

## Delaware U.S. Senate

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## Key Legal Reform Votes 106th - 109th Congresses

Description	Preferred Position	This official's vote compared with the preferred position
Support for Year 2000 Liability Reform (Motion To Table Kerry Substitute to S. 96). Motion to table, or defeat, a Kerry (D-MA) substitute to Y2K liability bill S. 96. The substitute, backed by the White House, would have scaled back S. 96 by removing caps on punitive damages and substituting judicial discretion for clear rules on proportionate liability. Substitute tabled 57–41 on June 9, 1999 (Roll No. 159). The NAM opposed the substitute and supported the tabling motion. NAM-backed Y2K legislation was signed into law (P.L. 106–37) on July 20, 1999. NAM POSITION: Yes.	Y	
Opposition to Health Care Liability Standards (Gregg Amendment to S. 1344). Vote on a Gregg (R-NH) amendment to the Democratic Patients' Bill of Rights proposal. Amendment sought to delete language in the underlying bill that allowed patients to sue their employers in state courts if they were harmed by a plan's denial of treatment. Adopted 53–47 on July 15, 1999 (Roll No. 206). NAM POSITION: Yes.	Y	
Opposition to Patients' Bill of Rights (Motion To Table Amendment to S. 2549). Motion to table/defeat a Daschle (D-SD) amendment to the FY 2001 defense authorization bill. Amendment would have left employers offering health benefits exposed to medical malpractice/personal injury lawsuits and increased the government's role in the health care system. Tabling motion was approved and the amendment rejected, 51–48 on June 8, 2000 (Roll No. 121). The NAM opposed the amendment and supported the tabling motion. NAM POSITION: Yes.	Y	
Health Care Liability Exemption (Gramm Amendment to S. 1052). Vote on a Gramm (R-TX) amendment to the Kennedy (D-MA)/McCain (R-AZ) patients' rights bill. Amendment would have excluded employers and other plan sponsors from liability without exceptions. Rejected 57–43 on June 26, 2001 (Roll No. 197). NAM POSITION: Yes.	Y	
Terrorism Insurance (Motion to Table McConnell Amendment to S. 2600). Vote on a motion to table or defeat a McConnell (R-KY) amendment to terrorism insurance bill S. 2600. Amendment would have ensured that private parties are not unfairly penalized by punitive damages should they fall victim to terrorist activities. Motion to table was approved, and the amendment rejected, 50–46 on June 13, 2002 (Roll No. 152). The NAM supported the amendment and opposed the tabling motion. NAM POSITION: No.	N	
Medical Liability Reform. Vote on a procedural motion to debate S. 11, legislation that would help make health coverage more affordable for millions of Americans by addressing all forms of medical liability (malpractice, plan coverage decisions, medical devices, pharmaceuticals, etc.). Vote was 49-48, 11 shy of the 60 votes needed to overcome opponents' filibuster and begin debate on the bill, on July 9, 2003 (Roll No. 264). The NAM has long championed	Y	

medical liability reform because of the downstream consequences for higher health care costs from unlimited damage awards, liability insurance and defensive medicine. NAM POSITION: Yes.		
Class Action Reform. Vote on a procedural motion to proceed to debate S. 1751, legislation aimed at curbing the explosion of frivolous class-action lawsuits. Motion failed 59-39, 1 shy of the 60 required under Senate procedural rules, on Oct. 22, 2003 (Roll No. 403). The NAM supported the motion to proceed and the underlying bill, which would curb trial lawyer "forum shopping" by shifting most major class actions to federal courts, without altering plaintiffs' right to sue. NAM POSITION: Yes.	Y	
Sinking Liability Reform. Vote on a Feinstein (D-CA) "poison pill" amendment to S. 1805, the Protection of Lawful Commerce in Arms Act. Adopted 52-47 on March 2, 2004 (Roll No. 24). The amendment, which would have reauthorized the ban on certain assault weapons for 10 years, was widely viewed as an effort to defeat S. 1805. The NAM would not have had a position on this amendment as a stand-alone bill, but opposed it because it served as a "killer" amendment for S. 1805, which was designed to forestall lawsuits brought with the intent of shutting down a legitimate and legal industry. NAM POSITION: No.	N	
Asbestos Litigation Reform. Vote on a procedural motion to proceed to debate S. 2290, the Fairness in Asbestos Injury Resolution (FAIR) Act. Motion failed 50-47, 10 votes shy of the 60 needed to debate the bill, on April 22, 2004 (Roll No. 69). The NAM supported the procedural motion and a full debate regarding asbestos, noting that failure to enact legislation could reduce economic growth by \$2.4 billion per year and cost more than 30,000 jobs annually. NAM POSITION: Yes.	Y	
Class Action Reform. Vote on a cloture motion to limit debate and proceed to final action on S. 2062, the Class Action Fairness Act. Motion failed 44-43, 16 shy of the 60 required under Senate procedural rules, on July 8, 2004 (Roll No. 154). The NAM supported the motion to invoke cloture and the underlying bill, which would curb trial lawyer "forum shopping" by shifting most major class actions to federal courts, without altering plaintiffs' right to sue. NAM POSITION: Yes.	Y	-
Class Action Reform. Vote on S. 5, the Class Action Fairness Act of 2005. Approved 72-26 on Feb. 10, 2005 (Roll No. 9). The NAM supported the bill, which would curb trial lawyer "forum shopping" by shifting most major class actions to federal courts, without altering plaintiffs' right to sue. Signed into law (P.L. 109-2) on Feb. 18, 2005. NAM POSITION: Yes.	Y	
Preventing Regulation Through Litigation. Vote on S. 397, the Protection of Lawful Commerce in Arms Act. Approved 65-31 on July 29, 2005 (Roll No. 219). The NAM supported the bill, which would forestall lawsuits brought with the intent of shutting down a legitimate and legal industry, while allowing those with merit to proceed. Signed into law (P.L. 109-92) on Oct. 26, 2005. NAM POSITION: Yes.	Y	
Asbestos Litigation Reform. Vote on a procedural motion that would waive a point of order against S. 852, the Fairness in Asbestos Injury Resolution (FAIR) Act. Vote was 58-41, 2 shy of the 60 required under Senate rules, on Feb. 14, 2006 (Roll No. 21). The NAM supported the procedural motion and opposed the point of order, which was based on faulty assumptions. The NAM notified senators that voting "no" on this motion was tantamount to voting against asbestos litigation reform. NAM POSITION: Yes.	Y	