

Table of names: Flanagan, Foley, Forbes, Fowler, Fox, Franks (CT), Franks (NJ), Frelinghuysen, Frisa, Funderburk, Gallegly, Ganske, Gekas, Geren, Gilchrist, Gillmor, Gilman, Goodlatte, Goodling, Goss, Graham, Greenwood, Gunderson, Gutknecht, Hall (TX), Hamilton, Hancock, Hansen, Hastert, Hastings (WA), Hayes, Hayworth, Hefley, Heineman, Herger, Hilleary, Hobson, Hoekstra, Hoke, Horn, Hostettler, Houghton, Hunter, Hutchinson, Hyde, Inglis, Jacobs, Johnson (CT), Johnson, Sam, Jones, Kasich, Kelly, Kim, King, Kingston, Klug, Knollenberg, Kolbe, LaHood, Largent, Latham, LaTourette, Laughlin, Lazio, Leach, Lewis (CA), Lewis (KY), Lightfoot, Linder, Livingston, Longley, Lucas, Manzullo, Martini, McCollum, McDade, McHugh, McInnis, McIntosh, McKeon, Metcalf, Meyers, Miller (FL), Molinari, Mollohan, Montgomery, Moorhead, Moran, Myers, Myrick, Nethercutt, Neumann, Ney, Norwood, Nussle, Orton, Oxley, Packard, Parker, Paxon, Payne (VA), Peterson (MN), Petri, Pickett, Pombo, Porter, Portman, Pryce, Quinn, Radanovich, Ramstad, Regula, Riggs, Roberts, Roemer, Rangel, Watts (OK), Rogers, Rohrabacher, Ros-Lehtinen, Roth, Roukema, Royce, Salmon, Sanford, Saxton, Scarborough, Schaefer, Seastrand, Sensenbrenner, Shadegg, Shaw, Shays, Shuster, Sisisky, Skeen, Smith (MI), Smith (NJ), Smith (TX), Smith (WA), Solomon, Souder, Spence, Stearns, Stenholm, Stockman, Stump, Talent, Tanner, Tate, Tauzin, Taylor (MS), Taylor (NC), Thomas, Thornberry, Tiahrt, Torkildsen, Upton, Vucanovich, Waldholtz, Walker, Walsh, Wamp, Weldon (FL), Weldon (PA), Weller, White, Whitfield, Wicker, Wolf, Young (AK), Young (FL), Zeliff, Zimmer.

NOT VOTING—8

Table of names: Boehner, Gibbons, Istook, LoBiondo, McCrery, Pelosi, Rangel, Watts (OK).

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

41.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SCHUMER:

Page 13, redesignate section 110 as 111 and insert after line 3 the following:

SEC. 110. SUNSHINE, ANTI-SECREC Y, CONSUMER EMPOWERMENT, AND LITIGATION AVOIDANCE.

(a) IN GENERAL.—To empower consumers with the information to avoid defective products, court records in all product liability actions are presumed to be open to the general public. No court order or opinion in the adjudication of a product liability action may be sealed. No court record, including records obtained through discovery, whether or not formally filed with the court, may be sealed, subjected to a protective order, or otherwise have access restricted except through a court order based upon particularized findings of fact that—

(1) such order would not restrict the disclosure of information which is relevant to public health or safety; or

(2)(A) the public interest in disclosure of potential health or safety hazards is clearly

outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records in question; and

(B) the requested order is no broader than necessary to protect the privacy interest asserted.

No such order shall continue in effect after the entry of final judgment or other final disposition, unless at or after such entry the court makes a separate particularized finding of fact that the requirements of paragraph (1) or (2) have been met.

(b) BURDEN.—The party who is the proponent for the entry of an order, as provided under subsection (a), shall have the burden of proof in obtaining such an order.

(c) AGREEMENT.—No agreement between or among parties in a product liability action filed in a State or Federal court may contain a provision that prohibits or otherwise restricts a party from disclosing any information relevant to such product liability action to any Federal or State agency with authority to enforce laws regulating an activity relating to such information.

(d) INTERVENTION.—Any person may intervene as a matter of right in a product liability action for the limited purpose of participating in proceedings considering limitation of access to records upon payment of the fee required for filing a plea in intervention.

It was decided in the } Yeas 184
negative } Nays 243

41.15 [Roll No. 220]
AYES—184

Table of names: Abercrombie, Ackerman, Baldacci, Barcia, Barrett (WI), Becerra, Beilenson, Bentsen, Berman, Bevill, Bishop, Bonior, Borski, Boucher, Brewster, Browder, Brown (CA), Brown (FL), Brown (OH), Bryant (TX), Bunn, Cardin, Chapman, Clayton, Clement, Clyburn, Coleman, Collins (IL), Collins (MI), Conyers, Costello, Coyne, Cramer, Danner, de la Garza, DeFazio, DeLauro, Dellums, Deutsch, Dicks, Dixon, Doggett, Dooley, Doyle, Duncan, Durbin, Edwards, Engel, Eshoo, Evans, Farr, Fattah, Fazio, Fields (LA), Filner, Flake, Foglietta, Ford, Fox, Frank (MA), Frost, Furse, Gejdenson, Gephardt, Gibbons, Gonzalez, Gordon, Graham, Green, Gutierrez, Hall (OH), Hamilton, Harman, Hastings (FL), Hayes, Hefner, Hilliard, Hinchey, Holden, Hoyer, Jackson-Lee, Jacobs, Jefferson, Johnson (SD), Johnson, E.B., Johnston, Kanjorski, Kaptur, Kennedy (MA), Kennedy (RI), Kennelly, Kildee, Kleczka, Klink, Klug, LaFalce, Lantos, Lewis (GA), Lipinski, Lofgren, Luther, Maloney, Manton, Markey, Martinez, Mascara, Matsui, McCarthy, McDermott, McHale, McNulty, Meehan, Meek, Menendez, Mfume, Miller (CA), Mineta, Minge, Mink, Moakley, Moran, Murtha, Nadler, Neal, Oberstar, Obey, Olver, Ortiz, Owens, Pallone, Pastor, Payne (NJ), Payne (VA), Pelosi, Peterson (FL), Pomeroy, Poshard, Rahall, Reed, Reynolds, Richardson, Rivers, Rose, Roybal-Allard, Rush, Sabo, Sanders, Sawyer, Schroeder, Schumer, Scott, Serrano, Skaggs, Skelton, Slaughter, Spratt, Stark, Stokes, Studts, Stupak, Tejada, Thompson, Thornton, Thurman, Torres, Torricelli, Towns, Traficant, Tucker, Velazquez, Vento, Visclosky, Volkmer, Ward.

Table of names: Waters, Watt (NC), Waxman, Williams, Wilson, Wise, Woolsey, Wyden, Wynn, Yates.

NOES—243

Table of names: Allard, Archer, Arney, Bachus, Baesler, Baker (CA), Baker (LA), Ballenger, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bereuter, Bilbray, Bilirakis, Bliley, Blute, Boehlert, Boehner, Bonilla, Bono, Brownback, Bryant (TN), Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Canady, Castle, Chabot, Chambliss, Christensen, Chrysler, Clinger, Coble, Coburn, Collins (GA), Combust, Condit, Cooley, Cox, Crane, Crapo, Cremeans, Cubin, Cunningham, Davis, Deal, DeLay, Diaz-Balart, Dickey, Dingell, Doolittle, Dornan, Dreier, Dunn, Ehlers, Ehrlich, Emerson, English, Ensign, Everrett, Ewing, Fawell, Fields (TX), Flanagan, Foley, Forbes, Fowler, Franks (CT), Franks (NJ), Frelinghuysen, Frisa, Funderburk, Gallegly, Ganske, Gekas, Geren, Gilchrist, Gillmor, Gilman, Goodlatte, Goodling, Goss, Greenwood, Gunderson, Gutknecht, Hall (TX), Hancock, Hansen, Hastert, Hastings (WA), Hayworth, Hefley, Heineman, Herger, Hilleary, Hobson, Hoekstra, Hoke, Horn, Hostettler, Houghton, Hunter, Hutchinson, Hyde, Inglis, Istook, Johnson (CT), Johnson, Sam, Jones, Kasich, Kelly, Kim, King, Kingston, Knollenberg, Kolbe, LaHood, Largent, Latham, LaTourette, Laughlin, Lazio, Leach, Levin, Lewis (CA), Lewis (KY), Lightfoot, Lincoln, Linder, Livingston, Longley, Lucas, Manzullo, Martini, McCollum, McCrery, McDade, McHugh, McInnis, McIntosh, McKeon, Metcalf, Meyers, Mica, Miller (FL), Molinari, Mollohan, Montgomery, Moorhead, Morella, Myers, Myrick, Nethercutt, Neumann, Ney, Norwood, Nussle, Orton, Oxley, Packard, Parker, Paxon, Peterson (MN), Petri, Pickett, Pombo, Porter, Portman, Pryce, Quillen, Quinn, Radanovich, Ramstad, Regula, Riggs, Roberts, Roemer, Rogers, Rohrabacher, Ros-Lehtinen, Roth, Roukema, Royce, Salmon, Sanford, Saxton, Scarborough, Schaefer, Schiff, Seastrand, Sensenbrenner, Shaw, Shadegg, Shaw, Shays, Shuster, Sisisky, Skeen, Smith (MI), Smith (NJ), Smith (TX), Smith (WA), Solomon, Souder, Spence, Stearns, Stenholm, Stockman, Stump, Talent, Tanner, Tate, Tauzin, Taylor (MS), Taylor (NC), Thomas, Thornberry, Tiahrt, Torkildsen, Upton, Vucanovich, Waldholtz, Walker, Walsh, Wamp, Watts (OK), Weldon (FL), Weldon (PA), Weller, White, Whitfield, Wicker, Wolf, Young (AK), Young (FL), Zeliff, Zimmer.

NOT VOTING—7

Table of names: Andrews, Chenoweth, Clay, LoBiondo, Lowey, McKinney, Rangel.

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

41.16 RECORDED VOTE

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

Whole on the following amendment submitted by Mr. CONYERS:

Page 13, redesignate section 110 as section 111, and insert after line 2 the following:

SEC. 110. FOREIGN PRODUCTS.

(a) GENERAL RULE.—In any product liability action for injury that was sustained in the United States and that relates to the purchase or use of a product manufactured outside the United States by a foreign manufacturer, the Federal court in which such action is brought shall have jurisdiction over such manufacturer if the manufacturer knew or reasonably should have known that the product would be imported for sale or use in the United States.

(b) ADMISSION.—If in any product liability action a foreign manufacturer of the product involved in such action fails to furnish any testimony, document, or other thing upon a duly issued discovery order by the court in such action, such failure shall be deemed an admission of any fact with respect to which the discovery order relates.

(c) PROCESS.—Process in an action described in subsection (a) may be served wherever the foreign manufacturer is located, has an agent, or transacts business.

It was decided in the affirmative { Yeas 258
Nays 166

¶41.17 [Roll No. 221] AYES—258

Abercrombie	Doolittle	Kennedy (RI)
Ackerman	Doyle	Kildee
Allard	Duncan	Klecзка
Andrews	Durbin	Klink
Bachus	Edwards	LaFalce
Baessler	Emerson	Lantos
Baldacci	Engel	Laughlin
Barcia	Ensign	Levin
Barrett (WI)	Eshoo	Lewis (GA)
Bateman	Evans	Lincoln
Becerra	Farr	Lipinski
Beilenson	Fattah	Lofgren
Bentsen	Fazio	Longley
Bereuter	Fields (LA)	Lowey
Berman	Filner	Luther
Bevill	Foglietta	Maloney
Bishop	Forbes	Manton
Blute	Ford	Markey
Boehrlert	Fowler	Martinez
Bonior	Fox	Mascara
Borski	Frank (MA)	Matsui
Boucher	Frost	McCarthy
Brewster	Furse	McDade
Browder	Gallegly	McDermott
Brown (CA)	Gejdenson	McHale
Brown (FL)	Gephardt	McInnis
Brown (OH)	Geren	McIntosh
Brownback	Gibbons	McKinney
Bryant (TX)	Gillmor	McNulty
Bunn	Gilman	Meehan
Cardin	Gonzalez	Meek
Chambliss	Gordon	Menendez
Chapman	Graham	Metcalf
Chenoweth	Green	Meyers
Clay	Gunderson	Mfume
Clayton	Gutierrez	Miller (CA)
Clement	Hall (OH)	Mineta
Clinger	Hamilton	Minge
Clyburn	Harman	Mink
Coleman	Hastings (FL)	Moakley
Collins (IL)	Hayes	Mollohan
Collins (MI)	Hayworth	Montgomery
Condit	Hefley	Murtha
Conyers	Hefner	Nadler
Cooley	Hinchey	Neal
Costello	Hobson	Ney
Coyne	Holden	Oberstar
Cramer	Horn	Obey
Crapo	Hostettler	Olver
Danner	Hoyer	Ortiz
de la Garza	Hunter	Orton
Deal	Jackson-Lee	Owens
DeFazio	Jacobs	Pallone
Dellums	Jefferson	Parker
Deutsch	Johnson (SD)	Pastor
Diaz-Balart	Johnson, E. B.	Payne (NJ)
Dicks	Johnston	Payne (VA)
Dingell	Jones	Pelosi
Dixon	Kanjorski	Peterson (FL)
Doggett	Kaptur	Peterson (MN)
Dooley	Kennedy (MA)	Petri

Pickett
Pombo
Pomeroy
Poshard
Pryce
Rahall
Ramstad
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rohrabacher
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sawyer

NOES—166

Archer
Armey
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bilbray
Bilirakis
Bilely
Boehner
Bonilla
Bono
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combust
Cox
Crane
Creameans
Cubin
Cunningham
Davis
DeLay
Dickey
Dornan
Dreier
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa

NOT VOTING—10

Baker (LA)
DeLauro
Flake
Hilliard
Houghton
Kennelly
LoBiondo
Moran
Rangel
Towns

So the amendment was agreed to.
After some further time,

¶41.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. WATT:

Scarborough
Schiff
Schroeder
Schumer
Scott
Serrano
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stupak
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thompson

NOES—166

Funderburk
Ganske
Gekas
Gilchrest
Goodlatte
Goodling
Goss
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Heineman
Herger
Hilleary
Hoekstra
Hoke
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourrette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McKeon
Mica
Miller (FL)
Molinar
Moorhead
Morella

Page 17, lines 16-17, strike "by clear and convincing evidence".

Page 20, lines 4-11, strike the section in its entirety and renumber the subsequent sections accordingly.

It was decided in the negative { Yeas 150
Nays 278

¶41.19 [Roll No. 222] AYES—150

Abercrombie	Gephardt	Olver
Ackerman	Gibbons	Ortiz
Andrews	Green	Orton
Baldacci	Gutierrez	Owens
Becerra	Harman	Pallone
Beilenson	Hastings (FL)	Pastor
Bentsen	Hayes	Payne (NJ)
Berman	Hefner	Payne (VA)
Bevill	Hilliard	Pelosi
Bishop	Hinchey	Reed
Bonior	Holden	Reynolds
Brown (CA)	Hoyer	Rivers
Brown (FL)	Jackson-Lee	Rose
Brown (OH)	Jefferson	Roybal-Allard
Bryant (TX)	Johnson (SD)	Rush
Cardin	Johnson, E. B.	Sabo
Chapman	Johnston	Sanders
Clay	Kanjorski	Sawyer
Clayton	Kennedy (MA)	Schroeder
Clyburn	Kennedy (RI)	Schumer
Coleman	Kennelly	Scott
Collins (IL)	Kildee	Serrano
Collins (MI)	Klecзка	Slaughter
Conyers	Klink	Spratt
Costello	LaFalce	Stark
Coyne	Lantos	Stokes
de la Garza	Levin	Studds
Deal	Lewis (GA)	Stupak
DeFazio	Lipinski	Tejeda
DeLauro	Lofgren	Thompson
Dellums	Lowey	Thornton
Deutsch	Maloney	Thurman
Dicks	Manton	Torres
Dingell	Markey	Towns
Dixon	Mascara	Trafficant
Doggett	Matsui	Tucker
Doyle	McCarthy	Velazquez
Engel	McDermott	Vento
Eshoo	McKinney	Visclosky
Evans	Meehan	Volkmer
Farr	Meek	Ward
Fattah	Menendez	Waters
Fields (LA)	Mfume	Watt (NC)
Filner	Miller (CA)	Waxman
Flake	Mineta	Williams
Foglietta	Minge	Wise
Ford	Mink	Woolsey
Frost	Moran	Wyden
Furse	Nadler	Wynn
Gejdenson	Oberstar	Yates

NOES—278

Allard	Callahan	Edwards
Archer	Calvert	Ehlers
Armey	Camp	Ehrlich
Bachus	Canady	Emerson
Baessler	Castle	English
Baker (CA)	Chabot	Ensign
Baker (LA)	Chambliss	Everett
Ballenger	Chenoweth	Ewing
Barcia	Christensen	Fawell
Barr	Chrysler	Fazio
Barrett (NE)	Clement	Fields (TX)
Barrett (WI)	Clinger	Flanagan
Bartlett	Coble	Foley
Barton	Coburn	Forbes
Bass	Collins (GA)	Fowler
Bateman	Combust	Fox
Bereuter	Condit	Frank (MA)
Bilbray	Cooley	Franks (CT)
Bilirakis	Cox	Franks (NJ)
Bilely	Cramer	Frelinghuysen
Blute	Crane	Frisa
Boehrlert	Crapo	Funderburk
Boehner	Creameans	Gallegly
Bonilla	Cunningham	Ganske
Bono	Danner	Gekas
Borski	Davis	Geren
Boucher	DeLay	Gilchrest
Brewster	Diaz-Balart	Gillmor
Browder	Dickey	Gilman
Brownback	Dooley	Gonzalez
Bryant (TN)	Doolittle	Goodlatte
Bunn	Dornan	Goodling
Bunning	Dreier	Gordon
Burr	Duncan	Goss
Burton	Dunn	Greenwood
Buyer	Durbin	Gunderson