

H.R. 1110: Mr. KNOLLENBERG, Mr. HANCOCK, Mr. PORTER, Mr. KLUG, and Mr. BARTLETT of Maryland.  
 H.R. 1120: Mr. HEINEMAN, Mr. HOBSON, Ms. MOLINARI, and Mr. LIVINGSTON.  
 H.R. 1145: Mr. CUNNINGHAM and Ms. LOFGREN.  
 H.J. Res. 3: Mr. LAHOOD.  
 H. Con. Res. 12: Mrs. COLLINS of Illinois, Mr. DUNCAN, and Mr. STUMP.  
 H. Con. Res. 19: Mrs. CHENOWETH and Mr. CALVERT.  
 H. Res. 102: Mrs. MYRICK.

¶41.37 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1120: Mr. STEARNS.

**FRIDAY, MARCH 10, 1995 (42)**

¶42.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. BONILLA, who laid before the House the following communication:

WASHINGTON, DC,  
 March 10, 1995.

I hereby designate the Honorable HENRY BONILLA to act as Speaker pro tempore on this day.

NEWT GINGRICH,  
 Speaker of the House of Representatives.

¶42.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BONILLA, announced he had examined and approved the Journal of the proceedings of Thursday, March 9, 1995.

Pursuant to clause 1, rule I, the Journal was approved.

¶42.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

514. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of establishing standards for agricultural products; to the Committee on Agriculture.

515. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

516. A letter from the Administrator, Panama Canal Commission, transmitting a draft of proposed legislation entitled, the "Panama Canal Amendments Act of 1995"; to the Committee on National Security.

517. A letter from the Federal Housing Finance Board, transmitting the office's 1995 compensation plan, pursuant to Public Law 101-73, section 1206 (103 Stat. 523); to the Committee on Banking and Financial Services.

518. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. B-95 which relates to enhancements or upgrades from the level of sensitivity of technology or capability described on section 36(b)(1) AECA certification 92-40 of September 14, 1992, pursuant to 22 U.S.C. 2776(b)(5); to the Committee on International Relations.

519. A letter from the Chairman, U.S. Advisory Commission on Public Diplomacy, transmitting the Commission's report on public diplomacy activities of the U.S. Government, pursuant to 22 U.S.C. 1469; to the Committee on International Relations.

520. A letter from the Chairman, Commodity Futures Trading Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

521. A letter from the Secretary of Transportation, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

522. A letter from the Secretary, Department of Transportation, transmitting the annual report on railroad financial assistance for fiscal year 1994, pursuant to section 409 of the Staggers Rail Act of 1980; to the Committee on Transportation and Infrastructure.

523. A letter from the Secretary of Transportation, transmitting the Department's annual report on pipeline safety activities for calendar year 1992, pursuant to 49 U.S.C. app. 1683(a); jointly, to the Committees on Transportation and Infrastructure, Commerce, and Resources.

¶42.4 PAPERWORK REDUCTION

On motion of Mr. CLINGER, by unanimous consent, the bill of the Senate (S. 244) to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. CLINGER submitted the following amendment which was agreed to:

Strike out all after the enacting clause and insert the provisions of H.R. 830 as passed by the House.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill, as amended, was passed was, by unanimous consent, laid on the table.

When on motion of Mr. CLINGER, it was,

*Resolved*, That the House insist upon its amendment and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. BONILLA, by unanimous consent, announced the appointment of Mr. CLINGER, Mrs. MEYERS, Messrs. MCHUGH, MCINTOSH, and FOX as managers on the part of the House at said conference.

*Ordered*, That the Clerk notify the Senate thereof.

The Speaker pro tempore, Mr. BONILLA, announced that additional appointments of conferees would be made later today.

¶42.5 PRODUCT LIABILITY LITIGATION

The SPEAKER pro tempore, Mr. BONILLA, pursuant to House Resolution 109 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 956) to establish legal standards and procedures for product

liability litigation, and for other purposes.

Mr. DREIER, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶42.6 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 31, line 5, insert before the period the following: "AND SUNSET", in line 6, insert "(a) EFFECTIVE DATE,—" at the beginning of the line, and after line 8 insert the following:

(b) SUNSET.—Titles I, II, and III shall expire 5 years after the date of the enactment of this Act unless the Secretary of Commerce has certified to the Congress not less than 90 days before the expiration of such years—

(1) that insurance rates covering liabilities affected by such titles have declined by not less than 10 percent after taking into account changes in the Consumer Price Index, or

(2) that insurance rates have not declined by at least 10 percent because of extraordinary circumstances, has specified such extraordinary circumstances, and has explained their impact on such insurance rates.

It was decided in the { Yeas ..... 175  
 negative ..... } Nays ..... 249

¶42.7 [Roll No. 227] AYES—175

Abercrombie	Fields (LA)	Menendez
Ackerman	Filner	Mfume
Andrews	Flake	Miller (CA)
Baessler	Foglietta	Minge
Baldacci	Ford	Mink
Barcia	Frank (MA)	Moakley
Barrett (WI)	Frost	Montgomery
Becerra	Furse	Moran
Beilenson	Gejdenson	Murtha
Bentsen	Gibbons	Nadler
Berman	Gonzalez	Neal
Bishop	Gordon	Oberstar
Bonior	Green	Obey
Borski	Gutierrez	Olver
Boucher	Hall (OH)	Ortiz
Brewster	Hastings (FL)	Owens
Browder	Hayes	Pallone
Brown (CA)	Hefner	Pastor
Brown (FL)	Hilliard	Payne (NJ)
Brown (OH)	Hinchev	Pelosi
Bryant (TX)	Holden	Peterson (FL)
Bunn	Hoyer	Peterson (MN)
Cardin	Jackson-Lee	Poshard
Chapman	Johnson (SD)	Rahall
Clay	Johnson, E.B.	Reed
Clayton	Johnston	Reynolds
Clement	Kaptur	Richardson
Clyburn	Kennedy (MA)	Rivers
Coleman	Kennedy (RI)	Rose
Collins (IL)	Kennelly	Roybal-Allard
Collins (MI)	Kildee	Rush
Condit	Klink	Sabo
Conyers	LaFalce	Sanders
Costello	Lantos	Schroeder
Coyne	Laughlin	Schumer
Cramer	Levin	Scott
Danner	Lewis (GA)	Serrano
de la Garza	Lincoln	Skelton
Deal	Lipinski	Slaughter
DeFazio	Lofgren	Spratt
DeLauro	Lowe	Stark
Dellums	Luther	Stokes
Dicks	Maloney	Studds
Dingell	Manton	Stupak
Dixon	Markey	Tanner
Doggett	Martinez	Taylor (MS)
Doyle	Mascara	Tejeda
Durbin	Matsui	Thompson
Engel	McCarthy	Thurman
Eshoo	McDermott	Torres
Evans	McHale	Torricelli
Farr	McKinney	Traficant
Fattah	Meehan	Tucker
Fazio	Meek	Velazquez

Vento  
Visclosky  
Volkmer  
Ward  
Waters

Watt (NC)  
Waxman  
Wilson  
Wise  
Woolsey

Wydén  
Wynn  
Yates

## NOES—249

Allard  
Archer  
Armey  
Bachus  
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  
Chenoweth  
Christensen  
Chrysler  
Clinger  
Coble  
Coburn  
Collins (GA)  
Combest  
Cooley  
Cox  
Crane  
Crapo  
Cremeans  
Cunningham  
Davis  
DeLay  
Deutsch  
Diaz-Balart  
Dickey  
Dooley  
Doolittle  
Dornan  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
English  
Ensign  
Everett  
Ewing  
Fawell  
Fields (TX)  
Flanagan  
Foley  
Forbes  
Fowler  
Fox  
Franks (CT)  
Franks (NJ)  
Frelinghuysen  
Frisa  
Funderburk  
Gallegly  
Ganske  
Gekas

## NOT VOTING—10

Bevill  
Cubin  
Gephardt  
Jacobs

Jefferson  
Kanjorski  
McIntosh  
Rangel

Norwood  
Nussle  
Orton  
Oxley  
Packard  
Parker  
Paxon  
Payne (VA)  
Petri  
Pickett  
Pombo  
Pomeroy  
Porter  
Portman  
Pryce  
Quillen  
Quinn  
Radanovich  
Ramstad  
Regula  
Roberts  
Roemer  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Roth  
Roukema  
Royce  
Salmon  
Sanford  
Sawyer  
Saxton  
Scarborough  
Schafer  
Schiff  
Seastrand  
Sensenbrenner  
Shadegg  
Shaw  
Shays  
Shuster  
Sisisky  
Skaggs  
Skeen  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Solomon  
Souder  
Spence  
Stearns  
Stenholm  
Stockman  
Stump  
Talent  
Tate  
Tauzin  
Taylor (NC)  
Thomas  
Thornberry  
Thornton  
Tiahrt  
Torkildsen  
Upton  
Vucanovich  
Waldholtz  
Walker  
Walsh  
Wamp  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
White  
Whitfield  
Wicker  
Williams  
Wolf  
Young (AK)  
Young (FL)  
Zeliff  
Zimmer

When Mr. DREIER, Chairman, pursuant to House Resolution 109, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Common Sense Product Liability and Legal Reform Act of 1995".

(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 and preemption.

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. Statute of repose.

Sec. 107. Foreign products.

Sec. 108. Definitions.

**TITLE II—LIMITATION ON SPECULATIVE AND ARBITRARY DAMAGE AWARDS**

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

Sec. 202. Fair share rule for noneconomic damage awards.

Sec. 203. Limitation on noneconomic damages in health care liability actions.

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 a 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 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.

**TITLE I—PRODUCT LIABILITY REFORM****SEC. 101. APPLICABILITY AND PREEMPTION.**

(a) PREEMPTION.—This title governs any product liability action brought in any State or Federal court, on any theory for harm caused by a product. A civil action brought for commercial loss shall be governed only by applicable commercial or contract law.

(b) RELATIONSHIP TO STATE LAW.—This title supersedes State law only to the extent that State law applies to an issue covered by this title. Any issue that is not governed by this title shall be governed by otherwise applicable State or Federal law.

**SEC. 102. LIABILITY RULES APPLICABLE TO PRODUCT SELLERS.**

(a) GENERAL RULE.—Except as provided in subsection (b), in any product liability action, a product seller other than a manufacturer shall be liable to a claimant for harm only if the claimant establishes that—

(1)(A) the product which allegedly caused the harm complained of was sold by the

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

product seller; (B) the product seller failed to exercise reasonable care with respect to the product; and (C) such failure to exercise reasonable care was a proximate cause of the claimant's harm; or

(2)(A) the product seller made an express warranty applicable to the product which allegedly caused the harm complained of, independent of any express warranty made by a manufacturer as to the same product; (B) the product failed to conform to the warranty; and (C) the failure of the product to conform to the warranty caused the claimant's harm; or

(3) the product seller engaged in intentional wrongdoing as determined under applicable State law and such intentional wrongdoing was a proximate cause of the harm complained of by the claimant.

For purposes of paragraph (1)(B), a product seller shall not be considered to have failed to exercise reasonable care with respect to the product based upon an alleged failure to inspect a product where there was no reasonable opportunity to inspect the product in a manner which would, in the exercise of reasonable care, have revealed the aspect of the product which allegedly caused the claimant's harm.

(b) EXCEPTION.—In a product liability action, a product seller shall be liable for harm to the claimant caused by such product as if the product seller were the manufacturer of such product if—

(1) the manufacturer is not subject to service of process under the laws of any State in which the action might have been brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

(c) RENTAL AND LEASES.—Notwithstanding any other provision of law, any person, except a person excluded from the definition of product seller, engaged in the business of renting or leasing a product shall be subject to liability pursuant to subsection (a) of this section, but shall not be liable to a claimant for the tortious act of another solely by reason of ownership of such product.

#### SEC. 103. DEFENSE BASED ON CLAIMANT'S USE OF INTOXICATING ALCOHOL OR DRUGS.

(a) GENERAL RULE.—In any product liability action, it shall be a complete defense to such action if—

(1) the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug when the accident or other event which resulted in such claimant's harm occurred; and

(2) the claimant, as a result of the influence of the alcohol or drug, was more than 50 percent responsible for such accident or other event.

(b) CONSTRUCTION.—For purposes of subsection (a)—

(1) the determination of whether a person was intoxicated or was under the influence of intoxicating alcohol or any drug shall be made pursuant to applicable State law; and

(2) the term "drug" means any controlled substance as defined in the Controlled Substances Act (21 U.S.C. 802(6)) that has been taken by the claimant other than in accordance with the terms of a lawfully issued prescription.

#### SEC. 104. MISUSE OR ALTERATION.

(a) GENERAL RULE.—In a product liability action, the damages for which a defendant is otherwise liable under State law shall be reduced by the percentage of responsibility for the claimant's harm attributable to misuse or alteration of a product by any person if the defendant establishes by a preponderance of the evidence that such percentage of the claimant's harm was proximately caused by—

(1) a use or alteration of a product in violation of, or contrary to, a defendant's express warnings or instructions if the warnings or instructions are adequate as determined pursuant to applicable State law, or

(2) a use or alteration of a product involving a risk of harm which was known or should have been known by the ordinary person who uses or consumes the product with the knowledge common to the class of persons who used or would be reasonably anticipated to use the product.

(b) WORKPLACE INJURY.—Notwithstanding subsection (a), the damage for which a defendant is otherwise liable under State law shall not be reduced by the percentage of responsibility for the claimant's harm attributable to misuse or alteration of the product by the claimant's employer or any co-employee who is immune from suit by the claimant pursuant to the State law applicable to workplace injuries.

#### SEC. 105. FRIVOLOUS PLEADINGS.

(a) GENERAL RULE.—

(1) SIGNING OF PLEADING.—The signing or verification of a pleading in a product liability action in a State court subject to this title constitutes a certificate that to the signatory's or verifier's best knowledge, information, and belief, formed after reasonable inquiry, the pleading is not frivolous as determined under paragraph (2).

(2) DEFINITIONS.—

(A) For purposes of this section, a pleading is frivolous if the pleading is—

(i) groundless and brought in bad faith; (ii) groundless and brought for the purpose of harassment; or

(iii) groundless and interposed for any improper purpose, such as to cause unnecessary delay or needless increase in the cost of litigation.

(B) For purposes of subparagraph (A), the term "groundless" means—

(i) no basis in fact; or (ii) not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law.

(b) DETERMINATION THAT PLEADING FRIVOLOUS.—

(1) MOTION FOR DETERMINATION.—Not later than 60 days after the date a pleading in a product liability action in a State court is filed, a party to the action may make a motion that the court determine if the pleading is frivolous.

(2) COURT ACTION.—The court in a product liability action in a State court shall on the motion of a party or on its own motion determine if a pleading is frivolous.

(c) CONSIDERATIONS.—In making its determination of whether a pleading is frivolous, the court shall take into account—

(1) the multiplicity of parties; (2) the complexity of the claims and defenses;

(3) the length of time available to the party to investigate and conduct discovery; and

(4) affidavits, depositions, and any other relevant matter.

(d) SANCTION.—If the court determines that a pleading is frivolous, the court shall impose an appropriate sanction on the signatory or verifier of the pleading. The sanction may include one or more of the following:

(1) the striking of a pleading or the offending portion thereof;

(2) the dismissal of a party; or

(3) an order to pay to a party who stands in opposition to the offending pleading the amounts of the reasonable expenses incurred because of the filing of the pleading, including costs, reasonable attorney's fees, witness fees, fees of experts, and deposition expenses.

(e) CONSTRUCTION.—For purposes of this section—

(1) a general denial does not constitute a frivolous pleading; and

(2) the amount requested for damages does not constitute a frivolous pleading.

#### SEC. 106. STATUTE OF REPOSE.

(a) GENERAL RULE.—A product liability action shall be barred unless the complaint is served and filed within 15 years of the date of delivery of the product to its first purchaser or lessee, who was not engaged in the business of selling or leasing the product or of using the product as a component in the manufacture of another product.

(b) EXCEPTION.—Subsection (a)—

(1) does not bar a product liability action against a defendant who made an express warranty in writing as to the safety of the specific product involved which was longer than 15 years, but it will apply at the expiration of such warranty,

(2) does not apply to a physical illness the evidence of which does not ordinarily appear less than 15 years after the first exposure to the product, and

(3) does not affect the limitations period established by the General Aviation Revitalization Act of 1994.

#### SEC. 107. 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.

#### SEC. 108. DEFINITIONS.

As used in this title:

(1) The term "claimant" means any person who brings a product liability action and any person on whose behalf such an action is brought. If such an action is brought through or on behalf of an estate, the term includes the claimant's decedent. If such action is brought through or on behalf of a minor or incompetent, the term includes the claimant's legal guardian.

(2) The term "commercial loss" means any loss of or damage to a product itself incurred in the course of the ongoing business enterprise consisting of providing goods or services for compensation.

(3) The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings, medical expense loss, replacement services loss, loss due to death, and burial costs) to the extent recovery for such loss is allowed under applicable State law.

(4) The term "harm" means any physical injury, illness, disease, or death or damage to property caused by a product. The term does not include commercial loss or loss or damage to a product itself.

(5) The term "manufacturer" means—

(A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product) and who (i) designs or formulates the product (or component part of the product), (ii) has engaged another person to design or formulate the product (or component part of the product), or (iii) uses the design or formulation of the product developed by another person;

(B) a product seller of the product who, before placing the product in the stream of commerce—

(i) designs or formulates or has engaged another person to design or formulate an aspect of the product after the product was initially made by another, or

(ii) produces, creates, makes, or constructs such aspect of the product, or

(C) any product seller not described in subparagraph (B) which holds itself out as a manufacturer to the user of the product.

(6) The term "noneconomic loss" means subjective, nonmonetary loss resulting from harm, including pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, and humiliation.

(7) The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(8)(A) The term "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state which—

(i) is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient;

(ii) is produced for introduction into trade or commerce;

(iii) has intrinsic economic value; and

(iv) is intended for sale or lease to persons for commercial or personal use.

(B) The term does not include—

(i) human tissue, human organs, human blood, and human blood products; or

(ii) electricity, water delivered by a utility, natural gas, or steam.

(9) The term "product liability action" means a civil action brought on any theory for harm caused by a product or product use.

(10) The term "product seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, rents, leases, prepares, blends, packages, labels a product, is otherwise involved in placing a product in the stream of commerce, or installs, repairs, or maintains the harm-causing aspect of a product. The term does not include—

(A) a seller or lessor of real property;

(B) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who—

(i) acts in only a financial capacity with respect to the sale of a product; or

(ii) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor.

(11) The term "State" means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, or any political subdivision of any of the foregoing.

## TITLE II—LIMITATION ON SPECULATIVE AND ARBITRARY DAMAGE AWARDS

### SEC. 201. PUNITIVE DAMAGES AS PENALTY IN CIVIL ACTIONS.

(a) GENERAL RULE.—Punitive damages may, to the extent permitted by applicable State law, be awarded in any civil action for harm in any Federal or State court against a defendant if the claimant establishes by clear and convincing evidence that the harm suffered was result of conduct—

(1) specifically intended to cause harm, or

(2) conduct manifesting a conscious, flagrant indifference to the rights or safety of others.

(b) PROPORTIONAL AWARDS.—The amount of punitive damages that may be awarded in any civil action subject to this title shall not exceed 3 times the amount of damages awarded to the claimant for economic loss, or \$250,000, whichever is greater. This section shall be applied by the court and shall not be disclosed to the jury.

(c) APPLICABILITY.—Except as provided in section 401, this section shall apply to any civil action brought in any Federal or State court on any theory where punitive damages are sought. This section does not create a cause of action for punitive 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 punitive damages.

(d) BIFURCATION.—At the request of any party, the trier of fact shall consider in a separate proceeding whether punitive damages are to be awarded and the amount of such award. If a separate proceeding is requested, evidence relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(e) CONSIDERATIONS.—In determining the amount of punitive damages, the trier of fact shall consider all relevant, admissible evidence, including—

(1) the severity of the harm caused by the conduct of the defendant,

(2) the duration of the conduct or any concealment of it by the defendant,

(3) the profitability of the specific conduct that caused the harm to the defendant,

(4) the number of products sold, the frequency of services provided, or the type of activities conducted by the defendant of the kind causing the harm complained of by the claimant,

(5) awards of punitive damages to persons similarly situated to the claimant,

(6) possibility of prospective awards of compensatory damages to persons similarly situated to the claimant,

(7) any criminal penalties imposed on the defendant as a result of the conduct complained of by the claimant,

(8) the amount of any civil and administrative fines and penalties assessed against the defendant as a result of the conduct complained of by the claimant, and

(9) whether the foregoing considerations have been a factor in any prior proceeding involving the defendant.

(f) DRUGS AND DEVICES.—

(1)(A) Punitive damages shall not be awarded against a manufacturer or product seller of a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)) or medical device (as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) which caused the claimant's harm where—

(i) such drug or device was subject to premarket approval by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such drug or device which caused the claimant's harm or the adequacy of the packaging or labeling of such drug or device, and such drug was approved by the Food and Drug Administration; or

(ii) the drug is generally recognized as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable regulations, including packaging and labeling regulations.

(B) Subparagraph (A) shall not apply in any case in which the defendant, before or after premarket approval of a drug or device—

(i) intentionally and wrongfully withheld from or misrepresented to the Food and Drug Administration information concerning such drug or device required to be submitted

under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or section 351 of the Public Health Service Act (42 U.S.C. 262) that is material and relevant to the harm suffered by the claimant, or

(ii) made an illegal payment to an official or employee of the Food and Drug Administration for the purpose of securing or maintaining approval of such drug or device.

(2) PACKAGING.—In a product liability action for harm which is alleged to relate to the adequacy of the packaging (or labeling relating to such packaging) of a drug which is required to have tamper-resistant packaging under regulations of the Secretary of Health and Human Services (including labeling regulations related to such packaging), the manufacturer of the drug shall not be held liable for punitive damages unless the drug is found by the court by clear and convincing evidence to be substantially out of compliance with such regulations.

### SEC. 202. FAIR SHARE RULE FOR NONECONOMIC DAMAGE AWARDS.

(a) FAIR SHARE OF LIABILITY IMPOSED ACCORDING TO SHARE OF FAULT.—In any product liability or other civil action brought in State or Federal court, a defendant shall be liable only for the amount of noneconomic damages attributable to such defendant in direct proportion to such defendant's share of fault or responsibility for the claimant's actual damages, as determined by the trier of fact. In all such cases, the liability of a defendant for noneconomic damages shall be several and not joint.

(b) APPLICABILITY.—Except as provided in section 402, this section shall apply to any product liability or other civil action brought in any Federal or State court on any theory where noneconomic damages are sought. This section does not preempt or supersede any State or Federal law to the extent that such law would further limit the application of the theory of joint liability to any kind of damages.

### SEC. 203. LIMITATION ON NONECONOMIC DAMAGES IN HEALTH CARE LIABILITY ACTIONS.

(a) MAXIMUM AWARD OF NONECONOMIC DAMAGES.—In any health care liability action, in addition to actual damages or punitive damages, or both, a claimant may also be awarded noneconomic damages, including damages awarded to compensate injured feelings, such as pain and suffering and emotional distress. The maximum amount of such damages that may be awarded to a claimant shall be \$250,000. Such maximum amount shall apply regardless of the number of parties against whom the action is brought, and regardless of the number of claims or actions brought with respect to the health care injury. An award for future noneconomic damages shall not be discounted to present value. The jury shall not be informed about the limitation on noneconomic damages, but an award for noneconomic damages in excess of \$250,000 shall be reduced either before the entry of 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 non-economic 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.

(c) DEFINITIONS.—As used in this section:

(1) 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.

(2) The term “economic loss” has the same meaning as defined at section 204(4).

(3) 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, an 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.

#### SEC. 204. DEFINITIONS.

As used in this title:

(1) The term “actual damages” means damages awarded to pay for economic loss.

(2) The term “claimant” means any person who brings a civil action and any person on whose behalf such an action is brought. If such action is brought through or on behalf of an estate, the term includes the claimant’s decedent. If such action is brought through or on behalf of a minor or incompetent, the term includes the claimant’s legal guardian.

(3) The term “clear and convincing evidence” is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established. The level of proof required to satisfy such standard is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt.

(4) The term “economic loss” means any pecuniary loss resulting from harm (including the loss of earnings, medical expense loss, replacement services loss, loss due to death, and burial costs), to the extent recovery for such loss is allowed under applicable State law.

(5) The term “harm” means any legally cognizable wrong or injury for which punitive damages may be imposed.

(6) The term “noneconomic damages” means damages other than punitive damages or actual damages.

(7) The term “punitive damages” means damages awarded against any person or entity to punish or deter such person or entity, or others, from engaging in similar behavior in the future.

(8) The term “State” means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, or any political subdivision of any of the foregoing.

### TITLE III—BIOMATERIALS SUPPLIERS

#### SEC. 301. LIABILITY OF BIOMATERIALS SUPPLIERS.

A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable for harm to a claimant caused by a medical device, only if the claimant in a product liability action shows that the conduct of the biomaterials supplier was an actual and proximate cause of the harm to the claimant and—

(1) the raw materials or component parts delivered by the biomaterials supplier either—

(A) did not constitute the product described in the contract between the biomaterials supplier and the person who contracted for delivery of the product; or

(B) failed to meet any specifications that were—

(i) provided to the biomaterials supplier and not expressly repudiated by the biomaterials supplier prior to acceptance of delivery of the raw materials or component parts;

(ii)(I) provided to the biomaterials supplier;

(II) provided to the manufacturer by the biomaterials supplier; or

(III) contained in a master file that was submitted by the biomaterials supplier to the Secretary of Health and Human Services and that is currently maintained by the biomaterials supplier of purposes of premarket approval of medical devices; or

(iii)(I) included in the submissions for the purposes of premarket approval or review by the Secretary of Health and Human Services under section 510, 513, 515, or 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360, 360c, 360e, or 360j); and

(II) have received clearance from the Secretary of Health and Human Services, if such specifications were provided by the manufacturer to the biomaterials supplier and were not expressly repudiated by the biomaterials supplier prior to the acceptance by the raw materials or component parts;

(2) the biomaterials supplier intentionally and wrongfully withheld or misrepresented information that is material and relevant to the harm suffered by the claimant; or

(3) the biomaterials supplier had actual knowledge of prospective fraudulent or malicious activities in the use of its supplies where such activities are relevant to the harm suffered by the claimant.

#### SEC. 302. PROCEDURES FOR DISMISSAL OF CIVIL ACTIONS AGAINST BIOMATERIALS SUPPLIERS.

(a) MOTION TO DISMISS.—

(1) GENERAL RULE.—Any biomaterials supplier who is a defendant in any product liability action involving a medical device which allegedly caused the harm for which the action is brought and who did not take part in the design, manufacture, or sale of such medical device may, at any time during which a motion to dismiss may be filed under an applicable law, move to dismiss the action on the grounds that—

(A) the claimant has failed to establish that the supplier furnished raw materials or component parts in violation of applicable contractual requirements or specifications agreed to by the biomaterials supplier; or

(B) the claimant has failed to comply with the requirements of subsection (b).

(2) EXCEPTION.—The biomaterials supplier may not move to dismiss the action if—

(A) the biomaterials supplier intentionally and wrongfully withheld or misrepresented information that is material and relevant to the harm suffered by the claimant; or

(B) the biomaterials supplier had actual knowledge of prospective fraudulent or malicious activities in the use of its supplies where such activities are relevant to the harm suffered by the claimant.

(b) MANUFACTURER OF MEDICAL DEVICE SHALL BE NAMED A PARTY.—The claimant shall be required to name the manufacturer of the medical device to which the biomaterials supplier furnished raw materials or component parts as a party to the product liability action, unless—

(1) the manufacturer is subject to service of process solely in a jurisdiction in which the biomaterials supplier is not domiciled or subject to a service of process; or

(2) an action against the manufacturer is barred by applicable law.

(c) PROCEEDINGS ON MOTION TO DISMISS.—The following rules shall apply to any proceeding on a motion to dismiss filed under this section:

(1) AFFIDAVITS RELATING TO STATUS OF DEFENDANT.—

(A) DEFENDANT AFFIDAVIT.—The defendant in the action may support a motion to dismiss by filing an affidavit demonstrating that defendant is a biomaterials supplier and that it is neither the manufacturer nor the product seller of the medical device which caused the harm alleged by the claimant.

(B) RESPONSE TO MOTION TO DISMISS.—In response to a motion to dismiss described in this section, the claimant may submit an affidavit demonstrating why it asserts that—

(i) the defendant who filed the motion to dismiss is not a biomaterials supplier with respect to the medical device which caused the harm alleged by the claimant;

(ii) on what basis it asserts that the supplier furnished raw materials or component parts in violation of applicable contractual requirements or specifications agreed to by the biomaterials supplier;

(iii) the biomaterials supplier intentionally and wrongfully withheld or misrepresented information that is material and relevant to the harm suffered by the claimant; or

(iv) the biomaterials supplier had actual knowledge of prospective fraudulent or malicious activities in the use of its supplies where such activities are relevant to the harm suffered by the claimant.

(2) EFFECT OF MOTION TO DISMISS ON DISCOVERY.—If a defendant files a motion to dismiss, no discovery shall be permitted in connection with the action that is the subject of the motion, unless the affidavits submitted in accordance with this section raise material issues of fact concerning whether—

(A) the supplier furnished raw materials or component parts in violation of applicable contractual requirements or specifications agreed to by the biomaterials supplier;

(B) the biomaterials supplier intentionally and wrongfully withheld or misrepresented information that is material and relevant to the harm suffered by the claimant; or

(C) the biomaterials supplier had actual knowledge of prospective fraudulent or malicious activities in the use of its supplies where such activities are relevant to the harm suffered by the claimant.

Any such discovery shall be limited solely to such material facts.

(3) RESPONSE TO MOTION TO DISMISS.—The court shall rule on the motion to dismiss solely on the basis of the affidavits filed under this section and on the basis of any evidence developed in the course of discovery under paragraph (2) and subsequently submitted to the court in accordance with applicable rules of evidence.

(d) ATTORNEY FEES.—The court shall require the claimant to compensate the biomaterials supplier for attorney fees and costs, if—

(1) the claimant named or joined the biomaterials supplier; and

(2) the court found the claim against the biomaterials supplier to be without merit and frivolous.

SEC. 303. DEFINITIONS.

For purposes of this title: (1) The term "biomaterials supplier" means an entity that directly or indirectly supplies, or licenses another person to supply, a component part or raw material for use in the manufacture of a medical device—

(A) that is intended by the manufacturer of the device—

(i) to be placed into a surgically or naturally formed or existing cavity of the body for a period of at least 30 days; or

(ii) to remain in contact with bodily fluids of internal human tissue through a surgically produced opening for a period of less than 30 days; and

(B) suture materials used in implant procedures.

(2) Notwithstanding paragraph (1), the term "biomaterials supplier" excludes any person, with respect to a medical device which is the subject of a product liability action—

(A) who is engaged in the manufacture, preparation, propagation, compounding, or processing (as defined in section 510(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(a)(1)) of the medical device, and has or should have registered with the Secretary of Health and Human Services pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and the regulations issued under such section, and has or should have included the medical device on a list of devices filed with the Secretary of Health and Human Services pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section; or

(B) who, in the course of a business conducted for that purpose, has sold, distributed, leased, packaged, labeled, or otherwise placed the implant in the stream of commerce after it was manufactured.

(3) The term "harm" means any physical injury, illness, disease, or death or damage to property caused by a product. The term does not include commercial loss or loss or damage to a product itself.

(4) The term "product liability action" means a civil action brought on any theory for harm caused by a product or product use.

TITLE IV—LIMITATIONS ON APPLICABILITY; EFFECTIVE DATE

SEC. 401. APPLICATION LIMITED TO INTERSTATE COMMERCE.

Titles I, II, and III shall apply only to product liability or other civil actions affecting interstate commerce. For purposes of the preceding sentence, the term "interstate commerce" means commerce among the several States or with foreign nations, or in any territory of the United States or in the District of Columbia, or between any such territory and another, or between any such territory and any State or foreign nation, or between the District of Columbia and any State or territory or foreign nation.

SEC. 402. EFFECT ON OTHER LAW.

Nothing in title I, II, or III shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any law;

(2) supersede any Federal law;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum.

SEC. 403. FEDERAL CAUSE OF ACTION PRECLUDED.

The district courts of the United States shall not have jurisdiction pursuant to this Act based on section 1331 or 1337 of title 28, United States Code.

SEC. 404. EFFECTIVE DATE.

Titles I, II, and III shall apply with respect to actions which are commenced after the date of the enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. GORDON moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Add at the end of the bill the following:

SEC. 404. SERVICE OF PROCESS.

This Act shall not apply to a product liability action unless the manufacturer of the product or component part has appointed an agent in the United States for service of process from anywhere in the United States.

Change the limit in section 201 on punitive damages to the following: "3 times the amount of damages awarded to the claimant for the economic loss on which the claimant's action is based, or \$1,000,000, whichever is greater".

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. WALKER, announced that the nays had it.

Mr. GORDON demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 195 negative ..... Nays ..... 231

42.8 [Roll No. 228] AYES—195

- Abercrombie de la Garza Gordon
Ackerman Deal Graham
Andrews DeFazio Green
Baesler DeLauro Gutierrez
Baldacci Dellums Hall (OH)
Barrett (WI) Deutsch Hall (TX)
Becerra Dickey Hamilton
Beilenson Dicks Harman
Bentsen Dingell Hastings (FL)
Berman Dixon Hayes
Bevill Doggett Hefner
Bishop Dooley Hilliard
Bonior Doyle Hinchey
Borski Duncan Holden
Boucher Durbin Hoyer
Browder Edwards Jackson-Lee
Brown (CA) Engel Jacobs
Brown (FL) Eshoo Johnson (SD)
Brown (OH) Evans Johnson, E.B.
Bryant (TX) Farr Johnston
Cardin Fattah Kaptur
Chapman Fazio Kennedy (MA)
Clay Fields (LA) Kennedy (RI)
Clayton Filner Kennelly
Clement Flake Kildee
Clyburn Foglietta Kleczka
Coleman Ford Klink
Collins (IL) Frank (MA) LaFalce
Collins (MI) Frost Lantos
Conyers Furse Laughlin
Costello Gejdenson Levin
Coyne Gephardt Lewis (GA)
Cramer Gibbons Lincoln
Danner Gonzalez Lipinski

- Lofgren Olver Slaughter
Lowey Ortiz Spratt
Luther Orton Stark
Maloney Owens Stokes
Manton Pallone Studds
Markey Pastor Stupak
Martinez Payne (NJ) Tanner
Mascara Payne (VA) Tauzin
Matsui Pelosi Taylor (MS)
McCarthy Peterson (FL) Tejeda
McCollum Pomeroy Thompson
McDermott Poshard Thornton
McHale Rahall Thurman
McKinney Reed Torres
McNulty Reynolds Traficant
Meehan Richardson Tucker
Meek Rivers Velazquez
Menendez Roemer Vento
Mfume Rose Visclosky
Miller (CA) Roybal-Allard Volkmer
Mineta Rush Ward
Minge Sabo Waters
Mink Sanders Watt (NC)
Mollohan Sawyer Waxman
Montgomery Schiff Williams
Moran Schroeder Wilson
Murtha Schumer Wise
Nadler Scott Woolsey
Neal Serrano Wyden
Oberstar Skaggs Wynn
Obey Skelton Yates

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- Allard Fawell LoBiondo
Archer Fields (TX) Longley
Armey Flanagan Lucas
Bachus Foley Manzullo
Baker (CA) Forbes Martini
Baker (LA) Fowler McCrery
Ballenger Fox McDade
Barcia Franks (CT) McHugh
Barr Franks (NJ) McInnis
Barrett (NE) Frelinghuysen McKeon
Bartlett Frisa Metcalf
Barton Funderburk Meyers
Bass Gallegly Mica
Bateman Ganske Miller (FL)
Bereuter Gekas Molinari
Bilbray Geren Moorhead
Bilirakis Gilchrist Morella
Bilely Gillmor Myers
Blute Gilman Myrick
Boehlert Goodlatte Nethercutt
Boehner Goodling Neumann
Bonilla Goss Ney
Bono Greenwood Norwood
Brewster Gunderson Nussle
Brownback Gutknecht Oxley
Bryant (TN) Hancock Packard
Bunn Hansen Parker
Bunning Hastert Paxon
Burr Hastings (WA) Peterson (MN)
Burton Hayworth Petri
Buyer Hefley Pickett
Callahan Heineman Pombo
Calvert Heger Porter
Camp Hilleary Portman
Canady Hobson Pryce
Castle Hoekstra Quillen
Chabot Hoke Quinn
Chambliss Horn Radanovich
Chenoweth Hostettler Ramstad
Christensen Houghton Regula
Chrysler Hunter Riggs
Clinger Hutchinson Roberts
Coble Hyde Rogers
Coburn Inglis Rohrabacher
Collins (GA) Istook Ros-Lehtinen
Combest Johnson (CT) Roth
Condit Johnson, Sam Roukema
Cooley Jones Royce
Cox Kasich Salmon
Crane Kelly Sanford
Crapo Kim Saxton
Creameans King Scarborough
Cunningham Kingston Schaefer
Davis Klug Seastrand
DeLay Knollenberg Sensenbrenner
Diaz-Balart Kolbe Shadegg
Doolittle LaHood Shaw
Dornan Largent Shays
Dreier Latham Shuster
Dunn LaTourette Sisisky
Ehlers Lazio Skeen
Ehrlich Leach Smith (MI)
Emerson Lewis (CA) Smith (NJ)
English Lewis (KY) Smith (TX)
Ensign Lightfoot Smith (WA)
Everett Linder Solomon
Ewing Livingston Souder

Spence	Tiaht	Weldon (PA)
Stearns	Torkildsen	Weller
Stenholm	Upton	White
Stockman	Vucanovich	Whitfield
Stump	Waldholtz	Wicker
Talent	Walker	Wolf
Tate	Walsh	Young (AK)
Taylor (NC)	Wamp	Young (FL)
Thomas	Watts (OK)	Zeliff
Thornberry	Weldon (FL)	Zimmer

NOT VOTING—8

Cubin	McIntosh	Torrice
Jefferson	Moakley	Towns
Kanjorski	Rangel	

So the motion to recommit with instructions was not agreed to.

The question being put, *viva voce*,  
Will the House pass said bill?

The SPEAKER pro tempore, Mr. WALKER, announced that the yeas had it.

Mr. CONYERS demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 265  
Nays ..... 161

¶42.9 [Roll No. 229]  
AYES—265

Allard	Dickey	Holden
Archer	Dooley	Horn
Armey	Doolittle	Hosettler
Bachus	Dornan	Houghton
Baesler	Dreier	Hunter
Baker (CA)	Duncan	Hutchinson
Baker (LA)	Dunn	Hyde
Ballenger	Edwards	Inglis
Barcia	Ehlers	Johnson (CT)
Barr	Ehrlich	Johnson, Sam
Barrett (NE)	Emerson	Jones
Bartlett	English	Kaptur
Barton	Ensign	Kasich
Bass	Everett	Kelly
Bereuter	Ewing	Kennelly
Bevill	Fawell	Kim
Bilbray	Fields (TX)	Kingston
Bilirakis	Flanagan	Klecicka
Bliley	Foley	Knollenberg
Blute	Forbes	Knollenberg
Boehlert	Fowler	Kolbe
Boehner	Fox	LaHood
Bonilla	Franks (CT)	Largent
Bono	Franks (NJ)	Latham
Boucher	Frelinghuysen	LaTourette
Brewster	Frisa	Laughlin
Browder	Funderburk	Lazio
Brownback	Gallagher	Leach
Bryant (TN)	Ganske	Lewis (CA)
Bunn	Gekas	Lewis (KY)
Bunning	Geren	Lightfoot
Burr	Gilchrest	Lincoln
Burton	Gillmor	Linder
Buyer	Gilman	Livingston
Callahan	Goodlatte	LoBiondo
Calvert	Goodling	Longley
Camp	Gordon	Lucas
Canady	Goss	Manzullo
Castle	Graham	McCollum
Chabot	Greenwood	McCrery
Chenoweth	Gunderson	McDade
Christensen	Gutknecht	McHugh
Chrysler	Hall (OH)	McInnis
Clement	Hall (TX)	McKeon
Clinger	Hamilton	McNulty
Coburn	Hancock	Metcalf
Collins (GA)	Hansen	Meyers
Combest	Harman	Mica
Condit	Hastert	Miller (FL)
Cooley	Hastings (WA)	Minge
Cox	Hayes	Molinari
Cramer	Hayworth	Montgomery
Crane	Hefley	Moorhead
Crapo	Hefner	Moran
Creameans	Heineman	Morella
Cunningham	Hergert	Myers
Danner	Hillery	Myrick
Davis	Hobson	Nethercatt
Deal	Hoekstra	Neumann
DeLay	Hoke	Ney

Norwood	Salmon	Tate
Nussle	Sanford	Tauzin
Oxley	Saxton	Taylor (MS)
Packard	Scarborough	Taylor (NC)
Parkar	Schaefer	Thomas
Paxon	Schiff	Thornberry
Payne (VA)	Seastrand	Tiaht
Peterson (FL)	Sensenbrenner	Torkildsen
Peterson (MN)	Shadegg	Trafigant
Petri	Shaw	Upton
Pombo	Shays	Vucanovich
Porter	Shuster	Waldholtz
Portman	Sisisky	Walker
Poshard	Skeen	Walsh
Pryce	Slaughter	Wamp
Quillen	Smith (MI)	Watts (OK)
Quinn	Smith (NJ)	Weldon (FL)
Radanovich	Smith (TX)	Weldon (PA)
Ramstad	Smith (WA)	Weller
Regula	Solomon	White
Riggs	Souder	Whitfield
Roberts	Spence	Wicker
Roemer	Spratt	Wolf
Rogers	Stearns	Young (AK)
Rohrabacher	Stenholm	Young (FL)
Ros-Lehtinen	Stockman	Zeliff
Roth	Stump	Zimmer
Roukema	Talent	
Royce	Tanner	

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Abercrombie	Furse	Olver
Ackerman	Gejdenson	Ortiz
Andrews	Gephardt	Orton
Baldacci	Gonzalez	Owens
Barrett (WI)	Green	Pallone
Bateman	Gutierrez	Pastor
Becerra	Hastings (FL)	Payne (NJ)
Beilenson	Hinchee	Pelosi
Bentsen	Hoyer	Pickett
Berman	Istook	Pomeroy
Bishop	Jackson-Lee	Rahall
Bonior	Jacobs	Reed
Borski	Johnson (SD)	Reynolds
Brown (CA)	Johnson, E.B.	Richardson
Brown (FL)	Johnston	Rivers
Brown (OH)	Kanjorski	Rose
Bryant (TX)	Kennedy (MA)	Roybal-Allard
Cardin	Kennedy (RI)	Rush
Chapman	Kildee	Sabo
Clay	King	Sanders
Clayton	Klink	Sawyer
Clyburn	LaFalce	Schroeder
Coble	Lantos	Schumer
Coleman	Levin	Scott
Collins (IL)	Lewis (GA)	Serrano
Collins (MI)	Lipinski	Skaggs
Conyers	Lofgren	Skelton
Costello	Lowe	Stark
Coyne	Luther	Stokes
de la Garza	Maloney	Studds
DeFazio	Manton	Stupak
DeLauro	Markey	Tejeda
Dellums	Martinez	Thompson
Deutsch	Martini	Thornton
Diaz-Balart	Mascara	Thurman
Dicks	Matsui	Torres
Dingell	McCarthy	Torrice
Dixon	McDermott	Tucker
Doggett	McHale	Velazquez
Doyle	McKinney	Vento
Durbin	Meehan	Visclosky
Engel	Meek	Volkmer
Eshoo	Menendez	Ward
Evans	Mfume	Waters
Farr	Miller (CA)	Watt (NC)
Fattah	Mineta	Waxman
Fazio	Mink	Williams
Fields (LA)	Moakley	Wilson
Filner	Mollohan	Wise
Flake	Murtha	Woolsey
Foglietta	Nadler	Wyden
Ford	Neal	Wynn
Frank (MA)	Oberstar	Yates
Frost	Obey	

NOT VOTING—8

Chambliss	Hilliard	Rangel
Cubin	Jefferson	Towns
Gibbons	McIntosh	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶42.10 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. HYDE, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill, the Clerk be authorized to correct section numbers, punctuation, cross references, and to make other technical corrections.

¶42.11 APPOINTMENT OF ADDITIONAL CONFEREES—S. 244

The SPEAKER pro tempore, Mr. WALKER, by unanimous consent and pursuant to clause 6(f) of rule X, announced the appointment of the following Members as additional conferees on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the House to the bill of the Senate (S. 244) to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes: Mrs. COLLINS of Illinois, Messrs. PETERSON of Minnesota and WISE.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶42.12 COMMITTEE FUNDING

Mr. THOMAS, by direction of the Committee on House Oversight, reported (Rept. No. 104-74) the privileged resolution (H. Res. 107) providing amounts for the expenses of certain committees of the House of Representatives in the One Hundred Fourth Congress.

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

¶42.13 PERMISSION TO FILE REPORT

On motion of Mr. GOODLING, by unanimous consent, the Committee on Economic and Educational Opportunities was granted permission until 5:00 p.m. today to file a report (Rept. No. 104-74) on the bill (H.R. 999) to establish a single, consolidated source of Federal child care funding; to establish a program to provide block grants to States to provide nutrition assistance to economically disadvantaged individuals and families and to establish a program to provide block grants to States to provide school-based food services to students; to restrict alien eligibility for certain education, training, and other programs; and for other purposes.

¶42.14 ADJOURNMENT OVER

On motion of Mr. ARMEY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 2 o'clock p.m. on Monday, March 13, 1995.

¶42.15 HOUR OF MEETING

On motion of Mr. ARMEY, by unanimous consent,

Ordered, That when the House adjourns on Monday, March 13, 1995, it adjourn to meet at 12:30 p.m. on Tuesday, March 14, 1995, for "morning hour" debates.

¶42.16 CALENDAR WEDNESDAY BUSINESS  
DISPENSED WITH

On motion of Mr. ARMEY, by unanimous consent,

*Ordered*, That business in order for consideration on Wednesday, March 15, 1995, under clause 7, rule XXIV, the Calendar Wednesday rule, be dispensed with.

¶42.17 CERTAIN EMPLOYEE TRANSFERS

Mr. ARMEY, by unanimous consent, submitted the following resolution (H. Res. 113):

*Resolved*, That (a)(1) the two statutory positions specified in paragraph (2) are transferred from the House Republican Conference to the majority leader.

(2) The positions referred to in paragraph (1) are—

(A) the position established by section 102(a)(2) of the Legislative Branch Appropriations Act, 1988, as contained in section 101(i) of Public Law 100-202; and

(B) the position established by section 102(a)(2) of the Legislative Branch Appropriations Act, 1990.

(b)(1) The two statutory positions specified in paragraph (2) are transferred from the majority leader to the House Republican Conference.

(2) The positions referred to in paragraph (1) are—

(A) the position established for the chief deputy majority whip by subsection (a) of the first section of House Resolution 393, Ninety-fifth Congress, agreed to March 31, 1977, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 74a-3); and

(B) the position established for the chief deputy majority whip by section 102(a)(4) of the Legislative Branch Appropriations Act, 1990;

both of which positions were transferred to the majority leader by House Resolution 10, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995.

SEC. 2. (a)(1) The two statutory positions specified in paragraph (2) are transferred from the Democratic Steering and Policy Committee to the minority leader.

(2) The positions referred to in paragraph (1) are—

(A) one of the two positions established by section 103(a)(1) of the Legislative Branch Appropriations Act, 1986; and

(B) the position established by section 102(a)(1) of the Legislative Branch Appropriations Act, 1988, as contained in section 101(j) of Public Law 100-202.

(b)(1) The two statutory positions specified in paragraph (2) are transferred from the minority leader to the Democratic Steering and Policy Committee.

(2) The positions referred to in paragraph (1) are—

(A) the position established by section 102(a)(3) of the Legislative Branch Appropriations Act, 1990; and

(B) the position established by paragraph 2. (a) of House Resolution 690, Eighty-ninth Congress, agreed to January 26, 1966, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1967.

SEC. 3. (a) Upon the enactment of this section into permanent law, the amendment made by subsection (b) shall take effect.

(b) Subsection (a) of the first section of House Resolution 393, Ninety-fifth Congress, agreed to March 31, 1977, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 74a-3) is amended by striking out "Chief majority whip" and inserting in lieu thereof "chief deputy majority whip".

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

And then,

¶42.18 ADJOURNMENT

On motion of Mr. FOX, pursuant to the special order heretofore agreed to, at 2 o'clock and 35 minutes p.m., the House adjourned until 2 o'clock p.m. on Monday, March 13, 1995.

¶42.19 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. THOMAS: Committee on House Oversight. House Resolution 107. Resolution providing amounts for the expenses of certain committees of the House of Representatives in the 104th Congress; with an amendment (Rept. No. 104-74). Referred to the House Calendar.

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 999. A bill to establish a single, consolidated source of Federal child care funding; to establish a program to provide block grants to States to provide nutrition assistance to economically disadvantaged individuals and families and to establish a program to provide block grants to States to provide school-based food services to students; to restrict alien eligibility for certain education, training, and other programs; and for other purposes; with an amendment (Rept. No. 104-75, Pt. 1). *Ordered to be printed*.

¶42.20 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. WYDEN (for himself, Mr. SCHUMER, and Mrs. MORELLA):

H.R. 1201. A bill to amend the Public Health Service Act to prohibit health insurance discrimination with respect to victims of domestic violence; to the Committee on Commerce, and in addition to the Committee on Economic and Educational Opportunities, 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. BROWN of California (for himself, Mr. GOSS, Mr. MEEHAN, Mr. YATES, Mr. CLAY, Mr. BEILENSON, Mrs. MALONEY, Mr. MCDERMOTT, Mr. JACOBS, Mr. MOORHEAD, Mr. STARK, Mr. NADLER, Mr. OWENS, Mr. LANTOS, Ms. LOWEY, Mr. WILSON, Mr. TORRES, Mr. GEJDENSON, Mr. SHAYS, Mr. PORTER, Ms. PELOSI, Mr. MILLER of California, Ms. ESHOO, Mr. GALLEGLY, Mr. WAXMAN, Mr. ABERCROMBIE, Mr. DEFazio, Ms. ROYBAL-ALLARD, Mr. MINETA, Mr. COYNE, Mr. GUTIERREZ, and Mr. WELDON of Pennsylvania):

H.R. 1202. A bill to amend title 18, United States Code, to prohibit interstate-connected conduct relating to exotic animals; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey (for himself, Mr. ALLARD, Mr. BERUTER, and Mr. LAHOOD):

H.R. 1203. A bill to provide an exemption for small cargo tank vehicles of 3,500 gallons or less, transporting petroleum products, from certain hazardous material transpor-

tation regulations; to the Committee on Transportation and Infrastructure.

By Mr. GEKAS:

H.R. 1204. A bill to amend the Immigration and Nationality Act to substitute references to children born out of wedlock for references to illegitimate children in the definition of child; to the Committee on the Judiciary.

By Mr. HILLIARD:

H.R. 1205. A bill to transfer to the Secretary of Agriculture jurisdiction over the research and experimentation program to develop methods for the commercial production of fish in shallow reservoirs and flooded rice lands and to transfer the experiment station in Marion, AL, established as part of the program; to the Committee on Resources, and in addition to the Committee on Agriculture, 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. LATOURETTE (for himself, Mr. QUINN, and Mr. OBERSTAR):

H.R. 1206. A bill to amend the Federal Water Pollution Control Act to require the Administrator of the Environmental Protection Agency to conduct at least three demonstration projects involving promising technologies and practices to remedy contaminated sediments in the Great Lakes system and to authorize the Administrator to provide technical information and assistance on technologies and practices for remediation of contaminated sediments, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, 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. OBERSTAR:

H.R. 1207. A bill to revise the master plan of Voyageurs National Park, and for other purposes; to the Committee on Resources.

By Mr. OXLEY:

H.R. 1208. A bill to amend the Federal Election Campaign Act of 1971 to provide for increased fairness and competition in elections for Federal office; to the Committee on House Oversight.

By Mr. QUINN (for himself and Mr. LATOURETTE):

H.R. 1209. A bill to amend the Federal Water Pollution Control Act to coordinate and promote Great Lakes activities, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, 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 (for himself, Mr. YOUNG of Alaska, and Mr. OBERSTAR):

H.R. 1210. A bill to amend the Railway Labor Act concerning the applicability of requirements of that act to U.S. air carriers and flight crews engaged in flight operations outside the United States; to the Committee on Transportation and Infrastructure.

By Mrs. ROUKEMA:

H.R. 1211. A bill to amend the Community Reinvestment Act of 1977 to enhance the availability of investment capital for low- and moderate-income housing in low- and moderate-income neighborhoods; to the Committee on Banking and Financial Services.

By Mrs. SMITH of Washington (for herself, Ms. DUNN of Washington, Mr. HERGER, and Mr. COLLINS of Georgia):

H.R. 1212. A bill to amend the Internal Revenue Code of 1986 to revise the estate and gift taxes in order to preserve American family enterprise, and for other purposes; to the Committee on Ways and Means.



By Mr. STARK:

H.R. 1213. A bill to amend the Internal Revenue Code of 1986 to make S corporations eligible for the rules applicable to real property subdivided for sale by noncorporate taxpayers; to the Committee on Ways and Means.

By Mr. TALENT:

H.J. Res. 78. Joint resolution to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mrs. MORELLA, Mr. WYNN, Ms. NORTON, Mr. WOLF, and Mr. MORAN):

H. Con. Res. 38. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. ARMEY (for himself and Mr. GEPHARDT):

H. Res. 113. Resolution providing for the transfer of certain employee positions; considered and agreed to.

By Mr. GILMAN:

H. Res. 114. Resolution expressing the sense of the House of Representatives that the United States should support peace and stability in the South China Sea; to the Committee on International Relations.

¶42.21 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

- H.R. 55: Mr. SHAYS.
- H.R. 65: Mr. MINETA.
- H.R. 103: Ms. LOWEY, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. DE LA GARZA, and Mr. YATES.
- H.R. 104: Mr. HASTERT.
- H.R. 218: Mr. HAYWORTH.
- H.R. 303: Mr. MINETA and Mr. OWENS.
- H.R. 467: Mr. WALSH, Mr. BLUTE, and Mr. STUPAK.
- H.R. 483: Mr. LEWIS of California, Mr. SERRANO, Mr. LEWIS of Kentucky, and Mr. BACHUS.
- H.R. 494: Ms. MCKINNEY.
- H.R. 497: Mr. BEILENSEN.
- H.R. 530: Mr. JOHNSON of South Dakota and Mr. TORRICELLI.
- H.R. 560: Mr. BAKER of Louisiana.
- H.R. 592: Mr. HERGER.
- H.R. 682: Mr. ACKERMAN and Mr. LIPINSKI.
- H.R. 704: Mr. ZIMMER and Mr. SERRANO.
- H.R. 705: Mr. NORWOOD, Mr. PACKWOOD, and Mr. BAKER of Louisiana.
- H.R. 708: Mr. CHRYSLER, Mr. ZIMMER, and Mrs. MORELLA.
- H.R. 726: Mr. FATTAH, Mr. LIPINSKI, and Mr. SPRATT.
- H.R. 763: Mr. GILLMOR, Mr. PARKER, Mr. KASICH, Mr. FROST, Mr. OBERSTAR, Mr. TOWNS, Mr. MARTINEZ, Mrs. FOWLER, Mr. METCALF, and Mr. GALLEGLY.
- H.R. 771: Mr. KLUG, Mr. EVANS, Mr. LIPINSKI, Mr. ENGLISH of Pennsylvania, and Mrs. MORELLA.
- H.R. 782: Mr. FRANK of Massachusetts and Mr. BRYANT of Tennessee.
- H.R. 786: Miss COLLINS of Michigan and Mr. CRAMER.
- H.R. 797: Mr. FATTAH.
- H.R. 803: Mr. ZIMMER, Ms. LOFGREN, Mr. BONO, Mr. CALVERT, Mr. DREIER, Mr. HORN, Mr. KIM, Mr. MCKEON, Mr. RADANOVICH, Mr. RIGGS, Mr. ROHRBACHER, Mr. ROYCE, and Mrs. SEASTRAND.
- H.R. 858: Mr. BORSKI, Mr. DELLUMS, Mr. EVANS, Mr. LIPINSKI, Mr. OLVER, Mr. SISISKY, Mr. CALVERT, Mr. DAVIS, Mr. FARR, and Mr. MASCARA.
- H.R. 894: Mr. SOLOMON.
- H.R. 895: Mr. PARKER and Mr. BENTSEN.
- H.R. 899: Mrs. THURMAN, Mr. EVANS, Mr. VOLKMER, Mr. KASICH, Ms. FURSE, Mr. LU-

THER, Mr. GILLMOR, Mr. ROBERTS, Mr. HOUGHTON, Mr. NUSSLE, and Mr. NEUMANN.

H.R. 940: Mr. BARRETT of Wisconsin and Mr. FATTAH.

H.R. 952: Mr. KINGSTON, Mr. TALENT, and Mr. PARKER.

H.R. 957: Mr. GALLEGLY and Mr. SAXTON.

H.R. 1002: Mr. COX, Mr. MILLER of California, Ms. DUNN of Washington, Mr. BEVILL, and Mr. PALLONE.

H.R. 1003: Mr. LIPINSKI, Mr. COLEMAN, and Mr. SAXTON.

H.R. 1010: Mr. FROST, Mr. HALL of Texas, Mr. CALVERT, Mr. GILLMOR, Mr. WILLIAMS, Mr. BROWN of Ohio, Mr. HILLIARD, Ms. MOLINARI, and Mr. SERRANO.

H.R. 1033: Mr. FRANK of Massachusetts, Mr. SCARBOROUGH, Mr. SCHUMER, and Mr. SAXTON.

H.R. 1045: Mr. MILLER of Florida, Mr. DREIER, Mr. BASS, Mr. LAHOOD, Mr. NETHERCUTT, Mr. HANCOCK, Mr. WELLER, Mr. BARTON of Texas, Mr. FOLEY, and Mr. NUSSLE.

H.R. 1055: Ms. VELAZQUEZ and Mr. FOX.

H.R. 1061: Mr. BAKER of California and Mr. HERGER.

H.R. 1103: Mr. GALLEGLY.

H.R. 1118: Mr. FIELDS of Texas, Mr. CALVERT, Mr. LEWIS of Kentucky, Mr. BARRETT of Nebraska, Mr. KNOLLENBERG, Mr. LUCAS, and Mr. BAKER of California.

H.R. 1129: Ms. RIVERS and Mr. BROWDER.

H.R. 1194: Mr. LIPINSKI, Mr. POMBO, and Mr. MARTINEZ.

H.J. Res. 64: Mr. NORWOOD, Mr. PACKARD, and Mr. BAKER of Louisiana.

H.J. Res. 76: Mr. SCARBOROUGH, Mr. RADANOVICH, Mr. DAVIS, Mr. FUNDERBURK, Mr. ENSIGN, Mr. BONO, and Mr. TALENT.

H. Con. Res. 12: Mr. ROBERTS.

H. Res. 21: Mr. TALENT.

¶42.22 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

- H. Con. Res. 5: Mr. FOX.
- H.R. 24: Mr. FOX.

**MONDAY, MARCH 13, 1995 (43)**

¶43.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. JONES, who laid before the House the following communication:

WASHINGTON, DC,  
March 13, 1995.

I hereby designate the Honorable WALTER B. JONES, Jr. to act as Speaker pro tempore on this day.

NEWT GINGRICH,  
*Speaker of the House of Representatives.*

¶43.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. JONES, announced he had examined and approved the Journal of the proceedings of Friday, March 10, 1995.

Pursuant to clause 1, rule I, the Journal was approved.

¶43.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

524. A letter from the Secretary of Defense, transmitting the annual report of the Reserve Forces Policy Board for fiscal year 1994, pursuant to 10 U.S.C. 113(c)(3); to the Committee on National Security.

525. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Turkey (Transmittal No. 13-95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

526. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification for Presidential Determination on drawdown of Department of Defense commodities and services to support the Palestinian police force to carry out its responsibilities, pursuant to 22 U.S.C. 2348a; to the Committee on International Relations.

527. A letter for the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112B(A); to the Committee on International Relations.

528. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, and other statutes, to extend VA's authority to operate various programs, collect copayments associated with provision of medical benefits, and obtain reimbursement from insurance companies for care furnished; to the Committee on Veterans' Affairs.

529. A letter from the Comptroller of the Currency, transmitting the annual report of consumer complaints filed against national banks and the disposition of those complaints; jointly, to the Committees on Banking and Financial Services and Commerce.

530. A letter from the Administrator, General Services Administration, transmitting the annual report regarding the accessibility standards issued, revised, amended, or repealed under the Architectural Barriers Act of 1968, as amended, pursuant to 42 U.S.C. 4151; jointly, to the Committees on Transportation and Infrastructure and Economic and Educational Opportunities.

531. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1996 for certain maritime programs of the Department of Transportation, and for other purposes; jointly, to the Committees on Transportation and Infrastructure and National Security.

532. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the guarantee fee provisions of the Federal Ship Mortgage Insurance Program in the Merchant Marine Act, 1936, as amended; jointly, to the Committees on Transportation and Infrastructure and National Security.

533. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Merchant Marine Act, 1936, as amended, to revitalize the United States-flag merchant marine, and for other purposes; jointly, to the Committees on Transportation and Infrastructure and National Security.

¶43.4 SUBMISSION OF CONFERENCE REPORT—S. 1

Mr. CLINGER submitted a conference report (Rept. No. 104-76) on the bill of the Senate (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental prior-