

He was on that wheel the afternoon he was shot. He left, if I remember correctly, about 6:15 and he was shot about 6:30 or 6:45.

He later related, when I went to see him, he said:

You know, I'm lucky. These fellows told me they wanted money and I did not have any money. And I said, "Take my watch, anything else, my ring."

And they cursed him and just fired five shots into his middle, his stomach, pancreas, and lungs—his insides.

He walked up to his house and talked to Miss Coy, Mrs. Stennis, his wife. He said, "Call an ambulance and call Walter Reed."

The ambulance came. And as they lifted him up, he remembered well hearing the chief of police, who had reached the home at that time, saying, "All right, take him over to George Washington Hospital." He raised up on that stretcher—the last he ever remembered, he said, prior to coming to some 9 hours later—and said, "Take me to Walter Reed. They are waiting for me there."

He said that was the real fortunate part, because when he got to Walter Reed, they had two Army surgeons who had finished a 2-week lecture course to the Army surgeons around the country on bullet wounds and shrapnel wounds and battlefield surgery and that kind of thing, particularly with respect to the loss of blood.

His operation took 9 hours. I will never forget him saying that. He said, "Had they not had that hard experience of when to stop and replenish and when to move forward * * *" They had to sew up all his innards or he would have been long since gone.

He came back and, as Senator NUNN points out, he did not slow down at all. Later, when the cancer got his legs, he did not.

As Senator COCHRAN pointed out—who sits at the Stennis desk—he believed in this institution. He attended regularly all the sessions. He attended these debates.

I think television has ruined us all. Perhaps some would listen back in their offices. But you do not have the open exchange in the most deliberative body. You are here and get quips that staff gives you. They have prepared remarks and they run out and the RECORD is full and it appears it is a deliberative effort. Not at all.

Senator Stennis did not like that, and he said so. He attended the debates. He attended all the votes and he kept going until the very, very end.

Unfortunately, he was not as conscious and alert as he could have been the last few years. I wanted to go to see him, but my staff who worked intimately with him on the Armed Services Committee and later on the Appropriations Committee, said that, "Poor John would not recognize you right now."

So he has gone to his just reward after the most distinguished career in the U.S. Senate of over 41 years.

He was a Senator's Senator if there ever was one in this body. He was not only, as pointed out, an outstanding authority on military affairs, but he had that fundamental feel of paying the bills and being straightforward in his treatment here with all the Senators and setting the highest standard of ethical conduct that you could possibly imagine.

We need that inspiration today that, unfortunately, we do not have. We are all going to miss him very, very badly.

I am sorry tomorrow I cannot be at the session relative to the continued debate on product liability. I want to attend those services. But we will be back here at 4:45.

But it is good that we have those who have served with him and remember him so well that will be there and be with his family. His daughter retired first in Charleston, where her husband was the dean at the College of Charleston and later up in Greenville, SC. So I am looking forward to seeing that family.

But I will never forget the inspiration he has given for all of us who have served with him to continue to serve.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. GORTON. Mr. President, I am going to submit a unanimous-consent which I believe has been cleared by both sides of the aisle.

I ask unanimous consent that there be 60 minutes of debate equally divided between Senators ABRAHAM and HOLLINGS, with debate to begin at 5 p.m. on Wednesday, April 26, on amendment No. 598, and that following the debate on the Hollings amendment the Senate proceed to a vote on or in relation to the Hollings amendment, to be followed immediately by a vote on or in relation to the Abraham amendment No. 597, as amended, if amended.

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

Mr. GORTON. I further ask unanimous consent that the pending Abraham amendment be laid aside in order that an amendment by Senator BROWN be offered, regarding rule 11.

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

Mr. GORTON. I further ask that following the two stacked votes, the Senate then resume consideration of the Brown amendment, and that following the disposition of the Brown amendment, Senator DOLE be recognized to offer his amendment on the subject of punitive damages.

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

ORDER OF PROCEDURE

Mr. GORTON. Mr. President, for the information of all Senators, Members should be aware that there will be two rollcall votes at approximately 6 p.m. on Wednesday. Senators interested in speaking on any of these issues or other issues related to product liability or legal reform should be prepared to speak throughout the day on Wednesday.

AMENDMENT NO. 599 TO AMENDMENT NO. 596

(Purpose: To restore to rule 11 of the Federal Rules of Civil Procedure the restrictions on frivolous legal actions that existed prior to 1994)

Mr. GORTON. Mr. President, I send the Brown amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. BROWN, proposes an amendment numbered 599 to amendment No. 596.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . REPRESENTATIONS AND SANCTIONS UNDER RULE 11 FEDERAL RULES OF CIVIL PROCEDURE.

(a) IN GENERAL.—Rule 11 of the Federal Rules of Civil Procedure is amended—

(1) in subsection (b)(3) by striking out "or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery" and inserting in lieu thereof "or are well grounded in fact"; and

(2) in subsection (c)—

(A) in the first sentence by striking out "may," subject to the conditions stated below," and inserting in lieu thereof "shall";

(B) in paragraph (2) by striking out the first and second sentences and inserting in lieu thereof the following: "A sanction imposed for violation of this rule may consist of reasonable attorneys' fees and other expenses incurred as a result of the violation, directives of a nonmonetary nature, or an order to pay penalty into court or to a party."; and

(C) in paragraph (2)(A) by inserting before the period "although such sanctions may be awarded against a party's attorneys'".

(b) EFFECTIVE DATE.—The provisions of this section shall take effect 30 days after the date of the enactment of this Act.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United

States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-712. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of carrying out Federal marketing agreements and orders; to the Committee on Agriculture, Nutrition, and Forestry.

EC-713. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 93-2; to the Committee on Appropriations.

EC-714. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94-05; to the Committee on Appropriations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

Harriet M. Zimmerman, of Florida, to be a member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 1999, vice William R. Kintner, term expired.

The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself, Mr. NUNN, and Mr. KERREY):

S. 722. A bill to amend the Internal Revenue Code of 1986 to restructure and replace the income tax system of the United States to meet national priorities, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS:

S. 723. A bill entitled the "Badger-Two Medicine Protection Act"; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself and Mr. SPECTER):

S. 724. A bill to authorize the Administrator of the Office of Juvenile Justice and Delinquency Prevention Programs to make grants to States and units of local government to assist in providing secure facilities for violent and chronic juvenile offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. AKAKA, Mr. DORGAN, and Mr. WELLSTONE):

S. 725. A bill to amend title 38, United States Code, to extend certain authorities relating to the provision of community-based health care by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. NUNN, and Mr. KERREY):

S. 722. A bill to amend the Internal Revenue Code of 1986 to restructure and replace the income tax system of the United States to meet national priorities, and for other purposes; to the Committee on Finance.

USA TAX ACT

Mr. DOMENICI. Mr. President, today for Senator NUNN and myself, this is a very exciting day because—after more than 2 years of study, research, and tremendous help from a lot of people and a lot of experts—we are today going to introduce a totally new income tax law for this land, both as to individuals and corporations.

Today we are going to introduce a totally new Tax Code. We will explain it to the Senate and the American people for the next 40 or 50 minutes. And it is our hope, since we have gone to extreme lengths to develop a totally new tax code in all respects—and indeed we will today introduce that totally new tax code—which will replace and get rid of the current income tax system in its totality both as to corporations, businesses and individuals in the United States.

We are hopeful that this document will begin a serious debate and that this approach, which we will explain today, will find its rightful place very high on anyone's list as they look at the needs of the United States for the future.

Before I go to my prepared remarks, let me suggest that for the Senator from New Mexico these are very exciting times because I believe the vision that most of us have is for a better America, for a better America for our children, a more competitive America with more good solid high-paying jobs for which we can train and educate our people and provide them with an opportunity for a satisfactory and happy life from the standpoint of material well-being.

The two things that haunt us in our efforts as leaders who say we are going to do our best to provide that for America are the enormous amount of debt that we incur in our Federal budget processes because we refuse to find a way to pay for the programs and actions of the Federal Government rather than to borrow for them. Thus we gobble up huge amounts of savings of U.S. citizens and corporate savings just to pay that debt, thus minimizing our future growth potential and increasing interest rates dramatically, and in a very real way diminish the productivity of our country.

The second thing is that we have a U.S. Tax Code that instead of promot-

ing and prompting savings and investment is actually a disincentive to both. Instead of saying to the American people and American corporations we want you to invest more, we want you to save more, we have a Tax Code that says just the opposite. If you do either of those things, you are penalized under the American Tax Code; that is, the savings or investment. If you spend your money, in a sense you only pay taxes on that money which you spend once.

We very much hope in our new bill to create a level playing field from the date that it is adopted by the U.S. Congress forward, a level field in that people have a real choice as between investing and saving some of their disposable income and spending it. And as to American corporations, we hope we will greatly simplify the process by which they pay taxes to their country and at the same time dramatically encourage capital investment as compared with a Tax Code today which penalizes that.

So in order to get where we want to go, you have to know how to get there. This is common sense. The advice for a traveler seeking a destination and for a nation that is in quest of its destiny, and when leaders talk about their vision for the future, they invariably speak of creating a higher standard of living, better-paying jobs, and stronger economic growth. We do not do that or say that just because those are nice sounding words, but because they are indeed at the heart and soul of what America ought to offer to its people when we say this is a land of opportunity. We know where we want to go. But how do we get there?

The challenge facing the American economy, and those who work, those who invest, those who start companies, and those who continue companies in a prosperous way, the challenge facing them and the best way to improve the Nation's prosperity, in almost everyone's opinion, is to increase savings and investment.

When Americans save, they are really investing in America, and our Tax Code should reflect that national priority. Our major trading partners encourage in their tax codes savings, and so should we. There are many causes of inadequate private savings and investment, and I have already indicated that our inability to develop a budget year by year and over decades, whereby we pay for what we give our citizens instead of borrowing to give to them, is one very serious way that we do not save, or use our savings to pay for our profligacy.

The other very serious problem and perhaps most important is the disincentive in our Nation's tax policies. The Federal Income Tax Code is un-American in spirit and wrong in principle because it levies a double tax on dividends and taxes savings. It discourages risk taking, entrepreneurship, and