

Quinn	Sessions	Tiahrt
Radanovich	Shadegg	Tiberi
Rahall	Shaw	Tierney
Ramstad	Shays	Towns
Rangel	Sherman	Turner (OH)
Regula	Sherwood	Turner (TX)
Rehberg	Shimkus	Udall (NM)
Renzi	Shuster	Upton
Reynolds	Simmons	Van Hollen
Rogers (AL)	Simpson	Velázquez
Rogers (KY)	Skelton	Visclosky
Rogers (MI)	Slaughter	Vitter
Rohrabacher	Smith (MI)	Walden (OR)
Ros-Lehtinen	Smith (NJ)	Walsh
Ross	Smith (TX)	Wamp
Rothman	Smith (WA)	Waters
Roybal-Allard	Snider	Watson
Ruppersberger	Solis	Watt
Rush	Spratt	Waxman
Ryan (OH)	Stark	Weiner
Ryan (WI)	Stearns	Weldon (FL)
Ryun (KS)	Stenholm	Weldon (PA)
Sabo	Strickland	Weller
Sánchez, Linda	Stupak	Wexler
T.	Sullivan	Whitfield
Sanchez, Loretta	Sweeney	Wilson (NM)
Sanders	Tanner	Wilson (SC)
Sandlin	Tauscher	Wolf
Saxton	Taylor (MS)	Woolsey
Schakowsky	Taylor (NC)	Wu
Schrock	Terry	Wynn
Scott (GA)	Thomas	Young (AK)
Scott (VA)	Thompson (CA)	Young (FL)
Sensenbrenner	Thompson (MS)	
Serrano	Thornberry	

NAYS—11

Burgess	Goode	Paul
Collins	Hefley	Royce
Everett	Jones (NC)	Tancred
Flake	Kingston	

ANSWERED "PRESENT"—1

Souder

NOT VOTING—33

Ackerman	Granger	Moran (VA)
Barton (TX)	Hall	Ortiz
Bell	Hinchey	Owens
Carter	Hinojosa	Reyes
Clay	Jackson-Lee	Rodriguez
Cox	(TX)	Schiff
Crane	Johnson, Sam	Tauzin
Cummings	Kennedy (RI)	Toomey
Davis (IL)	Kucinich	Udall (CO)
Doggett	LaTourette	Wicker
Gephardt	Lofgren	
Gonzalez	Miller (FL)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1059

Mr. HEFLEY and Mr. ROYCE changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, due to official business, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall Vote No. 42 "yea"; rollcall Vote No. 43 "yea"; rollcall Vote No. 44 "yea"; rollcall Vote No. 45 "yea"; rollcall Vote No. 46 "yea"; and rollcall Vote No. 47 "yea."

PERSONAL EXPLANATION

Mr. CARTER. Mr. Speaker, during rollcall Vote Nos. 42, 43, 44, 45, 46 and 47 I was unavoidably detained. If I had been present, I would have voted "yea."

PROVIDING FOR CONSIDERATION OF H.R. 339, PERSONAL RESPONSIBILITY IN FOOD CONSUMPTION ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 552 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 552

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. 339) to prevent frivolous lawsuits against the manufacturers, distributors, or sellers of food or non-alcoholic beverage products that comply with applicable statutory and regulatory requirements. The first reading of the bill shall be dispensed with. 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 the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute 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. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume.

□ 1100

During consideration of this resolution, all time is yielded for the purposes of debate only.

Mr. Speaker, the resolution before us is a fair and open rule that allowed every single Member of this body to offer any amendment that they wished to debate after simply having it preprinted in the CONGRESSIONAL RECORD. On March 4, the Committee on Rules publicly notified Members of the

possibility that it may report a rule to give every Member of Congress an opportunity to have their amendment heard on the House Floor, giving Members ample time to draft and submit their amendments for consideration.

The rule also provides one hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on the Judiciary, and allows the amendment in the nature of a substitute to be considered an original bill for the purpose of amendment, and that it shall be considered as read.

The rule waives all points of order against the committee amendment in the nature of a substitute and provides that only the authoring Member or a designee may offer a preprinted amendment. Finally, the rule provides the minority with one motion to recommit either with or without instructions.

Mr. Speaker, I rise today to introduce the rule for H.R. 339, the Personal Responsibility and Food Consumption Act. This bill is common sense legislation that requires courts to dismiss frivolous lawsuits seeking damages for injuries resulting from obesity and its attendant health problems that are filed against the manufacturers, distributors, sellers, marketers, and advertisers of any food product by a claimant or their spouse, parent, or child. That is, simply put, what this bill does, and I would like to congratulate our chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the bill's sponsor, the gentleman from Florida (Mr. KELLER) for their hard work in bringing this legislation to the floor for its consideration today.

Despite its opponents' claims to the contrary, what this bill does not do is to relieve manufacturers of their existing Federal and State responsibilities for manufacturing, marketing, distributing, advertising, labeling, or selling their products, nor does it affect existing State laws against deceptive trade practices or lawsuits filed for the relief of claimants who become sick from tainted food products. This bill is a carefully crafted bill to address a specific problem: to put an end to frivolous lawsuits that have been filed against the lawful and productive food services industry, an industry that provides 12 million Americans with jobs and is the Nation's largest private sector employer. And, it accomplishes this while protecting all of the other rights currently given to consumers.

This bill simply codifies the current tort law of every State in America that already has preventive injury claims based on obesity and makes permanent what a recent Gallup poll has shown that 89 percent of Americans already knew: that lawsuits against the food industry are an attempt by the trial bar to make an end-run around our Nation's established democratic process through litigation. H.R. 339 creates a narrow, national solution to the problem of these costly and wasteful lawsuits, and establishes in Federal law