

Gutknecht, Hall (TX), Hamilton, Hancock, Hansen, Hastert, Hastings (WA), Hayworth, Hefley, Heineman, Herger, Hilleary, Hobson, Hoekstra, Hoke, Horn, Hostettler, Hunter, Hutchinson, Hyde, Inglis, Istook, Jacobs, Johnson (CT), Johnson, Sam, Jones, Kaptur, Kasich, Kelly, Kim, King, Kingston, Klug, Knollenberg, Kolbe, LaHood, Largent, Latham, LaTourette, Laughlin, Lazio, Leach, Lewis (CA), Lewis (KY), Lightfoot, Lincoln, Linder, Livingston, Longley, Lucas, Luther, Manzullo, Martinez, Martini, McCollum, McCrery, McDade, McHale, McHugh, McInnis, McIntosh, McKeon, McNulty, Metcalf, Meyers, Mica, Miller (FL), Moakley, Molinari, Mollohan, Montgomery, Moorhead, Morella, Murtha, Myers, Myrick, Neal, Nethercutt, Neumann, Ney, Norwood, Nussle, Obey, Oxley, Packard, Parker, Paxon, Peterson (FL), Peterson (MN), Petri, Pickett, Pombo, Pomeroy, Porter, Portman, Poshard, Pryce, Quillen, Quinn, Radanovich, Rahall, Ramstad, Regula, Richardson, Riggs, Roberts, Roemer, Rogers, Rohrabacher, Ros-Lehtinen, Roth, Royce, Royce, Salmon, Sanford, Saxton, Scarborough, Schaefer, Schiff, Seastrand, Sensenbrenner, Shadegg, Shaw, Shays, Shuster, Sisisky, Skaggs, Skeeon, Skelton, Smith (MI), Smith (NJ), Smith (TX), Smith (WA), Souder, Spence, Stearns, Stenholm, Stockman, Stump, Talent, Tanner, Tate, Tauzin, Taylor (MS), Taylor (NC), Thomas, Thornberry, Tiahrt, Torricelli, Upton, Vucanovich, Waldholtz, Walker, Wamp, Watts (OK), Weldon (FL), Weldon (PA), Weller, White, Whitfield, Wicker, Wilson, Wolf, Young (AK), Young (FL), Zeliff, Zimmer

NOT VOTING—6

Cubin, Graham, Hall (OH), Houghton, LoBiondo, Rangel

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

41.20 RECORDED VOTE

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

Page 17, strike line 22 and all that follows through line 2 on page 18 and redesignate the succeeding subsections accordingly.

It was decided in the Yeas 155 negative 272

41.21 [Roll No. 223] AYES—155

Abercrombie, Ackerman, Andrews, Baldacci, Barcia, Becerra, Beilenson, Bentsen, Berman, Bishop, Bonior, Borski, Brown (CA), Brown (FL), Brown (OH), Bryant (TX), Clay, Clayton, Clyburn, Coble, Coleman, Collins (IL), Collins (MI), Conyers, Costello, Coyne, de la Garza, DeFazio, DeLauro, Dellums, Deutsch, Dicks, Dingell, Dixon, Doggett, Doyle, Durbin, Engel, English, Eshoo, Evans, Farr, Fattah, Fields (LA), Filner, Flake, Foglietta, Ford, Fox, Frost, Furse, Gejdenson, Gephardt, Gibbons

Gonzalez, Green, Gutierrez, Hall (OH), Hastings (FL), Hefner, Hilliard, Hinchey, Holden, Hoyer, Istook, Jackson-Lee, Jefferson, Johnson (SD), Johnson, E. B., Johnston, Kanjorski, Kennedy (MA), Kennedy (RI), Kennelly, Kildee, Klink, LaFalce, Lantos, Laughlin, Levin, Lewis (GA), Lipinski, Lofgren, Lowey, Luther, Maloney, Manton, Markey, Mascara, Matsui, McDade, McDermott, McHale, McKinney, Meehan, Meek, Mfume, Miller (CA), Mineta, Minge, Mink, Moakley, Murtha, Nadler, Neal, Oberstar, Olver, Ortiz, Owens, Pallone, Pastor, Payne (NJ), Pelosi, Pomeroy, Poshard, Rahall, Reynolds, Richardson, Rivers, Rose, Roybal-Allard, Rush

NOES—272

Allard, Archer, Arney, Bachus, Baesler, Baker (CA), Baker (LA), Ballenger, Barr, Barrett (NE), Barrett (WI), Bartlett, Barton, Bass, Bateman, Bereuter, Bevill, Bilbray, Bilirakis, Bliley, Blute, Boehlert, Boehner, Bonilla, Bono, Boucher, Brewster, Browder, Brownback, Bryant (TN), Bunn, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Canady, Cardin, Castle, Chabot, Chambliss, Chapman, Chenoweth, Christensen, Chrysler, Clement, Clinger, Coburn, Collins (GA), Combust, Condit, Cooley, Cox, Cramer, Crane, Crapo, Cremeans, Cunningham, Danner, Davis, Deal, DeLay, Diaz-Balart, Dickey, Dooley, Doolittle, Dornan, Dreier, Duncan, Dunn, Edwards, Ehlers, Ehrlich, Emerson, Ensign, Everrett, Ewing, Fawell, Fazio, Fields (TX), Flanagan, Foley, Fowler, Frank (MA), Franks (CT), Franks (NJ), Frelinghuysen, Funderburk, Gallegly, Ganske, Gekas, Geren, Gilchrest, Gillmor, Gilman, Goodlatte, Goodling, Gordon, Goss, Graham, Greenwood, Gunderson, Gutknecht, Hall (TX), Hamilton, Hancock, Hansen, Harman, Hastert, Hastings (WA), Hayes, Hayworth, Hefley, Heineman, Herger, Hilleary, Hobson, Hoekstra, Hoke, Horn, Hostettler, Houghton, Hunter, Hutchinson, Hyde

Sabo, Sanders, Sawyer, Schroeder, Schumer, Scott, Serrano, Skaggs, Skelton, Slaughter, Stark, Stokes, Studds, Stupak, Tejada, Thompson, Thurman, Torres, Traficant, Tucker, Velazquez, Vento, Visclosky, Ward, Waters, Watt (NC), Waxman, Williams, Wilson, Wise, Woolsey, Wyden, Yates, Petri, Pickett, Pombo, Porter, Portman, Pryce, Quillen, Quinn, Radanovich, Ramstad, Reed, Regula, Riggs, Roberts, Roemer, Rogers, Rohrabacher, Ros-Lehtinen, Roth, Roukema, Royce, Salmon, Sanford, Saxton, Scarborough, Schaefer, Schiff, Cubin, Forbes, Kelly, Livingston, McLinnis, Morella, Rangel

NOT VOTING—7

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

41.22 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 19, redesignate section 202 as section 203 and insert after line 19 the following:

SEC. 202. DEPOSIT OF DAMAGES.

If punitive damages of more than \$250,000 are awarded in a civil liability action, 75 percent of the amount of such damages in excess of \$250,000 shall be deposited—

(1) if the action was in a Federal court, in the treasury of the State in which such court sits, and

(2) if the action was in a State court, in the treasury of the State in which such court sits.

This section shall be applied by the court and shall not be disclosed to the jury.

It was decided in the Yeas 162 negative 265

41.23 [Roll No. 224] AYES—162

Andrews, Archer, Arney, Baker (CA), Ballenger, Barr, Barrett (NE), Bartlett, Barton, Beilenson, Bevill, Bilbray, Bliley, Boehner, Bonilla, Browder, Brownback, Bryant (TN), Bunn, Buyer, Calvert, Camp, Chenoweth, Christensen, Chrysler, Coburn, Collins (GA), Condit, Cooley, Cox, Crane, Cremeans, Cunningham, Deal, DeLay, Doggett, Doolittle, Dreier, Dunn, Ehlers, Ehrlich, Emerson, English, Ewing, Fawell, Fields (TX), Flanagan, Fowler, Frisa, Funderburk, Gallegly, Ganske, Geren, Gilchrest, Gillmor, Goodlatte, Goodling, Goss, Greenwood, Gunderson, Gutknecht, Hancock, Hastert, Hastings (WA), Hefley, Heineman, Hilleary, Hobson, Hoke, Hostettler, Houghton, Hunter, Hyde, Inglis, Jacobs, Johnson, Sam, Jones, Kanjorski, Kasich, Kim, Kingston, Klug, Knollenberg, Kolbe, LaFalce, Laughlin, Leach, Lewis (KY), Lincoln, Linder, Luther, Maloney, Martinez, McCollum, McCrery, McLinnis, McKeon, McNulty, Metcalf

Mica
Miller (CA)
Miller (FL)
Moorhead
Neumann
Norwood
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Pryce
Regula
Roberts

Rogers
Rohrabacher
Roth
Royce
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schumer
Seastrand
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder

Spence
Stenholm
Stump
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thurman
Towns
Upton
Vucanovich
Walker
Watts (OK)
Weldon (FL)
Weller
Williams
Wolf
Young (FL)
Zimmer

Studds
Stupak
Tate
Taylor (MS)
Tejeda
Thompson
Thornton
Torkildsen
Torres
Torrice
Traficant
Tucker

Velazquez
Vento
Visclosky
Volkmer
Waldholtz
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weldon (PA)
White

Whitfield
Wicker
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff

NOT VOTING—7

Cubin
Forbes
Gibbons

Hayworth
Rangel
Tiahrt

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

41.24 RECORDED VOTE

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

Page 1, strike line 7 and all that follows through the matter that precedes line 1 on page 2, and insert the following:

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

Sec. 1. Short title and table of contents.

Sec. 2. Findings and purposes.

TITLE I—PRODUCT LIABILITY REFORM

Sec. 101. Applicability.

Sec. 102. Liability rules applicable to product sellers.

Sec. 103. Defense based on claimant's use of intoxicating alcohol or drugs.

Sec. 104. Misuse or alteration.

Sec. 105. Frivolous pleadings.

Sec. 106. Several liability for noneconomic loss.

Sec. 107. Statute of repose.

Sec. 108. Definitions.

TITLE II—LIMITATION ON SPECULATIVE AND ARBITRARY DAMAGE AWARDS

Sec. 201. Treble damages as penalty in civil actions.

Sec. 202. Limitation on additional payments beyond actual damages.

Sec. 203. Fair share rule for noneconomic damage awards.

Sec. 204. Definitions.

TITLE III—BIOMATERIALS SUPPLIERS

Sec. 301. Liability of biomaterials suppliers.

Sec. 302. Procedures for dismissal of civil actions against biomaterials suppliers.

Sec. 303. Definitions.

TITLE IV—LIMITATIONS ON APPLICABILITY; EFFECTIVE DATE

Sec. 401. Application limited to interstate commerce.

Sec. 402. Effect on other law.

Sec. 403. Federal cause of action precluded.

Sec. 404. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—
(1) the civil justice system, which is designed to safeguard our most cherished rights, to remedy injustices, and to defend our liberty, is increasingly being deployed to abridge our rights, create injustice, and destroy our liberty;

(2) our Nation is overly litigious, the civil justice system is overcrowded, sluggish, and excessively costly, and the costs of lawsuits, both direct and indirect, are inflicting serious and unnecessary injury on the national economy;

(3) excessive, unpredictable, and often arbitrary damage awards and unfair allocations of liability have a direct and undesirable effect on interstate commerce by increasing the cost and decreasing the availability of goods and services;

(4) the rules of law governing product liability actions, damage awards, and allocations of liability have evolved inconsistently within and among the several States, resulting in a complex, contradictory, and uncertain regime that is inequitable to both plaintiffs and defendants and unduly burdens interstate commerce;

(5) as a result of excessive, unpredictable, and often arbitrary damage awards and unfair allocations of liability, consumers have been adversely affected through the withdrawal of products, producers, services, and service providers from the national market, and from excessive liability costs passed on to them through higher prices;

(6) excessive, unpredictable, and often arbitrary damage awards and unfair allocations of liability jeopardize the financial well-being of many individuals as well as entire industries, particularly the Nation's small businesses, and adversely affects governments, taxpayers, nonprofit entities and volunteer organizations;

(7) the excessive costs of the civil justice system undermine the ability of American companies to compete internationally, and serve to decrease the number of jobs and the amount of productive capital in the national economy;

(8) the unpredictability of damage awards is inequitable to both plaintiffs and defendants and has added considerably to the high cost of liability insurance, making it difficult for producers, consumers, and individuals to protect their liability with any degree of confidence and at a reasonable cost;

(9) because of the national scope of the problems created by the defects in the civil justice system, it is not possible for the several States to enact laws that fully and effectively respond to those problems;

(10) it is the constitutional role of the national government to remove barriers to interstate commerce; and

(11) there is need to restore rationality, certainty, and fairness to the civil justice system in order to protect against excessive, arbitrary, and uncertain damage awards and to reduce the volume, costs, and delay of litigation.

(b) PURPOSES.—Based upon the powers contained in Article I, Section 8, Clause 3 of the United States Constitution, the purposes of this Act are to promote the free flow of goods and services and to lessen burdens on interstate commerce by—

(1) establishing certain uniform legal principles of product liability which provide a fair balance among the interests which provide a fair balance among the interests of product users, manufacturers, and product sellers;

(2) placing reasonable limits on damages over and above the actual damages suffered by a claimant;

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

(4) reducing the unacceptable costs and delays of our civil justice system caused by excessive litigation which harm both plaintiffs and defendants; and

(5) establishing greater fairness, rationality, and predictability in the civil justice system.

Page 2, strike line 3 and all that follows through line 24, and page 4 (and redesignate subsequent sections accordingly).

Page 11, strike lines 17 through 24 (and redesignate subsequent sections accordingly).

Page 12, strike line 24 and all that follows through line 2 on page 13 (and redesignate the subsequent section accordingly).

Page 17, strike lines 10 through 12 and insert the following:

NOES—265

Abercrombie
Ackerman
Allard
Bachus
Baesler
Baker (LA)
Baldacci
Barcia
Barrett (WI)
Bass
Bateman
Beccerra
Beilenson
Bentsen
Berman
Bilirakis
Bishop
Blute
Boehlert
Bonior
Bono
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunning
Burr
Burton
Callahan
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Combest
Conyers
Cooley
Costello
Coyne
Cramer
Crapo
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Everett
Farr

Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gekas
Gephardt
Gilman
Gonzalez
Gordon
Graham
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (FL)
Hayes
Hefner
Herger
Hilliard
Hinchee
Hoekstra
Holden
Horn
Hoyer
Hutchinson
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowe
Lucas
Manton
Manzullo
Markey
Martini

Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McIntosh
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Mineta
Minge
Mink
Moakley
Molinaro
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercatt
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Poshard
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Reynolds
Richardson
Riggs
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sanders
Sawyer
Schiff
Schroeder
Scott
Serrano
Shadegg
Shays
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stearns
Stockman
Stokes