

powerful trial lawyers lobby will continue to protect their privileges through irresponsible scare tactics.

Because, let Members be clear, the last week has demonstrated not only that the American people—over 83 percent—want reform; a majority of the Senate wants reform too.

Only President Clinton and his trial lawyer allies defend the status quo.

What they will not do, however, is engage in a debate on the merits. I was disappointed to see President Clinton parrot the standard trial lawyer line that legal reform protected “drunk drivers, murderers, rapists, and abusers of women and children.”

Mr. President, I have been here awhile, but I must say that I rarely have seen such an offensive twisting of the truth. President Clinton knows better and he should be ashamed of engaging in such tactics.

The truth is that we have State and Federal criminal codes to deal with these people. The real irony that is apparently lost on President Clinton is that those same criminal codes generally contain—in addition to prison terms—fines and penalties that are typically \$5,000 or \$10,000 for serious felonies.

Those criminal fines are only a very small fraction of the multimillion-dollar punitive damage award. So why is President Clinton not attacking the criminal code for protecting criminals? Why have his crime proposals not ever addressed this issue?

Because this is about politics, not policy. Our legal reforms focus on the civil code, not the criminal code. President Clinton knows that.

But President Clinton also knows who raised millions of dollars for him in 1992—the trial lawyers. And he knows who raised \$25 million for Democrat House and Senate candidates between 1989 and 1994—the trial lawyers.

Think about it. There is a lot talk of special interests in this town, but no single-issue group comes anywhere close to bringing this much money to bear on Federal campaigns. And no other group is so generous and so exclusively for the party of President Clinton.

So, despite the evidence that there is bipartisan support for these reports—and expanding them so that every American can benefit—when the chips were down, the trial lawyers and President Clinton started trying to scare the American people.

And yesterday, that tactic worked. Only two Democrats voted for reform. But this tactic will fail in the end. I am proud that we are trying to pass legal reform that benefits as many Americans as possible. I will continue to work for reforms that help small businesses, and volunteer and charitable organizations.

I believe the American people see past the irresponsible rhetoric. They know we are continuing to fight for their interests.

But the reality, Mr. President, is that we cannot bring this debate to a close without bipartisan support. Forty-five Republicans did their part. Reform will not happen unless the Democrats put the interests of the American people ahead of the interests of the trial lawyers and their huge financial stake in the Democrat Party.

I plan to bring this bill to a vote again on Monday or Tuesday. The American people need and deserve these reforms, and I for one do not intend to allow scare tactics to deter us from our responsibility to pass a legal reform package.

We hope to bring this bill to a vote. We think the American people want Members to vote. We believe there is still a possibility because there is some bipartisan support. We will have to have 60 votes. That is what happens in this place. We need 60 votes to shut off debate, so we can pass even a narrowed product liability bill.

We believe it is a big step in the right direction and I hope we will have the bipartisan support that Senator ROCKEFELLER from West Virginia and Senator GORTON from Washington have been working for, for the past 2 weeks.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent that there now be a period for morning business.

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

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 Committee on Governmental Affairs.

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

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 761. A bill to improve the ability of the United States to respond to the international terrorist threat.

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-864. A communication from the Secretary of Housing and Urban Development's Designee to the Federal Housing Finance Board, transmitting, pursuant to law, a report under the Inspector General Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-865. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to the People's Republic of China; to the Committee on Banking, Housing and Urban Affairs.

EC-866. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to transaction involving exports to Chile; to the Committee on Banking, Housing, and Urban Affairs.

EC-867. A communication from Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of the study on the impact of the payment of interest on reserves; to the Committee on Banking, Housing, and Urban Affairs.

EC-868. A communication from the Secretary of Transportation, transmitting, pursuant to law, the interim report on the Commercial Vehicle Information System feasibility study; to the Committee on Commerce, Science, and Transportation.

EC-869. A communication from the Secretary of Energy, transmitting, pursuant to law, the report for the Strategic Petroleum Reserve for the period October 1 through December 31, 1994; to the Committee on Energy and Natural Resources.

EC-870. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, notice relative to the Stafford Act; to the Committee on Environment and Public Works.

EC-871. A communication from the Chairman of the U.S. International Trade Commission, transmitting, a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1997; to the Committee on Finance.

EC-872. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled “The U.S. Air Traffic Service Corporation Act”; to the Committee on Finance.

EC-873. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of a revised deferral and two revised rescission proposals; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Finance, to the Committee on Labor and Human Resources, and to the Committee on Environment and Public Works.

EC-874. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the activities relating to the Deepwater Port Act for fiscal year 1994; referred jointly, pursuant to 33 U.S.C. 1519, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, and to the Committee on Environment and Public Works.

EC-875. A communication from the Director of the Office of Management and Budget,

Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals for fiscal year 1995; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the Committee on Environment and Public Works, to the Committee on Labor and Human Resources, and to the Committee on Small Business.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 102-15 Treaty With Panama on Mutual Assistance in Criminal Matters (Exec. Rept. 104-3)

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty between the United States of America and the Republic of Panama On Mutual Assistance in Criminal Matters. With Annexes and Appendices, signed at Panama on April 11, 1991. The Senate's advice and consent is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

Nothing in this Treaty requires or authorizes legislation, or other action, by the United States of America prohibited by the Constitution of the United States as interpreted by the United States.

Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in or facilitates the production or distribution of illegal drugs.

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. DASCHLE (for himself, Mr. BIDEN, Mr. KOHL, Mrs. FEINSTEIN, and Mr. DODD):

S. 761. A bill to improve the ability of the United States to respond to the international terrorist threat; read the first time.

By Mr. HARKIN:

S. 762. A bill to implement General Accounting Office recommendations regarding the use of commercial software to detect billing code abuse in Medicare claims processing, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. BIDEN, Mr. KOHL, Mrs. FEINSTEIN, and Mr. DODD):

S. 761. A bill to improve the ability of the United States to respond to the international terrorist threat; read the first time.

THE OMNIBUS COUNTERTERRORISM ACT OF 1995

Mr. DASCHLE. Mr. President, since the terrible bombing in Oklahoma City more than 2 weeks ago, we have been forced to consider what the society should do in self-defense against potentially deadly maniacs who think that killing defenseless people is a way to send a political message or effect political change.

This is an enduring challenge for a democracy. We have faced it before. There is no easy answer.

We cannot afford to give the terrorists what they want to achieve—the subversion of our free institutions—in the effort to prevent their terrorist acts. But we cannot remain complacent in the face of determined threats either.

The President has sent to Congress his proposal to give Federal law enforcement additional resources and tools to use in combating domestic and international terrorism on American soil. It includes commonsense expansion of FBI investigative authorities in counterterrorism cases, such as access to credit reports and travel and hotel records, which are routinely available to State and local law enforcement authorities in criminal investigations.

It will speed the process of adding chemical taggants to explosives, as well as moving more aggressively into taggant and related explosives research.

It will expand the FBI's ability to use trace-and-track devices and pen registers to capture the phone numbers dialed from or coming in to a particular telephone. It does not abandon the requirement of American law that no phone may be tapped without an explicit warrant, issued only when there is probable cause to suspect criminal activity.

The package of proposals includes added penalties and some broader Federal felony offenses, whose purpose is to conform the law with respect to explosives to the existing law that covers firearms.

Coupled with the President's earlier antiterrorism bill directed at international terrorism, this is a sound step to respond to a national threat without throwing overboard the civil rights of law-abiding citizens.

The consensus of those who work in this field is that, although the cold war is over, the war against terrorism is just beginning. Experts make some chilling—and compelling—arguments.

In the century preceding the Oklahoma City bombing, although terrorist groups were numerous, and although horrible murders, kidnappings, and

other crimes by them were frequent, there were fewer than a dozen terrorist attacks that cost more than 100 lives.

There is reason to fear, according to experts, that this trend is shifting. Where once terrorists would take hostages and threaten the lives of 1 or 2 or 20 people if their demands were not met, they no longer issue specific demands. They take fewer and fewer hostages.

Instead, they attack more soft targets, where civilian casualties are bound to be higher. They are aiming less at a particular demand and more at terrorizing the entire society.

They build more car bombs and undertake more suicide attacks; they attack civilians in crowds—airplanes, subways, and office buildings. They make fewer explicit demands, but their broader demands are more apocalyptic.

If this trend continues, instead of a cold war atmosphere of threat and counterthreat, of massive nuclear stockpiles poised to strike each other's targets, we face the prospect of random violence—impossible to predict, impossible to counter, impossible to explain.

A civilized society can live with many fears. We lived with the fear of nuclear holocaust for almost 50 years, yet our society became freer throughout that time. The great advances in civil rights and protections against Government were postwar.

But no civilized society will survive the threat of random terror. It cannot. We must be able to feel secure as we travel to our workplaces each day, as we sit at our desks or man our service counters—that we will end the day predictably, by going home, making dinner, performing the normal pattern of tasks and duties we face.

If we ever reach the point where randomized terror can paralyze us, can make Americans distrust each other—distrust the safety of the next few hours—the terrorists will have won, because we will be what they want us to be: an atomized nation, without community, without security, without anything except fear for immediate individual survival.

That is where these people want to take us. We have to combat this, without becoming savages, without losing our perspective, without succumbing to paralyzing fear.

It is not going to be easy. If the experts are right, and apocalyptic terrorism is what the future holds, we will face challenges our system has never before been forced to face. We will have to ask ourselves questions that we have never before raised.

A growing number of terrorist groups believe they are fighting a holy war. That change has changed the nature of what they are prepared to do, the risks they themselves are prepared to run, and the damage they are prepared to inflict.

This change presents us, as a society, with a challenge as well. Americans are of diverse faiths, but we are among the