

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

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

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

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
Clay	Furse
Clayton	Gejdenson
Clement	Gephardt
Clyburn	Gilchrest
Coble	Gillmor
Coleman	Gilman
Collins (IL)	Gonzalez
Collins (MI)	Graham
Conyers	Green
Costello	Gutierrez
Coyne	Hastings (FL)
Danner	Hefner
de la Garza	Hilliard
Deal	Hinchev
DeLauro	Hoyer
Delums	Istook
Deutsch	Jackson-Lee
Diaz-Balart	Jacobs
Dickey	Johnson, E. B.
Dicks	Johnston
Dingell	Kanjorski
Dixon	Kaptur
Doggett	Kennedy (MA)

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

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

Boucher	Hall (OH)	Rangel
Clinger	Jefferson	Weller
Cubin	Johnson (CT)	Williams
DeFazio	Martinez	Yates
Forbes	Murtha	
Gibbons	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-

ment's oil company. In addition, as added protection in the unlikely event of default, the United States is requiring Mexico to maintain the value of the pesos it deposits with the United States in connection with the medium-term swaps. Therefore, should the rate of exchange of the peso against the U.S. dollar drop during the time the United States holds pesos, Mexico would be required to provide the United States with enough additional pesos to reflect the rate of exchange prevailing at the conclusion of the swap.

I am enclosing a Fact Sheet prepared by the Department of the Treasury that provides greater details concerning the terms of the four agreements. I am also enclosing a summary of the economic policy actions that the Government of Mexico and the Central Bank have agreed to take as a condition of receiving assistance.

The agreements we have signed with Mexico are part of a multilateral effort involving contributions from other countries and multilateral institutions. The Board of the International Monetary Fund has approved up to \$17.8 billion in medium-term assistance for Mexico, subject to the Mexico's meeting appropriate economic conditions. Of this amount, \$7.8 billion has already been disbursed, and additional conditional assistance will become available beginning in July of this year. In addition, the Bank for International Settlements is expected to provide \$10 billion in short-term assistance.

The current Mexican financial crisis is a liquidity crisis that has had a significant destabilizing effect on the exchange rate of the peso, with consequences for the overall exchange rate system. The spill-over effects of inaction in response to this crisis would be significant for other emerging market economies, particularly those in Latin America, as well as for the United States. Using the ESF to respond to this crisis is therefore plainly consistent with the purpose of 31 U.S.C. 5302(b): to give the United States the ability to take action consistent with its obligations in the International Monetary Fund to assure orderly exchange arrangements and a stable system of exchange rates.

The Mexican peso crisis erupted with such suddenness and in such magnitude as to render the usual short-term approaches to liquidity crisis inadequate to address the problem. To resolve problems arising from Mexico's short-term debt burden, longer term solutions are necessary in order to avoid further pressure on the exchange rate of the peso. These facts present unique and emergency circumstances, and it is therefore both appropriate and necessary to make the ESF available to extend credits and loans to Mexico in excess of 6 months.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 9, 1995.*

By unanimous consent, the message, together with the accompanying pa-

pers, was referred to the Committee on Banking and Financial Services and ordered to be printed (H. Doc. 104-55).

¶41.29 ORDER OF BUSINESS—PRINTING OF AMENDMENTS—H.R. 1158 AND H.R. 1159

On motion of Mr. SOLOMON, by unanimous consent,

Ordered, That it may be in order for Members to have until 5 o'clock p.m., Monday, March 13, 1995, to submit amendments for printing in the Congressional Record on the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes, and the bill (H.R. 1159) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes.

¶41.30 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 Friday, March 10, 1995: the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, the Committee on House Oversight, the Committee on the Judiciary, and the Committee on Transportation and Infrastructure.

¶41.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. LOBIONDO, for today until 4 p.m.; and

To Mrs. CUBIN, for today after 2:50 p.m. and March 10.

And then,

¶41.32 ADJOURNMENT

On motion of Mr. SHAYS, at 11 o'clock and 10 minutes p.m., the House adjourned.

¶41.33 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. YOUNG of Alaska: Committee on Resources. H.R. 402. A bill to amend the Alaska Native Claims Settlement Act, and for other purposes (Rept. No. 104-73). Referred to the Committee of the Whole House on the State of the Union.

¶41.34 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. CAMP (for himself and Mr. LEVIN):

H.R. 1178. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of effectively connected investment income of insurance companies; to the Committee on Ways and Means.

By Mr. CLEMENT (for himself and Mr. DUNCAN):

H.R. 1179: A bill to authorize appropriations for the preservation and restoration of

historic buildings at historically black colleges and universities; to the Committee on Resources.

By Mr. UPTON (for himself, Mr. BOUCHER, and Mr. BONIOR):

H.R. 1180. A bill to amend the Solid Waste Disposal Act to provide congressional authorization for restrictions on receipt of out-of-State municipal solid waste and for State control over transportation of municipal solid waste, and to clarify the authority for certain municipal solid waste flow control arrangements, and for other purposes; to the Committee on Commerce.

By Mr. FLAKE:

H.R. 1181. A bill to strengthen families receiving aid to families with dependent children through education, job training, savings, and investment opportunities, and to provide States with greater flexibility in administering such aid in order to help individuals make the transition from welfare to employment and economic independence; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 1182. A bill to permit certain Federal employees who retired or became entitled to receive compensation for work injury before December 9, 1980, to elect to resume coverage under the Federal employees' group life insurance program; to the Committee on Government Reform and Oversight.

By Mrs. MALONEY:

H.R. 1183. A bill to amend title II of the Social Security Act to provide more appropriate remedies for failures to report information relating to the earnings test; to the Committee on Ways and Means.

By Mr. MCCOLLUM (for himself, Mr. LEACH, Mrs. ROUKEMA, Mr. BEREUTER, Mr. ROTH, Mr. BAKER of Louisiana, Mr. LAZIO of New York, Mr. BACHUS, Mr. CASTLE, Mr. KING, Mr. ROYCE, Mr. WELLER, Mr. EHRLICH, Mr. CHRYSLER, Mr. CREMEANS, Mr. HEINEMAN, and Mr. LOBIONDO):

H.R. 1184. A bill to amend the Truth in Lending Act to clarify the intent of such act and to reduce burdensome regulatory requirements on creditors; to the Committee on Banking and Financial Services.

By Mr. MICA:

H.R. 1185. A bill to amend chapters 83 and 84 of title 5, United States Code, to increase the percentage of basic pay required to be contributed by individuals; to change the method for computing average pay; and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. OXLEY:

H.R. 1186. A bill to provide for the safety of journeymen boxers, and for other purposes; to the Committee on Economic and Educational Opportunities, 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. PETRI (for himself (by request) and Mr. LAUGHLIN):

H.R. 1187. A bill to increase the safety for the public health and the environment by reducing the risks associated with the pipeline transportation of natural gas and hazardous liquids, and for other purposes; to the Committee on Transportation and Infrastructure, 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. RAHALL:

H.R. 1188. A bill to provide for the preservation of the coal mining heritage of southern West Virginia, and for other purposes; to the Committee on Resources.