

wishes to speak, so I will keep my remarks brief. Let me conclude by stating the reasons we must pass product liability reform this year after all of these years.

Under our current system, injured consumers often find it impossible to get just and prompt resolution. Just as frequently, blameless manufacturers are forced to spend thousands of dollars on baseless lawsuits. The system frequently allows negligent companies to avoid penalties and even rewards undeserving plaintiffs.

Product liability law should deter wasteful suits and discipline culpable practices, but not foster hours of waste and endless, endless, endless litigation. The adverse effect of having a hodgepodge of rules is severe for everyone. In fact, is a rather major fact in American life, I might add.

Injured persons and those who make products alike face a 55-unit roulette wheel when it comes to determining rights and responsibilities. The results hurt everyone.

Injured persons have testified that they may be unable to obtain needed medical devices for their continued health and well-being, and there is a lot of very powerful testimony on that front. Manufacturers have indicated that good and useful products are not placed on the market. The Brookings Institution has documented many instances where safety improvements were not made because of fears about uncertainties in our legal system, which brings up the sort of fascinating concept that manufacturers will decline to improve a product for fear that that lends the implication that the product that they previously had was somehow insufficient.

It is now a fact of life in many places where they simply, therefore, do not improve the product so as not to make themselves liable to that interpretation, all of which, of course, is absolutely ridiculous. Included in the Brookings discussion were, for example, built-in child seats and air bags.

As I have studied this complex area, I found incentives for preventing accidents are often not in the right place. In formulating our bill, we have striven to place incentive on the person who can best prevent an injury. This is a matter that has not been given adequate attention during past debates, but given the opportunity to carefully study our bill, Senators, I believe, will see that care and thought has been invested to assure that no wrongdoer goes unpunished and that positive prosafety behavior is encouraged.

For all of these reasons I very much look forward to our debate. I welcome the criticisms, the insights, and the suggestions for improvements that I am sure our colleagues will contribute during the process of this debate.

I yield the floor.

TRAGEDY IN OKLAHOMA—THE LESSONS FOR THE FUTURE

Mr. DEWINE. Mr. President, I rise today to express on my own behalf, and on behalf of the people of the State of Ohio, our deepest sympathy with and for the people of the State of Oklahoma as they cope with the devastating tragedy that took place last Wednesday. Our hearts go out to victims and the victims' families. No one, Mr. President, could watch yesterday's memorial service and see the pictures of the victims, the pictures of the children, without a lump in their throat or having to turn away from the screen.

Mr. President, I want to congratulate the rescue workers and all the volunteers, as well as the police—both the Federal Bureau of Investigation and the local police officers—who have proven to a concerned America that we will, in fact, fight back against terrorism.

Mr. President, when Oklahoma State trooper Charlie Hanger arrested one of the suspects in Oklahoma, he was acting on behalf of all Americans. He did not know at the time, of course, that he was arresting a terrorist. He was simply doing his job, the job that he does day in and day out.

He pulled over a motorist apparently for suspicion of speeding. The motorist said he was driving cross-country—but the officer noticed the driver had not gotten comfortable the way most cross-country drivers do. He still had his jacket on. He did not have any luggage.

Mr. President, noticing details like that is the very heart of good police work. When the motorist leaned over, the policeman saw the bulge of a concealed weapon and at that point arrested him.

Officer Hanger brought in the suspicious motorist. Subsequently, it turned out that the man he arrested for carrying a concealed weapon was one of the most wanted individuals in America. All in a day's work.

That, Mr. President, is really what police work is. It is not glamorous. In fact, many times it is downright laborious, boring. To get that one terrorist, it takes thousands of police chasing down thousands of leads. Most of the leads do not go anywhere, but they all have to be pursued so that ultimately the guilty can be captured. I am sure, Mr. President, in the days since this tragedy occurred, thousands and thousands of police officers thousands of thousands of different times across this country have analyzed what they were doing and tried to identify the composite picture and have done things that they do in their good police work, things that in most cases turn out not to lead anywhere, but they know that they have to do that.

Mr. President, the pursuit of the suspects in the Oklahoma City bombing proves the immense value of hard work and patience in American police work. It also proves the awesome importance of technology in the war against terrorism and other kinds of crime.

Technology and good police work have really been the key to making the progress that has been made thus far in solving the mystery of this horrible tragedy. Federal agents recovered a confidential vehicle identification number from a fragment of a truck found at the bombing scene. This number led the FBI to a Ryder truck rental office in Junction City, KS—and that is where the composite pictures of the suspects were made.

Mr. President, we need to do everything we can at the Federal level to promote the kind of cutting-edge Federal technology that makes this possible. I will be introducing in the near future a comprehensive Federal crime bill that would help hook up all of America's police departments into this Federal information data bank. It will help maintain a national DNA bank to allow the local law enforcement officers to identify and capture sex offenders and other violent criminals. It will be a data base, Mr. President, that deals not only with DNA, but also with fingerprints, also with ballistic comparisons, and also with information about individuals who have been convicted of serious offenses.

Mr. President, as we deal with the aftermath of the bombing in Oklahoma City, I think there are three important tasks ahead for the U.S. Senate.

First, the Senate does need to increase the availability of crime-fighting technology to make this available to every law-enforcement officer in every town and every community in the country.

Second, the Senate needs to take a very close look at how we deal with the entry into the United States of individuals who are affiliated with international terrorist groups. We must look, also, at what we should do when we determine aliens already in this country are members of such groups.

Third, the Senate needs to examine the issue of domestic terrorist groups to figure out the best way to infiltrate these extremist groups and then to keep tabs on their dangerous activities.

Mr. President, over the next few days I will be discussing my own legislation in greater detail. I think that the level of attention the Senate gives these issues in the days to come will be one factor, a major factor, lessening the chance of another tragedy of the kind that took place this past week.

Again, Mr. President, let me offer to the victims, the families of the victims, the loved ones, our deepest sympathy for this horrible and senseless tragedy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks to be recognized?

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

COMMON SENSE PRODUCT LIABILITY AND LEGAL REFORM ACT

The Senate continued with the consideration of the bill.

Mr. BREAUX. Mr. President and my colleagues, here we go again, back on the famous product liability reform bill. I think one of the things that Members do in an effort to try to get legislation passed, I would say sort of tongue in cheek, when they are uncertain about the merits, they label it "reform." We have had the Tax Reform Act, we have had the Health Reform Act, we have had the Product Liability Reform Act, and no matter whether it is real reform or not, if you call it reform long enough and loud enough and enough people hear it, then a lot of constituents will start writing and saying, "You have to be for that reform act that is pending in the Senate or pending in the House. I am not really sure what it does, but if it says that it is reform, it must be good and you had better vote for it if you ever want to come back and get reelected or speak with your constituents in any kind of civilized fashion." I say here we are again, because once again in this Congress, the Senate is going to be called upon to address what some have called a Product Liability Reform Act.

I raise the question at this time as to why we need to be doing this because, in fact, I think this is something that, over the many decades, years and years of our country's history, has been an area that has been reserved to the States in order for the various State legislators to look at these issues and make decisions based on what is appropriate and proper when it comes to dealing with the personal injuries of the people who reside in their respective States.

Now, there are some in this Congress who will say no, we are going to do it all from Washington, and we do not care how long the States have done it or how intense they have been in their efforts at laying out systems that make sense for the people of their respective States—no, we do not care about that. We are going to take it all here, here in Washington. We are going to do it all from Washington because we know best.

I suggest just this. People in some parts of our Government here in Washington, and some parties here, are saying when it comes to some subjects like product liability reform—again, the word reform is attached to everything you want to change; let us reform it—they make the point that States are so backwards and so inefficient and so ineffective in handling personal injury cases, they would say

that we are going to bring it all to Washington, but that with welfare reform, the Federal Government is so ignorant and so slow and so messed up that when it comes to welfare reform, we are going to send that to the States.

They say we are going to block grant all the welfare programs and rules and regulations on welfare and send it to the various States—all 50 States. Let each State decide what is best for the people of that State when it comes to welfare programs and how to reform it because the States know best and the Federal Government is really too slow and too ignorant to make the right decision. But when it comes to product liability, the States are so slow and so dumb and do not know what to do we are going to take that jurisdiction away from them and bring that jurisdiction to Washington because Washington will do a much better job. The inconsistency of those positions in my opinion is irreconcilable.

I would suggest that in areas where the States have worked their will and where they have done a good job we should leave it alone. I would suggest that when it comes to product liability, the phrase "if it ain't broke don't fix it" applies. I would also suggest that those who say this is such a crisis of litigation that it threatens the very legal institutions by which we govern ourselves, look at the facts at what is happening out there. Is there an explosion of litigation? Ask anybody in this body who would be willing to answer this question of the amount of litigation that says we have to supercede what the States have done and bring it all here to Washington.

I think the facts are clearly just the opposite. In all State courts in 1992, all tort cases or cases that people sued because of personal injury in civil courts amounted to just 9 percent of the total civil cases filed. And product liability suits, of which we are talking about today, accounted for only 4 percent of all the tort filings in all of the civil courts, in all of the State courts, in the Nation. That amounted to .0036 percent of the total civil case load of all of the State courts in the United States of America—.0036 percent.

When we read those figures, one might ask the question. Why in the world does anybody think that there is a problem? Why does anybody think, if it is that small a number of lawsuits being filed that represent product liability suits, that it is such a mess that we would have to take it away from the States and we are going to do it in Washington, we are going to make it right in Washington because we in Washington know best what is best for the people of my State of Louisiana, or any other State in the Union, that we know so much more about how to solve this we are going to do it in Washington. People back in Louisiana say, "Senator, are not you saying at the same time that we do such a lousy job on handling personal injury product liability legislation in my State that

you are going to take it to Washington but when you talk about welfare reform, Washington does such a lousy job you want all the States to handle it?" Why is it any different?

We are talking about laws that affect the health and safety and the future of the people of a prospective State. When it comes to those areas I am a strong States rights Senator. I believe the rights of the States should not be trampled on. The rights of the States to govern what happens within their territorial boundaries should not be superseded by the Federal Government without a legitimate and an overriding mandate as to why we should do it on the Federal level.

I would suggest that when only .0036 percent of all civil cases filed in State courts amount to cases filed dealing with product liability, that it is not a national problem, justifying jerking the rug out from under the States and say, no. Here in Washington we are going to do it, and we are going to do it a lot better than you have been able to do it back home. I do not buy that.

I will say to my colleagues in the Senate that my own State of Louisiana has addressed these problems, and they have handled it in the State legislative bodies. Interestingly enough, some people say, "Well, this is a big battle between business and plaintiffs. It is a big battle between the people who get sued and the people who do the suing. And there are too many people doing the suing. So we have to pass legislation in Washington to protect those who are getting sued." That is not so where I come from because I asked the Congressional Research Service to compare the legislation that is pending in the Senate, and legislation passed the House as well with the laws that we already have on the books in Louisiana. Do you know what they found? Here is the concluding paragraph. This ought to knock somebody's socks off who is saying we should be doing what some have suggested.

Conclusion: H.R. 956, which I understand is the pending bill, the House passed product liability bill. H.R. 956 would be more favorable to the plaintiffs than is Louisiana law with respect to product seller liability.

I repeat that again. The bill before the Senate would be more favorable to plaintiffs than is Louisiana law with respect to product seller liability. This is from the Congressional Research Service dated March 17, 1995. Therefore, if businesses say we get sued too much, we know we need changes in the law and we want more protection, my goodness. The bill that we have pending before us today on the Federal level is more favorable to the plaintiffs than what Louisiana has already done to limit product liability suits and to make it more difficult to prove damages and to recover. Louisiana has already drafted legislation. It is on the books. It is the law of the land in my State.