

1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1251

At the request of Mr. D'AMATO, the names of the Senator from Alabama [Mr. SHELBY], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the names of the Senator from Alabama [Mr. SHELBY], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1297

At the request of Mr. COVERDELL, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 1297, a bill to redesignate Washington National Airport as "Ronald Reagan Washington National Airport."

S. 1299

At the request of Mr. HUTCHINSON, the names of the Senator from Ohio [Mr. DEWINE], the Senator from Missouri [Mr. BOND], the Senator from Alabama [Mr. SHELBY], the Senator from Alabama [Mr. SESSIONS], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 1299, a bill to limit the authority of the Administrator of the Environmental Protection Agency and the Food and Drug Administration to ban metered-dose inhalers.

S. 1306

At the request of Mr. INHOFE, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1306, a bill to prohibit the conveyance of real property at Long Beach Naval Station, California, to China Ocean Shipping Company.

#### AMENDMENTS SUBMITTED

#### THE ECONOMIC GROWTH DIVIDEND PROTECTION ACT OF 1997

##### ABRAHAM AMENDMENT NO. 1524

(Ordered referred jointly to the Committee on the Budget and to the Committee on Governmental Affairs.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill (S. 800) to create a tax cut reserve fund to protect revenues generated by economic growth; as follows:

On page 2, strike lines 6 through 13 and insert the following:

"(1) ESTIMATE.—OMB shall, for any amount by which revenues for a budget year and any outyears through fiscal year 2002 exceed the revenue target absent growth, estimate the excess (less any unexpected excess receipts (including attributable interest) of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, the Federal Hospital Insurance Trust Fund established by section 1817 of the Social Security Act, and the Highway Trust Fund) and include such estimate as a separate entry in the report prepared pursuant to subsection (d) at the same time as the OMB sequestration preview report is issued.

On page 3, strike lines 18 and 19 and insert the following: "be considered to be in order for purposes of the Congressional Budget Act of 1974."

#### THE PRODUCT LIABILITY REFORM ACT OF 1997 BIOMATERIALS ACCESS ASSURANCE ACT OF 1997

##### ROCKEFELLER AMENDMENT NO. 1525

(Ordered to lie on the table.)

Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill (S. 648) to establish legal standards and procedures for product liability litigation, and for other purposes; as follows:

Strike all after the enacting clause, and insert the following:

##### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Product Liability Reform Act of 1997".

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

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

##### TITLE I—PRODUCT LIABILITY REFORM

Sec. 101. Definitions.

Sec. 102. Applicability; preemption.

Sec. 103. Liability rules applicable to product sellers, renters, and lessors.

Sec. 104. Defense based on claimant's use of alcohol or drugs.

Sec. 105. Misuse or alteration.

Sec. 106. Statute of limitations.

Sec. 107. Statute of repose for durable goods used in a workplace.

Sec. 108. Transitional provision relating to extension of period for bringing certain actions.

Sec. 109. Alternative dispute resolution procedures.

Sec. 110. Offers of judgment.

Sec. 111. Uniform standards for award of punitive damages.

Sec. 112. Liability for certain claims relating to death.

Sec. 113. Workers' compensation subrogation.

##### TITLE II—BIOMATERIALS ACCESS ASSURANCE

##### [TO BE SUPPLIED]

##### TITLE III—LIMITATIONS ON APPLICABILITY; EFFECTIVE DATE

Sec. 301. Federal cause of action precluded.

Sec. 302. Effective date.

##### SEC. 2. PURPOSES.

Based upon the powers contained in clause 3 of section 8 of article I 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 that provide a fair

balance among the interests of product users, manufacturers, and product sellers;

(2) providing for reasonable standards concerning, and limits on, punitive damages over and above the actual damages suffered by a claimant;

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

(4) reducing the unacceptable costs and delays in product liability actions caused by excessive litigation that harm both plaintiffs and defendants;

(5) establishing greater fairness, rationality, and predictability in product liability actions; and

(6) providing fair and expeditious judicial procedures that are necessary to complement and effectuate the legal principles established by this Act.

#### TITLE I—PRODUCT LIABILITY REFORM

##### SEC. 101. DEFINITIONS.

In this title:

(1) ALCOHOLIC BEVERAGE.—The term "alcoholic beverage" includes any beverage in liquid form that contains not less than 1/2 of 1 percent of alcohol by volume and is intended for human consumption.

(2) CLAIMANT.—The term "claimant" means any person who brings an action covered by this title and any person on whose behalf such an action is brought. If such an action is brought through or on behalf of an estate, the term includes the claimant's decedent. If such an action is brought through or on behalf of a minor or incompetent, the term includes the claimant's legal guardian.

(3) CLAIMANT'S BENEFITS.—The term "claimant's benefits" means the amount paid to an employee as workers' compensation benefits.

(4) CLEAR AND CONVINCING EVIDENCE.—The term "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established. The level of proof required to satisfy that standard is more than that required under a preponderance of the evidence, but less than that required for proof beyond a reasonable doubt.

(5) COMMERCIAL LOSS.—The term "commercial loss" means—

(A) any loss or damage solely to a product itself;

(B) loss relating to a dispute over the value of a product; or

(C) consequential economic loss, the recovery of which is governed by the Uniform Commercial Code or analogous State commercial or contract law.

(6) COMPENSATORY DAMAGES.—The term "compensatory damages" means damages awarded for economic and noneconomic loss.

(7) DRAM-SHOP.—The term "dram-shop" means a drinking establishment where alcoholic beverages are sold to be consumed on the premises.

(8) DURABLE GOOD.—The term "durable good" means any product, or any component of any such product, which—

(A)(i) has a normal life expectancy of 3 or more years; or

(ii) is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986; and

(B) is—

(i) used in a trade or business;

(ii) held for the production of income; or

(iii) sold or donated to a governmental or private entity for the production of goods, training, demonstration, or any other similar purpose.

(9) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss,