jobs because of excessive lawsuits. The courts held Piper liable for every aircraft that they had produced since 1937. Piper may not have seen an aircraft since it was sold and left their facility since 1940, yet they were being held liable in courts, even if the plane had been significantly altered or had been poorly maintenanced for 50 years. This was wrong. Yet it was happening.

Piper could not purchase liability insurance. No one would insure that kind of liability. Piper had to pay for lawsuits and settlements out of their own pocket. This led to their having to file Chapter 11 bankruptcy and the loss of jobs to more than 2,600 Americans.

Around this same time, a French airplane manufacturer made significant gains in providing aircraft to the U.S. market. Aerospatiale gained a significant share of the U.S. market because U.S. manufacturers of small aircraft had been forced into bankruptcy. Our liability laws had resulted in the destruction of jobs here in the U.S. and the creation of jobs in France. I believe our business in Congress should be to create U.S. jobs, not jobs for foreign competitors.

In 1994, the Congress passed legislation limiting liability to 18 years for aircraft produced in the United States. What has this done for Piper Aircraft? These liability limitations have resulted in the creation of over 1,000 jobs in Vero Beach, Florida. Today, 5 years after Congress passed that liability limitation, Piper now employs 1,500 people; and I believe they will continue to grow in the years ahead. This year, Piper will again produce 500 aircraft, four times what they had produced 5 years ago.

Liability reform creates jobs. Do we want to create more jobs here in America by establishing reasonable liability limits? H.R. 2005 will do this for the rest of American industries like the reforms that were passed in 1994 and have worked so well. If Members want to create more jobs here in the United States, support this rule and support the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

In closing, I would just repeat that this is a modified open rule which only limits amendments through a preprinting requirement that the gentleman from California (Mr. DREIER) announced last Thursday. All of the Members who wish to participate in debate or offer thoughtful amendments may do so under this process. I urge support for this fair rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material into the RECORD on H.R. 2005, the legislation under consideration.

The SPEAKER pro tempore (Mr. BURR of North Carolina). Is there objection to the request of the gentleman from Ohio?

There was no objection.

WORKPLACE GOODS JOB GROWTH AND COMPETITIVENESS ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 412 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2005.

The Chair designates the gentleman from Ohio (Mr. LATOURETTE) as Chairman of the Committee of the Whole, and requests the gentleman from New York (Mr. QUINN) to assume the chair temporarily.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2005) to establish a statute of repose for durable goods used in a trade or business, with Mr. QUINN, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

I would first like to thank the bipartisan cosponsors of this bill, the gentlewoman (Ms. KAPTUR), a Democrat; the gentleman from Illinois (Mr. SHIMKUS), a Republican; and the gentlewoman from New York (Ms. SLAUGHTER), another Democrat, for their strong support of this bill.

Our bill, the Workplace Goods Job Growth and Competitiveness Act of 1999 is a straightforward, commonsense product liability reform measure that limits frivolous lawsuits while ensuring that no injured party ever goes uncompensated. This modest proposal is critically needed to encourage economic growth, maintain the competitiveness of American durable good manufacturers and keep U.S. manufacturing jobs from moving overseas.

I hope that today we can engage in an honest and principled debate over this very important issue. However, I should warn my colleagues that opponents of this bill may, and I want to emphasize may, try to cloud the debate with anecdotes that do not hold up under closer scrutiny.

In the Committee on the Judiciary, for example, we heard opponents allude to various cases to make their points, but they did not tell us all the facts. In one case, they did not tell us that as the technology improved, the company developed a new safety device and began to retrofit their products. They did not tell us that the company sent out 13 notices to past purchasers to inform them of the new safety technology. They did not tell us that the printing press in question was 20 years old or had been resold five times and that the current owner, a leasing company, did not make the safety repairs. They did not tell us that the company leasing the machine deliberately altered the press and removed other safety guards. And they certainly did not mention that the employee who was injured was injured when he deliberately and inexplicably reached into the moving printing press.

So I ask that Members consider this bill on its merits and not be swayed by unreliable stories from those who continue to support frivolous lawsuits, lawsuits that are devastating to small business owners, devastating to their employees, and ultimately very expensive to consumers and to taxpayers.

Our bipartisan bill would help remedy this problem by recognizing that after a reasonable length of time, 18 years, manufacturers should not bear the burden of capricious litigation over products that have functioned safely for many, many years. It is essentially a statute of limitations past which a company cannot be sued for an injury caused by an overage product.

However, unlike a statute of limitations, a statute of repose measures the time available to file a claim for personal or property injuries from the date of the initial sale of the capital equipment. This limitation would not apply in any case where the injured party is not eligible to receive workers' compensation, ensuring that all employees retain the ability to seek compensation. I want to emphasize that, that if workers' comp does not cover the employee, this statute has absolutely no effect at all, so we are not jeopardizing anybody's right to recover here.

This is a reasonable proposal, based in part on the General Aviation Revitalization Act of 1994 which created a similar 18-year statute of repose for the general aviation industry. The General Aviation Revitalization Act overwhelmingly passed Congress and was signed by the President. It is now the law of the land. It is also important to note that 19 States have already enacted some form of a statute of repose, all of them shorter than 18 years. Our bill will create a uniform standard that will discourage forum shopping by creative trial lawyers.

Mr. Chairman, even though manufacturers of durable goods are targeted as

deep pockets, the vast majority of these product liability cases never actually go to trial or are won by the defendant manufacturers. However, these suits result in extremely high costs for small businesses and for their employees, with most of the money going to trial lawyers and expenses, not to the injured plaintiffs.

These suits involve decades-old equipment, once considered state of the art, which has been modified without the original manufacturer's knowledge or products that are not even being used for their intended purchase oftentimes. Obviously, lawsuits related to these overage products, some of which have been out of control of the original manufacturer for 20, 50 or even 100 years, can be endless. They are unfair.

I ask my colleagues on both sides of the aisle to join us in our efforts to help small businesses and workers and consumers and taxpayers by supporting the Workplace Goods Job Growth and Competitiveness Act which is a commonsense reform measure that ensures compensation for all employees while seeking to end frivolous lawsuits.

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

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

Mr. Chairman, I would like to observe that the danger of the legislation before us is that it would cut off the right of workers to hold wrongdoers accountable when they are injured by a defective product that is more than 18 years old, regardless of how long the product was built to last and regardless of whether or not the potential plaintiff has suffered an injury yet.

So while this bill is a dangerous piece of tort reform, the most egregious aspect of this measure is that it singles out American workers injured or killed on the job and prevents them from recovering damages from manufacturers of the defective workplace machinery. How can we start off the 21st century in the United States of America under such prosperous circumstances by the first thing we handle out of the Committee on the Judiciary in the year 2000 is a measure to further limit the right of recovery of workers injured by defective products that may be more than 18 years old?

I suggest this is a return to the middle ages. We are turning the clock back rather than moving into the new century. The measure that we are discussing today is inherently unfair to American workers, because under this measure they would only have access to their State workers' compensation system which typically only allows for lost wages and medical expenses. But if an innocent bystander, who happens to be nearby and is injured by the same piece of machinery under the same circumstance as the worker, the bystander can sue for lost damages for medical expenses, for future lost wages and for pain and suffering, loss of limb and permanent disfigurement.

What we are creating is a measure that the bystander can receive full compensation while the worker's recovery can be drastically limited. Are we seriously about to do that here today in the House of Representatives? This is why the working families are currently permitted under State law to sue the responsible third party, the manufacturer, and under the measure before us this bill cuts off that right.

And so the bill is unfair to workers, but it is also unfair to employers. Here we get both the employees and the employers. The employers will suffer how? First, they will not be able to recover for any property damage they suffer when older equipment fails and damages the workplace.

Secondly, the employers would no longer be able to recover the funds paid to an injured employee through workers' compensation. Currently, employers can recover these workers' compensation payments for many damages awarded employees in court.

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Now, the bill also raises concerns that deal with the issue of Federalism. This measure may run afoul of the commerce clause limiting congressional authority to the regulation of interstate commerce and the 10th Amendment, which reserves all of the enumerated powers to the States.

So here we have before us a measure, the first out of the Committee on the Judiciary in the year 2000, a measure that takes away the rights of working families, the rights of their employers, and the rights of States all at once. Is there any surprise that the labor movement in the United States opposes the measure? The AFL–CIO, the United Auto Workers, the Communication Workers, the Machinists, the Teamsters all oppose this measure, and it is very significant that the White House has issued an advisory that suggests that the President will veto this measure.

Now, the measure before us is not about growth or competitiveness; it is about limiting in a mean-spirited way the rights of American workers and their employers in a very important area. So I hope that as the Members of the House listen to this debate, that they will join with those of us who have vowed to oppose it and to vote against it.

Mr. Chairman, I am pleased to yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT), a senior member of the Committee on the Judiciary.

Mr. SCOTT. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I rise to oppose H.R. 2005 because it establishes a partial statute of repose. I say ''partial'' because it only applies to suits brought by employees. Supposedly they are covered by Worker's Compensation, but Worker's Compensation only covers 40 percent. Anyone else injured, killed or maimed by defective products can get full recovery. This partial statute of repose only applies to employees; and is, therefore, a mean-spirited application, just hurting the employees and nobody else.

Now, the statute of repose is generally a bad idea because it gives a disincentive to manufacturers to make sure that their products are safe, and when they find out those products are not safe, they have a disincentive in repairing them. If you are late in this time period, say 17 years, you are better off just running out the clock, just letting the time run, because you know that you will not have the responsibility after 18 years. If you try to fix it, then you find the situation where the 18-year clock starts all over again, and therefore there is a disincentive to come and fix dangerous materials and let people know and recall the goods so that the workers will be protected.

But this is just another mean-spirited attempt to deny opportunities for workers, and applies the statute of repose so that those employees who are killed or maimed will not be able to get full recovery.

It is for that reason, Mr. Chairman, that I would hope that we would defeat this bill, and let the law stand as it is.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH), who has worked on labor issues and is the former mayor of the largest city in Ohio.

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in defense of workers and in defense of injured workers. I rise in strong opposition to H.R. 2005. With its title it implies job growth or encouragement of competitiveness. The bill instead deprives Americans of their rights when they are at work.

H.R. 2005 is a radical change from current law. It turns all American workers into second-class citizens. Under this bill, if you are working when you are injured by a defective piece of equipment, you can no longer seek compensation for your pain and suffering, loss of limb or loss of life.

This bill actually bars injured workers from being fully compensated for injuries caused by a manufacturer's defective product after an 18-year period.

H.R. 2005 takes away rights of workers when they are on the job. It discriminates against workers and their families by depriving them of the right to remedies granted to all other citizens under State law. This bill could be called the ''Workers' Right to a Safe Workplace Repeal Act.''

Everyone here knows, or ought to know, that intrusion into the availability of State tort remedies is grossly inappropriate absent compelling evidence that the manufacturers need this bill's special protections. This bill fails to demonstrate legally why manufacturers should receive privileges outweighing current law that entitles workers to be fully compensated for their injuries.

This bill also fails morally in attempting to deprive injured workers of just recourse due to faulty equipment. If after 18 years a manufacturer is still making money from the use of old equipment, then the manufacturer should be held liable for injuries to workers using the equipment. If a manufacturer gets a benefit, they should also pay when workers are hurt.

The bill's sponsors have failed to identify a liability crisis or widespread pattern of abuse of costs associated with defending product liability cases. In fact, according to their own 1998 product liability survey, only six product liability cases went to trial, and in only one case did the jury find for the plaintiff.

U.S. manufacturers do not need H.R. 2005 to be competitive. What they do need is enforcement of our trade laws that prevent dumping, something that I have been on this floor on their behalf for, and they need laws that ban the import of products made by child and prison labor, something I also support.

In conclusion, there is virtually no reason to believe that H.R. 2005 will benefit manufacturers to the extent that would be worth depriving American workers of their rights and of their ability to be fully compensated under existing State laws.

I strongly urge my colleagues to vote no on H.R. 2005.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, there is one point that I think needs to be made, and it can be made very briefly, and that is when you deny the employee the right to recover, if the Worker's Compensation had been paid by the employer and there is a recovery from the manufacturer of the dangerous product, the employer gets his Worker's Compensation back. So we are shifting the burden of the loss from the employee, who would get full recovery, and the employer, who would get his Worker's Compensation back, and the entire benefit of this goes to the manufacturer of the dangerous product, who could have in fact known of the danger, but because of this legislation did not bother to tell anybody that there was a fix that was needed.

This not only hurts the employee, but it also hurts the employer, and the bill should be defeated.

Mr. CONYERS. Mr. Chairman, I am pleased to yield such time as she may consume to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, although today the sun is shiny and bright outside, it is a rainy, dreary day for American workers. We have left workers out to dry while the umbrellas of safety and seller-manufacturer responsibility have been folded. American workers, whose productivity make for the great part of our economic growth, deserve better.

Mr. Chairman, I am opposed to H.R. 2005 for many reasons. First, it does not adequately protect injured workers. Second, it provides more protection for machines than people. Third, this bill hurts small businesses, as well as employees.

Mr. Chairman, the heart of this debate is not about frivolous lawsuits. We all stand opposed to frivolous lawsuits. I personally stood opposed to frivolous lawsuits as an attorney, judge, and county prosecutor. Really, as I stand here on the floor in Congress, I want to stand up on behalf of trial lawyers, because trial lawyers are the people who work on behalf of the injured and the sick and the lame. We all recognize and realize that frivolous lawsuits are extremely costly and burdens our legal and judicial system. H.R. 2005 is not about frivolous lawsuits; it is about responsibility.

Mr. Chairman, H.R. 2005 is misguided and misplaced. We have State laws that work. Sellers and manufacturers have a duty to ensure equipment or defective products under their care are safe. This duty is not an extreme one. It is the part of the trade-off between workers and producers.

Mr. Chairman, I submit that H.R. 2005 is truly about manufacturers and sellers not taking responsibility. Basically, manufacturers and sellers are abdicating their responsibility for their equipment under this rule.

Mr. Chairman, is it not ironic that in these same hallowed chambers we often speak of civic responsibility, family responsibility, and financial responsibility; but yet today we stand muted to the basic responsibility owed to the workers of America.

This bill will allow some manufacturers to escape responsibility for allowing dangerously defective products in the workplace. We cannot stand idly by and allow injured workers and their families to suffer this fate.

Workers' rights are cut off if they are injured by a defective product that is more than 18 years old, regardless of how long the product was built to last, its useful life. Working people are singled out. They stand to lose rights while their employers gain rights dealing with the same defective product.

H.R. 2005 is also devastating to small business. As a member of the Committee on Small Business, we must realize that this bill eliminates the rights of business owners. This legislation extinguishes a business owner's right to hold the manufacturer of a defective workplace product responsible for the property losses the products caused or the business's Worker's Compensation deductible.

Damage to property arising out of the accident is cut off. Who then will pay to renovate or refurbish property?

In closing, Mr. Chairman, just imagine the countless factory workers and American citizens who use industrial machinery and construction tools injured at work or at home from defective products which may be 18 years old or older. I represent the 11th Congressional District of Ohio, a district filled with both manufacturers and workers. We cannot turn a deaf ear on workers who keep this Nation strong.

I want it said that I am not anti-manufacturer; but I also believe, as my parents often told me, it is better to be safe than sorry. Let us be safe for American workers.

In closing, our society, traditionally the number 18 symbolized a greater degree of freedom. At 18, many young people receive their driver's license; at 18, young people register to vote; at 18, young persons receive a greater degree of freedom in and around their homes.

However, H.R. 2005 takes the number 18 and snatches freedom, limits rights of injured workers and does not even allow employers to recover for property damage by older equipment.

Mr. Chairman, I remember 18, and it was a time of bad decision making and risk taking. H.R. 2005, with this statute of repose of 18 years, is a bad decision. It is bad for workers, it is bad for America. I wholeheartedly oppose H.R. 2005.

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Mr. CHABOT. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Chairman, I thank the gentleman from Ohio (Mr. CHABOT) for yielding the time.

Mr. Chairman, I rise in support of the proposition that we ought to be defining a statute of repose and ought to bring about an enactment of an end to litigation wherever we can, always keeping in mind the rights of the pursuant of rights, the litigants, the plaintiffs, et cetera.

The statute of limitations and the statute of repose have come down to us here in our time from well-developed and historic beginnings both in England and later in American law. It says in pure language there comes a time when no longer is it feasible, nor does it do a societal good, to allow litigation to occur.

The statute of limitations is one where we know that after 2 years or 4 years or 6 years, whatever the particular issue might require, there comes an end to the litigation. Yet we still hear people saying, well, why can we not open it to somebody who was injured after 2 years or had a contract dispute after 6 years? Why can we not open it?

The courts have time and time again said, the end of litigation is just as important to our society as is the beginning of legislation and litigation. So just as it is a right for everyone to sue and to gain benefits, there is a concomitant right in people to resist that right when it becomes too ancient in time, too removed from the evidence that prompted the suit, to allow a societal good to emerge.

So that is why the statute of limitations and the statute of repose are a part of the body of law. There has to come a time for the good of the entire civilized world of law for an end to litigation in a particular field.

For that reason, I support the effort of the gentleman from Ohio (Mr. CHABOT) to bring about this sensible legislation.

Mr. Chairman, I rise in strong support of H.R. 2005, the Workplace Goods, Jobs Growth, and Competitiveness Act. This legislation would create a national statute of repose for 18 years, providing American manufacturers with much needed protection.

This legislation is simple, and I commend my colleague from Ohio for his common-sense approach to this problem.

Although older machines may appear old, obsolete and inefficient when compared to modern manufacturing processes, they often represented state-of-the-art technology at the time they were sold. For example, I ask my colleagues, particularly those who question the wisdom of this legislation, to take a walk through the Smithsonian's Museum of American History, and look at the older manufacturing machines. Although many of the machines in the exhibit look like they belong in a museum, rather than still in use, they may have been considered modern miracles when compared to the technology of the time—and those are, in many cases, precisely the machines that we are talking about in this legislation. We are not talking about state-of-the-art, modern miracles of science and technology, but machines that may have been developed and manufactured in the 1940's, 50's and 60's, or even prior to that. These machines have operated for years without any problems, and yet opponents of this legislation would propose that they be held to today's manufacturing standards. This is unrealistic and expensive and blatantly unfair.

This legislation would give the manufacturers of those older machines protection from product liability suits based on the theory that there was a defect in the machine. If a machine has worked flawlessly for over 18 years, it should be presumed that the machine is safe and free of defects, and therefore the manufacturer should be shielded from product liability claims.

I would also like to take a moment to speak in opposition to an amendment that may be offered later today by my colleague from Nebraska, Mr. TERRY.

Mr. TERRY's amendment unfortunately would substantially weaken the underlying legislation. What this legislation seeks to accomplish—i.e., protect manufacturers from suits over older machines, would be stripped by this amendment. If enacted, this amendment would require defendants to litigate not only what the definition of "state of the art" for any particular product is, but would result in extensive discovery over what was and is the state of the art, increasing legal fees, costs, and time wasted in defending this type of suit. Thus, rather than protecting small businesses from frivolous suits, this amendment would expand the number of these types of suits.

I hope that my colleagues will join me in supporting this fair, common-sense reform to help ensure America's competitiveness, here and abroad.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I have been very touched by the notion of my friend, the gentleman from Pennsylvania (Mr. GEKAS), that we need the time to cut off litigation is very important. But should we cut off the litigation of an injured employee who is the victim of a defective product that was supposed to last far longer than 18 years, because today we have a bill on the floor that says 18 years will be the limit and after that one is on their own?

I say no. I say that we do not cut off the right of a person to sue under those circumstances. In many other cases, I would be inclined to agree with my colleague from the Committee on the Judiciary about the time that we need to cut off and limit litigation, but not here.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, I rise in opposition of H.R. 2005. Regardless of what we are being told today, this legislation will not help people back in Oregon or anywhere else in the United States find safer or better paying jobs. We have worker safety laws to ensure that people are not exposed to dangerous machinery at their place of employment; and, frankly, whether this equipment was bought last week or during World War II it should be up to our State government, not Congress, to decide what is best for their citizens and to regulate the statute of limitations as they pertain to industrial machinery.

Mr. Chairman, in Oregon we already have workplace product liability laws and statutes of repose for durable goods in the workplace and they have done a terrific job in protecting the millions of people in my State that work with their hands for a living.

So with that in mind, I will oppose this legislation and urge my colleagues to join me in saying that it is okay for our State governments to run their own affairs, not Congress telling them what to do.

Mr. CHABOT. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Chairman, I thank the gentleman from Ohio (Mr. CHABOT) not just for yielding to me but for his leadership on this important legislation.

Mr. Chairman, H.R. 2005 is designed to free manufacturers from unnecessary legal costs and litigation costs and to enhance America's manufacturing competitiveness around the world. This bill will accomplish these goals by limiting product liability suits against durable good manufacturers after 18 years.

Faced with the threat of potential lawsuits, many innocent manufacturers settle these suits rather than face the expense and uncertainty associated with protracted litigation that could be decades old. The cost to our society in the forms of higher prices on products, the flight of American manufacturers abroad and higher insurance rates, are already too high to American workers. No longer should lawyers and their clients be able to make a quick buck on the back of hard working people.

This bill also will help promote competitiveness in the American manufacturing market, creating more jobs for skilled American workers. Currently, American durable good manufacturers are liable indefinitely for products they sell to the public. Japanese and European durable good manufacturers operate under a 10-year statute of repose in their home markets. This shorter period of exposure to litigation decreases their operating costs.

Finally, this bill will protect the safety of American workers, and the public, should injuries occur as a result of defective products. This bill only will apply if a claimant receives worker's compensation. If a claimant is not covered by worker's compensation, he can sue the manufacturer of a durable good under existing law. This bill ensures that claimants will absolutely be able to recover for their lost income and medical costs.

This is a good bill for American workers. It is a good bill for our economy. It is a good bill for our national competitiveness, and I want to thank my colleague again for his leadership on this measure.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, what better way to begin this Congress in the new millennium, when we have a leadership here in the House that is engaged in a perpetual debate, should the Congress do nothing or should the Congress do just a little?

With plans for doing so little, perhaps absolutely nothing for the typical American working family, it should come as no surprise that one of the first pieces of legislation, indeed the first piece of major legislation, that this House would take up in the new millennium is one that says the House is not going to do anything for working people; and we want to be sure that another branch of government cannot do anything for working people either.

We want to say to the judge and jury across America that has the audacity to suggest that just because a product is old a manufacturer ought to be responsible for the harm done by a defect in that product, no, let us throw that out and let us substitute the views of a do-nothing House to totally insulate from any accountability, any sense of personal responsibility, that manufacturer for the damage that is done.

They say that 18 years is the cutoff. I do not know why it should be 18 years and why they do not lower it to 6. We have had Republicans in charge of this House for 6 years. That seems interminable to some of us, and though it is soon going to come to an end they have pulled 18 out of the air.

Currently, a judge and a jury can consider as a part of determining whether a product is defective how old the product is. They apply the standard of knowledge that was available when the product was manufactured.

Who are some of the people that are going to be impacted by the decision today? They are going to be the delivery person who just happens to be walking through the manufacturing setting at the time the product blows up, no right of recovery under this bill. They are going to be the repair person who happens to be there repairing another piece of equipment and when a fire begins as a result of a defective product, no right of recovery.

It is wrong and this legislation should be rejected.

Mr. CHABOT. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman from Ohio (Mr. CHABOT) for his leadership on this very important, commonsense issue that is currently before the House today.

Despite the immediate preceding remarks by the gentleman from Texas (Mr. DOGGETT), in an effort to throw out all of the little partisan slogans that their polsters and focus groups tell them to use, this is not a partisan issue. It is not even a political issue in any sense of the word. It is a commonsense issue that simply brings some rationality and uniformity to a problem that is facing our courts all across this land and facing manufacturers and workers all across this land.

It is a very limited, very focused, very directed piece of legislation that has been very carefully crafted and very thoroughly thought out by the gentleman from Ohio (Mr. CHABOT) and others on the Committee on the Judiciary in particular who have looked at it.

Let us first start, Mr. Chairman, with what this legislation does not do. It does not take rights away from anybody. It does not apply to all goods. It does not void express warranties. It does not take the ability of a worker who is truly injured without recourse away. It is not inconsistent with existing policies in some States. It simply, though, brings uniformity within the realm of Federal jurisdiction to all the States.

Nobody is pulling anything out of thin air, as the former speaker, the gentleman from Texas (Mr. DOGGETT), indicated. The years that are contained in this piece of legislation, 18 years, is well established. It has precedent, and it actually extends further than the years that are provided for in some nearly 20 States, I believe, Mr. Chairman, who already have statutes of repose similar to this.

So in many respects, it is providing additional relief, a longer period, within which an action can be brought than is established under the laws of all of the different States that have addressed this.

The fact of the matter is, Mr. Chairman, this is a national problem. This is a problem that currently gives rise to very lengthy, very costly, very unfair litigation, without anything approaching uniformity across the land for products such as these that move in interstate commerce, for example.

In our district, in Georgia, Mr. Chairman, as probably in almost every district across the country, we have manufacturing plants; and I, as I am sure most if not all Members have done, have toured those manufacturing plants to shake hands with the workers, to meet with management, to simply tour the physical plant and get a better feel for the products produced and the men and women who are producing those products in their home districts.

Much of the equipment in some of those plants that I have visited is very old. One can tell. These are magnificent pieces of machinery, but in many instances they are very old pieces of machinery. In many instances, one can tell, even through the untrained eye, that these pieces of manufacturing equipment, these durable goods, have been modified extensively over the years. They have to be. In the course of normal business, when a machine breaks down, one fixes it, one modifies it.

To say that a piece of equipment that might have been in this particular plant or any number of plants but has simply fortuitously wound up in one particular plant that might have been manufactured a hundred years ago or 75 or 80 years ago, and has been modified many, many times since then, clearly and obviously unbeknownst to the manufacturer of that product, to now say that in all instances the manufacturer of that product is liable for all subsequent injuries, without any limitation whatsoever, notwithstanding the fact that they may have no control and almost always have no control over modifications to the machinery, is absolutely unfair.

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This legislation says nothing to limit the liability of any person or company that may modify that piece of equipment, and through that modification or through that misuse of the equipment, cause injury and be liable for it.

So I think the starting point, Mr. Chairman, for the debate and my urging our colleagues to vote for this piece of legislation is to recognize, as I have said and as the proponent has said, what it does not do, and to focus, instead, on the fundamental fairness, not only to American workers and American businesses of this piece of legislation, but also the rationality that it brings to our court system, and that it is not at all inconsistent with existing laws and existing procedures and public policy.

So I commend the gentleman from Ohio for thinking through this legislation, for working on it so diligently, and for those Members who have spoken out for it here today and in committee.

I urge our colleagues to pass this very, very limited, targeted, commonsense, fair piece of legislation.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. BECERRA), a former member of the Committee on the Judiciary.

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, it is somewhat eerie that just two days after the Alaska Airlines disaster, where an MD–80 jetliner crashed and killed some 88 passengers, we are now talking about absolving companies that manufacture defective products of their liability for those products.

California, January, 1995, Reginald Gonzalez, 47 years of age, was operating a printing press designed and manufactured in 1973, 22 years earlier, by Heidelberg, Incorporated, when his hand became caught in the rollers, resulting in the traumatic amputation of his arm at the shoulder.

Testimony during the trial revealed that the company that manufactured the product had added safeguards to the printing press model in 1974 after it had been manufactured initially, and again in 1980, yet never took steps to notify the prior owners of the machine's dangerous defect.

It was also learned in 1995 that at least eight other pressmen had their arms amputated or crushed while operating those pre-1974 presses. A jury found in favor of Mr. Gonzalez in the amount of $4 million for the loss of his ability to work.

North Dakota, 1983, Todd Hefta was crushed to death while working for the city of Williston. Hefta was standing behind a 12-ton earth packer machine when another worker started the packer in gear. The packer, which was manufactured in 1963, 20 years earlier, by Ingraham Company, suddenly lunged backward at a rapid rate of speed, crushing Mr. Hefta.

In both of those cases, if this bill were law, none of those individuals would get any compensation whatsoever. They would be having to rely, if they happened to have survived, on workers compensation. In the case of Mr. Hefta, who passed away, he is out of luck.

If we pass this legislation today and if it were signed by the President today, any product manufactured prior to February 2, 1982, would now be absolved of any type of liability. That means any earth-moving machine, any assembly line machine that happens to cause damage to the workplace and certainly injury or death to the worker would be allowed to go forward without any type of liability. We cannot do that. Let us not pass this legislation. Vote against H.R. 2005.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from California referred to the Gonzalez case. That particular case is an example of why H.R. 2005 should be enacted.

The Gonzalez case involved a manufacturer that designed, built, and marketed the printing press in question in 1973 to the prevailing standards of the time. The next year it retrofit subsequent printing presses with a guard over the area that Mr. Gonzalez was injured by, to comply with revisions in German safety standards that required all running nib points to be guarded.

Contrary to assertions that were made, there had been no reported injuries on the pre-1974 model when the new barrier guard was added, and several years later injuries were reported on these models, and Heidelberg began sending out a series of retrofit notices, 13 in total, between 1986 and 1993.

The printing press in question had been resold five separate times, and it was only by chance that the current owner, which was a leasing company, received the notice because they had purchased a similar press from the manufacturer in the 1970s.

The leasing company failed to initiate the repairs and did not forward the warnings to its lessee, Mr. Gonzalez's employer. Next, Mr. Gonzalez's employer deliberately altered the press and removed or bypassed other factory-installed guards. Mr. Gonzalez, the injured claimant in that particular case who had worked as a pressman operator for 26 years, informed his employer before the accident that the press guards were missing from the machine. The company never bothered to order or replace the missing equipment.

Finally, Mr. Gonzalez, contrary to his extensive experience in manufacture, warnings, and job training, deliberately reached into the running printing press that was rotating at speeds between 8,000 and 10,000 times per hour to remove a spot of debris.

After the accident, OSHA issued numerous citations and fines against Mr. Gonzalez's employer, including failure to have an injury prevention program in place. Heidelberg, after having no control over the printing press for over 20 years, after having sent out 13 retrofit notices, and because a negligent employer was protected from liability by the workers compensation system, ended up paying out $2.5 million to an injured worker who engaged in risky and unsafe work practices.

This is precisely why a statute is needed.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. CHABOT. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, I thank the gentleman for yielding to me.

Do I understand, without getting into all the factual context of that particular case, that if you have a situation where the manufacturer knows without a doubt that there is a defect, a hidden danger in their product, and they have an inexpensive way to fix and prevent that defect, and they receive reports that dozens of other workers have been maimed or killed as a result of that defect, and the manufacturer simply sits on their hands and does absolutely nothing, that as long as the product is 18 years old, under those conditions it will totally absolve the manufacturer from its responsibility?

Mr. CHABOT. Reclaiming my time, that is not the point of the bill at all.

Mr. DOGGETT. That is the effect, is it not?

Mr. CHABOT. Under workers compensation, that is the only time under which this particular bill would have any effect at all. The employee is covered under workers compensation. That is the only time a statute of repose would have any effect at all.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. I thank the gentleman for yielding time to me, Mr. Chairman.

Let me first say to my good friend, the gentleman from Hamilton County, how proud I am of the work he has done in leading this effort from the Committee on the Judiciary.

As one who has been a member of the Committee on Commerce for a number of years, and have had many issues with the Committee on the Judiciary, I want to congratulate him on this effort.

I think it is important to point out that this is a very limited effort that the gentleman from Ohio is putting forth. It is limited to capital goods in the workplace. It does not really affect planes and automobiles for hire that would not be covered by the act.

No injured party will go uncompensated, because if he is not covered by some form of workers compensation in that particular State, then the action will be exempted from coverage by the statute.

This is also important from the standpoint of the commerce clause. As I stand here as a member of the Committee on Commerce, it is important to point out that clearly Congress does have the authority to step in and legislate in this area because of the need to do this. The need arises from forum shopping, in which very clever lawyers file suits in States where they can get the best deal. This would certainly eliminate that possibility.

A national statute of repose will also help improve our competitiveness here in the United States. While a typical U.S. company in many cases has liability exposure for machines, machine tools up to 100 years, our foreign competitors in many cases have only that exposure for 20 years, and the competitors in many cases in Europe and in Asia have a 10-year statute of repose in their home markets.

I also want to point out that not only is this a competitiveness issue for American manufacturers, but it is indeed a commerce issue, as well. This American manufacturing machinery industry, which has had a huge presence in our home State of Ohio, is the very foundation of our industrial economy. They make the tools that make the tools. That is why it is so important to our economy.

Lastly, Mr. Chairman, this legislation is similar to the General Aviation Revitalization Act, which passed this Congress and was signed by the President. As a result of that kind of reasonable legislation, over 25,000 new jobs have been created in the general aviation industry, so we have an indication of how successful that legislation can be.

Once again, the gentleman from Ohio has done the American economy a service by sponsoring this legislation. I would ask all of my colleagues to support this bill.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this malicious bill threatens workers' safety and strips injured workers of their rights.

The gentleman from Ohio (Mr. CHABOT) did not want to answer the question, but if a manufacturer under this bill knew his product was unsafe, knew it was killing workers, knew it was injuring workers, and sat on his hands and did not fix it, did not do anything, he cannot be sued by the workers as long as the piece was over 18 years old.

If in fact a durable good malfunctions and workers were injured, they would not have the right to sue the manufacturer for their injury, no matter how negligent it was, but the business owner would still have his full rights to recover for business interruptions due to the defective machinery. So the business owner gets to recover damages and the workers do not. This bill is effectively saying that profits are more important than physical injuries.

Why the inconsistency? Either the manufacturer should be held responsible for his product or he should not. If the manufacturer cannot be held responsible for workers' injuries after 18 years, why should he still be responsible for the business owner's economic loss after 18 years? And conversely, if he is still responsible for the business owner's economic losses, why not for the injuries to the worker?

This bill, Mr. Chairman, simply shows contempt for the workers of the country. It is an outrage. It should be defeated. I challenge the gentleman from Ohio (Mr. CHABOT) or anybody else on the other side to answer the question, not to say it is not the point of the bill, but is it not the effect of the bill that even if the manufacturer, after 18 years, knows his product is killing people or injuring people, knows how to fix it, knows he should warn people, and does not, he cannot be sued for physical injury; he can be sued for business damages, but he cannot be sued for physical injury?

Why should he not be subject to suit for physical injury in that case? Why is the business owner's economic damages

more important than the worker's physical injuries, more important than loss of a limb or loss of fertility or life or permanent disfigurement? In what contempt do we hold the workers of the country? How contemptuous of the workers' safety is this bill?

I challenge the gentleman from Ohio to answer these questions.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, despite some of the inflammatory language that we have heard this morning, I would argue that this is a very commonsense, a very modest approach to tort reform. There are absolutely no workers who will not be covered under this particular piece of legislation. It is a fairly narrow bill. It does not affect all products. We are essentially talking about durable goods, capital goods. These are machines that are found in machine shops in factories all over this country.

A very good example of how a bill similar to this worked extremely well in this country is the General Aviation Revitalization Act of 1994. We had an industry, the small aircraft industry in this country, that was going down the tubes. After this legislation was passed, we have seen it increase substantially. We have seen this industry substantially increase in how it has worked in this country. We have seen twice the number of workers. Now we have 25,000 additional workers in that field. The industry, as the gentleman who spoke earlier today has said, has been revitalized in a number of areas around the country.

The United States also is at a competitive disadvantage to many of our other trading partners. For example, the Europeans and the Japanese do not have an 18-year statute of repose, they have a 10-year statute of repose.

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A number of States have looked at this, and they have even shorter periods of statute of repose from 6 to 15 years. I think we have been very generous in making it an 18-year statute of repose. I think that is very reasonable. Under the circumstances, it avoids forum shopping. It avoids very high costs of litigation.

The bottom line is, in these types of cases a very significant amount of the money that is won or settled, because most of these cases end up getting settled and not actually going to contract it, ends up in the lawyers' pockets. It does not go to the plaintiffs. It does not go to the claimants. It goes to the lawyers. And that is why they have been particularly vociferous.

But that is one of the reasons we are seeing such a spirited debate from some folks on the other side of the aisle. But the bottom line is, this is good legislation for this country.

I would urge its passage. I would yield to either one of the gentlemen.

Mr. NADLER. Mr. Chairman, will the gentleman yield?

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

Mr. NADLER. Mr. Chairman, there are two questions, sir: One, the question of the gentleman from Texas (Mr. DOGGETT), is it not true that the effect, if not the intent, and the point of the bill that even if a company, manufacturer, knows its goods are injuring or killing people and it sits on that knowledge, does not tell anybody, does not fix it, it would under this bill not be liable for anything?

Mr. CHABOT. On that point, reclaiming my time, the gentleman must have a very low evaluation of what most of the business owners and people in this country have in this country.

Mr. NADLER. Yes or no?

Mr. CHABOT. I think it is fairly ludicrous that people would sit on that type of thing. I do not acknowledge that is what the effect of this would be. And the bottom line is, all workers are going to be covered under Worker's Compensation or this law has no effect at all.

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

The CHAIRMAN pro tempore (Mr. QUINN). The gentleman from Michigan (Mr. CONYERS) has 4½ minutes remaining and may yield time now.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding me this time.

Mr. Chairman, this bill bars workers who are eligible for Worker's Compensation from suing a manufacturer or seller of equipment, such as printing presses and machine tools, if more than 18 years has elapsed since the product was manufactured.

The Republican leadership is bringing forth this bill to the floor under the guise of reasonably limiting litigation and helping manufacturers. Sure, it protects manufacturers. It protects negligent manufacturers. It protects reckless manufacturers. It protects these negligent and reckless manufacturers at the expense of our Nation's workers and employers.

This bill will limit the employees to Worker's Compensation. That is two-thirds of their pay at best, no matter how severe the injuries are. Worker's Compensation does not make a person whole. It provides medical costs and very limited disability payments to cover some period, not their whole life, just some period of lost wages, no matter how severe the injury; no matter if someone loses a limb or the ability to work again.

H.R. 2005 promotes inequality and injustice to one of our country's most important groups, the workers who toil in the manufacturing places of our factories every day, who frequently work with dangerous machinery.

Owners of businesses and owners of management are generally excluded from Worker's Compensation plans. They still will be able to sue and recover for all their losses. But the workers, the very people who are the most at risk, will be limited to the few remedies offered by Worker's Compensation. I cannot support this biased proposal against America's workers.

Why do my Republican colleagues think that the manufacturers need this protection? The Bureau of Labor Statistics has reported that injuries for the year 1998 dropped to their lowest level since the 1970's. There is no flood of injuries or litigation requiring reform. The judicial process works. Frivolous claims get weeded out, and meritorious claims go forward. That is how our legal system works.

I urge my colleagues to vote ''no'' on this legislation.

Mr. CHABOT. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to the gentleman from North Carolina (Mr. WATT), a member of the Committee on the Judiciary.

The CHAIRMAN pro tempore. The gentleman from North Carolina (Mr. WATT) is recognized for 2½ minutes.

Mr. WATT of North Carolina. Mr. Chairman, sometimes we get lost in the technicalities of these legal bills. But we should start with the proposition that our liability laws in this country actually reflect the values of our country that personal responsibility and corporate responsibility are at the top of what we value in this country.

So a question of who has responsibility for paying for a person's injuries boils down to a question of who has responsibility for causing those injuries. That is the whole basis of our liability law in this country.

In this case, what this bill does is it says that, even if a manufacturer is responsible for the injury of a worker and the worker has absolutely no responsibility after 18 years, that worker is just dead out of luck.

That is what this bill says. Regardless of how egregious the conduct in designing the equipment is of the manufacturer, how reckless they are, we are going to shift the responsibility for paying for the injury to an innocent party. That is completely contrary to our whole concept in this country of personal and corporate responsibility.

That is the first objection I have to this bill. The second objection is that, in addition to undercutting the rights of employees and consumers in that substantial way inconsistent with public policy, we are saying to employers and to insurance carriers that even if they pay for that cost, they cannot even go back and make a claim against the negligent or reckless manufacturer who did nothing to take this equipment out of the stream of commerce.

So whether my colleagues support the consumer, whether they support the employee, whether they support the insurance carrier, whether they support the employer, what they have done is shifted the cost to them, even though they had nothing to do with causing the injury. The cost has been taken away and the responsibility is

taken away from the very corporate citizen and individuals on which the responsibility should be imposed, based on our public policy rationales.

Ms. PELOSI. I rise to strongly oppose this anti-labor legislation that undermines the rights of hard working Americans. The ''Workplace Goods Job Growth Competitiveness Act'', H.R. 2005, sets an arbitrary cutoff date limiting injured workers from holding manufacturers accountable for defective products that harm workers. This bill discriminates against workers injured and killed on the job by preventing them and their survivors from recovering damages from a manufacturer or seller of durable goods more than 18 years after the durable good was first purchased or leased.

Workers should not be limited by this arbitrary 18 year cutoff on manufactured products when many of America's industrial plants, machinery, and regularly used products, like elevators, are far older than 18 years. Many manufactured goods are clearly produced to have longer life spans and many manufacturers distribute marketing materials publicizing this fact in their sales pitch.

This anti-labor bill would adversely affect injured workers who are covered by workers' compensation and drastically limits their potential recovery. Most state workers' compensation laws only compensate workers for medical costs and limited disability assistance and most do not compensate for non-financial damages, including loss of a limb; loss of fertility, permanent disfigurement; and related pain and suffering. When hard working Americans are injured by defective products, they deserve compensation for their injuries and suffering.

In addition, this bill takes away the business community's right for compensation from defective manufacturers for related property damage to the business' owned property. The bill denies also businesses recovery of their costs for workers compensation payments paid to injured workers. By limiting employee and employer rights to recover damages, this bill increases costs and unfairly subsidizes the manufacturers of defective products at the expense of employers and the workers' compensation system.

H.R. 2005 unfairly targets workers and treats them differently from other Americans. Suppose a 25 year old elevator were to malfunction and crash, severely injuring an elevator operator and a tourist. This bill would allow the tourist to sue for compensation and deny the elevator operator this same right. This provision is inequitable, unjust, and must be opposed.

In addition to difficulties this bill inflicts on America's workforce and businesses, the bill also triggers Constitutional concerns. The Justice Department is concerned that this legislation violates the Commerce Clause which limits congressional authority to regulate interstate commerce and violates the Tenth Amendment, which reserves all unenumerated powers to the states. For all these reasons, the President is expected to veto this bill.

I urge my colleagues to join with the AFL–CIO; the Machinists; the Teamsters; Communications Workers of America; and Public Citizen in opposing H.R. 2005. Vote ''no'' on H.R. 2005.

Mr. SENSENBRENNER. Mr. Chairman, I rise in strong support of H.R. 2005, the Workplace Goods Job Growth and Competitiveness Act of 1999. H.R. 2005 is premised on the notion that a product which is used safely for a substantial period of time is not likely to have been defective at the time of manufacture, sale, or delivery. Any injury incurred after a reasonably long period of time is likely to have been due to either misuse or improper maintenance by someone other than the manufacturer. The longer the product is in use, the more difficult it is for the manufacturer to prove its product was not defective at the time it was manufactured. H.R. 2005 creates a uniform federal statute of repose for cases involving injury caused by durable goods. Currently, nineteen states have statutes of repose.

I have long recognized the need for a national statute of repose for products, including workplace durable goods. In fact, my first year as a Member of this body, I introduced one of the first federal statute of repose bills.

In sum, H.R. 2005 provides a balanced solution to the problem of endless liability, while protecting a claimant's right to bring suit for injuries incurred during the repose period. It places a reasonable outer time limit on litigation involving older products in the workplace, where injured claimants will have recourse to benefit from the worker compensation system. I commend my colleague, Mr. CHABOT, for all his hard work on this long overdue, much needed legislation. I urge the passage of this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H.R. 2005, The Workplace Goods Job Growth and Competitiveness Act of 1999.

I understand the sentiment of the proponents of this measure. Certainly, after a reasonably long period of time, manufacturers should no longer have to defend lawsuits based on products that have long since left their control and may have been subject to misuse or improper maintenance by others.

With that said, H.R. 2005 is an improper remedy. This proposed national statute of repose would extinguish valid lawsuits that would otherwise be permitted to proceed under state law. This is clearly an intrusion into the availability of state tort remedies, and there is compelling and well-documented evidence that the defendants' need for civil immunity outweighs the strong policy that individuals and businesses be able to seek relief for their injuries.

I share the Department of Justice's prescient view that H.R. 2005 is flawed in myriad ways. The bill in its present form creates an absolute bar on recovery for property damage involving a durable good if the action is filed more than 18 years after the first purchase or lease of the good. H.R. 2005 would also bar civil actions for death or personal injury involving a durable good against a manufacturer or seller of a durable good filed more than 18 years after the durable good was first bought or leased, if the claimant is eligible for workers compensation and the injury does not involve ''toxic harm.'' H.R. 2005 provides exceptions to the 18-year bar for products used primarily to transport passengers for hire, products for longer than 18 years, and products already covered by the statute of repose in the General Aviation Revitalization Act of 1994.

Mr. Speaker, I am opposed to H.R. 2005 for other reasons. The bill, in its present form, would bar certain property damage claims and, unlike personal injury in the workplace, there is no alternative administrative relief for such claims by individuals or businesses. This irrationally bars some state lawsuits. Additionally, the bill would bar some State law claims in which an individual or company has been seriously damaged by a product—and even before some victims will be injured by the defective good—although the manufacturer was negligent or knew the product was dangerous or defective. Finally, I am opposed to H.R. 2005 because it usurps State policies on providing an avenue for redress for personal or property damages to individuals or small businesses caused by durable goods.

Mr. Speaker, we need to get on with the business of tending to real issues confronting the American people: education, healthcare, social security and many other issues that are urgent. There is no hue and cry from the American people to establish a national statute of repose. I strongly urge my colleagues to oppose this bill. H.R. 2005 is a bad bill.

Mr. MANZULLO. Mr. Chairman, I rise in general support of this bill, H.R. 2005, because I represent a congressional district that as many durable good manufacturers. There is an issue of state preemption, and to that issue, I have been given assurance of leadership that if a conference committee is established that this issue will be discussed.

Mr. Chairman, make no mistake about it. This is a vote about keeping basic manufacturing in the United States.

With all the wonderful economic statistics, few people know that there is a crisis in durable goods manufacturing. I represent Rockford, Illinois, a center of machine tool manufacturing. For the past 18 months, I have heard from business leaders and workers back home that they have never had it this bad. The situation facing machine tool manufacturers is even worse than the recessions of the early 1980's and 1990's. Some old timers even believe that business prospects are even worse than the Great Depression of the 1930's.

Monthly U.S. machine tool consumption once again declined 18 percent in November. Exports of U.S. machine tools also dropped 65 percent in November. Compounding this decrease is that fact that machine tool imports are taking a greater share of the declining U.S. market—rising from 50 percent in 1995 to an estimated 60 percent in 1999.

Why is this happening? One reason is that foreign machine tool competitors are able to price their product more competitively because their liability exposure is relatively small. Both Europe and Japan have a 10 year statute of repose. They are seizing market share from American machine tool workers right here in the United States! H.R. 2005 would begin to level the playing field for U.S. workers making machine tools.

Let me give you one concrete example. Rockford used to have Mattison Technologies, a manufacturer of large grinder machines. This small business used to employ 150 workers. Shortly after celebrating its 100th birthday, Mattison went bankrupt because it could not pay a $7.5 million product liability verdict on a machine built over 50 years ago. In fact, at the time the company closed, Mattison Technologies had received a summons suing them for a machine built in 1917—when the Czar still ruled Russia! Passing an 18 year statute of repose would go a long way towards helping the 60,000 American workers still employed in the U.S. machine tool industry.

It's too late for the 150 workers at Mattison. Let's not repeat this mistake. Vote for H.R. 2005.

Mr. EVANS. Mr. Chairman, I rise today in strong objection to H.R. 2005, the Workplace Goods Job Growth and Competitiveness Act of 1999.

The title of this bill gives the erroneous impression that it will encourage ''job growth and competitiveness.'' Instead, it will only serve to harm workers and employers. The so-called Workplace Goods Job Growth and Competitiveness Act would terminate any rights of workers to hold wrongdoers accountable for a defective product over 18-years-old, even if the product was designed to be used for many more years.

Some workers would be able to collect workers' compensation. However, that does not provide for noneconomic damages such as physical disfigurement, loss of limbs, blindness, infertility or pain and suffering. We cannot allow these workers to be sacrificed for the profit of manufacturers.

This bill would also discourage manufacturers from notifying consumers of possible defects. H.R. 2005 makes it more cost effective to ignore a malfunction when they are discovered near the end of the 18-year period than to publicize the defect or correct it.

By adopting this 18-year statute of repose, Congress would send the message to America's working families that their injuries and costs are of less importance than any other victim of product malfunction. For example, if a worker and a visitor to the worksite are both injured in the same event, only the visitor would be able to seek damages.

I urge my colleagues to see this bill for what it really is: an attack on the workers of America. If you really want to fight for American families, vote ''no'' on H.R. 2005.

Mr. CHABOT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Workplace Goods Job Growth and Competitiveness Act of 1999''.

SEC. 2. STATUTE OF REPOSE FOR DURABLE GOODS USED IN A TRADE OR BUSINESS.

(a) IN GENERAL.—Except as otherwise provided in this Act—

(1) no civil action for damage to property arising out of an accident involving a durable good may be filed against the manufacturer or seller of the durable good more than 18 years after the durable good was delivered to its first purchaser or lessee; and

(2) no civil action for damages for death or personal injury arising out of an accident involving a durable good may be filed against the manufacturer or seller of the durable good more than 18 years after the durable good was delivered to its first purchaser or lessee if—

(A) the claimant has received or is eligible to receive worker compensation; and

(B) the injury does not involve a toxic harm (including, but not limited to, all asbestos-related harm).

(b) EXCEPTIONS.—

(1) IN GENERAL.—A motor vehicle, vessel, aircraft, or train, that is used primarily to transport passengers for hire shall not be subject to this Act.

(2) CERTAIN EXPRESS WARRANTIES.—This Act does not bar a civil action against a defendant who made an express warranty in writing as to the safety or life expectancy of a specific product which was longer than 18 years, except that this Act shall apply at the expiration of that warranty.

(3) AVIATION LIMITATIONS PERIOD.—This Act does not affect the limitations period established by the General Aviation Revitalization Act of 1994 (49 U.S.C. 40101 note).

(c) EFFECT ON STATE LAW; PREEMPTION.—This Act preempts and supersedes any State law that establishes a statute of repose to the extent such law applies to actions covered by this Act. Any action not specifically covered by this Act shall be governed by applicable State law.

(d) TRANSITIONAL PROVISION RELATING TO EXTENSION OF REPOSE PERIOD.—To the extent that this Act shortens the period during which a civil action could be otherwise brought pursuant to another provision of law, the claimant may, notwithstanding this Act, bring the action not later than 1 year after the date of the enactment of this Act.

SEC. 3. DEFINITIONS.

In this Act:

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

(2) DURABLE GOOD.—The term ''durable good'' means any product, or any component of any such product, which—

(A)(i) has a normal life expectancy of 3 or more years; or

(ii) is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986; and

(B) is—

(i) used in a trade or business;

(ii) held for the production of income; or

(iii) sold or donated to a governmental or private entity for the production of goods, training, demonstration, or any other similar purpose.

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

SEC. 4. EFFECTIVE DATE; APPLICATION OF ACT.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act shall take effect on the date of the enactment of this Act without regard to whether the damage to property or death or personal injury at issue occurred before such date of enactment.

(b) APPLICATION OF ACT.—This Act shall not apply with respect to civil actions commenced before the date of the enactment of this Act.

The CHAIRMAN pro tempore. No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be also considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT NO. 2 OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CHABOT:

1. Page 2, strike lines 10 through 20 and insert the following:

(1) no civil action may be filed against the manufacturer or seller of a durable good for damage to property arising out of an accident involving that durable good if the accident occurred more than 18 years after the date on which the durable good was delivered to its first purchaser or lessee;

(2) no civil action may be filed against the manufacturer or seller of a durable good for damages for death or personal injury arising out of an accident involving that durable good if the accident occurred more than 18 years after the date on which the durable good was delivered to its first purchaser or lessee and if—

2. Page 2, line 14, delete the ''.'' and insert ''; and''.

3. Page 2, insert after line 14 the following:

(3) subparagraph (a)(1) of this section does not supersede or modify any statutory or common law that authorizes an action for civil damages, cost recovery or any other form of relief for remediation of the environment as defined in section 101(8) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 as amended (42 U.S.C. 9601(8)).

MODIFICATION TO AMENDMENT NO. 2 OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form I have placed at the desk. I have given a copy to the minority.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 2 offered by Mr. CHABOT:

Page 2, strike lines 10 through 20 and insert the following:

(1) no civil action may be filed against the manufacturer or seller of a durable good for damage to property arising out of an accident involving that durable good if the accident occurred more than 18 years after the date on which the durable good was delivered to its first purchaser or lessee; and

(2) no civil action may be filed against the manufacturer or seller of a durable good for damages for death or personal injury arising out of an accident involving that durable good if the accident occurred more than 18 years after the date on which the durable good was delivered to its first purchaser or lessee and if—

Page 3, insert the following after line 14:

(4) ACTIONS INVOLVING THE ENVIRONMENT.—Subsection (a)(1) does not supersede or modify any statute or common law that authorizes an action for civil damages, cost recovery, or any other form of relief for remediation of the environment (as defined in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8)).

Page 3, line 15, strike ''This'' and insert ''Subject to subsection (b), this''.

Mr. CHABOT (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. WATT of North Carolina. Mr. Chairman, reserving the right to object, some of us do not have the modification. I am sure the committee has it, but I just came on the floor.

Mr. CHABOT. Mr. Chairman, we will provide that to the gentleman immediately.

Mr. WATT of North Carolina. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. CHABOT) is recognized for 5 minutes.

Mr. CHABOT. Mr. Chairman, I will not take the entire time. At this time I would like to introduce a perfecting amendment which was filed yesterday in accordance with the rule, and the amendment as modified also here today.

This amendment does two things. First, it clarifies that this bill would in no way interfere with existing State statutes of limitation. This amendment simply states that the 18-year period runs to the date of the accident or harm and not to the date of the filing of the claim. This further ensures that all claimants will have adequate time to prepare and file suit. This simply clarifies the original intent of the bill and guarantees that claimants will always have the full time period allowed by the applicable State statute of limitations.

Second, my amendment clarifies that this bill does not interfere in any way with the assertion of claims for remediation of environmental hazards, such as lead paint or asbestos, caused by a durable good that is more than 18 years old. Although we believe that this bill as currently drafted does not cover environmental remediation claims, we want to make that absolutely clear.

My amendment expressly states this bill does not supersede or modify any statutory or common law that authorizes an action for civil damage or other relief for remediation of the environment. Our bill, the Workplace Goods Job Growth and Competitiveness Act of 1999, is a straightforward, common sense product liability reform measure that limits frivolous lawsuits, while ensuring that no injured party ever goes uncompensated.

We have worked carefully with Members on both sides of the aisle to address legitimate concerns and craft a solid piece of legislation that benefits small businesses, employees, taxpayers, and consumers. I urge my colleagues to approve this amendment and support the passage of H.R. 2005.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to advise the gentleman from Ohio (Mr. CHABOT) that this amendment, as reported and modified, is one that I have no objection to. But I would like to point out to him that it does not in any way change the objection that American workers are relegated to a second-class legal status with rules that apply to no one else. That is not corrected by this perfecting amendment.

I would like to have him reflect on the fact that only American workers will be barred from recovery of many types of damages for death and disfigurement that occurs from injuries that involve older equipment. That has not changed by this amendment.

Neither does it change the fact that this bill, H.R. 2005, does not apply to the rest of the public who could be injured by older equipment. Nor does the perfecting amendment change the fact that Worker's Compensation laws do not cover noneconomic damages that would otherwise be available to workers for injuries that result in death and disfigurement.

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The perfecting amendment shifts the considerable cost to small business who will have to, as a result of this measure, pay higher premiums and who will be unable to recover for many property damages caused by defective machinery.

Finally, this amendment does not change the fact that the opposition by workers and unions and the administration and consumer groups remains, notwithstanding this amendment.

Mr. DOGGETT. Mr. Chairman, I move to strike the last word.

Unfortunately, this bill is made only marginally better by the amendment that is offered. It is called a repose bill, but what we are doing in this debate on the amendment is the expose part. And if my colleagues will just listen to a little of this debate, what they will know that both sides agree on is that, by their silence, the proponents of this bill, if a manufacturer manufactures a dangerous product that can cause death or can cause serious injury, that manufacturer is totally absolved from any responsibility once that product reaches its 18th birthday. No more need it worry. Even though it knows how to correct the defect, even though it knows that dozens of people have been killed or maimed or burned alive as a result of the defect, the manufacturer need do absolutely nothing. And the only answer that the proponent, the author, of this amendment says is, well, we all seem to have kind of a bad attitude about the willingness of American manufacturers to correct the defects in their product.

What this bill does is to assure the lowest common denominator of the worst and most irresponsible manufacturer is now the law of the land. It says that those manufacturers, indeed even if they put a silver medallion on the side of the printing press and they say this printing press is good for 25 years, and they know it is defective, they know how to repair the defect and they know dozens of Americans are being hurt by that product, they do not have to do a single thing. Zip. Nada. Nothing. That is what this bill does. That is what this reasonable bill does.

Every Member that votes on this bill needs to know what they are voting to do, to totally absolve that manufacturer.

There is the second issue, and the chairman-to-be just made that point, and it is one that has not gotten the emphasis that it needs, and that is the very strong anti-business bias to this bill. What am I talking about when I say an anti-business bias? It is designed to protect and absolve the giant multinational equipment manufacturers. But who does it ask to foot the bill when the sponsor says, well, we will just let the workers' compensation. Do not worry about it, the worker is going to be compensated.

Those workers' compensation premiums are not free. Who does my colleague think pays those premiums? The thousands of small businesses around this country that are out there generating new jobs. Now they are going to have shifted to them the total responsibility for covering that same dangerous product that has the silver medallion that says it is good for 25 years and it causes harm. Now we are going to shift to the small businesses of America the responsibility of paying for damages that they did not cause. Some irresponsible manufacturer caused that damage.

I would say anyone that is concerned about the growth of small business ought to vote against this bill, because it is an anti-small business bill.

Third, what about the workers? It is so good to hear that they do not have anything to worry about; that they are going to be fully covered by workers' compensation. I have a feeling that the sponsors of this bill never had to try to live on workers' compensation in most of this country. That worker that lost his arm, that the gentleman from California (Mr. BECERRA) talked about out in California, would have to live on a subsistence level under workers' compensation, and usually it is for a fixed period of time. It does not offer lifetime benefits to someone who just merely lost the use of their arm at the most productive time of their life.

If a secretary was in that printing shop to pick up the stationery and she is burned and she is disfigured as a young woman, what will she get if this bill passes? Absolutely nothing from

the manufacturer. If the Federal Express delivery person happens through there, what will they get if they are burned and have to go through the pain of a skin graft? Absolutely nothing under this bill.

If that worker who is going to be so generously compensated with subsistence workers' compensation has to go through, as happened to a man in Texas, skin grafts because a defective product causes him to be burned over 30 percent of his body by hot spewing oil from a defective valve that was 20 years old, if he has to go through one skin graft after another and suffers with pain in going through that, how much does he get out of workers' compensation for that? Absolutely nothing for the pain and suffering of going through that process.

The people who might be affected who are not workers are not fully compensated.

I heard the gentleman say in his opening remarks that what he wanted is uniformity. Well, he is not providing any uniformity so that the workers of this land who would suffer as a result of these defective and dangerous products so that they would get a uniform amount that they can live on and support their families on. Some States provide practically nothing with reference to workers' compensation.

This bill is wrong. Let us expose what repose is all about.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Ohio.

The amendment, as modified, was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. TERRY

Mr. TERRY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. TERRY:

Page 3, insert the following after line 14:

(4) PRODUCTS NOT STATE-OF-THE-ART.—This Act shall not apply in the case of a durable good that, at the time it was produced, was not state-of-the-art.

Mr. TERRY. Mr. Chairman, this amendment, I believe, is truly a compromise position, kind of splitting the difference between the two arguments that we have heard here today, albeit it may create as many questions as it resolves.

This amendment, I think, protects the manufacturers who sell good products at the time that it was made and sold but, because of advances in technology, may become different than a standard that we may apply today.

For example, a machine is produced, made, manufactured in 1975, and this is the issue that my friend from Ohio is trying to resolve. When it was manufactured in 1970 or 1975 or 1980, it was made to the state-of-the-art. It was a good product. It was not defective. But perhaps on a year 2000 scale, it is now defective, based on our technology of today. It is somewhat unfair to hold those manufacturers to that standard.

So that is what my amendment addresses, but yet says if the product that was manufactured more than 18 years ago was defective, that jeopardized the safety of workers and Americans, that that manufacturer should not be immune after 18 years from that negligent act of putting out into the marketplace a defective product. So it is exempted if it could be proved that it was defective at the time.

Now, each of us here, as much as we adhere to a philosophical premise, we are also a product of our life experiences; and let me tell my colleagues a story that I was personally involved with that I think exemplifies some of the issues of a statute of repose, albeit the fact the question here does not exactly duplicate what my friend from Ohio is attempting here.

I knew a family and worked with this family. They bought a boat. It was an 11-year-old boat. I hail from a State that has a 10-year statute of repose. This boat, one time when they put it on the water and started it, blew up, killing one person and blowing the leg off literally of a 13-year-old boy and burning him from the waist down.

Now, granted that fact pattern does not meet this piece of legislation, because he is not a worker and this is not in the workplace, and the boat is not a piece of machinery that one finds in a workplace. But, under Nebraska law, this boy was prevented, the man who was killed was prevented by a statute of repose from suing the manufacturer. And what we found out is that that boat was defective because it did not have a blower system the day it left. It was probably the only boat manufacturer at that time that was still manufacturing boats without this type of safety mechanism in it.

Now, should they be rewarded for not adhering to the standards of the industry or using state-of-the-art technology at the time? No, they should not.

So it is those types of life experiences and real life examples that I bring with me and we all bring with us that shape our views on such things as statute of reposes. But this does create some issues. First of all, it does create a desire for a national standard for product liability suits at a time when some of us are resisting trying to make national standards. So we do not improve the situation there at all.

The gentleman from Ohio (Mr. CHABOT) brought up earlier in the discussion that this amendment probably does not eliminate suits, and he is right. It does not create more litigation, as someone said, but he is probably right that it does not eliminate it.

So while I believe it is a good compromise, and it is truly the middle ground by protecting those manufacturers who deserve to be protected, yet not protecting those who do not deserve the protection, it does, unfortunately, raise as many questions as it resolves.

Mr. TERRY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The CHAIRMAN. The gentleman's amendment is withdrawn.

Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore (Mr. MANZULLO). Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. MANZULLO, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2005) to establish a statute of repose for durable goods used in a trade or business, pursuant to House Resolution 412, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. 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. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 222, nays 194, not voting 18, as follows:

[Roll No. 7]

YEAS—222

Aderholt	Bartlett	Blunt
Archer	Barton	Boehlert
Armey	Bass	Boehner
Bachus	Bateman	Bonilla
Baker	Bereuter	Bono
Ballenger	Biggert	Brady (TX)
Barcia	Bilbray	Bryant
Barr	Bilirakis	Burr
Barrett (NE)	Bliley	Burton

Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Fletcher
Foley
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Morella
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Capps
Capuano
Cardin
Clay
Clayton
Clyburn
Coble
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Forbes
Ford
Frost
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Smith (NJ)
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Stupak
Terry
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Traficant
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—18

Brown (OH)
Campbell
Carson
Davis (FL)
Doyle
Hall (OH)
Hinojosa
Leach
Meehan
Myrick
Rivers
Sanchez
Saxton
Tauzin
Towns
Turner
Vento
Wamp

1235

Mr. WATT of North Carolina, Ms. BERKLEY, Mr. ROTHMAN and Ms. KILPATRICK changed their vote from ''yea'' to ''nay.''

Mr. CUNNINGHAM and Mr. RILEY changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 7, I was unavoidably detained. Had I been present, I would have voted ''no.''

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2005, WORKPLACE GOODS JOB GROWTH AND COMPETITIVENESS ACT OF 1999

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the Clerk be directed to make technical and conforming changes in the bill, H.R. 2005, to accurately reflect the actions of the House.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I yield to the majority leader for the purpose of inquiring about the schedule for the remainder of the week and next week.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to announce that we have completed our first week of legislative business in the new year. There will be no recorded votes in the House Thursday or Friday.

The House will meet next for legislative business on Tuesday, February 8, at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices later this week. On Tuesday, we do not expect recorded votes until 6 p.m.

On Wednesday, February 9, and Thursday, February 10, the House will meet and consider H.R. 2086, the Networking and Information Technology Research and Development Act, subject to a rule; and, Mr. Speaker, I am pleased to announce that as a special Valentine's Day preview, the House will be taking up H.R. 6, the Marriage Penalty Relief Act.

Mr. Speaker, on Friday, February 11, no votes are expected.

Mr. BONIOR. Can the gentleman tell us what day the vote and debate on the marriage penalty legislation will be?

Mr. ARMEY. I thank the gentleman for asking. If the gentleman will yield further, we expect that that vote will be taken on Thursday of next week.

ADJOURNMENT FROM THURSDAY, FEBRUARY 3 TO MONDAY, FEBRUARY 7, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, February 3, 2000, it adjourn to meet at 2 p.m. on Monday, February 7.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, FEBRUARY 8, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday February 7, 2000, it adjourn to meet at 12:30 p.m. on Tuesday, February 8 for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.