linked to further negotiated reductions in foreign subsidies under reciprocal trade agreements within the jurisdiction of the Ways and Means Committee.

Section 502 of the bill, as reported, would authorize the Secretary of Agriculture to impose fees to cover the cost of providing agricultural quarantine and inspection services. Although the fees would generally be limited to the cost of the quarantine and inspections programs (and associated administrative costs), the section would allow the fees to accumulate to ''maintain a reasonable balance in the Agricultural Quarantine Inspection User Fee Account.'' Although amounts in the account would generally be subject to appropriations, ''excess fees'' (fees collected in excess of $100 million) could be spent without appropriation. A special rule applies to the unobligated balance of the Fee Account and fees collected after September 30, 2002.

The mere reauthorization of a preexisting fee that had not historically been considered a tax does not necessarily require a sequential referral to the Committee on Ways and Means. However, if such a preexisting fee is fundamentally changed, it properly should be referred to the Committee on Ways and Means.

In this case, the fee is being more than merely reauthorized, but it is not clear that the fee is being fundamentally changed. Therefore, I ask you to work with me in conforming this fee as closely as possible to a true regulatory fee as permitted under the Rules of the House during further consideration of this legislation.

In response to your requests that I facilitate consideration of this important legislation, I do not believe that a markup of H.R. 2854 by the Committee on Ways and Means will be necessary.

However, this is being done only with the understanding that this does not in any way prejudice the Committee's jurisdictional prerogatives in the future with respect to this measure or any similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future. Should any provisions of jurisdictional interest remain in the bill after Floor consideration, I would request that the Committee on Ways and Means be named as additional conferees.

Finally, I would ask that a copy of our exchange of letters on this matter be placed in the Record during consideration on the Floor. With best regards,

Sincerely,

BILL ARCHER,
Chairman.

COMMITTEE ON AGRICULTURE,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 28, 1996.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your letter of January 31, 1996 acknowledging the understanding of the Committee on Ways and Means, to which H.R. 2854, the ''Agricultural Market Transition Act'', had been additionally referred, and the Committee on Ways and Means would forego a markup of the bill in order to facilitate consideration of H.R. 2854 on the Floor of the House.

Your cooperation in this matter is very much appreciated. Certainly, your action of foregoing a markup is not viewed by this Committee as in any way prejudicing your Committee's jurisdictional prerogatives in the future with respect to this measure or any similar legislation and the Committee does not consider your action as a precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future.

Also, pursuant to your request I will insert a copy of our exchange of letters in the Congressional Record during the consideration of H.R. 2854 on the floor.

Sincerely,

PAT ROBERTS,
Chairman.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2854, AGRICULTURAL MARKET TRANSITION ACT

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of the bill H.R. 2854, to include corrections in spelling, punctuation, section numbering, and cross-referencing and the insertion of appropriate headings.

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

There was no objection.

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material with respect to H.R. 2854, the bill just passed.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 956, PRODUCT LIABILITY FAIRNESS ACT OF 1995

Mr. CONYERS. Mr. Speaker, I offer a motion to instruct conferees on the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. CONYERS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate Amendment to the bill H.R. 956 be instructed to insist upon the provisions contained in section 107 of the House bill.

The SPEAKER pro tempore. Pursuant to clause 1(b) of rule XXVIII, the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. HYDE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

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

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

Mr. CONYERS. Mr. Speaker, this may be the last activity for the day and for the week, and so I will move with as much expedition as I can. We do not have a lot of speakers on the matter.

I am very pleased to come before the House with a motion that will instruct our conferees on the subject of product liability reform in terms of a requirement that would insist that the foreign corporations in America do business the same as those that are domiciled in this country.

As the senior member of the Committee on the Judiciary, I have brought this motion to instruct conferees to insist on a House-passed provision that ends special treatment for foreign corporations when it comes to civil litigation in the United States. In other words, this thoughtfully crafted amendment merely seeks to ensure that foreign manufacturers who sell products in the United States, that they play by the same legal rules that govern the conduct of other and all other American companies.

We have supported this measure in the House, and we are merely instructing our conferees to stick with us. Section 107 of the House bill provides that Federal courts shall have jurisdiction over foreign manufacturers who knew or reasonably should have known that their product would enter the stream of commerce in the United States, and, second, that service of process may be served wherever the foreign manufacturer is located, has an agent or transacts business, and, third, any failure by such foreign corporation to comply with a court-approved discovery order shall be deemed an admission of fact to which the discovery order relates.

As the record and history demonstrate, under current law, the foreign corporations legally can suppress the production of constitutional discovery information by hiding behind the protectionist shield of the Hague Convention or some other treaty. This, of course, runs counter to a basic premise of American jurisprudence; namely, that the person who causes an injury should be held legally accountable and has the ironic effort of causing all economic consequences to be borne by American consumers, insurance companies, employers, or the Government.

There were 258 Members who voted for the original Conyers amendment, and my colleagues might want to check the March 19, 1995, CONGRESSIONAL RECORD to see if they were among those numbers.

If foreign companies are permitted to reap profits from selling their products here, can it be more reasonable that they should be held to the same standard and legal procedures as our own companies? And certainly, in tragic cases where the American consumers are victimized by defective foreign products, foreign corporations should not be able to avoid responsibility for injuries suffered because of their products.

We need a level playing field for American businesses, and rule of fairness for the American consumer victimized by defective foreign products is essential.