RESIST THE GOP'S CUTS IN EDUCATION: APPROVE A BUDGET THAT BRINGS FINANCIAL STABILITY TO EDUCATING TOMORROW'S LEADERS

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

Mr. STUPAK. Mr. Speaker, in upper New York State, far from Washington's budget battles, an elementary school teacher named Theresa McAnaney has learned she may be laid off, because her school district does not know how much money it will receive from the Federal Government.

The plight of Ms. McAnaney and 15 colleagues facing layoffs is profiled in a recent New York Times story, but their case is not unique.

In my own State of Michigan, pink slip notices must be given to teachers by April 8, less than 2 weeks from today.

Across the Nation, 40,000 people face layoffs, because school districts cannot plan their budgets.

The New York Times article goes on to say that, faced with uncertainty, school districts are also scrapping long-range plans.

Hurt most are programs in poor and urban school districts, dependent on Federal aid for remedial instruction in reading and math, drug-free School Zone, Head Start, and Title I.

Surveys from the Washington Post and the Wall Street Journal reveal that most people consider education their top issue, and favor the same level or increased spending for education.

Mr. Speaker, we must resist the GOP's cuts in education and approve a budget that brings financial stability to educating tomorrow's leaders.

URGING TREASURY DEPARTMENT TO UPDATE REGULATIONS TO TAKE FULL ADVANTAGE OF DOMESTIC OIL RESERVES

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

Mr. MCCRERY. Mr. Speaker, no single component of our national economy is more important than energy. Yet, today we find ourselves more dependent on foreign sources of petroleum than at any time since 1977. Right now, imported oil accounts for over 50 percent of domestic consumption. By the year 2015, the Department of Energy forecasts that America will only supply one-third of its domestic needs. That means our Nation will rely heavily on other countries to fuel our cars, heat our homes, and drive our economy.

I am concerned that we are not being sufficiently aggressive in our efforts to reverse this trend. In the United States, we have vast proven reserves in existing fields that can be accessed, but only with advanced oil recovery technologies. Since 1990, we have recognized that to reduce our dependence on foreign energy sources, certain new recovery technologies should be encouraged through the enhanced oil recovery credit. Unfortunately, the eligible technologies identified do not reflect the latest developments in this field.

To take full advantage of our domestic oil reserves, I urge the Treasury Department to use the specific authority Congress provided, to update the regulations to include new recovery technologies. Doing so will reopen access to much needed domestic oil and provide new skilled job opportunities in the domestic economy.

LET US REWARD WORK AND INCREASE THE MINIMUM WAGE

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

Ms. DELAURO. Mr. Speaker, today's New York Times reports that 1995 was a very good year for the heads of corporations. According to the report, their median salary and cash bonuses rose to more than $2 million. That is $2 million a year in compensation.

Since 1990, corporate salaries have been rising at a fast clip of 9 percent per year, while wages and salaries of the Nation's workers are dead in the water, going nowhere. Hard-working families in America are scrambling to figure out how to find the money to pay their bills. Yesterday we had an opportunity to do something for those families, and instead, this House turned its back. At a time when corporate CEO's average $2 million a year, when Members of this Congress earn over $130,000 a year, House Republicans yesterday killed an attempt to raise the minimum wage by 90 cents, just 90 cents. It is shameful.

This Monday is the anniversary of the last increase in the minimum wage, which is now at a 40-year low. America needs a raise. Let us reward work and increase the minimum wage.

MAKING IN ORDER CONSIDERATION OF HOUSE JOINT RESOLUTION 170, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1996

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 170) making further continuing appropriations for the fiscal year 1996, and for other purposes when called up; and that it be in order at any time to consider the joint resolution in the House; that the joint resolution be debatable for not to exceed 1 hour, to be equally divided and controlled by myself and the gentleman from Wisconsin [Mr. OBEY]; that all points of order against the joint resolution and against its consideration be waived; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit, with or without instructions.

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

Mr. OBEY. Reserving the right to object, Mr. Speaker, let me simply say that I do not intend to object. The gentleman has consulted on this side of the aisle, and I think that the process which he has in mind for bringing up this resolution is the correct one. We do not necessarily like the result that flows from it, but I think it is in order to facilitate its consideration at a later point today, so I have no objection.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, so I can clarify, can the gentleman tell us when he plans to take up the legislation? I do not plan to object.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I would tell the gentleman, this continuing resolution will continue the existing temporary funding laws in effect until April 24, which avoid any government shutdown and while it sounds like a long time, is really only 6 legislative days from today.

Mr. VOLKMER. Does the gentleman plan to take it up later today, this afternoon, Mr. Speaker?

Mr. LIVINGSTON. I am sorry, this CR will be brought up later today, after the product liability conference report.

Mr. VOLKMER. I thank the gentleman.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 956, COMMONSENSE PRODUCT LIABILITY LEGAL REFORM ACT OF 1996

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 394 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 394

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

□ 1030

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

(Mr. LINDER asked and was given permission to include extraneous materials.)

Mr. LINDER. Mr. Speaker, House Resolution 394 provides for the consideration of the conference report for H.R. 956, the Commonsense Product Liability Legal Reform Act of 1996, and waives all points of order against its consideration. The House rules allow for 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Judiciary Committee.

Mr. Speaker, the struggle to craft bipartisan product liability reforms has been over two decades in the making, and we have before us legislation that will save segments of our economy and create new jobs across America.

Mr. Speaker, I do not wish to unleash partisan charges that the President is playing politics with this important reform measure. The assessment that the President is playing politics has already been sufficiently made by members of the President's own party. I want to begin by recounting just a few of these appraisals of the President's motives.

Senator JOSEPH LIEBERMAN, a Democrat, has stated that the ''President is dead wrong about this bill'' and Senator JAY ROCKEFELLER, a Democrat, stated that the President has ''his eye on the electoral college.'' Senator ROCKEFELLER continued by stating:

> Special interests and raw political considerations in the White House have overridden sound policy judgment. I am extremely disappointed the President has taken such a shortsighted political view of a serious bipartisan effort that would restore common sense to the American legal system.

Mr. Speaker, in response to Senator ROCKEFELLER's charge that special interests and raw political considerations in the White House has overridden sound policy judgment—I must say that this is nothing new.

As has been the case with countless pieces of historic legislation that have passed both the House and Senate, the President has disavowed good public policy and embraced his special interest friends. In this case, we have reached bipartisan agreement on legal reform, and it appears that the only obstacles to these moderate reforms are the trial lawyers and an antireform, status quo President.

The President is—and has been—the one roadblock to the reforms that the public wants. In his shortsighted, political view of the Nation, the President plans to add a veto of legal reform to his two vetoes of welfare reform and the historic balanced budget bill.

The Commonsense Legal Reform Act will end many frivolous lawsuits which have imposed significant costs on small businesses and killed American jobs. These indiscriminate lawsuits have caused the withdrawal of products from the market, including medical devices and medication available in most of the world, sadly resulting in preventable deaths.

The President has professed that the bill would reduce product safety, which it will not. His real anxiety about this reform bill is that it would reduce the fees of the trial lawyers who now receive from 50 to 70 percent of every dollar spent on product liability litigation. The trial lawyers have bragged about Bill Clinton's commitment to terminate any legislative effort to end frivolous lawsuits. The Arkansas trial lawyer president boasted about the fact that Arkansas has had no tort reform and stated that—and I quote—''this success would not have occurred without Bill Clinton. I can never remember an occasion when he failed to do the right thing where we trial lawyers were concerned.''

Mr. Speaker, the future of the country is more important than some payoff to the trial lawyers. Our competitiveness overseas is being undermined. Rather than deal with the product liability litigation problem, American firms have left markets to foreign competitors and decided not to develop new products, technologies, and medical breakthroughs. These losses are impossible to calculate, and it is clear to everyone except the President that thousands of American small businesses are just one lawsuit away from bankruptcy. The provisions included in this bill were greatly pared down from the much-needed and broader changes we passed in the Contract With America. The bill does not include everything that I would have wanted, but this Congress understands that sometimes you have to compromise, and this is a start down the right road.

This is about restoring fairness to the American legal system and this bill should not be a political issue. These are modest, but critically important, reforms that will benefit the American people. I urge my colleagues to support the rule and the reform legislation, and I urge the President to reconsider his unfortunate veto threat of commonsense legal reforms.

I want to close by quoting the Washington Post editorial page:

> The President's announcement over the weekend that he will veto product liability legislation has surprised and disappointed even senior Democrats in the Senate—and well it should. The decision is a terrible one. But the lawyers want the sky to be the limit. The President's decision to capitulate to their pressure is transparent, shortsighted, and wrong. The compromise should be accepted by both Houses and signed by the President.

Mr. Speaker, the Senate did their job by passing the bill by a 59-to-40 margin, and I expect the House to follow suit by passing this bill with equally overwhelming support. I urge the President to forgo politics and do his job.

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

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this conference report and to the rule providing for its consideration. This conference agreement caps punitive damage awards to consumers who have been harmed because of the products they have purchased and used. This conference agreement removes any incentive that might currently exist which makes corporations and manufacturers keep those harmful products off the market.

In the name of competitiveness, the conference has proposed a new legal framework that truly lives up to the old adage, caveat emptor. Mr. Speaker, I cannot support any legislation which places profit ahead of responsibility, and which puts the bottom line ahead of public safety. This agreement, all in the name of reform for the sake of reform, takes away expected and necessary protections for workers and consumers. The American people deserve better.

I urge my colleagues to defeat this conference report. I do not understand why this House should be a party to creating a legal climate that would hurt consumers who have already been injured by the negligence of product manufacturers.

Mr. Speaker, the proponents of this legislation have used little hard evidence in their zeal to push for passage of this legislation. But, I submit there are real people whose real cases demonstrate precisely how the current system has improved public safety and has promoted responsible corporate behavior.

For example, what would the proponents of this legislation say to the parents of the 4-year-old girl whose pajama top caught fire and who suffered second- and third-degree burns all over her upper body? Would the proponents say that there should be a cap on punitive damages when the manufacturer of the child's pajamas was well aware of the flammability of those garments? So well, in fact, that one company official admitted that the company was always sitting on a powder keg, even though treating the pajamas with flame-retardant chemicals was economically feasible?

Well, Mr. Speaker, the scars on that little girl—both physical and emotional—are permanent and she bears those scars only because of the negligence of that company. The $1 million punitive damage award in that case was small recompense for that little girl and her family. And yet, this conference agreement would deny that little girl such an award. And, Mr. Speaker, it was that award that served as the prime motivator for removing those garments from the market.

Or, Mr. Speaker, let's talk about defects in cribs. Two years ago, a 5-month-old baby boy died from injuries suffered from a defective crib. He died

in spite of the fact that the crib's manufacturer had ignored warnings 10 years before by the U.S. Product Safety Commission of just such defects. Or, let's talk about exploding Pintos, or asbestos insulation in office buildings and in schools, or tractors that suddenly self-shift gears. There have been court cases involving all these products that have resulted in punitive damage awards to those who have been injured, maimed, or killed by them. Those punitive awards have benefited us all, Mr. Speaker, because they have forced companies to do the right thing—to fix, to recall, or to discontinue the manufacture and sale of products that injure, maim, or kill people.

And so, Mr. Speaker, we too have a chance to do the right thing today for American consumers. I encourage my colleagues to take a stand and to reject this conference agreement.

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

Mr. LINDER. Mr. Speaker, at this time I have no requests for time, and I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

The SPEAKER pro tempore (Mr. GUNDERSON). The gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 6 minutes.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Texas and the gentleman from Georgia for yielding me this time.

I just want to say to Members, I certainly hope they help us defeat the previous question, because Members of this body have voted twice to do something that is now no longer in this piece of legislation, and I think Members are going to be really surprised when they find out that the Senate removed this.

What is this? Well, this is a very, very key component that, it is kind of like a Federal long arm statute, but it says that for any foreign manufacturer that wants to partake of the benefits of this law, the benefits of this law, they must subject themselves to discovery and to the jurisdiction of the U.S. courts.

Now, I think with the benefits go the responsibilities, and we are giving them a great benefit when we pass this. When we pass this bill, what we are doing is limiting their liability, allowing them to get away with all sorts of things. I think it goes way too far. But I just say to this body, if you are going to do that, and you are not going to have this provision dealing with foreign manufacturers, I think that we ought to strike the name of this. How can you possibly call it common sense? Because once again, you will be putting our manufacturers under one standard, but foreign manufacturers under an entirely different standard. They can limit their liability, they can do very well, but guess what? They do not have to be under the jurisdiction of U.S. courts and they do not have to be under the discovery proposals.

Twice this House voted by 256 votes for this proposal. The gentleman from Michigan, the esteemed ranking member, Mr. CONYERS, has pursued this and pursued this and pursued this, and convinced this body of this issue. Unfortunately, in the other body, it seems that foreign manufacturers have a lot more gravitas and something happened. It disappeared.

So if we can defeat the previous question, this side will be moving to try and put in that very key component so that this really is common sense, and what our manufacturers get, foreign manufacturers are going to get too, and they are going to have a level playing field. I just think the American people are going to be very distressed to find out one more time foreign manufacturers are given the wing-wing, or a better deal under this.

Now, I also have great trouble with the bill for one other reason. When we talk family values, we ought to mean family values, and we talk family values all the time. One of the things that this legislation does is it values a corporate paycheck way more than it does a person's reproductive capacity. If someone loses their reproductive capacity, that is considered noneconomic damage. Now, that may be noneconomic to some accountant, but to anybody with a heart and a soul, I think the loss of your reproductive organs is way, way more valuable than any economic damages you could ever have. What this bill does is that it puts punitive caps on that, and I just think that that is really wrong.

When you look at the history of women's experience, whether it is with silicon breast implants, the Dalkon shield, with all sorts of things such as DES, and so forth, that have been marketed, and then turned out to harm women's reproductive systems, now we really are capping what kind of value that has. I think people would be shocked to know that a Congress that speaks family values is going along with this. So I urge a no vote on the previous question.

Mr. HYDE. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Illinois [Mr. HYDE.]

Mr. HYDE. Mr. Speaker, with great respect I would like to advise the gentlewoman, there is no limitation on economic damages or noneconomic damages. It is punitive damages only that there is a limitation. That provision was taken out of the bill and there just is no limitation on economic or noneconomic damages.

Mrs. SCHROEDER. Well, Mr. Speaker, reclaiming my time, the gentleman, my esteemed chairman, is correct as far as he goes, but let us talk about joint and several and let us talk about punitive damages, and the punitive damages caps.

Mr. HYDE. Mr. Speaker, if the gentlewoman will continue to yield, I thought you were talking about economic and noneconomic. The punitive damages, yes, there are limitations.

Mrs. SCHROEDER. That is right. And when you look at the economic damages, they always weigh in a whole lot more. The noneconomic damages, and without the punitive add-on to it, and the joint and several, I really think women or men, for that matter, I think we are going to learn more and more about men losing their reproductive capacity. We do not know why, but we are starting to see more articles about this new disturbing trend.

Mr. VOLKMER. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I am curious. Maybe the gentlewoman can tell me what the economic loss is for the ability to have a child. What is the economic loss of the inability to have a child? I do not think you can put a dollar figure as an economic loss on that. So if there is no economic loss and no punitive damages, what damages are they then?

Mrs. SCHROEDER. Mr. Speaker, reclaiming my time, as the gentleman knows, this law would supersede the traditional common law, and it would eliminate joint and several liability for noneconomic damages such as pain and suffering. So obviously, the loss of reproductive organs is considered a noneconomic damage, and in the past, pain and suffering for that has been recognized, because common law recognized human beings and their pain. So when we supersede that, when we repeal that, that is my point.

Mr. VOLKMER. Mr. Speaker, if the gentlewoman would continue to yield, what I am trying to get across is what you are going to end up with is there is no damages, really, for a woman's loss of the ability to have a baby.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me this time.

The President has threatened to veto heart transplants, heart valves, brain shunts, knee joint replacement, hip joint replacements and 100 other medical devices that people are starving for, waiting for their lives to be helped with the implantation of these medical devices.

Title II of this bill provides for relief for biomedical suppliers who in the past have provided a little bit of plastic for a heart valve or a little bit of a gimmick for a brain shunt, and now the suppliers who have been hit with tremendous lawsuits are going out of the business of supplying these little bit of elements for much-needed medical devices.

□ 1045

So in title II, we solve that problem and we know the companies that have

been heretofore supplying these medical devices are going to be back in business. If we allow this bill to be vetoed, and I hope it is not, what is going to happen is that the medical device developers and manufacturers will again be short of the materials they need to create these devices. We ought to pass the rule and pass the bill and then urge the President not to veto it.

Mr. Speaker, there are 8 million people in our country who today have some kind of medical device implant, pacemakers, as I said, brain shunts, all kinds of things, including hip joints and knee joints, which are part of the makeup of many of the Members of Congress. But if we do not pass this bill, then the suppliers of the basic elements required for these medical devices will simply not supply them because of the fear of massive lawsuits. That is what we are talking about.

When you talk about the consumer as being damaged by the passage of this bill, I am telling you that the person who is waiting for a heart transplant is being damaged by the failure to pass this legislation. The recipient of a brain shunt is being damaged by the failure to pass this legislation, and he is a consumer too.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, I appreciate the opportunity to speak on this. I would urge that we defeat the previous question, and we oppose the rule under which this bill will be brought up today. The last speaker spoke about consumers, and that is what I would like to talk a little bit about here today and hope they do not get lost in this whole discussion.

Mr. Speaker, today we will hear from my friends on your side of the aisle that it costs so much more to do products, whether it is a medical device or a simple stepladder. It costs one-third more because of product liability insurance. We have heard a lot about especially the stepladder; it seems to be the one that is making the TV news. So I called my local hardware, Walter Brothers True Value up in Menominee, and I said, how much does it cost for a stepladder, an 8-foot aluminum stepladder? They said it is $130. So if one-third of it goes for product liability insurance, then we should be able to reduce that upon enactment of this bill by $43, so that stepladder should now only cost $87.

Mr. Speaker, I offered an amendment to do just that, to make sure that consumers are protected, not only for product safety but also protect their pocketbook and the cost that they say would be generated if we pass this legislation. Of course my amendment was rejected. So let us see who gets the money here and who gets protection here.

Will the manufacturers be required to reduce their costs by one-third underneath this bill? No. Will the product liability insurance companies be required to reduce their premium notices by one-third? No. Will the consumer be required to do anything in this bill? Yes.

They will be required to give up some rights. They will be required to bring action. They will be required to give up rights for punitive damages for faulty manufacture, for defective products, for inadequate warnings. So who is losing here? The consumer. The consumer.

From the fall on the ladder, the windfall goes not to the consumer but to the insurance company and the manufacturers. Not just stepladders, but the decrease in the cost of vaccinations, will that occur in this bill? Is there any requirement here? No. How about medical insurance? No. How about child safety seats? No.

Mr. Speaker, we are going to limit the rights of ordinary people to bring a cause of action for their injuries and damages, and it is a windfall for large corporations, manufacturers, and the insurance company. My amendment would have helped to ensure it would put some integrity into the system to make sure those cost savings are passed back to the American people and, unfortunately, my amendment failed and was not even considered by the majority.

So I have great reservations and hope we will oppose the previous question and hope we go back and get an equitable rule on this.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Does the gentleman consider a person who is waiting for a heart transplant a consumer that ought to be protected and should have the benefit of a heart transplant and should have laws in place that will facilitate the flow of materials to the medical device manufacturer, who will eventually be part of the heart transplant device? Does the gentleman favor legislation that would make it easier for a transplant recipient to receive that transplant?

Mr. STUPAK. Yes. I favor that the hear transplant be done safely for less money.

Mr. GEKAS. Of course.

Mr. STUPAK. for less cost.

Mr. GEKAS. Of course.

Mr. STUPAK. And that the consumer be protected. That is not in this bill.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. I would like to tell the gentleman from Michigan that his amendment was not ignored by the majority. It was considered and found wanting.

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

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri [Mr. VOLKMER].

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

Mr. VOLKMER. Mr. Speaker, I am really truly amazed. I heard this morning when I came over the Speaker talk about what great things they had done yesterday with the legislation, but one of the things he did not mention in that legislation was the exemption of certain insurance policies under that health bill from State regulation. Now we do not have any Federal regulation. That is taking away States' rights from the majority.

Mr. Speaker, they always talk about States' rights, what States should be able to do, and then in this bill, right in this bill, one of the worst things I have ever seen proposed is that in product liability cases, in the future under this legislation, in the State court, we are not going to be able to follow State law. Never, never in the history of this country has that been done, never.

We cannot follow State law. We have to follow this law in State courts. It preempts all 50 State product liability laws as relates to suits by consumers. But if it is a suit by a commercial firm against a manufacturer, it is not preempted. Hey, wait a minute. Why? Well, that is business and business. It is OK for business and business, State law. But when it comes to consumers and manufacturers, then it is not.

Mr. Speaker, I thought that we should provide that if we want to do it for Federal courts and Federal law, that is one thing. But for this reason alone, the preemption of all State product liability laws, we are telling our State legislatures out there, our State courts that they do not know what is going on, they do not have the right to decide what laws should affect cases, not only in the State of Missouri, but the State of Wisconsin, the State of New York. No, we have to follow the Federal law in the State court. Never has that been done. For that reason alone, I urge the President to veto this legislation.

One other matter that I like to bring out that has not been discussed here, utilities out here, gas companies and others. There is strict liability on what they do. That means if they do it, and we prove that they did it, we do not have to prove gross negligence or anything else. Not anymore. Not under this bill. They have damage caps. We still have the strict liability. But damage caps are on it.

To give a little example, and these things happen not regularly but every once in a while throughout this whole United States. We have natural gas, which I use in my home, both up here and out in Hannibal, used in my office when I was practicing law back in Hannibal for heating, et cetera. Once in a while, there are gas leaks and there are explosions and people get hurt. Ok, so we get economic damages, we get our out-of-pocket.

But what happens when the utility has been notified, that gas company has been notified well in advance not one time, not two times, not three times, but at least a dozen times over a period of 2 weeks and they do nothing and you have an explosion and people

are killed and people are maimed for life and burned, disfigured. Two hundred fifty thousand dollars on punitive damages, that is it.

That is what we are telling the consumers out there. That is all they can get. That is it. We have to follow this. We cannot go to State court. We have to do it under Federal law. We have to do it under this law. Veto the bill, Mr. President.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker, not long ago we read about an arson that was committed at the DuPont Plaza Hotel, Puerto Rico. The place burned down, but it was an arson, so naturally the lawyers descended on the scene, and they did not sue the arsonist. They sued every manufacturer of anything that was contained in the hotel. They sued the manufacturer of the drapes and the beddings. They sued the manufacturer even of the casino dice.

The kind of feeding frenzy that occurs at the filing of these lawsuits and the attempt to get everyone to settle is really best described as extortion. The people that are getting extorted in the first instance of course are all the people who are being made to pay for something that they did not do. But in the end, the people who are being made to pay are all of our constituents; in fact, all of us.

Mr. Speaker, we pay more for things like our home insurance. We pay more for things like a new computer or even or common stepladder. We pay more certainly for our car insurance. All of these things are taxed by an unfair tort system that right now, because of excesses, not because of the substance of justice that we all want to preserve but because of excesses, has turned our civil justice system into a great wheel or fortune lottery.

In 1987, my home State of California was home to 107,000 lawyers. Now, we had some rough years for our State's economy thereafter, but over the next 5 years, while other things were suffering, the legal industry did quite nicely, thank you. California gained 28,000 lawyers on top of the 107,000 for an increase of more than 25 percent. Today, there are more than 143,000 lawyers in California. Few, if any industries in California, in our State, can claim that kind of growth rate.

As fast as the number of lawyers has been growing, legal fees, the revenues of the legal industry, have been growing faster still. In 1987, the California legal industry, lawyers' fees, took in $10.4 billion, or should we say took out from the economy $10.4 billion. But over the next 5 years, again when the economy was not doing that well, this amount grew to $16.3 billion. Those were the revenues of the legal industry, an increase of 57 percent.

That $16.3 billion in revenues for the California legal industry is more than we spend on auto repairs, on funerals, on tanning salons, on 1-hour photo finishers, video tape rentals, detectives and armored car guards, bug exterminators, laundry, day care, shoe repairs, septic tank cleaning combined. Combine all of those industries in California, you do not get as much as we shell out for lawyers. There is an excess and we are trying to scale it back.

Mr. Speaker, this is not loser pays. This is not some of the things that we watch our competitor nations around the world use to rein in these excesses. It is a very simple reform. It applies only to products and to charities, and it does not, I would like to make this very plain, cap punitive damages. It does not.

Everybody is complaining oh, my gosh, there is a $250,000 cap on punitive damages, but there is not at all. The cap on punitive damages in this bill is infinity. That is why it is so bipartisan. That is why everyone is willing to sponsor it. Technically, what we have said is that you can get as punitive damages the greater of $250,000 or twice compensatory damages. Compensatory damages is a lawyer's word for things like pain and suffering, emotional distress, injured feelings, and there is no limit whatever on that. Infinity is the limit on such damages, so they claim the sky is the limit there and multiply it by two and that is the limit on punitive damages in this bill.

This modest reform is supported, therefore, by Democrats and Republicans in both Chambers. It is as modest as we can get, and those who stand up and oppose it, I say, want no reform at all.

□ 1100

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I am trying to figure out why it is that the State of West Virginia cannot make its own decision in this regard as it has done since it became a State in 1863. I am trying to figure out why it is the State of California or Illinois or Texas or, whenever, Alaska cannot make its own decisions about how ti protects its own citizens as they each have done since they came into the Union.

I am trying to figure out why it is that in an era when we seem to be moving in and this Congress seems to be wanting to be moving toward deregulation, toward, quote, taking regulation off the backs of people, unquote, in which the Government tries to safeguard the population in safety and workplace safety and consumer product safety and other areas, at a time when regulation is being cut back because we want to encourage the individual, why it is then we are not letting the individual retain the individual's ability to protect themselves and to protect themselves against products that are created unsafe, that are used in the workplace or by consumers.

Regulation is going down at the same time you are going to tell individuals their ability to protect themselves is going down as well. Who is it that thinks you can stand up to a major international corporation and one person if you do not have the aspect that you are going to pay for what you do. Oh, I know the arguments that are going to be made. The argument is that, well, for compensable injuries where you can show the medical damages, no limit on that, and for noneconomic damages, that is pain and suffering, that is right, that means that you are in a wheelchair for the rest of your life and somebody is trying to put a dollar value on that. Good luck. However, they even limit that by saying joint and several liability, it would not be applied there. That means that if you have several defendants and one of them goes bankrupt, you cannot recover the full amount from the others. That would be eliminated.

I am trying to figure out why it is the State of West Virginia is not able to enact the laws to protect its own citizens. It seems to me, if there is a problem here, frivolous lawsuits are being filed, then it would seem to me the States would be the first ones to leave.

The gentleman from California who just spoke, I believe it was California that just defeated by referendum several so-called tort reform measures that go exactly to what is trying to be accomplished in this bill. You have got frivolous lawsuits, then, fine, there are sanctions against lawyers that can be taken. You want to stiffen those sanctions, that is fine; the States do that. In our State we elect our judges. Are judges giving away unfair, unruly verdicts? Fine, deal with those judges. Is there a problem that can be fixed by the legislature? Legislatures can each pass one of these pieces of legislation. Fine, deal with the legislature, and our people have an ability to get to that quickly at a time when the States are being the ones that are seen as closest to the people, and more power should be devolved upon the States. This seems to go in the opposite direction, does it not? It seems to say we do not trust the States to protect their own people. That is what I think is most offensive about this so-called product liability. I urge defeat of the rule and the bill.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

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

Mr. HDYE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to say to my good friend from West Virginia and a more aptly named human being I do not know, Mr. WISE, that back in 1789 that argument made sense. Each colony could take care of its own. But today we have a mobile society, and over 70 percent of items that are manufactured get into interstate commerce

and a patchwork of 50 different sets of laws having to do with product liability gives insurance companies nightmares trying to predict what rates to charge. It makes it very difficult to comply with all of the different patchwork laws. So because interstate commerce is so intimately involved in modern-day manufacturing and shipping, it was felt useful to have some standard to which manufacturers could repair, to which insurance companies who cover these incidents could repair, and even plaintiff's lawyers could repair. So that is really the reason. It is a concession to modernity.

Now, the gentleman who spoke before from Hannibal, who unfortunately had to leave the floor for one reason or another, or chose to, I would like to have informed him that his graphic example of the natural gas explosion is specifically excluded in the bill, and you know one of the problems I learned early in life is people know so many things that are not so, and reading the bill is a great idea. And if he had done that, he would have known that there is an exclusion. There are many exclusions, electricity, water, delivered by utility, natural gas or steam, water delivery; they are specifically excluded. So his example of the explosion that killed so many people and injured so many people, the sky would be the limit, would be a plaintiff's lawyers' dream.

So I just wanted him to know that.

Mr. FROST. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time and the member of the Committee on Rules and my colleagues from Texas.

Mr. Speaker, I think it is misconstruing the concern that is being raised today of the people, those of us who have risen to oppose the rule, as not having a general sense and appreciation for the concerns of small businesses and the concerns of those who would want to have an equal balance and fairness between litigants in the courtroom.

What disturbs me is the approach that this bill has taken. First of all, it refutes a basic principle that the Republicans have been espousing now for more than a year under the new Republican leadership, leave it to the States. My State, the State of Texas, has very adequately and very ably handled tort reform. It was a consensus effort between consumers and businesses alike, and they are now functioning under new State tort reform law signed by the Governor of the State of Texas. Yet this Congress now wants to tell my State that any law we pass today will preempt the consensus built over years and months of negotiation. That troubles me.

Then we find ourselves faced with an unfair attack on consumers, particularly those who are not as economically endowed as the chief of one of our corporate 500 companies or maybe one who is maybe independently wealthy. And so if you happen to be retired, or a housewife, or a student, then you do not have a basis for a reward that is attributable and equal to the injury that you have suffered because your economic losses would be low. That is unfair to consumers.

We find ourselves now passing legislation that will alter the standard of proof. For years this constitutional Nation has acted under a preponderance of the evidence in civil matters. Now we are asking consumers with little means to be able to go into court against major corporations and businesses with massive resources and now be required to prove clear and convincing evidence which would show a conscious, flagrant indifference to the rights and safety of those harmed. How unfair.

First of all, I think many of my colleagues will admit when you go into a civil court on any major tort litigation, you wind up being there for at least between 6 to 10 years. It may be even longer. There is no rush to settlement on these cases, and so you have got the injured family, the family of a deceased loved one, tragically having to mourn their loss and then deal with an elongated process in the courts. And now this legislation would require the plaintiff to prove clear and convincing, to climb over this hill beyond what is going on in other cases in civil suits.

Just take, for example, this provision that talks about older products, the older products provision that prohibits a course of action if the product is 15 years old. What about the playground equipment that a child may play on? Fifteen years is not very long. What if it is 15½ years? Does that severely injured child not have a remedy?

What about the provision 82 Republicans supported that would put foreign manufacturers under U.S. laws? We do not have that anymore. What about the provision that we tried to amend this particular bill to protect products used by women, affecting reproductive organs, causing fetal malfunction? We do not have that. This is not a good piece of legislation.

Let us leave it to the States. Let us resolve to find a way to be fair to the consumers of America.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, the ostensible justification for moving this legislation today is that our criminal justice system is overcrowded, sluggish, excessively costly. We have to do something about it. And if this bill did anything about it, I think that we could give some praise to the Republican Party.

However, what they have done here is avoid the real litigation explosion in our country. Product liability cases constitute only about 2 percent of all lawsuits filed in State courts and only about 3 percent of all civil jury trials. By comparison, 48 percent of the civil lawsuits filed in State courts and 18 percent of all the cases tried are disputes between businesses. These business-versus-business lawsuits accounted for 63 percent of the lawsuits since 1989 which resulted in a verdict or a settlement exceeding $50 million.

So what has the conference report done on these lawsuits? Absolutely nothing. The Committee on Rules would not even allow me to bring an amendment out here on the floor on this blight upon the law system of our country. The conference report actually contains provisions that explicitly exempt all civil actions brought for commercial lawsuits from any of the harsh new procedural substantive provisions in the bill.

Let us just consider some of the cases they do not want to deal with. McDonald's brought a temporary restraining order to prevent Burger King from airing ads comparing the Big Mac unfavorably with the Whopper. Walt Disney sued the Motion Picture Academy to force a public apology for an unflattering portrayal of Snow White at the Academy Awards ceremony. Advil sued Tylenol for such weighty legal issues as whether Tylenol was as effective as Advil for headache pain and whether Tylenol is unbeatable for a headache. Scott Paper sued Procter & Gamble, claiming it had allegedly misled consumers about the absorptive power of Bounty paper towels by claiming Bounty was the Quicker Picker-Upper.

Now, did they go after these cases in this bill? Absolutely not. Business suing business frivolously, and area after area? Which case do the Republicans want to take on? It is where an individual has been harmed by a product, where the lawnmower, where some consumer product has exploded in the face of a family member. Those are the people they are going to take on. Those are the people they are going to tell cannot sue any longer.

This is a disgrace. The real abuse in the courts are businesses suing businesses. That is 90 percent of the problem that we have got, frivolous case after frivolous case being brought. It is time that we brought the truth to these issues and rejected this conference report.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to take enough time to point out to the gentleman from Massachusetts that he did not bring his amendment to the Committee on Rules and we do not amend conference reports.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, clearly this bill is anticonsumer. It is antiaverage person because indeed it is putting the greater burden on those

who trust and buy products. It is saying to those persons that we prefer to protect the businesses that make and purport to make it safe for your consumption.

□ 1115

This is not a bill that is talking about frivolous cases. It is not frivolous, indeed, when there is an implant that destroys the life of a woman. It is not frivolous indeed when a mother buys a baby garment and that garment harms that child. These are not frivolous cases; these are cases about life and death.

So why would you even claim that when an individual is injured or is maimed or killed, that is frivolous? How is human life frivolous? It is frivolous to say that a mother or child is less valuable than with someone who works. To compute the $250,000 cap based on that, and that the award is based on their economic value, is to deny the individual worth of all individuals.

Mr. Speaker, this is a bad bill. Americans know this is a bad bill. This is a bill to award big business, to remove their liability for all the consumers. I urge the defeat of this rule and the defeat of the bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, strangely, this piece of legislation rejects the notion that I have heard so often voiced from this microphone about the concept of personal responsibility. It is OK to demand personal responsibility of the most disadvantaged, of the poorest people, of the most vulnerable people in our society. But, for some reason, it is the position of those who support this conference report that it is inappropriate to demand full personal responsibility of those who kill and maim and destroy the lives of their neighbors.

In many cases, the cases that generate the largest verdicts, that get talked about the most, result from those who place profits over safety, time and time again, when they had one report after another coming in from across America that people were being damaged, that they were being hurt, being killed by their products, and those reports were ignored and the lives of other Americans were endangered as a result. But that concept of personal responsibility is totally and completely disregarded by those who support this bill.

The second concept that has been talked about so much, as if it were a new invention, is that of States rights. What is wrong with the jurisdiction and the legislatures of these 50 United States addressing this issue? Why is it that from this microphone there is only support for State wrongs, but never support for States rights?

I say that the States ought to be able to address these issues themselves. I had a small business person in my office last week speaking generally in favor of this piece of legislation. Yet every one of the reforms that he thought were important to be implemented in this legislation had already been implemented by the Texas legislature.

Why not have these decisions made on Congress Avenue in Austin, TX, instead of up here on the Potomac in Washington? What is going to be the dividing line? If we are going to have the Congress of the United States interfere in States rights in this issue, why not in every other part of our life?

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of the rule and of the conference report. Our out-of-control legal system is ruining the productivity of American manufacturing. Because the price of all of these crazy lawsuits and big judgments and product liability insurance premiums are all folded into our products that we try to sell, both at home and abroad, we end up being at a significant competitive disadvantage to our foreign competition, and specifically the British and the Germans and the Japanese.

This legislation is a significant step forward to bringing American manufacturing more competitive. When that happens, that is going to mean more jobs for American people. So we are not talking about protecting big business here, we are talking about creating jobs at home, rather than having our legal system destroy jobs at home and create jobs abroad.

Second, the original bill that passed the House contained medical malpractice insurance reform. It is no longer necessary to consider that issue in the context of this legislation, because the House took care of that issue last night when we passed the insurance reform bill with a medical malpractice reform component in it. So splitting off medical malpractice into other legislation has made this legislation easier to pass through reaching an agreement in the conference committee.

I want to commend the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary and chairman of the conference committee, for crafting a very good bill that will be in the public interest. I hope it passes by more than a two-thirds vote today, because that will send the White House a needed message to sign this legislation.

Mr. FROST. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS].

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

Mr. CONYERS. Mr. Speaker, I want to thank the gentleman from Texas [Mr. FROST] for his management of the rule in this matter, and bring to the attention of the Members the one reason that this rule should be rejected. That is because the provision that I put in the bill that would have helped American consumers by making it easier to obtain legal process and discovery against foreign manufacturers was quietly dropped in conference, at the insistence of foreign lobbyists. It was dropped, even though we then instructed the conferees to retain this provision in conference, overwhelmingly bipartisan.

So join me in rejecting the rule to have this amendment that would make foreign manufacturers liable like domestic manufacturers are for defective products.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

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

Mr. STEARNS. Mr. Speaker, I just rise in support of the rule. It is a long time in coming on this product liability. I know many of us were on what is called the old subcommittee on competitiveness in which we had an opportunity to have hearings on this, and this has been part of the Republican contract for America. But, more importantly, it has been an agenda which both Democrats and Republicans have had bipartisan support for. This support goes back to the 103d Congress where I had the opportunity to be the ranking member with the gentlewoman from Illinois [Mrs. COLLINS]. She and I passed a product liability bill out of our subcommittee which had bipartisan support. So I am in strong support of this rule, and I hope the bill will pass overwhelmingly.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. GUNDERSON). The gentleman from Texas is recognized for 1½ minutes.

Mr. FROST. Mr. Speaker, I urge a ''no'' vote on the previous question.

If the previous question is defeated I intend to offer an amendment to the rule which would provide that the House will have adopted a concurrent resolution directing the Clerk to correct the enrollment of this conference report by adding the Conyers foreign manufacturers amendment, section 107 of the House passed bill.

This amendment would level the playing field by subjecting foreign corporations to the same jurisdiction and discovery rules that their U.S. counterparts face.

The text of my amendment as follows:

AMENDMENT TO RULE ON PRODUCTS LIABILITY CONFERENCE REPORT

At the end of the resolution, add the following:

''SECTION . Upon the adoption of this resolution, the House shall be considered to have adopted a concurrent resolution directing the Clerk of the House to correct the enrollment of H.R. 956 and consisting of the text contained in the next section of this resolution.

''SECTION . *Resolved by the House of Representatives (the Senate concurring),* That in

the enrollment of the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

At the appropriate place, add the following:

SEC. . 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.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just would like to point out for those coming to the floor to vote on this issue that nobody criticized the rule. It is a normal rule for a conference report. The debate throughout the whole last hour has been on the bill. We will have an opportunity to debate that in the next hour and vote on that.

I urge my colleagues to come to the floor and vote for the previous question, vote for the rule, and move on to the bill.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 237, nays 173, not voting 21, as follows:

[Roll No. 108]

YEAS—237

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
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
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
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
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NAYS—173

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gonzalez
Green
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—21

Bryant (TX)
Collins (IL)
Coyne
de la Garza
Eshoo
Fields (TX)
Ford
Fowler
Gephardt
Goodling
Gutierrez
Hayes
McNulty
Serrano
Smith (TX)
Stokes
Torres
Velazquez
Weldon (PA)
Williams
Young (AK)

☐ 1142

Mrs. KENNELLY, and Messrs. PETERSON of Florida, BARRETT of Wisconsin, and RANGEL changed their vote from ''yea'' to ''nay.''

Mr. GORDON changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

☐ 1145

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1972

Mrs. MINK of Hawaii. I ask unanimous consent that my name be removed as a cosponsor of the bill H.R. 1972.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2754

Mr. QUILLEN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill H.R. 2754.

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

There was no objection.