

Congress could have passed such legislation, appropriately limited in scope and balanced in application, meeting these tests. Had the Congress done so, I would have signed the bill gladly. The Congress, however, chose not to do so, deciding instead to retain provisions in the bill that I made clear I could not accept.

This bill inappropriately intrudes on State authority, and does so in a way that tilts the legal playing field against consumers. While some Federal action in this area is proper because no one State can alleviate nationwide problems in the tort system, the States should have, as they always have had, primary responsibility for tort law. The States traditionally have handled this job well, serving as laboratories for new ideas and making needed reforms. This bill unduly interferes with that process in products cases; moreover, it does so in a way that peculiarly disadvantages consumers. As a rule, this bill displaces State law only when that law is more favorable to consumers; it defers to State law when that law is more helpful to manufacturers and sellers. I cannot accept, absent compelling reasons, such a one-way street of federalism.

Apart from this general problem of displacing State authority in an unbalanced manner, specific provisions of H.R. 956 unfairly disadvantage consumers and their families. Consumers should be able to count on the safety of the products they purchase. And if these products are defective and cause harm, consumers should be able to get adequate compensation for their losses. Certain provisions in this bill work against these goals, preventing some injured persons from recovering the full measure of their damages and increasing the possibility that defective goods will come onto the market as a result of intentional misconduct.

In particular, I object to the following provisions of the bill, which subject consumers to too great a risk of harm.

First, as I previously have stated, I oppose wholly eliminating joint liability for noneconomic damages such as pain and suffering because such a change could prevent many persons from receiving full compensation for injury. When one wrongdoer cannot pay its portion of the judgment, the other wrongdoers, and not the innocent victim, should have to shoulder that part of the award. Traditional law accomplishes this result. In contrast, this bill would leave the victim to bear these damages on his or her own. Given how often companies that manufacture defective products go bankrupt, this provision has potentially large consequences.

This provision is all the more troubling because it unfairly discriminates against the most vulnerable members of our society—the elderly, the poor, children, and nonworking women—whose injuries often involve mostly noneconomic losses. There is no reason for this kind of discrimination. Non-

economic damages are as real and as important to victims as economic damages. We should not create a tort system in which people with the greatest need of protection stand the least chance of receiving it.

Second, as I also have stated, I oppose arbitrary ceilings on punitive damages, because they endanger the safety of the public. Capping punitive damages undermines their very purpose, which is to punish and thereby deter egregious misconduct. The provision of the bill allowing judges to exceed the cap if certain factors are present helps to mitigate, but does not cure this problem, given the clear intent of the Congress, as expressed in the Statement of Managers, that judges should use this authority only in the most unusual cases.

In addition, I am concerned that the Conference Report fails to fix an oversight in title II of the bill, which limits actions against suppliers of materials used in devices implanted in the body. In general, title II is a laudable attempt to ensure the supply of materials needed to make life-saving medical devices, such as artificial heart valves. But as I believe even many supporters of the bill agree, a supplier of materials who knew or should have known that the materials, as implanted, would cause injury should not receive any protection from suit. Title II's protections must be clearly limited to nonnegligent suppliers.

My opposition to these Senate-passed provisions were known prior to the Conference on the bill. But instead of addressing these issues, the Conference Committee took several steps backward in the direction of the bill approved by the House.

First, the Conference Report seems to expand the scope of the bill, inappropriately applying the limits on punitive and noneconomic damages to lawsuits, where, for example, a gun dealer has knowingly sold a gun to a convicted felon or a bar owner has knowingly served a drink to an obviously inebriated customer. I believe that such suits should go forward unhindered. Some in the Congress have argued that the change made in Conference is technical in nature, so that the bill still exempts these actions. But I do not read the change in this way—and in any event, I do not believe that a victim of a drunk driver should have to argue in court about this matter. The Congress should not have made this last-minute change, creating this unfortunate ambiguity, in the scope of the bill.

In addition, the Conference Report makes certain changes that, though sounding technical, may cut off a victim's ability to sue a negligent manufacturer. The Report deletes a provision that would have stopped the statute of limitations from running when a bankruptcy court issues the automatic stay that prevents suits from being filed during bankruptcy proceedings. The effect of this seemingly legalistic change will be that some persons

harmed by companies that have entered bankruptcy proceedings (as makers of defective products often do) will lose any meaningful opportunity to bring valid claims.

Similarly, the Conference Report reduces the statute of repose to 15 years (and less if States to provide) and applies the statute to a wider range of goods, including handguns. This change, which bars a suit against a maker of an older product even if that product has just caused injury, also will preclude some valid suits.

In recent weeks, I have heard from many victims of defective products whose efforts to recover compensation would have been frustrated by this bill. I have heard from a woman who would not have received full compensatory damages under this bill for the death of a child because one wrongdoer could not pay his portion of the judgment. I have heard from women whose suits against makers of defective contraceptive devices—and the punitive damages awarded in those suits—forced the products off the market, in a way that this bill's cap on punitives would make much harder. I have heard from persons injured by products more than 15 years old, who under this bill could not bring suit at all.

Injured people cannot be left to suffer in this fashion; furthermore, the few companies that cause these injuries cannot be left, through lack of a deterrent, to engage in misconduct. I therefore must return the bill that has been presented to me. This bill would undermine the ability of courts to provide relief to victims of harmful products and thereby endanger the health and safety of the entire American public. There is nothing common sense about such reforms to product liability law.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 2, 1996.

The SPEAKER pro tempore, Mr. HORN, by unanimous consent, ordered that the veto message, together with the accompanying bill, be printed (H. Doc. 104-207) and spread upon the pages of the Journal of the House.

On motion of Mr. HYDE, by unanimous consent, further consideration of the veto message was postponed until Thursday, May 9, 1996, and that upon further consideration of the veto message on that day, the previous question be considered as ordered on the question of passage of the bill, the objections of the President to the contrary notwithstanding, without intervening motion or debate except one hour of debate on the question of passage.

¶52.6 PERMISSION TO FILE REPORT

On motion of Mr. HYDE, by unanimous consent, the Committee on House Oversight was granted permission until midnight tonight, to file a report (Rept. No. 104-559) on the resolution (H. Res. 417) providing amounts for the expenses of the Select Subcommittee on the United States Role in Iranian Arms Transfers to Croatia and Bosnia of the Committee on International Relations

in the second session of the Hundred Fourth Congress.

52.7 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1720. An Act to establish the Nicodemus National Historic Site and the New Bedford National Historic Landmark; to the Committee on Resources.

52.8 ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2064. An Act to grant the consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia.

H.R. 2243. An Act to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes.

And then,

52.9 ADJOURNMENT

On motion of Ms. DELAURO, pursuant to the special order agreed to on May 2, 1996, at 2 o'clock and 22 minutes p.m., the House adjourned until 12:30 p.m. on Tuesday, May 7, 1996.

52.10 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:

(The following action occurred on May 3, 1996)

Mr. ARCHER: Committee on Ways and Means. H.R. 3286. A bill to help families defray adoption costs, and to promote the adoption of minority children; with an amendment (Rept. No. 104-542, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Submitted May 6, 1996]

Mr. MOORHEAD: Committee on the Judiciary. H.R. 1861. A bill to make technical corrections in the Satellite Home Viewer Act of 1994 and other provisions of title 17, United States Code; with an amendment (Rept. No. 104-554). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 2137. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders; with an amendment (Rept. No. 104-555). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. H.R. 2511. A bill to control and prevent commercial counterfeiting, and for other purposes (Rept. No. 104-556). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 2980. A bill to amend title 18, United States Code, with respect to stalking; with an amendment (Rept. No. 104-557). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. H.R. 1734. A bill to reauthorize the Na-

tional Film Preservation Board, and for other purposes; with an amendment (Rept. No. 104-558 Pt. 1). Ordered to be printed.

Mr. THOMAS: Committee on House Oversight. House Resolution 417. Resolution providing amounts for the expenses of the Select Subcommittee on the United States Role in Iranian Arms Transfers to Croatia and Bosnia of the Committee on International Relations in the second session of the 104th Congress; with an amendment (Rept. No. 104-559). Referred to the House Calendar.

52.11 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1734. Referral to the Committee on House Oversight extended for a period ending not later than June 21, 1996.

52.12 DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the following action was taken by the Speaker: The Committees on Resources, Transportation and Infrastructure, and National Security discharged from further consideration; H.R. 3322 referred to the Committee of the Whole House on the State of the Union.

52.13 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. CONYERS (for himself, Mr. MILLER of California, and Mr. BROWN of California):

H.R. 3392. A bill to require a separate, unclassified statement of the aggregate amount of budget outlays for intelligence activities; to the Committee on Government Reform and Oversight, and in addition to the Committee on Intelligence (Permanent Select), 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. TANNER (for himself, Mrs. LINCOLN, Mr. STENHOLM, and Mr. PAYNE of Virginia):

H. Res. 425. Resolution providing for the consideration of the bill (H.R. 2915) to enhance support and work opportunities for families with children, reduce welfare dependence and control welfare spending; to the Committee on Rules.

52.14 ADDITIONAL SPONSORS

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

H.R. 931: Mr. SHAYS.

H.R. 940: Mr. KENNEDY of Rhode Island.

H.R. 1023: Mr. LAHOOD, Mr. MENENDEZ, and Mr. PETERSON of Minnesota.

H.R. 2137: Mr. RAMSTAD.

H.R. 2167: Mr. NADLER, Mrs. VUCANOVICH, and Mr. PETERSON of Minnesota.

H.R. 2749: Mr. STUMP and Mr. MANZULLO.

H.R. 3170: Mr. LAZIO of New York and Mrs. ROUKEMA.

H.R. 3173: Mr. WAXMAN.

H.R. 3246: Mrs. KENNELLY.

H.R. 3268: Mr. GUNDERSON, Mr. SAM JOHNSON, Mr. RIGGS, Mr. SOUDER, Mr. WELDON of Florida, Mr. GREENWOOD,

Mr. BARRETT of Nebraska, Mr. BALLENGER, Mrs. MEYERS of Kansas, Mr. GRAHAM, AND Mr. KNOLLENBERG.

H.R. 3310: Mr. NEUMANN and Mr. ISTOOK.

H.J. Res. 178: Mr. ZIMMER and Mr. BLUTE.

H. Con. Res. 160: Mr. CASTLE, Mr. BERMAN, Mr. MCHUGH, Mr. BEREUTER, Ms. WOOLSEY, Mr. THOMPSON, Mrs. MEYERS of Kansas, Mr. WALKER, Mr. LEWIS of Georgia, Mr. DIXON, Mr. SHAW, Mr. FALEOMAVAEGA, Mrs. LINCOLN, Ms. SLAUGHTER, Mr. SCHUMER, Mr. DELUMS, Mrs. MALONEY, Ms. MCKINNEY, Mr. BLUTE, and Mr. STUDDS.

H. Res. 30: Mr. TIAHRT, Mr. CARDIN, Mr. MCINNIS, Mr. WILLIAMS, and Mr. CHABOT.

TUESDAY, MAY 7, 1996 (53)

53.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. HOBSON, who laid before the House the following communication:

WASHINGTON, DC,
May 7, 1996.

I hereby designate the Honorable DAVID L. HOBSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of Friday, May 12, 1995, Members were recognized for "morning hour" debates.

53.2 RECESS—1:21 P.M.

The SPEAKER pro tempore, Mr. HOBSON, pursuant to clause 12 of rule I, declared the House in recess until 2:00 p.m.

53.3 AFTER RECESS—2:00 P.M.

The SPEAKER pro tempore, Mr. FOLEY, called the House to order.

53.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. FOLEY, announced he had examined and approved the Journal of the proceedings of Monday, May 6, 1996.

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

53.5 COMMUNICATIONS

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

2839. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Assessment Rate (FV96-956-2IFR) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2840. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Irish Potatoes Grown in Washington; Assessment Rate (FV96-946-2IFR) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2841. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Spearmint Oil Pro-