Constitution to allow States to pass laws outlawing abuse of our flag. We are proud of the American flag and we want to protect it.

The issue of flag desecration has been with us for too long. As you know, in 1984, a protester at the Republican National Convention in Houston was arrested for burning the flag which was against the law in Texas. Five years later the Supreme Court struck down the Texas law and the offender was acquitted. In 1990, Congress passed a bill to remedy this situation, but it too was struck down as unconstitutional. So now our only choice is to pass this legislation, amend the U.S. Constitution and allow the States to pass their own laws to correct this problem.

As a veteran, I feel particularly strong about this proposal. Many men and women throughout our Nation's history have sacrificed their lives so that we could enjoy the freedoms we now have. The flag is a symbol of this country and a tribute to those who have protected our Nation through the years. To allow individuals to desecrate this symbol for petty purposes is to cheapen the country for which it stands. I find it extremely offensive that laws cannot be passed by States to prohibit this kind of behavior.

This bill is not meant to restrict the first amendment rights guaranteed to all Americans. I strongly believe that individuals and groups must be able to speak their minds on issues that concern them. But that does not mean burning the flag. I feel flag desecration goes beyond freedom of expression. It is an abuse of the U.S. Constitution and the freedoms that great document provides.

Our proposal is not a heavy-handed Government mandate. We want to give States the ability to pass the laws they deem necessary. Forty-six States have already passed resolutions which outlaw the desecration of the flag. Alabama joined these ranks in 1991. I think it is time for Congress to take the initiative to correct this situation once and for all. I urge my colleagues to pass this legislation and start the process for adding this historic amendment to the U.S. Constitution.

PROVIDING FOR CONSIDERATION OF H.R. 1158, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mrs. THURMAN. Mr. Speaker, last month, the Appropriations Committee met to consider offsets to pay for a $5.6 billion supplemental spending for the California earthquake relief. The committee cut more than $17.3 billion, including $208 million for six veterans health clinics and other medical equipment. One of the clinics targeted for elimination is in my district of Gainesville, FL. Mr. Speaker, the immediate question that comes to mind is: To what will the remaining $12 billion rescinded from the appropriations bills be applied? Many theories have been advanced, but most of them certainly indicate that vital programs for children, the elderly, and other vulnerable citizens are being cut simply to provide tax breaks for the rich.

I came to the floor today hoping to offer an amendment that would restore the $208 million rescinded from the veterans' health care budget, but because of the restrictive nature of this rule my amendment would be out of order.

My amendment would have targeted six actual pork projects and cut down on wasteful Government spending, while protecting the security of veterans who in many cases have risked their lives in defense of this Nation. The six projects targeted in my amendment included unauthorized courthouses and a Tokamak Reactor Energy Program which would cost taxpayers $2.2 billion in the coming years.

The six outpatient clinics that would have been restored by my amendment are a critical part of the VA's plan to move from delivering costly inpatient care to delivering cost-effective outpatient care. According to the VA officials in my district in Gainesville, existing space deficiencies currently prevent the medical center from offering care in a timely manner. These projects would provide better health care to more veterans at less cost to the taxpayer.

Mr. Speaker, it is clear that the Committee on Rules is not protecting the security of our vulnerable citizens. They are not interested in going after the real pork. The rule they have set provides for only further rescissions in what the Appropriations Committee considers pork, and not what the average American knows is pork and Government waste. Furthermore, they are denying Democratic Members the opportunity to offer amendments that would get the job done. Mr. Speaker, this issue really comes down to a matter of priorities: Are we going to forsake the many men and women who have risked their lives in defense of this Nation, simply to provide tax subsidies for the rich? I for one, will not retreat on the promise we have made our veterans, and I urge my colleagues to stand firm and oppose this gag rule.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

SPEECH OF

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

The House in Committee of the Whole House on the State of the Union had under consideration 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:

Mr. EWING. Mr. Chairman, I rise today in support of H.R. 1158 and H.R. 1159 and to commend Chairman LIVINGSTON and the Appropriations Committee for all their hard work on these two supplemental appropriations bills. It is truly a new era when the Appropriations Committee demands that supplemental appropriations bills, emergency or otherwise, be paid for with offsetting spending cuts.

No doubt, each Member of this body would like to change certain provisions of these bills, but these rescissions are applied in a balanced and fair manner. Furthermore, H.R. 1159 recommends several important policy corrections.

I am particularly pleased the committee included language that allows HUD to waive the one-for-one public housing replacement requirement when public housing is no longer habitable and in need of demolition. This has been an ongoing problem in my congressional district.

The city of Danville, IL has been trying to receive approval to demolish the decaying and vacant Carver Park housing project for some time. Despite unanimous public support for the project's demolition and orders from the city government, Federal law has prevented the demolition of this dangerous and environmentally hazardous property.

I am also pleased the committee has taken action to prevent President Clinton from enforcing his Executive order prohibiting companies from permanently replacing striking workers. Our Nation's present labor negotiation system is balanced and fair for both labor and management. Each side faces consequences for their actions which serve as an incentive to bargain in good faith. The President's Executive order would alter the current balance.

Last, the President's Executive order is an effort to usurp congressional authority and should be overturned by this Congress. Major changes to our Nation's labor law should not be instituted without congressional approval.

Again, I thank the committee for acting to restore balance to our Nation's labor law and I urge my colleagues to support H.R. 1158 and H.R. 1159.

COMMON SENSE LEGAL STANDARDS REFORM ACT OF 1995

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes:

Mr. DINGELL, Mr. Chairman, on March 10, the House passed H.R. 956, the so-called Common Sense Product Liability and Legal Reform Act of 1995. Unfortunately, the final bill distinguishes itself by not having enough to do with product liability reform and having very little to do with common sense. The bill is an extreme measure that makes sweeping changes in the Nation's legal system that go far beyond the scope of fair and balanced product liability reform. It protects wrongdoers at the expense of injured individuals. It excludes procedural safeguards designed to put U.S. companies on a more equal footing with foreign corporations. It creates extreme and rigid rules that fail to account for circumstances involving gross misconduct or severe and permanent injuries. It fails to simplify current law and creates a complex and confusing jurisdictional puzzle.

BACKGROUND AND COMMITTEE CONSIDERATION

I have long supported product liability reform legislation. In 1988, I presided over the infamous ''Torts Class From Hell,'' when the Committee on Energy and Commerce spent 10 days in markup before reporting H.R. 1115.[1] since then, I have cosponsored major bills in the area and worked with Republicans and Democrats alike to enact effect and well-crafted legislation.

This year's legislation was not the result of meaningful bipartisan efforts. It was forced through the committees and the House at breakneck speed. H.R. 917 was introduced by Chairman OXLEY on February 13, 1995. It was the subject of one hearing.[2] No subcommittee markup was held. We were given 3 different substitute amendments in as many days prior to the markup on February 22. In Additional Views to the committee report, I cite examples of mistakes, defects, and inconsistencies found during this process.[3] These problems largely were the result of the severe timetable dictated by the Republican leadership. Given proper time and consultation with all Members, the Committee could have produced a better bill supported by a more significant bipartisan majority of the Committee.

H.R. 917, as reported, imposed more restrictions on product liability actions than previous bills, such as the bipartisan bill I cosponsored in the last Congress, H.R. 1910.[4] Punitive damages were capped at the greater of $250,000 or 3 times economic damages, whereas H.R. 1910 had no cap. It set a 15-year statute of repose applicable to all products, whereas H.R. 1910 had a 25-year statute limited to capital goods. It voided joint liability for noneconomic damages for all defendants, whereas provisions in H.R. 1910 applies solely to product manufacturers and sellers. It added new provisions that were not in H.R. 1910, including a section on pleading requirements and a narrow special interest provision to benefit biomaterials suppliers.

Despite misgivings, I voted to report the Committee bill. I did so because its core was consistent with bills I previously supported and because assurances were made that its shortcomings would be addressed when the bill reached the floor. But before the ink on the committee bill was dry, Chairmen HYDE and BLILEY introduced yet another bill, H.R. 1075. Apart from deleting the so-called FDA defense, its product liability provisions were similar to those in H.R. 917. But other provisions went far beyond product liability reform, including Title II applying to punitive damages ''in any civil action for harm in any Federal or State court.'' This expansion of the bill was motivated by two interests: (1) to protect wrongdoers from punitive damages in nearly all civil cases, and (2) to open up the bill so that amendments unrelated to product liability reform would be germane on the floor.

FLOOR CONSIDERATION

The Republican leadership decided to muzzle meaningful debate long before any formal rule was adopted. Within moments after H.R. 1075 was introduced on February 28, Chairman SOLOMON announced that: the Rules Committee intended to make H.R. 1075 in order as a substitute for H.R. 956[5]; amendments to the bill should be submitted by March 3; and the Rules Committee intended ''to grant a rule which may restrict amendments for the consideration of H.R. 956.''[6] After its March 7 hearing to consider 81 amendments filed by the announced deadline,[7] the Rules Committee voted to report a gag rule.[8] The Committee made 15 amendments in order, allocated severe time limits for each, and prohibited amendments to the specified amendments. They chose to reject many moderate amendments, including those that had bipartisan support and would have undoubtedly passed. They refused to make in order amendments concerning the bill's preemptive effect on State laws, denying debate on one of the most important aspects of the bill. They made in order extreme Republican amendments applying to matters beyond the scope of product liability reform that have not been the subject of any hearings or consideration by any committee during this Congress.

The basis for product liability reform is that frivolous lawsuits are stifling American competitiveness and innovation; that because product liability is inextricably related to interstate commerce, a uniform, national approach is needed; and that ''legislation should address key topics and provide a fair resolution of claims.''[9] But the House bill goes far afield of fair and balanced product liability reform legislation.

PREEMPTION STANDARDS

H.R. 956, as passed by the House, creates numerous, varying standards for preemption of State laws that will create confusion rather than uniformity. Consider the following:

1. Under Title I (product liability actions), State laws are superseded ''only to the extent that State law applies to an issue covered by this title.''[10] It states that civil actions for ''commercial loss'' will be governed ''only by applicable commercial or contract law,''[11] creating one standard for injured individuals and another for corporations that sue each other.[12]

2. Section 201 (punitive damages) applies to ''any civil action brought in any Federal or State court on any theory where punitive damages are sought'' but it ''does not preempt or supersede any State or Federal law to the extent that such law would further limit the award of punitive damages.'' Section 203 (liability for noneconomic damages) applies to ''any product liability or other civil action brought in any Federal or State court on any theory where noneconomic damages are sought'' but it ''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.'' Sections 201 and 202 apply ''[e]xept as provided in section 401,'' limiting their application to cases that ''affect'' interstate commerce.

3. Section 202 (noneconomic damages cap) applies to ''any health care liability action brought in any Federal or State court on any theory'' but it ''does not preempt or supersede any State or Federal law to the extent that such law would further limit the award of noneconomic damages'' nor does it preempt ''any State law enacted before the date of enactment of this Act that places a cap on the total liability in a health care liability action.'' It also applies ''[e]xcept as provided in section 401.''

4. Section 401 of the bill provides that ''Titles I, II, and III shall apply only to product liability and other civil actions affecting interstate commerce.''[13]

Anyone claiming the bill creates uniformity is sadly mistaken. It makes rules, exceptions to rules, and special rules that, if enacted, would take years of litigation to sort out. The rules governing product liability actions in Title I are relatively clear, although their relationship to title III needs clarification. Sections 201, 202, and 203 promote restrictions on noneconomic and punitive damage awards rather than consistency in the States. They preempt State laws except where State laws ''further limit'' the subject of such provisions, creating an elusive measure subject to varying interpretations. For example, do State laws requiring proof beyond a reasonable doubt for punitive damages but that do not cap such damages ''further limit the award of punitive damages''? Likewise, the purpose of section 401 is unclear and its application difficult. It purports to prohibit preemption of State laws where ''pure'' State cases are involved—that is those involving parties and claims that do not ''affect'' interstate commerce. Is this a bone being thrown to the concept of States' rights or is there some other reason to treat identical cases differently if a court determines one ''affects'' interstate commerce while the other does not? And the special rule in section 202(b)—prohibiting preemption of a previously enacted State law that caps total liability in health care liability actions—apparently is motivated by the desire to preserve one specific California law.

Amendments that would have improved or affected the bill's preemption provisions were not made in order by the Republicans on the Rules Committee, including: (1) Representative QUILLEN's amendment to limit product liability rules in the bill to cases in Federal court; (2) Representative SCHIFF's amendment to make title II applicable solely to product liability actions; and (3) Representative DEUTSCH's amendment to require uniformity in State laws governing joint liability for economic loss and punitive damage awards. It is clear the Republicans did not wish to even debate the important issues pertaining to the bill's application to State laws and instead chose to concoct a complicated scheme that creates more disorder than consistency.

THE COX AMENDMENTS

The House adopted two amendments offered by Representative COX. The first abolishes joint liability for noneconomic damages and applies to ''any product liability or other civil action brought in State or Federal court.''[14] I could not support this broad expansion of the bill for the following reasons:

1. It was not considered by either committee nor were any hearings held on the amendment. Under the rule, 40 minutes were allocated to debate fundamental changes the amendment would make to more than 200 years of American jurisprudence.

2. It expands the bill far beyond product liability cases, abolishing joint liability in any State or Federal case affecting interstate commerce. I am particularly concerned that it treats simple negligence in the same manner as intentional and gross misconduct. Is it unfair to hold one of several wrongdoers fully responsible for noneconomic harm if he maliciously caused harm? Should victims of intentional torts such as assault, battery, and intentional infliction of emotional distress bear any costs for harm instead of holding fully responsible any single wrongdoer who proximately caused the harm?

3. Examples cited in support of the amendment included defendants found to be minimally at fault who, under joint liability laws,

Footnotes at end of article.

would be fully liable if other defendants were insolvent or absent. But it abolishes joint liability for even those who are principally at fault. Amendments that would apply several liability only to minimally responsible defendants were not made in order, denying Members any option to consider more moderate provisions.[15]

4. Proponents emphasized that it applies only to noneconomic damages and that it would not affect actual damages. The subtext here is that noneconomic damages are not as easy to calculate as economic damages and thus are not as real. The amendment even renames Title II as ''Limitations on Speculative and Arbitrary Damage Awards.'' But it fails to recognize that pain and suffering, total disability, permanent disfigurement, loss of reproductive capacity, and similar noneconomic harms are a very real part of many injuries. For those with low or moderate wages, noneconomic damages may be a greater part of total losses. By limiting recovery for noneconomic damages, the amendment treats injured middle- and low-income workers, homemakers, retirees, children, and disabled persons less favorably than corporate executives and others who have large economic losses.

The amendment also struck a provision in H.R. 956 (section 109) requiring foreign manufacturers to appoint a U.S. agent for service of process in order to claim the benefits of the legislation. Section 109 was truly a commonsense provision designed to level the playing field between foreign corporations and American companies.[16] By striking it, the House also gutted the previously adopted Conyers amendment subjecting foreign companies to discovery in our courts, giving those foreign companies a distinct advantage over American companies, and making it more difficult for persons injured by foreign products to obtain relief. Reflecting a strong bipartisan consensus, 258 Members voted in favor of the Conyers amendment,[17] but this bipartisan effort was nullified by the Cox amendment. Because of the speed of the proceedings and incorrect claims by Mr. COX and others that striking the service of process requirement would have no effect on the Conyers amendment, Members did not have an adequate opportunity to understand the situation. Restoring the service of process provision was one of two items in the motion to recommit, which received 195 votes. Had there been sufficient time to explain the true effect of the amendment, I am confident the motion would have been adopted.

The second Cox amendment limits noneconomic damages in ''health care liability actions'' to $250,000.[18] This provision goes well beyond medical malpractice cases, and includes any civil case in State or Federal court against a health care provider, any entity obligated to provide or pay health benefits, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, where a claimant alleges a claim ''based upon the provision of (or the failure to provide or pay for) health care services or the use of a medical product.'' [19] No hearings were held on the amendment nor was it considered by either committee. Only 40 minutes of floor time were allowed to debate this fundamental change in our legal system. An alternative amendment encouraging resolution of such cases by mediation and arbitration was not made in order by the Rules Committee.

The amendment arbitrarily caps noneconomic damages at $250,000, striking hardest at vulnerable individuals whose main damages are noneconomic. It prevents compensation even in the most extreme cases, such as loss of sight or other senses, loss of reproductive capacity, loss of limbs, and loss of life. The most jaded argument made by its proponents is that the amendment constitutes health care reform. Arguably, the amendment gives license to doctors and other health providers to make mistakes and practice bad medicine. It may provide a financial windfall to physicians, manufacturers and sellers of drugs and devices, and other health care providers who injure persons, not to mention health insurance companies that deny health claims in bad faith. None of the alleged savings from the amendment are redirected in adjustments to Medicare and Medicaid payments or reduced private health insurance premiums. It does nothing to deter litigation and limits the ability of injured persons to receive compensation for harm caused by health care professionals and providers. If this is health care reform, we are all in great peril.

THE FDA DEFENSE

The House passed an amendment immunizing manufacturers and sellers of drugs and medical devices from punitive damages if the drug or device was approved by the Food and Drug Administration [FDA] and the manufacturer or seller has not misrepresented or withheld information required to be submitted to the FDA or has not bribed an FDA official.[20] While I previously have supported such a provision, I am compelled to reconsider my position due to the Republican leadership's stated desire to change FDA's approval process radically, to privatize functions of the agency, to reduce its funding, or even to eliminate the agency.

The FDA defense is based on the idea that FDA approval is meaningful and effective. It assumes a strong, vigorous, and adequately funded FDA. It is entirely inconsistent with the vision of a weak agency whose primary focus is to get products on the market as fast as possible based on weakened standards of safety and efficacy. Americans trust that when they take a drug or use a medical device, it will not harm them. This trust is based on a careful, scrupulous process that allows only safe, effective products on the market and removes products from the market when they may pose harm. I am committed to continuing efforts to ensure that FDA is an agency in which we may all place our trust. But I find it difficult to support the FDA defense when the Republican leadership and interest groups are pulling out the long knives to drastically alter the mission and slash the already limited resources of the agency.

OTHER PROVISIONS

Statute of repose.—The 15-year statute of repose in the bill is significantly more restrictive than previous bipartisan bills. It applies to all products, instead of only capital goods, subject to limited exceptions.[21] H.R. 1075 also limited it to cases where ''the court determines that the claimant has received or would be eligible to receive full compensation from any source for medical expense losses.'' [22] This provision was intended to ensure that claimants would not be completely foreclosed from at least recovering medical expenses where an older product causes harm. But an amendment offered by Mr. HYDE and passed by the House struck this commonsense provision from the bill. This mean-spirited amendment is further evidence of the Republicans' extreme views. It increases public costs and places uninsured workers and others at risk. Nor has any adequate explanation been offered as to why the provision should apply to all products instead of capital goods alone or why an absolute limit of 15 years makes sense in each and every case. An amendment filed by Mr. BRYANT would have created a statute of repose based on a resumption of 15 years. Under the amendment, the presumption could be rebutted if the claimant could prove the defendant concealed or failed to give adequate warning of a defect that he knew about or if the claimant was required to use the product as a condition of employment. This amendment was not made in order. Because the statute's application is so severe, these issues deserve further scrutiny.

Punitive damages cap.—The bill caps punitive damage awards in any civil case for harm in any State or Federal court at the greater of $250,000 or 3 times economic loss.[23] An amendment to delete the cap was made in order and defeated by the House,[24] but other moderate amendments that enjoyed bipartisan support were never considered under the gag rule adopted by the Rules Committee. For example, Chairman OXLEY and Representative GORDON filed an amendment to replace $250,000 with $1 million. It is my firm belief that, if made in order, the Oxley/Gordon amendment would have passed. Other amendments put the minimum at $500,000 or allowed punitive damages based on three times compensatory damages. Given the required quantum of proof (clear and convincing evidence), new procedures that benefit defendants (separate proceeding for punitive damages and standards for determining awards), and the type of conduct involved (conscious flagrant indifference to safety of others or intentional conduct), the cap on punitive damages in the bill may be too severe to adequately address actions by those who engage in gross misconduct.

Biomaterials suppliers.—Title III of the bill limits the liability of biomaterials suppliers in certain circumstances. During committee markup of a similar provision, I questioned the wisdom of insulating suppliers even if they had intentionally and wrongfully withheld material information or if they knew of fraudulent or malicious activities in the use of their supplies. Mr. HASTERT, the author of the amendment, and others indicated their desire to try and address these concerns before floor consideration. I was pleased to see an effort to accommodate these matters in H.R. 1075 (section 302(c)(2)(B) and (C)). While I filed an amendment to make technical and other clarifying changes to Title III, I decided to withdraw it when it became evident that there were many other problems with this title. I support a fair and balanced provision to ensure that biomaterials suppliers are not subjected to needless harassment, but I do not believe it should be converted to a wholesale abolition of all responsibility by such persons, particularly if these suppliers are significantly at fault for a claimant's injuries.

SUMMARY

The issues involved in product liability reform are complex and controversial. While Federal legislation is needed, I firmly believe any such legislation must be fair and balanced. H.R. 956 does not pass this test. Nor can it be considered in a vacuum. H.R. 988,

passed shortly before H.R. 956 was considered, applies to certain Federal civil cases. The bill requires the ''loser'' to pay the opposing party's attorney fees under certain circumstances, amends rule 11 of the Federal Rules of Procedure to mandate sanctions a Federal judge must impose against lawyers who file frivolous lawsuits or engage in abusive litigation tactics, and limits the admissibility of certain scientific testimony of expert witnesses. These provisions, if enacted, would apply further limits on certain product liability actions, health care liability actions, and other civil actions for harm filed in Federal court governed by H.R. 956. H.R. 988 further tilts the balance in favor of defendants in all such cases.

Cheap sound bites and anecdotal examples of extreme results—while more easily understood than the details of these complex and controversial issues—do not serve the public interest. Both proponents and opponents of legal reform legislation have used such tactics to justify their respective positions. But the Republican majority has a public responsibility to be careful in its drafting and, above all, to do harm. Instead, it artificial and unrealistic timetable for passing legal reforms made speed more of a priority than crafting sensible and defensible legislation.

I plan to work with my colleagues on both sides of the aisle and on both sides of Capitol Hill to enact fair and balanced product liability reform legislation this year. But in doing so, I refuse blindly to support extreme legislation that is contrary to common sense.

FOOTNOTES

1. H. Rpt. 100–748, Part 1.
2. Hearing on H.R. 917, the Common Sense Product Liability Reform Act, including related product liability legislation, Feb. 21, 1995, Subcommittee on Commerce, Trade, and Hazardous Materials.
3. H. Rpt. 104–63, Part 1.
4 H.R. 1910 Republican cosponsors included: Representatives Gingrich, Hyde, Bliley, Moorhead, Oxley, Barton, Hastert, Upton, Stearns, Paxon, Gillmor, Klug, Franks, and Greenwood.
5. H.R. 956 was a bill referred to and reported by the Judiciary Committee, H. Rpt. 104–64, Part 1.
6. Congressional Record, Feb. 28, 1995.
7. An additional amendment, filed by Chairman Solomon after the March 3 deadline, was considered but not made in order by the Rules Committee.
8. H. Res. 109.
9. Testimony of Victor E. Schwartz, Esq., on behalf of the Product Liability Coordinating Committee; hearing before the Subcommittee on Commerce, Trade, and Hazardous Materials Feb. 21, 1995.
10. Section 102(b), H.R. 956 (as passed by the House).
11. Section 102(a) and section 110(2), H.R. 956 (as passed by House).
12. An amendment filed by Representative Markey that would have treated commercial loss cases in the same manner as product liability actions was not made in order by the Rules Committee.
13. Sec. 401 defines ''interstate commerce'' as ''commerce among the several states or with foreign nations, or in any territory of the United States or 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.''
14. Congressional Record, Mar. 9, 1995.
15. For example, Representatives Frank and Berman filed amendments that would apply several liability to defendants found to be less than 20 percent responsible for the claimant's harm.
16. Section 109 of H.R. 1075 was entitled ''Service of Process'' and provided: ''This title 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.'' This section was deleted from the bill by the Cox amendment.
17. Congressional Record, Mar. 9, 1995.
18. Congressional Record, Mar. 9, 1995.
19. Section 202(b), H.R. 956 (as passed by House).
20. Section 201(f), H.R. 956 (as passed by House). See, Congressional Record, Mar. 9, 1995.
21. Section 108(b)(2), H.R. 956 (as passed by House).
22. Section 108(a), H.R. 956 (as passed by House).
23. Section 201(b), H.R. 956 (as passed by House).
24. Amendment offered by Representative Furse, Congressional Record, Mar. 9, 1995.

PRIVATE PROPERTY PROTECTION ACT OF 1995

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

Wednesday, March 1, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 925) to compensate owners of private property for the effect of certain regulatory restrictions:

Mr. WOOLSEY. Mr. Chairman, I rise today in strong opposition to H.R. 925, the Private Property Act. My colleagues in the House of Representatives who support the Contract on America claim that H.R. 925 is to protect small private property owners from the Federal Government. In fact, this takings legislation has little to do with protecting small private property owners. The truth about H.R. 925 is that it provides a new entitlement program for wealthy special interests at a high cost to taxpayers and environmental protection.

The right to own private property is a right that is cherished by the American people. That's why it is protected by the Constitution. Under the fifth amendment, if the Government takes land to build a highway or school, of course it must pay for it. But the fifth amendment's protection isn't enough for the corporate special interests. They want Congress to pass H.R. 925 because it provides that any regulation that limits their right to make as much money as possible from their property is a taking, regardless of the impact this might have on the health and safety of their neighbors, the general public, or the environment. The true agenda of the supporters of H.R. 925 is to increase profits for special interests and weaken valuable laws to protect our health and environment.

Mr. Chairman, H.R. 925 will have a chilling effect on the implementation of environmental regulations. Most likely, Federal agencies will choose not to implement or enforce regulations because they will not be able to afford the high price of compensation required by H.R. 925. The Endangered Species Act and the Clean Water Act are just two of the many important environmental laws that will be jeopardized by this legislation.

Mr. Chairman, I strongly urge my colleagues to oppose this back door attack on environmental protections by voting against H.R. 925.