

Slaughter	Udall (CO)	Waxman
Snyder	Udall (NM)	Weiner
Stark	Velazquez	Wexler
Tanner	Vento	Weygand
Tauscher	Visclosky	Wooley
Thompson (CA)	Waters	Wu
Tierney	Watt (NC)	

## NOT VOTING—5

Brown (CA)	Millender-
Gilchrest	McDonald
Kasich	Towns

□ 1221

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. MILLENDER-MCDONALD. Madam Speaker, during rollcall vote No. 252 on June 24, 1999, I was unavoidably detained. Had I been present, I would have voted "no."

#### APPOINTMENT OF CONFEREES ON H.R. 775, YEAR 2000 READINESS AND RESPONSIBILITY ACT

Mr. GOODLATTE. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

#### MOTION TO INSTRUCT OFFERED BY MR. CONYERS

Mr. CONYERS. Madam Speaker, I offer a motion to instruct.

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 amendment of the Senate to the bill H.R. 775 be instructed to ensure, within the scope of conference, that their eventual report to the House reflects due regard for—

The substantive concerns of the high-tech community and the possible implications of the "Y2K" date change on that community and on the Nation's economy;

The substantive inputs of the Administration and of the bipartisan Leaderships in the Congress on the issues committed to conference; and

The sense of the House that a decision not to follow this process will lead to a failure to enact legislation.

The SPEAKER pro tempore. Under rule XXII, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. GOODLATTE) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. Conyers).

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

Madam Speaker, I rise today to urge my colleagues to support the motion to instruct the conferees to engage the

administration and the congressional leadership of both parties in a substantive discussion to make every effort possible to produce a Y2K bill that President Clinton can sign.

The information technology community, as we know, has legitimate concerns due to the unique nature of the Y2K problem that should be and could be addressed through legislation. This legislation would first encourage remediation, it would then encourage mitigation, and finally, deter as much as possible frivolous lawsuits.

We are all interested in legislation that will solve the concerns of the high-tech community as we recognize the possible implications of the Y2K date change on the high-tech community and on the Nation's economy.

We are optimistic that the conference will result in a bipartisan compromise through a substantive discussion of the concerns of the information technology community, the administration, and the congressional leadership, and that we will address the unique nature of the Y2K problem. I urge this cooperation on the part of all the different forces that will be part of this conference.

We on the Democratic side are willing to engage in a deliberative conference that makes every effort to avert an impasse and to produce a bipartisan bill.

Mr. Speaker, I urge all my colleagues to support this motion to instruct, and I reserve the balance of my time.

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

Mr. Speaker, I would like to say to my good friend, the gentleman from Michigan, that we are prepared to accept the motion to instruct that the gentleman has offered, and I would say with regard to the legislative process that we have been through that we have from the outset been concerned about the substantive inputs of the administration and the leadership of both the House and Senate and both the Democratic and Republican leadership, and in fact, the House bill, which I think is an outstanding piece of legislation, which will go a long way to address the concerns of the American people, of the business community, of those who have been negatively affected by the failure to have certain equipment or software, whatever the case may be, ready for Y2K needs; that in all those cases we have in the legislation we passed listened to everyone who had input in this process, and have adapted the legislation that passed the House while taking those inputs into consideration, agreeing with some and disagreeing with others. I know that same process has taken place in the Senate, where they also have passed a good bill.

So when the conference meets and considers the relative merits of both the House bill and the Senate bill, we will be interested in hearing the input of the leadership, and have heard the

input of the administration in that process.

For that reason, we are prepared to accept this motion to instruct. I would say, however, that the House of Representatives is a sovereign body, that it is duly designated on the basis of the United States Constitution to represent the will of the people that we represent, and we will do so with input from a number of different sources, but most importantly, with input from the majority of the Members of the House who supported the bill that we passed through the House of Representatives, taking into account the fact that we want to see legislation signed into law by the President which will reflect the need to address the Y2K problem to avoid frivolous and fraudulent lawsuits, to encourage parties to work on solving the Y2K problem and not on an increasing amount of litigation.

We believe those things are reflected in the bill passed by the House. We believe they are also reflected in the bill passed by the Senate. So we will proceed in a fashion that will allow us to come up with legislation that surely the President will want to sign because it is urgent that we solve this problem.

One of the points to be made about Y2K legislation addressing this problem is that time is of the essence. It is not only important that we pass this before January 1, 2000, it is important that we pass this and get it signed into law by the President now, because the effects of this legislation will take place immediately.

Those who need to solve Y2K problems will be less fearful of getting into a litigation mess and more anxious to get about the business of correcting the actual technological problems that individuals and businesses face with their computer systems if they know now that they can get started now or continue work now without fear of a massive problem with litigation. That is what this bill that we have passed through the House is designed to do. I know that is what the Senate intended, as well.

So surely when we work out the differences between the House and Senate bills, we will be able to present to the President something that he should sign immediately, given, I know, the concern that the President has for addressing this problem and addressing it immediately and not dragging us through a long process involving a veto; the addressing of this problem with new legislation that we would have to take up with another version passed through the House, another version passed through the Senate, another conference, and then still not knowing whether the version that that we come up with in that conference would be signed by the President.

□ 1230

So it would be my hope that the version that we pass out of the conference will be signed into law by the President, recognizing that we have already been taking into account the

concerns raised by the President, have, in the legislation passed in the House and in the legislation passed in the Senate, a reflection of a number of those concerns, but obviously not all of those concerns because, as I said, this is a body that must do the will of the people that we represent.

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

Mr. CONYERS. Mr. Speaker, I am delighted to yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I am pleased to hear the comments of the gentleman from Virginia (Mr. GOODLATTE) and glad to learn that the motion will be accepted.

But, at the very least, I want to explore a little bit further where I think we are in this whole process. I received yesterday a letter from the Year 2000 Coalition to the Speaker, to the gentleman from Texas (Mr. ARMEY), to the gentleman from Texas (Mr. DELAY), to the gentleman from Oklahoma (Mr. WATTS), and to the gentleman from Virginia (Mr. DAVIS). The letter outlines the hopes and expectations of many high-tech community leaders.

Let me just read a couple of important points they made in this letter. The Coalition points out that: "A legislative process that terminates in a veto would be viewed as a complete failure, and would possess substantial risk to the American economy and could result in a serious economic set-back."

The letter continues: "We are confident that, in the course of discussions that may occur, resolution of differences can be achieved." They then go on to offer their assistance in whatever way they could to help us as we seek a resolution.

This letter is signed by dozens of associations; among them, there are: the American Electronics Association, the Business Software Alliance, the Computing Technology Industry Association, the Information Technology Association of America, the National Venture Capital Association, and the Semiconductor Industry Association. I might add that there are many others.

I think the concern expressed in this letter is based on various press reports as well as rumors that I think we should discuss openly.

In the Washington Post today, and I have no idea whether this quote is accurate so I shall just read it from the paper. Mr. HASTERT, the Speaker's spokesperson, was quoted as saying, "You know that the President has to make a choice. Basically it is a take it or leave it proposition on the bill."

The President's people are quoted in turn, saying that the bill that passed the Senate will be vetoed by the President. So I do not think there is a doubt about the veto. We have the President's statement on that.

So what I see unfolding here is a train wreck that we can avoid, and that, I believe, it is our obligation to avoid.

I note further that, in today's National Journal, in Congress Daily, that there is a suggestion, and I do not know if this is what is really going to happen, that the conferees will meet only for a short period of time, the sole purpose of which meeting would be to remove a section of the Senate bill inserted by Senator HOLLINGS, and that no further work would be done.

If this is the case, if this is what does happen, I think it will be a tremendous mistake. I think we ought to listen to the 2000 Coalition people and understand that we need to work through this and to compromise and to come up with legislation that will become law.

Now, as the gentleman from Virginia (Mr. GOODLATTE) and I have said privately from the beginning, it is my belief—and I think maybe his—that, if he and I were to go sit in the Speaker's lobby together, we could write up a bill that would be acceptable, and would be signed by the President.

There are six or seven different ways to approach the very contentious issues that are before us. There is no one magic solution. Part of legislation in an issue such as this is to stretch out, to reach your hand across the aisle and I would say down Pennsylvania Avenue as well, to come up with rational solutions that are flexible, that are narrowly tailored, that work.

I know we can do this. I know that we could do it together. I hope that we do it together. If we do not, if instead, we insist, having fallen in love with our own work product, that we cannot produce an alternative, we shall have failed. We must let go of the love we have for the work product we have created, and instead try and understand the other person's point of view, craft together narrowly tailored, rational responses. I know that we can solve this problem, and we can do so promptly.

But we are not going to be able to achieve this if, instead, we do what the press reports suggest, which is to go through a sham of a conference that really does not get into the substantive work.

So I do hope that we can approach this in this way. I am willing to do my very best to be flexible and respectful and to come together with my colleagues across the aisle and in the Senate and in the White House.

With that, in the spirit of optimism and hope, I appreciate the willingness to accept the motion, but I hope that it is more than just a motion. I hope it results in some good, solid hard work that extends more than an hour and is certainly not what the rumor control has said.

Mr. Speaker, I include the letter from the Year 2000 Coalition as follows:

YEAR 2000 COALITION,  
June 22, 1999.

Hon. J. DENNIS HASTERT,  
Hon. RICHARD K. ARMEY,  
Hon. TOM DELAY,  
Hon. J.C. WATTS,  
Hon. THOMAS M. DAVIS III,  
*U.S. House of Representatives.*

DEAR HOUSE LEADERSHIP: The Y2K Coalition, which has been working with all inter-

ested parties to successfully enact legislation which will promote Y2K remediation, is concerned by recent statements by the President's senior advisors that they will recommend the President veto the bill passed by the Senate if that were presented to him for his signature. We are convinced that if such a bill were vetoed, the momentum to legislate on this important matter would be lost. A legislative process that terminates in a veto would be viewed as a complete failure, and would pose substantial risk to the American economy and could result in a serious economic set-back. We therefore urge congressional leaders and the Administration to make every effort possible to avert an impasse and avoid such a catastrophe.

We are confident that, in the course of discussions that may occur, resolution of differences can be achieved. The Coalition will be prepared to offer suggestions for the resolution of such differences.

We further urge you to initiate and conclude such efforts before the 4th of July recess.

Sincerely,  
Aerospace Industries Association, Airconditioning & Refrigeration Institute, Alaska High-Tech Business Council, Alliance of American Insurers, American Bankers Association, American Bearing Manufacturers Association, American Boiler Manufacturers Association, American Council of Life Insurance, American Electronics Association, American Entrepreneurs for Economic Growth, American Gas Association, American Institute of Certified Public Accountants, American Insurance Association, American Iron & Steel Institute, American Paper Machinery Association, American Society of Employers, American Textile Machinery Association, American Tort Reform Associates, America's Community Bankers, Arizona Association of Industries, Arizona Software Association, Associated Employers, and Associated Industries of Missouri.

Associated Oregon Industries, Inc., Association of Manufacturing Technology, Association of Management Consulting Firms, BIFMA International, Business and Industry Trade Association, Business Council of Alabama, Business Software Alliance, Chemical Manufacturers Association, Chemical Specialties Manufacturers Association, Colorado Association of Commerce and Industry, Colorado Software Association, Compressed Gas Association, Computing Technology Industry Association, Connecticut Business & Industry Association, Inc., Connecticut Technology Association, Construction Industry Manufacturers Association, Conveyor Equipment Manufacturers Association, Copper & Brass Fabricators Council, Copper Development Association, Inc., Council of Industrial Boiler Owners, Edison Electric Institute, Employers Group, and Farm Equipment Manufacturers Association.

Flexible Packaging Association, Food Distributors International, Grocery Manufacturers of America, Gypsum Association, Health Industry Manufacturers Association, Independent Community Bankers Association, Indiana Information Technology Association, Indiana Manufacturers Association, Inc., Industrial Management Council, Information Technology Association of America, Information Technology Industry Council, International Mass Retail Association, Interstate Natural Gas Association of America, Investment Company Institute, Iowa Association of Business & Industry, Manufacturer's Association of Mid-Eastern PA, Manufacturer's Association of Northwest Pennsylvania, Manufacturing Alliance of Connecticut, Inc., Metal Treating Institute, Mississippi Manufacturers Association, Motor & Equipment Manufacturers Association, National Association of Computer Consultant

Business, National Association of Convenience Stores, National Association of Hosiery Manufacturers, National Association of Independent Insurers, National Association of Manufacturers, National Association of Mutual Insurance Companies, National Association of Wholesaler-Distributors, National Electrical Manufacturers Association, National Federation of Independent Business, National Food Processors Association, National Housewares Manufacturers Association, and National Marine Manufacturers Association.

National Retail Federation, National Venture Capital Association, North Carolina Electronic and Information Technology Association, Technology New Jersey, NPES, The Association of Suppliers of Printing, Publishing, and Converting Technologies, Optical Industry Association, Printing Industry of Illinois-Indiana Association, Power Transmission Distributors Association, Process Equipment Manufacturers Association, Recreation Vehicle Industry Association, Reinsurance Association of America, Securities Industry Association, Semiconductor Equipment and Materials International, Semiconductor Industry Association, Small Motors and Motion Association, Software Association of Oregon, Software & Information Industry Association, South Carolina Chamber of Commerce, Steel Manufacturers Association, Telecommunications Industry Association, The Chlorine Institute, Inc., The Financial Services Roundtable, The ServiceMaster Company, Toy Manufacturers of America, Inc., United States Chamber of Commerce, Upstate New York Roundtable on Manufacturing, Utah Information Technology Association, Valve Manufacturers Association, Washington Software Association, West Virginia Manufacturers Association, and Wisconsin Manufacturers & Commerce.

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), a distinguished member of the committee.

Mr. SENBRENNER. Mr. Speaker, I support the motion to instruct, as does the gentleman from Virginia (Mr. GOODLATTE). But since the gentleman from California (Ms. LOFGREN) has expressed concerns of the administration, let me say that, first of all, the administration does not legislate under the Constitution. They have the choice of signing or vetoing the work product of both Houses of Congress.

However, the Senate, during its deliberations on this bill, moved in major efforts towards the President's position to try to modify the legislation to address many of the President's concerns. Included are changes in the proportional liability section of H.R. 775, the elimination of the liability caps on directors and officers, the elimination of the reasonable efforts defense, the tort claims, modification of the punitive damages provision in H.R. 775, and elimination of obligations on attorneys to disclose and report certain information to their clients, all of which were in the statement of administration position expressing opposition both to the House bill and to the Senate bill.

So there has been a huge movement in the direction of the President. However, we all know that this President has been very strongly opposed to any changes in tort liability law and any

changes in product liability law. This is kind of a product liability bill, because it is dealing with software that is manufactured by computer companies that may or may not fail when the odometer rolls over next New Year's Eve, the danger that exists in agreeing to everything that the President objects to is, by the time we are done, the bill does not do anything. It is merely cosmetic in nature.

Then I think that, if that is the case, the President and the Congress will be equally guilty in fooling the American public that something is being done to shield people from frivolous litigation and destructive litigation when, in fact, that is not the case.

So the conferees, I think, have got to be careful. They have got to make sure that we give a conference report for consideration by this House and the other body which does address this problem and prevent frivolous litigation rather than simply passing a piece of paper, all of us taking a bow, and this bill becomes law, knowing full well that this bill really does not solve the legal problems relating to Y2K liability.

As a conferee, those are the goals I am going to try to achieve, and that is to pass a bill that does something, that addresses these problems. I would hope that the President, in the spirit of compromise, recognizing that the Senate really met him more than halfway with his objections to the House bill, would move a little bit by himself.

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

Mr. Speaker, I appreciate the dialogue coming from both the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Wisconsin (Mr. SENBRENNER), and I would say to the gentleman from Wisconsin, many of those issues that he mentioned, as good as we were about working them out, they are more largely peripheral issues.

Now, some have made it clear that the conference's only purpose is to take up the Senate bill, and that is the troublesome part of our job in front of us, strip the Hollings language and send it to the President.

Now, we are not looking for veto bait. What he will do almost surely, if his word can be relied on, and I think that it can, is that he will veto the bill as he has suggested.

Now, the truth of the matter is that I do not think that the sides, the two sides are that far apart. I think that we can work something out. That is my desire and my hope.

But let us confront what the larger differences are. The first point is the extent to which punitive damages are capped. That has not been worked out. It is one that we need to give our most vigorous attention to. Then there is the situation, the extent to which joint liability is limited. That has yet to be resolved. But I think that we are, we are, within close proximity to which

we can move forward on it. Then we have the extent to which we will federalize State class actions, another matter that needs to get our careful and cooperative attention.

Now, these are issues that can be resolved. They can be resolved between Republicans and Democrats, and they can be resolved between the administration. Now, I want a bill, and I think all of us here on the floor do. If we want a bill, we are going to resolve these issues. I hope that we will. I know that we can.

If there is any desire on anyone's part to kill the bill, then we can engage in a campaign, a season of finger pointing, and we will end up having a conference that does not attempt real negotiation.

So the question that this motion poses is, which road will we take? How are we going to move here, serious and sincere negotiation which will result in a bill within a week or weeks or an insincere process which will result in failed legislation and probably a veto?

I am confident that we can do the former. I am prepared to bring to the table conferees that will be working very sincerely on accomplishing that.

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

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Virginia (Mr. DAVIS), the sponsor of the legislation.

Mr. DAVIS of Virginia. Mr. Speaker, I appreciate the gentleman from Virginia (Mr. GOODLATTE) yielding me this time.

It is ironic that we have a Year 2000 Coalition letter referred to on the other side of the aisle, quoting it as somehow gospel. When they supported our legislation here in the House, they were not quoting it then, because they opposed what this Coalition wanted at that point. They did not give this Coalition the tools they wanted.

The Coalition, I have met with them subsequent to this letter. I might add, the letter was not addressed to the gentlewoman. The letter was not addressed to anyone on the other side. It was addressed to the Republican leadership, and we have subsequently had discussions with members of this group. I think that the representation coming from the other side is not quite appropriate, I think, to where everyone is.

□ 1245

We want a solution to this problem. The difficulty is on the other side of the aisle there is absolutely no willingness, no willingness that was put forward in their substitute to put any kind of caps on punitive damages to any companies at all. Small companies, large companies, anyone.

Their proportion liability was a joke. We cannot have proportion liability if, in fact, it is under the circumstances that they have outlined. What they have outlined is that if everybody can pay their proportion, then they get

proportional liability. In point of fact, someone is always missing from the table. And it is a jury question, as they have defined how we get to it. It goes to a jury. And it just, I think, does not give the protection to companies that they need.

I was general counsel for an IT company out in Fairfax. It does a billion dollars a year in sales. I understand the issues that are raised here. What has been proposed by the administration to date does not advance the agendas of these companies one step. Now, if the President would reengage, if he would come and sit with us or send an emissary up to work something out, we have been waiting for this for 6 months. But it was 5 months ago that John Koskinen, who is their Y2K guru, came before our committee in the House and said, we do not need any legislation on Y2K at all.

They subsequently backed off that, but they have offered nothing in the way of punitive damage caps. They have offered nothing in the way of proportion liability that makes any sense today. They have offered nothing in the way that gives anybody any kind of protection that we want. If they have some suggestions, we are happy to hear from them.

We know what their, quote, bipartisan substitute was that was brought up on the House floor during the debate. It got one Republican vote. That is how bipartisan it was. We got 28 for our legislation. Now, we are willing to compromise with the Senate, and we are willing to work with the President, but we have to have something on the table, and at this point they have remained silent. As the chief author of the legislation, we have had zero contact from the White House on this, despite numerous entreaties that we engage in a dialogue.

American industry wants this problem resolved. The worst thing that can happen is to pass the legislation they put before the House earlier that does absolutely nothing and to have tens of billions of dollars, perhaps a trillion dollars, as the Gardener Group estimated, from these companies going into attorneys' fees, litigation, or punitive damages instead of going to putting these profits into the production of new products so they can compete in the global marketplace, and instead of hiring and training new workers so we can remain atop the world economy on these IT issues. And that is what this is about.

We certainly, certainly entreat our colleagues to engage in a dialogue with us, but it has to be a real dialogue. And nothing I have heard from the other side today and, more importantly, nothing we have heard from the White House indicates any willingness at this point to come to the table at all on these issues.

We have a House version that is a pretty strong and a pretty good bill, and I do not just say that because I authored it, I say it because 230 Members

of this body supported it and lined up behind it. We have a much, much weaker Senate version. And we are, I think, willing, in a very short period of time, within a very limited window of time, to engage in discussions with the administration and interested Members to bring about a solution to this problem. But we are not going to let the administration string this thing out for months and let this roll, which, if we left it up to them, is exactly what would happen.

We have to force the issue. If a veto is the end result, it will be regrettable. It will not have achieved the goals we had coming in, and we will do anything we can to work this out. But it takes two to talk, and to date the White House has been silent.

So I think we need to move ahead and appoint the conferees. I think we need to move with the Senate. If the President wants to engage in a dialogue, now is the time. This legislation has got to be out and working and in operation before we go to the July 4 recess, and if the outcome is a veto, so be it.

I just hope that the administration will engage. We can put legislation on his desk that will have the vast majority, if not veto-proof numbers from both Houses, and we can show the President that the American people as well as the titans of industry want this legislation and need it, and that they will come around and work with us.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds.

I want to say to my good friend from Virginia (Mr. DAVIS), let us keep hope alive. Let us not assume that the White House has shut down negotiations or the process. That is not the case at all.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I am concerned, as I hear the tenor of this discussion, that we might, in fact, not have the kind of substantive conference that I think is going to be required.

I do not agree with the White House on everything, far from it, but I have contacted senior members in the White House repeatedly to find out what their views are, why they hold those views. I have also contacted key players in the technology community. As my colleagues might expect, because my district is Silicon Valley, I have talked often to general counsels and CEOs on this issue, and I know that there is plenty of room to craft a bill that resolves issues for high technology and that will get a signature from the President.

But it is going to take some time and work to do that, and to say that we need to pass the Senate bill before the July 4 recess, and if there is a veto, well, so be it, that does not solve the problem. What we need is a law to be enacted. And we can do that, but it has taken 6 months for this conference to

begin. The maximum allowable time for a conference is 20 days. I do not think we would need 20 days, but we are going to need more than an hour to find common ground.

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

Ms. LOFGREN. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, the gentlewoman referred to the letter that was sent to the Republican leadership, and yet she indicates that we need to take some time to resolve this. This letter urges us to conclude the process by the July 4 recess.

Ms. LOFGREN. Reclaiming my time, Mr. Speaker, I think it is quite possible to do that. But if instead of doing a conference and coming up with a piece of legislation that can get support from both sides of the aisle and can get a signature from the White House, which I know we could do, if instead of that effort in a productive conference we instead just jam the Senate bill through both bodies up to the White House for the veto that he has already said awaits it, then we will have done something before July 4, but it will not have been anything very productive for the companies that require a resolution and remediation of this problem.

I hope, and I believe my colleague the gentleman from Virginia (Mr. Goodlatte), who I have worked very closely with on many technology issues, I believe him when he says he wants to accept the motion to instruct. I am just concerned that some of the rhetoric can lead me to a contrary conclusion; that we are not really, all of us, going to work together in the way we need to and that we could do.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to respond to the gentlewoman by saying that the President has not indicated that he would veto this legislation. Some of his advisers have indicated that they will recommend to the President that he veto it.

I think that is very poor advice, given the urgency that we address this problem immediately, given the fact that we have two good bills to work with between the House and the Senate and that we will come up with a very good solution that we would urge the President to sign.

Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, let me just ask, what is wrong with appointing conferees today? I think we can all agree that until we get the conferees in place, we cannot negotiate with anybody. So we appoint the conferees today, and I hope we will get a unanimous vote on that, and then we can argue it in conference, and, hopefully, the administration will engage.

But I might add that the substitute put up by my friend, the gentlewoman from California (Ms. LOFGREN), was overwhelmingly rejected by this White House when it was put up before. The members of the Year 2000 Coalition,

many of the members in her own district, did not support that legislation. And if that is the basis for a compromise, that is not a compromise at all.

Mr. GOODLATTE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time, and I congratulate him for his fine efforts on this, and my friends on the other side of the aisle who have worked on this, and, of course, our lead sponsor, the gentleman from Virginia (Mr. DAVIS), who has been working long and hard on it.

Let us look at what it is we are trying to address. Y2K litigation reform is about one thing and one thing only, and it is about keeping our economy strong. We have to take a close look at where we have been on this Y2K litigation reform issue. I began working on it over a year ago. So what is it that has now happened? The House passed a very solid, bipartisan, comprehensive bill. And again, I underscore the fact that it was reported out of this House with bipartisan support.

The Senate passed a bill that is unquestionably weaker than the House bill. It is the Dodd-Wyden-McCain bill. It is not a Republican bill. And, in fact, it is really a bare bones bill when we get right down to it. Finally, we have what is known as the Kerry proposal, which industry groups unanimously agree is so weak that it would not help to alleviate the Y2K litigation concerns out there. In fact, it failed miserably in both the House and the Senate. And the main reason for that is that those individuals, those companies, those engineers, those technicians who are trying their doggonedest to find a solution to the Y2K problem are, in fact, not helped at all with any kind of relief if we were to go ahead with the Kerry proposal.

So I want very much to see the President sign an effective bipartisan Y2K litigation reform bill, even if it is not exactly what we did here in the House, which is the measure that I support most strongly. We are, in fact, on this side, looking forward with what I believe is really a spirit of compromise. I sincerely want to see us do that. In fact, I am not one of those who is a proponent of gross politicization of this issue. Why? Because we have a very serious potential problem out there, and uncertainty is very great.

So as we have actually said since day one, we want to address the Y2K concerns just as quickly as possible. And that gets to the point that was just discussed between my friends on this side of the aisle and the other. We have that letter that was just referred to by the gentleman from Virginia (Mr. GOODLATTE) where the Coalition talked about a July 4 date. We want to move quickly. In fact, one of the jokes was that we might come up with some kind

of Y2K litigation reform by 2001. Obviously, that would be way too late. We have been working for 6 months on this measure. And with uncertainty out there, I think everyone can agree that it is our desire to move just as quickly as we possibly can.

This legislation has, in fact, been working its way through what has been a very open legislative process in both Houses over the last several months. The compromise that was reached in the Senate was the product of very, very long and hard bipartisan efforts that were launched. Again, it is not a Republican bill that passed over there. It is a bill that has people like our former colleagues, Mr. WYDEN and Mr. DODD, working with Mr. MCCAIN. So it is itself is a bipartisan measure.

In many ways, and this is the argument that we are making, the bill that did pass the Senate is what could really be considered a conference compromise. But what we have said is that there are some concerns that do need to be addressed, and so what we are doing here today is we are moving to go ahead with the conference. We want very much to do that.

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

Mr. DREIER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I want to commend the chairman of the Committee on Rules for what he said here, because his remarks have underscored what I think we are saying: compromise.

We have to move to another position. We can do it. A week or so would be adequate. And I am just putting that on the table. But the whole point is that the gentleman is right. A legislative process that ends in a veto would be a huge setback, and that is what I think the Coalition was trying to tell us in the letter.

Mr. DREIER. Mr. Speaker, reclaiming my time, I thank my friend for his contribution, and let me just say that I think a veto would be a veto of what really is a bipartisan compromise. And we have to recognize that what has emerged from the other body is not a Republican bill. And again, what emerged from this body was not a Republican bill, it was a bipartisan measure.

Trying to find that balance between something that is strong enough to ensure that those who are looking for a solution are in a position to address it and, at the same time, addresses the concerns of others is the wisest thing we could do. We need to move ahead with a streamlined, bipartisan compromise, and I think we have got it in the Senate with a couple of minor modifications.

So I wholeheartedly support this effort to go to conference.

□ 1300

Mr. CONYERS. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Michigan

(Mr. CONYERS) has 15 minutes remaining, and the gentleman from Virginia (Mr. GOODLATTE) has 11 minutes remaining.

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

Mr. Speaker, I still commend the chairman of the Committee on Rules. I just wanted to caution him that a couple of things remain, and they may not be tiny. Joint liability, class action, and punitive action do not sound like small issues that can be resolved easily or quickly. That is why we want to move forward, and that is why we come to my colleague and support this motion.

We want conferees appointed. We want to begin our work. But it seems to me not totally accurate to say that the administration has not been involved in the process. They have not been silent. They have been working with us. The high-tech community says that they want us to work together to resolve the differences.

I want to conclude before July 4, but I would rather conclude with something we can take back to both bodies if it takes a little longer than that then to end up in a veto position. We do not want to serve up veto bait. I think the warnings of the administration's representatives have been pretty clear in that regard.

I hark back to this letter that has been re-interpreted here. "A legislative process," this is the Year 2000 Coalition, "that terminates in a veto would be viewed as a complete failure." I could not agree more. And I think we are all in agreement with that.

So let us get to it, gentlemen. Let us roll up our sleeves and let us start moving along.

Let me pose this question to the gentleman from Virginia (Mr. GOODLATTE). Are the issues of joint liability and class actions and punitive damages really on the table, or are these issues really not on the table and we are going to end up with the Senate bill minus Hollings? Because it seems to me that is the heart of how we move forward and make sure there is no impasse.

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

Mr. CONYERS. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding.

Everything is on the table before we go to conference. I will, on my own time in a moment, address the efforts that have been made to take into account the input that the administration claims to seek with regard to that.

Mr. CONYERS. Mr. Speaker, reclaiming my time, can the gentleman assure us that the conference will have a serious discussion on these three items? Because I know everything is on the table, but not everything is in dispute.

Mr. GOODLATTE. Mr. Speaker, if the gentleman would further yield, surely there are differences between both the House and the Senate on those

two items. So, therefore, there will have to be some discussion with regard to the final disposition of the legislation.

Mr. CONYERS. Mr. Speaker, then will we be able to negotiate not only with ourselves but with the administration on these subject matters?

Mr. GOODLATTE. Mr. Speaker, it is my hope that we will have input from the administration.

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

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

Mr. Speaker, I am pleased to work with the gentleman from Michigan (Mr. CONYERS) and the gentlewoman from California (Ms. LOFGREN) on this issue. I will say to them that I appreciate their concern about the administration's input but, quite frankly, their concern exceeds the concern of the administration.

Let me just point out a few things. First of all, I have had the honor of managing this bill both in the Committee on the Judiciary and on the floor of the House, and to this day I have not received one contact, one communication from the administration with regard to this legislation.

The gentleman from Virginia (Mr. DAVIS) is the principal sponsor of the legislation and he has never received one bit of input from the administration. I checked with my staff to see if perhaps the staff was contacted. Neither my legislative director nor the committee staff has been contacted by the administration to give their input on this legislation.

In fact, the only contact with the administration regarding their input came from the committee, because the committee contacted the administration and invited them to testify before the Committee on the Judiciary, and they declined our offer to have a representative of the administration come and testify before the committee and have input with the committee regarding this.

So while I know the gentleman from Michigan (Mr. CONYERS) and the gentlewoman from California (Ms. LOFGREN) are sincere in their desire to have input from the administration, I certainly hope that the administration's statements regarding this legislation contain the sincerity to work out this problem and address Y2K in a manner that immediately puts to work the Nation on solving the problem rather than setting up a massive problem with litigation.

Mr. DAVIS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Speaker, let me ask my friends, the gentleman from Michigan (Mr. CONYERS) and the gentlewoman from California (Ms. LOFGREN), we are talking about compromising, but from their perspective, not the administration's, are they will-

ing to support the Senate bill, basically the outlines, the parameters of the Senate bill in terms of concept, particularly in mind with punitive damages caps, or is that too far for them?

Mr. CONYERS. Mr. Speaker, if the gentleman would yield, the problem is that framework that the President has said that he would veto.

Mr. DAVIS of Virginia. Mr. Speaker, if the gentleman would continue to yield, so my colleagues would not support it because the President would not support it?

Mr. CONYERS. Mr. Speaker, let me ask the gentleman, can we negotiate with the administration? Maybe they were talking to so many staff that they did not know that the staff of the gentleman was not there.

Mr. DAVIS of Virginia. Mr. Speaker, let me just say to the gentleman, they know how to reach me. They know my interest in this.

Mr. GOODLATTE. Mr. Speaker, reclaiming my time, let me say that while the administration has not contacted us, they have put out into thin air their administration's Statement of Policy, which we have carefully reviewed. In fact, they put out two, one prior to the House legislation and one prior to the Senate legislation. We have carefully studied these statements, and I can tell my colleague that the overwhelming majority of the principles outlined by the President are contained in either the House bill or the Senate bill or both.

And so, if the President is intent upon vetoing this legislation because of the few small remaining matters that are not addressed in either the House bill or the Senate bill, I think there is a great deal of disingenuous behavior on the part of the administration if that is the case.

Mr. DAVIS of Virginia. Mr. Speaker, would the gentleman yield for just a comment?

Mr. GOODLATTE. I yield to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, it seems to me that we could be helped by our friends on the other side if instead of representing the administration they would represent their constituents and urge the administration to work towards signing a bill instead of trying to give them cover and not voting for a bill unless they approve it. I think that is what our constituents are telling me, let us put forward that. And if the administration wants to come in, we are open to negotiate even at this late hour even though they declined to come to the hearings and testify and have declined to notify and talk to our offices.

Mr. GOODLATTE. Mr. Speaker, the gentleman makes a very good point. But let me point out the things that are in the Statement of Administration Policy that are contained in these bills.

The pre-litigation procedures contained in the legislation are compat-

ible with the pre-litigation procedures outlined in the Statement of Policy. The pleading requirements are compatible. The class action, with the exception of the point regarding class action remedies, should be retained and State courts should continue to hear State class actions, in point of fact, States will continue to hear State class actions. It is only class actions that involve a Federal class that would be changed. The duty to mitigate damages that they set forth, that is contained in either the House or the Senate or both.

The contract interpretation provisions are the same in the House and the Senate or both. The joint and several liability they have expressed in their statement support for change from the traditional joint and several liability to proportionate liability. They expressed some concerns about the House version. Those are addressed in the Senate version. The economic loss issue is addressed in either the House or the Senate or both.

Ms. DAVIS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Speaker, let me just say I want desperately to work something out with the administration and that has been our goal from day one. But I am not going to surrender principles, and I am not going to surrender on issues the point that we are not passing any legislation at all that does any good to the people we are trying to help. I cannot do that in good conscience.

I would rather, under those circumstances, let my constituents know I did my best to help them and the President vetoed them than to come up with nothing. But we are willing to compromise our goal. Our goal and our hope is that we can work something out in this. But time is very, very short. We have been playing a delay game now for months. It cannot go on much longer. The conference will start. I hope they will address the conference, give their input, and we can work something out. But if not, we have got to move ahead.

Mr. GOODLATTE. Mr. Speaker, I yield to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I just want to make this point. I think sometimes we rush and abbreviate and then we end up paying for it down the road.

Looking back, I know it certainly was not the fault of the gentleman from Virginia (Mr. GOODLATTE) because he and I had a private discussion on this, but the draft of this legislation was not available for very long before the Committee on the Judiciary went into markup. There was one business day between Judiciary markup and being in the Committee on Rules.

So we rushed it through. We could have gotten I think better input had we taken more time. That is history now. We cannot undo it. But I think that if we take the time at this point, we will be able to resolve these issues.

As I said, we put together an alternative. It got 190 votes. But I am not wedded to that. I have got very favorable feedback from CEOs in Silicon Valley on that effort. But it is not perfect. And there are ways to make that better or to make the Senate bills better. But we need to think outside the box. We cannot just be controlled by the Senators' names on which bills. It is think outside the box. It is think in terms of the functionality of relief that is required, and we will get there.

Mr. GOODLATTE. Mr. Speaker, reclaiming my time, I hope that we do have a substantive conference that considers the House bill, which I think is a very strong bill. I was pleased to work with the gentleman from Virginia to craft it and see that it got through the House with a strong bipartisan vote. The Senate bill, while it does not go as far as I would like to see the legislation go, is a bill that I certainly can work with Senator MCCAIN and other representatives of the Senate, and we certainly want to have that input from the administration.

The only issue that I have not mentioned yet with regard to the broad subjects of this bill is the cap on punitive damages. It is clear the administration does not like the House bill. The Senate version is considerably watered down from the House version. So between the House bill and the Senate bill there is a lot to work with to enable us to come up with a very, very good bill; and we welcome the administration's input as we work to come up with that.

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

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

Mr. Speaker, just a couple corrections. One is that the White House has communicated to every member on the committees and the leadership, indeed every Member in the House. So they have not heard back. If my colleagues have not communicated with them, I mean these letters are to initiate communication. So that the communication may have been one way, but it certainly is not the White House's responsibility after they have reached out.

Secondly, the Department of Justice sought to testify in the House Committee on the Judiciary and they were put in a very difficult position and were not able to do that.

So it is not the White House that has not been out of communication. But that is not the issue here today. What we are talking about is whether or not the questions of joint liability, class action, and punitive damages caps are really on the table.

I think I have heard from the Members on the other side of the aisle that they are. If they are, we are all set to take care of the real problems. And if we do that, we will be able to take care of a conference that will, I think, reflect confidently and positively on both Houses.

The main thing that we want to do is not end up in a situation where we

have ignored one branch of Government that would force them into a veto situation. And that is the only reason I am mentioning them today in this debate.

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

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Virginia (Mr. MORAN) from the other side of the aisle to close the debate for us.

□ 1315

Mr. MORAN of Virginia. Mr. Speaker, I would hope that when we get into conference, that we support as much as possible the principal elements of the House bill, because the House bill makes common sense.

A special committee of the American Bar Association was put together to look at the potential Y2K litigation. They concluded that the potential cost of litigation on Y2K could be more than asbestos, breast cancer implants, tobacco and Superfund combined. They concluded that the litigation cost associated with Y2K could be as much as \$1 trillion.

Now, if the cost of fixing the problem is only a small fraction of that \$1 trillion, do we not have a responsibility as representatives of the American people to try to fix the problem, to avoid injuries, damages, problems before they occur? We do not want to wait, do we, until January 1st of the year 2000 and then get into a long, extended legal battle in every part of our economy and our society? We have a responsibility to fix the problem.

When we talk about punitive damages, basically the lesson is, "Go and sin no more." That is the lesson we want to tell people. But the fact is, this is a one-time occurrence. The same rules do not apply. We have got one serious situation and it arises by virtue of the fact we are in a technology revolution, things have changed, we have got to get over this change in dates. We can do it, we can do it responsibly, we can avoid spending \$1 trillion to accomplish nothing, or we can do the people's will and prevent problems before they occur.

Let us do the right thing. I would hope we would get a conference report that would resemble the House bill as much as possible.

Mr. CONYERS. Mr. Speaker, I yield myself 45 seconds to ask my friend from Virginia if he supports the principle of compromise that we have argued, that all parties, not just the House and the Senate, but the White House, too, has to indulge in for us to accomplish our goal? This is where we are at now.

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. I totally agree with that, but I think the gentleman also agrees, our job is not to pad the pockets of the trial lawyers but

it is to prevent problems from occurring and to ensure that we represent what is in the best interests of the American economy and the American society. Sometimes there is a conflict between those two. But I agree with what the gentleman said, and I hope that we can be in agreement when the conference report comes back on the floor.

Mr. CONYERS. I tell the gentleman that that is absolutely not in contention now. I am just hoping that he can support the Conyers-Lofgren motion to instruct which is about the compromise around three major issues that are still out.

Mr. MORAN of Virginia. The answer is yes, I think we all will and we all should.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I just would note that the gentleman from Virginia mentioned the study done by the American Bar Association on the potential exposure of the American economy to litigation, and I think that is a serious issue. That is why we are all here. But I would note that, I think all of us received a copy of the letter sent by the American Bar Association to the President yesterday pointing out that the ABA opposes both the Senate bill and the House bill and this letter details the reasons why.

One of the issues that is in contention has to do with federalizing all the class actions relative to Y2K litigation. The Chief Justice of the United States Supreme Court opposes that, and I think he knows how Federal courts work and how our court system works. So these are serious issues. They need to be addressed, they need to be remediated, and they can be.

I have been in communication, as I have mentioned, with many, many of my constituents in Silicon Valley who are interested in this issue. Some of the issues in the Senate bill are meaningless to them, it is not important to them in terms of resolving things. Some of the issues are important. For example, joint and several liability is a very important issue and does need to be addressed.

I will say this, that the White House has moved from no change in joint and several liability to the possibility of change in joint and several liability, but I would also note that there are five or six different ways to deal with that issue, all of which would resolve the problem for high tech. And so it is that kind of approach we are going to need, thinking outside the box, and applying solutions to problems rather than embracing bills that have been drafted and are in play.

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

In conclusion, we have made it clear that, first of all, we want everyone to support the Conyers-Lofgren motion to instruct. Secondly, if we want a bill,

then we will resolve these outstanding issues. Everyone has spoken in the spirit of compromise. The question that this motion poses is which road we will take. Are we going to engage in serious, sincere negotiation which will result in a bill in a week or so or an insincere process that will lead to the finger-pointing that will be inevitable with a veto?

I urge my colleagues to support the motion to instruct.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan (Mr. CONYERS).

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

Mr. CONYERS. 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.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 8, as follows:

[Roll No. 253]

YEAS—426

Abercrombie Burr  
 Ackerman Burton  
 Aderholt Buyer  
 Allen Callahan  
 Andrews Calvert  
 Archer Camp  
 Armyey Campbell  
 Bachus Canady  
 Baird Cannon  
 Baker Capps  
 Baldacci Capuano  
 Baldwin Cardin  
 Ballenger Carson  
 Barcia Castle  
 Barr Chabot  
 Barrett (NE) Chambliss  
 Barrett (WI) Chenoweth  
 Bartlett Clay  
 Barton Clayton  
 Bass Clyburn  
 Bateman Coble  
 Becerra Coburn  
 Bentsen Collins  
 Bereuter Combest  
 Berkley Condit  
 Berman Conyers  
 Berry Cook  
 Biggert Cooksey  
 Bilbray Costello  
 Bilirakis Cox  
 Bishop Coyne  
 Blagojevich Cramer  
 Bliley Crane  
 Blumenauer Crowley  
 Blunt Cubin  
 Boehlert Cummings  
 Boehner Cunningham  
 Bonilla Danner  
 Bonior Davis (FL)  
 Bono Davis (IL)  
 Borski Davis (VA)  
 Boswell Deal  
 Boucher DeFazio  
 Boyd DeGette  
 Brady (PA) Delahunt  
 Brady (TX) DeLauro  
 Brown (FL) DeMint  
 Brown (OH) Deutsch  
 Bryant Diaz-Balart

Granger  
 Green (TX)  
 Green (WI)  
 Greenwood  
 Gutierrez  
 Gutknecht  
 Hall (OH)  
 Hall (TX)  
 Hansen  
 Hastings (FL)  
 Hastings (WA)  
 Hayes  
 Hayworth  
 Hefley  
 Heger  
 Hill (IN)  
 Hill (MT)  
 Hilleary  
 Hilliard  
 Hinchey  
 Hinojosa  
 Hobson  
 Hoefel  
 Hoekstra  
 Holden  
 Holt  
 Hooley  
 Horn  
 Hostettler  
 Houghton  
 Hoyer  
 Hulshof  
 Hunter  
 Hutchinson  
 Hyde  
 Insee  
 Isakson  
 Istook  
 Jackson (IL)  
 Jackson-Lee  
 (TX)  
 Jefferson  
 Jenkins  
 John  
 Johnson (CT)  
 Johnson, E. B.  
 Johnson, Sam  
 Jones (NC)  
 Jones (OH)  
 Kanjorski  
 Kaptur  
 Kelly  
 Kennedy  
 Kildee  
 Kilpatrick  
 Kind (WI)  
 King (NY)  
 Kingston  
 Kleczka  
 Klink  
 Knollenberg  
 Kolbe  
 Kucinich  
 Kuykendall  
 LaFalce  
 LaHood  
 Lampson  
 Lantos  
 Largent  
 Larson  
 Latham  
 LaTourette  
 Lazio  
 Leach  
 Lee  
 Levin  
 Lewis (CA)  
 Lewis (GA)  
 Lewis (KY)  
 Linder  
 Lipinski  
 LoBiondo  
 Lofgren  
 Lone  
 Lowey  
 Lucas (KY)  
 Lucas (OK)  
 Luther  
 Maloney (CT)  
 Maloney (NY)  
 Manzullo  
 Markey  
 Martinez  
 Mascara  
 Matsui

McCarthy (MO)  
 McCarthy (NY)  
 McColium  
 McCrery  
 McDermott  
 McGovern  
 McHugh  
 McInnis  
 McIntosh  
 McIntyre  
 McKeon  
 McKinney  
 McNulty  
 Meehan  
 Meek (FL)  
 Meeke (NY)  
 Menendez  
 Metcalf  
 Mica  
 Millender-  
 McDonald  
 Miller (FL)  
 Miller, Gary  
 Miller, George  
 Minge  
 Mink  
 Moakley  
 Mollohan  
 Moore  
 Moran (KS)  
 Moran (VA)  
 Morella  
 Murtha  
 Myrick  
 Nadler  
 Napolitano  
 Neal  
 Nethercutt  
 Ney  
 Northup  
 Norwood  
 Nussle  
 Oberstar  
 Obey  
 Olver  
 Ortiz  
 Ose  
 Owens  
 Oxley  
 Packard  
 Pallone  
 Pascrell  
 Pastor  
 Paul  
 Payne  
 Pease  
 Pelosi  
 Peterson (MN)  
 Peterson (PA)  
 Petri  
 Phelps  
 Pickering  
 Pickett  
 Pitts  
 Pombo  
 Pomeroy  
 Porter  
 Portman  
 Price (NC)  
 Pryce (OH)  
 Quinn  
 Radanovich  
 Rahall  
 Ramstad  
 Rangel  
 Regula  
 Reyes  
 Reynolds  
 Riley  
 Rivers  
 Rodriguez  
 Roemer  
 Rogers  
 Rohrabacher  
 Ros-Lehtinen  
 Rothman  
 Roukema  
 Roybal-Allard  
 Royce  
 Rush  
 Ryan (WI)  
 Ryun (KS)  
 Sabo  
 Salmon

Sanchez  
 Sanders  
 Sandlin  
 Sanford  
 Sawyer  
 Saxton  
 Scarborough  
 Schaffer  
 Schakowsky  
 Scott  
 Sensenbrenner  
 Serrano  
 Sessions  
 Shadegg  
 Shaw  
 Shays  
 Sherman  
 Sherwood  
 Shimkus  
 Shows  
 Shuster  
 Simpson  
 Sisisky  
 Skeem  
 Skelton  
 Slaughter  
 Smith (MI)  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Souder  
 Spence  
 Spratt  
 Stabenow  
 Stark  
 Stearns  
 Stenholm  
 Strickland  
 Stump  
 Stupak  
 Sununu  
 Sweeney  
 Talent  
 Tancredo  
 Tanner  
 Tauscher  
 Tauzin  
 Taylor (MS)  
 Taylor (NC)  
 Terry  
 Thomas  
 Thompson (CA)  
 Thompson (MS)  
 Thornberry  
 Thune  
 Thurman  
 Tiahrt  
 Tierney  
 Toomey  
 Traficant  
 Turner  
 Udall (CO)  
 Udall (NM)  
 Upton  
 Velazquez  
 Vento  
 Visclosky  
 Vitter  
 Walden  
 Walsh  
 Wamp  
 Waters  
 Watkins  
 Watt (NC)  
 Watts (OK)  
 Waxman  
 Weiner  
 Weldon (FL)  
 Weldon (PA)  
 Weller  
 Wexler  
 Weygand  
 Whitfield  
 Wicker  
 Wilson  
 Wise  
 Wolf  
 Woolsey  
 Wu  
 Wynn  
 Young (AK)  
 Young (FL)

□ 1343

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the Chair appoints the following conferees:

From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. HYDE, SENSENBRENNER, GOODLATTE, CONYERS, and Ms. LOFGREN.

From the Committee on Commerce, for consideration of section 18 of the Senate amendment, and modifications committed to conference:

Messrs. BLILEY, OXLEY, and DINGELL. There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1658, CIVIL ASSET FORFEITURE REFORM ACT

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 216 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 216

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1658) to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the bill modified by the amendment recommended by the Committee on the Judiciary now printed in the bill. Each section of that amendment in the nature of a substitute shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, which may be offered only by Representative Hyde or his designee, may amend portions of the bill not yet read for amendment, and shall be considered as read. No further amendment to the amendment in the nature of a substitute made in order as original text shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the

NOT VOTING—8

Brown (CA) Ehrlich Rogan  
 Clement Gilchrist Towns  
 DeLay Kasich