

Ros-Lehtinen Smith (WA) Upton
Roukema Solomon Vucanovich
Royce Souder Waldholtz
Salmon Spence Walker
Sanford Stearns Walsh
Saxton Stenholm Wamp
Scarborough Stockman Watts (OK)
Schaefer Stump Weldon (FL)
Schiff Talent Weller
Seastrand Tate White
Sensenbrenner Tauzin Whitfield
Shadegg Taylor (MS) Wicker
Shaw Taylor (NC) Wolf
Shays Tejada Young (AK)
Shuster Thomas Young (FL)
Skeen Thornberry Zeliff
Smith (MI) Tiaht Zimmer
Smith (NJ) Torkildsen
Smith (TX) Traficant

NOT VOTING—13

Becerra Gibbons Pelosi
Bunning Hefner Rangel
Coburn McDade Roth
Coleman McIntosh
Condit Miller (CA)

So the amendment to the amendment was not agreed to.

38.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the foregoing amendment submitted by Mr. MCHALE.

It was decided in the Yeas 115
negative Nays 306

38.16 [Roll No. 202]
AYES—115

Andrews Gilman Obey
Baker (CA) Gonzalez Orton
Barrett (WI) Goodlatte Pallone
Bateman Gordon Parker
Beilenson Goss Peterson (FL)
Bentsen Green Petri
Bevill Greenwood Pomeroy
Bilbray Gutknecht Porter
Bishop Hall (OH) Rahall
Blute Harman Ros-Lehtinen
Boucher Herger Sanford
Brown (OH) Hoke Sanford
Chenoweth Holden Sawyer
Combust Horn Scarborough
Coyne Inglis Schumer
Cramer Jefferson Shadegg
Crapo Johnston Sisisky
Davis Kanjorski Smith (MI)
DeLay Kaptur Souder
Deutsch Kelly Spence
Diaz-Balart Klink Stark
Dingell Kolbe Stenholm
Dooley Latham Studds
Doolittle Lazio Taylor (MS)
Doyle Levin Torkildsen
Duncan Lincoln Trafficant
Engel Luther Tucker
English Manton
Ensign Mascara Upton
Fazio McCollum Visclosky
Foglietta McHale Vucanovich
Forbes McKinney Waldholtz
Fowler Meek Weldon (FL)
Fox Meyers Weldon (PA)
Frank (MA) Mineta Wicker
Franks (NJ) Mollohan Wise
Gejdenson Montgomery Zimmer
Gephardt Moran
Gilchrist Murtha

NOES—306

Abercrombie Bereuter Bryant (TX)
Ackerman Berman Bunn
Allard Bilirakis Burr
Archer Bliley Burton
Armey Boehlert Buyer
Bachus Boehner Callahan
Baesler Bonilla Calvert
Baker (LA) Bonior Camp
Baldacci Bono Canady
Ballenger Borski Cardin
Barcia Brewster Castle
Barr Browder Chabot
Barrett (NE) Brown (CA) Chambliss
Bartlett Brown (FL) Chapman
Barton Brownback Christensen
Bass Bryant (TN) Chrysler

Clay Istook Poshard
Clayton Jackson-Lee Pryce
Clement Jacobs Quillen
Clinger Johnson (CT) Quinn
Clyburn Johnson (SD) Radanovich
Coble Johnson, E. B. Ramstad
Collins (GA) Johnson, Sam Reed
Collins (IL) Jones Regula
Collins (MI) Kasich Reynolds
Conyers Kennedy (MA) Richardson
Cooley Kennedy (RI) Riggs
Costello Kennelly Rivers
Cox Kildee Roberts
Crane Kim Roemer
Cremeans King Rogers
Cubin Kingston Rohrabacher
Cunningham Kleczka Rose
Danner Klug Roukema
de la Garza Knollenberg Roybal-Allard
Deal LaFalce Royce
DeFazio LaHood Sabo
DeLauro Lantos Salmon
Dellums Largent Sanders
Dickey LaTourrette Saxton
Dicks Laughlin Schaefer
Dixon Leach Schiff
Doggett Lewis (CA) Schroeder
Dornan Lewis (GA) Scott
Dreier Lewis (KY) Seastrand
Dunn Lightfoot Sensenbrenner
Durbin Linder Serrano
Edwards Lipinski Shaw
Ehlers Livingston Shays
Ehrlich LoBiondo Shuster
Emerson Lofgren Skaggs
Eshoo Longley Skeen
Evans Lowey Skelton
Everett Lucas Slaughter
Ewing Maloney Smith (NJ)
Farr Manzullo Smith (TX)
Fattah Markey Smith (WA)
Fawell Martinez Solomon
Fields (LA) Martini Spratt
Fields (TX) Matsui Stearns
Filner McCarthy Stockman
Flake McCrery Stokes
Flanagan McDermott Stump
Foley McHugh Stupak
Ford McInnis Talent
Franks (CT) McKeon Tanner
Frelinghuysen McNulty Tate
Frisa Meehan Tauzin
Frost Menendez Taylor (NC)
Funderburk Metcalf Tejada
Furse Mfume Thomas
Gallegly Mica Thompson
Ganske Miller (FL) Thornberry
Gekas Minge Thornton
Geren Mink Thurman
Gillmor Moakley Tiaht
Goodling Molinari Torres
Graham Moorhead Towns
Gunderson Morella Velazquez
Gutierrez Myers Vento
Hall (TX) Myrick Volkmer
Hamilton Nader Walker
Hancock Neal Walsh
Hansen Nethercutt Wamp
Hastert Neumann Ward
Hastings (FL) Ney Waters
Hastings (WA) Norwood Watt (NC)
Hayes Nussle Watts (OK)
Hayworth Oberstar Waxman
Hefley Olver Weller
Heineman Ortiz White
Hilleary Owens Whitfield
Hilliard Oxley Williams
Hinchey Packard Wilson
Hobson Pastor Wolf
Hoekstra Paxon Woolsey
Hostettler Payne (NJ) Wyden
Houghton Payne (VA) Wynn
Hoyer Peterson (MN) Yates
Hunter Pickett Young (AK)
Hutchinson Pombo Young (FL)
Hyde Portman Zeliff

NOT VOTING—13

Becerra Gibbons Pelosi
Bunning Hefner Rangel
Coburn McDade Roth
Coleman McIntosh
Condit Miller (CA)

So the amendment was not agreed to. After some further time,

38.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the

Whole on the following amendment submitted by Mr. HOKE:

Page 6, after line 24 (after section 4) insert the following:

SEC. 5. CONTINGENT FEES OF ATTORNEYS.

(a) IN GENERAL.—Part III of title 28, United States Code, is amended by adding at the end the following new chapter:

CHAPTER 80—CONTINGENT FEES OF ATTORNEYS

1051. Limitations on contingent fees.

1052. Definition of qualifying settlement offer.

1051. Limitations on contingent fees

(a) EFFECT OF QUALIFYING SETTLEMENT OFFER.—In any Federal civil action (except an action for the protection of civil rights, including the right to vote) in which a monetary recovery is sought, the compensation to the attorney representing a plaintiff—

(1) shall, if a qualifying settlement offer is made to and accepted by that plaintiff not exceed the lesser of—

(A) the sum of—

(i) a reasonable hourly rate, previously agreed upon by the attorney and the plaintiff, for legal work actually performed; and

(ii) actual expenses of the attorney in the action; or

(B) 10 percent of the amount of the accepted qualifying settlement offer; and

(2) shall, if no qualifying settlement offer is accepted by that plaintiff, not exceed the sum of—

(A) that portion not greater than 33 percent, agreed upon by the attorney and the plaintiff before trial, of the amount by which the final recovery in the action exceeds the amount of the final qualifying settlement offer;

(B) a reasonable hourly rate, previously agreed upon by the attorney and the plaintiff, for legal work actually performed before the final qualifying settlement offer is made; and

(C) actual expenses of the attorney in the action.

1052. Definition of qualifying settlement offer

For the purposes of this chapter a qualifying settlement offer is an offer by all defendants to—

(1) to settle all claims against the defendants in the pending action; and

(2) made not later than 60 days after the date of initial contact in writing between the attorneys for the parties notifying the defendant of the claim against the defendant.

(b) CLERICAL AMENDMENT.—The table of chapters for part III of title 28, United States Code, is amended by adding at the end the following new item:

80. Contingent Fees of Attorneys 1051''.

Redesignate succeeding sections accordingly.

It was decided in the Yeas 71
negative Nays 347

38.18 [Roll No. 203]
AYES—71

Allard Collins (GA) Horn
Armey Combust Inglis
Baker (CA) Cox Jacobs
Ballenger Creameans Kelly
Barton Cubin Kolbe
Bereuter DeLay Lewis (KY)
Bilbray Dornan Lightfoot
Boehner Dunn Martine
Bonilla Flanagan McHugh
Bono Gunderson McInnis
Brownback Gutknecht McIntosh
Bryant (TN) Hancock Metcalf
Burr Hayworth Mica
Christensen Hefley Myrick
Chrysler Herger Norwood
Coburn Hoke Parker

Paxon
Petri
Pombo
Riggs
Rohrabacher
Royce
Salmon
Saxton

Scarborough
Schaefer
Shadegg
Shays
Smith (WA)
Solomon
Stenholm
Stockman

Stump
Tate
Taylor (NC)
Thornberry
Walker
Zeliff
Zimmer

Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Livingston
Smith (MI)
Smith (NJ)
Smith (TX)
Souder

Spence
Spratt
Stearns
Stokes
Studds
Stupak
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torrice
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky

Volkmer
Vucanovich
Waldholtz
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOES—347

Abercrombie
Ackerman
Andrews
Archer
Bachus
Baesler
Baker (LA)
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Beilenson
Bentsen
Berman
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Collins (IL)
Collins (MI)
Conyers
Cooley
Costello
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett

Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heineman
Hilleary
Hilliard
Hinchev
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klecicka
Klink
Klug
Knollenberg
LaFalce
LaHood
Lantos
Largent
Latham

LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCullum
McCrery
McDermott
McHale
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Reynolds
Richardson
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen

Becerra
Bunning
Chapman
Coleman
Condit
Dicks

NOT VOTING—16

Gibbons
Hansen
Hefner
McDade
Miller (CA)
Pelosi

Rangel
Roth
Stark
Watt (NC)

So the amendment was not agreed to. The SPEAKER pro tempore, Mr. KINGSTON, assumed the Chair.

When Mr. HOBSON, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶38.19 PROVIDING FOR THE CONSIDERATION OF H.R. 1058

Mr. SOLOMON, by direction of the Committee on Rules, reported (Rept. No. 104-68) the resolution (H. Res. 105) providing for the consideration of the bill (H.R. 1058) to reform Federal securities litigation, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶38.20 COMMITTEES AND SUBCOMMITTEES TO SIT

On motion of Mr. SOLOMON, by unanimous consent, the following committees and their subcommittees were granted permission to sit during the 5-minute rule on Tuesday, March 7, 1995: the Committee on Agriculture, the Committee on Banking and Financial Services, the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, the Committee on National Security, the Committee on Resources, the Committee on Transportation and Infrastructure, the Committee on Veterans' Affairs, and the Permanent Select Committee on Intelligence.

¶38.21 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. RANGEL, for today and balance of the week;

To Mr. ROGERS, for today until 7:15 p.m.; and

To Mr. BUNNING, for today.

And then,

¶38.22 ADJOURNMENT

On motion of Mr. CLYBURN, at 10 o'clock and 59 minutes p.m., the House adjourned.

¶38.23 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CANADY: Committee on the Judiciary. House Joint Resolution 2. Resolution proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives; with an amendment (Rept. No. 104-67). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 105. Resolution providing for consideration of the bill (H.R. 1058) to reform Federal securities litigation, and for other purposes (Rept. No. 104-68). Referred to the House Calendar.

¶38.24 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. THOMAS:

H.R. 1134. A bill to amend title XVIII of the Social Security Act to extend certain savings provisions under the Medicare Program, as incorporated in the budget submitted by the President for fiscal year 1996; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROBERTS:

H.R. 1135. A bill to improve the Commodity Distribution Programs of the Department of Agriculture, to reform and simplify the Food Stamp Program, and for other purposes; to the Committee on Agriculture.

By Mr. GILMAN (for himself, Mr. FILLNER, Mr. EVANS, Mr. TORRICELLI, Mr. UNDERWOOD, Mr. CUNNINGHAM, Mrs. MINK of Hawaii, Mr. LANTOS, Ms. PELOSI, Mr. YATES, Mr. FROST, Mr. MINETA, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Mr. STARK, Ms. LOFGREN, Mr. BILBRAY, and Mr. SERRANO):

H.R. 1136. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. LAHOOD (for himself and Mr. INGLIS of South Carolina):

H.R. 1137. A bill to amend title 39, United States Code, to prevent certain types of mail matter from being sent by a Member of the House of Representatives as part of a mass mailing; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT:

H.R. 1138. A bill to amend the Internal Revenue Code of 1986 to reduce the harbor maintenance tax if the Harbor Maintenance Trust Fund is overfunded; to the Committee on Ways and Means.