

Mr. WOLF, Mr. ROYCE, Mr. CARDIN, Mr. TORRICELLI, Mr. ROHRBACHER, Mr. MORAN, Mr. WYNN, Ms. DELAURO, Mr. ENGEL, Mr. GALLEGLY, and Mr. MENENDEZ):

H.R. 1172. A bill to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina; to the Committee on International Relations.

By Mr. STUMP (for himself, Mr. ROBERTS, Mr. CALLAHAN, Mr. BACHUS, and Mr. EVERETT):

H.R. 1173. A bill to prohibit the expenditure of Federal funds for constructing or modifying highway signs that are expressed only in metric system measurements; to the Committee on Transportation and Infrastructure.

By Mr. UPTON:

H.R. 1174. A bill to provide additional flexibility for the Department of Energy's program for the disposal of spent nuclear fuel and high level radioactive waste, and for other purposes; to the Committee on Commerce.

By Mr. YOUNG of Alaska:

H.R. 1175. A bill to amend Public Law 89-454 to provide for the reauthorization of appropriations; to the Committee on Resources.

By Mr. GOODLING (for himself, Mr. FAWELL, Mr. BALLENGER, Mr. HOEKSTRA, Mr. CUNNINGHAM, Mr. MCKEON, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. BARRETT of Nebraska, Mr. CASTLE, Mrs. MEYERS of Kansas, Mr. SAM JOHNSON, Mr. GREENWOOD, Mr. HUTCHINSON, Mr. KNOLLENBERG, Mr. GRAHAM, Mr. WELDON of Florida, Mr. FUNDERBURK, Mr. SOUDER, Mr. NORWOOD, Mr. BOEHNER, Mr. STENHOLM, Mr. DOOLEY, Mr. PARKER, Mr. DEAL of Georgia, Mr. BREWSTER, Mr. HANCOCK, Mr. ZELIFF, Mr. ROHRBACHER, and Mr. EWING):

H.R. 1176. A bill to nullify an executive order that prohibits Federal contracts with companies that hire permanent replacements for striking employees; to the Committee on Economic and Educational Opportunities.

By Mr. HILLEARY (for himself, Mr. NETHERCUTT, Mrs. MYRICK, Mr. MCINTOSH, Mr. BRYANT of Tennessee, Mr. GRAHAM, Mr. ROYCE, Mr. LATOURETTE, Mr. KINGSTON, Mr. WAMP, Mr. TATE, Mr. SALMON, Mr. WELLER, Mrs. WALDHOLTZ, Mr. LATHAM, Mr. CHRISTENSEN, Mr. NORWOOD, Mr. BROWNBACK, Mr. BASS, Mr. NEUMANN, Mrs. SMITH of Washington, Mr. THORNBERRY, Mr. LARGENT, Mr. COBURN, Mr. TIAHRT, Mr. HUTCHINSON, Mr. STOCKMAN, Mr. PAXON, Mr. DICKEY, Mr. KLUG, and Mr. PETERSON of Minnesota):

H.J. Res. 76. Joint resolution proposing an amendment to the Constitution of the United States limiting the terms of office of Senators and Representatives; to the Committee on the Judiciary.

By Mr. MCCOLLUM (for himself, Mr. HOKE, Mr. WAMP, and Mr. FOLEY):

H.J. Res. 77. Joint resolution proposing an amendment to the Constitution of the United States with respect to the terms of Senators and Representatives; to the Committee on the Judiciary.

By Mr. GILCHREST:

H. Con. Res. 34. Concurrent resolution authorizing the use of the Capitol Grounds for the Ringling Bros. and Barnum & Bailey Circus anniversary commemoration; to the Committee on Transportation and Infrastructure.

¶40.33 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII:

Mr. BARTLETT of Maryland introduced a bill (H.R. 1177) for the relief of Debra Bargeski; which was referred to the Committee on the Judiciary.

¶40.34 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. BUNN of Oregon.
 H.R. 78: Mr. BURR and Mr. MCKEON.
 H.R. 104: Ms. MOLINARI.
 H.R. 110: Mr. SERRANO.
 H.R. 120: Mr. PARKER.
 H.R. 123: Mr. DEAL of Georgia, Mr. CRANE, Mr. COOLEY, Mr. GRAHAM, Mr. SOUDER, Mr. SANFORD, Mr. GEKAS, Mr. WELDON of Florida, Mr. NETHERCUTT, Mr. ALLARD, and Mr. STOCKMAN.

H.R. 240: Mr. STEARNS and Mr. SMITH of New Jersey.

H.R. 373: Mr. TAYLOR of Mississippi.
 H.R. 375: Mr. TAYLOR of Mississippi.
 H.R. 394: Mr. RAHALL, Mrs. LINCOLN, Mr. CALVERT, Ms. Lowey, Mrs. SMITH of Washington, Mr. GEJDENSON, Ms. FURSE, Mr. HALL of Texas, Mr. WILSON, Mr. KING, and Mr. LIVINGSTON.

H.R. 398: Mr. FATTAH.
 H.R. 470: Mr. SCHUMER, Mrs. ROUKEMA, Mr. NADLER, and Mr. TORRICELLI.
 H.R. 580: Mr. DAVIS and Mr. WATTS of Oklahoma.
 H.R. 612: Mr. SERRANO.
 H.R. 645: Mr. BENTSEN and Ms. JACKSON-LEE.

H.R. 658: Ms. SLAUGHTER.
 H.R. 662: Mr. FILNER, Mr. PARKER, Mr. FRANKS of Connecticut, and Mr. BURTON of Indiana.

H.R. 699: Mr. STENHOLM and Mr. LARGENT.
 H.R. 709: Mr. PARKER, Mr. FATTAH, Mr. HINCHEY, and Mr. SERRANO.
 H.R. 739: Mrs. CHENOWETH, Mr. LAHOOD, Mr. BAKER of California, and Mr. LIVINGSTON.
 H.R. 759: Mr. LIVINGSTON, Ms. MOLINARI, and Mr. EHLERS.

H.R. 789: Mr. CHRISTENSEN.
 H.R. 791: Mr. FORBES, Mr. KINGSTON, Mr. SKEEN, Mr. BILBRAY, and Mr. PARKER.
 H.R. 793: Mr. CLINGER.

H.R. 839: Mr. FORBES.
 H.R. 860: Mr. WICKER and Mr. HANCOCK.
 H.R. 873: Ms. DELAURO, Ms. LOWEY, Mr. GANSKE, and Ms. SLAUGHTER.

H.R. 882: Mr. MCDERMOTT, Ms. ESHOO, Ms. SLAUGHTER, Ms. PELOSI, Ms. HARMAN, Ms. RIVERS, Mr. WALSH, and Ms. FURSE.

H.R. 930: Mr. ORTON.
 H.R. 941: Mr. WAXMAN, Mr. OBERSTAR, Mr. MARTINEZ, Mr. BONIOR, Mr. CALVERT, Mr. HINCHEY, Ms. FURSE, Mr. FOGLIETTA, and Mr. SERRANO.

H.R. 958: Mr. BONIOR, Ms. LOFGREN, Mr. WYNN, Mr. FALEOMAVAEGA, Mrs. THURMAN, Mr. SCOTT, and Ms. WOOLSEY.

H.R. 995: Mr. CUNNINGHAM, Mr. WELLER, Mr. MCHUGH, and Mr. CALVERT.
 H.R. 996: Mr. CUNNINGHAM, Mr. WELLER, Mr. MCHUGH, and Mr. CALVERT.

H.R. 1021: Mr. CANADY.
 H.R. 1023: Mr. TOWNS and Mr. CAMP.
 H.R. 1058: Mr. BREWSTER.
 H.R. 1077: Mr. SKEEN and Mr. CREMEANS.
 H.R. 1085: Mr. WALSH and Mr. LOBIONDO.
 H.R. 1094: Mr. MINGE.
 H.R. 1111: Mr. TIAHRT.
 H.R. 1114: Mr. SISISKY.
 H.R. 1138: Ms. DUNN of Washington.

H.R. 1145: Mr. ENGLISH of Pennsylvania, Mr. INGLIS of South Carolina, Mr. BERUTER, Mr. TOWNS, Mr. KING, Mr. SMITH of Texas, Mr. FROST, Mr. LAHOOD, Mr. CANADY, Mr. MCHUGH, Mr. FRANK of Massachusetts, Mr. HEINEMAN, Mr. BRYANT of Tennessee, and Mr. LIVINGSTON.

H.J. Res. 61: Mr. KING.
 H.J. Res. 72: Mr. BUNN of Oregon.

H. Con. Res. 12: Mr. LAZIO of New York, Mr. HYDE, Mr. CLYBURN, Mr. KNOLLENBERG, and Mr. MICA.

H. Con. Res. 23: Ms. FURSE, Mr. FAZIO of California, Mr. GUTKNECHT, Mr. FATTAH, Mr. LAUGHLIN, Mr. GILMAN, Ms. RIVERS, Ms. DUNN of Washington, Mr. METCALF, Mr. VOLKMER, Mr. KING, Mr. SERRANO, Mr. GILLMOR, and Mr. SPENCE.

H. Res. 59: Mr. PALLONE, Mr. DURBIN, Mrs. MINK of Hawaii, Mr. BEVILL, Mr. TORRICELLI, Mr. PICKETT, Mr. FROST, Mr. UNDERWOOD, Ms. RIVERS, Mr. GENE GREEN of Texas, Mr. LIPINSKI, Mr. MILLER of California, Mr. ROMERO-BARCELO, Mr. VENTO, Mr. COLEMAN, Mr. FILNER, Mr. JOHNSON of South Dakota, Mr. TORKILDSEN, Mr. EVANS, and Mr. MCDERMOTT.

H. Res. 98: Mr. FRANK of Massachusetts, Mr. GENE GREEN of Texas, Ms. VELAZQUEZ, Mr. MFUME, Mr. GORDON, Mr. ROSE, Mr. CLYBURN, and Mr. BARRETT of Wisconsin.

H. Res. 99: Mr. KANJORSKI.

¶40.35 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 56: Mr. WELLER, Mr. FUNDERBURK, Mr. MINGE, Mr. HOLDEN, Mr. CRAPO, Mr. KNOLLENBERG, Mr. MCDADE, Mr. BRYANT of Tennessee, Mr. BASS, Mrs. WALDHOLTZ, and Mr. OXLEY.

THURSDAY, MARCH 9, 1995 (41)

The House was called to order by the SPEAKER.

¶41.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, March 8, 1995.

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

¶41.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

509. A communication from the President of the United States, transmitting the fifth monthly report on the situation in Haiti, pursuant to 50 U.S.C. 1541 note; to the Committee on International Relations.

510. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102-1, section 3 (105 Stat. 4); to the Committee on International Relations.

511. A communication from the President of the United States, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

512. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the Department's intent to reprogram certain fiscal year 1995 funds made available to monitor the cease-fire between Ecuador and Peru, pursuant to Public Law 103-306, section 515; to the Committee on International Relations.

513. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Audit of the Operations of the Office of the Campaign Finance," pursuant to D.C. Code, section 47-117(d); to the Committee on Government reform and Oversight.

¶41.3 MESSAGE FROM THE PRESIDENT

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

¶41.4 MESSAGE FROM THE PRESIDENT—
NUCLEAR NON-PROLIFERATION
AGREEMENTS

The SPEAKER pro tempore, Mr. SHAYS, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

The United States has been engaged in nuclear cooperation with the European Community (now European Union) for many years. This cooperation was initiated under agreements that were concluded in 1957 and 1968 between the United States and the European Atomic Energy Community (EURATOM) and that expire December 31, 1995. Since the inception of this cooperation, EURATOM has adhered to all its obligations under those agreements.

The Nuclear Non-Proliferation Act of 1978 amended the Atomic Energy Act of 1954 to establish new nuclear export criteria, including a requirement that the United States have a right to consent to the reprocessing of fuel exported from the United States. Our present agreements for cooperation with EURATOM do not contain such a right. To avoid disrupting cooperation with EURATOM, a proviso was included in the law to enable continued cooperation until March 10, 1980, if EURATOM agreed to negotiations concerning our cooperation agreements. EURATOM agreed in 1978 to such negotiations.

The law also provides that nuclear cooperation with EURATOM can be extended on an annual basis after March 10, 1980, upon determination by the President that failure to cooperate would be seriously prejudicial to the achievement of U.S. nonproliferation objectives or otherwise jeopardize the common defense and security, and after notification to the Congress. President Carter made such a determination 15 years ago and signed Executive Order No. 12193, permitting nuclear cooperation with EURATOM to continue until March 10, 1981. Presidents Reagan and Bush made similar determinations and signed Executive orders each year during their terms. I signed Executive Order No. 12840 in 1993 and Executive Order No. 12903 in 1994, which extended cooperation until March 10, 1994, and March 10, 1995, respectively.

In addition to numerous informal contacts, the United States has engaged in frequent talks with EURATOM regarding the renegotiation of the U.S.-EURATOM agreements for cooperation. Talks were conducted in November 1978; September 1979; April 1980; January 1982; November 1983; March 1984; May, September, and November 1985; April and July 1986; September 1987; September and November

1988; July and December 1989; February, April, October, and December 1990; and September 1991. Formal negotiations on a new agreement were held in April, September, and December 1992; March, July, and October 1993; June, October, and December 1994; and January and February 1995. They are expected to continue.

I believe that it is essential that cooperation between the United States and EURATOM continue, and likewise, that we work closely with our allies to counter the threat of proliferation of nuclear explosives. Not only would a disruption of nuclear cooperation with EURATOM eliminate any chance of progress in our negotiations with that organization related to our agreements, it would also cause serious problems in our overall relationships. Accordingly, I have determined that failure to continue peaceful nuclear cooperation with EURATOM would be seriously prejudicial to the achievement of U.S. nonproliferation objectives and would jeopardize the common defense and security of the United States. I therefore intend to sign an Executive order to extend the waiver of the application of the relevant export criterion of the Atomic Energy Act until the current agreements expire on December 31, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 9, 1995.*

By unanimous consent, the message was referred to the Committee on International Relations and ordered to be printed (H. Doc. 104-54).

¶41.5 SUBPOENA

The SPEAKER pro tempore, Mr. SHAYS, laid before the House a communication, which was read as follows:

Washington, DC, March 7, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L(50) of the Rules of the House that a staff person in my office has received a subpoena for testimony and documents concerning constituent casework. The subpoena was issued by the Middlesex County Probate and Family Court of the Commonwealth of Massachusetts.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

EDWARD J. MARKEY,
Member of Congress.

¶41.6 SUBPOENA

The SPEAKER pro tempore, Mr. SHAYS, laid before the House a communication, which was read as follows:

Washington, DC, March 8, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the Eastern District of Virginia for materials related to a civil case.

After consultation with the General Counsel, I have determined that compliance with

the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

KWEISI MFUME,
Member of Congress.

¶41.7 PROVIDING FOR THE FURTHER
CONSIDERATION OF H.R. 956

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 109):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes. No further general debate shall be in order. The bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on the Judiciary, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 1075. That amendment in the nature of a substitute shall be considered as read. No amendment to that amendment in the nature of a substitute shall be in order except those specified in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order specified 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. 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 amendment in the nature of a substitute made in order as original text. 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.

When said resolution was considered.

Mr. LINDER submitted the following amendment:

Page 2, line 11, insert the following before the period: “, provided that the amendments numbered 1 and 12 printed in that report shall be considered in the forms specified in section 2 of this resolution”; and

At the end of the resolution add the following:

SEC. 2. (a) The amendment numbered 1 in the report accompanying this resolution shall be considered in the following form:

Page 7, insert after line 3 the following:

“(c) Notwithstanding any other provision of law, any person, except a person excluded from the definition of product seller, engaged in the business of renting or leasing a product shall be subject to liability pursuant to subsection (a) of this section, but shall not be liable to a claimant for the tortious act of another solely by reason of ownership of such product.”.

(b) The amendment numbered 12 in the report accompanying this resolution shall be considered in the following form:

Page 19 redesignate section 202 as section 203 and after line 19 insert the following:

SEC. 202. LIMITATION ON NONECONOMIC DAMAGES IN HEALTH CARE LIABILITY ACTIONS.

(a) MAXIMUM AWARD OF NONECONOMIC DAMAGES.—In any health care liability action, in addition to actual damages or punitive damages, or both, a claimant may also be awarded noneconomic damages, including damages awarded to compensate injured feelings, such as pain and suffering and emotional distress. The maximum amount of such damages that may be awarded to a claimant shall be \$250,000. Such maximum amount shall apply regardless of the number of parties against whom the action is brought, and regardless of the number of claims or actions brought with respect to the health care injury. An award for future noneconomic damages shall not be discounted to present value. The jury shall not be informed about the limitation on noneconomic damages, but an award for noneconomic damages in excess of \$250,000 shall be reduced either before the entry of judgment or by amendment of the judgment after entry. An award of damages for noneconomic losses in excess of \$250,000 shall be reduced to \$250,000 before accounting for any other reduction in damages required by law. If separate awards of damages for past and future noneconomic damages are rendered and the combined award exceeds \$250,000, the award of damages for future noneconomic losses shall be reduced first.

(b) APPLICABILITY.—Except as provided in section 401, this section shall apply to any health care liability action brought in any Federal or State court on any theory or pursuant to any alternative dispute resolution process where noneconomic damages are sought. This section does not create a cause of action for noneconomic damages. This section does not preempt or supersede any State or Federal law to the extent that such law would further limit the award of noneconomic damages. This section does not preempt any State law enacted before the date of the enactment of this Act that places a cap on the total liability in a health care liability action.

(d) DEFINITIONS.—As used in this section—

(a) The term “claimant” means any person who asserts a health care liability claim or brings a health care liability action, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent or a minor.

(b) The term “economic loss” has the same meaning as defined at section 203(3).

(c) The term “health care liability action” means a civil action brought in a State or Federal court or pursuant to any alternative dispute resolution process, against a health care provider, an entity which is obligated to provide or pay for health benefits under any health plan (including any person or entity acting under a contract or arrangement to provide or administer any health benefit), or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, in which the claimant alleges a claim (including third party claims, cross claims, counter claims, or distribution claims) based upon the provision of (or the failure to provide or pay for) health care services or the use of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, or defendants or causes of action.

Page 17, line 10, insert “AND OTHER” after “PUNITIVE”.

After debate,

Mr. LINDER moved the previous question on the amendment and the resolution.

The question being put, viva voce, Will the House now order the previous question on the amendment and the resolution?

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

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

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 234
Nays 191

41.8 [Roll No. 217] YEAS—234

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

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|--------|------------|--------|
| Wicker | Young (AK) | Zeliff |
| Wolf | Young (FL) | Zimmer |

NAYS—191

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

NOT VOTING—9

- | | | |
|-----------|------------|---------|
| Armey | Hostettler | Moran |
| Dellums | Istook | Rangel |
| Greenwood | LoBiondo | Woolsey |

So the previous question on the amendment and the resolution was ordered.

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

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

So the amendment was agreed to.

The question being put, viva voce,

Will the House agree to said resolution, as amended?

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

Mr. MOAKLEY demanded a recorded vote on agreeing to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 247
Nays 181

¶41.9 [Roll No. 218]
AYES—247

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

NOES—181

Abercrombie	Becerra	Borski
Ackerman	Beilenson	Boucher
Andrews	Bentsen	Brown (CA)
Baldacci	Berman	Brown (FL)
Barcia	Bishop	Brown (OH)
Barrett (WI)	Bonior	Bryant (TX)

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

NOT VOTING—6

Clay	LoBiondo	Moran
Istook	Mfume	Rangel

So the resolution, as amended, was agreed to.

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

¶41.10 FURTHER MESSAGE FROM THE PRESIDENT

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

¶41.11 PRODUCT LIABILITY LITIGATION

The SPEAKER pro tempore, Mr. EWING, pursuant to House Resolution 109 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes.

Mr. DREIER, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶41.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the

Whole on the following amendment submitted by Mrs. SCHROEDER:

Page 11, strike lines 17 through 24, and re-designate succeeding sections accordingly.

Page 17, line 25, insert "and noneconomic" before "loss".

It was decided in the negative { Yeas 179
Nays 247

¶41.13 [Roll No. 219]
AYES—179

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

NOES—247

Allard	Bunn	Crapo
Archer	Bunning	Creameans
Armey	Burr	Cubin
Bachus	Burton	Cunningham
Baesler	Buyer	Danner
Baker (CA)	Callahan	Davis
Baker (LA)	Calvert	Deal
Ballenger	Camp	DeLay
Barr	Canady	Dickey
Barrett (NE)	Castle	Dooley
Bartlett	Chabot	Doolittle
Barton	Chambliss	Dornan
Bass	Chenoweth	Dreier
Bereuter	Christensen	Duncan
Bilbray	Chrysler	Dunn
Bilirakis	Clement	Edwards
Bliley	Clinger	Ehlers
Blute	Coburn	Ehrlich
Boehlert	Collins (GA)	Emerson
Bonilla	Combest	Ensign
Bono	Condit	Everett
Brewster	Cooley	Ewing
Brownback	Cox	Fawell
Bryant (TN)	Crane	Fields (TX)

Table of names: Flanagan, Foley, Forbes, Fowler, Fox, Franks (CT), Franks (NJ), Frelinghuysen, Frisa, Funderburk, Gallegly, Ganske, Gekas, Geren, Gilchrist, Gillmor, Gilman, Goodlatte, Goodling, Goss, Graham, Greenwood, Gunderson, Gutknecht, Hall (TX), Hamilton, Hancock, Hansen, Hastert, Hastings (WA), Hayes, Hayworth, Hefley, Heineman, Herger, Hilleary, Hobson, Hoekstra, Hoke, Horn, Hostettler, Houghton, Hunter, Hutchinson, Hyde, Inglis, Jacobs, Johnson (CT), Johnson, Sam, Jones, Kasich, Kelly, Kim, King, Kingston, Klug, Knollenberg, Kolbe, LaHood, Largent, Latham, LaTourette, Laughlin, Lazio, Leach, Lewis (CA), Lewis (KY), Lightfoot, Linder, Livingston, Longley, Lucas, Manzullo, Martini, McCollum, McDade, McHugh, McInnis, McIntosh, McKeon, Metcalf, Meyers, Miller (FL), Molinari, Mollohan, Montgomery, Moorhead, Moran, Myers, Myrick, Nethercutt, Neumann, Ney, Norwood, Nussle, Orton, Oxley, Packard, Parker, Paxon, Payne (VA), Peterson (MN), Petri, Pickett, Pombo, Porter, Portman, Pryce, Quinn, Radanovich, Ramstad, Regula, Riggs, Roberts, Roemer, Rangel, Watts (OK), Rogers, Rohrabacher, Ros-Lehtinen, Roth, Roukema, Royce, Salmon, Sanford, Saxton, Scarborough, Schaefer, Seastrand, Sensenbrenner, Shadegg, Shaw, Shays, Shuster, Sisisky, Skeen, Smith (MI), Smith (NJ), Smith (TX), Smith (WA), Solomon, Souder, Spence, Stearns, Stenholm, Stockman, Stump, Talent, Tanner, Tate, Tauzin, Taylor (MS), Taylor (NC), Thomas, Thornberry, Tiahrt, Torkildsen, Upton, Vucanovich, Waldholtz, Walker, Walsh, Wamp, Weldon (FL), Weldon (PA), Weller, White, Whitfield, Wicker, Wolf, Young (AK), Young (FL), Zeliff, Zimmer.

NOT VOTING—8

Table of names: Boehner, Gibbons, Istook, LoBiondo, McCrery, Pelosi, Rangel, Watts (OK).

So the amendment was not agreed to. After some further time,

¶41.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SCHUMER:

Page 13, redesignate section 110 as 111 and insert after line 3 the following:

SEC. 110. SUNSHINE, ANTI-SECRECY, CONSUMER EMPOWERMENT, AND LITIGATION AVOIDANCE.

(a) IN GENERAL.—To empower consumers with the information to avoid defective products, court records in all product liability actions are presumed to be open to the general public. No court order or opinion in the adjudication of a product liability action may be sealed. No court record, including records obtained through discovery, whether or not formally filed with the court, may be sealed, subjected to a protective order, or otherwise have access restricted except through a court order based upon particularized findings of fact that—

(1) such order would not restrict the disclosure of information which is relevant to public health or safety; or

(2)(A) the public interest in disclosure of potential health or safety hazards is clearly

outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records in question; and

(B) the requested order is no broader than necessary to protect the privacy interest asserted.

No such order shall continue in effect after the entry of final judgment or other final disposition, unless at or after such entry the court makes a separate particularized finding of fact that the requirements of paragraph (1) or (2) have been met.

(b) BURDEN.—The party who is the proponent for the entry of an order, as provided under subsection (a), shall have the burden of proof in obtaining such an order.

(c) AGREEMENT.—No agreement between or among parties in a product liability action filed in a State or Federal court may contain a provision that prohibits or otherwise restricts a party from disclosing any information relevant to such product liability action to any Federal or State agency with authority to enforce laws regulating an activity relating to such information.

(d) INTERVENTION.—Any person may intervene as a matter of right in a product liability action for the limited purpose of participating in proceedings considering limitation of access to records upon payment of the fee required for filing a plea in intervention.

It was decided in the } Yeas 184 negative } Nays 243

¶41.15 [Roll No. 220] AYES—184

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

Table of names: Waters, Watt (NC), Waxman, Williams, Wilson, Wise, Woolsey, Wyden, Wynn, Yates.

NOES—243

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

NOT VOTING—7

Table of names: Andrews, Chenoweth, Clay, LoBiondo, Lowey, McKinney, Rangel.

So the amendment was not agreed to. After some further time,

¶41.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the

Whole on the following amendment submitted by Mr. CONYERS:

Page 13, redesignate section 110 as section 111, and insert after line 2 the following:

SEC. 110. FOREIGN PRODUCTS.

(a) GENERAL RULE.—In any product liability action for injury that was sustained in the United States and that relates to the purchase or use of a product manufactured outside the United States by a foreign manufacturer, the Federal court in which such action is brought shall have jurisdiction over such manufacturer if the manufacturer knew or reasonably should have known that the product would be imported for sale or use in the United States.

(b) ADMISSION.—If in any product liability action a foreign manufacturer of the product involved in such action fails to furnish any testimony, document, or other thing upon a duly issued discovery order by the court in such action, such failure shall be deemed an admission of any fact with respect to which the discovery order relates.

(c) PROCESS.—Process in an action described in subsection (a) may be served wherever the foreign manufacturer is located, has an agent, or transacts business.

It was decided in the affirmative { Yeas 258
Nays 166

41.17

[Roll No. 221]

AYES—258

Abercrombie	Doolittle	Kennedy (RI)
Ackerman	Doyle	Kildee
Allard	Duncan	Klecзка
Andrews	Durbin	Klink
Bachus	Edwards	LaFalce
Baessler	Emerson	Lantos
Baldacci	Engel	Laughlin
Barcia	Ensign	Levin
Barrett (WI)	Eshoo	Lewis (GA)
Bateman	Evans	Lincoln
Becerra	Farr	Lipinski
Beilenson	Fattah	Lofgren
Bentsen	Fazio	Longley
Bereuter	Fields (LA)	Lowey
Berman	Filner	Luther
Bevill	Foglietta	Maloney
Bishop	Forbes	Manton
Blute	Ford	Markey
Boehrlert	Fowler	Martinez
Bonior	Fox	Mascara
Borski	Frank (MA)	Matsui
Boucher	Frost	McCarthy
Brewster	Furse	McDade
Browder	Gallegly	McDermott
Brown (CA)	Gejdenson	McHale
Brown (FL)	Gephardt	McInnis
Brown (OH)	Geren	McIntosh
Brownback	Gibbons	McKinney
Bryant (TX)	Gillmor	McNulty
Bunn	Gilman	Meehan
Cardin	Gonzalez	Meek
Chambliss	Gordon	Menendez
Chapman	Graham	Metcalf
Chenoweth	Green	Meyers
Clay	Gunderson	Mfume
Clayton	Gutierrez	Miller (CA)
Clement	Hall (OH)	Mineta
Clinger	Hamilton	Minge
Clyburn	Harman	Mink
Coleman	Hastings (FL)	Moakley
Collins (IL)	Hayes	Mollohan
Collins (MI)	Hayworth	Montgomery
Condit	Hefley	Murtha
Conyers	Hefner	Nadler
Cooley	Hinchev	Neal
Costello	Hobson	Ney
Coyne	Holden	Oberstar
Cramer	Horn	Obey
Crapo	Hostettler	Olver
Danner	Hoyer	Ortiz
de la Garza	Hunter	Orton
Deal	Jackson-Lee	Owens
DeFazio	Jacobs	Pallone
Dellums	Jefferson	Parker
Deutsch	Johnson (SD)	Pastor
Diaz-Balart	Johnson, E. B.	Payne (NJ)
Dicks	Johnston	Payne (VA)
Dingell	Jones	Pelosi
Dixon	Kanjorski	Peterson (FL)
Doggett	Kaptur	Peterson (MN)
Dooley	Kennedy (MA)	Petri

Pickett
Pombo
Pomeroy
Poshard
Pryce
Rahall
Ramstad
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rohrabacher
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sawyer

Archer
Armey
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bilbray
Bilirakis
Bilely
Boehner
Bonilla
Bono
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combust
Cox
Crane
Creameans
Cumby
Cunningham
Davis
DeLay
Dickey
Dornan
Dreier
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa

NOT VOTING—10

Baker (LA)
DeLauro
Flake
Hilliard

Scarborough
Schiff
Schroeder
Schumer
Scott
Serrano
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stupak
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thompson

NOES—166

Funderburk
Ganske
Gekas
Gilchrest
Goodlatte
Goodling
Goss
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Heineman
Herger
Hilleary
Hoekstra
Hoke
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourrette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McKeon
Mica
Miller (FL)
Molinar
Moorhead
Morella

Houghton
Kennelly
LoBiondo
Moran

Page 17, lines 16-17, strike "by clear and convincing evidence".

Page 20, lines 4-11, strike the section in its entirety and renumber the subsequent sections accordingly.

It was decided in the negative { Yeas 150
Nays 278

41.19

[Roll No. 222]

AYES—150

Abercrombie	Gephardt	Olver
Ackerman	Gibbons	Ortiz
Andrews	Green	Orton
Baldacci	Gutierrez	Owens
Becerra	Harman	Pallone
Beilenson	Hastings (FL)	Pastor
Bentsen	Hayes	Payne (NJ)
Berman	Hefner	Payne (VA)
Bevill	Hilliard	Pelosi
Bishop	Hinchev	Reed
Bonior	Holden	Reynolds
Brown (CA)	Hoyer	Rivers
Brown (FL)	Jackson-Lee	Rose
Brown (OH)	Jefferson	Roybal-Allard
Bryant (TX)	Johnson (SD)	Rush
Cardin	Johnson, E. B.	Sabo
Chapman	Johnston	Sanders
Clay	Kanjorski	Sawyer
Clayton	Kennedy (MA)	Schroeder
Clyburn	Kennedy (RI)	Schumer
Coleman	Kennelly	Scott
Collins (IL)	Kildee	Serrano
Collins (MI)	Klecзка	Slaughter
Conyers	Klink	Spratt
Costello	LaFalce	Stark
Coyne	Lantos	Stokes
de la Garza	Levin	Studds
Deal	Lewis (GA)	Stupak
DeFazio	Lipinski	Tejeda
DeLauro	Lofgren	Thompson
Dellums	Lowey	Thornton
Deutsch	Maloney	Thurman
Dicks	Manton	Torres
Dingell	Markey	Towns
Dixon	Mascara	Trafficant
Doggett	Matsui	Tucker
Doyle	McCarthy	Velazquez
Engel	McDermott	Vento
Eshoo	McKinney	Visclosky
Evans	Meehan	Volkmer
Farr	Meek	Ward
Fattah	Menendez	Waters
Fields (LA)	Mfume	Watt (NC)
Filner	Miller (CA)	Waxman
Flake	Mineta	Williams
Foglietta	Minge	Wise
Ford	Mink	Woolsey
Frost	Moran	Wyden
Furse	Nadler	Wynn
Gejdenson	Oberstar	Yates

NOES—278

Allard	Callahan	Edwards
Archer	Calvert	Ehlers
Armey	Camp	Ehrlich
Bachus	Canady	Emerson
Baessler	Castle	English
Baker (CA)	Chabot	Ensign
Baker (LA)	Chambliss	Everett
Ballenger	Chenoweth	Ewing
Barcia	Christensen	Fawell
Barr	Chrysler	Fazio
Barrett (NE)	Clement	Fields (TX)
Barrett (WI)	Clinger	Flanagan
Bartlett	Coble	Foley
Barton	Coburn	Forbes
Bass	Collins (GA)	Fowler
Bateman	Combust	Fox
Bereuter	Condit	Frank (MA)
Bilbray	Cooley	Franks (CT)
Bilirakis	Cox	Franks (NJ)
Bilely	Cramer	Frelinghuysen
Blute	Crane	Frisa
Boehrlert	Crapo	Funderburk
Boehner	Creameans	Gallegly
Bonilla	Cunningham	Ganske
Bono	Danner	Gekas
Borski	Davis	Geren
Boucher	DeLay	Gilchrest
Brewster	Diaz-Balart	Gillmor
Browder	Dickey	Gilman
Brownback	Dooley	Gonzalez
Bryant (TN)	Doolittle	Goodlatte
Bunn	Dornan	Goodling
Bunning	Dreier	Gordon
Burr	Duncan	Goss
Burton	Dunn	Greenwood
Buyer	Durbin	Gunderson

So the amendment was agreed to.
After some further time,

41.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. WATT:

Gutknecht, Hall (TX), Hamilton, Hancock, Hansen, Hastert, Hastings (WA), Hayworth, Hefley, Heineman, Herger, Hilleary, Hobson, Hoekstra, Hoke, Horn, Hostettler, Hunter, Hutchinson, Hyde, Inglis, Istook, Jacobs, Johnson (CT), Johnson, Sam, Jones, Kaptur, Kasich, Kelly, Kim, King, Kingston, Klug, Knollenberg, Kolbe, LaHood, Largent, Latham, LaTourette, Laughlin, Lazio, Leach, Lewis (CA), Lewis (KY), Lightfoot, Lincoln, Linder, Livingston, Longley, Lucas, Luther, Manzullo, Martinez, Martini, McCollum, McCrery, McDade, McHale, McHugh, McInnis, McIntosh, McKeon, McNulty, Metcalf, Meyers, Mica, Miller (FL), Moakley, Molinari, Mollohan, Montgomery, Moorhead, Morella, Murtha, Myers, Myrick, Neal, Nethercutt, Neumann, Ney, Norwood, Nussle, Obey, Oxley, Packard, Parker, Paxon, Peterson (FL), Peterson (MN), Petri, Pickett, Pombo, Pomeroy, Porter, Portman, Poshard, Pryce, Quillen, Quinn, Radanovich, Rahall, Ramstad, Regula, Richardson, Riggs, Roberts, Roemer, Rogers, Rohrabacher, Ros-Lehtinen, Roth, Roukema, Royce, Salmon, Sanford, Saxton, Scarborough, Schaefer, Schiff, Seastrand, Sensenbrenner, Shadegg, Shaw, Shays, Shuster, Sisisky, Skaggs, Skelton, Smith (MI), Smith (NJ), Smith (TX), Smith (WA), Souder, Spence, Stearns, Stenholm, Stockman, Stump, Talent, Tanner, Tate, Tauzin, Taylor (MS), Taylor (NC), Thomas, Thornberry, Tiahrt, Torricelli, Upton, Vucanovich, Waldholtz, Walker, Wamp, Watts (OK), Weldon (FL), Weldon (PA), Weller, White, Whitfield, Wicker, Wilson, Wolf, Young (AK), Young (FL), Zeliff, Zimmer

NOT VOTING—6

Cubin, Graham, Hall (OH), Houghton, LoBiondo, Rangel

So the amendment was not agreed to. After some further time,

41.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. FURSE:

Page 17, strike line 22 and all that follows through line 2 on page 18 and redesignate the succeeding subsections accordingly.

It was decided in the Yeas 155 negative 272

41.21 [Roll No. 223] AYES—155

Abercrombie, Ackerman, Andrews, Baldacci, Barcia, Becerra, Beilenson, Bentsen, Berman, Bishop, Bonior, Borski, Brown (CA), Brown (FL), Brown (OH), Bryant (TX), Clay, Clayton, Clyburn, Coble, Coleman, Collins (IL), Collins (MI), Conyers, Costello, Coyne, de la Garza, DeFazio, DeLauro, Dellums, Deutsch, Dicks, Dingell, Dixon, Doggett, Doyle, Durbin, Engel, English, Eshoo, Evans, Farr, Fattah, Fields (LA), Filner, Flake, Foglietta, Ford, Fox, Frost, Furse, Gejdenson, Gephardt, Gibbons

Gonzalez, Green, Gutierrez, Hall (OH), Hastings (FL), Hefner, Hilliard, Hinchey, Holden, Hoyer, Istook, Jackson-Lee, Jefferson, Johnson (SD), Johnson, E. B., Johnston, Kanjorski, Kennedy (MA), Kennedy (RI), Kennelly, Kildee, Klink, LaFalce, Lantos, Laughlin, Levin, Lewis (GA), Lipinski, Lofgren, Lowey, Luther, Maloney, Manton, Markey, Mascara, Matsui, McDade, McDermott, McHale, McKinney, Meehan, Meek, Mfume, Miller (CA), Mineta, Minge, Mink, Moakley, Murtha, Nadler, Neal, Oberstar, Olver, Ortiz, Owens, Pallone, Pastor, Payne (NJ), Pelosi, Pomeroy, Poshard, Rahall, Reynolds, Richardson, Rivers, Rose, Roybal-Allard, Rush

NOES—272

Allard, Archer, Arney, Bachus, Baesler, Baker (CA), Baker (LA), Ballenger, Barr, Barrett (NE), Barrett (WI), Bartlett, Barton, Bass, Bateman, Bereuter, Bevill, Bilbray, Bilirakis, Bliley, Blute, Boehlert, Boehner, Bonilla, Bono, Boucher, Brewster, Browder, Brownback, Bryant (TN), Bunn, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Canady, Cardin, Castle, Chabot, Chambliss, Chapman, Chenoweth, Christensen, Chrysler, Clement, Clinger, Coburn, Collins (GA), Combust, Condit, Cooley, Cox, Cramer, Crane, Crapo, Cremeans, Cunningham, Danner, Davis, Deal, DeLay, Diaz-Balart, Dickey, Dooley, Doolittle, Dornan, Dreier, Duncan, Dunn, Edwards, Ehlers, Ehrlich, Emerson, Ensign, Everrett, Ewing, Fawell, Fazio, Fields (TX), Flanagan, Foley, Fowler, Frank (MA), Franks (CT), Franks (NJ), Frelinghuysen, Frisa, Funderburk, Gallegly, Ganske, Gekas, Geren, Gilchrest, Gillmor, Gilman, Goodlatte, Goodling, Gordon, Goss, Graham, Greenwood, Gunderson, Gutknecht, Hall (TX), Hamilton, Hancock, Hansen, Harman, Hastert, Hastings (WA), Hayes, Hayworth, Hefley, Heineman, Herger, Hilleary, Hobson, Hoekstra, Hoke, Horn, Hostettler, Houghton, Hunter, Hutchinson, Hyde

Sabo, Sanders, Sawyer, Schroeder, Schumer, Scott, Serrano, Skaggs, Skelton, Slaughter, Stark, Stokes, Studds, Stupak, Tejada, Thompson, Thurman, Torres, Traficant, Tucker, Velazquez, Vento, Visclosky, Ward, Waters, Watt (NC), Waxman, Williams, Wilson, Wise, Woolsey, Wyden, Yates, Petri, Pickett, Pombo, Porter, Portman, Pryce, Quillen, Quinn, Radanovich, Ramstad, Reed, Regula, Riggs, Roberts, Roemer, Rogers, Rohrabacher, Ros-Lehtinen, Roth, Roukema, Royce, Salmon, Sanford, Saxton, Scarborough, Schaefer, Schiff, Cubin, Forbes, Kelly, Livingston, McLinnis, Morella, Rangel

NOT VOTING—7

So the amendment was not agreed to. After some further time,

41.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HOKE:

Page 19, redesignate section 202 as section 203 and insert after line 19 the following:

SEC. 202. DEPOSIT OF DAMAGES.

If punitive damages of more than \$250,000 are awarded in a civil liability action, 75 percent of the amount of such damages in excess of \$250,000 shall be deposited—

(1) if the action was in a Federal court, in the treasury of the State in which such court sits, and

(2) if the action was in a State court, in the treasury of the State in which such court sits.

This section shall be applied by the court and shall not be disclosed to the jury.

It was decided in the Yeas 162 negative 265

41.23 [Roll No. 224] AYES—162

Andrews, Archer, Arney, Baker (CA), Ballenger, Barr, Barrett (NE), Bartlett, Barton, Beilenson, Bevill, Bilbray, Bliley, Boehner, Bonilla, Browder, Brownback, Bryant (TN), Bunn, Buyer, Calvert, Camp, Chenoweth, Christensen, Chrysler, Coburn, Collins (GA), Condit, Cooley, Cox, Crane, Cremeans, Cunningham, Deal, DeLay, Doggett, Doolittle, Dornan, Dreier, Dunn, Ehlers, Ehrlich, Emerson, English, Ewing, Fawell, Fields (TX), Flanagan, Fowler, Frisa, Funderburk, Gallegly, Ganske, Geren, Gilchrest, Gillmor, Goodlatte, Goodling, Goss, Greenwood, Gunderson, Gutknecht, Hancock, Hastert, Hastings (WA), Hefley, Heineman, Hilleary, Hobson, Hoke, Hostettler, Houghton, Hunter, Hyde, Inglis, Jacobs, Johnson, Sam, Jones, Kanjorski, Kasich, Kim, Kingston, Klug, Knollenberg, Kolbe, LaFalce, Laughlin, Leach, Lewis (KY), Lincoln, Linder, Luther, Maloney, Martinez, McCollum, McCrery, McLinnis, McKeon, McNulty, Metcalf

Mica	Rogers	Spence
Miller (CA)	Rohrabacher	Stenholm
Miller (FL)	Roth	Stump
Moorhead	Royce	Talent
Neumann	Sabo	Tanner
Norwood	Salmon	Tauzin
Orton	Sanford	Taylor (NC)
Oxley	Saxton	Thomas
Packard	Scarborough	Thornberry
Parker	Schaefer	Thurman
Paxon	Schumer	Towns
Payne (VA)	Seastrand	Upton
Peterson (MN)	Sensenbrenner	Vucanovich
Petri	Shaw	Walker
Pombo	Shuster	Watts (OK)
Pomeroy	Skeen	Weldon (FL)
Porter	Smith (MI)	Weller
Portman	Smith (TX)	Williams
Pryce	Smith (WA)	Wolf
Regula	Solomon	Young (FL)
Roberts	Souder	Zimmer

NOES—265

Abercrombie	Fattah	Mascara
Ackerman	Fazio	Matsui
Allard	Fields (LA)	McCarthy
Bachus	Filner	McDade
Baessler	Flake	McDermott
Baker (LA)	Foglietta	McHale
Baldacci	Foley	McHugh
Barcia	Ford	McIntosh
Barrett (WI)	Fox	McKinney
Bass	Frank (MA)	Meehan
Bateman	Franks (CT)	Meek
Becerra	Franks (NJ)	Menendez
Beilenson	Frelinghuysen	Meyers
Bentsen	Frost	Mfume
Berman	Furse	Mineta
Bilirakis	Gejdenson	Minge
Bishop	Gekas	Mink
Blute	Gephardt	Moakley
Boehlert	Gilman	Molinaro
Bonior	Gonzalez	Mollohan
Bono	Gordon	Montgomery
Borski	Graham	Moran
Boucher	Green	Morella
Brewster	Gutierrez	Murtha
Brown (CA)	Hall (OH)	Myers
Brown (FL)	Hall (TX)	Myrick
Brown (OH)	Hamilton	Nadler
Bryant (TX)	Hansen	Neal
Bunning	Harman	Nethercutt
Burr	Hastings (FL)	Ney
Burton	Hayes	Nussle
Callahan	Hefner	Oberstar
Canady	Herger	Obey
Cardin	Hilliard	Olver
Castle	Hinchey	Ortiz
Chabot	Hoekstra	Owens
Chambliss	Holden	Pallone
Chapman	Horn	Pastor
Clay	Hoyer	Payne (NJ)
Clayton	Hutchinson	Pelosi
Clement	Istook	Peterson (FL)
Clinger	Jackson-Lee	Pickett
Clyburn	Jefferson	Poshard
Coble	Johnson (CT)	Quillen
Coleman	Johnson (SD)	Quinn
Collins (IL)	Johnson, E. B.	Radanovich
Collins (MI)	Johnston	Rahall
Conest	Kaptur	Ramstad
Conyers	Kelly	Reed
Cooley	Kennedy (MA)	Reynolds
Costello	Kennedy (RI)	Richardson
Coyne	Kennelly	Riggs
Cramer	Kildee	Rivers
Crapo	King	Roemer
Danner	Klecza	Ros-Lehtinen
Davis	Klink	Rose
de la Garza	LaHood	Roukema
DeFazio	Lantos	Roybal-Allard
DeLauro	Largent	Rush
Dellums	Latham	Sanders
Deutsch	LaTourette	Sawyer
Diaz-Balart	Lazio	Schiff
Dickey	Levin	Schroeder
Dicks	Lewis (CA)	Scott
Dingell	Lewis (GA)	Serrano
Dixon	Lightfoot	Shadegg
Dooley	Lipinski	Shays
Doyle	Livingston	Sisisky
Duncan	LoBiondo	Skaggs
Durbin	Lofgren	Skelton
Edwards	Longley	Slaughter
Engel	Lowe	Smith (NJ)
Ensign	Lucas	Spratt
Eshoo	Manton	Stark
Evans	Manzullo	Stearns
Everett	Markey	Stockman
Farr	Martini	Stokes

Studds	Velazquez	Whitfield
Stupak	Vento	Wicker
Tate	Visclosky	Wilson
Taylor (MS)	Volkmer	Wise
Tejeda	Waldholtz	Woolsey
Thompson	Walsh	Wyden
Thornton	Wamp	Wynn
Torkildsen	Waters	Yates
Torres	Watt (NC)	Young (AK)
Torrice	Waxman	Zeliff
Traficant	Weldon (PA)	
Tucker	White	

NOT VOTING—7

Cubin	Hayworth	Ward
Forbes	Rangel	
Gibbons	Tiahrt	

So the amendment was not to.

After some further time,

41.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. COX:

Page 1, strike line 7 and all that follows through the matter that precedes line 1 on page 2, and insert the following:

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

Sec. 1. Short title and table of contents.

Sec. 2. Findings and purposes.

TITLE I—PRODUCT LIABILITY REFORM

Sec. 101. Applicability.

Sec. 102. Liability rules applicable to product sellers.

Sec. 103. Defense based on claimant's use of intoxicating alcohol or drugs.

Sec. 104. Misuse or alteration.

Sec. 105. Frivolous pleadings.

Sec. 106. Several liability for noneconomic loss.

Sec. 107. Statute of repose.

Sec. 108. Definitions.

TITLE II—LIMITATION ON SPECULATIVE AND ARBITRARY DAMAGE AWARDS

Sec. 201. Treble damages as penalty in civil actions.

Sec. 202. Limitation on additional payments beyond actual damages.

Sec. 203. Fair share rule for noneconomic damage awards.

Sec. 204. Definitions.

TITLE III—BIOMATERIALS SUPPLIERS

Sec. 301. Liability of biomaterials suppliers.

Sec. 302. Procedures for dismissal of civil actions against biomaterials suppliers.

Sec. 303. Definitions.

TITLE IV—LIMITATIONS ON APPLICABILITY; EFFECTIVE DATE

Sec. 401. Application limited to interstate commerce.

Sec. 402. Effect on other law.

Sec. 403. Federal cause of action precluded.

Sec. 404. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the civil justice system, which is designed to safeguard our most cherished rights, to remedy injustices, and to defend our liberty, is increasingly being deployed to abridge our rights, create injustice, and destroy our liberty;

(2) our Nation is overly litigious, the civil justice system is overcrowded, sluggish, and excessively costly, and the costs of lawsuits, both direct and indirect, are inflicting serious and unnecessary injury on the national economy;

(3) excessive, unpredictable, and often arbitrary damage awards and unfair allocations of liability have a direct and undesirable effect on interstate commerce by increasing the cost and decreasing the availability of goods and services;

(4) the rules of law governing product liability actions, damage awards, and allocations of liability have evolved inconsistently within and among the several States, resulting in a complex, contradictory, and uncertain regime that is inequitable to both plaintiffs and defendants and unduly burdens interstate commerce;

(5) as a result of excessive, unpredictable, and often arbitrary damage awards and unfair allocations of liability, consumers have been adversely affected through the withdrawal of products, producers, services, and service providers from the national market, and from excessive liability costs passed on to them through higher prices;

(6) excessive, unpredictable, and often arbitrary damage awards and unfair allocations of liability jeopardize the financial well-being of many individuals as well as entire industries, particularly the Nation's small businesses, and adversely affects governments, taxpayers, nonprofit entities and volunteer organizations;

(7) the excessive costs of the civil justice system undermine the ability of American companies to compete internationally, and serve to decrease the number of jobs and the amount of productive capital in the national economy;

(8) the unpredictability of damage awards is inequitable to both plaintiffs and defendants and has added considerably to the high cost of liability insurance, making it difficult for producers, consumers, and individuals to protect their liability with any degree of confidence and at a reasonable cost;

(9) because of the national scope of the problems created by the defects in the civil justice system, it is not possible for the several States to enact laws that fully and effectively respond to those problems;

(10) it is the constitutional role of the national government to remove barriers to interstate commerce; and

(11) there is need to restore rationality, certainty, and fairness to the civil justice system in order to protect against excessive, arbitrary, and uncertain damage awards and to reduce the volume, costs, and delay of litigation.

(b) PURPOSES.—Based upon the powers contained in Article I, Section 8, Clause 3 of the United States Constitution, the purposes of this Act are to promote the free flow of goods and services and to lessen burdens on interstate commerce by—

(1) establishing certain uniform legal principles of product liability which provide a fair balance among the interests which provide a fair balance among the interests of product users, manufacturers, and product sellers;

(2) placing reasonable limits on damages over and above the actual damages suffered by a claimant;

(3) ensuring the fair allocation of liability in civil actions;

(4) reducing the unacceptable costs and delays of our civil justice system caused by excessive litigation which harm both plaintiffs and defendants; and

(5) establishing greater fairness, rationality, and predictability in the civil justice system.

Page 2, strike line 3 and all that follows through line 24, and page 4 (and redesignate subsequent sections accordingly).

Page 11, strike lines 17 through 24 (and redesignate subsequent sections accordingly).

Page 12, strike line 24 and all that follows through line 2 on page 13 (and redesignate the subsequent section accordingly).

Page 17, strike lines 10 through 12 and insert the following:

TITLE II—LIMITATION ON SPECULATIVE AND ARBITRARY DAMAGE AWARDS

SEC. 201. TREBLE DAMAGES AS PENALTY IN CIVIL ACTIONS.

Page 17, line 21, insert "rights or" before "safety".

Page 17, beginning in line 25, strike "for the economic loss on which the claimant's action is based" and insert "for economic loss".

Page 18, insert after the period in line 2 the following: "This section shall be applied by the court and shall not be disclosed to the jury."

Page 18, line 3, strike "AND PREEMPTION".

Page 18, strike "title" in lines 4 and 6 and insert "section".

Page 18, beginning in line 7, strike "in any jurisdiction that does not authorize such actions" and insert after the period in line 8 the following: "This section does not preempt or supersede any State or Federal law to the extent that such law would further limit the award of punitive damages."

Page 19, after line 19, insert the following new sections (and redesignate the subsequent section accordingly):

SEC. 202. FAIR SHARE RULE FOR NONECONOMIC DAMAGE AWARDS.

(a) FAIR SHARE OF LIABILITY IMPOSED ACCORDING TO SHARE OF FAULT.—In any product liability or other civil action brought in State or Federal court, a defendant shall be liable only for the amount of noneconomic damages attributable to such defendant in direct proportion to such defendant's share of fault or responsibility for the claimant's actual damages, as determined by the trier of fact. In all such cases, the liability of a defendant for noneconomic damages shall be several and not joint.

(b) APPLICABILITY.—Except as provided in section 401, this section shall apply to any product liability or other civil action brought in any Federal or State court on any theory where noneconomic damages are sought. This section does not preempt or supersede any State or Federal law to the extent that such law would further limit the application of the theory of joint liability to any kind of damages.

Page 19, after line 21, insert the following new paragraph:

(1) The term "actual damages" means damages awarded to pay for economic loss.

Page 19, line 22, strike "(1)" and insert "(2)".

Page 20, line 4, strike "(2)" and insert "(3)".

Page 20, line 12, strike "(3)" and insert "(4)".

Page 20, line 18, strike "(4)" and insert "(5)".

Page 20, after line 20, insert the following new paragraph (and redesignate subsequent paragraphs accordingly):

(6) The term "noneconomic damages" means damages other than punitive damages or actual damages.

Page 20, line 21, strike "(5)" and insert "(7)".

Page 21, line 1, strike "(6)" and insert "(8)".

Page 30, strike lines 6 and 7, and insert the following:

TITLE IV—LIMITATIONS ON APPLICABILITY; EFFECTIVE DATE

SEC. 401. APPLICATION LIMITED TO INTERSTATE COMMERCE.

Titles I, II, and III shall apply only to product liability or other civil actions affecting interstate commerce. For purposes of the preceding sentence, the term "interstate commerce" means commerce among the several States or with foreign nations, or in any territory of the United States or in the District of Columbia, or between any such territory and another, or between any such terri-

tory and any State or foreign nation, or between the District of Columbia and any State or territory or foreign nation.

Redesignate subsequent sections accordingly.

It was decided in the affirmative { Yeas 263 Nays 164

41.25 [Roll No. 225] AYES—263

- Allard Gallegly Nethercutt
Archer Ganske Neumann
Army Gekas Ney
Bachus Geren Norwood
Baesler Gilchrest Nussle
Baker (CA) Gillmor Ortiz
Baker (LA) Gilman Packard
Baldacci Goodlatte Parker
Ballenger Goodling Paxon
Barcia Gordon Payne (VA)
Barr Goss Peterson (MN)
Barrett (NE) Graham Petri
Bartlett Greenwood Pombo
Barton Gunderson Pomeroy
Bass Gutknecht Porter
Bereuter Hall (TX) Portman
Billbray Hamilton Pryce
Bilirakis Hancock Quillen
Billey Hansen Quinn
Blute Harman Radanovich
Boehlert Hastert Ramstad
Boehner Hastings (WA) Regula
Bonilla Hayworth Richardson
Bono Hefley Riggs
Brewster Heineman Roberts
Browder Hergen Roemer
Brownback Hillery Rogers
Bryant (TN) Hobson Rohrabacher
Bunn Hoekstra Ros-Lehtinen
Bunning Hoke Roth
Burr Holden Roukema
Burton Horn Royce
Buyer Hostettler Salmon
Callahan Houghton Sanford
Calvert Hunter Saxton
Camp Hutchinson Scarborough
Canady Hyde Schaefer
Candry Inglis Schumer
Castle Johnson (CT) Seastrand
Chabot Johnson, Sam Sensenbrenner
Chambliss Jones Shadegg
Chenoweth Kasich Shaw
Christensen Kelly Shays
Chrysler Kennelly Shuster
Clement Kim Siskis
Clinger King Skeen
Coburn Kingston Smith (MI)
Collins (GA) Klug Smith (NJ)
Combest Knollenberg Smith (TX)
Condit Kolbe Smith (WA)
Cooley LaHood Solomon
Cox Largent Souder
Cramer Latham Spence
Crane LaTourette Stearns
Crapo Leach Stenholm
Creameans Lewis (CA) Stockman
Cunningham Lewis (KY) Stump
Danner Lightfoot Talent
Davis Lincoln Tanner
Deal Linder Tate
DeLay Linder Taylor (MS)
Dickey Livingston Taylor (NC)
Dicks LoBiondo Tejada
Dooley Longley Thomas
Doolittle Lucas Thornberry
Dornan Maloney Tiahrt
Dreier Manzullo Torildsen
Duncan McCarthy Torricelli
Dunn McCollum Traficant
Edwards McCrery Upton
Ehlers McDade Vucanovich
Ehrlich McHugh Waldholtz
Emerson McInnis Walker
English McIntosh Walsh
Ensign McKeon Wamp
Everett McNulty Watts (OK)
Ewing Metcalf Weldon (FL)
Fawell Meyers Weldon (PA)
Fazio Mica Weller
Fields (TX) Miller (CA) White
Flanagan Miller (FL) Whitfield
Foley Molinari Wicker
Fowler Montgomery Wolf
Franks (CT) Moorhead Young (AK)
Franks (NJ) Morella Young (FL)
Frelinghuysen Myers Zeliff
Frisa Myrick Zimmer
Funderburk Neal

NOES—164

- Abercrombie Gephardt Obey
Ackerman Gonzalez Olver
Andrews Green Orton
Barrett (WI) Gutierrez Oxley
Bateman Hall (OH) Pallone
Becerra Hastings (FL) Pastor
Beilenson Hayes Payne (NJ)
Bentsen Hefner Pelosi
Berman Hilliard Peterson (FL)
Bevill Hinchey Pickett
Bishop Hoyer Poshard
Bonior Istook Rahall
Borski Jackson-Lee Reed
Boucher Jacobs Reynolds
Brown (CA) Jefferson Rivers
Brown (FL) Johnson (SD) Rose
Brown (OH) Johnson, E. B. Roybal-Allard
Bryant (TX) Johnston Rush
Chapman Kanjorski Sabo
Clay Kaptur Sanders
Clayton Kennedy (MA) Sawyer
Clyburn Kennedy (RI) Schiff
Coble Kildee Schroeder
Coleman Kleczka Scott
Collins (IL) Klink Serrano
Collins (MI) LaFalce Skaggs
Conyers Lantos Skelton
Costello Laughlin Slaughter
Coyne Levin Spratt
de la Garza Lewis (GA) Stark
DeFazio Lipinski Stokes
DeLauro Lofgren Studds
Dellums Lowey Stupak
Deutsch Luther Tauzin
Diaz-Balart Manton Thompson
Dingell Markey Thornton
Dixon Martinez Thurman
Doggett Martini Torres
Doyle Mascara Towns
Durbin Matsui Velazquez
Engel McDermott Vento
Eshoo McHale Visclosky
Evans McKinney Volkmer
Farr Meehan Ward
Fattah Meek Waters
Fields (LA) Menendez Watt (NC)
Filner Mfume Waxman
Flake Mineta Williams
Foglietta Minge Wilson
Ford Mink Wise
Fox Moakley Woolsey
Frank (MA) Mollohan Wyden
Frost Moran Wynn
Furse Nadler Yates
Gejdenson Oberstar

NOT VOTING—7

- Cubin Murtha Tucker
Forbes Owens
Gibbons Rangel

So the amendment was agreed to. After some further time,

41.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. COX:

Page 19 redesignate section 202 as section 203 and after line 19 insert the following:

SEC. 202. LIMITATION ON NONECONOMIC DAMAGES IN HEALTH CARE LIABILITY ACTIONS.

(a) MAXIMUM AWARD OF NONECONOMIC DAMAGES.—In any health care liability action, in addition to actual damages or punitive damages, or both, a claimant may also be awarded noneconomic damages, including damages awarded to compensate injured feelings, such as pain and suffering and emotional distress. The maximum amount of such damages that may be awarded to a claimant shall be \$250,000. Such maximum amount shall apply regardless of the number of parties against whom the action is brought, and regardless of the number of claims or actions brought with respect to the health care injury. An award for future noneconomic damages shall not be discounted to present value. The jury shall not be informed about the limitation on noneconomic damages, but an award for noneconomic damages in excess of \$250,000 shall be reduced either before the entry of

judgment or by amendment of the judgment after entry. An award of damages for non-economic losses in excess of \$250,000 shall be reduced to \$250,000 before accounting for any other reduction in damages required by law. If separate awards of damages for past and future noneconomic damages are rendered and the combined award exceeds \$250,000, the award of damages for future noneconomic losses shall be reduced first.

(b) APPLICABILITY.—Except as provided in section 401, this section shall apply to any health care liability action brought in any Federal or State court on any theory or pursuant to any alternative dispute resolution process where noneconomic damages are sought. This section does not create a cause of action for noneconomic damages. This section does not preempt or supersede any State or Federal law to the extent that such law would further limit the award of noneconomic damages. This section does not preempt any State law enacted before the date of the enactment of this Act that places a cap on the total liability in a health care liability action.

(d) DEFINITIONS.—As used in this section—

(a) The term “claimant” means any person who asserts a health care liability claim or brings a health care liability action, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent or a minor.

(b) The term “economic loss” has the same meaning as defined at section 203(3).

(c) The term “health care liability action” means a civil action brought in a State or Federal court or pursuant to any alternative dispute resolution process, against a health care provider, and entity which is obligated to provide or pay for health benefits under any health plan (including any person or entity acting under a contract or arrangement to provide or administer any health benefit), or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, in which the claimant alleges a claim (including third party claims, cross claims, counter claims, or distribution claims) based upon the provision of (or the failure to provide or pay for) health care services or the use of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, or defendants or causes of action.

Page 17, line 10, insert “and other” after “punitive”.

It was decided in the { Yeas 247
affirmative { Nays 171

41.27 [Roll No. 226]
AYES—247

Allard	Bono	Combest
Archer	Brewster	Condit
Armey	Browder	Cooley
Bachus	Brownback	Cox
Baker (CA)	Bryant (TN)	Cramer
Baker (LA)	Bunn	Crane
Baldacci	Bunning	Crapo
Ballenger	Burr	Creameans
Barcia	Burton	Cunningham
Barr	Buyer	Davis
Barrett (NE)	Callahan	DeLay
Bartlett	Calvert	Dooley
Barton	Camp	Doolittle
Bass	Canady	Dornan
Bateman	Cardin	Dreier
Bereuter	Castle	Duncan
Bevill	Chabot	Dunn
Bilbray	Chambliss	Ehlers
Bilirakis	Chapman	Ehrlich
Bliley	Chenoweth	Emerson
Blute	Christensen	English
Boehkert	Chrysler	Ensign
Boehner	Coburn	Eshoo
Bonilla	Collins (GA)	Everett

Ewing	Laughlin
Fawell	Lazio
Fazio	Leach
Fields (TX)	Lewis (CA)
Foley	Lewis (KY)
Fowler	Lightfoot
Fox	Linder
Franks (CT)	Livingston
Franks (NJ)	Longley
Frisa	Lucas
Funderburk	Manzullo
Galleghy	McCollum
Ganske	McCrery
Gekas	McHale
Geren	McHugh
Goodlatte	McInnis
Goodling	McIntosh
Gordon	McKeon
Goss	McNulty
Greenwood	Metcalf
Gunderson	Meyers
Gutknecht	Mica
Hall (TX)	Miller (FL)
Hamilton	Minge
Hancock	Molinari
Hansen	Montgomery
Harman	Moorhead
Hastert	Moran
Hastings (WA)	Morella
Hayes	Myers
Hayworth	Myrick
Hefley	Neumann
Heineman	Ney
Herger	Norwood
Hilleary	Nussle
Hobson	Oxley
Hoekstra	Packard
Hoke	Pallone
Holden	Parker
Horn	Paxon
Hostettler	Payne (VA)
Houghton	Peterson (FL)
Hunter	Peterson (MN)
Hutchinson	Petri
Hyde	Pickett
Inglis	Pombo
Johnson (SD)	Porter
Johnson, Sam	Portman
Jones	Poshard
Kasich	Quillen
Kelly	Quinn
Kim	Radanovich
Kingston	Ramstad
Klug	Regula
Knollenberg	Richardson
Kolbe	Riggs
LaHood	Roberts
Largent	Roemer
Latham	Rogers

NOES—171

Abercrombie	Doyle
Ackerman	Durbin
Andrews	Edwards
Baesler	Engel
Barrett (WI)	Evans
Becerra	Farr
Beilenson	Fattah
Bentsen	Fields (LA)
Berman	Filner
Bishop	Flake
Bonior	Flanagan
Borski	Foglietta
Brown (CA)	Ford
Brown (FL)	Frank (MA)
Brown (OH)	Frelinghuysen
Bryant (TX)	Frost
Clay	Furse
Clayton	Gejdenson
Clement	Gephardt
Clyburn	Gilchrest
Coble	Gillmor
Coleman	Gilman
Collins (IL)	Gonzalez
Collins (MI)	Graham
Conyers	Green
Costello	Gutierrez
Coyne	Hastings (FL)
Danner	Hefner
de la Garza	Hilliard
Deal	Hinchev
DeLauro	Hoyer
Delums	Istook
Deutsch	Jackson-Lee
Diaz-Balart	Jacobs
Dickey	Johnson, E. B.
Dicks	Johnston
Dingell	Kanjorski
Dixon	Kaptur
Doggett	Kennedy (MA)

Rohrabacher	Oberstar
Ros-Lehtinen	Obey
Roth	Olver
Roukema	Ortiz
Royce	Orton
Salmon	Pastor
Sanford	Payne (NJ)
Saxton	Pelosi
Scarborough	Pomeroy
Schaefer	Pryce
Seastrand	Rahall
Sensenbrenner	Reed
Shaw	Reynolds
Shays	Rivers
Shuster	Rose
Sisisky	Roybal-Allard
Skeen	Rush
Skelton	Sabo

Sanders	Thurman
Sawyer	Torres
Schiff	Towns
Schroeder	Tucker
Schumer	Velazquez
Scott	Vento
Serrano	Visclosky
Shadegg	Walsh
Skaggs	Ward
Slaughter	Waters
Spratt	Watt (NC)
Stark	Waxman
Stokes	Weldon (PA)
Studds	Wilson
Stupak	Wise
Tejeda	Woolsey
Thompson	Wyden
Thornton	Wynn

NOT VOTING—16

Boucher	Hall (OH)	Rangel
Clinger	Jefferson	Weller
Cubin	Johnson (CT)	Williams
DeFazio	Martinez	Yates
Forbes	Murtha	
Gibbons	Owens	

So the amendment was agreed to. The SPEAKER pro tempore, Mr. LONGLEY, assumed the Chair.

When Mr. DREIER, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

41.28 MESSAGE FROM THE PRESIDENT—
ECONOMIC EMERGENCY IN MEXICO

The SPEAKER pro tempore, Mr. LONGLEY, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

On January 31, 1995, I determined pursuant to 31 U.S.C. 5302(b) that the economic crisis in Mexico posed “unique and emergency circumstances” that justified the use of the Exchange Stabilization Fund (ESF) to provide loans and credits with maturities of greater than 6 months to the Government of Mexico and the Bank of Mexico. Consistent with the requirements of 31 U.S.C. 5302(b), I am hereby notifying the Congress of that determination. The congressional leadership issued a joint statement with me on January 31, 1995, in which we all agreed that such use of the ESF was a necessary and appropriate response to the Mexican financial crisis and in the United States’ vital national interest.

On February 21, 1995, the Secretary of the Treasury and the Mexican Secretary of Finance and Public Credit signed four agreements that provide the framework and specific legal arrangements under which up to \$20 billion in support will be made available from the ESF to the Government of Mexico and the Bank of Mexico. Under these agreements, the United States will provide three forms of support to Mexico: short-term swaps through which Mexico borrows dollars for 90 days and that can be rolled over for up to 1 year; medium-term swaps through which Mexico can borrow dollars for up to 5 years; and securities guarantees having maturities of up to 10 years.

Repayment of these loans and guarantees is backed by revenues from the export of crude oil and petroleum products formalized in an agreement signed by the United States, the Government of Mexico, and the Mexican govern-

ment's oil company. In addition, as added protection in the unlikely event of default, the United States is requiring Mexico to maintain the value of the pesos it deposits with the United States in connection with the medium-term swaps. Therefore, should the rate of exchange of the peso against the U.S. dollar drop during the time the United States holds pesos, Mexico would be required to provide the United States with enough additional pesos to reflect the rate of exchange prevailing at the conclusion of the swap.

I am enclosing a Fact Sheet prepared by the Department of the Treasury that provides greater details concerning the terms of the four agreements. I am also enclosing a summary of the economic policy actions that the Government of Mexico and the Central Bank have agreed to take as a condition of receiving assistance.

The agreements we have signed with Mexico are part of a multilateral effort involving contributions from other countries and multilateral institutions. The Board of the International Monetary Fund has approved up to \$17.8 billion in medium-term assistance for Mexico, subject to the Mexico's meeting appropriate economic conditions. Of this amount, \$7.8 billion has already been disbursed, and additional conditional assistance will become available beginning in July of this year. In addition, the Bank for International Settlements is expected to provide \$10 billion in short-term assistance.

The current Mexican financial crisis is a liquidity crisis that has had a significant destabilizing effect on the exchange rate of the peso, with consequences for the overall exchange rate system. The spill-over effects of inaction in response to this crisis would be significant for other emerging market economies, particularly those in Latin America, as well as for the United States. Using the ESF to respond to this crisis is therefore plainly consistent with the purpose of 31 U.S.C. 5302(b): to give the United States the ability to take action consistent with its obligations in the International Monetary Fund to assure orderly exchange arrangements and a stable system of exchange rates.

The Mexican peso crisis erupted with such suddenness and in such magnitude as to render the usual short-term approaches to liquidity crisis inadequate to address the problem. To resolve problems arising from Mexico's short-term debt burden, longer term solutions are necessary in order to avoid further pressure on the exchange rate of the peso. These facts present unique and emergency circumstances, and it is therefore both appropriate and necessary to make the ESF available to extend credits and loans to Mexico in excess of 6 months.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 9, 1995.*

By unanimous consent, the message, together with the accompanying pa-

pers, was referred to the Committee on Banking and Financial Services and ordered to be printed (H. Doc. 104-55).

¶41.29 ORDER OF BUSINESS—PRINTING OF AMENDMENTS—H.R. 1158 AND H.R. 1159

On motion of Mr. SOLOMON, by unanimous consent,

Ordered, That it may be in order for Members to have until 5 o'clock p.m., Monday, March 13, 1995, to submit amendments for printing in the Congressional Record on the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes, and the bill (H.R. 1159) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes.

¶41.30 COMMITTEES AND SUBCOMMITTEES TO SIT

On motion of Mr. SOLOMON, by unanimous consent, the following committees and their subcommittees were granted permission to sit during the 5-minute rule on Friday, March 10, 1995: the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, the Committee on House Oversight, the Committee on the Judiciary, and the Committee on Transportation and Infrastructure.

¶41.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. LOBIONDO, for today until 4 p.m.; and

To Mrs. CUBIN, for today after 2:50 p.m. and March 10.

And then,

¶41.32 ADJOURNMENT

On motion of Mr. SHAYS, at 11 o'clock and 10 minutes p.m., the House adjourned.

¶41.33 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 402. A bill to amend the Alaska Native Claims Settlement Act, and for other purposes (Rept. No. 104-73). Referred to the Committee of the Whole House on the State of the Union.

¶41.34 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CAMP (for himself and Mr. LEVIN):

H.R. 1178. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of effectively connected investment income of insurance companies; to the Committee on Ways and Means.

By Mr. CLEMENT (for himself and Mr. DUNCAN):

H.R. 1179: A bill to authorize appropriations for the preservation and restoration of

historic buildings at historically black colleges and universities; to the Committee on Resources.

By Mr. UPTON (for himself, Mr. BOUCHER, and Mr. BONIOR):

H.R. 1180. A bill to amend the Solid Waste Disposal Act to provide congressional authorization for restrictions on receipt of out-of-State municipal solid waste and for State control over transportation of municipal solid waste, and to clarify the authority for certain municipal solid waste flow control arrangements, and for other purposes; to the Committee on Commerce.

By Mr. FLAKE:

H.R. 1181. A bill to strengthen families receiving aid to families with dependent children through education, job training, savings, and investment opportunities, and to provide States with greater flexibility in administering such aid in order to help individuals make the transition from welfare to employment and economic independence; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 1182. A bill to permit certain Federal employees who retired or became entitled to receive compensation for work injury before December 9, 1980, to elect to resume coverage under the Federal employees' group life insurance program; to the Committee on Government Reform and Oversight.

By Mrs. MALONEY:

H.R. 1183. A bill to amend title II of the Social Security Act to provide more appropriate remedies for failures to report information relating to the earnings test; to the Committee on Ways and Means.

By Mr. MCCOLLUM (for himself, Mr. LEACH, Mrs. ROUKEMA, Mr. BEREUTER, Mr. ROTH, Mr. BAKER of Louisiana, Mr. LAZIO of New York, Mr. BACHUS, Mr. CASTLE, Mr. KING, Mr. ROYCE, Mr. WELLER, Mr. EHRLICH, Mr. CHRYSLER, Mr. CREMEANS, Mr. HEINEMAN, and Mr. LOBIONDO):

H.R. 1184. A bill to amend the Truth in Lending Act to clarify the intent of such act and to reduce burdensome regulatory requirements on creditors; to the Committee on Banking and Financial Services.

By Mr. MICA:

H.R. 1185. A bill to amend chapters 83 and 84 of title 5, United States Code, to increase the percentage of basic pay required to be contributed by individuals; to change the method for computing average pay; and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. OXLEY:

H.R. 1186. A bill to provide for the safety of journeymen boxers, and for other purposes; to the Committee on Economic and Educational Opportunities, 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. PETRI (for himself (by request) and Mr. LAUGHLIN):

H.R. 1187. A bill to increase the safety for the public health and the environment by reducing the risks associated with the pipeline transportation of natural gas and hazardous liquids, and for other purposes; to the Committee on Transportation and Infrastructure, 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. RAHALL:

H.R. 1188. A bill to provide for the preservation of the coal mining heritage of southern West Virginia, and for other purposes; to the Committee on Resources.

By Mr. SCHUMER:

H.R. 1189. A bill to prohibit arms transfers and other military assistance to certain countries unless the President certifies that a state of war does not exist between the country concerned and Israel and that such country has accorded formal recognition to the sovereignty of Israel; to the Committee on International Relations.

By Mr. SCHUMER (for himself, Mrs. MALONEY, Mr. NADLER, Ms. VELAZQUEZ, Mr. MANTON, Mr. ENGEL, Mrs. LOWEY, and Mr. TORRICELLI):

H.R. 1190. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of cooperative housing corporations; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 1191. A bill to prohibit insurers from denying health insurance coverage or benefits or varying premiums based on the status of an individual as a victim of domestic violence, and for other purposes; to the Committee on Commerce, and in addition to the Committees on the Judiciary, and Economic and Educational Opportunities, 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.

H.R. 1192. A bill to amend the Export Administration Act of 1979 to grant a private right of action to persons injured by reason of a violation of the antiboycott provisions, and for other purposes; to the Committee on International Relations, and in addition to the Committee on the Judiciary, 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.

H.R. 1193. A bill to require that the United States Government hold certain discussions and report to the Congress with respect to the secondary boycott of Israel by Arab countries; 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. SHAYS (for himself and Mr. PARKER):

H.R. 1194. A bill to require recreational camps to report information concerning deaths and certain injuries and illnesses to the Secretary of Health and Human Services, to direct the Secretary to collect the information in a central data system, to establish a President's Advisory Council on Recreational Camps, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. STUMP (for himself, Mr. CALAHAN, and Mr. EVERETT):

H.R. 1195. A bill to impose certain requirements on health care liability claims; to the Committee on the Judiciary.

By Mr. McDERMOTT (for himself, Mr. WAXMAN, Mr. CONYERS, Mr. ABERCROMBIE, Mr. PAYNE of New Jersey, Ms. VELAZQUEZ, Mr. OBERSTAR, Mr. STARK, Mr. SCOTT, Mr. VENTO, Mr. GONZALEZ, Mr. YATES, Mr. DELLUMS, Mr. BECERRA, Ms. WOOLSEY, Mr. SANDERS, Mr. MARTINEZ, Mr. DIXON, Mr. OLVER, Mrs. COLLINS of Illinois, Mr. GIBBONS, Mr. WATT of North Carolina, Mr. GUTIERREZ, Mr. HINCHEY, Mr. EVANS, Mr. ENGEL, Mr. FRANK of Massachusetts, Ms. PELOSI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MILLER of California, Mr. COYNE, Mr. SABO, Mr. CLAY, Mr. BERMAN, Mrs. MEEK of Florida, Mr. TORRES, Mr. OWENS, Mr. SCHUMER, Mr. STOKES, Mr. ROMERO-BARCELO, Mr. LEWIS of Georgia, Mr. STUDDS, Mr.

TOWNS, Mr. NADLER, Ms. NORTON, Mr. FATTAH, Mr. SERRANO, Mr. FORD, Mr. RANGEL, Mrs. MINK of Hawaii, Mr. FRAZER, Ms. RIVERS, Mr. FLAKE, Mr. MOAKLEY, Mr. KENNEDY of Massachusetts, and Ms. WATERS):

H.R. 1200. A bill to provide for health care for every American and to control the cost and enhance the quality of the health care system; to the Committee on Commerce, and in addition to the Committees on Ways and Means, Government Reform and Oversight, National Security, and Veterans' Affairs, 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. ENGEL (for himself, Mr. MCCOLLUM, Mr. ANDREWS, Mr. LINDER, and Mr. PALLONE):

H. Con. Res. 35. Concurrent resolution expressing the sense of the Congress that Pakistan should be designated as a state sponsor of terrorism; to the Committee on International Relations.

By Mr. SCHUMER:

H. Con. Res. 36. Concurrent resolution concerning the 3,000th anniversary of King David's establishment of Jerusalem as the capital of the Jewish kingdom; to the Committee on International Relations.

H. Con. Res. 37. Concurrent resolution concerning the 28th anniversary of the reunification of Jerusalem; to the Committee on International Relations.

By Mr. GONZALEZ (for himself, Mr. LAFALCE, Mr. VENTO, Mr. SCHUMER, Mr. KENNEDY of Massachusetts, Mr. FLAKE, Mr. MFUME, Ms. WATERS, Mr. SANDERS, Mrs. MALONEY, Mr. GUTIERREZ, Ms. ROYBAL-ALLARD, Mr. BARRETT of Wisconsin, Ms. VELAZQUEZ, Mr. WYNN, Mr. FIELDS of Louisiana, Mr. WATT of North Carolina, Mr. HINCHEY, and Mr. ACKERMAN):

H. Res. 110. Resolution affirming the support of the House of Representatives for the American consumer banking bill of rights; to the Committee on Banking and Financial Services.

By Mr. STOCKMAN:

H. Res. 111. Resolution providing for consideration of the bill (H.R. 807) to protect the Constitution of the United States from unauthorized encroachment into legislative powers by the executive branch, and to protect the American taxpayer from unauthorized encroachment into his wallet by an unconstitutional action of the President; to the Committee on Rules.

H. Res. 112. Resolution providing for consideration of the bill (H.R. 807) to protect the Constitution of the United States from unauthorized encroachment into legislative powers by the executive branch, and to protect the American taxpayer from unauthorized encroachment into his wallet by an unconstitutional action of the President; to the Committee on Rules.

¶41.35 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. FOWLER:

H.R. 1196. A bill to extend the deadline for the conversion of the vessel *M/V Twin Drill*; to the Committee on Transportation and Infrastructure.

By Mr. KENNEDY of Rhode Island:

H.R. 1197. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for each of 10 vessels, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. REED:

H.R. 1198. A bill to authorize the Secretary of Transportation to issue a certificate of

documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Isabelle*; to the Committee on Transportation and Infrastructure.

H.R. 1199. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the fisheries for the vessel *Aboriginal*; to the Committee on Transportation and Infrastructure.

¶41.36 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. McDERMOTT, Mr. OBERSTAR, Mr. ORTON, Mr. MINETA, and Ms. LOWEY.

H.R. 62: Mr. BAKER of California.

H.R. 70: Mr. POSHARD.

H.R. 118: Mr. HEINEMAN and Mr. HERGER.

H.R. 127: Mrs. KELLY, Mr. PAXON, Mr. OBERSTAR, and Mr. FAWELL.

H.R. 139: Mr. PORTER.

H.R. 208: Mr. PAXON.

H.R. 224: Mr. EMERSON.

H.R. 244: Mr. QUINN, Mr. HINCHEY, Mr. TORRICELLI, Ms. VELAZQUEZ, Mr. KLUG, Mr. MARTINI, and Mr. RUSH.

H.R. 248: Mr. GEJDENSON.

H.R. 485: Mr. FOX.

H.R. 553: Mr. MENENDEZ.

H.R. 559: Mr. SERRANO.

H.R. 567: Mr. BRYANT of Texas, Mr. FATTAH, and Ms. LOWEY.

H.R. 598: Mr. CALVERT, Mrs. LINCOLN, Mr. TIAHRT, Mr. GREENWOOD, Mr. KLUG, Mr. NORWOOD, Mr. TAYLOR of North Carolina, and Mr. MOORHEAD.

H.R. 613: Mr. LIPINSKI.

H.R. 739: Mr. BAKER of Louisiana.

H.R. 755: Ms. RIVERS and Mr. DEAL of Georgia.

H.R. 801: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BALDACCIO, Mr. BERMAN, Mr. BEILSON, Mr. BISHOP, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. CLAY, Mrs. CLAYTON, Mr. CONYERS, Mr. DEFAZIO, Mr. DELLUMS, Mr. DICKS, Mr. DICKEY, Mr. DIXON, Mr. ENGLE, Ms. ESHOO, Mr. EVANS, Mr. FARR, Mr. FIELDS of Louisiana, Mr. FILNER, Mr. FROST, Ms. FURSE, Mr. GREEN of Texas, Mr. HILLIARD, Mr. HOLDEN, Mr. HOYER, Ms. JACKSON-LEE, Ms. KAPTUR, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LOFGREN, Ms. LOWEY, Mrs. MALONEY, Mr. MATSUI, Mr. MCHALE, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MEEHAN, Mr. MFUME, Mrs. MINK of Hawaii, Mr. MINETA, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. PASTOR, Mr. PARKER, Ms. PELOSI, Mr. POMEROY, Mr. PORTER, Mr. RAHALL, Mr. RICHARDSON, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. ROEMER, Mr. SABO, Mr. SANDERS, Mr. SAWYER, Mr. SERRANO, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SPRATT, Mr. STARK, Mr. STUDDS, Mr. STUPAK, Mr. TAYLOR of North Carolina, Mr. TRAFICANT, Ms. VELAZQUEZ, Mr. VENTO, Mr. VOLKMER, Mr. WYNN, and Mr. WICKER.

H.R. 809: Mr. FOX.

H.R. 914: Mr. OBEY, Mr. FRANK of Massachusetts, and Mr. BEREUTER.

H.R. 977: Mr. PAXON.

H.R. 987: Mr. SKEEN, Mr. GENE GREEN of Texas, Mr. FROST, and Mr. ROGERS.

H.R. 1000: Mr. BORSKI, Mr. FATTAH, Ms. LOWEY, Mr. McDERMOTT, Mrs. MALONEY, Mr. MINETA, and Mr. PETERSON of Minnesota.

H.R. 1020: Mr. SPRATT, Mr. FAWELL, Mr. PETERSON of Florida, Mr. CANADY, and Mr. PORTER.

H.R. 1066: Mr. WALSH, Mr. PACKARD, and Mr. KNOLLENBERG.

H.R. 1085: Mr. JOABS.

H.R. 1104: Mr. ROYCE, Mr. MEEHAN, Mr. HEINEMAN, Mr. McINTOSH, Mr. McINNIS, Mr. LAHOOD, and Mr. BLUTE.

H.R. 1110: Mr. KNOLLENBERG, Mr. HANCOCK, Mr. PORTER, Mr. KLUG, and Mr. BARTLETT of Maryland.
 H.R. 1120: Mr. HEINEMAN, Mr. HOBSON, Ms. MOLINARI, and Mr. LIVINGSTON.
 H.R. 1145: Mr. CUNNINGHAM and Ms. LOFGREN.
 H.J. Res. 3: Mr. LAHOOD.
 H. Con. Res. 12: Mrs. COLLINS of Illinois, Mr. DUNCAN, and Mr. STUMP.
 H. Con. Res. 19: Mrs. CHENOWETH and Mr. CALVERT.
 H. Res. 102: Mrs. MYRICK.

¶41.37 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1120: Mr. STEARNS.

FRIDAY, MARCH 10, 1995 (42)

¶42.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. BONILLA, who laid before the House the following communication:

WASHINGTON, DC,
 March 10, 1995.

I hereby designate the Honorable HENRY BONILLA to act as Speaker pro tempore on this day.

NEWT GINGRICH,
 Speaker of the House of Representatives.

¶42.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BONILLA, announced he had examined and approved the Journal of the proceedings of Thursday, March 9, 1995.

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

¶42.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

514. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of establishing standards for agricultural products; to the Committee on Agriculture.

515. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

516. A letter from the Administrator, Panama Canal Commission, transmitting a draft of proposed legislation entitled, the "Panama Canal Amendments Act of 1995"; to the Committee on National Security.

517. A letter from the Federal Housing Finance Board, transmitting the office's 1995 compensation plan, pursuant to Public Law 101-73, section 1206 (103 Stat. 523); to the Committee on Banking and Financial Services.

518. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. B-95 which relates to enhancements or upgrades from the level of sensitivity of technology or capability described on section 36(b)(1) AECA certification 92-40 of September 14, 1992, pursuant to 22 U.S.C. 2776(b)(5); to the Committee on International Relations.

519. A letter from the Chairman, U.S. Advisory Commission on Public Diplomacy, transmitting the Commission's report on public diplomacy activities of the U.S. Government, pursuant to 22 U.S.C. 1469; to the Committee on International Relations.

520. A letter from the Chairman, Commodity Futures Trading Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

521. A letter from the Secretary of Transportation, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

522. A letter from the Secretary, Department of Transportation, transmitting the annual report on railroad financial assistance for fiscal year 1994, pursuant to section 409 of the Staggers Rail Act of 1980; to the Committee on Transportation and Infrastructure.

523. A letter from the Secretary of Transportation, transmitting the Department's annual report on pipeline safety activities for calendar year 1992, pursuant to 49 U.S.C. app. 1683(a); jointly, to the Committees on Transportation and Infrastructure, Commerce, and Resources.

¶42.4 PAPERWORK REDUCTION

On motion of Mr. CLINGER, by unanimous consent, the bill of the Senate (S. 244) to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. CLINGER submitted the following amendment which was agreed to:

Strike out all after the enacting clause and insert the provisions of H.R. 830 as passed by the House.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill, as amended, was passed was, by unanimous consent, laid on the table.

When on motion of Mr. CLINGER, it was,

Resolved, That the House insist upon its amendment and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. BONILLA, by unanimous consent, announced the appointment of Mr. CLINGER, Mrs. MEYERS, Messrs. MCHUGH, MCINTOSH, and FOX as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate thereof.

The Speaker pro tempore, Mr. BONILLA, announced that additional appointments of conferees would be made later today.

¶42.5 PRODUCT LIABILITY LITIGATION

The SPEAKER pro tempore, Mr. BONILLA, pursuant to House Resolution 109 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 956) to establish legal standards and procedures for product

liability litigation, and for other purposes.

Mr. DREIER, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶42.6 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SCHUMER:

Page 31, line 5, insert before the period the following: "AND SUNSET", in line 6, insert "(a) EFFECTIVE DATE,—" at the beginning of the line, and after line 8 insert the following:

(b) SUNSET.—Titles I, II, and III shall expire 5 years after the date of the enactment of this Act unless the Secretary of Commerce has certified to the Congress not less than 90 days before the expiration of such years—

(1) that insurance rates covering liabilities affected by such titles have declined by not less than 10 percent after taking into account changes in the Consumer Price Index, or

(2) that insurance rates have not declined by at least 10 percent because of extraordinary circumstances, has specified such extraordinary circumstances, and has explained their impact on such insurance rates.

It was decided in the } Yeas 175
 negative } Nays 249

¶42.7 [Roll No. 227] AYES—175

Abercrombie	Fields (LA)	Menendez
Ackerman	Filner	Mfume
Andrews	Flake	Miller (CA)
Baessler	Foglietta	Minge
Baldacci	Ford	Mink
Barcia	Frank (MA)	Moakley
Barrett (WI)	Frost	Montgomery
Becerra	Furse	Moran
Beilenson	Gejdenson	Murtha
Bentsen	Gibbons	Nadler
Berman	Gonzalez	Neal
Bishop	Gordon	Oberstar
Bonior	Green	Obey
Borski	Gutierrez	Olver
Boucher	Hall (OH)	Ortiz
Brewster	Hastings (FL)	Owens
Browder	Hayes	Pallone
Brown (CA)	Hefner	Pastor
Brown (FL)	Hilliard	Payne (NJ)
Brown (OH)	Hinchev	Pelosi
Bryant (TX)	Holden	Peterson (FL)
Bunn	Hoyer	Peterson (MN)
Cardin	Jackson-Lee	Poshard
Chapman	Johnson (SD)	Rahall
Clay	Johnson, E.B.	Reed
Clayton	Johnston	Reynolds
Clement	Kaptur	Richardson
Clyburn	Kennedy (MA)	Rivers
Coleman	Kennedy (RI)	Rose
Collins (IL)	Kennelly	Roybal-Allard
Collins (MI)	Kildee	Rush
Condit	Klink	Sabo
Conyers	LaFalce	Sanders
Costello	Lantos	Schroeder
Coyne	Laughlin	Schumer
Cramer	Levin	Scott
Danner	Lewis (GA)	Serrano
de la Garza	Lincoln	Skelton
Deal	Lipinski	Slaughter
DeFazio	Lofgren	Spratt
DeLauro	Lowe	Stark
Dellums	Luther	Stokes
Dicks	Maloney	Studds
Dingell	Manton	Stupak
Dixon	Markey	Tanner
Doggett	Martinez	Taylor (MS)
Doyle	Mascara	Tejeda
Durbin	Matsui	Thompson
Engel	McCarthy	Thurman
Eshoo	McDermott	Torres
Evans	McHale	Torricelli
Farr	McKinney	Traficant
Fattah	Meehan	Tucker
Fazio	Meek	Velazquez