

judgment or by amendment of the judgment after entry. An award of damages for noneconomic losses in excess of \$250,000 shall be reduced to \$250,000 before accounting for any other reduction in damages required by law. If separate awards of damages for past and future noneconomic damages are rendered and the combined award exceeds \$250,000, the award of damages for future noneconomic losses shall be reduced first.

(b) APPLICABILITY.—Except as provided in section 401, this section shall apply to any health care liability action brought in any Federal or State court on any theory or pursuant to any alternative dispute resolution process where noneconomic damages are sought. This section does not create a cause of action for noneconomic damages. This section does not preempt or supersede any State or Federal law to the extent that such law would further limit the award of noneconomic damages. This section does not preempt any State law enacted before the date of the enactment of this Act that places a cap on the total liability in a health care liability action.

(d) DEFINITIONS.—As used in this section—  
 (a) The term “claimant” means any person who asserts a health care liability claim or brings a health care liability action, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent or a minor.

(b) The term “economic loss” has the same meaning as defined at section 203(3).

(c) The term “health care liability action” means a civil action brought in a State or Federal court or pursuant to any alternative dispute resolution process, against a health care provider, and entity which is obligated to provide or pay for health benefits under any health plan (including any person or entity acting under a contract or arrangement to provide or administer any health benefit), or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, in which the claimant alleges a claim (including third party claims, cross claims, counter claims, or distribution claims) based upon the provision of (or the failure to provide or pay for) health care services or the use of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, or defendants or causes of action.

Page 17, line 10, insert “and other” after “punitive”.

It was decided in the { Yeas ..... 247  
 affirmative ..... { Nays ..... 171

41.27 [Roll No. 226]  
 AYES—247

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|--------------|--------------|------------|
| Allard       | Bono         | Combest    |
| Archer       | Brewster     | Condit     |
| Armey        | Browder      | Cooley     |
| Bachus       | Brownback    | Cox        |
| Baker (CA)   | Bryant (TN)  | Cramer     |
| Baker (LA)   | Bunn         | Crane      |
| Baldacci     | Bunning      | Crapo      |
| Ballenger    | Burr         | Creameans  |
| Barcia       | Burton       | Cunningham |
| Barr         | Buyer        | Davis      |
| Barrett (NE) | Callahan     | DeLay      |
| Bartlett     | Calvert      | Dooley     |
| Barton       | Camp         | Doolittle  |
| Bass         | Canady       | Dornan     |
| Bateman      | Cardin       | Dreier     |
| Bereuter     | Castle       | Duncan     |
| Bevill       | Chabot       | Dunn       |
| Bilbray      | Chambliss    | Ehlers     |
| Bilirakis    | Chapman      | Ehrlich    |
| Bliley       | Chenoweth    | Emerson    |
| Blute        | Christensen  | English    |
| Boehkert     | Chrysler     | Ensign     |
| Boehner      | Coburn       | Eshoo      |
| Bonilla      | Collins (GA) | Everett    |

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|---------------|---------------|
| Ewing         | Laughlin      |
| Fawell        | Lazio         |
| Fazio         | Leach         |
| Fields (TX)   | Lewis (CA)    |
| Foley         | Lewis (KY)    |
| Fowler        | Lightfoot     |
| Fox           | Linder        |
| Franks (CT)   | Livingston    |
| Franks (NJ)   | Longley       |
| Frisa         | Lucas         |
| Funderburk    | Manzullo      |
| Galleghy      | McCollum      |
| Ganske        | McCrery       |
| Gekas         | McHale        |
| Geren         | McHugh        |
| Goodlatte     | McInnis       |
| Goodling      | McIntosh      |
| Gordon        | McKeon        |
| Goss          | McNulty       |
| Greenwood     | Metcalf       |
| Gunderson     | Meyers        |
| Gutknecht     | Mica          |
| Hall (TX)     | Miller (FL)   |
| Hamilton      | Minge         |
| Hancock       | Molinari      |
| Hansen        | Montgomery    |
| Harman        | Moorhead      |
| Hastert       | Moran         |
| Hastings (WA) | Morella       |
| Hayes         | Myers         |
| Hayworth      | Myrick        |
| Hefley        | Neumann       |
| Heineman      | Ney           |
| Herger        | Norwood       |
| Hilleary      | Nussle        |
| Hobson        | Oxley         |
| Hoekstra      | Packard       |
| Hoke          | Pallone       |
| Holden        | Parker        |
| Horn          | Paxon         |
| Hostettler    | Payne (VA)    |
| Houghton      | Peterson (FL) |
| Hunter        | Peterson (MN) |
| Hutchinson    | Petri         |
| Hyde          | Pickett       |
| Inglis        | Pombo         |
| Johnson (SD)  | Porter        |
| Johnson, Sam  | Portman       |
| Jones         | Poshard       |
| Kasich        | Quillen       |
| Kelly         | Quinn         |
| Kim           | Radanovich    |
| Kingston      | Ramstad       |
| Klug          | Regula        |
| Knollenberg   | Richardson    |
| Kolbe         | Riggs         |
| LaHood        | Roberts       |
| Largent       | Roemer        |
| Latham        | Rogers        |

NOES—171

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|--------------|----------------|
| Abercrombie  | Doyle          |
| Ackerman     | Durbin         |
| Andrews      | Edwards        |
| Baesler      | Engel          |
| Barrett (WI) | Evans          |
| Becerra      | Farr           |
| Beilenson    | Fattah         |
| Bentsen      | Fields (LA)    |
| Berman       | Filner         |
| Bishop       | Flake          |
| Bonior       | Flanagan       |
| Borski       | Foglietta      |
| Brown (CA)   | Ford           |
| Brown (FL)   | Frank (MA)     |
| Brown (OH)   | Frelinghuysen  |
| Bryant (TX)  | Frost          |
| Bryant (TX)  | Furse          |
| Clay         | Gejdenson      |
| Clayton      | Gephardt       |
| Clement      | Gilchrest      |
| Clyburn      | Gillmor        |
| Coble        | Gilman         |
| Coleman      | Gonzalez       |
| Collins (IL) | Graham         |
| Collins (MI) | Green          |
| Conyers      | Gutierrez      |
| Costello     | Hastings (FL)  |
| Coyne        | Hefner         |
| Danner       | Hilliard       |
| de la Garza  | Hinche         |
| Deal         | Hoyer          |
| DeLauro      | Istook         |
| Delums       | Jackson-Lee    |
| Deutsch      | Jacobs         |
| Diaz-Balart  | Johnson, E. B. |
| Dickey       | Johnston       |
| Dicks        | Kanjorski      |
| Dingell      | Kaptur         |
| Dixon        | Kennedy (MA)   |
| Doggett      |                |

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|---------------|---------------|
| Rohrabacher   | Oberstar      |
| Ros-Lehtinen  | Obey          |
| Roth          | Olver         |
| Roukema       | Ortiz         |
| Royce         | Orton         |
| Salmon        | Pastor        |
| Sanford       | Payne (NJ)    |
| Saxton        | Pelosi        |
| Scarborough   | Pomeroy       |
| Schaefer      | Pryce         |
| Seastrand     | Rahall        |
| Sensenbrenner | Reed          |
| Shaw          | Reynolds      |
| Shays         | Rivers        |
| Shuster       | Rose          |
| Sisisky       | Roybal-Allard |
| Skeen         | Rush          |
| Skelton       | Sabo          |

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|-------------|---------|
| Smith (MI)  | Boucher |
| Smith (NJ)  | Clinger |
| Smith (TX)  | Cubin   |
| Smith (WA)  | DeFazio |
| Solomon     | Forbes  |
| Souder      | Gibbons |
| Spence      |         |
| Stearns     |         |
| Stenholm    |         |
| Stockman    |         |
| Stump       |         |
| Talent      |         |
| Tanner      |         |
| Tate        |         |
| Tauzin      |         |
| Taylor (MS) |         |
| Taylor (NC) |         |
| Thomas      |         |
| Thornberry  |         |
| Tiahrt      |         |
| Torkildsen  |         |
| Torricelli  |         |
| Trafficant  |         |
| Upton       |         |
| Volkmer     |         |
| Vucanovich  |         |
| Waldholtz   |         |
| Walker      |         |
| Wamp        |         |
| Watts (OK)  |         |
| Weldon (FL) |         |
| White       |         |
| Whitfield   |         |
| Wicker      |         |
| Wolf        |         |
| Young (AK)  |         |
| Young (FL)  |         |
| Zeliff      |         |
| Zimmer      |         |

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|-----------|-------------|
| Sanders   | Thurman     |
| Sawyer    | Torres      |
| Schiff    | Towns       |
| Schroeder | Tucker      |
| Schumer   | Velazquez   |
| Scott     | Vento       |
| Serrano   | Visclosky   |
| Shadegg   | Walsh       |
| Skaggs    | Ward        |
| Slaughter | Waters      |
| Spratt    | Watt (NC)   |
| Stark     | Waxman      |
| Stokes    | Weldon (PA) |
| Studds    | Wilson      |
| Stupak    | Wise        |
| Tejeda    | Woolsey     |
| Thompson  | Wyden       |
| Thornton  | Wynn        |

NOT VOTING—16

- |              |          |
|--------------|----------|
| Hall (OH)    | Rangel   |
| Jefferson    | Weller   |
| Johnson (CT) | Williams |
| Martinez     | Yates    |
| Murtha       |          |
| Owens        |          |

So the amendment was agreed to. The SPEAKER pro tempore, Mr. LONGLEY, assumed the Chair.

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

41.28 MESSAGE FROM THE PRESIDENT—  
 ECONOMIC EMERGENCY IN MEXICO

The SPEAKER pro tempore, Mr. LONGLEY, laid before the House a message from the President, which was read as follows:

*To the Congress of the United States:*  
 On January 31, 1995, I determined pursuant to 31 U.S.C. 5302(b) that the economic crisis in Mexico posed “unique and emergency circumstances” that justified the use of the Exchange Stabilization Fund (ESF) to provide loans and credits with maturities of greater than 6 months to the Government of Mexico and the Bank of Mexico. Consistent with the requirements of 31 U.S.C. 5302(b), I am hereby notifying the Congress of that determination. The congressional leadership issued a joint statement with me on January 31, 1995, in which we all agreed that such use of the ESF was a necessary and appropriate response to the Mexican financial crisis and in the United States’ vital national interest.

On February 21, 1995, the Secretary of the Treasury and the Mexican Secretary of Finance and Public Credit signed four agreements that provide the framework and specific legal arrangements under which up to \$20 billion in support will be made available from the ESF to the Government of Mexico and the Bank of Mexico. Under these agreements, the United States will provide three forms of support to Mexico: short-term swaps through which Mexico borrows dollars for 90 days and that can be rolled over for up to 1 year; medium-term swaps through which Mexico can borrow dollars for up to 5 years; and securities guarantees having maturities of up to 10 years.

Repayment of these loans and guarantees is backed by revenues from the export of crude oil and petroleum products formalized in an agreement signed by the United States, the Government of Mexico, and the Mexican govern-