

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 life-saving 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	DeLay	Hunter
Archer	DeMint	Hutchinson
Armye	Diaz-Balart	Hyde
Bachus	Dickey	Isakson
Baker	Doolittle	Istook
Ballenger	Dreier	Jenkins
Barr	Duncan	Johnson (CT)
Barrett (NE)	Dunn	Johnson, Sam
Bartlett	Ehlers	Jones (NC)
Barton	Ehrlich	Kasich
Bass	Emerson	Kelly
Bateman	English	King (NY)
Bereuter	Everett	Kingston
Biggert	Ewing	Knollenberg
Bilbray	Fletcher	Kolbe
Billirakis	Foley	Kuykendall
Bliley	Fossella	LaHood
Blunt	Fowler	Largent
Boehlert	Franks (NJ)	Latham
Boehner	Frelinghuysen	LaTourette
Bonilla	Galleghy	Lazio
Bono	Ganske	Leach
Boyd	Gekas	Lewis (CA)
Brady (TX)	Gibbons	Lewis (KY)
Bryant	Gilchrest	Linder
Burr	Gillmor	LoBiondo
Burton	Gilman	Lucas (KY)
Buyer	Goode	Lucas (OK)
Calvert	Goodlatte	Manzullo
Camp	Goodling	McCreery
Canady	Goss	McHugh
Cannon	Granger	McInnis
Castle	Green (WI)	McIntosh
Chabot	Greenwood	McKeon
Chambless	Gutknecht	Metcalf
Chenoweth-Hage	Hansen	Mica
Coble	Hastings (WA)	Miller (FL)
Coburn	Hayes	Miller, Gary
Collins	Hayworth	Moran (KS)
Combest	Hefley	Moran (VA)
Condit	Hergert	Nethercutt
Cook	Hill (MT)	Ney
Cox	Hilleary	Northup
Cramer	Hobson	Norwood
Crane	Hoekstra	Nussle
Cubin	Horn	Ose
Cunningham	Hostettler	Oxley
Davis (VA)	Houghton	Packard
Deal	Hulshof	Paul

Pease	Saxton
Peterson (MN)	Scarborough
Peterson (PA)	Schaffer
Petri	Sensenbrenner
Pickering	Sessions
Pitts	Shadegg
Pombo	Shaw
Porter	Shays
Portman	Sherwood
Pryce (OH)	Shimkus
Quinn	Shuster
Radanovich	Simpson
Ramstad	Sisisky
Regula	Skeen
Reynolds	Smith (MI)
Riley	Smith (TX)
Roemer	Souder
Rogan	Spence
Rogers	Stearns
Rohrabacher	Stenholm
Ros-Lehtinen	Stump
Roukema	Sununu
Royce	Sweeney
Ryan (WI)	Talent
Ryun (KS)	Tancredo
Salmon	Tauzin

Taylor (MS)	Capps	Gutierrez	Sanford
Taylor (NC)	Clay	Lowey	Smith (NJ)
Terry	Cooksey	Martinez	Snyder
Thomas	DeFazio	McCollum	Tiahrt
Thornberry	Frost	McIntyre	Vento
Thune	Graham	Myrick	Weygand

Capps	Gutierrez	Sanford
Clay	Lowey	Smith (NJ)
Cooksey	Martinez	Snyder
DeFazio	McCollum	Tiahrt
Frost	McIntyre	Vento
Graham	Myrick	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.

NAYS—187

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

NOT VOTING—24

Baird	Bishop	Callahan
Baldacci	Brown (OH)	Campbell