

Velazquez	Wamp	Wicker
Vento	Watts (OK)	Wolf
Visclosky	Weldon (FL)	Yates
Vucanovich	Weldon (PA)	Young (AK)
Waldholtz	Weller	Young (FL)
Walker	White	Zeliff
Walsh	Whitfield	Zimmer

NOT VOTING—8

Collins (IL)	Hastings (FL)	Rangel
de la Garza	Laughlin	Stokes
Furse	McKinney	

□ 1426

Ms. VELÁZQUEZ, Mrs. MEEK of Florida, Ms. DELAURO, Ms. BROWN of Florida, and Mr. SMITH of Michigan changed their vote from "yea" to "nay."

Mr. GORDON changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STENHOLM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 270, nays 155, not voting 6, as follows:

[Roll No. 42]

YEAS—270

Allard	Combest	Goodlatte
Archer	Condit	Goodling
Armey	Cooley	Gordon
Bachus	Costello	Graham
Baker (CA)	Cox	Greenwood
Baker (LA)	Cramer	Gunderson
Ballenger	Crane	Gutknecht
Barcia	Crapo	Hall (TX)
Barr	Cremins	Hamilton
Barrett (NE)	Cubin	Hancock
Bartlett	Cunningham	Hansen
Barton	Danner	Hastert
Bass	Davis	Hastings (WA)
Bateman	Deal	Hayes
Bereuter	DeLay	Hayworth
Bevill	Deutsch	Hefley
Bilbray	Diaz-Balart	Hefner
Bilirakis	Dickey	Heineman
Bishop	Dingell	Herger
Bliley	Doolittle	Hilleary
Boehlert	Dornan	Hilliard
Boehner	Dreier	Hobson
Bonilla	Duncan	Hoekstra
Bono	Dunn	Horn
Boucher	Durbin	Hostettler
Brewster	Edwards	Houghton
Browder	Ehlers	Hunter
Brown (FL)	Ehrlich	Hutchinson
Brownback	Emerson	Hyde
Bryant (TN)	English	Inglis
Bunn	Ensign	Istook
Bunning	Everett	Jefferson
Burr	Ewing	Johnson (CT)
Burton	Fawell	Johnson, Sam
Buyer	Fields (LA)	Jones
Callahan	Fields (TX)	Kaptur
Calvert	Flanagan	Kasich
Camp	Foley	Kelly
Campbell	Forbes	Kim
Canady	Fowler	King
Castle	Fox	Kingston
Chabot	Franks (CT)	Knollenberg
Chambliss	Frisa	Kolbe
Chenoweth	Frost	LaHood
Christensen	Funderburk	Largent
Chrysler	Gallegly	Latham
Clinger	Ganske	LaTourette
Clyburn	Gekas	Laughlin
Coble	Gilchrest	Lazio
Coburn	Gillmor	Leach
Coleman	Gilman	Lewis (CA)
Collins (GA)	Gonzalez	Lewis (KY)

Lightfoot	Pickett	Smith (WA)
Linder	Pombo	Solomon
Lipinski	Porter	Souder
Longley	Portman	Spence
Lucas	Poshard	Spratt
Manzullo	Pryce	Stearns
McCollum	Quillen	Stenholm
McCrery	Quinn	Stockman
McDade	Radanovich	Stump
McHugh	Ramstad	Talent
McInnis	Regula	Tanner
McIntosh	Richardson	Tate
McKeon	Riggs	Tauzin
Meek	Roberts	Taylor (NC)
Menendez	Roemer	Thomas
Meyers	Rogers	Thompson
Mica	Rohrabacher	Thornberry
Mink	Ros-Lehtinen	Tiahrt
Molinari	Rose	Torricelli
Mollohan	Roukema	Upton
Montgomery	Royce	Visclosky
Moorhead	Salmon	Vucanovich
Morella	Sanford	Waldholtz
Murtha	Scarborough	Walker
Myers	Schaefer	Walsh
Myrick	Schiff	Watts (OK)
Nethercutt	Scott	Weldon (FL)
Ney	Seastrand	Weldon (PA)
Norwood	Shadegg	Weller
Nussle	Shaw	White
Ortiz	Shays	Whitfield
Orton	Shuster	Wicker
Oxley	Sisisky	Wilson
Packard	Skeen	Wolf
Parker	Skelton	Wynn
Paxon	Smith (MI)	Young (AK)
Payne (VA)	Smith (NJ)	Young (FL)
Peterson (FL)	Smith (TX)	Zeliff

NAYS—155

Abercrombie	Hall (OH)	Oberstar
Ackerman	Harman	Obey
Andrews	Hinchey	Olver
Baessler	Hoke	Owens
Baldacci	Holden	Pallone
Barrett (WI)	Hoyer	Pastor
Beilenson	Jackson (IL)	Payne (NJ)
Bentsen	Jackson-Lee	Pelosi
Berman	(TX)	Peterson (MN)
Blute	Jacobs	Petri
Bonior	Johnson (SD)	Pomeroy
Borski	Johnson, E. B.	Rahall
Brown (CA)	Johnston	Rangel
Brown (OH)	Kanjorski	Reed
Bryant (TX)	Kennedy (MA)	Rivers
Cardin	Kennedy (RI)	Roth
Chapman	Kennelly	Roybal-Allard
Clay	Kildee	Rush
Clayton	Klecza	Sabo
Clement	Klink	Sanders
Collins (MI)	Klug	Sawyer
Conyers	LaFalce	Saxton
Coyne	Lantos	Schroeder
DeFazio	Levin	Sensenbrenner
DeLauro	Lewis (GA)	Serrano
Dellums	Lincoln	Skaggs
Dicks	Livingston	Slaughter
Dixon	LoBiondo	Stark
Doggett	Lofgren	Studds
Dooley	Lowey	Stupak
Doyle	Luther	Taylor (MS)
Engel	Maloney	Tejeda
Eshoo	Manton	Thornton
Evans	Markey	Thurman
Farr	Martinez	Torkildsen
Fattah	Martini	Torres
Fazio	Mascara	Towns
Filner	Matsui	Trafficant
Flake	McCarthy	Velazquez
Foglietta	McDermott	Vento
Ford	McHale	Volkmer
Frank (MA)	McNulty	Wamp
Franks (NJ)	Meehan	Ward
Frelinghuysen	Metcalf	Waters
Gejdenson	Miller (CA)	Watt (NC)
Gephardt	Miller (FL)	Waxman
Geren	Minge	Williams
Gibbons	Moakley	Wise
Goss	Moran	Woolsey
Green	Nadler	Yates
Gutierrez	Neal	Zimmer
	Neumann	

NOT VOTING—6

Collins (IL)	Furse	McKinney
de la Garza	Hastings (FL)	Stokes

□ 1444

The Clerk announced the following pair:

On this vote:

Ms. Furse for, with Mr. Stokes against.

Messrs. DOGGETT, SCHUMER, and OLVER changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXCHANGE OF LETTERS CONCERNING MARKUP OF H.R. 2854, AGRICULTURAL MARKET TRANSITION ACT

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent to insert extraneous matter at this point in the RECORD.

Chairman ARCHER of the Committee on Ways and Means and I had an understanding that arose as a result of my request to him that his committee forgo markup of H.R. 2854 that had been referred to the Ways and Means Committee as an additional referral. Chairman ARCHER agreed to this letter in writing and I requested that our exchange of letters be printed in the RECORD. I wish to comply with that request at this time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Kansas?

There was no objection.

The letters referred to are as follows:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 31, 1996.

Hon. PAT ROBERTS,
Chairman, Committee on Agriculture,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to confirm my understanding of our agreement concerning further consideration of H.R. 2854, the Agricultural Market Transition Act, as amended, which was referred to the Committee on Agriculture, and in addition to the Committee on Ways and Means.

Section 104 (f)(2) and (g) of H.R. 2854, as reported by your Committee, would establish quotas to increase imports of upland cotton above the amounts allowed under the Uruguay Round tariff-rate quotas if domestic cotton prices exceed specified levels. The action taken by the Agriculture Committee is clearly contrary to clause 5(b) of Rule XXI of the Rules of the House, which provides that no bill carrying a tax or tariff measure shall be reported by any committee not having jurisdiction to report tax and tariff measures.

Section 204 requires importers of dairy products to pay assessments currently applied to domestic dairy producers to offset the costs of export and other sales promotion programs. As you recall, our exchange of letters on H.R. 2195 confirmed that this provision is also within the jurisdiction of the Ways and Means Committee. I note that you have included language to correct national treatment concerns.

Section 107(c) requires the Secretary of Agriculture to reduce loan rates for domestically grown sugar if negotiated reductions in subsidies in the European Union and other sugar producing countries exceed commitments made in the Uruguay Round Agreement on Agriculture. This authority is

linked to further negotiated reductions in foreign subsidies under reciprocal trade agreements within the jurisdiction of the Ways and Means Committee.

Section 502 of the bill, as reported, would authorize the Secretary of Agriculture to impose fees to cover the cost of providing agricultural quarantine and inspection services. Although the fees would generally be limited to the cost of the quarantine and inspections programs (and associated administrative costs), the section would allow the fees to accumulate to "maintain a reasonable balance in the Agricultural Quarantine Inspection User Fee Account." Although amounts in the account would generally be subject to appropriations, "excess fees" (fees collected in excess of \$100 million) could be spent without appropriation. A special rule applies to the unobligated balance of the Fee Account and fees collected after September 30, 2002.

The mere reauthorization of a preexisting fee that had not historically been considered a tax does not necessarily require a sequential referral to the Committee on Ways and Means. However, if such a preexisting fee is fundamentally changed, it properly should be referred to the Committee on Ways and Means.

In this case, the fee is being more than merely reauthorized, but it is not clear that the fee is being fundamentally changed. Therefore, I ask you to work with me in conforming this fee as closely as possible to a true regulatory fee as permitted under the Rules of the House during further consideration of this legislation.

In response to your requests that I facilitate consideration of this important legislation, I do not believe that a markup of H.R. 2854 by the Committee on Ways and Means will be necessary.

However, this is being done only with the understanding that this does not in any way prejudice the Committee's jurisdictional prerogatives in the future with respect to this measure or any similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future. Should any provisions of jurisdictional interest remain in the bill after Floor consideration, I would request that the Committee on Ways and Means be named as additional conferees.

Finally, I would ask that a copy of our exchange of letters on this matter be placed in the Record during consideration on the Floor. With best regards,

Sincerely,

BILL ARCHER,
Chairman.

COMMITTEE ON AGRICULTURE,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 28, 1996.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR MR. CHAIRMAN: This responds to your letter of January 31, 1996 acknowledging the understanding of the Committee on Ways and Means, to which H.R. 2854, the "Agricultural Market Transition Act", had been additionally referred, and the Committee on Ways and Means would forego a markup of the bill in order to facilitate consideration of H.R. 2854 on the Floor of the House.

Your cooperation in this matter is very much appreciated. Certainly, your action of foregoing a markup is not viewed by this Committee as in any way prejudicing your Committee's jurisdictional prerogatives in the future with respect to this measure or any similar legislation and the Committee does not consider your action as a precedent for consideration of matters of jurisdictional

interest to the Committee on Ways and Means in the future.

Also, pursuant to your request I will insert a copy of our exchange of letters in the Congressional Record during the consideration of H.R. 2854 on the floor.

Sincerely,

PAT ROBERTS,
Chairman.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN- GROSSMENT OF H.R. 2854, AGRI- CULTURAL MARKET TRANSITION ACT

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of the bill H.R. 2854, to include corrections in spelling, punctuation, section numbering, and cross-referencing and the insertion of appropriate headings.

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

There was no objection.

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material with respect to H.R. 2854, the bill just passed.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 956, PRODUCT LIABILITY FAIRNESS ACT OF 1995

Mr. CONYERS. Mr. Speaker, I offer a motion to instruct conferees on the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. CONYERS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate Amendment to the bill H.R. 956 be instructed to insist upon the provisions contained in section 107 of the House bill.

The SPEAKER pro tempore. Pursuant to clause 1(b) of rule XXVIII, the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. HYDE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. CONYERS. Mr. Speaker, this may be the last activity for the day and for the week, and so I will move with as much expedition as I can. We do not have a lot of speakers on the matter.

I am very pleased to come before the House with a motion that will instruct our conferees on the subject of product liability reform in terms of a requirement that would insist that the foreign corporations in America do business the same as those that are domiciled in this country.

As the senior member of the Committee on the Judiciary, I have brought this motion to instruct conferees to insist on a House-passed provision that ends special treatment for foreign corporations when it comes to civil litigation in the United States. In other words, this thoughtfully crafted amendment merely seeks to ensure that foreign manufacturers who sell products in the United States, that they play by the same legal rules that govern the conduct of other and all other American companies.

We have supported this measure in the House, and we are merely instructing our conferees to stick with us. Section 107 of the House bill provides that Federal courts shall have jurisdiction over foreign manufacturers who knew or reasonably should have known that their product would enter the stream of commerce in the United States, and, second, that service of process may be served wherever the foreign manufacturer is located, has an agent or transacts business, and, third, any failure by such foreign corporation to comply with a court-approved discovery order shall be deemed an admission of fact to which the discovery order relates.

As the record and history demonstrate, under current law, the foreign corporations legally can suppress the production of constitutional discovery information by hiding behind the protectionist shield of the Hague Convention or some other treaty. This, of course, runs counter to a basic premise of American jurisprudence; namely, that the person who causes an injury should be held legally accountable and has the ironic effort of causing all economic consequences to be borne by American consumers, insurance companies, employers, or the Government.

There were 258 Members who voted for the original Conyers amendment, and my colleagues might want to check the March 19, 1995, CONGRESSIONAL RECORD to see if they were among those numbers.

If foreign companies are permitted to reap profits from selling their products here, can it be more reasonable that they should be held to the same standard and legal procedures as our own companies? And certainly, in tragic cases where the American consumers are victimized by defective foreign products, foreign corporations should not be able to avoid responsibility for injuries suffered because of their products.

We need a level playing field for American businesses, and rule of fairness for the American consumer victimized by defective foreign products is essential.