

July 29, 1994, which stated that any solution must be based on a single State of Cyprus with its independence and territorial integrity safeguarded; calls for the withdrawal of all foreign troops; states that proposals for a total demilitarization of Cyprus would enhance the security of all the Cypriot people and merits support; and urges the Security Council and the United States Government to consider alternative approaches to promote a resolution to the long-standing dispute, including incentives to encourage progress or sanctions against recalcitrant parties.

Mr. President, two decades ago, Turkey's brutal invasion drove more than 200,000 Cypriots from their homes and reduced them to the status of refugees in their own land. More than 2,000 people are still missing, including five American citizens. The Turkish Army seized 40 percent of the land of Cyprus, representing 70 percent of the island's economic wealth. Today, Turkey continues to maintain over 35,000 troops on the island, which forms the bedrock of the continuing political impasse.

The phrase "35,000 Turkish troops" may sound familiar, because this is the number of troops Turkey has used, with tragic sameness, in its invasion last month of U.N.-protected Kurdish areas of northern Iraq. For the benefit of the Kurdish people of Iraq, who have been subject to genocidal attacks by their own government, I only hope that they will not suffer the same fate as the people of Cyprus. On Cyprus, Turkey initially pledged to stay only for a brief time to protect the Turkish-Cypriot minority on Cyprus. Now, we are beginning the third decade of Turkish occupation.

In an effort to transform this paradigm of deadlock, last year Cypriot President Glafcos Clerides offered to totally demilitarize the island of Cyprus in the context of a Turkish military withdrawal and political agreement to reunify the country. The Government of Cyprus, then, has volunteered to entirely disband its military forces, giving up this fundamental sovereign attribute for the purpose of peace.

The need to transform the terms of the debate over Cyprus is self evident for all who choose to see. I was first elected to the House in 1978, 4 years after the Turkish invasion. That was the same year that President Carter succeeded in getting the United States arms embargo on Turkey lifted on the promise of an imminent breakthrough on ending the tragic and illegal division of the island.

Every year I have been in Congress I have noted a sad, cynical process unfold. Each year, there are hints of movement and glimmering hopes of ending the Turkish occupation and reuniting Cyprus. The most recent opportunity has been the U.N.-sponsored talks over "Confidence Building Measures," which would certainly be constructive if the talks had been undertaken in good faith by all sides and if

they could set the stage for moving rapidly toward a final resolution of the dispute. But neither has been the case, so the talks ultimately atrophied into endless discussions and disagreements over the same kind of modest half-measures that have been the subject of endless talk ever since 1974.

Mr. President, we must continue to press for a negotiated settlement to the illegal division of Cyprus, and we must neither accept nor become comfortable with the status quo. This resolution is moderate in tone, and refrains from laying blame on any party. I believe that all parties can and must take a new look at the problem of Cyprus and work in good faith to bring this tragedy to an end. But as this resolution makes clear, our Nation must also be prepared to work alone or through the Security Council to ensure that all parties also understand that a continued impasse on Cyprus will not be tolerated. •

AMENDMENTS SUBMITTED

THE COMMONSENSE LEGAL STANDARDS REFORM ACT OF 1995

ABRAHAM (AND OTHERS) AMENDMENTS NOS. 600-601

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. MCCONNELL, and Mr. KYL) submitted two amendments intended to be proposed by them to amendment No. 596 proposed by Mr. GORTON to the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes; as follows:

AMENDMENT NO. 600

Strike out section 109 and insert in lieu thereof the following new section:

SEC. 109. SEVERAL LIABILITY FOR NONECONOMIC DAMAGES

(A) FINDINGS.—The Congress finds that—

(1) because of the joint and several liability doctrine, municipalities, volunteer groups, nonprofit entities, property owners, and large and small businesses are often brought into litigation despite the fact that their conduct often had little or nothing to do with the harm suffered by the claimant;

(2) the imposition of joint and several liability for noneconomic damages frequently results in the assessment of unfair and disproportionate damages against defendants that bear no relationship to their fault or responsibility;

(3) producers of products and services who are only marginally responsible for an injury risk bearing the entire cost of a judgment for noneconomic damages even if the products or services originate in States that have replaced joint liability for noneconomic damages with proportionate liability, because claimants have an incentive to bring suit in States that have retained joint liability; and

(4) the unfair allocation of noneconomic damages under the joint and several liability doctrine disrupts, impairs and burdens commerce, imposing unreasonable and unjustified costs on consumers, taxpayers, governmental entities, large and small businesses, volunteer organizations, and nonprofit entities.

(b) GENERAL RULE.—Notwithstanding any other section of this Act, in any civil action whose subject matter affects commerce brought in Federal or State court on any theory, the liability of each defendant for noneconomic damages shall be several only and shall not be great.

(c) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant shall be liable only for the amount of noneconomic damages allocated to their defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic damages allocated to a defendant under this section, the trier of fact shall determine the percentage of responsibility of each person, including the claimant, responsible for the claimant's harm, whether or not such person is a part to the action.

(d) APPLICABILITY.—Nothing in this section shall be construed to—

(1) waive or affect any defense or sovereign immunity asserted by the United States, or by any State, under any law;

(2) give rise to any claim for joint liability;

(3) supersede or alter any Federal law;

(4) preempt, supersede, or alter any State law to the extent that such law would further limit the applicability of joint liability to any kind of damages;

(5) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(6) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(7) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum.

(e) FEDERAL COURT JURISDICTION NOT ESTABLISHED.—Nothing in this section shall be construed to establish any jurisdiction in the district courts of the United States on the basis of section 1331 or 1337 of title 28, United States Code.

(f) DEFINITIONS.—For purposes of this section:

(1) The term "claimant" means any person who brings a civil action and any person on whose behalf such an action is brought. If such action is brought through or on behalf of an estate, the term includes the decedent. If such action is brought through or on behalf of a minor or incompetent, the term includes the legal guardian of the minor or incompetent.

(2) The term "commerce" means commerce between or among the several States, or with foreign nations.

(3)(A) The term "economic damages" means any objectively verifiable monetary losses resulting from the harm suffered, including past and future medical expenses, loss of past and future earnings, burial costs, costs of repair or replacement, costs of obtaining replacement services in the home (including, without limitation, child care, transportation, food preparation, and household care), costs of making reasonable accommodations to a personal residence, loss of employment, and loss of business or employment opportunities, to the extent recovery for such losses is allowed under applicable State law.

(B) The term "economic damages" shall not include noneconomic damages.

(4) The term "harm" means any legally cognizable wrong or injury for which damages may be imposed.

(5)(A) The term "noneconomic damages" means subjective, nonmonetary loss resulting from harm, including pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, and humiliation.

(B) The term "noneconomic damages" shall not include economic damages or punitive damages.

(6) The term "punitive damages" means damages awarded against any person or entity to punish such persons or entity or to deter such person or entity, or others, from engaging in similar behavior in the future.

(7) 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.

AMENDMENT NO. 601

Strike out section 109 and insert in lieu thereof the following new section:

SEC. 109. SEVERAL LIABILITY FOR NONECONOMIC DAMAGES.

(a) FINDINGS.—The Congress finds that—

(1) because of the joint and several liability doctrine, municipalities, volunteer groups, nonprofit entities, property owners, and large and small businesses are often brought into litigation despite the fact that their conduct often had little or nothing to do with the harm suffered by the claimant;

(2) the imposition of joint and several liability for noneconomic damages frequently results in the assessment of unfair and disproportionate damages against defendants that bear no relationship to their fault or responsibility;

(3) producers of products and services who are only marginally responsible for an injury risk bearing the entire cost of a judgment for noneconomic damages even if the products or services originate in States that have replaced joint liability for noneconomic damages with proportionate liability, because claimants have an incentive to bring suit in States that have retained joint liability; and

(4) the unfair allocation of noneconomic damages under the joint and several liability doctrine disrupts, impairs and burdens commerce, imposing unreasonable and unjustified costs on consumers, taxpayers, governmental entities, large and small businesses, volunteer organizations, and non-profit entities.

(b) GENERAL RULE.—Notwithstanding any other section of this Act, in any product liability or libel action whose subject matter affects commerce brought in Federal or State court on any theory, the liability of each defendant for noneconomic damages shall be several only and shall not be joint.

(c) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant shall be liable only for the amount of noneconomic damages allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—for purposes of determining the amount of noneconomic damages allocated to a defendant under this section, the trier of fact shall determine the percentage of responsibility of each person, including the claimant, responsible for the claimant's harm, whether or not such person is a party to the action.

(d) APPLICABILITY.—Nothing in this section shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by the United States, or by any State, under any law;

(2) give rise to any claim for joint liability;

(3) supersede or alter any Federal law;

(4) preempt, supersede, or alter any State law to the extent that such law would further limit the applicability of joint liability to any kind of damages;

(5) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(6) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(7) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum.

(e) FEDERAL COURT JURISDICTION NOT ESTABLISHED.—Nothing in this section shall be construed to establish any jurisdiction in the district courts of the United States on the basis of section 1331 or 1337 of title 28, United States Code.

(f) DEFINITIONS.—For purposes of this section:

(1) The term "claimant" means any person who brings a civil action and any person on whose behalf such an action is brought. If such action is brought through or on behalf of an estate, the term includes the decedent. If such action is brought through or on behalf of a minor or incompetent, the term includes the legal guardian of the minor or incompetent.

(2) The term "commerce" means commerce between or among the several States, or with foreign nations.

(3)(A) The term "economic damages" means any objectively verifiable monetary losses resulting from the harm suffered, including past and future medical expenses, loss of past and future earnings, burial costs, costs of repair or replacement, costs of obtaining replacement services in the home (including, without limitation, child care, transportation, food preparation, and household care), costs of making reasonable accommodations to a personal residence, loss of employment, and loss of business or employment opportunities, to the extent recovery for such losses is allowed under applicable State law.

(B) The term "economic damages" shall not include noneconomic damages.

(4) The term "harm" means any legally cognizable wrong or injury for which damages may be imposed.

(5)(A) The term "noneconomic damages" means subjective, nonmonetary loss resulting from harm, including pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, and humiliation.

(B) The term "noneconomic damages" shall not include economic damages or punitive damages.

(6) The term "punitive damages" means damages awarded against any person or entity to punish such persons or entity or to deter such person or entity, or others, from engaging in similar behavior in the future.

(7) 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.

ABRAHAM (AND OTHERS)
AMENDMENT NO. 602

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. MCCONNELL, and Mr. KYL) submitted an amendment intended to be proposed by them to an amendment to the bill H.R. 956, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

SEC. 109. SEVERAL LIABILITY FOR NONECONOMIC DAMAGES.

(a) FINDINGS.—The Congress finds that—

(1) because of the joint and several liability doctrine, municipalities, volunteer groups, nonprofit entities, property owners, and large and small businesses are often brought into litigation despite the fact that their conduct often had little or nothing to do with the harm suffered by the claimant;

(2) the imposition of joint and several liability for noneconomic damages frequently results in the assessment of unfair and disproportionate damages against defendants that bear no relationship to their fault or responsibility;

(3) producers of products and services who are only marginally responsible for an injury risk bearing the entire cost of a judgment for noneconomic damages even if the products or services originate in States that have replaced joint liability for noneconomic damages with proportionate liability, because claimants have an incentive to bring suit in States that have retained joint liability; and

(4) the unfair allocation of noneconomic damages under the joint and several liability doctrine disrupts, impairs and burdens commerce, imposing unreasonable and unjustified costs on consumers, taxpayers, governmental entities, large and small businesses, volunteer organizations, and non-profit entities.

(b) GENERAL RULE.—Notwithstanding any other section of this Act, in any civil action whose subject matter affects commerce brought in Federal or State court on any theory, the liability of each defendant for noneconomic damages shall be several only and shall not be joint.

(c) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant shall be liable only for the amount of noneconomic damages allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic damages allocated to a defendant under this section, the trier of fact shall determine the percentage of responsibility of each person, including the claimant, responsible for the claimant's harm, whether or not such person is a party to the action.

(d) APPLICABILITY.—Nothing in this section shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by the United States, or by any State, under any law;

(2) give rise to any claim for joint liability;

(3) supersede or alter any Federal law;

(4) preempt, supersede, or alter any State law to the extent that such law would further limit the applicability of joint liability to any kind of damages;

(5) affect the applicability of any provision of chapter 97 of title 28, United States Code;

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(3)(A) The term "economic damages" means any objectively verifiable monetary losses resulting from the harm suffered, including past and future medical expenses, loss of past and future earnings, burial costs, costs of repair or replacement, costs of obtaining replacement services in the home (including, without limitation, child care, transportation, food preparation, and household care), costs of making reasonable accommodations to a personal residence, loss of employment, and loss of business or employment opportunities, to the extent recovery for such losses is allowed under applicable State law.

(B) The term "economic damages" shall not include noneconomic damages.

(4) The term "harm" means any legally cognizable wrong or injury for which damages may be imposed.

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(7) 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.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. GORTON. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Wednesday, April 26, 1995, beginning at 9:30 a.m. in room SD-215, to conduct a hearing on child welfare programs.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GORTON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the

Senate on Wednesday, April 26, 1995, at 10 a.m. to hold an open confirmation hearing on the nomination of John Deutch to be Director of Central Intelligence.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. GORTON. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 26, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:45 a.m. The purpose of this oversight hearing is to review the coordination of and conflicts between the Federal forest management and general environmental statutes.

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

ADDITIONAL STATEMENTS

A CHANCE FOR JUSTICE IN EAST TIMOR

• Mr. LEAHY. Mr. President, on January 12 of this year, the Indonesian military tortured and murdered six unarmed civilians in Liquisa, near Dili, in East Timor.

The Indonesian Army Chief of Staff, while reportedly admitting "procedural violations," claimed the victims were supporters of the guerrillas. However, the National Human Rights Commission of Indonesia, which released a scathing report on March 2, accused the military of "unlawful" killings of innocent civilians.

As anyone who follows events in East Timor knows, the Liquisa shootings were not an isolated incident. They were part of a pattern of political violence on the island in which Indonesian troops have been implicated for decades.

However, the fact that the National Human Rights Commission published such a conscientious report is encouraging. The Indonesian Government now has two choices.

One choice is to repeat its mistakes after the November 1991 Dili massacre. Many here will recall how back then, the unarmed demonstrators were sentenced to long prison terms, while a handful of lower ranking soldiers who fired the deadly shots went to jail for a few months and the officers who gave the orders and tried to cover up the crime went scot free.

The other choice is to take responsibility, and use this opportunity to punish severely all those implicated in these crimes, and by doing so deter others from committing such atrocities in the future. Only when the impunity ends will the abuse of human rights end.

Let us hope that the Indonesian Government seizes this opportunity to

demonstrate that no one is above the law, because it is long overdue in a country that seeks to be accepted as a respectable world power. •

TRIBUTE TO RAYMOND J. LANDRY

• Mr. SMITH. Mr. President, I rise to pay tribute to one of New Hampshire's finest law enforcement officials, Raymond J. Landry, chief of police of the city of Nashua, on the occasion of his retirement on May 1, 1995.

As a veteran of the U.S. Navy, I am particularly proud of the distinguished professional accomplishments of Chief Landry, who is a Navy man himself.

A Nashua native, Chief Landry has held progressively more responsible positions within the Nashua Police Department since he first joined it in 1964. After serving as a front line police officer for 7 years, Chief Landry was promoted to sergeant in 1971.

Less than 2 years later, in 1973, Chief Landry became a lieutenant. Five years after that, in 1978, Chief Landry was promoted to captain. By 1984, he was named major. Finally, Mr. Landry attained his current high rank as chief of police of the city of Nashua in 1988.

By any measure, Chief Landry has had a most impressive career in the law enforcement field. Throughout his career, he has demonstrated the initiative, dedication, and foresight to gain the best available training to serve the citizens of Nashua. A graduate of the Federal Bureau of Investigation [FBI] National Academy, Chief Landry also is an alumnus of the Command Training Institute and the Advanced Management Practices Program of Babson College. Finally, Mr. President, Chief Landry is a graduate of the Police Executive Development Program of the Pennsylvania State University.

Beyond his first-class training and professional development efforts, Chief Landry has been active in numerous leadership organizations in the law enforcement field. He is a member of the International Association of Chiefs of Police, the New England State Police Information Network, the New Hampshire Association of Chiefs of Police, the New England Association of Chiefs of Police, and the Hillsborough County Chiefs Association. In addition, Chief Landry serves on the executive board of the drug task force of the office of the attorney general of New Hampshire.

Mr. President, I understand that there will be a surprise gathering of upwards of 700 people in Nashua on May 5 to honor Chief Raymond Landry as he retires. Law enforcement officials from throughout New Hampshire, as well as State and local dignitaries, will be in attendance.

Mr. President, our Nation's police officers richly deserve the respect in which they are held by our citizens. They serve quietly and effectively, protecting the public and keeping the