

will be hotly contested during floor consideration.

I urge my colleagues to stand up against nutrition program block grants. Welfare reform without that reform will hurt the poor.

EXTENSION OF WAIVER OF APPLICATION OF EXPORT CRITERION OF THE ATOMIC ENERGY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

The United States has been engaged in nuclear cooperation with the European Community (now European Union) for many years. This cooperation was initiated under agreements that were concluded in 1957 and 1968 between the United States and the European Atomic Energy Community (EURATOM) and that expire December 31, 1995. Since the inception of this cooperation, EURATOM has adhered to all its obligations under those agreements.

The Nuclear Non-Proliferation Act of 1978 amended the Atomic Energy Act of 1954 to establish new nuclear export criteria, including a requirement that the United States have a right to consent to the reprocessing of fuel exported from the United States. Our present agreements for cooperation with EURATOM do not contain such a right. To avoid disrupting cooperation with EURATOM, a proviso was included in the law to enable continued cooperation until March 10, 1980, if EURATOM agreed to negotiations concerning our cooperation agreements. EURATOM agreed in 1978 to such negotiations.

The law also provides that nuclear cooperation with EURATOM can be extended on an annual basis after March 10, 1980, upon determination by the President that failure to cooperate would be seriously prejudicial to the achievement of U.S. nonproliferation objectives or otherwise jeopardize the common defense and security, and after notification to the Congress. President Carter made such a determination 15 years ago and signed Executive Order No. 12193, permitting nuclear cooperation with EURATOM to continue until March 10, 1981. Presidents Reagan and Bush made similar determinations and signed Executive orders each year during their terms. I signed Executive Order No. 12840 in 1993 and Executive Order No. 12903 in 1994, which extended cooperation until March 10, 1994, and March 10, 1995, respectively.

In addition to numerous informal contacts, the United States has engaged in frequent talks with EURATOM regarding the renegotiation

of the U.S.-EURATOM agreements for cooperation. Talks were conducted in November 1978; September 1979; April 1980; January 1982; November 1983; March 1984; May, September, and November 1985; April and July 1986; September 1987; September and November 1988; July and December 1989; February, April, October, and December 1990; and September 1991. Formal negotiations on a new agreement were held in April, September, and December 1992; March, July, and October 1993; June, October, and December 1994; and January and February 1995. They are expected to continue.

I believe that it is essential that cooperation between the United States and EURATOM continue, and likewise, that we work closely with our allies to counter the threat of proliferation of nuclear explosives. Not only would a disruption of nuclear cooperation with EURATOM eliminate any chance of progress in our negotiations with that organization related to our agreements, it would also cause serious problems in our overall relationships. Accordingly, I have determined that failure to continue peaceful nuclear cooperation with EURATOM would be seriously prejudicial to the achievement of U.S. nonproliferation objectives and would jeopardize the common defense and security of the United States. I therefore intend to sign an Executive order to extend the waiver of the application of the relevant export criterion of the Atomic Energy Act until the current agreements expire on December 31, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 9, 1995.*

COMMUNICATION FROM THE HONORABLE EDWARD J. MARKEY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable EDWARD J. MARKEY, a Member of Congress:

Washington, DC, March 7, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L(50) of the Rules of the House that a staff person in my office has received a subpoena for testimony and documents concerning constituent casework. The subpoena was issued by the Middlesex County Probate and Family Court of the Commonwealth of Massachusetts.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

EDWARD J. MARKEY,
Member of Congress.

□ 1050

COMMUNICATION FROM THE HONORABLE KWEISI MFUME, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. SHAYS) laid before the House the following communication from the Honor-

able KWEISI MFUME, a Member of Congress:

Washington, DC, March 8, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the Eastern District of Virginia for materials related to a civil case.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

KWEISI MFUME,
Member of Congress.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 956, COMMON SENSE LEGAL STANDARDS REFORM ACT OF 1995

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 109 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 109

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes. No further general debate shall be in order. The bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on the Judiciary, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 1075. That amendment in the nature of a substitute shall be considered as read. No amendment to that amendment in the nature of a substitute shall be in order except those specified in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order specified in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, today we continue our historic debate that will restore sanity to our legal system. Over the next 2 days, we will take the first crucial steps toward limiting the significant costs on the U.S. economy that continue to force manufacturers to fire workers and withdraw products from the market, including medical devices and medication available in most of the world, sadly resulting in preventable deaths. For too long, this Nation has capitulated to the power of Ralph Nader and the trial lawyers. It is high time that we level the playing field. The full consideration of H.R. 956 will allow this body to consider a wide range of issues designed to bring common sense and personal responsibility back to our courts.

The modified closed rule reported by the Rules Committee will allow the House to fully consider the significant issues raised by the bill H.R. 956. Yesterday's rule already provided for 2 hours of general debate. Today, House Resolution 109 first provides for consideration under the 5-minute rule of an amendment in the nature of a substitute consisting of the text of H.R. 1075. This bill represents the combined efforts of the Judiciary Committee and Commerce Committee to create a comprehensive, consensus bill that moves our legal system toward more rational behavior. In addition, the rule makes in order 15 amendments designated in the Rules Committee report. Each of these amendments is debatable only for the time specified in the report, equally divided and controlled by the proponent and an opponent of that particular amendment.

Finally, the rule provides a motion to recommit, with or without instructions, which will give the minority an additional opportunity to offer any amendment which complies with the standing rules of the House.

No Member is ignorant of these proposals to save our legal system, and it is not as if these proposals have been designed overnight. The common-sense legal reforms were presented on September 27, the bill was introduced on the opening day of this Congress, both the Judiciary and Commerce Committee held days of hearings, and many of these proposals have been studied and under consideration in Congress for decades.

Mr. Speaker, this rule is a fair rule. The Rules Committee received 82 amendments, many of which were duplicative and overlapping in their scope. House Resolution 109 allows for 15 amendments which will thoroughly address every major issue presented by this bill. I also believe that the Rules

Committee has been extraordinarily fair and prudent in that minority amendments outnumber majority amendments by a count of 8 to 6, with one bipartisan amendment.

As I stated, many duplicative amendments were offered to the Rules Committee, and I am pleased that 15 distinct amendments to this bill will be considered on the House floor in the coming days. Chairmen HYDE and BILLEY, and many minority members, asked for sufficient time to debate the important sections of H.R. 956. That is exactly what we have done under this rule.

Almost one dozen amendments were presented to the Rules Committee that either increased the cap on punitive damages or deleted the cap entirely. The rule adequately provides for debate on the Furse amendment which would strike the cap on punitive damages. I would also add that the minority will have an additional chance to offer an amendment on punitive caps during the motion to recommit.

A number of Members expressed concerns about the increased standards in the burden of proof in the law of evidence, and the rule allows the gentleman from North Carolina [Mr. WATT] with an opportunity to strike the new clear-and-convincing-evidence standard.

Minority Members also argued that the provision to eliminate joint liability for noneconomic damages in product liability cases would harm certain plaintiffs. While I personally believe that we protect plaintiffs and enact reasonable reforms in this provision, the rule enables the gentleman from Colorado [Mrs. SCHROEDER] the opportunity to delete that section.

The rule also provides for meaningful debate on significant issues ranging from:

An amendment offered by Mr. SCHUMER that prevents the sealing of court documents in product liability cases.

An amendment offered by Mr. GEREN to clarify liability rules for persons who rent or lease products.

An amendment offered by Representatives OXLEY, BURR, and TAUZIN that exempts medical device manufacturers from punitive damages when the product in question has been approved by FDA.

After consideration of 14 amendments, those Members who wish to limit the scope of the bill will have the opportunity to vote on an amendment offered by Mr. SCHUMER that would put a 5-year sunset on titles I through III.

As attested to by the number and extent of amendments made in order, this is an equitable rule that permits more minority amendments that—if passed by the House—would extensively alter the original bill. I urge my colleagues to save our legal system, end the punitive tax on the American people, and support this rule.

Mr. Speaker, I have a rather unusual step, an amendment to the rule, and I want the other side to listen closely. It

has come to my attention that the gentleman from Texas, Mr. PETE GEREN, and the gentleman from California, Mr. COX, both of whose amendments were included in the rule, have expressed their interest in revising their amendments.

First, my amendment to the resolution makes a technical change to clarify the definition of product seller in the amendment numbered 1 in the report, offered by Mr. GEREN.

Second, my amendment allows for a more substantive change in the amendment numbered 12 in the report which was offered by Mr. COX. This amendment, as it currently reads, would cap noneconomic damages at \$250,000 for all civil cases. The revised amendment which I am offering to the House provides for a cap on noneconomic damages at \$250,000 and limits its application to health care liability actions only.

The reason for this is that shortly before the Rules Committee meeting, a copy of a revised version of the Geran amendment No. 25 was received by the Committee. Since the change could be considered a substantive one, Representative GEREN's staff was advised instead to seek unanimous consent on the House floor to modify his amendment.

Shortly after the Rules Committee ordered the rule reported, a request was received from Representative COX's office that he be allowed to offer a modified version of the Cox amendment No. 51. Again, Representative COX was advised to seek unanimous consent in the House to offer a modified version of the amendment.

However, it became clear from the tone of the debate on the first rule on H.R. 956 that the climate on the floor would not be hospitable for any such unanimous-consent requests.

Consequently, after consulting with the majority leadership, a decision was made to offer an amendment to the rule that provides for the consideration of both the Geran and Cox amendments in their modified forms. In both instances, the modifications are germane and no special waivers are required.

To repeat, the Geran language has been changed to more precisely identify a renter or leaser and the Cox amendment was made to narrow the scope of noneconomic awards in civil actions to those dealing with medical malpractice only.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. LINDER. I yield to the gentleman from New York.

(Mr. SOLOMON asked and was given permission to revise and extend his remarks.)

Mr. SOLOMON. I thank the gentleman for yielding. I would just say that we have a Committee on Rules meeting starting in just a few minutes on term limitations in the Committee on Rules at 11.

I commend the gentleman from Georgia [Mr. LINDER], such a valuable member of the Committee on Rules, and the gentlewoman from Ohio [Ms. PRYCE], because a lot of work has gone into trying to structure a rule that would allow us to have a free and fair debate on these issues.

The gentleman has outlined that we have covered all of the specific areas in the bill. There were 82 amendments filed to the bill and the fact is that working with the Democrats and, as the gentleman has alluded to, even with the gentleman from Texas, Mr. PETE GEREN, who had sought a modification in his amendment since he came to the Committee on Rules too late to request that, we certainly have taken all these into consideration.

I would just hope that every Republican votes for the amendment that the gentleman is offering even though it is a bipartisan amendment, and I hope that they vote for this rule. It is terribly important that we get this legislation on the floor today and that it pass by 3 p.m. on Friday.

Again, I repeat, I urge every Republican to vote for this amendment to the rule.

Mr. LINDER. Mr. Speaker, I thank the gentleman.

Mr. Speaker, the amendment is at the desk, it has been made available to the minority side, and I reserve the balance of my time.

The SPEAKER pro tempore. Does the gentleman from Georgia offer the amendment?

Mr. LINDER. Yes, Mr. Speaker.

AMENDMENT OFFERED BY MR. LINDER

Mr. LINDER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LINDER:

Page 2, line 11, insert the following before the period: ", provided that the amendments numbered 1 and 12 printed in that report shall be considered in the forms specified in section 2 of this resolution"; and

At the end of the resolution add the following:

SEC. 2. (a) The amendment numbered 1 in the report accompanying this resolution shall be considered in the following form:

Page 7, insert after line 3 the following:

"(c) 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."

(b) The amendment numbered 12 in the report accompanying this resolution shall be considered in the following form:

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

SEC. 202. 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 noneconomic damages. This section does not preempt any State law enacted before the date of the enactment of this Act that places a cap on the total liability in a health care liability action.

(d) DEFINITIONS.—As used in this section—

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

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

(c) The term "health care liability action" means a civil action brought in a State or Federal court or pursuant to any alternative dispute resolution process, against a health care provider, 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.

Page 17, line 10, insert "AND OTHER" after "PUNITIVE".

Mr. LINDER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. MOAKLEY. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk completed the reading of the amendment.

□ 1045

Mr. FROST. I yield myself such time as I may consume. It is my intention to yield in just a few seconds to the ranking member of the Committee on Rules since he has to then go up to the committee for a hearing. After he completes his statement I will reclaim my time because I would like to give the traditional opening statement.

I would point out, Mr. Speaker that what we have just witnessed is one of two things. Either it is incomplete staff work on the part of the majority side because of the enormous pressure, time pressure being put on their staff by the majority Members, or it is bait and switch. I do not know which it is. But we are under a very unusual procedure where we are being asked to amend on the floor a rule granted in the Rules Committee yesterday.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MOAKLEY], the distinguished ranking member of the Rules Committee.

Mr. MOAKLEY. Mr. Speaker, I would like to have the attention of the gentleman from New York [Mr. SOLOMON]. I know that the gentleman has got scheduled hearings on the term limit bill up before the committee this morning. Since we are not going to take it up until the end of the month, and we are discussing two major amendments to the rules that are taking place here on the floor, does the gentleman not think we should be on the floor making sure this thing comes out right this time rather than going up to the committee to take evidence and term limits where we have so much time in order to put it together?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from New York.

Mr. SOLOMON. The gentleman's points are well taken. We will delay the Committee on Rules meeting until 1 minute after the final vote on final passage of this rule. Is that fair, sir?

Mr. MOAKLEY. I think this is very nice. I thank the gentleman.

Mr. SOLOMON. And we will notify everyone involved.

Mr. MOAKLEY. Mr. Speaker, again, this rule is the ultimate closed rule. They say that they allowed 8 Democratic amendments to be part of the rule, but they picked out the 8; we did not. That would be like the Republican Party picking the Democratic Members to serve on the Committee on Rules. I think we have to balance this thing out.

I think that the Speaker, NEWT GINGRICH, on November 11, 1993, said and I quote, "We very specifically made the decision early on in our Contract With America that we would bring up all 10 bills under open rules."

I do not know where they are. We know the definition of rules has been changed this year from the definition that we had last year. So I would like to just put Members on notice to listen

quickly and if the Committee on Rules had enough time to do the job assigned to it up in the rules Committee we would not have these two major amendments to the rule here on the floor. This is a highly complicated bill and should have been treated in the committees of authorization or else on the Committee on Rules.

So I urge my colleagues to defeat the previous question and make in order the McCollum-Oxley-Gordon amendment. This amendment by two Republican subcommittee chairmen and one moderate Democrat will raise the cap on damages to \$1 million, and as the Republican leadership knows very well, will ultimately pass if it is made in order.

Mr. Speaker, Republicans are breaking their promises to do open rules on all of the contract items and to do 70 percent open rules in general.

Mr. Speaker, I agree with most Americans that we have too many lawsuits in this country, but I am not aware of some huge product liability crisis in the United States. I know we have a big, huge, crime problem out there. I know our health care system needs work. I know American Children need school lunches, but I have not heard anyone say there has been a product liability crisis in the United States.

The fact is juries rarely award punitive damages. In the 25 years between 1965 and 1990, punitive damages were awarded in only 355 cases. So why the cap, particularly since my colleagues have been so eager to defend the States, rights? My Republican colleagues said that we needed to empower the States but today's bill preempts the States. So, which is it? Do the Republicans want to empower the States or do they want to empower the Federal Government?

Mr. Speaker, in terms of Republican consistency, the only consistent Republican effort is to give Wall Street a handout at the expense of Main Street.

My colleagues are quick to point out the trial lawyers and name them as the bad guys. But let us make sure we also remember the people that are represented by the trial lawyers, the elderly, women, and middle-income Americans.

Mr. Speaker, I have very serious concerns about the effect this bill will have on those people and I hope they will be resolved. But that will be difficult, Mr. Speaker. Republicans have broken their open rule promise again. I

understand my colleagues' hurry to finish the contract and start that April recess, but I think the American people will support us if we stay just a little bit longer and allow Members to have their input into this very serious legislation.

I may add, Mr. Speaker, that just 2 days ago my dear friend from California, Mr. DREIER, stood on this floor and said that Republicans imposed time caps on bills because they did not want to pick and choose among amendments. Today, they have picked and chosen between amendments. What a difference a day makes.

It looks like Republicans are taking very seriously Ralph Waldo Emerson saying "a foolish consistency is the hobgoblin of little minds." They are as consistent as the water rates in Massachusetts and they are still breaking promises.

Mr. Speaker, I would urge my colleagues to defeat the previous question and make the McCollum-Oxley-Gordon amendment in order.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume, and I would like to at this point continue my opening statement.

Mr. Speaker, I rise in strong opposition to this rule.

Mr. Speaker, this is a closed rule. This rule doesn't meet the standards set by the infamous Contract With America, nor does it meet the promises of the Speaker or the chairman of the Rules Committee. We were promised free and open debate in the House. This rule doesn't even come close to meeting that promise.

Mr. Speaker, I would like to read from the January 4, 1995, CONGRESSIONAL RECORD quoting the Speaker of the House, Mr. GINGRICH, on the first day of the session, Page H6,

We then say that within the first 100 days of the 104th Congress we shall bring to the House floor the following bills, each to be given full and open debate, each to be given a full and clear vote, and each to be immediately available for inspection.

Words of the Speaker of the House.

Mr. Speaker, I am sure my Republican colleagues will protest my characterization of this rule and will complain that when the Democrats were in the majority that the Rules Committee cut off debate through the use of modified or closed rules.

Mr. Speaker, that argument is not the point. The point, Mr. Speaker, is that the Republican party promised—

promised—that debate in the House of Representatives would be open.

Mr. Speaker, the Rules Committee majority voted down 17 amendments to the chairman's mark last night. The majority on the Rules Committee even denied the gentleman from Tennessee [Mr. QUILLEN] the opportunity to offer an amendment to this legislation. The majority opposed giving the House the opportunity to vote on amendment relating to punitive damages in the case of manufacturers or product sellers who were aware of an existing defect in that product. Mr. Speaker, is this free and open debate?

Mr. Speaker, 82 amendments were submitted to the Rules Committee for inclusion in the rule. Fifteen—15 amendments, Mr. Speaker—were made in order by the Rules Committee majority. The gentleman from Georgia explained during our hearing last night that a sincere effort was made to include every major issue in the rule. Our distinguished chairman opposed including any additional amendments in the rule because the House must finish consideration of this legislation, which is a major upheaval of our civil court system in the country, by 3 o'clock tomorrow afternoon. Mr. Speaker, this does not strike me as an open process.

And, Mr. Speaker, I have yet another example of how this rule has been shut down. An amendment which both the chairman of the committee of jurisdiction, Mr. BLILEY, and the gentleman from Massachusetts, Mr. MARKEY had agreed would be included in the rule, was not on the list presented to the Rules Committee members last night. Chairman SOLOMON explained to us that it was missing because of negotiations between staff—between staff, Mr. Speaker—and that he intends to ask unanimous consent to permit its consideration.

Mr. Speaker, I not only oppose this rule, but I will oppose the previous question. If the previous question is defeated, it is my intention to offer an amendment to the rule which will permit the consideration of two amendments relating to punitive damages caps. I will offer an amendment to include the McCollum amendment which raises the cap to \$500,000 and the Oxley-Gordon amendment to raise those limits to \$1 million.

Mr. Speaker, I urge defeat of the previous question.

Mr. Speaker, I include for the RECORD a chart of floor procedure on rules in the 104th Congress as follows:

FLOOR PROCEDURE IN THE 104TH CONGRESS

| Bill No. | Title | Resolution No. | Process used for floor consideration | Amendments in order |
|-------------|--|----------------|---|---------------------|
| H.R. 1 | Compliance | H. Res. 6 | Closed | None |
| H. Res. 6 | Opening Day Rules Package | H. Res. 5 | Closed: contained a closed rule on H.R. 1 within the closed rule | None |
| H.R. 5 | Unfunded Mandates | H. Res. 38 | Restrictive: Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference. | N/A |
| H.J. Res. 2 | Balanced Budget | H. Res. 44 | Restrictive: only certain substitutes | 2R; 4D |
| H. Res. 43 | Committee Hearings Scheduling | H. Res. 43 (0) | Restrictive: considered in House no amendments | N/A |
| H.R. 2 | Line Item Veto | H. Res. 55 | Open: Pre-printing gets preference | N/A |
| H.R. 665 | Victim Restitution Act of 1995 | H. Res. 61 | Open: Pre-printing gets preference | N/A |
| H.R. 666 | Exclusionary Rule Reform Act of 1995 | H. Res. 60 | Open: Pre-printing gets preference | N/A |
| H.R. 667 | Violent Criminal Incarceration Act of 1995 | H. Res. 63 | Restrictive: 10 hr. Time Cap on amendments | N/A |
| H.R. 668 | The Criminal Alien Deportation Improvement Act | H. Res. 69 | Open: Pre-printing gets preference; Contains self-executing provision | N/A |
| H.R. 728 | Local Government Law Enforcement Block Grants | H. Res. 79 | Restrictive: 10 hr. Time Cap on amendments; Pre-printing gets preference | N/A |

FLOOR PROCEDURE IN THE 104TH CONGRESS—Continued

| Bill No. | Title | Resolution No. | Process used for floor consideration | Amendments in order |
|-----------|---|----------------|---|---------------------|
| H.R. 7 | National Security Revitalization Act | H. Res. 83 | Restrictive: 10 hr. Time Cap on amendments; Pre-printing gets preference | N/A |
| H.R. 729 | Death Penalty/Habeas | N/A | Restrictive: brought up under UC with a 6 hr. time cap on amendments | N/A |
| S. 2 | Senate Compliance | N/A | Closed: Put on suspension calendar over Democratic objection | None. |
| H.R. 831 | To Permanently Extend the Health Insurance Deduction for the Self-Employed. | H. Res. 88 | Restrictive: makes in order only the Gibbons amendment; waives all points of order; Contains self-executing provision. | 10. |
| H.R. 830 | The Paperwork Reduction Act | H. Res. 91 | Open | N/A |
| H.R. 889 | Emergency Supplemental/Rescinding Certain Budget Authority | H. Res. 92 | Restrictive: makes in order only the Obey substitute | 10. |
| H.R. 450 | Regulatory Moratorium | H. Res. 93 | Restrictive: 10 hr. Time Cap on amendments; Pre-printing gets preference | N/A |
| H.R. 1022 | Risk Assessment | H. Res. 96 | Restrictive: 10 hr. Time Cap on amendments | N/A |
| H.R. 926 | Regulatory Flexibility | H. Res. 100 | Open | N/A |
| H.R. 925 | Private Property Protection Act | H. Res. 101 | Restrictive: 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text. | 10. |
| H.R. 1058 | Securities Litigation Reform Act | H. Res. 103 | Restrictive: 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germanes against it. | 10. |
| H.R. 988 | The Attorney Accountability Act of 1995 | H. Res. 104 | Restrictive: 7 hr. time cap on amendments; Pre-printing gets preference | N/A |
| H.R. 956 | Product Liability and Legal Reform Act | H. Res. 109 | Restrictive: makes in order only 15 germane amendments and denies 64 germane amendments from being considered. | 8D; 7R. |

Note: 75% restrictive; 25% open. These figures use Republican scoring methods from the 103rd Congress. Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time and I especially want to commend his integrity because he knew that I sought this time to criticize the proposed rule from the Committee on Rules. However, I do have to say that although I am critical of the rule, I still intend to vote for it for this reason: I think the issue of legal reform is very important. I think it needs to get moving in the House of Representatives, and the issue with which, the matters with which I take issue can be addressed elsewhere in the process. Any bill that begins has a long way to go before it ever is proposed to the President for signature.

I want to say I do not criticize the rule because it simply does not include an amendment that I offered. I offered an amendment to the balanced budget amendment which was not accepted by the Committee on Rules. Nevertheless, they proposed a fundamentally fair and open exchange of views on the balanced budget amendment which I think was perfectly appropriate even if it did not happen to include an amendment that I offered.

□ 1100

In this particular case, however, as I look at the amendments which have been made in order in this bill, it appears to me that amendments have been allowed which either the Committee on Rules believes will not be accepted by a majority in the House of Representatives or they do not care if a majority in the House of Representatives adopts these amendments. And those rules, those amendments which might change this bill in a way that the Committee on Rules does not wish it changed were not even allowed to be offered on the House floor.

There has already been reference to a proposed amendment from the gentleman from Tennessee [Mr. QUILLEN]. There has been references to a bipartisan amendment that would deal with raising the damage caps on punitive

damages, not taking the caps away, which I think the majority will not support, but simply raising the caps, which I think a majority would support.

Here is where I believe my proposed amendment is highly relevant. This bill is being argued in terms of a products liability bill, but it is only products liability in part. Section 1 of this bill deals with products liability. Title II, dealing with punitive damages, is not limited to products liability. In fact, it is not limited to anything.

According to title II of this bill, as it is now written, the Federal Government is going to take over the State courts with respect to punitive damages in every single case, no matter what is the subject of the case.

In other words, if two individuals get into a first fight on the front lawn between their houses, Federal law is going to govern how that lawsuit that might arise out of that takes place. Now, particularly to my Republican colleagues, let me say first I think that violates philosophically everything we have been arguing for the last 2 months. We have said the States can handle police grant block grants, we have said the States can handle child nutrition programs and now we are saying the States for some reason cannot handle the court system.

Further, we set the precedent that running the courts should be a Federal issue. And some day a Congress of a different philosophic bent can say there will be a Federal law on punitive damages which is there will be no caps on punitive damages anywhere and we will overrule and take away those existing punitive damage caps which now exist. If you can do one, you can do the other.

My amendment will simply have said the punitive damages proceedings, whatever it is, applies only to products liability.

I want to conclude with one respectful exception to the opening statement of the gentleman from Georgia [Mr. LINDER] which has been said by a number of our leaders, which makes reference to Mr. Ralph Nader and the Trials Lawyers Association. That approach reminds me very much of the

others side's saying we have to pass certain laws to send a message to the National Rifle Association. I just want to say on this floor that I have voted for and against the trial lawyers' positions and voted for and against the National Rifle Association position. We should pass laws that are good laws and not based on whether or not they are supported or opposed by any particular group.

I thank the gentleman again for yielding.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 956, COMMON SENSE LEGAL STANDARDS REFORM ACT OF 1995

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman from Texas for yielding this time to me.

I am very honored to be able to follow the gentleman from New Mexico because I think he gave a very, very thoughtful approach to this rule.

Look, this bill is doing something very drastic. It is changing the entire legal system of this country as it has worked since the country began. And this bill has been written and rewritten and rewritten, and we do not even know who the final author is.

It has been like a fast-bill breeder reactor and a fast-amendment breeder reactor, and, as you see, they are now changing the rule one more time because they want to change some more amendments.

I think really we must vote down this rule because we do not know what we are doing.

Let me emphasize again what the gentleman from New Mexico said about title II. This goes far beyond product