

Tanner	Traficant	Weldon (PA)
Tauscher	Turner	Weller
Tauzin	Upton	Wexler
Taylor (MS)	Velazquez	Weygand
Taylor (NC)	Vento	White
Thomas	Visclosky	Whitfield
Thompson	Walsh	Wicker
Thornberry	Wamp	Wise
Thune	Waters	Wolf
Thurman	Watkins	Woolsey
Tiahrt	Watt (NC)	Wynn
Tierney	Watts (OK)	Young (AK)
Torres	Waxman	Young (FL)
Towns	Weldon (FL)	

## NAYS—7

Blunt	Paul	Schaffer, Bob
Hulshof	Royce	
Neumann	Sanford	

## NOT VOTING—12

Andrews	Heger	Mollohan
Engel	Hoekstra	Schiff
Green	Lantos	Spratt
Hefner	Matsui	Yates

□ 1758

Mr. ROYCE changed his 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.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1031

Mrs. CLAYTON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 1031, the American Community Renewal Act.

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

There was no objection.

#### PERMISSION FOR COMMITTEE ON BANKING AND FINANCIAL SERVICES TO FILE SUPPLEMENTAL REPORT ON H.R. 2, HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services may file a supplemental report, Part II, to the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, Report No. 105-76.

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

There was no objection.

□ 1800

#### GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 680.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the re-

quest of the gentleman from Tennessee?

There was no objection.

#### PASS PRODUCT LIABILITY REFORM

(Mrs. NORTHUP asked and was given permission to address the House for 1 minute and to include extraneous material.)

Mrs. NORTHUP. Mr. Speaker, a couple of weeks ago, a number of female trial lawyers approached Members of Congress to press the message that product liability reform is bad for women.

As the House Committee on Commerce begins to hold hearings on product liability reform tomorrow, I want to enter into the RECORD information and documents that show not only is that message false, but it is being organized by the Association of Trial Lawyers of America, a group that strongly opposes even modest product liability reform.

In fact, Mr. Speaker, there is no group that is more harmed by the current product liability laws than women. This is true for two reasons. First of all, in terms of health, the fear of lawsuits has halted research and kept products off the market that would give many women better opportunities and remedies, things like contraceptives, breast reconstruction, and other products that are badly needed for women's health.

Second, the majority of newly created small businesses today, for the first time, are women owned. There is no group that is more impacted by product liability than small business owners. So this system is a threat to women who are beginning small businesses.

Mr. Speaker, I hope for these reasons that we will soon be able to consider and pass product liability reform.

#### HOW PRODUCT LIABILITY REFORM HELPS WOMEN

Federal product liability reform legislation includes modest reforms on key issues of product liability. These reforms will help to solve some of the problems inherent in our current liability system. The reforms apply across the board and do not impact any one group—especially women. Women will benefit in many ways from the enactment of these fair and well-reasoned reforms.

#### FEDERAL PRODUCT LIABILITY REFORM WILL REDUCE GENDER BIAS IN RESEARCH AND PRODUCT INNOVATION

Women in America have been deprived of a drug (Bendectin) approved everywhere in the world to prevent morning sickness because of a liability system out of control.

Contraceptive research is often put on hold due to liability concerns. The Committee for Contraceptive Development, jointly staffed and administered by the National Research Council and the Institute of Medicine, notes that only one major U.S. pharmaceutical company still invests in contraceptive research due to liability concerns. The Committee cited a hostile legal climate as the reason contraceptive manufacturers are abandoning this market.

Reports published in the New England Journal of Medicine (July 22, 1993) concluded

that manufacturers' liability concerns are contributing to the exclusion of women from clinical studies.

Phyllis Greenberger, Executive Director of the Society for the Advancement of Women's Health Research, testified before the Senate Commerce Committee in the 104th Congress that "liability concerns are stifling research and development of products for women."

#### PRODUCT LIABILITY REFORM WILL HELP WOMEN IN BUSINESS

Women-owned businesses increased by almost 58 percent from 1982-1987 and currently account for 30 percent of all U.S. firms. The U.S. Small Business Administration predicts that women will own 40 percent of all small businesses by the year 2000.

Small businesswomen will run up against the same insurance and liability pressures that face all small businesses. Federal product liability reform legislation will help ease those barriers to commerce and competition.

In Senate Commerce Committee testimony, Schutt Sporting Group CEO Julie Nimmons—one of two remaining U.S. manufacturers of football helmets—stated: "our employees hold their breath every time a case goes to the jury, because a runaway award could mean the end of our company."

In House testimony, Livernois Engineering Co. President Norma Wallis stated that her company and the entire U.S. machine tool industry as a whole "is made less competitive by the product liability system."

#### VICTIMS OF DES WILL BE HELPED, NOT HURT BY FEDERAL PRODUCT LIABILITY REFORM

In over 20 years of litigation, punitive damages have never been awarded in a DES case. In fact, because DES manufacturers have not been shown to have acted in conscious or flagrant disregard of public safety, no judge has even put the question of punitive damages before a jury in a DES case. Consequently, the punitive damages reforms will not have an adverse effect on DES plaintiffs.

On the other hand, DES victims who discovered their injuries after expiration of their state's statute of limitation would have court house doors opened to them. Under the proposed federal legislation, a woman would have up to two years to file a lawsuit after she discovers or should have discovered both the injury and its cause. Because many effects of pharmaceuticals used by women may not be readily apparent, this provision is especially important in preserving the rights of women to recovery for injuries.

#### THE PROPOSED BILL DOES NOT DISCRIMINATE AGAINST WOMEN

Federal product liability reform legislation follows a provision of California law on the topic of joint liability. The provision was voted into California law by over 60 percent of those voting in 1986. It has been argued by opponents that the provision is "anti-women" because their economic damages may be lower than men and, for that reason, they depend on noneconomic or so-called "pain and suffering" damages. However, there has been absolutely no showing in California, a large and litigious state, that the California approach discriminates against any sex or any group. In fact, noted California trial attorney Suzelle Smith has testified that the California law is fair and has worked well for consumers. The California Supreme Court has upheld the California law on equal protection grounds under the California and the United States Constitutions. Nebraska enacted the same reform in 1991 after carefully studying various joint liability reform alternatives.

Several states have enacted limits on punitive damages and those laws have never been

challenged by women's groups because they do not discriminate. The proportionality requirement in the proposed federal legislation is similarly gender-neutral.

Phyllis Greenberger, Executive Director of the Society for the Advancement of Women's Health Research, testified before the Senate Commerce Committee in the 104th Congress that U.S. companies are shying away from the contraceptive market because of the unpredictable nature of litigation combined with the enormous cost and limited availability of liability insurance.

#### INCREASE FUNDING FOR PELL GRANTS

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to include extraneous material.)

Mr. MCGOVERN. Mr. Speaker, I rise today to applaud the 12 national organizations who recently wrote this Congress endorsing H.R. 744, a bill I introduced in February to increase Federal funding and eligibility for Pell grants.

The McGovern bill increases the maximum Pell grant from its present level of \$2,700 to \$5,000, which brings the award to the level in which it was created adjusted for inflation. My bill permits more students from modest income families to access higher education and allows more middle-income families with multiple children in college to qualify for financial aid.

□ 1415

I would also like to commend over 40 of my House colleagues from both sides of the aisle who have signed on as cosponsors of H.R. 744. As the drive to pass this bill continues to gain momentum, I am confident that many more of my colleagues will join the effort to make college more affordable for working families across this Nation. In today's competitive global economy, education is the key to America's success. My bill will help lead the way toward a stronger economy and a brighter future for our children. Let us pass it today.

I include for the RECORD a letter signed by more than 12 major national organizations urging passage of the McGovern-Pell-Grant bill.

APRIL 21, 1997.

DEAR REPRESENTATIVE: We write to express our strong support for HR 744, The Affordable Higher Education Through Pell Grants Act. By restoring much of the value of Pell grants, HR 744's passage and funding offers this Congress its best opportunity to narrow the college participation gap between low-income students and students from affluent families. This gap threatens not just the well-being of the individual students who, due to high cost, will be denied access to higher education and the opportunities that it offers; it also jeopardizes our collective future as a democracy that promotes upward mobility through education and effort.

The gap in college participation rates between the poor and the well-off is growing. Between 1980 and 1993 the gap in the college-going rate of students in the lowest income quartile and of students in the three higher income quartiles grew by 12 percent. Thus, 18 and 19 year olds from families with incomes in the top income quartile are now three times as likely to be enrolled in college as

those in the bottom quartile. Similar gaps can be found in graduation rates. While nearly 48% of the young adults raised in families in the highest socio-economic quartile obtain BA's, only 7% of those from families in the lowest socio-economic quartile do.

A major cause of the growth in the gap is the soaring cost of higher education coupled with the deteriorating value of the primary form of assistance to low-income students—Pell grants.

Between 1980 and 1994 the cost of tuition, room and board at public postsecondary institutions jumped by 44%. Over approximately the same period, Pell grants lost about 50% of their purchasing power. In FY 1979 the maximum Pell grant covered 77.4% of the average cost of a public university; by FY 1997 the maximum Pell grant covered only 33.2% of those costs.

The unchecked growth of the college participation gap will lock hundreds of thousands of students out of college and into limited lives at the margins of our society. And it will cost our nation dearly. Individuals with only a high school diploma earn only half what college graduates earn, are three times more likely to be unemployed, and are five times more likely to live in poverty than are college graduates. Unless narrowed, the growing gap will make college access a destructive wedge, further dividing income groups, rather than the bridge to greater prosperity and productivity that it has been for so many Americans.

Passage of HR 744 alone is not enough to close the college participation gap, but it will certainly narrow it. Carefully constructed progressive tax policies in addition to HR 744 could narrow the gap even more. However, passage of HR 744 must be the first priority of those who wish to increase access to higher education and narrow the college participation gap.

HR 744 is a modest, common sense step toward closing the gap. We urge you to cosponsor this legislation and to work actively for its passage.

Sincerely,

The American Jewish Committee, The Center for Law and Education, The Education Trust, The Mexican American Legal Defense and Education Fund, The NAACP, The National Association of Social Workers, The National Council of Educational Opportunity Associations (NCEO), The National Council of Jewish Women, The National Council of La Raza, The National Puerto Rican Coalition, Inc., The Rainbow/Push Coalition, The US Student Association.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### MEDICARE TRUSTEES' REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, last week four Cabinet-level members of the Clinton administration and the rest of the Medicare trustees released their annual report on the future of the Medicare Program, something of great interest to a great many Americans, and

unfortunately the forecast is very bleak. The condition of the part A trust fund has gone from serious to critical, with only a few years left before flatlining altogether in this very important entitlement program. It is time for the White House to get its act together.

Mr. Speaker, 2 years ago, for the first time in the history of the program, the trust fund paid out more in expenses than it received in revenues. That was a pretty good indicator something was wrong. Last year the program lost \$25 million a day every day and \$9 billion over the course of the year, another indicator something might be wrong. This year that figure will climb to at least \$40 million a day lost and almost \$14.5 billion for the whole year. We are on the fast track to bankruptcy, with only a small window of opportunity to avoid a serious disaster in Medicare part A which so many Americans depend on.

While this projection is undisputed, the call to action from the White House has not been forthcoming. Yes, the President has moved toward us in terms of raw numbers, but he has avoided making the tough choices necessary to truly reform and improve Medicare. In fact, the President's prescription involves no heavy lifting at all. It just ambushes the American taxpayer down the road with higher taxes. Where have we heard that before? By switching the home health portion of Medicare to Part B without a corresponding increase in the premium to pay for it, this administration has signaled that its intention is not to save the program but, rather, to continue to play politics with the numbers and raise taxes.

But there is good news, and that is why I am here. The good news is that we can save Medicare as this Congress has done recently. But it is not going to happen with accounting gimmicks, misguided customer providers, or vetoes from the White House. Instead we should take a hard look at what is driving the soaring costs and address them head on.

We need medical malpractice reform to assure that our precious resources are not being wasted on defensive medicine. A Stanford study found that States that have passed some kind of tort reform, like my home State of Florida, have seen incredible savings in even the most complicated medical areas. The study confirms what many of us already knew, excessive litigation serves the trial lawyers primarily, not our senior citizens.

We can and must increase the number of options available in the Medicare Program. Every senior should have choices to go beyond the fee for service or an HMO, options that include things like provider-sponsored networks and medical savings accounts. Individual choice should be the hallmark of any reform plan.

Of course, we should always keep our eye on the fraud and abuse that still