard of product seller liability has nothing whatsoever to do with business size, and the two should not be linked to this bill.

It is for those reasons, Mr. Chairman, that I urge a no vote on this amendment.

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

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would point out a couple of items here made in the statement of the author of this bill against the amendment that I think we might want to review more carefully.

First, the most commonsense response to whether this is a small business bill or not would be to put some limit on the revenues in each of the last 2 years of less than $5 million each year. That would solve all of the discussion about whether or not this is a bill in which a lot of large businesses in terms of their annual revenue are crowding under the umbrella of mom-and-pop stores.

Here is an example of a wonderful intent demonstrated by the gentleman from California (Mr. ROGAN) with no conception of the effect of what he is doing here. This would allow businesses with hundreds of millions of dollars of annual revenue to come under the umbrella.

We do not want that, I say to the gentleman from California (Mr. ROGAN), let me help. Let me help by amending his definition of ''small business'' not just to 25 employers or less. He knows that the high-tech industries have people working in lofts in their own homes with only a few other people that are commanding much more than millions of dollars' worth of revenue every year.

Why does my colleague not accept the limitation of small business, if that is what he is really concerned about, to those businesses that have revenues of less than $5 million a year?

Most mom-and-pops do not come anywhere near $5 million a year. Most mom-and-pops are happy to get $100,000 or $200,000 or $300,000 worth of business a year. The gentleman told me himself, and I know it already. But why not a $5 million, $4 million, $6 million limitation? Those cannot be called mom-and-pop businesses.

I think it is because the gentleman knows the effect of that unusual distorted definition that he is going to let in trucking companies, big businesses, people who certainly do not fit into the mom-and-pop category.

Now, the gentleman says that this bill of his tracks the Y2K bill in terms of limiting punitive damages. Sorry. The Y2K bill limits punitive damages to the greater of three times compensatory damages. His bill limits the damages to the lesser of three times the compensatory damages, or $250,000, whichever is less.

I know the gentleman from California (Mr. ROGAN) just inadvertently thought that he was moving along the lines that the other bill supported by the administration was doing.

So the argument that I present here in terms of the amendment that I and the gentleman from Virginia (Mr. SCOTT) offer is about truth in labeling. We are not limited to small businesses. There is no reason this Congress should shield from liability large businesses, and our amendment fixes it by a $5 million revenue limitation, rather high.

In addition, Title II of the bill limits the liability of product sellers and contains no size limitation at all, whether based on employees or revenues. This means that Wal-Mart, Hertz Rent-A-Car, and other huge corporations could achieve multi-million-dollar windfalls, not to mention all the reckless gun sellers that have been referenced earlier whose carelessness and extended negligence lead to thousands of deaths or injury.

Now, I am afraid that that, I say to the author of the bill, cannot be considered a harmless error or a mistake. I think that that is what he meant it to do. That is what the effect is, and that is the result that will occur if this measure is passed in the form, even with all the amendments that have been added to it so far today.

Now, there is a misperception about the measure that this is somehow limited to product liability. It is not. Title 1 is truly breathtaking in its scope to any civil action, to any civil action, whether it relates to a contract claim, a copyright claim, environmental claim, a securities claim, civil RICO, a bankruptcy action, even a reckless driving claim or a malpractice claim.

Now, I think this is changing the direction that we are going in in this legislation when we incorporate something of this magnitude in this bill. Why do we not limit it to product liability, as the discussion began, rather than protecting businesses against frivolous product liability suits. They have now taken the huge step forward to say that they would serve to protect businesses involved in criminal misconduct, foreign companies stealing U.S. copyrights, as well as careless corporate polluters.

I do not buy that wide provision of insulating liability under the rubric of protecting small businesses in product liabilities cases. They have gone a bit too far this time. They have gone too far.

And so, I am well aware that the body has tried to deal with the Rogan and Moran amendments to improve the situation, but the problems still remain. We are still protecting gun manufacturers, drug dealers, and polluters.

Our amendment responds to this. This is the most important amendment that my colleagues may ever see on this bill. And I am stunned that, in their generous conduct on the floor today, they have accepted or supported every amendment but this one, the one that might take care of the problems and make it reasonable in the eyes of many people and organizations and the administration, as well.

We are trying only to clarify the misleading provisions of the bill. My colleagues purport to have a hate crimes carve-out. But did they accidentally leave out gender-based hate crimes or did they deliberately leave out gender-based hate crimes? Nobody knows. But let us put it in. They are not, apparently, willing to do that.

They want to claim that they are two-way preemptive, but they only preempt State laws in which punitive damages are more favorable to the victims. The bill appears to allow State opt-outs but limits it to legislative statutes.

Might I ask why a referendum might not be acceptable and that they require just to pass through the House, as well? There are other ways for citizens to indicate their support. What about a referendum?

Our amendment fixes these problems, providing for a real hate crimes carve-out, providing for a real two-way preemption, providing for a hate crimes provision that includes gender.

And so, if we are going to vote on a bill to protect small businesses, we ought to be clear and honest enough to limit the bill to actual small businesses. And so, for that reason, I hope this bill may be made viable and whole by supporting our amendment.

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

Mr. ROGAN. Mr. Chairman, may I inquire how much time remains on both sides?

The CHAIRMAN. The gentleman from California (Mr. ROGAN) has 13½ minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 7 minutes remaining.

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I say to my dear friend, my senior colleague, the gentleman from Michigan (Mr. CONYERS), may I say that, although we differ philosophically on the concept of lawsuit abuse reform, I have a great deal of respect both for his talents and his seniority, as well as his acts.

□ 1330

I am sorry that I cannot accept his amendment because his amendment would undermine and gut the entire purpose of the underlying bill. I just want to take a moment if I may to correct the record and I think the gentleman may have misspoken. In my remarks, I talked about the liability aspects of the Y2K bill which currently now are law and how we attempted to track that in our bill. I believe the gentleman said that it did not track it. I invite the gentleman's attention to section 5, subsection B, subsection 1, captioned Punitive Damages Limitation from the Y2K bill. It says that a Y2K action may not exceed the lesser of three times the amount awarded for compensatory damages or $250,000.

Mr. Chairman, that is the standard that is now a part of the underlying bill, and so it does track the Y2K litigation reform that has passed both houses of Congress and the President signed last year. There is a fundamental difference between the Y2K standard and the standard of the underlying bill. In the Y2K standard that currently is law, small business is defined as 50 employees or less. In the underlying bill before us today, that standard has been cut in half, more than half, to 24 employees or less. The purpose of doing that was to ensure as faithfully as possible that this bill would impact the smallest of American businesses.

Now, it is a tempting invitation from the gentleman to go on a revenue-based standard of what constitutes a small business rather than an employee-based standard; but for all of the reasons that I outlined in my opening remarks, Mr. Chairman, I think that it is unworkable. There are exceptions, certainly, to small businesses who have 24 or less employees that are doing very well. I know of some up in the Silicon Valley myself. But I would submit to the gentleman, and statistics prove it out, that those are the very rare exception and not the rule.

The question before this House is will we allow the very small exception to upset and overturn the opportunity to provide needed relief to the millions and millions of men and women who comprise America's small business owners? I think not. The cosponsors of this bill have joined with me to ensure that those protections are adequate and fair. It is for those reasons and the reasons articulated in my previous statements, Mr. Chairman, that I am regrettably unable to join with my friend from Michigan in support of his amendment.

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

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

I would like to point out that there are some companies that we may or may not want to be included in the provisions of the bill, and that is why this amendment exists. Take the famous American Derringer Company that has less than 25 employees but manufactures as many as 10,000 cheap pistols a year, which will now be protected as a small business under the Rogan bill. Is that a small business? Is this a mom and pop?

What about Davis Industries? It has 15 employees. It is in the home State of the author of this bill, of California, and is known for manufacturing the majority of Saturday night specials in this country. As many as 180,000 pistols a year. Is this a small business that we want to protect? And may I point out that the Conyers-Scott amendment limitation would stop this ridiculous assumption that businesses that are bringing in hundreds and hundreds of thousands of dollars, millions of dollars, are, in effect, small businesses, that we are concerned about the mom and pop effect.

Again, it is a matter of Rogan intent versus the bill's effect. The effect is, you are giving an umbrella to those that do not deserve it. Intratec, the manufacturer of the infamous TEC–DC9 used at Columbine High School, has less than 25 employees but sells as many as 100,000 of these awful weapons a year. Is this a small business that we want to protect, or do we want the Conyers-Scott amendment to make sure that it will not reside under the protection of the Rogan bill?

I say we should exclude all of these gun manufacturers from the provisions of the bill, not because of the death-dealing weapons they manufacture, but because they are not small businesses in the true sense of the definition. We need a revenue cap on the definition of small business. Thanks to the gentleman from California, American Derringer, Davis Industries, and Intratec all will be very grateful to know that you are refusing a cap that would catch them. The Rogan bill says that all of these are small businesses. Do we really want to protect them? I think not.

I urge all of the Members in this body to support the Conyers-Scott amendment.

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

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must respectfully again take issue with my dear friend from Michigan. He says in his remarks that small business gun manufacturers are now automatically protected under

the Rogan bill. First, that is not a correct statement. Secondly, the statement itself and the arguments preceding the statement from some of our other colleagues appear to make the suggestion that there is something inherently evil about an otherwise lawful gun manufacturer being able to sell guns to law-abiding citizens. I would respectfully suggest to my colleague and to those who seem to take that same position that if it is really their intention to override the second amendment protection for law-abiding citizens to defend themselves in their homes or in their place of business, and abolish the private ownership of all handguns, then let them introduce their constitutional amendment to overturn the second amendment, let them introduce their legislation to preclude law-abiding citizens from being able to defend themselves, and let us then debate the merits of that bill up or down. But let us not destroy the protections of small business owners through America, millions and millions of men and women, who have nothing to do with guns, who have nothing to do with gun manufacturing, who have everything to do with driving our economic engine.

By the way, I would just also suggest to my colleague that there are many poor people in this country who do not have the Secret Service protection that some of our top leaders in government have, who do not have a bevy of staff around them at all times to ease their comfort and pain, who live in the poorest neighborhoods, and the only protection they have when a dope addict or a murderer or a rapist is coming through their window is the protection that they find in their drawer.

These are not evil people. These are law-abiding citizens trying to defend their families. There are a lot of single mothers in my district and I would suspect in the gentleman from Michigan's district who fall within that category. If it is the desire of my colleagues on the left to preclude them from being able to protect themselves, to sue out of business manufacturers of lawful handguns that which they cannot accomplish by way of legislation, then let them bring that bill forward. Even assuming that that was the case, that the manufacturing of handguns in this country was an inherently evil proposition, I would respectfully suggest to my colleague that the Rogan bill does not do what he suggests, that it protects them from liability for any harm that they cause.

Nothing in this bill to a small business gun manufacturer would preclude an injured person from receiving economic damages. Nothing in this bill would preclude an injured victim from receiving lost wages, medical compensation, loss of business. Nothing in this bill would preclude them from receiving noneconomic damages. Nothing would preclude them from receiving payment for pain and suffering, for disfigurement, for loss of companionship or the bevy of other noneconomic damages that are available to them. And nothing in this bill as amended would preclude a victim from having punitive damages assessed on one of those manufacturers if the manufacturer intended a harm to occur and was found to come within that intentional conduct that was amended into the bill by our friend from Arkansas.

So this claim that gun manufacturers are going to be able to run rampant under this bill and put in the hands of murderers and killers inherently dangerous weapons that are inherently faulty, that have no legitimate social purpose and that this is somehow some disguised bill to protect them under cover of small business, I would suggest to my colleague is not a fair statement.

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

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume. I want to tell the gentleman from California how shocked I am to hear the last statements that he has uttered. He has been very calm and polite and generous in his discussion. But to say that we are naming gun manufacturers as evil and giving me instructions to go to a constitutional amendment to stop them is, of course, deliberately missing the point. We are not trying to hurt gun manufacturers. The Saturday night special is a faulty weapon. The gentleman is on the Committee on the Judiciary. He is a former member of the court. He is an attorney who has practiced law. The Saturday night special is not a protected weapon. It frequently is found to be a malfunctioning, dangerous weapon. We are not trying to put the gun dealers out of business.

But for him to stand here and tell me that he is not going to help them by limiting their liability where they may be negligent is an incredible statement on his part. He imposes the cap on punitive recovery. He imposes the elimination of joint and several liability for everybody that comes under the definition of this bill. Davis Industries may not be evil, but they are the ones manufacturing the Saturday night specials. Intratec, I am not sure they are not evil people, there may be some nice ones there, but they are the ones who manufacture the TEC–DC9 used at Columbine. It is his State and cities and counties in California suing Davis Industries. We are not trying to put them out of business. We are trying to make them vulnerable to legal action, and he is protecting them. He is protecting them. Why does he disagree, I might ask, to the lawsuits that are being brought in California at this present moment?

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Virginia.

Mr. SCOTT. I would ask the gentleman if he will notice in the bill where crimes of violence are exempted, so if a defendant whose misconduct constitutes a crime of violence, that would not be covered. But any other crime, an actual crime or criminal enterprise, would be covered. So if we have a business perpetrating actual criminal activity, stealing people's money, that that would be protected because it is not a crime of violence; and they would have the benefits under the bill, limits of punitive damages, and if you are not stealing much from everybody, you would be limited to the actual damage, the little bit of money, and three times that of punitive damages against each employee, even if you are committing a crime. Would those people be protected under this bill?

Mr. CONYERS. Of course they would. Criminal sales of guns to felons would be caught by the protective provisions supposedly going to protect small businesses, mom and pop stores. We have heard mom and pop all day. These gun manufacturers are not mom and pop stores. Our definition would not put them out of business. All it would do is it would apply to all of those that have revenues in excess of $5 million a year. If they have revenues smaller than $5 million a year, they would enjoy the protections. So this is not an antigun, all-guns-are-evil argument in which I have to refer to a constitutional provision. I am merely trying to take these gun manufacturers out of the protections that the gentleman from California is inadvertently giving them in trying to protect so-called small business.

Mr. Chairman, I include the following letter for the RECORD:

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, February 16, 2000.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, House of Representatives.

Hon. JOHN CONYERS, Jr.,
Ranking Minority Member, Committee on the Judiciary, House of Representatives.

DEAR CHAIRMAN HYDE AND RANKING MEMBER CONYERS: On behalf of the Natural Resources Defense Council's over 400,000 members, I am writing to you to ask you to oppose passage of H.R. 2366, the ''Small Business Liability Reform Act of 2000,'' because of the adverse effects that it would have on enforcement of environmental protection statutes and private causes of action against those who violate the law. The bill is objectionable in its current form and would remain objectionable even if the two proposed Rogan amendments are approved.

While the purpose of the bill appears to be to limit the liability of small businesses for ''punitive damages'' in personal injury and other tort lawsuits, the language is sufficiently broad to impact federal, state, and citizen environmental enforcement actions. For example, the definition of ''noneconomic loss'' in Section 102 is broad enough to include environmental degradation or even environmental catastrophes. There is no definition of ''punitive damages'' in the bill, and that term could be interpreted to apply to civil penalties or fines, and even treble damages—all of which are punitive in nature. Thus, this bill could allow companies and individuals to violate environmental laws with impunity, encouraging recalcitrant behavior.

It could be interpreted to supersede specifically-enacted provisions designed to ensure adequate punishment and deterrence for serious environmental violations, including long-term noncompliance with statutes protecting public health and the environment resulting in serious environmental harm. Moreover, it could prohibit federal and state trustees from recovering natural resource damages under a number of environmental statutes. The bill also could prevent whistleblowers from recovering damages under certain federal environmental laws, including those that ensure safe drinking water. In addition, victims of lead paint poisoning will be less able to protect themselves.

It would also restrict punitive damage recovery for violations of clean up orders under Section 107(c)(3) of CERCLA, which specifically provides for a punitive damage recovery against those who fail to comply with such orders. Removing the possibility of treble damages for failure to comply with such orders would encourage companies to delay compliance and instead hire attorneys to challenge those orders. Delay and wasteful litigation would result.

This bill would not only interfere with citizen's right to bring enforcement actions to clean up their local waters and air and prevent future violations, but could also stop families from obtaining adequate compensation from severe pollution that makes them sick. The bill does not even contain an exemption for conduct that results in death. Families should be able to obtain all the damages to which they are entitled under current law when their health is destroyed by the negligence of a small business as well as by a large one. This bill could end up protecting small businesses at the expense of injured families.

For these reasons, the proposed amendments cannot repair the harm that would result from this bill, and I respectfully urge you to oppose this bill.

Sincerely,

NANCY STONER,
Senior Staff Attorney,
Natural Resources Defense Council.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CONYERS) has expired. The gentleman from California (Mr. ROGAN) has 6½ minutes remaining.

□ 1345

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, I certainly hope that my dear friend from Michigan does not mistake a serious policy difference in any way with a lack of respect or affection for him. I take a back seat to no one in this Chamber in admiration, both for his service and the strength of his positions. We do have a fundamental policy difference with respect to liability limitations as advocated in this bill. The gentleman sees it one way; certainly I see it another.

I do not view this bill, Mr. Chairman, as giving protection to people who have violated the law, and in fact we have tried to craft it very carefully to ensure that if there is some intentional wrongdoing, even by a business that would qualify as a small business, they would not come under any cap of punitive damages, and under any event there is no cap on the other damages.

I do believe from a policy perspective, I would say to my friend, that the concept of joint and several liability as currently upon the books is inherently unfair. The idea that somebody could have a very minuscule involvement in a harm, say, 1 percent, but could be required to have to pay 100 percent of the damages, is not a fair concept. I think a tort system where liability was based on percentage of fault would be a much better way in which to go.

Mr. Chairman, again I want to thank my colleagues on both sides of the aisle for their participation in this debate. It is through the bipartisan effort that we have developed this important bill, and we hope that the spirit of consensus will carry this bill quickly through the House and on to the other body.

Although this amendment should be defeated, I am pleased that today the House of Representatives will have an historic opportunity. With the defeat of this amendment and passage of the underlying bill, the House of Representatives will stand behind the 2 million small business owners in my State of California alone and the millions and millions more across the Nation.

The message we will send to these small business owners is clear: frivolous and meritless lawsuits, or the threat of a frivolous and meritless lawsuit, are crippling the lifeblood of America's economy and they must be stopped.

The Small Business Liability Reform Act will limit product liability for a product seller when their negligence is the responsibility of the product manufacturer.

As we all know, some 20 percent of America's small businesses will not expand services, they will not increase employee benefits, they will not hire more workers, they will not create more jobs and they will not cut consumer costs out of fear of being saddled with a frivolous or crippling lawsuit and having to pay its debilitating costs.

In addition, this legislation will bring fairness and justice to millions of small business owners by bringing relief from the destructive threat of frivolous lawsuits that threaten to close their doors, put workers on the unemployment line and severely damage our economy. We owe America's small businesses and their employers nothing less.

Mr. Chairman, I again thank my cosponsors and colleagues for their valuable support in bringing forward this bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 237, not voting 19, as follows:

[Roll No. 24]

AYES—178

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Capuano
Cardin
Carson
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Duncan
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—237

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Etheridge
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden

Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Baird
Baldacci
Bishop
Brown (OH)
Callahan
Campbell
Capps
Clay
Cooksey
DeFazio
Everett
Graham
Lowey
Martinez
McCollum
Sanford
Snyder
Vento
Watts (OK)

□ 1412

Messrs. GOODLING, SMITH of Michigan, KUYKENDALL, LEWIS of California, SIMPSON, SHUSTER, SESSIONS, RILEY, FORBES, TAUZIN, and Ms. DUNN changed their vote from ''aye'' to ''no.''

Mr. GEPHARDT changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SUNUNU) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2366), to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers, pursuant to House Resolution 423, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 193, not voting 20, as follows:

[Roll No. 25]

AYES—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dooley
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Isakson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Myrick
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Capuano
Cardin
Carson
Clayton
Clyburn
Coble
Coburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Edwards
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Green (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Hunter
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shadegg
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Spratt
Stabenow
Stark
Strickland
Stupak
Sununu
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—20

Baird
Baldacci
Bishop
Brown (OH)
Callahan
Campbell
Capps
Clay
Cooksey
DeFazio
Everett
Graham
Gutierrez
Lowey
Martinez
McCollum
Oberstar
Sanford
Snyder
Vento

□ 1432

Mr. HUNTER changed his vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, today I was unavoidably detained and missed rollcall vote numbers 22 and 23. Had I been present, I would have voted "yes" on approving the Journal of February 15, and "yes" on H. Res. 423, the rule for H.R. 2366, the Small Business Liability Reform Act.

MILLENNIUM DIGITAL COMMERCE ACT

Mr. BLILEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Millennium Digital Commerce Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The growth of electronic commerce and electronic government transactions represent a powerful force for economic growth, consumer choice, improved civic participation and wealth creation.

(2) The promotion of growth in private sector electronic commerce through Federal legislation is in the national interest because that market is globally important to the United States.

(3) A consistent legal foundation, across multiple jurisdictions, for electronic commerce will promote the growth of such transactions, and that such a foundation should be based upon a simple, technology neutral, nonregulatory, and market-based approach.

(4) The Nation and the world stand at the beginning of a large scale transition to an information society which will require innovative legal and policy approaches, and therefore, States can serve the national interest by continuing their proven role as laboratories of innovation for quickly evolving areas of public policy, provided that States also adopt a consistent, reasonable national baseline to eliminate obsolete barriers to electronic commerce such as undue paper and pen requirements, and further, that any such innovation should not unduly burden inter-jurisdictional commerce.

(5) To the extent State laws or regulations do not provide a consistent, reasonable national baseline or in fact create an undue burden to interstate commerce in the important burgeoning area of electronic commerce, the national interest is best served by Federal preemption to the extent necessary to provide such consistent, reasonable national baseline or eliminate said burden, but that absent such lack of consistent, reasonable national baseline or such undue burdens, the best legal system for electronic commerce will result from continuing experimentation by individual jurisdictions.

(6) With due regard to the fundamental need for a consistent national baseline, each jurisdiction that enacts such laws should have the right to determine the need for any exceptions to protect consumers and maintain consistency with existing related bodies of law within a particular jurisdiction.

(7) Industry has developed several electronic signature technologies for use in electronic transactions, and the public policies of the United States should serve to promote a dynamic marketplace within which these technologies can compete. Consistent with this Act, States should permit the use and development of any authentication technologies that are appropriate as practicable as between private parties and in use with State agencies.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to permit and encourage the continued expansion of electronic commerce through the operation of free market forces rather than proscriptive governmental mandates and regulations;

(2) to promote public confidence in the validity, integrity and reliability of electronic commerce and online government under Federal law;

(3) to facilitate and promote electronic commerce by clarifying the legal status of electronic records and electronic signatures in the context of contract formation;

(4) to facilitate the ability of private parties engaged in interstate transactions to agree among themselves on the appropriate electronic signature technologies for their transactions; and

(5) to promote the development of a consistent national legal infrastructure necessary to support electronic commerce at the Federal and State levels within existing areas of jurisdiction.

SEC. 4. DEFINITIONS.

In this Act:

(1) ELECTRONIC.—The term "electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(2) ELECTRONIC AGENT.—The term "electronic agent" means a computer program or an electronic or other automated means used to initiate an action or respond to electronic records or performances in whole or in part without review by an individual at the time of the action or response.

(3) ELECTRONIC RECORD.—The term "electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(4) ELECTRONIC SIGNATURE.—The term "electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(5) GOVERNMENTAL AGENCY.—The term "governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, or institution of the Federal Government or of a State or of any county, municipality, or other political subdivision of a State.

(6) RECORD.—The term "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(7) TRANSACTION.—The term "transaction" means an action or set of actions relating to the conduct of commerce, between 2 or more persons, neither of which is the United States Government, a State, or an agency, department, board, commission, authority, or institution of the United States Government or of a State.

(8) UNIFORM ELECTRONIC TRANSACTIONS ACT.—The term "Uniform Electronic Transactions Act" means the Uniform Electronic Transactions Act as provided to State legislatures by the National Conference of Commissioners on Uniform State Law in that form or any substantially similar variation thereof.

SEC. 5. INTERSTATE CONTRACT CERTAINTY.

(a) IN GENERAL.—In any commercial transaction affecting interstate commerce, a contract may not be denied legal effect or enforceability solely because an electronic signature or electronic record was used in its formation.

(b) METHODS.—Parties to a transaction are permitted to determine the appropriate electronic signature technologies for their transaction, and the means of implementing such technologies.

(c) PRESENTATION OF CONTRACTS.—Notwithstanding subsection (a), if a law requires that a contract be in writing, the legal effect or enforceability of an electronic record of such contract shall be denied under such law, unless it is delivered to all parties to such contract in a form that—

(1) can be retained by the parties for later reference; and

(2) can be used to prove the terms of the agreement.

(d) SPECIFIC EXCLUSIONS.—The provisions of this section shall not apply to a statute, regulation, or other rule of law governing any of the following:

(1) The Uniform Commercial Code, as in effect in a State, other than sections 1–107 and 1–206, Article 2, and Article 2A.

(2) Premarital agreements, marriage, adoption, divorce or other matters of family law.

(3) Documents of title which are filed of record with a governmental unit until such time that a State or subdivision thereof chooses to accept filings electronically.

(4) Residential landlord-tenant relationships.

(5) The Uniform Health-Care Decisions Act as in effect in a State.

(e) ELECTRONIC AGENTS.—A contract relating to a commercial transaction affecting interstate commerce may not be denied legal effect or enforceability solely because its formation involved—

(1) the interaction of electronic agents of the parties; or

(2) the interaction of an electronic agent of a party and an individual who acts on that individual's own behalf or as an agent for another person.

(f) INSURANCE.—It is the specific intent of the Congress that this section apply to the business of insurance.

(g) APPLICATION IN UETA STATES.—This section does not apply in any State in which the Uniform Electronic Transactions Act is in effect.

SEC. 6. PRINCIPLES GOVERNING THE USE OF ELECTRONIC SIGNATURES IN INTERNATIONAL TRANSACTIONS.

To the extent practicable, the Federal Government shall observe the following principles in an international context to enable commercial electronic transaction:

(1) Remove paper-based obstacles to electronic transactions by adopting relevant principles from the Model Law on Electronic Commerce adopted in 1996 by the United Nations Commission on International Trade Law.

(2) Permit parties to a transaction to determine the appropriate authentication technologies and implementation models for their transactions, with assurance that those

technologies and implementation models will be recognized and enforced.

(3) Permit parties to a transaction to have the opportunity to prove in court or other proceedings that their authentication approaches and their transactions are valid.

(4) Take a nondiscriminatory approach to electronic signatures and authentication methods from other jurisdictions.

SEC. 7. STUDY OF LEGAL AND REGULATORY BARRIERS TO ELECTRONIC COMMERCE.

(a) BARRIERS.—Each Federal agency shall, not later than 6 months after the date of enactment of this Act, provide a report to the Director of the Office of Management and Budget and the Secretary of Commerce identifying any provision of law administered by such agency, or any regulations issued by such agency and in effect on the date of enactment of this Act, that may impose a barrier to electronic transactions, or otherwise to the conduct of commerce online or by electronic means, including barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in other than electronic form. In its report, each agency shall identify the barriers among those identified whose removal would require legislative action, and shall indicate agency plans to undertake regulatory action to remove such barriers among those identified as are caused by regulations issued by the agency.

(b) REPORT TO CONGRESS.—The Secretary of Commerce, in consultation with the Director of the Office of Management and Budget, shall, within 18 months after the date of enactment of this Act, and after the consultation required by subsection (c) of this section, report to the Congress concerning—

(1) legislation needed to remove barriers to electronic transactions or otherwise to the conduct of commerce online or by electronic means; and

(2) actions being taken by the Executive Branch and individual Federal agencies to remove such barriers as are caused by agency regulations or policies.

(c) CONSULTATION.—In preparing the report required by this section, the Secretary of Commerce shall consult with the General Services Administration, the National Archives and Records Administration, and the Attorney General concerning matters involving the authenticity of records, their storage and retention, and their usability for law enforcement purposes.

(d) INCLUDE FINDINGS IF NO RECOMMENDATIONS.—If the report required by this section omits recommendations for actions needed to fully remove identified barriers to electronic transactions or to online or electronic commerce, it shall include a finding or findings, including substantial reasons therefor, that such removal is impracticable or would be inconsistent with the implementation or enforcement of applicable laws.

MOTION OFFERED BY MR. BLILEY

Mr. BLILEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BLILEY moves to strike all after the enacting clause of S. 761 and insert in lieu thereof the text of H.R. 1714, as passed by the House, as follows:

H.R. 1714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Electronic Signatures in Global and National Commerce Act''.

TITLE I—VALIDITY OF ELECTRONIC RECORDS AND SIGNATURES FOR COMMERCE

SEC. 101. GENERAL RULE OF VALIDITY.

(a) GENERAL RULE.—With respect to any contract, agreement, or record entered into or provided in, or affecting, interstate or foreign commerce, notwithstanding any statute, regulation, or other rule of law, the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied—

(1) on the ground that the contract, agreement, or record is not in writing if the contract, agreement, or record is an electronic record; or

(2) on the ground that the contract, agreement, or record is not signed or is not affirmed by a signature if the contract, agreement, or record is signed or affirmed by an electronic signature.

(b) AUTONOMY OF PARTIES IN COMMERCE.—

(1) IN GENERAL.—With respect to any contract, agreement, or record entered into or provided in, or affecting, interstate or foreign commerce—

(A) the parties to such contract, agreement, or record may establish procedures or requirements regarding the use and acceptance of electronic records and electronic signatures acceptable to such parties;

(B) the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied because of the type or method of electronic record or electronic signature selected by the parties in establishing such procedures or requirements; and

(C) nothing in this section requires any party to use or accept electronic records or electronic signatures.

(2) CONSENT TO ELECTRONIC RECORDS.—Notwithstanding subsection (a) and paragraph (1) of this subsection—

(A) if a statute, regulation, or other rule of law requires that a record be provided or made available to a consumer in writing, that requirement shall be satisfied by an electronic record if—

(i) the consumer has affirmatively consented, by means of a consent that is conspicuous and visually separate from other terms, to the provision or availability (whichever is required) of such record (or identified groups of records that include such record) as an electronic record, and has not withdrawn such consent;

(ii) prior to consenting, the consumer is provided with a statement of the hardware and software requirements for access to and retention of electronic records; and

(iii) the consumer affirmatively acknowledges, by means of an acknowledgement that is conspicuous and visually separate from other terms, that—

(I) the consumer has an obligation to notify the provider of electronic records of any change in the consumer's electronic mail address or other location to which the electronic records may be provided; and

(II) if the consumer withdraws consent, the consumer has the obligation to notify the provider to notify the provider of electronic records of the electronic mail address or other location to which the records may be provided; and

(B) the record is capable of review, retention, and printing by the recipient if accessed using the hardware and software specified in the statement under subparagraph (A)(ii) at the time of the consumer's consent; and

(C) if such statute, regulation, or other rule of law requires that a record be retained, that requirement shall be satisfied if such record complies with the requirements of subparagraphs (A) and (B) of subsection (c)(1).

(c) RETENTION OF CONTRACTS, AGREEMENTS, AND RECORDS.—

(1) ACCURACY AND ACCESSIBILITY.—If a statute, regulation, or other rule of law requires that a contract, agreement, or record be in writing or be retained, that requirement is met by retaining an electronic record of the information in the contract, agreement, or record that—

(A) accurately reflects the information set forth in the contract, agreement, or record after it was first generated in its final form as an electronic record; and

(B) remains accessible, for the period required by such statute, regulation, or rule of law, for later reference, transmission, and printing.

(2) EXCEPTION.—A requirement to retain a contract, agreement, or record in accordance with paragraph (1) does not apply to any information whose sole purpose is to enable the contract, agreement, or record to be sent, communicated, or received.

(3) ORIGINALS.—If a statute, regulation, or other rule of law requires a contract, agreement, or record to be provided, available, or retained in its original form, or provides consequences if the contract, agreement, or record is not provided, available, or retained in its original form, that statute, regulation, or rule of law is satisfied by an electronic record that complies with paragraph (1).

(4) CHECKS.—If a statute, regulation, or other rule of law requires the retention of a check, that requirement is satisfied by retention of an electronic record of all the information on the front and back of the check in accordance with paragraph (1).

(d) ABILITY TO CONTEST SIGNATURES AND CHARGES.—Nothing in this section shall be construed to limit or otherwise affect the rights of any person to assert that an electronic signature is a forgery, is used without authority, or otherwise is invalid for reasons that would invalidate the effect of a signature in written form. The use or acceptance of an electronic record or electronic signature by a consumer shall not constitute a waiver of any substantive protections afforded consumers under the Consumer Credit Protection Act.

(e) SCOPE.—This Act is intended to clarify the legal status of electronic records and electronic signatures in the context of writing and signing requirements imposed by law. Nothing in this Act affects the content or timing of any disclosure required to be provided to any consumer under any statute, regulation, or other rule of law.

SEC. 102. AUTHORITY TO ALTER OR SUPERSEDE GENERAL RULE.

(a) PROCEDURE TO ALTER OR SUPERSEDE.—Except as provided in subsection (b), a State statute, regulation, or other rule of law may modify, limit, or supersede the provisions of section 101 if such statute, regulation, or rule of law—

(1)(A) constitutes an enactment or adoption of the Uniform Electronic Transactions Act as reported to the State legislatures by the National Conference of Commissioners on Uniform State Laws; or

(B) specifies the alternative procedures or requirements for the use or acceptance (or both) of electronic records or electronic signatures to establish the legal effect, validity, or enforceability of contracts, agreements, or records; and

(2) if enacted or adopted after the date of the enactment of this Act, makes specific reference to this Act.

(b) LIMITATIONS ON ALTERATION OR SUPERSESSION.—A State statute, regulation, or other rule of law (including an insurance statute, regulation, or other rule of law), regardless of its date of the enactment or adoption, that modifies, limits, or supersedes section 101 shall not be effective to the extent that such statute, regulation, or rule—

(1) discriminates in favor of or against a specific technology, process, or technique of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures;

(2) discriminates in favor of or against a specific type or size of entity engaged in the business of facilitating the use of electronic records or electronic signatures;

(3) is based on procedures or requirements that are not specific or that are not publicly available; or

(4) is otherwise inconsistent with the provisions of this title.

(c) EXCEPTION.—Notwithstanding subsection (b), a State may, by statute, regulation, or rule of law enacted or adopted after the date of the enactment of this Act, require specific notices to be provided or made available in writing if such notices are necessary for the protection of the public health or safety of consumers. A consumer may not, pursuant to section 101(b)(2), consent to the provision or availability of such notice solely as an electronic record.

SEC. 103. SPECIFIC EXCLUSIONS.

(a) EXCEPTED REQUIREMENTS.—The provisions of section 101 shall not apply to a contract, agreement, or record to the extent it is governed by—

(1) a statute, regulation, or other rule of law governing the creation and execution of wills, codicils, or testamentary trusts;

(2) a statute, regulation, or other rule of law governing adoption, divorce, or other matters of family law;

(3) the Uniform Commercial Code, as in effect in any State, other than sections 1–107 and 1–206 and Articles 2 and 2A;

(4) any requirement by a Federal regulatory agency or self-regulatory organization that records be filed or maintained in a specified standard or standards (including a specified format or formats), except that nothing in this paragraph relieves any Federal regulatory agency of its obligations under the Government Paperwork Elimination Act (title XVII of Public Law 105–277);

(5) the Uniform Anatomical Gift Act; or

(6) the Uniform Health-Care Decisions Act.

(b) ADDITIONAL EXCEPTIONS.—The provisions of section 101 shall not apply to—

(1) any contract, agreement, or record entered into between a party and a State agency if the State agency is not acting as a market participant in or affecting interstate commerce;

(2) court orders or notices, or official court documents (including briefs, pleadings, and other writings) required to be executed in connection with court proceedings; or

(3) any notice concerning—

(A) the cancellation or termination of utility services (including water, heat, and power);

(B) default, acceleration, repossession, foreclosure, or eviction, or the right to cure, under a credit agreement secured by, or a rental agreement for, a primary residence of an individual; or

(C) the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities).

SEC. 104. STUDY.

(a) FOLLOWUP STUDY.—Within 5 years after the date of the enactment of this Act, the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall conduct an inquiry regarding any State statutes, regulations, or other rules of law enacted or adopted after such date of the enactment pursuant to section 102(a), and the extent to which such statutes, regulations, and rules comply with section 102(b).

(b) REPORT.—The Secretary shall submit a report to the Congress regarding the results of such inquiry by the conclusion of such 5-year period.

(c) ADDITIONAL STUDY OF DELIVERY.—Within 18 months after the date of the enactment of this Act, the Secretary of Commerce shall conduct an inquiry regarding the effectiveness of the delivery of electronic records to consumers using electronic mail as compared with delivery of written records via the United States Postal Service and private express mail services. The Secretary shall submit a report to the Congress regarding the results of such inquiry by the conclusion of such 18-month period.

SEC. 105. DEFINITIONS.

For purposes of this title:

(1) ELECTRONIC RECORD.—The term ''electronic record'' means a writing, document, or other record created, stored, generated, received, or communicated by electronic means.

(2) ELECTRONIC SIGNATURE.—The term ''electronic signature'' means information or data in electronic form, attached to or logically associated with an electronic record, and executed or adopted by a person or an electronic agent of a person, with the intent to sign a contract, agreement, or record.

(3) ELECTRONIC.—The term ''electronic'' means of or relating to technology having electrical, digital, magnetic, optical, electromagnetic, or similar capabilities regardless of medium.

(4) ELECTRONIC AGENT.—The term ''electronic agent'' means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records in whole or in part without review by an individual at the time of the action or response.

(5) RECORD.—The term ''record'' means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(6) FEDERAL REGULATORY AGENCY.—The term ''Federal regulatory agency' means an agency, as that term is defined in section 552(f) of title 5, United States Code, that is authorized by Federal law to impose requirements by rule, regulation, order, or other legal instrument.

(7) SELF-REGULATORY ORGANIZATION.—The term ''self-regulatory organization'' means an organization or entity that is not a Federal regulatory agency or a State, but that is under the supervision of a Federal regulatory agency and is authorized under Federal law to adopt and administer rules applicable to its members that are enforced by such organization or entity, by a Federal regulatory agency, or by another self-regulatory organization.

TITLE II—DEVELOPMENT AND ADOPTION OF ELECTRONIC SIGNATURE PRODUCTS AND SERVICES

SEC. 201. TREATMENT OF ELECTRONIC SIGNATURES IN INTERSTATE AND FOREIGN COMMERCE.

(a) INQUIRY REGARDING IMPEDIMENTS TO COMMERCE.—

(1) INQUIRIES REQUIRED.—Within 180 days after the date of the enactment of this Act, and biennially thereafter, the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall complete an inquiry to—

(A) identify any domestic and foreign impediments to commerce in electronic signature products and services and the manners in which and extent to which such impediments inhibit the development of interstate and foreign commerce;

(B) identify constraints imposed by foreign nations or international organizations that constitute barriers to providers of electronic signature products or services; and

(C) identify the degree to which other nations and international organizations are complying with the principles in subsection (b)(2).

(2) SUBMISSION.—The Secretary shall submit a report to the Congress regarding the results of each such inquiry within 90 days after the conclusion of such inquiry. Such report shall include a description of the actions taken by the Secretary pursuant to subsection (b) of this section.

(b) PROMOTION OF ELECTRONIC SIGNATURES.—

(1) REQUIRED ACTIONS.—The Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall promote the acceptance and use, on an international basis, of electronic signatures in accordance with the principles specified in paragraph (2) and in a manner consistent with section 101 of this Act. The Secretary of Commerce shall take all actions necessary in a manner consistent with such principles to eliminate or reduce, to the maximum extent possible, the impediments to commerce in electronic signatures, including those identified in the inquiries under subsection (a) for the purpose of facilitating the development of interstate and foreign commerce.

(2) PRINCIPLES.—The principles specified in this paragraph are the following:

(A) Free markets and self-regulation, rather than Government standard-setting or rules, should govern the development and use of electronic records and electronic signatures.

(B) Neutrality and nondiscrimination should be observed among providers of and technologies for electronic records and electronic signatures.

(C) Parties to a transaction should be permitted to establish requirements regarding the use of electronic records and electronic signatures acceptable to such parties.

(D) Parties to a transaction—

(i) should be permitted to determine the appropriate authentication technologies and implementation models for their transactions, with assurance that those technologies and implementation models will be recognized and enforced; and

(ii) should have the opportunity to prove in court or other proceedings that their authentication approaches and their transactions are valid.

(E) Electronic records and electronic signatures in a form acceptable to the parties should not be denied legal effect, validity, or enforceability on the ground that they are not in writing.

(F) De jure or de facto imposition of standards on private industry through foreign adoption of regulations or policies with respect to electronic records and electronic signatures should be avoided.

(G) Paper-based obstacles to electronic transactions should be removed.

(c) CONSULTATION.—In conducting the activities required by this section, the Secretary shall consult with users and providers of electronic signature products and services and other interested persons.

(d) PRIVACY.—Nothing in this section shall be construed to require the Secretary or the Assistant Secretary to take any action that would adversely affect the privacy of consumers.

(e) DEFINITIONS.—As used in this section, the terms ''electronic record'' and ''electronic signature'' have the meanings provided in section 104 of the Electronic Signatures in Global and National Commerce Act.

TITLE III—USE OF ELECTRONIC RECORDS AND SIGNATURES UNDER FEDERAL SECURITIES LAW

SEC. 301. GENERAL VALIDITY OF ELECTRONIC RECORDS AND SIGNATURES.

Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following new subsection:

''(h) REFERENCES TO WRITTEN RECORDS AND SIGNATURES.—

''(1) GENERAL VALIDITY OF ELECTRONIC RECORDS AND SIGNATURES.—Except as otherwise provided in this subsection—

''(A) if a contract, agreement, or record (as defined in subsection (a)(37)) is required by the securities laws or any rule or regulation thereunder (including a rule or regulation of a self-regulatory organization), and is required by Federal or State statute, regulation, or other rule of law to be in writing, the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied on the ground that the contract, agreement, or record is not in writing if the contract, agreement, or record is an electronic record;

''(B) if a contract, agreement, or record is required by the securities laws or any rule or regulation thereunder (including a rule or regulation of a self-regulatory organization), and is required by Federal or State statute, regulation, or other rule of law to be signed, the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied on the ground that such contract, agreement, or record is not signed or is not affirmed by a signature if the contract, agreement, or record is signed or affirmed by an electronic signature; and

''(C) if a broker, dealer, transfer agent, investment adviser, or investment company enters into a contract or agreement with, or accepts a record from, a customer or other counterparty, such broker, dealer, transfer agent, investment adviser, or investment company may accept and rely upon an electronic signature on such contract, agreement, or record, and such electronic signature shall not be denied legal effect, validity, or enforceability because it is an electronic signature.

''(2) IMPLEMENTATION.—

''(A) REGULATIONS.—The Commission may prescribe such regulations as may be necessary to carry out this subsection consistent with the public interest and the protection of investors.

''(B) NONDISCRIMINATION.—The regulations prescribed by the Commission under subparagraph (A) shall not—

''(i) discriminate in favor of or against a specific technology, method, or technique of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures; or

''(ii) discriminate in favor of or against a specific type or size of entity engaged in the business of facilitating the use of electronic records or electronic signatures.

''(3) EXCEPTIONS.—Notwithstanding any other provision of this subsection—

''(A) the Commission, an appropriate regulatory agency, or a self-regulatory organization may require that records be filed or maintained in a specified standard or standards (including a specified format or formats) if the records are required to be submitted to the Commission, an appropriate regulatory agency, or a self-regulatory organization, respectively, or are required by the Commission, an appropriate regulatory agency, or a self-regulatory organization to be retained; and

''(B) the Commission may require that contracts, agreements, or records relating to purchases and sales, or establishing accounts for conducting purchases and sales, of penny stocks be manually signed, and may require such manual signatures with respect to transactions in similar securities if the Commission determines that such securities are susceptible to fraud and that such fraud would be deterred or prevented by requiring manual signatures.

''(4) RELATION TO OTHER LAW.—The provisions of this subsection apply in lieu of the provisions of title I of the Electronic Signatures in Global and National Commerce Act to a contract, agreement, or record (as defined in subsection (a)(37)) that is required by the securities laws.

''(5) SAVINGS PROVISION.—Nothing in this subsection applies to any rule or regulation under the securities laws (including a rule or regulation of a self-regulatory organization) that is in effect on the date of the enactment of the Electronic Signatures in Global and National Commerce Act and that requires a contract, agreement, or record to be in writing, to be submitted or retained in original form, or to be in a specified standard or standards (including a specified format or formats).

''(6) DEFINITIONS.—As used in this subsection:

''(A) ELECTRONIC RECORD.—The term 'electronic record' means a writing, document, or other record created, stored, generated, received, or communicated by electronic means.

''(B) ELECTRONIC SIGNATURE.—The term ''electronic signature'' means information or data in electronic form, attached to or logically associated with an electronic record, and executed or adopted by a person or an electronic agent of a person, with the intent to sign a contract, agreement, or record.

''(C) ELECTRONIC.—The term 'electronic' means of or relating to technology having electrical, digital, magnetic, optical, electromagnetic, or similar capabilities regardless of medium.''.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: ''To facilitate the use of electronic records and signatures in interstate or foreign commerce.''.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to S. 761 and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia? The Chair hears none, and without objection appoints the following conferees on S. 761: Messrs. BLILEY, TAUZIN, OXLEY, DINGELL, and MARKEY.

There was no objection.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on S. 761 and H.R. 1714, the bills just passed.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3896

Mr. HOBSON. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3896.

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

There was no objection.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, February 29, 2000, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, MARCH 1, 2000

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, March 1, 2000.

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

There was no objection.

APPOINTMENT OF HON. CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH FEBRUARY 29, 2000

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 16, 2000.

I hereby appoint the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 29, 2000.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is agreed to.

There was no objection.

APPOINTMENT OF MEMBER TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 276d, the Chair announces the Speaker's appointment of

the following Member of the House to the Canada-United States Interparliamentary Group:

Mr. HOUGHTON of New York, Chairman.

There was no objection.

IN MEMORY OF LINDA ASCHENBACH-HACKMANN

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

Mr. GILCHREST. Mr. Speaker, this morning I rise publicly to honor the memory of a true hero, a woman who gave her time, patience, experience, knowledge, and love to the young adults at Northeast High School in my district. In 1996, Linda Aschenbach-Hackmann, a former student and outstanding athlete, stepped in to fill a coaching vacancy for the girls' softball team. Her impact was immediate, leading the team to the State finals during the next 2 years.

In late 1998, sadly, Linda was stricken with lymphoma cancer, confining her to the hospital with continuous painful treatments. Still, she managed to coach the team from her hospital bed and rally them from the sidelines. When Linda passed away in April 1999, her funeral was attended by hundreds of families and friends, including her beloved girls from the softball team that decorated her casket with the winning ball autographed by the players, for that year the girls won the State championship.

Mr. Speaker, there can be no greater sacrifice for children today than giving our love and our patience and our time. She is a true hero. I want to thank Capitol Hill Police Officer Dave Pendleton and Linda's brother Gary for bringing this to our attention.

Mr. Speaker, I include for the RECORD the letter Linda's brother sent to us.

IN MEMORY OF LINDA ASCHENBACH-HACKMANN

(By Gary Aschenbach)

As a result of a sudden, unscheduled change in staff at Northeast High School, the girls Junior Varsity softball team was left without a coach. Anxious to fill that position, a search was initiated to immediately locate an interested and qualified person. On the overwhelming recommendation of colleagues, Mrs. Linda Aschenbach-Hackmann, a former student of Northeast High and star athlete, was sought to fill the position. Linda accepted the position and began her coaching career at Northeast in 1996, where in the first and second year she successfully led the team to compete in the state finals. In 1999, they triumphed to not only compete in the finals, but progressed to win the JV County Championship with an 18-0 record. The team's achievement had not accomplished in over a decade at Northeast High School.

Without warning, in late 1998 Linda was suddenly stricken with Lymphoma cancer that eventually confined her to hospital care undergoing continuous, painful treatment. Still, she kept a watchful eye on the excellent progress of her talented softball team. She received daily updates and visits from fellow coaches and players as she continued to coach and rally her girls from the sidelines. Through her relentless love of players and the game, she won the respect and confidence of everyone. On April 17, 1999, exactly 30 years to the day after the death of her father, Linda succumbed to the attack of the cancer after a gallant fight. Her funeral was attended by hundreds of family and friends, including her beloved girls from the softball team who decorated her casket with the winning ball autographed by the players.

Linda will always be remembered for her sportsmanship and ability to teach the fundamental rules and skills of the successful ball player. Her enthusiastic personality was complimented by the natural patience she shared with the youth. After her death and in her memory for so many accomplishments, Northeast High School paid special tribute to Linda at the highest possible standard. They immediately offered in her honor an annual scholarship to be given to a qualified athletic student. The criteria for this award required that the recipient continually demonstrate the same community and leadership qualities toward others as they seek to further their own education and career.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ELIMINATION OF THE MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, I want to take a few minutes to just talk about a very fundamental issue, a fundamental issue of importance to 50 million American taxpayers, 50 million middle-class working Americans. I have often been asked, whether I am at the steel workers hall in Hegwish in the South Side of Chicago or the Legion post in Joliet or a chamber of commerce or the coffee shop called Weit's Cafe in Morris, Illinois, my hometown, or the local grain elevator, a pretty fundamental question; and that question is, is it right, is it fair, that under our Tax Code 25 million married working couples on average pay $1,400 more in higher taxes just because they are married?

Folks back home just do not understand why for almost 30 years we have had a marriage tax penalty, which the average is $1,400 each for 25 million married working couples. In the south suburbs in the South Side of Chicago, $1,400 is real money. It is a year's tuition at a local community college for a nursing student. It is 3 months of day care. It is a washer and a dryer. It is 4,000 diapers for a child.

Mr. Speaker, we need to address the issue of fairness. We need to address the issue to wipe out the marriage tax penalty suffered by 50 million married working people. It is an issue of fairness.

Here is how it works: what causes the marriage tax penalty is when a couple decides to marry, when they file their taxes, they file jointly. When they file their taxes jointly, their combined income usually pushes them into a higher tax bracket.

Let me introduce Shad and Michele Hallihan, two public school teachers from Joliet, Illinois. Shad and Michele have been married almost 2 years now. They just had a baby, a wonderful young couple; but they suffer almost the average marriage tax penalty.

Now, Shad and Michele have a combined income of about $62,000. Suppose that they have an equal income, each making $31,000. Michele here, if she stayed single, would be in the 15 percent tax bracket; but because she and Shad married, their combined income of $62,000 pushes them into the 28 percent tax bracket, creating well over almost the average marriage tax penalty of $1,400.

We want to help couples like Shad and Michele. Michele pointed out to me that the average marriage tax penalty would buy almost 4,000 diapers for their newborn baby.

Should not those couples like Michele and Shad be allowed to keep money, keep their hard-earned salary, their hard-earned income, rather than paying a tax just because they are married?

We are working to address that, and I was so pleased that this House of Representatives overwhelmingly supported, with a bipartisan vote, 268 Members of the House endorsed wiping out the marriage tax penalty in order to help couples such as Michele and Shad Hallihan.

H.R. 6, the Marriage Tax Elimination Act, passed this House as a stand-alone bill and addresses one issue, the need to wipe out the marriage tax penalty for 25 million married working couples. If we look at who pays the marriage tax penalty, one half of them itemize their taxes, millions of middle-class families itemize because they own a home or give money to church or charity, have education expenses. Well, we wipe out the marriage tax penalty for those who itemize their taxes by widening the 15 percent tax bracket so that joint filers can earn twice as much as single filers and stay in the 15 percent tax bracket. That will help Shad and Michele Hallihan.

For those who do not itemize, we double the standard deduction, helping those who do not itemize by doubling the standard deduction to be twice that of single people. We also help the working poor, those who participate in the earned income credit, by addressing the income eligibility, eliminating the marriage penalty for the working poor as well.

Mr. Speaker, it is a good bill. It helps those who itemize. It helps those who do not itemize. The primary beneficiaries are those with incomes between $30,000 and $75,000, those who suffer the marriage tax penalty the most. We do not raise taxes on anyone. We wipe out the marriage tax penalty. We

help stay-at-home moms. We help those who are homeowners.

Mr. Speaker, eliminating the marriage tax penalty is a fundamental issue of fairness, and that is what it is all about. Let us make our Tax Code more fair.

Now, this legislation, the Marriage Tax Elimination Act, H.R. 6, passed the House with 268 votes. Every House Republican and 48 Democrats broke with their leadership to support our effort to eliminate the marriage tax penalty. We have tremendous momentum, and my hope is our friends in the Senate will follow the lead of the House, move quickly to move a stand-alone bill wiping out the marriage tax penalty; not loaded up with amendments or extraneous riders or other poison pills.

My hope is that they will keep it a clean bill and that they will move expeditiously and as quickly as possible to wipe out the marriage tax penalty for couples like Michele and Shad Hallihan. That is what it is all about, fairness. Let us wipe out the marriage tax penalty. Let us make the Tax Code more fair. We ask for bipartisan support.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. RILEY) is recognized for 5 minutes.

(Mr. RILEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SENIORS SHOULD NOT BE PENALIZED FOR CONTINUING TO BE PRODUCTIVE MEMBERS OF OUR SOCIETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, as we conclude legislative business today, I particularly commend my colleague from Illinois (Mr. WELLER) on his fine presentation on eliminating the marriage penalty, a vote we had first and foremost in our Committee on Ways and Means, of which I am a proud member, and obviously brought to the floor with overwhelming success in a bipartisan spirit of trying to eliminate the tax burden on married couples throughout America.

Another issue we are debating and considering and, of course, has been authored by several people, the gentleman from Florida (Mr. SHAW), the gentleman from Texas (Mr. SAM JOHNSON), the gentleman from Texas (Mr. ARCHER), but really one of the people that we need to single out today on this special bill is the Speaker of this House, the gentleman from Illinois (Mr. HASTERT).

They say success has many parents and failure is an orphan. Well, today we can call one bill that will be coming to the Committee on Ways and Means next week and hopefully quickly to the House floor a very big success and that is thanks to the hard work, again, of the Speaker.

In 1986, Mr. HASTERT, the Speaker of the House, introduced a bill to eliminate the earnings penalty by our seniors that basically for the ages of 65 through 69, when they continue to work productively, they start losing, diminishing, their Social Security monies that come to their account. So virtually in America one is penalized, based on the Tax Code, for working past the age of 65.

Clearly, all statistical data indicate people are living longer, more fruitful lives. They are more productive and more engaged in society, but somehow through the years a discriminatory position of the Tax Code has said we are going to start deducting from their earnings for every $3.00 over $17,000 they earn they will have a one dollar liability, basically losing one dollar of Social Security benefit. That is a horrendous policy. That is a terrible discriminatory policy of the Federal Government.

Now everybody lately has been saying, I am for that bill. The President says he will quickly sign it. The minority leader says, I am for that bill; in fact, it was a Democratic proposal.

Well, let me talk about the hard work of the gentleman from Illinois (Mr. HASTERT) since 1986 in bringing that proposal to the floor. Obviously, it was stymied. It was not agreed upon. It was not voted on for many, many years.

Finally, we have a chance to correct what I think is a colossal inequity in the Tax Code, and that is to say to senior citizens 65 through 70, that, yes, we encourage them to continue to work; yes, we in fact applaud them for their continuation of working in the mainstream and, secondly, we are not going to penalize them any longer for that productive activity.

□ 1445

I think it is says a lot about where America is going and whether we should value seniors and value their input and value their expertise and value the fact that they are willing to continue to work hard in the marketplace.

So, as I say, the gentleman from Florida (Mr. SHAW), the chairman of the Social Security Subcommittee on Ways and Means, the gentleman from Texas (Mr. SAM JOHNSON), the gentleman from Texas (Mr. ARCHER), the gentleman from Illinois (Mr. HASTERT) and others who have joined with us today in this important opportunity, the committee will, in fact, be bringing the bill to the floor, or at least to the committee, next week and then onto the floor.

So, first and foremost, we have had, at least on the House floor, elimination of the marriage penalty as a priority. Now we are facing an opportunity to do something for seniors. And we can continue to work on these initiatives.

Let us be clear. We have balanced the budget. Yes, we still have a huge debt that we must pay, $5.7 trillion total debt, and we are working on a plan in fact to reduce that. The gentleman from Illinois (Mr. HASTERT), the Speaker; the President; virtually everybody agrees that it is time to pay down the debt. Let us do that. Let us do that while we have that surplus cash flow.

We also have a chance to shore up Social Security and Medicare, and I think that it is incumbent upon everyone in the room to reach across party lines and start developing a format in which Social Security and Medicare can be reserved.

Finally, I am certain we will join together in some form of coverage for medicines, health care. Medicare will provide some kind of pharmaceutical relief for those desperately in need of relief from the high cost of pharmaceutical and prescription drugs.

These are issues I believe the Congress can work on without a lot of rancor and bitterness. These are issues that are fundamentally and vitally important for people throughout America. They are programs that seniors depend on.

I think this Congress, now as we enter the 21st century, not only has the fundamental opportunity and responsibility, but clearly now has the resources to make some of these things come to reality: pay down the debt, modest tax cuts for those who desperately need them, shoring up Social Security and Medicare, and doing the kinds of things that will instill in us not only a national sense of pride but also act as a model for young people.

By suggesting finally that the Federal Government is going to pay its debts, maybe it sinks into those who have failed to live up to their responsibility, recognizes the true leadership that is necessary, and they in fact in their own personal lives start paying down debts that they may owe, credit cards and other things that have probably hampered their ability for economic prosperity.

If America is going to move forward, we can start embracing some of these topics today. But I again urge my colleagues to sign on to the elimination of the senior penalty, where we tax those 65 to 69 for continuing to be productive citizens in society. Undo this horrible tax, if you will, on their earning capabilities. Take free the shackles from them and allow them to be productive, prosperous, and successful Americans like everyone else.

MISTREATMENT OF AFGHANI WOMEN IS NOT CULTURAL—IT IS CRIMINAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise to speak about an item that ought to outrage not only everybody on this floor but everybody throughout the world. The plight of Afghani women is desperate. So desperate, in fact, that at least half of the passengers on a recently hijacked Afghani airliner have now sought political asylum in England. So desperate that English authorities continue to investigate whether some of the passengers, men and women, aided their captors in an effort to escape the brutal, vicious, thug-like Taliban regime in Kabul.

Mr. Speaker, as we enter a new century marked by hope and optimism, marked by the expansion of freedom and democracy, the Taliban regime seems bent on dragging its citizens, and in particular its women, back to the dark ages. In fact, it is probably worse than the dark ages.

To be female in Afghanistan today is to be a target, a target for repression, a target for brutality, a target for physical and emotional terror that knows no peer.

As First Lady Hillary Clinton has stated, ''We must all make it unmistakably clear this terrible suffering inflicted on the women and girls in Afghanistan is not cultural, it's criminal. And we must do everything in our power to stop it.''

The First Lady was absolutely correct. Ever since the Taliban seized power in 1996, it has enforced edicts that have destroyed basic human rights for Afghani women.

According to the U.S. State Department and human rights groups, women and girls are prohibited from attending school. With few exceptions, women are prohibited from working outside the home. Women and girls may not go outside unless they wear a head-to-toe covering called a Barca. A three-inch square opening provides the only means for vision.

Women are prohibited from appearing in public unless accompanied by a male relative. My colleagues, listen to this: Access to medical care for women and girls is virtually nonexistent.

Mr. Speaker, I am the father of three young women, three girls, and the grandfather of a beautiful 13-year-old granddaughter. Intolerable situations.

Women are not allowed to practice medicine. And listen to this: Male doctors are prohibited from viewing or touching women's bodies. How can a woman get medical services if women are prohibited from practicing medicine and men are prohibited from viewing or touching women?

Windows in houses that have female occupants must be painted so that one cannot see from the street.

It is hard to believe that any society in the world would force its citizens to endure such Draconian conditions. But, in the 21st century and the dawn of the century, it is the sad truth.

Violations of the Taliban code brings swift, brutal punishment from the religious police, known as the Ministry for the Promotion of Virtues and Suppression of Vice.

What a warped understanding of virtues the Taliban has. Women have been beaten on the street for showing an inch of ankle below the Barca or for wearing shoes that make sounds while walking. One woman reportedly was shot for appearing in public while taking her sick child to a doctor. What a warped sense of virtue these Taliban have.

Other women are randomly rounded up and imprisoned for no apparent justification. Women are frequently stoned, hung, and beaten for alleged violations of various Taliban laws.

Some, I suppose, would argue that the treatment of Afghani women and girls half a world away is none of our business. But when basic human dignities are stripped from so many and so violently, we should not, we must not stand by silent. Indeed, we must express our collective outrage and, yes, perhaps do more than that. It would be, Mr. Speaker, unconscionable for us to look away while an entire generation of Afghani women are desperately crying out for help.

Mr. Speaker, I appreciate this time, but more importantly, I appreciate the fact that all of my colleagues join in expressing this outrage and reversing this criminal behavior. I am pleased to have the opportunity to join my colleague, the gentlewoman from New York (Mrs. MALONEY), in bringing this matter, this desperate matter, to the attention of our colleagues.

SERIOUS QUESTIONS ABOUT COLOMBIA ASSISTANCE PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, the administration has recently sent to Congress a request for $1.6 billion, primarily in military and security assistance, to be sent to the Government of Colombia over the next 2 years. The majority of this assistance, namely $800 million to $900 million, will be voted on next month as part of an FY 2000 supplemental appropriations bill. These monies will supplement the $300 million in mainly security assistance that the Congress has already approved for Colombia for fiscal year 2000. The remainder of the funds is requested for fiscal year 2001.

The ostensible purpose of these funds is to cut the supply of drugs coming out of Colombia to the United States and to support Colombian President Pastrana's efforts to negotiate peace with guerilla factions and to reform government institutions.

Now, I am sure that everyone in this Congress shares the administration's concerns about the threat to Colombia's democracy and development from narcotics traffickers, rebel forces, and paramilitary groups. And I am sure everyone in this Congress supports President Pastrana and the peace process in Colombia. These issues are not in question.

What I do question is whether the proposed aid package for Colombia is the right aid program and the right policy for Colombia. I do question whether the aid under consideration will meet either the counternarcotics objective, let alone further the peace process.

Our current policy, which has already involved hundreds of millions of dollars in assistance to the Colombian security forces, has not, I repeat, has not reduced coca cultivation in Colombia, the flow of cocaine or heroin to the U.S. from Colombia, or the profits of drug traffickers. Why do we believe that more of the same is better?

I also question providing substantial assistance to the Colombian Armed Forces, which has a long and rotten history of human rights violations, including support for paramilitary groups. I question a package that does not address at all the problems posed by the paramilitary groups, which are responsible for the majority of human rights crimes, the internal displacement of more than 1.5 million Colombian peasants and who are more directly linked to drug lords than the guerillas.

I urge my colleagues to not rush consideration of the Colombian supplemental. I urge my colleagues to ask the administration whether this is a counternarcotics strategy or a counterinsurgency strategy.

I urge my colleagues to ask the administration how long they expect the United States will need to be in Colombia to accomplish even their stated objectives.

This package is for 2 years, by which time most of the military equipment will be just arriving in Colombia. Are we going to be in Colombia for just 2 years, or for 4 years, or 6 years, or who knows how many years?

I challenge the administration to explain how launching military operations in Colombia at a time when the peace negotiations are moving forward will help the peace process.

Mr. Speaker, we must ask these questions now because later may be too late.

I will just close by again urging my colleagues to carefully consider the implications of this aid package. Let us not rush to judgment on this package and do something that we will regret in years to come.

Mr. Speaker, I include for the RECORD the following letter that the gentleman from Massachusetts (Mr. MOAKLEY) and I sent to Secretary Albright about these issues:

CONGRESS OF THE UNITED STATES,
Washington, DC, February 3, 2000.

MADELEINE ALBRIGHT,
Secretary of State, U.S. Department of State, Washington, DC.

DEAR SECRETARY ALBRIGHT: In the President's State of the Union Address and in the media, it has been reported that the Administration will submit a supplemental request to provide as much as $600 million in counter-narcotics assistance to Colombia, primarily assistance to the Colombian Armed Forces. It is our understanding this is but one piece of an overall $1.3 billion package, primarily of military, military-related and counter-narcotics assistance.

We share your concerns about the threat to Colombia's democracy and economic development from narcotics traffickers, rebel forces and paramilitary groups. However, it is clear our current policy, which has already involved hundreds of millions of dollars in assistance to the Colombian security forces, has not reduced coca cultivation in Colombia, the flow of cocaine or heroin to the U.S. from Colombia, or the profits of drug traffickers. Rather than increase funding for a strategy that has not proven effective and requires even larger amounts of military assistance for the foreseeable future, we believe the U.S. and other friends of Colombia must provide stronger support for diplomatic efforts to strengthen the peace process and promote stronger economic and alternative development programs, thereby creating the conditions necessary for a more effective counter-narcotics strategy. These objectives should not be relegated to poorly funded ''add-ons'' to large-scale military assistance packages.

We are also concerned about providing substantial assistance to the Colombian Armed Forces, which has a long history of human rights violations, including support for paramilitary groups. Our concern is compounded by the lack of accountability in the Colombian military for human rights violations committed by military personnel. Even when Colombian government prosecutors have abundant evidence showing that high-ranking military personnel have committed serious violations, these officers are rarely prosecuted fully or punished. Recent measures by Colombia's leaders to reform the Military Penal Code and criminalize torture, genocide and forced disappearance are important steps forward, but they are not yet final. Further, they do not adequately address other crimes against humanity, such as extrajudicial killings or the continuing lack of accountability of military tribunals.

The need for accountability is critical. If the U.S. does provide assistance, it should be conditioned on the rigorous application of the August 1997 ruling of Colombia's Constitutional Court, which requires that crimes against humanity allegedly committed by military personnel be investigated and tried in civilian courts. Neither the Colombian military nor the Superior Judicial Council has abided by this Constitutional Court ruling: they have continued to refer human rights cases to military tribunals. We believe that as a condition of U.S. assistance to the Colombian Armed Forces, the Government of Colombia take the necessary measures to require the military to support civilian jurisdiction in cases involving credible allegations of human rights abuse by military personnel, including cases where officers are accused of conspiring to commit or facilitate murders and massacres. In this way, President Pastrana can ensure that all cases involving human rights abuses by military personnel are sent to civilian courts, which are best equipped to investigate them impartially and guarantee due process.

The Administration should also provide periodic reports to Congress on the number of Colombian military and police personnel who are investigated, prosecuted and convicted of human rights violations in both the civilian and military justice system. The reports should include the sentences they receive and the number suspended from active duty pending the outcome of such proceedings. Such Administration documentation will allow the Congress to assess the extent of accountability by the Colombian military for human rights violations.

We also believe that U.S. assistance should be conditioned on actions by the Colombian Government to ensure that all links, at all levels, between the Colombian security forces and paramilitary groups are severed. U.S. assistance should not be provided to those who aid or abet or tolerate the activities of paramilitary groups, which are most responsible for internally displaced people, as well as responsible for human rights violations and narcotics trafficking. The capture of paramilitary leaders would be an important measure of the Colombian government's commitment to this goal.

For Congress to be able to assess the extent to which the links between the military and paramilitary groups have been severed, the Administration should provide periodic reports on the enforcement by the Colombian National Police and the Armed Forces of outstanding arrest warrants against paramilitary leaders and members, the suspension from active duty of military personnel credibly alleged to have aided or abetted the activities of the paramilitaries, and the prosecution in the civilian justice system of military personnel for human rights violations, including murder and conspiracy to commit murder, committed in the course of their support for paramilitary groups.

As you well know, respect for human rights and accountability for human rights violations require a civilian court system that functions effectively. Our assistance should include, therefore, funds to strengthen Colombia's civilian justice system. This should include reform of the rules governing disciplinary proceedings carried out by the Colombian Government's Office of the Procuraduria against members of the military and police. These reforms should also include the elimination of the statute of limitations on crimes against humanity and the establishment of a policy to immediately dismiss and prosecute in civilian courts any officers found responsible for such crimes.

It is vitally important that U.S. assistance to Colombia be used to support human rights organizations and monitors, protect the security of human rights defenders, and strengthen non-governmental organizations and civil society. U.S. Embassy personnel should also investigate reports of human rights violations in accordance with the purposes of the Leahy provisions enacted into law (Section 564, PL 106–113 and Section 8098, PL 106–79).

As you prepare to send to Congress your proposal for increased assistance to Colombia, we hope you will seriously consider these important issues. As always, we look forward to working with you to achieve our shared goals of supporting a democratic Colombia, where the human rights and welfare of its people are safeguarded.

Sincerely,

JAMES P. MCGOVERN,
Member of Congress.
JOHN JOSEPH MOAKLEY,
Member of Congress.

UNEMPLOYMENT IS LOW WHILE UNDEREMPLOYMENT IS HIGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I have said before that while our unemployment rate is very low, our underemployment is terrible. We have young people with degrees or even graduate degrees all over this country whose highest paying employment is as a waiter or waitress in a nice restaurant. While working in a restaurant is certainly honorable employment, it is sad that so many millions now have degrees or even graduate degrees and cannot find jobs in their degree fields.

In yesterday's Washington Times, an article said that far less than half of those who have received doctorates, Ph.D.s in English or foreign languages, were able to find college teaching jobs.

The story told of one man who received a doctorate in English from the University of Colorado and who did not bother to apply for a job at a small college in northeast Texas after he found out that he would have been the 350th applicant for that job.

We now have a trade deficit of $350 billion. Most economists tell us that we lose conservatively 20,000 jobs per billion. This means we lost roughly 7 million jobs to other countries last year alone. Because of weak trade dealings and because environmental extremists do not want us to drill for any oil, dig for any coal, cut any trees, or use our natural resources in any way at all, we are losing many of our best highest paying jobs to other nations.

□ 1500

First this was a trickle. Now it is happening very, very fast. We cannot base our whole economy on the tourism that the environmental extremists always want and always bring up unless we want millions more working at minimum wage or barely above minimum-wage jobs. Also, our colleges and universities are doing a real disservice to the young people of this country if they do not start warning students that certain fields have almost no jobs or good job prospects; and I think they should at least warn the young people and parents and entering freshmen should check out these things very closely, because it is a very sad thing to sit with parents or grandparents of very fine, nice-looking young people who have made very good grades and who have received degrees, sometimes even graduate degrees and cannot find good jobs after getting these degrees.

Secondly, I heard while driving in this morning that because of rapidly rising oil prices, some fishermen and others in the Northeast have asked the President to declare a state of emergency because fuel and home heating prices are going up so fast, particularly in the Northeast. Everyone knows that we have become far too dependent on foreign oil. We have done this at a time that we are sitting on billions and billions and billions of barrels of oil. We could easily bring down the price of oil or at least hold it steady by drilling for

more oil offshore and in Alaska. But once again environmental extremists who almost always are very wealthy people do not want us drilling for any more oil.

Some of these extremists even have said that they think our oil prices should be two or three times higher than they are so that more people will be forced to use mass transit. But this would really be harmful and would put the final nail in the coffin of some of our small towns and some of our rural areas where mass transit is not available and where people have to drive sometimes long distances to get to good jobs. Do we really want to force more people into our big cities that are already overcrowded and where more pollution occurs? If we want lower prices for everything and more good jobs, we need more domestic oil production.

The very misnamed Arctic Wildlife Refuge, which has 19.8 million acres of land in Alaska, could produce many billions more barrels of oil if we would just allow drilling on far less than 1 percent of its territory. Most of this refuge is nothing but a frozen, huge brown tundra that does not have a bush or a tree on it or at least not one within many, many miles. If we opened up only 12,000 acres, far less than 1 percent of this refuge, we could get to billions of barrels of oil; and it could be done in an environmentally safe way and without hurting even a single animal or cutting even one tree. Yet once again wealthy environmental extremists do not want us to do this, even though their actions are hurting the poor and working people of this country most of all and are also helping keep young college graduates from getting good, high-paying jobs.

These are just some things that I hope many people in this country and in particular my colleagues here in the Congress will consider in the months ahead.

STOP SPLINTERING FAMILIES; START APPLYING AMERICAN FAIRNESS AND JUSTICE

The SPEAKER pro tempore (Mr. SUNUNU). Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to say that we must stop the splintering of American families that resulted from the so-called immigration reform act passed in 1996. We must stop deporting hardworking legal, I repeat, legal immigrants who are raising stable families only because they committed a minor infraction years or even decades ago. We must stop hauling away parents in the middle of the night in front of their children, and we must stop denying these people now in detention the most basic constitutional rights that we in America believe everyone should have.

Yet that is exactly what the 1996 immigration law does. It redefines the term ''aggravated felony,'' which sounds so horrible to cover virtually every crime ever committed. It is retroactive, covering crimes decades ago. It denies basic constitutional protections such as bail and visitation rights. Again, I repeat, we are talking about legal immigrants, immigrants residing in this country in a legal fashion.

The law that was passed in 1996 removes the authority of immigration judges to take into account a person's contributions to our society as well as any past misdeeds. The law removes Federal judges' oversight over the immigration process. It allows INS, Immigration and Naturalization Service, deportation officials to pick someone up after they apply for citizenship, put them in detention maybe in the middle of the night without their relatives knowing where they were and hold them without bail. Mr. Speaker, this is America. This has to stop. We must start to restore justice and fairness to immigration proceedings.

Let me just give my colleagues a few examples of how this law is splintering families in the San Diego area. Just yesterday, I received a letter from 13-year-old Aida. Her father had always been a good provider; but in the middle of the night, he was picked up by the INS, handcuffed in front of his children and deported. Now his family has to rely on welfare.

Allan is 34 years old and came to the United States when he was 16. He was arrested for grand theft in his 20s and served a 3-year sentence. But today, many years later, he faces deportation despite doctors' diagnoses of attention deficit disorder and possibly Tourette's syndrome. Several doctors said he should be treated for mental illness rather than being incarcerated further for crimes for which he has already paid his price.

Juan, who is 44, has been in the United States since he was a young man. He was convicted of drunken driving and served 7 months of a year sentence. This sentence was expunged from his record by California courts, but still the INS picked him up at his home at 2 in the morning. He served more time in detention while waiting for deportation than he did for his original DUI.

I repeat, Mr. Speaker, this is America. Here we do not allow unconstitutional actions. Here, actions do have consequences; but we have a system of checks and balances to ensure that no branch of government can ride roughshod over our rights.

Mr. Speaker, I propose to roll back the draconian provisions of this 1996 law. My own bill, H.R. 3272, the Keeping Families Together Act, would do the following, and I repeat, this is for legal immigrants. It would restore the previous definition of aggravated felon so people would not be dragged into jail for very minor crimes. It eliminates the retroactivity sections so minor crimes from decades ago are not counted against the immigrant. It restores previous standards so as to allow a judge to take into account community ties before deciding on deportation. It eases mandatory detention requirements for immigrants who have completed their sentences or probation. It reinstates the authority of Federal courts to review immigration matters. And it does ensure, Mr. Speaker, that murderers, rapists, and terrorists, true aggravated felons, the people we want to deport, would still be deported.

Mr. Speaker, we need to start here. We need to start to restore fairness so that our Pledge of Allegiance truly means with liberty and justice for all. We must stop the practices that would shame anyone who reveres our constitutional system.

LITHUANIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, today I rise in celebration of another year of independence for Lithuania. While some may consider this the 10th anniversary of the day many brave Lithuanians faced the Soviet tanks to restore freedom, it is truly the 82nd anniversary of Lithuanian Independence Day. As a Lithuanian American, I am proud of my ancestry and what Lithuania stands for, such as resilience, determination, tenacity and pride. What I find especially promising about the Lithuanian people is how far they have come after reestablishing independence just 10 years ago.

Today, Lithuania is a vibrant economic power in central Europe. In 1998, Lithuania had the lowest inflation rate in Central and Eastern Europe and privatized 344 companies. I am sure that the 1999 numbers will be just as encouraging. Additionally, Lithuania continues to contribute to the security of the Baltic region by implementing key defense programs and priorities.

First of all, the Seimas has already approved a 10-year defense spending program which will reach 2.5 percent of the GDP by 2005. This increase in spending will ensure that appropriate equipment will be procured and critical troop reforms will be made. The additional spending will also secure Lithuanian interoperability with NATO forces. While Lithuania already participates in some NATO forces, interoperability will again prove Lithuania's readiness to join NATO as a full-fledged member.

However, entrance into NATO and defense spending are only one aspect of such a diverse country. Trade, economic development, and foreign investment will help to strengthen Lithuania not only in Europe but across the globe. Today, out of the top 10 foreign investors in Lithuania, only three are American companies: Williams, Phillip Morris, and Coca-Cola. As the government continues to privatize industries and services throughout the country,

American companies must make the first step and begin investments. Right now Lithuania is an untapped resource of money, goods and a capable workforce. The possibilities are endless as to what can be done in this burgeoning economy. The United States and Lithuania must work together to encourage this investment. The possibilities are too great for American companies to miss by sitting on the sidelines.

Again, I would like to congratulate the Lithuanian people on not only their independence but on the strides they have made over the last 10 years to make their country what it is today. Through continued perseverance, they have shown in the past Lithuania will be an outstanding addition to NATO and an economic powerhouse in central Europe.

TALIBAN ATROCITIES IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, I join my colleague, the gentleman from Maryland (Mr. HOYER), in speaking out for equality, equal opportunity, freedom of choice, and freedom to live. There was once a time when these words were only meaningful to men. However, more than 50 years ago, the universal declaration of human rights declared once and for all the principle of equality for women and men around the world. Then why is it that in the year 2000, the beginning of the year and the decade of hope and advancement and greater opportunity that there is an entire population of women who still live in constant fear and violent oppression?

Since 1996, the Taliban, an extremist militia, has seized control of 90 percent of Afghanistan and then unilaterally declared an end to women's basic human rights. Women are banished from working, girls are not allowed to attend school beyond the eighth grade, women are beaten for not fully covering themselves, including their eyes and ankles. Women and girls are not allowed to go out into public without being covered from head to toe with a heavy and cumbersome garment and escorted by a close male relative. Women are not allowed to seek health care, even in emergency situations, from male doctors. The Taliban has allowed some women to practice medicine, but women must do so fully covered and in sectioned-off special wards. And even these services are only available in very few select locations, leaving women to die from otherwise treatable diseases.

A 16-year-old girl was stoned to death because she went out in public with a man who was not her family member. A woman who was teaching girls in her home was also stoned to death in front of her husband, children, and students. An elderly woman was beaten, breaking her leg, because she exposed an ankle. These are atrocious actions and they are real. They are happening now. They will continue tomorrow as long as the extremist Taliban government is still in control.

The restriction on women's freedom in Afghanistan is not understandable to most Americans. Women and girls cannot venture outside without a burqa, a heavy and expensive restrictive garment, that covers the entire body, including mesh over the eyes. For some women, not having the means to afford and purchase this expensive garment will banish them to their homes for the rest of their lives.

The effects of this decree have been severe. Many Afghan women are widows and have no means of income because they cannot work. And unless they have a close male member in their family, they have no access to society for food, for their families and for themselves.

□ 1515

It is no wonder that under these conditions, the Feminist Majority Foundation reports that the Physicians for Human Rights found that 97 percent of Afghan women show signs of major depression.

I join my colleague, the gentleman from Maryland (Mr. HOYER), in condemning the Taliban regime. We must continue to speak out against the Taliban, on behalf of the women and girls that risk death for speaking out for themselves.

We must not accept the Taliban as a legitimate government.

We must send a strong and clear message that gender apartheid is unacceptable and a gross violation of the most basic human rights.

Afghanistan may be physically located on the other side of the world, but the voices of the women and girls suffering there are heard loud and clear here.

I urge my colleagues to continue their support of the women and girls in Afghanistan by cosponsoring my resolution, H. Res. 187, to prevent any Taliban led government from obtaining a seat in the United Nations, and refused any attempt to recognize any Afghan government, while gross violations of human rights persist against women and girls.

In closing, I want to share with you an excerpt from a poem written by Zieba Shorish-Shamley called "A poem dedicated to my Afghan Sisters":

I remember you . . .
When you have no choice, no voice, no rights, no existence
When you have no laughs, no joy, no freedom, no resistance
Your pain, your agony, your silence, your loneliness
Your anger, your frustration, your cries, your unhappiness

To the women of Afghanistan I say, we remember you, we will not forget you, we will fight for you!

NOT ALL AMERICANS EXPERIENCING THE SAME PROSPERITY

The SPEAKER pro tempore (Mr. SUNUNU). Under a previous order of the House, the gentleman from Virginia (Mr. GOODE) is recognized for 5 minutes.

Mr. GOODE. Mr. Speaker, when the President delivered his State of the Union address on January 27, he touted the unprecedented prosperity of the Nation. He pointed to the fast economic growth and the lowest unemployment rates in 30 years.

Unfortunately, this is not the case in all areas of the country. In some parts of the Fifth District of Virginia, which I represent, we have experienced significant job losses and unemployment rates that are three to five times greater than the State average. The job losses are the result of textile plant closings and the decline of the apparel manufacturing industry in Southside Virginia and throughout the Nation.

Martinsville and Henry County, Virginia, used to be known as the "sweatshirt capital of the world," but with the recent loss of over 3,000 apparel manufacturing jobs, that title will no longer be applicable. Recent figures show that the unemployment rate in Martinsville for the month of December was 19.6 percent, and the unemployment rate for surrounding Henry County was 11.6 percent. Neighboring counties, including my home county of Franklin, also have seen textile plants close and unemployment rates increase.

The people who have lost their jobs are able and willing workers. Many in the community were concerned when NAFTA was proposed, and they feared the impact that the agreement would have on their jobs and the local economy. Their fears and concerns have now been realized. Nearly all of the plant closings in the area have been certified by the Department of Labor as NAFTA impacted, making the workers eligible for the Trade Adjustment Assistance Program and the NAFTA Transitional Adjustment Assistance Program. Many have taken advantage of these programs which provide job training grants. With the help of the Virginia Employment Commission, many of them are enrolling in training programs. However, job training will be of little benefit to these people if there are no jobs available to them.

There is legislation that has been introduced in the House of Representatives which I believe would help these displaced workers and others like them around the country. H.R. 1967, the NAFTA Impact Relief Act introduced by the gentleman from Mississippi (Mr. SHOWS), now has over 70 cosponsors. The NAFTA Impact Relief Act would provide tax incentives and grants to communities affected by the loss of businesses and jobs as a result of NAFTA.

I believe this measure is an example of what we need to try to do in order to assist adversely impacted localities in their efforts to create jobs and to get their economies on the same track as those sectors of the country which are enjoying more prosperous times.

I hope that in these times of economic growth for the Nation as a whole, my colleagues and the President will recognize that not everyone is experiencing the same prosperity. I hope that we can all work together on efforts to help these hard-working Americans in their time of need.

OPPOSE UNILATERAL CLOSURE OF PUBLIC LANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. RADANOVICH) is recognized for 5 minutes.

Mr. RADANOVICH. Mr. Speaker, yesterday President Bill Clinton announced plans to create a monument in the Sequoia National Forest. Not in Sequoia National Park, mind you, but Sequoia National Forest. It will be 400,000 acres, almost 625 square miles.

The 19th District of California is my home. It encompasses four counties, Mariposa, Madera, Fresno, and Tulare. The people of my district share their home with three national forests and two national parks. That makes my district over 85 percent federally owned, one of the highest ratios in the country.

Make no mistake, we are proud of our public lands. Yosemite and Sequoia National Parks are crown jewels. The old growth trees that are there inspire majestic awe. The people of my home love and respect the environment.

But, Mr. Speaker, this designation is not about protecting the environment and it is not about protecting giant sequoias. Nobody is logging these trees. The sequoia groves have been off limits for years. This designation is all about politics. It is a campaign looking for a press release.

It seems our President will say just about anything to prolong his rule. Today he will close down the Sequoia National Forest for some good press, and tomorrow it will be someplace else. What is next? When a government can close off public lands, on a whim, without asking for public comment, they are not really public lands any more.

Mr. Speaker, how can we allow a President to close access to public lands the size of Rhode Island without asking permission from the people who own them?

Today I am introducing a resolution. It requests that the President tell us what he plans to do with the rest of our public lands before election day. He has, so far, steadfastly refused to answer this question. It requests that the President include real public participation as he moves forward with the Sequoia Monument. He needs to talk to people who live there, not just people in Washington.

We should oppose this kind of unilateral closure of public lands, if not for the people in my district or in your district, but then for the sake of our democracy. It seems we need an administration that remembers that we do live in a democracy.

PRESCRIPTION DRUG BENEFITS AND THE MEDICARE PROGRAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. GREENWOOD) is recognized for 60 minutes as the designee of the majority leader.

Mr. GREENWOOD. Mr. Speaker, this evening the gentleman from North Carolina (Mr. BURR) and I are going to talk about prescription drug benefits and the Medicare program.

In 1965, when Medicare was created of course it was created without a prescription drug benefit. It seems unimaginable now in the year 2000 that the Congress would create a program to provide for the health care of the elderly without providing a prescription drug benefit, but those were different times. In 1965, a far smaller percentage of Americans in general and American seniors used prescription drug benefits on a regular basis, and so Congress did not include prescription drug benefits in the creation of Medicare.

But today, as we stand at the millennium in the year 2000, the world is a very different place, and today's seniors, as we all do, benefit from health care innovations that were inconceivable just 35 years ago, and particularly in the area of pharmaceutical products and biological products.

Today if you do not have access to the latest miracle drugs produced by the pharmaceutical industry and you do not have access to the latest biological products that are being produced, that are creating cures for diseases that could not have been imagined 35 years ago, if you do not have access to these products, you really do not have good health care in America. Yet 35 percent, over one-third of all of the seniors in the United States, as well as the disabled, who also receive their health care through the Medicare program, do not have access to these products.

This chart to my left here, the pie chart on the right, describes which Americans do and which Americans do not have access to prescription drugs through the Medicare program and other similar programs.

About 31 percent of American seniors receive a prescription drug benefit from their former employer. They worked long enough to receive a lifetime of benefits and their employer was in a position and perhaps the union negotiated for a benefit that would be a good prescription drug benefit that would last for the rest of the life of the retiree.

About 11 percent of today's elderly population purchase a prescription drug benefit when they purchase a Medigap policy, the Medigap policies that cover those costs of health care not covered by the regular Medicare program.

Then there are about 10 percent of America's senior citizens who are of such low income that they are eligible for the Medicaid program, health care for the poor, and they have through that program a pretty good prescription drug benefit.

Then there are about 8 percent of the elderly who choose to receive their Medicare in what is called Medicare Choice Plus plans, and that is that they have a managed care package, and that managed care package provides them with the benefit.

But the yellow piece of the pie there, the largest piece of the pie, represents the 31 percent, the chart says, and the estimates are between there and 35 percent, of America's seniors who do not in fact have any Medicare prescription at all.

Let me change charts for a moment.

This is a chart that demonstrates of those that do not have, the 35 percent of Americans's elderly who are without prescription drug benefit, who they are in terms of income levels. As this chart readily indicates, the likelihood that one is covered with a prescription drug benefit is in direct proportion to one's income at retirement. So those American retirees who have incomes in excess of $50,000 per year, 95 percent of them are able to in one way or another meet their prescription drug needs.

That figure climbs for those between $25,000 and $50,000 to 16 percent. Between $15,000 of income and $25,000 of annual income those uncovered by a prescription drug benefit is 22 percent. Between $10,000 and $15,000 the number is 20 percent. For those Americans below $10,000 and yet with enough income so they do not qualify for the Medicaid program or a State-operated Medical Assistance Program, 37 percent of those elderly do not have a prescription drug benefit.

As this chart indicates, this problem is going to be exacerbated by time. In 1999, 13 percent of the American population was older than 65, and of those over the age of 65, 33 percent were taking some form of medication on a regular basis.

Thirty years from now, when the baby-boom is fully retired, about 20 percent of Americans will be of retirement age, over 65 years, and more than half, 51 percent of them are expected to require daily medications. So clearly this problem will get worse in time unless the Congress acts to solve this problem.

As this chart indicates, the problem is being exacerbated because of the increasing costs of prescription drugs, the total prescription drug costs for any given elderly person.

In 1993, this is the price increase per year, these are year-over-year percentage changes, so in 1993 the price of pharmaceuticals increased by 8.2 percent, while the consumer price index was only 2.7 percent. As the chart shows, the annual increase in the total cost of all pharmaceuticals, this is not the per item cost, but the total cost of all pharmaceuticals, has risen to the extent that just the one year change between 1998 and 1999 was a whopping 18.5 percent, while the CPI was still down at 2.7 percent.

I wanted to bring up one other graph.

This is a very important graph, because it begins to break down the components that cause this dramatic increase in the total cost of all pharmaceuticals.

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The purple parts of each bar are the percentage increase in each of the years between 1990 and 1998 that were related to the actual percentage increase in the cost of the pharmaceutical products on the market. So in 1990, products in general went up 8.4 percent. That has been on the decline; it is at a slight increase in the last few years. But as we can see, the percentage of increase in products on the market is a relatively small percentage of the total cost increases.

The green part of the bar shows the volume from the mix of new products. What that means is that this part of the increase was driven by the fact that seniors were getting more prescriptions, taking more medications, and new products were coming on to the market, adding to the costs. So when we look to methodologies to bring down the cost of prescription drugs, we need to understand that it is not just a freeze, for instance, on all prescription drug prices, which will not solve the problem, because as long as new products come on to the market, seniors will have access to them, and that will drive up the total cost of pharmaceuticals.

Mr. Speaker, we Republicans are committed to solving this problem. My colleagues on the Committee on Commerce have been working hard at this for some time, as have our friends on the Committee on Ways and Means; and we have been meeting together. We will have a prescription drug benefit plan in legislative form probably next month, in March, and we will bring that to our committees for consideration, and to the floor.

I am convinced that the capacity is here in the House for Republicans and Democrats to work together for the Congress, and for the House and the Senate to work together, and for the Congress, the Republican Congress and President Clinton to work together so that by the end of this year 2000 we will have been able to provide a legislative solution to this that is sound, this is reasonable, that makes sense, and that solves the problem of many seniors today where they have to choose between whether to buy groceries or whether to buy a prescription drug, or whether to take their prescription from their doctor and then never have the opportunity to fill it at all.

At this time, I yield to my colleague from North Carolina (Mr. BURR), who knows as much about this issue as any of my colleagues.

Mr. BURR of North Carolina. Mr. Speaker, I thank the gentleman from Pennsylvania for making part of his time available for me to join him in this Special Order on the drug benefits that should exist under Medicare.

I sometimes wonder if in 1960 when Medicare was created, whether they knew we would be here at some point in the future. The fact was that drug benefits were not part of the insurance package for the private sector or for any entity, and if they would have been, I am sure that those individuals who were in this institution would have included a drug package in Medicare as we know it today. But the fact is, they did not. In the last 30 to 40 years, we have seen significant change since Medicare happened.

There has not only been change in the delivery system, it has been changed in the treatment methods that physicians use; there have been changes in the devices that hospitals are able to use for treatment; and there has certainly been change in the pharmaceutical world, which I call the high-tech end of medicine. As we discover new things that treat specific illnesses, that up until yesterday we might have thought were uncurable or uncontrollable, that is the era that we are in.

The debate in Washington is not over whether we extend a drug benefit to individuals who make choices between food and drug. It is a philosophical debate in Washington over who we are going to offer a drug benefit to. The gentleman and I and others believe that it has to be universal; that we have to make sure that 10 years from now, people in this institution are not here on this House floor fixing something that had design flaws, fixing something that was not inclusive of 100 percent of the population.

There is a difference between where the subsidy is, the Federal Government subsidy, and making available the option for seniors to buy in. It could be that our plan, employers might buy their retirees into this drug plan. It means that seniors' high income would pay for their premiums and those below a certain level of income on an annual basis might have that Federal safety net to pay their premium and their deductible. But there are certainly plans all around this town, as we have seen.

The gentleman and I both shared an experience which was the modernization of the Food and Drug Administration, a 2½-year process that I remember well. When we started, people looked at us and said, it can never be done; it is too big. Granted, things happen slow in Washington that are big, but 2½ years later, I think even the agency would say that their ability to bring new pharmaceutical products, their ability to bring new devices to the marketplace to treat real people is better today than it has ever been in the history of that agency, while maintaining the gold standard of the FDA, and that is the safety and the effectiveness of their treatments.

I remember through that process that the gentleman and I met hours and hours with individuals young and old who came in with chronic and terminal illnesses who did not have a tremendous amount of choices. One of the results of the Food and Drug Administration modernization was that we have had new applications, a greater number for pharmaceuticals than we have ever seen, because companies invested millions and billions of dollars in research and development. The human genome project is beginning to identify disease that exists in our senior population, and we are just right around the corner from those same pharmaceuticals finding a chemical that can stop that chronic illness that they have had for year after year after year.

We have to make sure that drug benefits are affordable and accessible for the entire population, and we can only do that if we accept the challenge of presenting a universal plan, not a targeted plan like some have suggested. Clearly, it has to be universal and it has to include the entire senior population. As a matter of fact, the General Accounting Office testified in front of us today, the Senate last week; and they said to Congress, do not do anything that does not change Medicare in its entirety. Reform the whole process when you do the drug benefit. That is probably a goal that we cannot do this year. The question is, how long can seniors wait.

However, we can get that portion of it that deals with drug benefits right: universal in scope, affordable in price, and accessible from the standpoint of coverage.

Mr. GREENWOOD. Mr. Speaker, the gentleman made reference to the miracles of some of these more modern pharmaceutical products; and he also, in his remarks, has been talking about the cost and how do we devise a plan that, given the finite resources, will provide this wonderful benefit to all of our seniors. We have to remember that it is not a zero sum game, that when we add a pharmaceutical benefit, it does not simply and only add to the costs of Medicare. Because in many ways, using a pharmaceutical product, using a medicine, is the least expensive way to treat an illness as compared to surgery.

I have a chart here on my left that demonstrates an instance of that. This is the cost of treating stroke patients. If we use a treatment that consists of a pharmaceutical approach, which uses a clot-busting drug, it costs about $1,700 to treat that patient on an annual basis. Yet, by doing that, we are keeping that patient from having to go through the pain and the expense of rehab and often nursing care.

So the difference here is that we save $6,100 that otherwise Medicare would have been paying for.

Mr. BURR of North Carolina. Mr. Speaker, another important thing: we save money, and there is no figure in there on the quality of life improvement that we have made for the individuals. No hospital stay, no transportation for relatives, the type of thing

that for seniors today is a problem; just the dislocation from their home is a problem.

We have been joined by the gentleman from Michigan (Mr. UPTON), who also participated in quite a few things with us, and one of them was the expansion of Medicare in 1995, if I remember, when we made the sell that there were certain things under Medicare that we ought to cover, such as the PSA exam for senior males that checked for a certain cancer; mammograms for senior females so that we could detect at an earlier stage; not too dissimilar to the argument that the gentleman just made and that is if we find a way to detect things sooner, the faster we do it, the faster we treat, the less hospital stay that we have, the less cost that we have, a better quality of life that we have. Everything that we would chart as a goal in a health care plan we were able to achieve, and it should be incorporated into this drug benefit.

Mr. GREENWOOD. Mr. Speaker, the gentleman from Michigan (Mr. UPTON) has joined us, and with my colleague Mr. Burr and myself, along with the gentleman from Virginia (Mr. BLILEY) and the gentleman from Florida (Mr. BILIRAKIS), and others, we have been working for all of this year and beyond that, earlier than that, to devise a prescription drug plan that makes sense.

I would like to now yield to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I thank the gentleman from Pennsylvania for taking this Special Order. I certainly welcome the opportunity to work with my colleagues on developing a plan that makes sense.

As we go back home, particularly this next week and a half with Congress out of session, as we look at our mail that comes in virtually every day, there is a real human cry for us to do something about pharmaceutical drugs and to try and work together to allow this to happen for today's seniors.

I am sorry that I was a little bit late when this Special Order started. We all have a number of hearings that have been going on, so I missed the beginning. I saw some of the charts just briefly before I left my office to come over. But we are part of a group that is working on a comprehensive plan that tries to do a number of things. Obviously, we have been the leader in terms of the pharmaceutical industry looking for drugs that are going to save lives and in effect save big time in costs. We heard today, the three of us, in our committee a woman from Pennsylvania with osteoporosis, or from Florida, or maybe California. Anyway, she was a wonderful lady.

Mr. BURR of North Carolina. Mr. Speaker, she could have been from anywhere.

Mr. UPTON. Yes, she could have been from anywhere. But these drugs, particularly for osteoporosis, have saved her life. We are looking at some of these advances that are just around the corner with diseases before that have been so crippling, and again, we are almost there in lots of cases. That medical research money is so necessary, not only that we provide to the National Institutes of Health, but also the research and development money that pharmaceutical companies use as well, to try and develop drugs in major ways.

Mr. BURR of North Carolina. Mr. Speaker, in her particular case, it was not limited to osteoporosis, which is the case with a lot of seniors today who have multiple health problems or multiple health conditions. She herself said that she took 11 prescriptions a day.

Now, one of the reasons that she came to see us is she is one of the fortunate seniors that is insured. She has an add-on policy that provides some costs for drugs; and she said, whatever you do, let everybody else have the opportunity who is a senior to buy, but do not limit me; let me stay with the plan I am comfortable with. That is a challenge to us, to make sure that whatever we design is equally as good, if not better, than what she has.

Mr. GREENWOOD. Mr. Speaker, clearly what we want to do is we want to provide choice. One of the first charts I held up demonstrated that a significant portion of America's elderly, two out of three already have prescription drug coverage and about half of those, or about a third of the senior population, receives those benefits from their employer.

Now, what we do not want to do is do anything that is going to cause either those retirees who have a nice prescription drug benefit to suddenly have to pay for something they already have, nor do we want to do anything that would create a disincentive for the employers to provide that. So we have to be careful that we fix what is broken and we do not fix what is not broken in the world of prescription drug benefits.

Mr. BURR of North Carolina. Mr. Speaker, the challenge for us, as everybody will agree, is that there are 30-plus million Americans who fall under this umbrella of Medicare, and it grows every day. We certainly know what the demographic shift is in America. We have heard the numbers as they relate to Social Security. We talk about it enough related to Medicare, but the fact is the senior that goes on Social Security is also the senior that will go on Medicare. The population will double in the next 15 to 20 years in America, and I think there is a responsibility that we have to make sure that the system is sound enough that it will go on.

Mr. Speaker, I think it is important to talk about some of the numbers that we hear on a daily basis as we discuss drugs. Individuals might see on the nightly news when they talk about the individual who is making a choice between food and drugs or drugs and something else in their monthly budget.

□ 1545

The President's new proposal has a full subsidy at 135 percent of poverty. That income level on an annual basis is $11,727 a year; excuse me, the 150 percent is $11,727.

What happens to that person that is at 135 to 150? Clearly they have the same choices that they have to make, maybe not as great as the person at 100 percent. But I think one of the things we have to do is we have to identify where is that safety net needed the most, whether there is a transitional safety net for people in the middle, because today we can look at 200 percent of poverty for seniors and realize that there is no State, Federal, or community safety net that fills their need, and how expansive we can be is only limited to how creative we can be at producing a new model.

Mr. UPTON. Mr. Speaker, I would just note, if the gentleman will yield, that a number of States, Michigan being one, have just embarked on a program that in fact will help how many HMO seniors, those as high as 150 percent of poverty. But again, it is not a very high dollar figure, as the gentleman suggested.

But what do we do with those States that already have something in place? We have to be very careful not to undo what they have done, and yet try to encourage other States to follow the same lead that States like Michigan have already taken.

Mr. BURR of North Carolina. The gentleman is exactly right. The challenge for us as well is to make sure that the plan that we produce has a value. I think sometimes we leave value out of it because we are talking about this captured audience, and I guess that is how people can look at the current health care system and say, it is the best in the world.

When we talk to seniors, they will point out every problem that exists in Medicare today from the standpoint of the limited scope of coverage to the cost and the out-of-pocket cost, $760 when one really gets sick and has to go in the hospital.

That is an area we should look at, but we are doing drugs now. We have to make sure that it fits in that modernized Medicare system of the future. If not, our work would only be changed by somebody else's mistake later on.

Mr. GREENWOOD. Mr. Speaker, I yield to the gentlewoman from New Mexico (Mrs. WILSON). She is a member of the Committee on Commerce, as we all are here doing this special order, and she will be playing a critical role in determining what kind of prescription drug benefit we can provide to our elderly and to our disabled.

Mrs. WILSON. Mr. Speaker, I thank the gentleman for yielding to me.

I appreciate the gentleman from Pennsylvania (Mr. GREENWOOD) having this discussion today, Mr. Speaker, because I think Congress is just really beginning the hard work of developing the legislation to address this problem.

All of us agree that we have a problem that we have to deal with. It is a problem brought about by marvelous advances in medical care that did not exist at the time that Medicare was established. We look at what the pharmaceutical industry has brought to the quality of life in America. We have a much longer lifespan and a much higher quality of life because there are miracle drugs that are available today that were not available 10 or 15 years ago, but the cost is often very high.

I heard about this a lot when I was at home over our recent break. There was a little lady who came in to see me at one of our town hall meetings. Her name is Jean Welch. She did not say anything during the meeting itself, but she came up to me afterward. She has trouble walking now.

She gave me a little envelope, and just whispered into my ear, don't look at this now, but when you go home, I want you to know that this is half of what I spend on prescription drugs every month. I just want to you to know.

So I went home and I pulled out of this little envelope a receipt from Wal-Mart for over $360. If someone is on social security and they have that high a price for paying for their prescription drugs, it is a real burden, and it is something that we have to address.

I think maybe I would like to just take a minute here, if I might, to talk about how we are grappling with this issue and what the choices are that face us as a Nation and as a Congress, and how we are beginning to sort through those choices.

There are issues really in three areas. One is the scope of coverage. We know that about half of American seniors now have some kind of prescription drug coverage. They have some kind of insurance, but we also know that about one-third of our seniors have no coverage at all. The rest have had some kind of coverage, but it is very, very limited.

So how do we craft a program that allows continuing choice for those who have insurance that they want now, and does not overly burden the Federal government and take away choices from seniors who have exercised their right to choose? So the scope of coverage is one of the issues that we have to deal with.

How do we administer this program? There are a number of options that have been proposed in a lot of different pieces of legislation here, but I think they kind of fall into three groups.

We could have a government-managed benefit, as we do with a lot of other Federal Government programs, with regional entities to purchase and administer our drug program.

We could have private insurers that take care of this, and we would give seniors some kind of a voucher or a credit in order to buy prescription drug insurance. That would not have some of the burdens that go along with being a government-run program.

Or, a third proposal that has been floated is to allow the States to manage this and administer the program. So there is not one prescription drug proposal, there are a lot of different ways that we could do this, and those are ways that we are grappling with here in the Congress starting this week.

There is also the problem of who we cover. All of us know that we need to cover low-income Americans and low-income seniors. But there is also the problem of those that may not be low-income, but they have huge, high drug costs.

That was one of my concerns with the initial proposal that came out that said, yes, we are going to give everyone coverage, it is going to cost us somewhere between $300 and $600 a year to buy it, and by the way, there is no coverage beyond the first $2,500 worth of costs.

Well, my husband handles the insurance in my house, but even I can figure out that I do not need the insurance for the things I can afford, I need it for the things I cannot afford. So if we have caps at $2,500, that does not help Jean Welch after May or June. We need to think about those who have high costs, as well as those who have low income.

There are a lot of models for reform that the Congress is beginning to grapple with and grapple with seriously. I am very pleased that the Speaker has asked the chairman of the Committee on Ways and Means and the chairman of the Committee on Commerce, who have all of the expertise on these programs, to get together, to have the public hearings, to begin to craft a proposal that solves a very real problem that real Americans face every day.

Mr. GREENWOOD. Mr. Speaker, the gentlewoman from New Mexico has well illustrated that there are a variety of plans that are on the table taking different approaches. This is a hard job. This will not be easily done. We are talking about being able to find billions of dollars, many billions of dollars, scores of billions of dollars on an annual basis for the foreseeable future to be able to do this.

We have finite resources. We have many, many competing demands on our budget. We have to do it in a way that makes sense to all of the stakeholders.

There is an old saying, which is that it is amazing how much you can accomplish if you do not care who gets the credit. A lot of the political observers who watch what happens here in the Nation's Capitol will say, do not bet on there being a prescription drug benefit. It is an important election year, it is a presidential election year. The Democrats want to take the Congress back and the Republicans want to keep the Congress, and both parties are vying for the presidency, and it will be too easy for the Republicans and Democrats to get into a fight over who gets credit and who gets blame for getting something done or not getting it done.

Republicans can fight Democrats, Congress can fight the President, but this is too important for that. As the gentlewoman from New Mexico said, her constituent has a real life problem. This is about, literally, life and death. Our ability to solve this problem in a timely fashion really has everything to do with whether some of our elderly loved ones live or die, whether they live in pain and suffering, or whether they can enjoy their golden years and their grandchildren because they have access to the miracles of these industries.

There are also temptations that are nonpartisan. There is a temptation to pick on the various industries that are involved. There is a temptation to say, let us all pound on the pharmaceutical industry. They are a good target. We can beat them up.

The fact of the matter is we do not want the pharmaceutical industry to be price-gouging or making excessive profits, but we do want them to be able to continue to provide these miracles, and there is no country that compares with the United States when it comes to our ability with our pharmaceutical industry to make these products.

They do not do this in Canada, they do not do this in Mexico, or in many countries in Asia, or more than a handful in Europe. These products are for the most part innovated in the United States of America. We have to make sure that we do not kill the goose that is laying these golden eggs.

We think we can bring the price of prescription drugs down dramatically because when we get all of these elderly people and disabled people who do not have the benefit now, get them into the marketplace, subsidized by the Federal government, we will get the price of those prescription drugs down.

Mr. BURR of North Carolina. If the gentleman will continue to yield, the gentleman raises a great question. That is, a movement of 30-plus million people into a plan of coverage has a devastating effect on the cost of the items that are purchased under that plan.

Mr. GREENWOOD. Supply and demand.

Mr. LATHAM. This is a supply and demand situation, where if they buy them individually, the cost is so much higher. I think that is one of the reasons we have to look at some of the plans that are out there, and look at the hard and real facts of what does it cover.

In 1995, the average cost for a senior in America for drug coverage was about $500. That was the extent of all the drugs that they purchased. But more importantly, we are faced with a situation of trying to integrate what we are here trying to put together in with every State who takes care of the poorest seniors.

Somewhere between 58 and 100 percent of those in poverty are currently under Medicaid plans. Those Medicaid plans will be affected by what we do.

We have to make sure this is integrated into it.

The President made a proposal earlier this year. In the President's proposal, the same 135 percent of poverty are covered, just like we talked about the need to cover them. After that, individuals are asked to pay 50 percent of every dollar that they spend after they buy a premium, an insurance policy. The co-pay is 50 percent. There is no insurance product in the marketplace today like that, nor is there one that anybody would buy.

Let me give one figure. On $1,100 worth of drugs under the President's plan, in the year 2002 the benefit, the benefit for the senior would be $197.60. Eight hundred and two dollars of the $1,100 worth of drugs would be out-of-pocket costs by that senior. What an incredible challenge for anybody to buy into.

Mr. GREENWOOD. Mr. Speaker, I yield to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. If I could follow onto something the gentleman mentioned about how easy it is to attack the pharmaceutical industry, these big companies, and why are the prices so high, but these are the companies that brought us the miracles in the first place.

I just want to reinforce something the gentleman said about the worst thing we could do here is to salt the earth or poison the well that will bring us the next generation of miracles, the medicine that will cure Alzheimer's or Parkinson's or diabetes. We want this great medical miracle that we have seen in the 20th century to continue in the 21st century, and the worst thing we can do is to pass legislation which would cause the pharmaceutical industry to shrivel in America and stop creating the next generation of miracle drugs, because I want them to be there for my kids and when I am old and gray.

Mr. GREENWOOD. It takes about something on the order of 9 years and half a billion dollars to bring a product to market, to bring a new pharmaceutical product to market. That is a very expensive proposition. We need to make sure that there are industries in America, companies in America that want to continue to make that kind of investment and take that kind of risk.

At the end of the day, an elderly woman who goes to her doctor because she has some kind of ailment and gets a prescription and takes that prescription to her corner drugstore, all she cares about is, can I afford to get this medicine that is going to make me better? She is not out to kill the pharmaceutical industry. She is not out to kill the biological industry or her corner pharmacist, for that matter, or the insurance industry. What she wants to know is, can I afford at a reasonable cost to get this drug so that I can take it home and get better and feel better and enjoy the rest of my days?

What we have to figure out here as policymakers is how to bring all of these stakeholders, the medical community, the doctors, nurses, hospitals, the insurance industry, the pharmaceutical industry, Republicans, Democrats, Congress and the President, and above all, listen to the seniors, listen to the seniors and to the disabled who are in need of this benefit so that we can share their wisdom, and get beyond the political credit-taking and partisanship and solve this problem.

I would certainly say that any Member of Congress or any president, for that matter, who serves in the year 2000 who can end this year at a bill-signing ceremony seeing that this gets done, and knowing that from that day forward no little old lady, no little old man, walks into any drugstore in America, hands trembling because he or she is not sure they can afford this drug, that will be enough for this Member to retire on, feeling that the time we spent here was worthwhile.

I yield to the gentleman from North Carolina (Mr. BURR).

□ 1600

Mr. BURR of North Carolina. I know the gentleman remembers well the visits that we had from young and old when we were in the hopes that we could modernize the Food and Drug Administration. I think to many Americans they might have looked at it and said, all that is being accomplished is to have a new version of an old drug on the marketplace and this is a process that will allow that to happen. In fact, it was not.

In many cases, the drugs that come through that pipeline today, as we refer to it, are drugs that we have not had anything available to treat that chronic or that terminal illness.

Today, as the gentleman and I know, we have a rampant increase in infection, in seniors predominately, but in all Americans; and it does not have anything to do with sterilization. It just has to do with the change in bacteria that goes on as we have treated one strain so long. The need exists in this country for new antibiotics but, more importantly, the need for patients to take all of the drugs that are prescribed for them so that the illness is eliminated totally.

We know what happens to a senior when they get halfway through the prescription. They have another month to go. That means going to the drugstore. It means the out-of-pocket cost of another $50 or $60 or $70, and they have had a cold month and the heating oil is higher than they thought, they may say I feel great now, the signs that I went in with are gone, and they do not get that second month of prescription. Pretty soon, that problem is back; it is worse. It means hospitalizations. It means doctors' bills. We pay for that side of it, under Medicare, and it is time that we lift the shells that we have got the pea under and make sure that everybody sees them and realizes that regardless of where it happens in the system, somebody has to be responsible and somebody is paying.

We have to make sure that we can say to the taxpayers in this country that they are getting the best value that they could purchase. We have to say to the patients, the recipients, the beneficiaries, they have the most quality delivery system with the greatest scope of coverage out there that we could possibly design. We are not there yet, and clearly we have seen a tremendous amount of options; but too many times we want to focus on the most at-risk and stop before we realize that an important part of this process is to make sure that we design a product that is as attractive to people in the upper income scale of seniors as it is needed in the lower income scale. Because by their participation, that pool of seniors grows and the purchasing power of that group, regardless of whose plan they are under, is that much better for their pharmaceutical coverage.

We have seen it happen in the private sector in health care. We can see it in what is the public sector today, which is Medicare.

Mr. GREENWOOD. Mr. Speaker, when I began my remarks, I mentioned that 1965 is when Medicare was begun, and as we look back 35 years, it is hard to imagine now a time when seniors did not have Medicare, when they did not have a guarantee of health care, just as it was impossible for them to imagine looking forward into time what health care could provide now.

We are at a particularly wonderful moment in our history. Over just the past 5 years or so, we took a Nation that was plunging into debt, $250 billion a year adding to the Nation's debt, and by 1997 making a lot of difficult decisions, including many that affected the Medicare program and trying to squeeze out some of the waste and fraud in Medicare, and we balanced the budget.

Last year, in fact just late last year, we made another huge decision here in Washington. We said we are not going to spend any more of the Social Security trust fund on anything else but Social Security, and that is another milestone that was brought about because of the fiscal discipline that we have demonstrated over the last several years.

Now we are taking down debt. We are to the point where by the end of this fiscal year, by next October, we will have paid down over a quarter trillion dollars in debt.

So this is a golden moment in American history. The economy is strong. Revenues are coming in. The budget is balanced, and we have an opportunity now to take another leap forward; and that leap forward, I think, involves creating this prescription drug benefit. It is a quality of life item. We have the opportunity to do it, and again there is not any question in my mind that there is enough talent in this town, some of it actually in the Congress, certainly in this staff and elsewhere, enough talent in this administration,

talent in both the Republican and Democratic parties and a willingness across this Nation to do this, that we can do this.

This is a solvable problem, and if we decide not to care who gets credit for it and work together across party lines, it can and it will be done. I just hope that all of the Members of the House and Senate who can hear the sound of my voice take that to heart and decide that this will be the year that we will do this in a bipartisan fashion, get the job done.

Mr. BURR of North Carolina. Mr. Speaker, the gentleman raises an important point that we need to remind everybody of. The House of Representatives does not have the ability to do it on their own. The United States Senate does not have the ability to do it on its own. Our Founding Fathers designed a very difficult system, but a system that works. It has its checks and balances, but it requires the legislative branch and the executive branch to agree.

It means that we not only have to pass the test of our 434 colleagues and our 100 colleagues in the Senate, and the executive branch's power over whether something moves, but we have the American people to deal with, too. We have to pass the test of: Is this a good product to them? That is not just limited to the 30-plus million seniors, because certainly the payment in the subsidy, the safety net is created by the American taxpayer.

We have not done a good job of explaining in the past what Congress did and why they did it. I think the reason that they did not was that we are finding they did not do some things just exactly right.

We have an opportunity, as the gentleman said, as we head to a period where as we pay down debt, we could alleviate off of our annual expenditures $260 billion worth of interest payments every year, interest payments that we get zero for. We do not educate children. We do not provide health care for seniors. We get zero in services. That is the one area that infuriates me as a taxpayer, that we cannot get that interest off and we cannot do it until we pay the debt.

As the gentleman knows, in North Carolina I have a mix of every type of health care in this country. I have some of the finest medical universities at Wake Forest and Chapel Hill and Duke and East Carolina. I also have some secondary hospitals that I think are models in the county, in Alamance County and Surry County, North Carolina.

I also have rural health clinics and community health centers. They treat this population as well, and their livelihood has been Medicare.

It was so important that we went back the end of last year and we beefed up some of the reimbursement changes we made in the Balanced Budget Act of 1997, because we saw that we were falling short of supplying the best health care to the seniors in the community health centers and rural health clinics. We went back and in a bipartisan way, very quickly, without a lot of public debate, we found those areas and we strengthened them. Today, those seniors in North Carolina that go to the rural health clinic and in every State now have quality delivery, a delivery system that they are not going to worry whether it is going to be there next year.

That is the opportunity we have with drugs. We can put aside the partisanship of it. We can commit with the President to do a plan, let it pass the test of seniors, let it pass the test of the American people, the American taxpayer. Those are the two most important. The least important is the personal agendas of individuals up here, whether it be at this end of Pennsylvania Avenue or the other.

I am willing to work with the gentleman from Pennsylvania (Mr. GREENWOOD) and with our other colleagues on both sides of the aisle and let seniors, the associations that represent them, the American taxpayer, judge our product at the end on the value of it to them and of the scope of coverage and of the quality of life that it provides for all of them.

Mr. GREENWOOD. Mr. Speaker, the whole concept of aging is changing dramatically in this country. It was not very long ago that people in their sixties and their seventies, because of the state of the health care, they became feeble a lot faster and were not as vital as seniors are today. That trend can only continue.

My mother and father are 78 years of age, and I admit this with a certain amount of hesitancy, but it was just about a year and a half ago that my mother and father and I, on a dare from my father, jumped out of an airplane at 13,000 feet and went skydiving together. That is pretty good for a couple of septuagenarians. I think the baby boom generation expects to extend its years of vitality even farther, and we expect to be still physically able and fit and enjoying life well into our seventies and our eighties and our nineties, and of course the fastest growing segment of the population is those above 100 years of age.

Nothing more than the advancement of these miracle medicines, these miracle pharmaceutical products, these coming biological products that will result from the human genome study will continue to enhance the vitality of our elderly.

That is why, again, we have this golden opportunity here to make the golden ages more golden for generations yet to come, and I look forward to working with my colleague and, hopefully, we will get it done this year.

Mr. BURR of North Carolina. Mr. Speaker, I look forward to working with the gentleman from Pennsylvania as well.

We are at a time where this week alone we saw the President for the first time say to Congress, I will sign a bill that eliminates the earning limits that we created on seniors, an opportunity for those that want to continue to work, that choose to work voluntarily, possibly stay in a private sector health plan; but the key thing is that they realize that the longer they work, the healthier they are. Those that make that choice will not be penalized now under the Tax Code.

If there is an area that we penalize them, it is suggesting that when they get to a certain age the only thing we provide is a limited health coverage for them, and I think we have a responsibility and an obligation to make sure that we do develop a model that is universal, that it is accessible and it is affordable for everybody, regardless of who is paying the bill, a subsidy or an individual. I think that is a test that we will ultimately be under, and I look forward to working with the gentleman on it.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman from North Carolina (Mr. BURR) for joining me on this Special Order this evening, as well as our colleague from Michigan (Mr. UPTON) and our colleague from New Mexico (Mrs. WILSON).

CELEBRATING BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. DAVIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. DAVIS of Illinois. Mr. Speaker, I want to compliment my colleagues on a very interesting discussion that just took place, especially as it relates to health care and the role of community health centers and rural health centers in providing for the health of this Nation.

As we continue to celebrate African American History Month, a time that is set aside largely due to the efforts of Dr. Carter G. Woodson, where we pause, take a look at the contributions as well as the needs, hopes and aspirations of African Americans in this country, I am pleased to be joined by my colleague, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), who is a physician, has been a practicing physician, and who has been a director of clinics and community health centers, who currently serves as chair of the Congressional Black Caucus' Health Brain Trust, but is indeed a dynamic Member of this body.

Mr. Speaker, we come to talk a bit about not only the contributions of pioneer African Americans in the area of health, but also as we look at continually the health problems and disparities that exist in our Nation, especially as they relate to the needs of African Americans. So I say to my colleague, it is a pleasure to be here with her this afternoon.

□ 1415

Mrs. CHRISTENSEN. Mr. Speaker, I am pleased to join my colleague, and I thank him for yielding to me.

I wanted to just talk a bit first about some of the women in medicine. As my colleague knows, I have the privilege of being the first woman physician in the U.S. Congress. And I am very grateful to my constituents of the U.S. Virgin Islands for voting me into this position and allowing me to have that honor.

Mr. DAVIS of Illinois. Mr. Speaker, they sound like they were some very wise people.

Mrs. CHRISTENSEN. But before I even begin to talk about the women, I want to spend the first few moments to brag a little bit on behalf of my constituents that, indeed, the first African American physician to serve in the U.S. Congress was also from the Virgin Islands, and that was Doctor, Governor, and Congressman Melvin H. Evans, who served from 1978 to 1980 before becoming ambassador to Trinidad and Tobago.

Although women of African descent have been providing health care in our communities in this country from times of slavery, it was not until 1864 that Rebecca Lee Crumpler became the first woman to be awarded a doctorate of medicine in the United States. She was a graduate of Female Medical College.

Dr. Rebecca Cole was the first black woman to graduate from Women's Medical College and, by most accounts, the second black woman physician in the United States. She worked for a time with Elizabeth Blackwell, who was the first white female physician in this country.

Dr. Cole was soon followed by Susan Smith McKinney Steward and Sarah Loguen Fraser. Dr. Susan Smith McKinney Steward graduated from New York Medical College in 1870 and was the first woman doctor of African descent in New York State and went on to be co-founder of the Women's Hospital and Infirmary in Brooklyn.

Sarah Loguen Fraser, who in 1876 received her MD from Syracuse University College of Medicine, was also one of the early African American women in medicine in this country.

There are so many outstanding women in medicine, not all of whom are doctors, and let me just tell you of a few more of them from the 19th century before talking about some of the outstanding women of this century.

The first African American woman to earn a doctor of dental surgery degree in 1890 was Dr. Ida Gray Nelson Rollins, who was a graduate of the University of Michigan Dental School; and she practiced in Cincinnati and in the hometown of my colleague in Chicago.

Mary Eliza Mahoney is reported to have been the first black professionally trained nurse in the United States. Born in Roxbury, Massachusetts, she was employed as a maid at the local hospital before entering her training.

In addition to Ms. Mahoney's notable activism within the field of nursing, she was also a fervent supporter of women's suffrage and is said to have been one of the first black women in Boston to have registered to vote.

I am a member, too, of the National Medical Association, as my colleagues know, and it has had several outstanding female presidents. The first was Dr. Edith Irby Jones, who was the first African American to enter the University of Arkansas School of Medicine. She graduated from that institution with an M.D. in 1952 and served as the National Medical Association president in 1985.

Dr. Irby Jones was later followed by Dr. Vivian Pinn in 1989. In that year, the board was also chaired by a woman, Dr. Yvonne Chris Veal of New York, who later went on to be the first woman to serve in both capacities when she became president of the NMA in 1995.

Dr. Vivian Pinn was also the first permanent director of the Office of Research on Women's Health at the National Institutes of Health, where she still serves in that capacity.

In 1991, Dr. Alma Rose George of Michigan became the third woman to head this prestigious organization, which represents the African American medical community.

Two other of the many notable black women physicians are Dr. Joycelynn Elders, who served as U.S. Surgeon General from September 1993 to December 1994. Her mission was and still is to change America's thinking about health by emphasizing prevention. She initiated programs to combat youth smoking and teen pregnancy, as well as to increase childhood immunizations. She advocates public health over private profits and health care reform, openness over censorship and sex education, and rehabilitation over incarceration in the war against drugs.

Another outstanding woman physician is Dr. Mae Jamison, who was the first African American woman to participate in the space mission aboard the 50th space shuttle flight in 1992. She continues to share her knowledge through speaking engagements and teaching at the university level.

These individuals are representative of the many women and men as well who have served our communities in the 50 States and the Territories and contributed to the improved health of African Americans and all people of color, indeed of all Americans. They are the reason that I and many of my colleagues have been able to practice medicine today.

As we proceed into the 21st century, we should no longer have the first African American or the first female for any position. Despite the strides that these women and others have made, unfortunately, though, there is still much work to be done.

I salute all of those who have paved the way for today's and tomorrow's practitioners of medicine and thank them for opening the doors of opportunity for all of us.

This year's theme is Heritage and Horizons: The African American Legacy and the Challenges for the 21st Century. As we face this new century, there are many challenges for us in health and science. We in the Congressional Black Caucus, together with community and faith-based organizations and leaders around this country, are poised to meet those challenges, drawing on the rich legacy that inspires us and compelled by the disparities in health that still confront us and call us to action.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentlewoman for her comments.

She mentioned two ladies, Dr. Irby and Dr. Elders, both of whom had some connection with the State of Arkansas, a State that I know a little bit about in terms of having grown up there. As a matter of fact, I know many members of Dr. Elders' family.

It occurred to me as my colleague was talking about the things that people had accomplished who, in spite of coming from situations that, at the very least, would have seemed to have been difficult, and I really think of even the African Americans along with others who opened black medical schools during the 1800s, shortly after slavery, I mean individuals whose parents had been slaves and whose grandparents had been slaves.

Now we find these individuals actually opening medical schools and teaching others to become physicians and medical professionals.

And then I look and even today I am somewhat alarmed, because as I look at minority employment in health professions, that only 1.9 percent of the speech therapists are African American, 2.8 percent of the dentists are African American, 3.9 percent of the dental hygienists, 4.1 percent of the pharmacists, 4.2 percent of the physical therapists, 4.9 percent of the physicians, 6.1 percent of the dental assistants, 6.5 percent of the occupational therapists.

I guess my question becomes, why does it still seem to be so difficult for African Americans to become health professionals at a greater number than what we are currently experiencing? I mean, why only a small percentage of the dentists, 2.8 percent, or such a small percentage of the physicians in this country, 4.9 percent? Why do you think we are still facing that phenomena in this country?

Mrs. CHRISTENSEN. Mr. Speaker, my colleague just pointed out one of the great challenges that face us for this century, educating more of our daughters and sons and bringing them into the health professions.

I guess I would have to start back in the schools that they attend. As my colleague knows, in many of the inner cities and in many of our rural areas schools are in disrepair, they are unsafe, they are ill-equipped, and they are short on staff, as well. So the preparation that our children receive as they

go through elementary and secondary school leaves a lot to be desired, and it starts at that level.

Of course, we are now faced with propositions that have closed the door of medical schools to many African Americans and other students of color who desire to enter the medical profession, and that is taking a serious total on the numbers as we were beginning to strive to make some headway there. And really it is more even than just the educating of our young people into the field of medicine. Because there is an increasing body of knowledge now that demonstrates that when patients are under the care of a physician or a health provider of the same or similar racial, ethnic, or cultural background that a better doctor-patient relationship is established and out of that better relationship come better patient outcomes and, therefore, better health.

We have as a major challenge of this century to eliminate the disparities in health care and heart disease and diabetes and cancer and the diseases that kill African Americans and other people of color in excess numbers. That relationship is critical to that.

Mr. DAVIS of Illinois. Mr. Speaker, what is really alarming to me is when I look at the tremendous shortage of nurses. I mean, we can go to almost any hospital and there is a need for nurses, yet there appear to be not the numbers of individuals especially coming from the African American community and especially that part of the African American community that I am very much familiar with.

Mrs. CHRISTENSEN. Mr. Speaker, if I might say, I want to just applaud both the National Black Nurses Association as well as the National Medical Association that has been fighting this battle for many, many years and continues to.

The National Black Nurses were on the Hill just a few weeks ago, and one of their major focuses is on bringing more of our young men and women into the nursing profession.

Mr. DAVIS of Illinois. Mr. Speaker, it would just seem to me that, especially as we talk about unemployment and as we go into certain areas and as there is uncertainty about what fields individuals should pursue and go into even those individuals who are available to attend colleges and universities sometimes seemingly come out and might have majored in areas where there did not seem to be many job opportunities, and yet if you go down to the community hospital and there is a sign saying ''nurses wanted,'' or you go to the medical center and there is a sign saying ''nurses wanted.''

So I guess I would also, then, want to take this opportunity to suggest, especially to African American youngsters, that if they are looking for a career, but to anybody, if they are looking for a career and they want to make sure that there are opportunities in that field or in that career, then perhaps they ought to be looking at the health professions and especially perhaps they ought to be looking in the nursing arena. Not that they necessarily have to stop there, but certainly that is an area where job opportunities do in fact exist.

Mrs. CHRISTENSEN. Mr. Speaker, I am glad that my colleague talked about this as it pertains to allied health professionals. It is an area that is often overlooked. But the physicians and the nurses need the full team in the health care field to bring our patients, who, as I said, are suffering in larger numbers than any other population from diseases like stroke, where speech therapy and occupational therapy, physical therapy is critical to their recovery.

Mr. DAVIS of Illinois. Mr. Speaker, I guess what we are going to have to do in some of these areas, my colleague mentioned education and the difficulties where some of the schools are not up to standard and where individuals do not get the early training, the early education that they really need.

□ 1630

I guess we are going to have to even go beyond that. I was just looking and reading how a report, the Flexner Report, which was done as a result of some resources made available by the Carnegie Foundation in 1910, that after the report there were six black medical schools existing at that time, but after the report, four of those six ended up being closed; and the only two left were Meharry and Howard. And so standards in terms of the definition of standards and who set the standards and how the standards are set oftentimes determine the extent to which not only do individuals get in but also the extent to which institutions may continue to thrive, to survive and to function.

I cannot help but recall Dr. Charles Drew, the pioneer in blood plasma, who after all the work that he had done and all of the advances that he had made had an accident and supposedly died because he really could not get service at the hospitals that were nearest to him because he was African American, he was black; and that time those hospitals denied him the opportunity to be served, which means that in addition to the technical things that we have to do, the political things that we have to do relative to creating the resources, providing the money, that there are still some attitudinal changes that must occur in our society if there is to be the kind of equity that we desire, the kind of equity that we are talking about.

I mean, it pains me to know, for example, that the Daniel Hale Williams hospital, the Provident Hospital that was founded by Dr. Daniel Hale Williams, an African American physician who performed the first open heart surgery and who established because he had met a nurse who had had difficulty being trained and he set up this training school, eventually it became a hospital. Yet it had ultimately some difficulty. It has reopened now as a part of the Cook County health care system but not as a private African American-owned, community-owned hospital.

Mrs. CHRISTENSEN. I think that is a challenge that is being faced across the country for our African American hospitals and hospitals that serve African American communities and the poorer communities across the country. In many of our districts that are represented by the Congressional Black Caucus, hospitals are closing every year.

Mr. DAVIS of Illinois. I think the only answer that we are going to ultimately have is universal health care as far as I am concerned and a national health plan that is going to provide each and every citizen no matter who he or she is, no matter where they might live, no matter where they might be, so that they have got access to quality health care and they are not going to be shut out because they just did not have the resources or they are not going to be put in a category of the non-poor, a category of being too wealthy to qualify for some of the entitlement activity but really too poor to pay for health insurance, too poor to really have a regular physician, to go to a doctor. We have got to change that.

Hopefully, the initiatives this year that are designed to reduce the disparities, to close the gap, hopefully those initiatives will build upon the strengths that we have seen and come the next year and the next year, we will be much closer to equity than where we currently are.

Mrs. CHRISTENSEN. Mr. Speaker, I agree with the gentleman. We have made some strides. We have increased portability; we have extended health insurance to children who were previously uninsured. We are continuing to expand the Children's Health Insurance Program and Medicaid. But those are just steps on the way to the ultimate goal, which must be universal health insurance.

The gentleman talks about the historically black colleges and universities that have medical schools. They need resources. When he talks about some of the political activity that has to take place, we need to work very diligently to make sure that our medical schools that primarily are African American-serving as well as the Hispanic-serving institutions and the Native American-serving institutions have the resources they need because the education of people of color to serve communities of color because we know of the effectiveness of the relationships that are formed there are critical to eliminating the disparities in health and elevating the health status for the entire country.

Mr. DAVIS of Illinois. I certainly agree that we must have the resources. There is simply no doubt about it. We have to find new avenues, new systems, and new approaches. But I am just amazed when I look back into history

and see what individuals were able to do. I was looking at African Americans who had been inventors. Some of this is back during the time of slavery when slaves, of course, could not have patents; and so African Americans may have significantly been involved in some inventions that they never got the credit for.

For example, it is suggested that when Alexander Graham Bell invented the telephone, he had Lewis Latimer, a black man, to draft the plans, and that Mr. Latimer had been a member of the Edison Pioneers; and this was a group of individuals who had actually worked for Edison. Then we go back to even people who lived in the 1700s, Benjamin Banneker, who is sometimes called the first black scientist in this country of any real note.

And of course, Banneker helped to lay out the plans for the city of Washington, D.C. He was an engineer. He received a presidential appointment. It is just amazing that he could have done that. Then there was Joe Anderson, a slave who was believed to have played a major role in the creation of the grain harvester that Cyrus McCormick got all of the credit for, the McCormick reaper. But Joe Anderson helped him do it.

Ben Montgomery, another slave, who actually belonged to Jefferson Davis, and he was supposed to have improved a boat propeller. Then there were other people like Henry Blair who invented a seed planter, Norbert Rillieux who patented a sugar refining evaporator, Louis Temple invented a harpoon for killing whales. This is back in 1848. Henry Board created an improved bed frame.

James Forten was actually one of the few blacks that became wealthy from an invention. He came up with an invention that helped to guide ships. Yet these individuals could not have had a great deal of formal education, or they could not have had a lot of opportunity to have developed themselves. Take Granville Woods who invented a steam boiler furnace. I guess my point is that if these individuals were able to come up with the inventions with the creativity, had all of this potential, then certainly young African Americans today, who do not necessarily have equity in each and every instance but certainly have much more to work with than these inventors, like Madam C.J. Walker who came up with hair products that women could use in the cosmetic line, and of course, became the first African American female to become a millionaire. We have had the first doctors, but she also became the first millionaire in terms of being a businessperson.

And so I make a plea for young African Americans to not only look at the history, that is, to go back and see what other individuals have done, not to just be aware of it, not to just bask in it but to also understand what they themselves can in fact do. That, I think, really becomes a real part of the value of African American History Month, not just to have pageants, not just to have plays, not just to sing songs, not just to glory in the athletes and entertainers but to really look at the history of a people who have had to make creative use of the art of struggle, who have had to make the best use of themselves to come from a position of where they were, always moving in the direction of where they ought to be, and realizing that when you get to the basement, that you are not in the penthouse, and that you have got to keep coming.

But also understanding what Carter G. Woodson attempted to teach us about the whole notion of mind control. Carter Woodson wrote this tremendous book, The Miseducation of the Negro, and he suggested that if you control a man's mind, you do not have to worry about how he will act. That is, if you control a man's mind, you do not have to tell him to go hither or yon, you do not have to tell him to go to the back of the bus, you do not have to tell him to go to the back door. Woodson said that he will find his place and stay in it. And that if he goes to the back door and there is no door, he will cut one out.

But the point that he also made is that once individuals get through the door, then they need to reach back and help bring somebody else along; that it makes no sense to go through the door alone; and that you really move as an individual as you help to create opportunities for others and as you help to move the group. And so we do not necessarily just revere these individuals in terms of saying Dr. Daniel Hale Williams was a great doctor or Dr. Percy Julian was a great scientist. We say that Dr. Daniel Hale Williams was a great doctor because he saved people's lives, because he created an institution, he helped people to become well, he provided opportunities for others to grow and develop and to become and to be. That really becomes the greatness of the people as opposed to the individual just simply being a great person. That is not the point at all.

Mrs. CHRISTENSEN. I agree that we have many budding and potential scientists, inventors, great doctors and health professionals in our community that just need the opportunity. I am also thinking that through some of our education initiatives this year that will help to open the doors for them to become those inventors, those physicians, those scientists.

□ 1645

Mr. DAVIS of Illinois. I think of my mother, who was probably in many ways when I was a kid my greatest doctor. I do not know how she could do it, but if I had a fever or was catching a cold, somehow or another it seemed as though she could come into the room, put her hand on my head and the fever would be reduced, and, if it did not get reduced, I certainly felt like it did.

The legacy of what it is that we have had the opportunity to experience, the roles that our parents and grandparents and others have played in terms of being the bridges and being the shoulders, I could never do anything in relationship to the celebration of African American History Month without celebrating my parents, my mother and my father.

My father is 87 years old; and, fortunately, he is still around. We say that he was a doctor of sorts, but he really was not. He was a doctor because he believed so much in himself.

I shall never forget, he actually cut a calf's leg off once. I mean, we were farmers, and the calf's leg got hurt and set up gangrene, and my father decided that he had to save this calf, that we could not afford to lose it. So he simply got his ax, sharpened it as sharp as he could get it, got himself some ashes and soot and coal oil and chloroform, had my brothers and I to hold this calf, and cut the calf's leg off. The calf lived, and we had a three-legged cow from then on. We were the only people, and we actually kept the cow until we finally took her to the auction in a place called Eudora, Arkansas; and sold the cow at the auction.

My point is that if people believe in themselves, if they can believe that they can do things, I had 100 chickens one year in the 4–H Club. I was a 4–H Clubber, and these chickens would follow me around everywhere I went because I would feed them.

One day I stepped on one's neck and broke the chicken's neck. Well, I really felt badly about it, so I thought I would become a physician. I got myself a piece of wood, a small piece of wood, put it on the chicken's neck, put some coal oil on there and tied it together, and, would you believe that the chicken lived? The chicken always walked like this, but the chicken lived. I ended up that year with my 100 Rhode Island Reds intact for my 4–H Club project.

The other point is when you try something, you do not know if it will work. If you want to go to medical school, start getting ready to go. Just because you live in the inner city does not mean you cannot go to medical school. Just because somebody said your school might not be the best, if you want to go to medical school, start preparing right now and decide, I am going to be a doctor, I am going to be a nurse, I am going to be a scientist, I am going to be an astronaut. I am going to do whatever it is that I want to do. Then, by golly, prepare yourself, and God will do it.

Mrs. CHRISTENSEN. I think that is the purpose of Black History Month and what we are doing tonight, to hold up for our children some of the people who have excelled in science, many against great odds and through great obstacles. As you said, it is important to look back and realize that we are here and have achieved because of our parents, that we stand on the shoulders of all of those who came before, and that we must provide the shoulders for those who are coming along behind us. It is a very important message.

Mr. DAVIS of Illinois. Well, I want to thank the gentlewoman for joining me this afternoon. It has really been a pleasure, and not only to talk about history, but also to talk a little bit about mystery.

I always believe that if you break ''history'' apart, I was taught to read phonetically, and if you say ''history,'' that becomes ''his story.'' But if you say ''mystery,'' then that becomes ''my story.'' Certainly I would hope that every young African American in this country especially would realize that they are in the process of creating and writing and making their own story, and that they really do not have to live through other people's dreams.

Dr. King had a dream, but he did not have a patent on dreaming. He had a dream, but he did not get a patent, which means that you can live on 63rd street and have a dream, you can be down in the Mississippi Delta and have a dream.

Mrs. CHRISTENSEN. Or in the Virgin Islands.

Mr. DAVIS of Illinois. Or in the Virgin Islands, and have a dream. So we will just keep on dreaming, we will keep on working, we will keep on believing, we will keep on doing politics, and we will keep on celebrating black history. I want to thank the gentlewoman again so much.

RELIGIOUS FREEDOM AND RELIGIOUS BROADCASTING

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of January 6, 1999, the gentleman from Ohio (Mr. OXLEY) is recognized for 60 minutes.

Mr. OXLEY. Mr. Speaker, I want to address the House regarding the issue of religious freedom and religious broadcasting.

A little bit of background, if I could. This whole issue began on December 29 when the Federal Communications Commission in a decision based on a license swap, a license swap in this case in Pittsburgh, Pennsylvania, between a commercial broadcasting station and a non-commercial broadcasting station.

In this case the religious broadcaster was seeking to swap their commercial license for a non-commercial license, something that, by the way, is rather routine at the Federal Communications Commission. When the license swap came up, the FCC allowed the swap, but said that, based on their opinion, the religious broadcaster, who was going to have the non-commercial license, that they needed additional guidance in regard to their religious broadcasting and whether that religious broadcasting fell under the requirement that the majority of programming be educational or cultural.

This was a little noticed opinion in license swap, except that some very alert member of my staff was able to find this decision and in fact brought it to my attention. The more we looked into it, the more that we thought it was rather odd that on a 3 to 2 vote in the FCC, that is the three Democrat appointees, including the chairman, voted in favor of these what I think can only be described as limitations or restrictions on religious broadcasting, whereas the two Republican members voted against, that it raised some serious questions as to whether the FCC majority did indeed have an agenda that was not in the best interests of religious broadcasting.

Now, over the years in non-commercial licenses, religious broadcasting had prima facia met the requirements of educational and cultural under their programming, and this was never an issue, and it was not until this issue came up in this license swap over the holidays that it really did raise some serious questions.

I was so concerned about it, Mr. Speaker, that I, during the recess, before the Congress adjourned again in January, started drafting legislation that would reverse the FCC decision and also required that when the FCC was going to make this severe policy change, that they had to follow the Administrative Procedures Act, have these hearings in the open, have public comment, just like they would do with any other issue that comes before them as a ''independent'' agency.

That really became kind of a rallying cry then for Members of Congress. For the religious broadcasting community, the millions of people who listen to religious broadcasting and watch religious broadcasting, it became a very big issue with them, as you might guess.

It was not until our bill was introduced, initially with about I think 65 cosponsors, which is not bad considering the fact that Congress was not in session, and we are now up to I think 120 cosponsors for my legislation, and I will get into that a little bit later, but as the bill was introduced and it started drawing some attention throughout the country and I was inundated with phone calls and E-mails.

I might point out that, Mr. Speaker, this is a compilation of all of the E-mails that I have received to date at least that are supportive of our legislation and are very concerned about the role of religious freedom and religious broadcasting freedom in this country.

I think it is quite remarkable, I had exactly two folks give me E-mails against the legislation. One of those opposed, and I quote, referred to ''superstitious nonsense,'' and then he put in parentheses ''religion.'' So apparently at least one person opposed to our position considers religion ''superstitious nonsense.''

I think that says a lot about where people are coming from in this country and the vast majority of Americans who have spoken loudly and clearly on this issue, so much so apparently that the FCC started to hear from people out there. They heard from Members of Congress, they heard about my bill, and, in a matter of a couple or three weeks, actually vacated that order by, in this case, a 4 to 1 vote.

So the FCC basically I think realized they had erred, not only from a constitutional standpoint, but certainly a procedural standpoint, in changing the policy as it related to religious broadcasting, and thought perhaps that they would, by vacating the order, turn down the heat a little bit.

Part of the reason I wanted to ask the opportunity to speak on the floor is to make certain that people understand that we are not going to let this issue die by any means, because there are some real issues at stake here, one of which is I wonder what is the real agenda for the FCC truly.

As a matter of fact, the only Commissioner to vote against the reversal of the FCC decision, Commissioner Tristani, said in her dissent that she would continue to act as if the additional guidance were still in effect. Since it was duly overturned by the FCC as a commission, I would say that is quite an outrageous statement.

She said, ''I, for one, will continue to cast my vote in accordance with the views expressed in the additional guidance.''

So despite the fact that the Commission realized the error of its ways, at least one Commissioner has gone public in basically saying that she wants to make certain that the religious broadcasters have to jump through certain hoops to be able to have their license.

That really raises a question, Mr. Speaker, as to if the FCC is talking about content, and they clearly are, and in their order, their initial order they said that you have to understand that part of your programming, half of your programming, has to be educational or cultural, and, by the way, religious services, for example, do not fall into that category.

Now, for people who are shut-ins, who are unable to go to church on Sunday or any other time, to be able to see religious broadcasting on television is truly a lifeline for these people, and the majority initially of the FCC and Commissioner Tristani basically says that you could not be able to do that, and, by the way, somebody has to decide what that content is; somebody has to decide what educational and cultural requirements are met. That would be, of course, the FCC.

□ 1700

Well, that puts the FCC up against the First Amendment.

There was a reason why the Founding Fathers created the First Amendment, freedom of speech, freedom of religion, the very core of what it means to live in this country. It was not the Second Amendment, it was not the Eighth Amendment, this was the First Amendment. I think it is important that we stress that when we talk about this effort by the FCC.

So despite the fact that they vacated the order, I am convinced that there is

still an agenda over at the FCC and why it is important that we move forward with the Religious Broadcasting Freedom Act that I have introduced, along with 120 other of my colleagues.

Mr. Speaker, I particularly want to pay tribute to my original cosponsors, and two of them are here with us today and will be speaking momentarily, the gentleman from Texas (Mr. HALL) and a member of the Committee on Commerce; and the gentleman from Florida (Mr. STEARNS), a leader in broadcasting issues throughout his career here in the Congress. They will both be speaking as well on this issue. I also want to pay tribute to the gentleman from Oklahoma (Mr. LARGENT) and the gentleman from Mississippi (Mr. PICKERING) and the gentleman from Oklahoma (Mr. COBURN) and the gentleman from Missouri (Mr. BLUNT), all initial sponsors of this bill, and ones who enjoined the Oxley Religious Broadcasting Freedom Act in response to their constituents calling and asking that they do so.

Before I yield the floor, I would like to, if I can, Mr. Speaker, just quote from a few of the e-mails I have received from all over the country. I think it gives a little bit of flavor of where people are coming from on this issue. This one: ''Thanks for upholding the First Amendment.'' This one: ''You spoke to the millions of people all over this country who believe that the expressions of the churches and synagogues do indeed serve the needs of communities in this great country.'' Another one: ''So little is left on the air for families to sit down and watch together, and now the FCC wants to take that away as well. Your efforts and those of several others in Congress will go a long way to protect the freedoms we all enjoy and sometimes take for granted.'' Well spoken.

Another: ''Those such as myself that are disabled and cannot attend church services rely on radio and television broadcasts. They are so very important.''

Another one: ''What I find disturbing is the notion that this ruling opens the door for someone somewhere to make decisions about what is and what is not acceptable speech on religious topics. One man's proselytizing is another's evangelizing. How ironic that while those hostile to faith are madly trying to protect the right to express or view any vile thing on the Internet, they find this programming so offensive that they want to suppress it.''

Americans can be remarkably prescient and articulate when they are offended by some of government's decisions.

Another one: ''My mother, who is 87 years young, faithfully listens to the religious programs each day and every day, and this would have been a tremendous loss if they were deleted from the airwaves. Certainly, religious broadcasting serves to meet the educational, instructional and cultural needs of America. If we lose this freedom, what next?''

Another one: ''In a land where we often hear of the need for tolerance, Christianity is being less and less tolerated. If society truly believed in tolerance, they would have to include tolerance for Christianity. I am a strong believer in the separation of church and government and that the government should not establish religion, but to me, that means the government should not be hostile to religion or do things to hinder the free exercise of religion. The recent actions of the FCC clearly were the government taking a prejudicial position against religion.''

This final one: ''I am weary of the FCC thinking they have the authority to tax and change policy on a whim.''

That gives my colleagues an idea, Mr. Speaker, of the support that people have given us out there, and I am sure that other Members have their own stories to tell as well.

With that, let me recognize, in their order of appearance, the gentleman from Dallas, Texas (Mr. HALL), who has been one of our stalwarts on the Committee on Commerce. This is a bipartisan effort, and I do want to recognize my friend from Texas for his remarks.

Mr. HALL of Texas. Mr. Speaker, it is good when one can make something happen that ought to happen, and that is exactly what the gentleman from Ohio (Mr. OXLEY) and others that he has given credit to, have done here.

I rise as a cosponsor of the Religious Broadcasting Freedom Act. It is a bill that, of course, will help ensure that freedom of religious broadcasting is not threatened by the whims of the government policy decisions. I want to thank the gentleman from Ohio (Mr. Oxley) for his outstanding leadership on this, for his immediate leadership on it, and for his immediate action on it. I want to thank him for inviting me to be the lead Democrat on this, because I am honored to get to be.

Mr. Speaker, I would be remiss if I did not thank the gentleman from Oklahoma (Mr. LARGENT), who wrote and signed a letter with me to the commission and, of course, the gentleman from Florida (Mr. STEARNS), who is always on the right side of most issues that I come in contact with him on as I serve on the Committee on Commerce.

Mr. Speaker, in a recent ruling which was subsequently reversed in the wake of congressional and citizen opposition, the Federal Communications Commission stated that programming ''primarily devoted to religious exhortation, proselytizing or statements of personally-held religious views and beliefs, generally would not qualify as 'general education' programming.'' Now, the FCC also noted that church services normally would not qualify as general educational programs, so we can see where they are coming from.

This ruling was issued, as the gentleman from Ohio has said, without the benefit of public hearing. It was issued without any benefit of public comment, and it was issued while Congress was in recess. Actually, I think it was sometime between Christmas and New Year's Day. It constituted what I consider is an outrageous infringement on constitutional guarantees of freedom of religious expression; and it threatened to set a very dangerous precedent that could lead to the narrowing of a definition of what is considered educational.

Now, if that is going to be the subject of hearings, we want Congress to be in session. We want to have the right to introduce testimony. We want people to come from the far corners of this country that want to testify and have some input on what we consider is educational. We do not leave it up to a handful of people that are appointed and answerable to one person.

Well, the FCC was dead wrong from both a procedural and a constitutional standpoint. They acknowledged that they had created a ''widespread public confusion'' as a result of its ruling. At least they turned the table back, and at least they killed their ruling. Yet, we have not gone far enough. We have to pretty well put something in stone to give them some direction for the future. Now, that is what the gentleman's bill does.

Religious groups and thousands of concerned citizens have joined all of these Members of Congress that the Chairman has talked about in expressing their strong opposition to this initial ruling. I am pleased that the FCC listened to the American people and listened to the gentleman, and I am pleased that they listened to Congress and quickly reversed their onerous decision. However, our efforts do not end here.

We have to ensure that the FCC will follow its normal rulemaking procedures, which include taking public comment and listening to people; people having a chance to express themselves in the future. Mr. Speaker, H.R. 3525 will help ensure that such confusing policy decisions do not reoccur, and it will signal our support for continued freedom of religious broadcasting on our Nation's networks and support for the First Amendment.

Mr. Speaker, I urge my colleagues to join in support of the Religious Broadcasting Freedom Act.

Mr. OXLEY. Mr. Speaker, I thank the gentleman for his remarks and for his continuing leadership on this. It is now my pleasure to call upon our good colleague from Florida (Mr. STEARNS), a member of the Committee on Commerce and a leader on many broadcast issues.

Mr. STEARNS. Mr. Speaker, I thank my colleague from Ohio. Like the gentleman from Texas, I compliment the Chairman for his bill.

I say to my colleagues, if the gentleman from Ohio (Mr. OXLEY) had not brought this bill and had not acted quickly, from the conservative ministry of James Kennedy of the Coral Ridge Ministry in Fort Lauderdale to the actual Christmas services of the Pope at the Vatican, we would not be

able to have these televised. These are two dramatic examples of services that are carried that people listen to.

So I think what we did in a larger sense is bring to bear the inadequacies of the FCC. He and I and others, including the gentleman from New York (Mr. GILMAN), are on a special task force to try and reform the FCC.

So I am here to compliment the gentleman on what he did; but in a larger sense, this points to the need for reform. So in my comments this evening, I will be talking about that.

The FCC's actions, defining and regulating noncommercial educational television stations, is something that we should be concerned about, because they met on December 28, I believe it was, December 28, right after Christmas, before New Year's, and issued an order. Now, normally when they issue an order, they have a hearing. They ask for comments. But for some reason, they decided to just go ahead and bring this up and issue an order, vacating ''the additional guidance.'' The underlying problem with the FCC in the first place is they should not have even done this without a hearing and having an opportunity for people to participate.

So the gentleman's bill, H.R. 3525, the Religious Broadcasting Freedom Act, needs our support today. We should pass it on the House floor.

Of course, my main point in addition to that is to reform and reauthorize this program to make their activities more clear to them. Three of the five FCC commissioners decided on this infamous date of December 28 last year that in order for noncommercial educational television to retain their licenses, they must devote 50 percent of their programming hours to shows that are educational and cultural and whose purpose is to meet the educational, instructional, and cultural needs of the community.

In doing so, three of the five FCC commissioners placed the FCC in the position of reviewing and evaluating all religious programming by concluding, ''programming primarily devoted to religious education, proselytizing or statements of personally-held religious views and beliefs generally would not qualify, would not qualify as educational or cultural programming.''

So basically they are saying that religion is not educational, it is not cultural; and as I said earlier, even the Christmas services at the Vatican by the Pope would not qualify under the FCC's ruling. Church services in themselves would not qualify. As most of us know, many of us on Sunday after church will even watch the television for additional services, and it is an inspiration for all of us.

Fortunately, two of the commissioners at the FCC had the foresight and common sense to realize the ramifications of their decisions. As the two commissioners said, regulations like this ''may open a Pandora's box of problems that will create confusion and litigation.'' Simply put, the more the Commission attempts to generically define which educational, instructional, and cultural programming will count for regulatory purposes, the closer it will come to unacceptable content regulation. The order indicates that church services generally would not qualify as a general educational program. We ask, however, why such programming might not qualify as cultural programming, just as a presentation of an opera or any other types of things like that.

So last month, they finally, I guess it was this month, they finally changed their decision, exercised some common sense, reversed all of their guidelines, and I think that is, I know it is because of the gentleman from Ohio (Mr. OXLEY) and the bill which I cosponsored, an original cosponsor with others, and the fact that when he put it on the House floor, he got over 75 cosponsors. So I urge the leadership to send a message to the FCC that we just cannot have this kind of behavior from the FCC, and we need to recognize that this bill is important to pass and send a message to the FCC that they should not do this again.

So this congressional scrutiny we had and this legislation has stopped the FCC dead in its tracks. They reversed themselves; and I think, as the gentleman from Ohio (Mr. OXLEY) has pointed out, the e-mails and all of the hundreds of letters that I have received, that he and other Members of Congress confirm the need for his bill.

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So I urge my colleagues this evening to pass the Religious Broadcasting Freedom Act that he introduced. It will not only reverse the FCC regulations pertaining to noncommercial religious broadcasters, but also require public comments, just a simple thing, require public comments before handing down any future changes to noncommercial licensing regulations.

This is extremely important, for there are still those at the FCC, judging from the comments of some of the commissioners after they reversed this, in which they said it was a sad and shameful day to reverse this decision. They said that the FCC capitulated to organized campaigns of distortion, and all we did is got on the House floor a couple of times, the gentleman from Ohio (Mr. OXLEY) got all these cosponsors, and they accused us of distortion simply because we wanted to allow the idea of religious broadcasting to be cultural and educational; and we wish, after 30 years it has been on television, we wish that to continue.

There are still many people, Mr. Speaker, at the FCC that want to go back and continue with the decision they did in the dead of the night December 28. Fortunately, they will not be able to do that. That is why I think it is extremely important that we continue our fight here on the House floor to continue to try and get this bill passed, because if we do not, from what I see from the FCC comments of those who dissented after they reversed their decision, they are still going to be working hard to change the size and scope of the programming in television.

That is why I encourage in a larger sense this reform of the FCC, because they do not get the message. Without reform, and reauthorization with this reform, we will not be able to control this agency, control it in the sense that it better represents the citizens of the country.

Mr. Speaker, I am here to congratulate the gentleman from Ohio (Chairman OXLEY) for what he did for the betterment of this country, for television, and I think for the long-term survival of the country, that we can have and understand on television that religion is educational and it is part of our cultural heritage.

Mr. OXLEY. Mr. Speaker, I would again thank the gentleman from Florida (Mr. STEARNS) and the gentleman from Texas (Mr. HALL) for their strong leadership on this issue.

In closing, I would only point out, Mr. Speaker, that I have had two discussions with the distinguished majority leader, the gentleman from Texas (Mr. ARMEY), who is a cosponsor, and he has indicated his strong desire to move this bill through normal procedures and through the Committee on Commerce and on to the floor of the House. So we are pleased that we have a powerful ally in the majority leader, and he feels as we do, that we cannot let this issue die, but must move forward.

We are indeed the duly-elected representatives of the people, not an independent agency. We make policy, they follow the policy. When they do not follow the policy, we make certain that the laws are clear as to how they will proceed.

I again thank everyone for their attention and for their good work on this issue.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BAIRD (at the request of Mr. GEPHARDT) for today on account of an unavoidable family matter.

Mr. BISHOP (at the request of Mr. GEPHARDT) for today on account of official business in the district relating to the tornado disaster.

Mrs. CAPPS (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mr. COOKSEY (at the request of Mr. ARMEY) for today on account of being a pall bearer at a funeral.

Mr. EVERETT (at the request of Mr. ARMEY) for today after 1:30 p.m. on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. RADANOVICH, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SHIMKUS of Illinois, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 1451. To establish the Abraham Lincoln Bicentennial Commission.

ADJOURNMENT TO TUESDAY, FEBRUARY 29, 2000

Mr. OXLEY. Mr. Speaker, pursuant to Senate Concurrent Resolution 80, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. NEY). Pursuant to the provisions of Senate Concurrent Resolution 80 of the 106th Congress, the House stands adjourned until 12:30 p.m. on Tuesday, February 29, 2000, for morning hour debates.

Thereupon (at 5 o'clock and 19 minutes p.m.), pursuant to Senate Concurrent Resolution 80, the House adjourned until Tuesday, February 29, 2000, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6227. A letter from the Secretary, Department of Defense, transmitting the fiscal year 1999 annual report on operations of the National Defense Stockpile, pursuant to 50 U.S.C. 98h–5; to the Committee on Armed Services.

6228. A letter from the Secretary of Labor, transmitting a report covering the administration of the Employee Retirement Income Security Act (ERISA) during calendar year 1999, pursuant to 29 U.S.C. 1143(b); to the Committee on Education and the Workforce.

6229. A letter from the Secretary of Health and Human Services, transmitting the Community Service Block Grant Program for Fiscal Year 1998; to the Committee on Education and the Workforce.

6230. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Aluminum in Large and Small Volume Parenterals Used in Total Parenteral Nutrition [Docket No. 90N–0056] (RIN: 0910–AA74) received January 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6231. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting text of agreements in which the American Institute in Taiwan is a party between January 1 and December 31, 1998, pursuant to 22 U.S.C. 3311(a); to the Committee on International Relations.

6232. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletions—received February 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6233. A letter from the Chairman, Federal Communications Commission, transmitting the semiannual report of the Office of Inspector General covering the period ending September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

6234. A letter from the Chairman, U.S. Postal Service, transmitting the Semiannual Report of the Inspector General and the Postal Service management response to the report for the period ending September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

6235. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka MACKerel in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands [Docket No. 991223349–9349–01; I.D. 012700B] received February 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6236. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 [Docket No. 991228352–0012–02; I.D. 012700A] received February 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6237. A letter from the Deputy Asst. Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule—Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No. 991229356–9356–01; 121799F] (RIN: 0648–AN36) received February 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6238. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Zone Off Alaska; Atka MACKerel in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands [Docket No. 991223349–9349–01; I.D. 012800E] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6239. A letter from the Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ended June 30, 1999, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

6240. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Frequency of Inspection [USCG–1999–4976] (RIN: 2115–AF73) received February 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6241. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Chelsea River, MA [CGD01–00–001] received February 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6242. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Reserved Channel, MA [CGD01–00–003] (RIN: 2115–AE47) received February 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6243. A letter from the Deputy Executive Secretary, Department of Health and Human Services, transmitting the Department's final rule—Title IV–E Foster Care Eligibility Reviews and Child and Family Services State Plan Reviews (RIN: 0970–AA97) received January 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6244. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Passive Foreign Investment Companies; Definition of marketable stock [TD 8867] (RIN: 1545–AW69) received February 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6245. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Export Certification For Sugar-Containing Products Subject To Tariff-Rate Quota [T.D. 00–7] (RIN: 1515–AC55) received February 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6246. A letter from the Deputy Secretary, Department of Housing and Urban Development, transmitting the reports from Ernst & Young LLP, Anderson Consulting and the National Academy of Public Administration (NAPA) illustrating HUD's 2020 Management Reform efforts; jointly to the Committees on Banking and Financial Services and Government Reform.

6247. A letter from the Federal Communications Commission, transmitting the eighty-fourth Annual Report of the Federal Trade Commission, pursuant to 47 U.S.C. 154(k); jointly to the Committees on Commerce and the Judiciary.

6248. A letter from the Assistant Attorney General, Department of Justice, transmitting the report entitles, ''Attacking Financial Institution Fraud: Fiscal Year 1997 (Second Quarterly Report)''; jointly to the Committees on the Judiciary and Banking and Financial Services.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mrs. KELLY (for herself, Mr. TALENT, Mr. DAVIS of Virginia, Mr. CONDIT, Mr. HUTCHINSON, Mr. BARCIA, Mr. GOODE, Mr. EWING, Mr. ENGLISH, Mr. TURNER, Mr. SWEENEY, Mr. BARR of Georgia, Mr. WISE, and Mrs. EMERSON):

H.R. 3669. A bill to establish a 5-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes; to the Committee on Government Reform.

By Mr. OBERSTAR:

H.R. 3670. A bill to amend the Federal Water Pollution Control Act to reauthorize the Great Lakes program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Alaska (for himself, Mr. DINGELL, Mr. DELAY, Mr. PICKETT, Mr. DUNCAN, Mr. JOHN, Mr. POMBO, Mrs. CHENOWETH-HAGE, Mr. RADANOVICH, Mr. THORNBERRY, Mr. SCHAFFER, Mr. HAYES, Mr. SIMPSON, Mr. TANCREDO, Mr. PETERSON of Pennsylvania, Mrs. CUBIN, and Mr. HILL of Montana):

H.R. 3671. A bill to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes; to the Committee on Resources.

By Mrs. MORELLA:

H.R. 3672. A bill to amend the Public Health Service Act to provide for voluntary reporting by health care providers of medication error information in order to assist appropriate public and nonprofit private entities in developing and disseminating recommendations and information with respect to preventing medication errors; to the Committee on Commerce.

By Mr. GILMAN:

H.R. 3673. A bill to provide certain benefits to Panama if Panama agrees to permit the United States to maintain a presence there sufficient to carry out counternarcotics and related missions; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO (for himself, Ms. DEGETTE, Mr. UDALL of Colorado, Mr. MCINNIS, Mr. SCHAFFER, Mr. HEFLEY, and Mr. PAUL):

H.R. 3674. A bill to amend the Internal Revenue Code of 1986 to allow tax-free rollovers of amounts in one qualified State tuition program to another qualified State tuition program for the benefit of the same beneficiary; to the Committee on Ways and Means.

By Mr. BAIRD:

H.R. 3675. A bill to direct the Attorney General to carry out a pilot program under which the Attorney General shall establish methamphetamine incident response and training teams for drug emergency areas; to the Committee on the Judiciary.

By Mrs. BONO:

H.R. 3676. A bill to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California; to the Committee on Resources.

By Mr. BURTON of Indiana (for himself, Mr. BARR of Georgia, Mr. BARTON of Texas, Mr. DOOLITTLE, Mr. GILMAN, Mr. HORN, Mr. JONES of North Carolina, Mr. LAHOOD, Mr. MCHUGH, Mr. MCINTOSH, Mrs. MEEK of Florida, Mr. PAUL, Mr. RYUN of Kansas, Mr. SCARBOROUGH, and Mr. STUMP):

H.R. 3677. A bill to amend the Federal Food, Drug, and Cosmetic Act to restrict the authority of the Food and Drug Administration to issue clinical holds regarding investigational drugs or to deny patients expanded access to such drugs; to the Committee on Commerce.

By Mr. COLLINS:

H.R. 3678. A bill to amend title 38, United States Code, to increase the allowance for burial and funeral expenses of certain veterans; to the Committee on Veterans' Affairs.

By Mr. COOK (for himself, Mr. ABERCROMBIE, Mr. BAKER, Ms. BALDWIN, Mr. BARRETT of Wisconsin, Mr. BARTLETT of Maryland, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP, Mr. BLUMENAUER, Mr. BOEHLERT, Mrs. BONO, Ms. BROWN of Florida, Mr. CALVERT, Mr. CANNON, Mr. CHAMBLISS, Mrs. CHRISTENSEN, Mr. CONDIT, Mr. COOKSEY, Mr. CROWLEY, Mr. CUMMINGS, Mr. CUNNINGHAM, Ms. DANNER, Mr. DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DELAY, Mr. DEUTSCH, Mr. DICKS, Mr. DOOLITTLE, Ms. DUNN, Mr. EHLERS, Mr. ENGEL, Mr. ENGLISH, Ms. ESHOO, Mr. EWING, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FILNER, Mrs. FOWLER, Mr. FRELINGHUYSEN, Mr. GIBBONS, Mr. GILMAN, Mr. GONZALEZ, Mr. GRAHAM, Mr. GREENWOOD, Mr. HALL of Ohio, Mr. HANSEN, Mr. HERGER, Mr. HILL of Montana, Mr. HINCHEY, Mr. HOLDEN, Mr. HOLT, Mr. HOUGHTON, Mr. HUTCHINSON, Mr. JACKSON of Illinois, Mr. JONES of North Carolina, Mrs. KELLY, Mr. KINGSTON, Mr. KOLBE, Mr. LAMPSON, Mr. LANTOS, Mr. LATOURETTE, Ms. LEE, Mr. LEWIS of California, Mr. LOBIONDO, Ms. LOFGREN, Mr. MANZULLO, Mr. MATSUI, Mr. MCCOLLUM, Mr. MCGOVERN, Mr. MCKEON, Mr. MCNULTY, Mr. MEEKS of New York, Mr. METCALF, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mrs. MORELLA, Mrs. MYRICK, Mrs. NAPOLITANO, Mr. NETHERCUTT, Mr. NEY, Ms. NORTON, Mr. NORWOOD, Mr. ORTIZ, Mr. OWENS, Mr. OXLEY, Mr. PACKARD, Mr. PETERSON of Minnesota, Mr. PETERSON of Pennsylvania, Mr. POMBO, Mr. RADANOVICH, Mr. REYES, Mr. REYNOLDS, Mr. RODRIGUEZ, Mr. ROMERO-BARCELO, Mr. RYUN of Kansas, Mr. SALMON, Ms. SANCHEZ, Mr. SANDERS, Mr. SCOTT, Mr. SESSIONS, Mr. SHUSTER, Mr. SIMPSON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. STUMP, Mr. SWEENEY, Mrs. TAUSCHER, Mr. TAUZIN, Mr. THOMPSON of California, Mr. THUNE, Mrs. THURMAN, Mr. TOWNS, Mr. TURNER, Mr. VENTO, Mr. WALSH, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WOLF, and Mr. YOUNG of Alaska):

H.R. 3679. A bill to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee; to the Committee on Banking and Financial Services.

By Mr. DREIER (for himself and Ms. LOFGREN):

H.R. 3680. A bill to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to the adjustment of composite theoretical performance levels of high performance computers; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ETHERIDGE (for himself and Ms. STABENOW):

H.R. 3681. A bill to improve character education programs; to the Committee on Education and the Workforce.

By Mr. GEJDENSON:

H.R. 3682. A bill to amend title XVIII of the Social Security Act to prohibit the use of Medicare risk-based managed care payments for administrative costs not permitted under the Federal Acquisition Regulation; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington:

H.R. 3683. A bill to prohibit further extension or establishment of any national monument in Washington State without full public participation and an express Act of Congress, and for other purposes; to the Committee on Resources.

By Mr. HASTINGS of Washington (for himself and Mr. MEEHAN):

H.R. 3684. A bill to amend section 313 of the Tariff Act of 1930 to allow duty drawback for grape juice concentrates made from Concord or Niagara grapes; to the Committee on Ways and Means.

By Mr. HILL of Montana:

H.R. 3685. A bill to facilitate the timely resolution of back-logged civil rights discrimination cases of the Department of Agriculture, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself and Mr. FILNER):

H.R. 3686. A bill to amend the Clean Air Act and titles 23 and 49, United States Code, to provide for continued authorization of funding of transportation projects after a lapse in transportation conformity; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINNIS:

H.R. 3687. A bill to establish the Canyons of the Ancients National Conservation Area; to the Committee on Resources.

By Mr. MOORE (for himself, Mr. HOYER, Mrs. THURMAN, Mr. WAXMAN, Mr. DAVIS of Florida, Mrs. MINK of Hawaii, Mr. FRANK of Massachusetts, Mr. EVANS, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. BARRETT of Wisconsin, Mr. GREEN of Texas, Mr. HASTINGS of Florida, Mr. MINGE, Mr. NADLER, Ms. WOOLSEY, Mr. FARR of California, Ms. MCCARTHY of Missouri, Ms. RIVERS, Mr. BOSWELL, Mr. BOYD, Mr. FORD, Ms. HOOLEY of Oregon, Mr. PASCRELL, Mr. SANDLIN, Ms. BALDWIN, Mr. CAPUANO, Mr. CROWLEY, Mr. GONZALEZ, Mr. HILL of

Indiana, Mr. HOEFFEL, Mr. LARSON, Mrs. NAPOLITANO, Mr. PHELPS, Ms. SCHAKOWSKY, Mr. SHOWS, Mr. THOMPSON of California, Mr. UDALL of New Mexico, and Mr. WU):

H.R. 3688. A bill to amend the Internal Revenue Code of 1986 to require certain political organizations under such Code to report information to the Federal Election Commission, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas (for himself and Mr. LATHAM):

H.R. 3689. A bill to establish in the Antitrust Division of the Department of Justice a position with responsibility for agricultural antitrust matters; to the Committee on the Judiciary.

By Mr. PASCRELL (for himself, Mr. GRAHAM, and Mr. KLINK):

H.R. 3690. A bill to amend titles XVIII and XIX of the Social Security Act to assure the financial solvency of Medicare+Choice organizations and Medicaid managed care organizations; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mr. BAKER, and Mr. RYUN of Kansas):

H.R. 3691. A bill to provide that the inferior courts of the United States do not have jurisdiction to hear partial-birth abortion-related cases; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 3692. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on the sale of animals which are raised and sold as part of an educational program; to the Committee on Ways and Means.

By Mr. SIMPSON:

H.R. 3693. A bill to provide for the acquisition of Castle Rock Ranch in the State of Idaho and to authorize the use of the acquired ranch in a series of land exchanges involving lands within the boundaries of the City of Rocks National Reserve and the Hagerman Fossil Beds National Monument, Idaho; to the Committee on Resources.

By Mr. SWEENEY:

H.R. 3694. A bill to amend rule 26 of the Federal Rules of Civil Procedure to provide for the confidentiality of a personnel record or personal information of a law enforcement officer; to the Committee on the Judiciary.

By Mr. TOOMEY (for himself, Mr. SHAYS, Mrs. CUBIN, Mr. WATTS of Oklahoma, Mr. SMITH of Michigan, Mr. GREEN of Wisconsin, Mr. COBURN, Mr. SHADEGG, Mr. BARTLETT of Maryland, Mr. RYAN of Wisconsin, Mr. HERGER, Mr. COX, Mr. VITTER, Mr. PITTS, Mr. PAUL, Mr. CHABOT, Mr. TANCREDO, Mrs. CHENOWETH-HAGE, Mr. TERRY, Mr. GARY MILLER of California, and Mr. LARGENT):

H.R. 3695. A bill to ensure that the fiscal year 2000 on-budget surplus is used to reduce publicly-held debt; to the Committee on Rules.

By Mr. TRAFICANT (for himself and Mr. BILIRAKIS):

H.R. 3696. A bill to establish the President's Commission on Veterans and Smoking; to the Committee on Veterans' Affairs.

By Mr. VITTER (for himself, Mr. CUNNINGHAM, Mr. HAYES, Mr. KUYKENDALL, Mr. TAYLOR of Mississippi, and Mr. MORAN of Virginia):

H.R. 3697. A bill to provide for participation of certain Medicare-eligible individuals in Department of Defense pharmacy programs; to the Committee on Armed Services.

By Mr. WHITFIELD (for himself and Mr. BILBRAY):

H.R. 3698. A bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal years 2001 and 2002 at the levels for fiscal year 2000; to the Committee on Commerce.

By Mr. KOLBE (for himself, Mr. HOYER, Mr. MCINTOSH, Mr. BLUNT, Mrs. KELLY, Mr. SENSENBRENNER, Mr. MANZULLO, Mr. FOLEY, Mr. NUSSLE, Mr. RAMSTAD, Mr. GRAHAM, Mr. CUNNINGHAM, Mr. LEACH, Mr. QUINN, Mr. COOK, Mr. KLECZKA, Mrs. THURMAN, Ms. PRYCE of Ohio, Mr. LAMPSON, Mr. NEAL of Massachusetts, Mr. CLAY, Mr. GREEN of Texas, Mrs. MEEK of Florida, Mr. MORAN of Virginia, Mrs. CLAYTON, Mr. BILBRAY, Mr. CARDIN, Mr. KNOLLENBERG, Mr. LATHAM, Mr. HOUGHTON, Mr. PRICE of North Carolina, and Mr. BOSWELL):

H. Con. Res. 252. Concurrent resolution expressing the sense of the Congress regarding ensuring a competitive North American market for softwood lumber; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. HYDE, Mr. ARMEY, Mr. BARCIA, Mr. DELAY, Mr. HAYWORTH, Mr. JOHN, Mr. PITTS, Ms. ROS-LEHTINEN, Mr. RYAN of Wisconsin, Mr. SHERWOOD, and Mr. TANCREDO):

H. Con. Res. 253. Concurrent resolution expressing the sense of the Congress strongly objecting to any effort to expel the Holy See from the United Nations as a state participant by removing its status as a Permanent Observer; to the Committee on International Relations.

By Mr. RADANOVICH (for himself, Mr. THOMAS, Mr. SKEEN, Mr. PETERSON of Pennsylvania, Mr. METCALF, Mr. HERGER, Mr. SIMPSON, Mrs. CHENOWETH-HAGE, Mr. SCHAFFER, Mr. SHADEGG, and Mr. KOLBE):

H. Con. Res. 254. Concurrent resolution expressing the sense of the Congress that the President should seek input from all stakeholders, State and local governments, and the Congress before declaring any national monument under the authorities granted in the Act popularly known as the Antiquities Act of 1906; to the Committee on Resources.

By Mr. TRAFICANT (for himself and Mr. BILIRAKIS):

H. Con. Res. 255. Concurrent resolution expressing the sense of the Congress regarding Federal spending on veterans programs and allocation of funds received by the Federal Government for claims arising from smoking-related illnesses or an increased risk of smoking-related illnesses; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. MCHUGH, Mr. CRANE, Mr. MCINNIS, Mr. THOMAS, Mr. SHOWS, Mr. GILLMOR, Mr. LAHOOD, Mr. WATKINS, Mr. BALDACCI, Mr. WU, Mr. SHAW, Mr. ARCHER, Mr. BARRETT of Nebraska, Mr. FRANKS of New Jersey, Mr. SMITH of Texas, Mr. FRELINGHUYSEN, Mr. CAMP, Mr. BERRY, Mr. PHELPS, Mr. COMBEST, Mr. PITTS, Mrs. BIGGERT, and Mr. JENKINS.

H.R. 38: Mr. GOODLING.

H.R. 40: Mr. MORAN of Virginia and Mr. STUPAK.

H.R. 110: Mr. WYNN and Mr. EVANS.

H.R. 205: Mr. FOLEY.

H.R. 218: Mr. HEFLEY, Mrs. ROUKEMA, Mr. BACHUS, and Mr. PALLONE.

H.R. 347: Mr. MASCARA.

H.R. 406: Mrs. KELLY.

H.R. 453: Mr. FRANKS of New Jersey and Mr. INSLEE.

H.R. 531: Mr. KOLBE.

H.R. 555: Mr. BORSKI.

H.R. 583: Mr. BOEHLERT.

H.R. 612: Mr. MINGE.

H.R. 623: Mr. WALDEN of Oregon.

H.R. 664: Mrs. NAPOLITANO, Mr. SAWYER, and Mr. RANGEL.

H.R. 701: Ms. SANCHEZ, Mr. THUNE, Mr. VENTO, Mr. MCDERMOTT, Mr. WEXLER, Mr. GUTIERREZ, Mrs. MORELLA, Mr. UDALL of Colorado, Mr. CLAY, Mr. BLUMENAUER, Mr. DEUTSCH, Mr. OLVER, Mr. FRANK of Massachusette, Ms. ESHOO, Ms. ROYBAL-ALLARD, Mr. MCNULTY, Mr. ENGEL, Mr. DIXON, Mr. DELAHUNT, Ms. PELOSI, Mr. FALEOMAVAEGA, Mrs. CAPPS, Mr. THOMPSON of California, Mr. HALL of Texas, Mr. PALLONE, Mr. CROWLEY, Mr. HOEFFEL, Mr. UDALL of New Mexico, Ms. WOOLSEY, Ms. HOOLEY of Oregon, Mrs. NAPOLITANO, Mr. ABERCROMBIE, Mr. STARK, Mrs. MEEK of Florida, Mr. MCCOLLUM, Mr. MINGE, Mr. CONYERS, Mr. RAHALL, Mr. MARKEY, Mr. BORSKI, Mr. PETRI, Mr. GEJDENSON, Mr. SMITH of Washington, Mr. DOOLEY of California, Mr. MCINNIS, Ms. BALDWIN, Mr. INSLEE, Mr. WU, Mrs. MINK of Hawaii, Ms. BROWN of Florida, Mrs. ROUKEMA, Mr. TANCREDO, Mr. SHERWOOD, Mr. KANJORSKI, Mr. FARR of California, Mr. MENENDEZ, Mr. HASTINGS of Florida, Mrs. CLAYTON, Mr. BARRETT of Wisconsin, Mr. MEEHAN, Mr. MATSUI, Mr. SHERMAN, Mr. MARTINEZ, Ms. DEGETTE, Mr. LARSON, Mr. CUMMINGS, Mr. TIERNEY, Mr. NEAL of Massachusetts, Mr. PASCRELL, Mr. HOLT, Mr. SERRANO, Mr. BALDACCI, Mr. HINCHEY, Mr. OWENS, Mr. ROTHMAN, Mr. MCGOVERN, Mr. CALLAHAN, Mr. CARDIN, Mr. EVANS, Mr. LAZIO, Ms. LOFGREN, Mr. WAXMAN, Ms. WATERS, Mr. FILNER, Mr. CAPUANO, Mr. BONIOR, Mr. NADLER, Mrs. JONES of Ohio, Mr. KUCINICH, Ms. BERKLEY, Mr. BAIRD, Mr. UNDERWOOD, Mr. GILMAN, Mr. BLAGOJEVICH, Mr. KENNEDY of Rhode Island, Mr. FORBES, Mr. SANDERS, Mr. MEEKS of New York, Mr. BROWN of Ohio, Mr. KUYKENDALL, Mr. LEACH, Mr. BERMAN, Ms. SLAUGHTER, Mr. BOEHLERT, Mr. MCINTYRE, Mr. KLECZKA, Mr. GREENWOOD, Mr. CAMPBELL, Mr. DREIER, Mr. BILBRAY, Mr. CUNNINGHAM, Mr. GEKAS, Mr. BRADY of Texas, Mr. MORAN of Virginia, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. LOBIONDO, Mr. STUPAK, Mr. FRANKS of New Jersey, Mr. EHLERS, Mr. QUINN, Mr. SHUSTER, Ms. SCHAKOWSKY, Mr. WEINER, Mr. LEVIN, Mrs. LOWEY, Mr. DIAZ-BALART, Mr. MOAKLEY, Mrs. BIGGERT, Mr. DAVIS of Illinois, Mr. HORN, Mr. LANTOS, Ms. LEE, Mr. KING, Mr. ANDREWS, Mr. PAYNE, Mr. EVERETT, Mrs. TAUSCHER, Ms. DUNN, Mr. ROMERO-BARCELO, Ms. KILPATRICK, Ms. NORTON, Mr. PACKARD, Mr. METCALF, Mr. BATEMAN, Mr. FRELINGHUYSEN, Mr. HOUGHTON, Mr. WATT of North Carolina, Ms. KAPTUR, Mr. LAFALCE, Ms. RIVERS, Mr. BECERRA, Ms. MILLENDER-MCDONALD, Mr. JACKSON of Illinois, Mrs. MCCARTHY of New York, Ms. VELAZQUEZ, Mr. EHRLICH, Mr. REYES, Mr. PEASE, Mr. BACA, Mrs. MALONEY of New York, Mr. BARTLETT of Maryland, Mr. DICKS, Ms. DELAURO, AND Mr. HEFLEY.

H.R. 721: Mr. TALENT, Mr. SCHAFFER, and Mr. MINGE.

H.R. 730: Mr. MENENDEZ.

H.R. 742: Mr. MCINTYRE and Mr. BALDACCI.

H.R. 797: Mr. BORSKI.

H.R. 815: Mrs. CLAYTON.

H.R. 816: Mr. ROHRABACHER and Mr. BLILEY.

H.R. 826: Mr. KILDEE.

H.R. 837: Ms. CARSON.
H.R. 860: Mr. PASCRELL.
H.R. 870: Mr. JENKINS.
H.R. 980: Mr. SAXTON and Mr. KUYKENDALL.
H.R. 1032: Mr. MASCARA.
H.R. 1044: Mr. CALVERT and Mr. BURTON of Indiana.
H.R. 1063: Ms. LOFGREN.
H.R. 1070: Mr. LEVIN, Mr. HALL of Ohio, and Mr. RILEY.
H.R. 1085: Mr. LAMPSON.
H.R. 1115: Mr. OSE.
H.R. 1194: Mr. RYUN of Kansas, Mr. GOODLING, and Mr. OSE.
H.R. 1195: Mr. BILBRAY.
H.R. 1227: Mr. CONYERS.
H.R. 1283: Mr. BAKER, Mr. BOYD, Mr. KASICH, Mr. HAYES, Mr. BARCIA, Mr. OXLEY, Mr. TANCREDO, Mr. BARTON of Texas, and Mr. VITTER.
H.R. 1304: Mr. KUCINICH and Mr. TRAFICANT.
H.R. 1317: Mr. TERRY.
H.R. 1360: Mr. MANZULLO.
H.R. 1396: Mr. RANGEL and Ms. MILLENDER-MCDONALD.
H.R. 1435: Mr. DELAY.
H.R. 1452: Mr. LATOURETTE.
H.R. 1459: Mr. LAHOOD and Mr. NETHERCUTT.
H.R. 1495: Mr. ORTIZ, Mr. BORSKI, Ms. WOOLSEY, and Mr. COSTELLO.
H.R. 1505: Mr. TOOMEY, Ms. KAPTUR, Mr. HILLIARD, Mr. SHERWOOD, and Mr. MOLLOHAN.
H.R. 1577: Mr. SCHAFFER.
H.R. 1611: Mr. WELDON of Pennsylvania.
H.R. 1621: Mr. GONZALEZ, Mr. KIND, and Mr. MOLLOHAN.
H.R. 1640: Mr. CONYERS, Mr. PHELPS, Ms. RIVERS, Mrs. JONES of Ohio, Mr. WEINER, Mr. FRANK of Massachusetts, and Mr. PALLONE.
H.R. 1671: Mr. KLINK.
H.R. 1705: Mr. SANDERS, Mr. TIERNEY, Mr. HINCHEY, and Mr. KUCINICH.
H.R. 1708: Mr. TRAFICANT.
H.R. 1732: Ms. MCCARTHY of Missouri.
H.R. 1747: Mr. WELDON of Pennsylvania, Mr. COX, Mr. HEFLEY, Mr. GOODLING, and Ms. ROS-LEHTINEN.
H.R. 1760: Mrs. NAPOLITANO and Mr. SIMPSON.
H.R. 1769: Mr. FROST.
H.R. 1824: Mr. SOUDER and Mr. JONES of North Carolina.
H.R. 1830: Mr. ANDREWS.
H.R. 1841: Mr. CROWLEY and Mrs. MEEK of Florida.
H.R. 1870: Mr. RILEY.
H.R. 1899: Mr. DEUTSCH.
H.R. 1977: Ms. BALDWIN, Mr. PRICE of North Carolina, and Mr. SMITH of New Jersey.
H.R. 2059: Mr. HOLT.
H.R. 2087: Mr. WELDON of Florida.
H.R. 2088: Mr. VITTER.
H.R. 2121: Mr. DOYLE and Mr. TOWNS.
H.R. 2265: Mr. HILL of Indiana.
H.R. 2273: Mr. MANZULLO and Mrs. KELLY.
H.R. 2282: Mr. LARGENT.
H.R. 2382: Mr. TAYLOR of Mississippi.
H.R. 2402: Mr. CUNNINGHAM.
H.R. 2420: Mr. SCARBOROUGH, Mr. PASCRELL, Mr. TALENT, Mr. CLAY, Mrs. JONES of Ohio, Mr. TURNER, Mr. CAPUANO, Mr. MCGOVERN, and Mr. CUNNINGHAM.
H.R. 2527: Mr. WAMP.
H.R. 2544: Mr. TERRY.
H.R. 2551: Mr. MCHUGH, Mr. KLECZKA, Mr. LATOURETTE, Mr. CRAMER, Mr. COMBEST, Ms. BROWN of Florida, Mrs. JONES of Ohio, Mr. BROWN of Ohio, Ms. CARSON, and Ms. ESHOO.
H.R. 2562: Mr. DAVIS of Illinois.
H.R. 2569: Mr. ANDREWS.
H.R. 2573: Mr. HINCHEY.
H.R. 2631: Mr. OSE.
H.R. 2720: Mr. TAYLOR of Mississippi and Mr. EHRLICH.
H.R. 2776: Mr. TOWNS and Mr. EVANS.
H.R. 2785: Mrs. KELLY.
H.R. 2790: Mr. GOODLING.
H.R. 2842: Mr. LAFALCE.
H.R. 2916: Ms. PELOSI and Mr. STARK.
H.R. 2934: Ms. CARSON, Mr. WEYGAND, Mrs. MCCARTHY of New York, Mrs. MALONEY of New York, Ms. PELOSI, and Mr. FILNER.
H.R. 2966: Ms. RIVERS and Mr. HERGER.
H.R. 3058: Mrs. MEEK of Florida.
H.R. 3059: Mr. ENGLISH.
H.R. 3083: Mr. RUSH, Mr. BLAGOJEVICH, and Ms. PELOSI.
H.R. 3087: Mr. EVANS.
H.R. 3091: Mr. SHIMKUS and Mr. EWING.
H.R. 3150: Ms. RIVERS.
H.R. 3170: Mr. COX and Mr. LARGENT.
H.R. 3193: Mr. LIPINSKI and Mr. CLEMENT.
H.R. 3195: Mr. SKELTON and Mr. OXLEY.
H.R. 3225: Mr. KUYKENDALL.
H.R. 3240: Mr. HOEKSTRA, Mr. DOOLITTLE, Mr. FRANK of Massachusetts, Mr. LAHOOD, and Mr. RILEY.
H.R. 3252: Mr. TERRY.
H.R. 3295: Mr. NADLER.
H.R. 3299: Mr. KINGSTON and Mr. SHOWS.
H.R. 3320: Mr. BONIOR and Mr. KOLBE.
H.R. 3327: Mr. HASTINGS of Washington, Mr. KNOLLENBERG, Ms. DUNN, Mr. DOOLITTLE, Mr. SIMPSON, and Mr. EWING.
H.R. 3399: Mr. TIAHRT.
H.R. 3420: Mr. MATSUI and Mr. OSE.
H.R. 3430: Mr. BOSWELL, Mr. FORBES, Mrs. NAPOLITANO, Ms. WOOLSEY, and Mr. EVANS.
H.R. 3439: Mr. RYUN of Kansas, Mr. RAHALL, Mr. BEREUTER, Mr. CAMP, Mr. WISE, Mr. SIMPSON, Mr. MCINTOSH, Mr. ISAKSON, Mr. JONES of North Carolina, Mr. JENKINS, Mr. DAVIS of Virginia, Mr. BARCIA, Mr. GOODLATTE, Mrs. BIGGERT, Mr. YOUNG of Alaska, Mr. HULSHOF, Mr. BERRY, Mr. FRELINGHUYSEN, Mr. GREENWOOD, Mr. CANNON, Mr. VISCLOSKY, Mr. GIBBONS, Mr. CLEMENT, Mr. TIAHRT, Ms. DANNER, Mr. NEAL of Massachusetts, Mr. HAYWORTH, and Mr. HALL of Texas.
H.R. 3463: Mr. KUCINICH, Mrs. KELLY, Mr. FILNER, Mr. SMITH of New Jersey, and Mr. DELAHUNT.
H.R. 3508: Mr. FROST.
H.R. 3519: Mr. RUSH and Mr. HOUGHTON.
H.R. 3525: Mr. RADANOVICH and Mr. WELDON of Florida.
H.R. 3530: Mr. GRAHAM, Mr. GEKAS, Mr. RILEY, Mr. SENSENBRENNER, Mr. KOLBE, Mrs. BIGGERT, Mr. ROGAN, Mr. WELDON of Florida, Mr. RYUN of Kansas, Mr. KNOLLENBERG, and Mr. SCHAFFER.
H.R. 3535: Mr. DOYLE and Ms. HOOLEY of Oregon.
H.R. 3539: Mr. WATKINS and Mr. SCHAFFER.
H.R. 3543: Mr. WALSH.
H.R. 3544: Mr. NEY, Mr. HULSHOF, Mr. GOODLING, and Mr. KNOLLENBERG.
H.R. 3561: Mr. CAMPBELL.
H.R. 3571: Mrs. MCCARTHY of New York, Mr. ABERCROMBIE, Mr. RAHALL, and Mr. FROST.
H.R. 3573: Mr. LOBIONDO, Ms. RIVERS, Mr. SWEENEY, Ms. DUNN, and Ms. STABENOW.
H.R. 3575: Mr. SOUDER, Mr. CONDIT, Mr. SMITH of New Jersey, Mr. NEAL of Massachusetts, Mr. KIND, Mr. HALL of Ohio, Mr. PRICE of North Carolina, Mr. BOEHLERT, Mr. PAYNE, Mrs. MINK of Hawaii, Mr. OWENS, and Mr. HORN.
H.R. 3580: Mr. DOYLE, Mr. MCHUGH, Mr. MORAN of Kansas, Mr. BRADY of Pennsylvania, Mr. LAFALCE, and Mr. MOAKLEY.
H.R. 3582: Mr. WOLF.
H.R. 3593: Mr. BOYD and Mr. NETHERCUTT.
H.R. 3594: Mr. CHABOT, Mr. LAHOOD, Mr. WHITFIELD, Mr. UDALL of Colorado, Mr. CRAMER, and Mr. REYNOLDS.
H.R. 3600: Ms. PELOSI.
H.R. 3607: Mr. SANDERS.
H.R. 3608: Mr. FRANKS of New Jersey, Mr. KUCINICH, Mr. BASS, Mr. PALLONE, and Mr. BORSKI.
H.R. 3613: Mr. QUINN, Mr. SANDERS, and Mr. FRANK of Massachusetts.
H.R. 3615: Mr. SANDLIN, Mr. POMEROY, Mr. BERRY, Mr. MORAN of Kansas, and Mr. MORAN of Virginia.
H.R. 3620: Mr. OSE.
H.R. 3629: Mr. OSE.
H.R. 3634: Mr. FRANK of Massachusetts and Mr. BERMAN.
H.R. 3641: Mrs. KELLY, Mr. KING, Mr. SANDERS, and Mr. HOUGHTON.
H.R. 3644: Mr. FRANK of Massachusetts, Ms. DELAURO, Mr. CAPUANO, Mr. WEINER, Mr. ETHERIDGE, Mr. SANDERS, and Mr. FILNER.
H.R. 3650: Mr. WEINER, Ms. PELOSI, Mr. GUTIERREZ, and Mr. FILNER.
H.R. 3662: Mr. CAPUANO and Mr. WEINER.
H.J. Res. 86: Mr. ORTIZ, Ms. DUNN, Ms. LOFGREN, Mr. WALDEN of Oregon, Mr. HASTINGS of Florida, Mrs. ROUKEMA, Mr. PETERSON of Pennsylvania, Mr. BURTON of Indiana, and Ms. PRYCE of Ohio.
H. Con. Res. 186: Mr. MORAN of Kansas, Ms. PRYCE of Ohio, Mr. NETHERCUTT, Mr. GILLMOR, Mr. RYUN of Kansas, and Mr. GARY MILLER of California.
H. Con. Res. 220: Mr. BARRETT of Wisconsin.
H. Con. Res. 249: Mr. LIPINSKI.
H. Res. 397: Mrs. MYRICK, Mr. LIPINSKI, and Mr. KUYKENDALL.
H. Res. 416: Mr. WEINER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2372: Mr. BARCIA.
H. Res. 396: Mr. ABERCROMBIE and Mr. HOBSON.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 7. February 16, 2000, by Mr. SHOWS on House Resolution 371, was signed by the following Members: Ronnie Shows, Fortney Pete Stark, Jim McDermott, Martin Frost, Dale E. Kildee, Eddie Bernice Johnson, William D. Delahunt, Thomas H. Allen, George Miller, James P. McGovern, Mike Thompson, John B. Larson, Nydia M. Velazquez, Albert Russell Wynn, Karen McCarthy, Robert E. Wise, Jr., Corrine Brown, Karen L. Thurman, Barbara Lee, Earl Pomeroy, Darlene Hooley, Tammy Baldwin, Shelley Berkley, Dennis J. Kucinich, Lynn N. Rivers, Lynn C. Woolsey, Joe Baca, Patsy T. Mink, Grace F. Napolitano, Bart Stupak, John Lewis, Carolyn C. Kilpatrick, Sheila Jackson-Lee, Charles A. Gonzalez, Michael P. Forbes, Ciro D. Rodriguez, Frank Pallone, Jr., Danny K. Davis, Bobby L. Rush, Rod R. Blagojevich, Lucille Roybal-Allard, Julia Carson, Frank Mascara, Janice D. Schakowsky, Thomas M. Barrett, David R. Obey, Robert E. Andrews, Max Sandlin, Jose E. Serrano, Lane Evans, James L. Oberstar, Mark Udall, Juanita Millender-McDonald, John F. Tierney, Gene Green, Rosa L. DeLauro, Marion Berry, James A. Traficant, Jr., Lloyd Doggett, Carrie P. Meek, Louise McIntosh Slaughter, James A. Barcia, Bob Filner, Robert A. Brady, Ken Bentsen, John M. Spratt, Jr., Diana DeGette, Bob Clement, Robert Wexler, Bennie G. Thompson, Earl F. Hilliard, Gary L. Ackerman, David Minge, Martin T. Meehan, Anthony D. Weiner, Ruben Hinojosa, John D. Dingell, Nancy Pelosi, Debbie Stabenow, Barney Frank, Sam Farr, James E. Clyburn, Patrick J. Kennedy, Michael R. McNulty, Tom Udall, Alcee L. Hastings, Melvin L. Watt, Gregory W. Meeks, Tom Sawyer, Robert E. (Bud) Cramer, Jr., Elijah E. Cummings, Charles B. Rangel, Edolphus Towns, John W. Olver, Joseph Crowley, Solomon P. Ortiz, Carolyn

McCarthy, David E. Bonior, Bill Luther, Jerrold Nadler, Tom Lantos, Stephanie Tubbs Jones, Tony P. Hall, Robert A. Weygand, Ted Strickland, Richard A. Gephardt, Cynthia A. McKinney, Nick Lampson, Donald M. Payne, Silvestre Reyes, John J. LaFalce, Marcy Kaptur, Ed Pastor, Earl Blumenauer, Jim Turner, Carolyn B. Maloney, Luis V. Gutierrez, Christopher John, Eva M. Clayton, Leonard L. Boswell, Chet Edwards, John Conyers, Jr., Sander M. Levin, Peter Deutsch, Neil Abercrombie, and Henry A. Waxman.

Petition 8. February 16, 2000, by Mr. STARK on House Resolution 372, was signed by the following Members: Fortney Pete Stark, David E. Bonior, Martin Frost, Eddie Bernice Johnson, Jim McDermott, Dale E. Kildee, William D. Delahunt, Thomas H. Allen, George Miller, James P. McGovern, Mike Thompson, John B. Larson, Nydia M. Velazquez, Albert Russell Wynn, Karen McCarthy, Robert E. Wise, Jr., Corrine Brown, Karen L. Thurman, Barbara Lee, Earl Pomeroy, Tammy Baldwin, Lynn N. Rivers, Lynn C. Woolsey, Joe Baca, Patsy T. Mink, Grace F. Napolitano, Bart Stupak, John Lewis, Carolyn C. Kilpatrick, Sheila Jackson-Lee, Charles A. Gonzalez, Ciro D. Rodriguez, Frank Pallone, Jr., Lucille Roybal-Allard, Julia Carson, Janice D. Schakowsky, Thomas M. Barrett, David R. Obey, Robert E. Andrews, Jose E. Serrano, Lane Evans, James L. Oberstar, Mark Udall, Juanita Millender-McDonald, Rod R. Blagojevich, John F. Tierney, Gene Green, Rosa L. DeLauro, Marion Berry, Lloyd Doggett, Louise McIntosh Slaughter, Joseph M. Hoeffel, James A. Barcia, Benjamin L. Cardin, Bob Filner, Robert A. Brady, John M. Spratt, Jr., Diana DeGette, Bob Clement, Robert Wexler, Bennie G. Thompson, Earl F. Hilliard, Gary L. Ackerman, David Minge, Martin T. Meehan, Howard L. Berman, Anthony D. Weiner, Ruben Hinojosa, John D. Dingell, Nancy Pelosi, Debbie Stabenow, Barney Frank, Sam Farr, James E. Clyburn, Patrick J. Kennedy, Michael R. McNulty, Tom Udall, Alcee L. Hastings, Melvin L. Watt, Gregory W. Meeks, Tom Sawyer, Robert E. (Bud) Cramer, Jr., Elijah E. Cummings, Charles B. Rangel, Edolphus Towns, John W. Olver, Joseph Crowley, Solomon P. Ortiz, Sam Gejdenson, Carolyn McCarthy, Jerrold Nadler, Tom Lantos, Stephanie Tubbs Jones, Tony P. Hall, Robert A. Weygand, Ted Strickland, Richard A. Gephardt, Cynthia A. McKinney, Nick Lampson, Donald M. Payne, Silvestre Reyes, John J. LaFalce, Marcy Kaptur, Ed Pastor, Earl Blumenauer, Max Sandlin, Jim Turner, Carolyn B. Maloney, Luis V. Gutierrez, Christopher John, Eva M. Clayton, Leonard L. Boswell, Chet Edwards, John Conyers, Jr., Sander M. Levin, Peter Deutsch, Neil Abercrombie, and Henry A. Waxman.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 6, by Mr. BONIOR on House Resolution 301: Mark Udall.