

litigation. Both consumers and manufacturers end up losers. Consumers lose because they receive inadequate compensation. Some estimates have shown that our tort system consumes 57 cents of every \$1 awarded in lawsuits.

In addition, consumers wait unreasonable amounts of time before they receive compensation, and often pay outrageous fees to their attorneys.

Manufacturers lose because liability concerns stifle research and development.

A recent survey showed that because of fear of litigation, 47 percent of companies had withdrawn products from the market; 25 percent had discontinued some kind of research; and 8 percent actually had laid off workers.

In fact in 1 year alone, Texas lost 79,000 jobs due to the cost of the liability system.

Each year there are more than 70,000 product liability lawsuits filed in the United States—yet Great Britain only has an average of 200.

Now, this is only one of the reasons liability insurance costs are 20 times higher in the United States than in Europe.

As a result of this well-known liability gold-rush, the United States as a nation loses as well.

According to the Product Liability Coordinating Committee, the cost of product liability ranges from \$80 to \$120 billion per year.

These costs are passed directly on to you and me as consumers. Appropriately, this is known as the tort tax.

For example, manufacturers of football helmets add \$100 to the cost of a \$200 helmet. Auto manufacturers add \$500 to the price of a new car, and the markers of a \$100 stepladder will add another \$20 to its cost, just to cover potential liability.

I know many of my colleagues have mentioned this, but I want to reiterate the fact that right here in Washington, DC, the Girl Scout Council must sell 87,000 boxes of Girl Scout cookies each year just to cover the cost of their liability insurance.

In my own State of Minnesota, Attorney General Hubert Humphrey III, the son of Minnesota's great U.S. Senator, recently testified before the State legislature that his office spent \$340,000 in 1994 defending Minnesota against frivolous lawsuits. Attorney General Humphrey offered a top-10 list of lawsuits from Minnesota inmates. These are just a few of the ridiculous claims that prisoners have filed:

One prisoner claimed he had a constitutional right to a computer in his jail cell. One claimed that the President gave him a fungus.

Another prisoner claimed underwear was not provided, and when it was provided, it was so tight that it constituted cruel and unusual punishment.

If you think these lawsuits are laughable, try Mr. Humphrey's No. 1 frivolous lawsuit: One prisoner claimed that his primary reason for filing a lawsuit was "pure delight in spending tax-

payers' money." I understand that suits like these may be rare. However, they typify the problems with our current system.

The Gorton-Rockefeller Product Liability Fairness Act will address many of the problems faced by well-intentioned, honest manufacturers.

This legislation will establish alternative dispute resolution, extend protection to product sellers, provide an absolute defense for injuries received when the plaintiff was under the influence of drugs or alcohol, and prevent automobile rental companies from being held liable for damages caused by the renters of its cars when the company is not at fault.

In addition, the Gorton-Rockefeller bill will provide much-needed relief to suppliers of biomaterials. Currently, raw material suppliers who have no direct role in the raw material's ultimate use as a biomaterial share extraordinary and irrational liability risk with device manufacturers.

Companies such as DuPont, Dow Chemical, and Dow Corning have decided to stop supplying manufacturers of medical devices with raw materials for fear of lawsuits. This legislation is progress, and is the first step in the right direction.

While I am encouraged by the hard work of the Senators from Washington State and West Virginia, I am concerned that we may be opening up a new can of worms, when this legislation is signed into law.

While it will offer protection for product manufacturers, my fear is that it will leave the service industry as the only remaining deep pocket.

I believe the Senate should continue moving forward to reform our liability system, making sure that individuals who deserve compensation are made whole and that individuals who are not at fault are not held liable for someone else's actions.

Mr. President, we should take this historic opportunity today to approve the Product Liability Fairness Act, and in doing so ensure that our liability system is fair to all parties involved, not just those who are looking for their golden nugget in the liability gold-rush.

EXTENSION OF MORNING BUSINESS

Mr. BRYAN. Mr. President, I ask unanimous consent that morning business be extended until the hour of 12:10.

The ACTING PRESIDENT pro tempore. Hearing no objection, so ordered.

NEI ADVERTISING CAMPAIGN

Mr. BRYAN. Mr. President, I would like to bring to the attention of my colleagues an advertisement currently getting wide circulation by the nuclear power industry.

This advertisement touts the virtues of legislation introduced for the nu-

clear power industry to address the industry's nuclear waste problem.

As many of my colleagues are aware, the industry's solution to its waste problem has, for a number of years, been very simple: ship the waste to Nevada.

Since 1982, Nevada has been the target of the nuclear powder industry's efforts to move its toxic high-level waste away from reactor sites.

Under current law, Yucca Mountain, 90 miles north of Las Vegas, is being studied, supposedly to determine its suitability as a site for a permanent geologic repository.

The repository program has had immense problems.

With \$4.5 billion spent to date on the program, Yucca Mountain is no closer to accepting the nuclear power industry's waste than it was 13 years ago, when Congress passed the first Nuclear Waste Policy Act.

I am not alone in my opinion that a repository will never be built at Yucca Mountain.

The nuclear power industry is also frustrated.

In a curious juxtaposition from the Nevada perspective, the industry thinks the DOE is being too careful, paying too much attention to environmental concerns, and simply not moving fast enough.

While the nuclear power industry still maintains that Nevada is perfectly suitable to host their repository, it has come to the conclusion that Yucca Mountain will never solve its high-level waste problem.

The nuclear power industry has a new solution, and of course, Nevada is once again the victim.

The nuclear power industry's new strategy is to designate Nevada as the site for its interim storage, beginning in 1998.

While the "interim" designation is supposed to imply a temporary facility, the nuclear power industry defines "interim" as 100 years, subject to renewal.

The motive is patently transparent: ship high level nuclear waste to Nevada as soon as possible, without any regard for the health and safety of Nevadans, and then forget about it.

The type of public relations campaign being mounted here is nothing new.

While we in Nevada have long experience with such campaigns by the nuclear power industry and its hired flacks, I have to admit that this latest advertisement is a masterpiece of deception and misinformation.

The headline alone reveals the deceptiveness of the advertisement.

"There are 109 good reasons to store nuclear waste in 1 place" proclaims the nuclear industry's advertisement.

The headline appeals to the logic of the reader—of course, the reader thinks, 1 site is better than 109.

The problem is, of course, that the advertisement does not tell the true story.

Unless the nuclear power industry has some well kept secret plan to shut down and decommission every reactor at each of these 109 reactor sites, by my count creation of a new, central site for waste storage makes 110 sites, not 1.

How the nuclear power industry gets down to one site, when its reactors are still running, and waste is still stored in pools on site, is beyond me.

The advertisement also ignores one of the key problems with a central high-level waste facility—the transportation of the toxic waste from the 109 reactor sites to the central facility.

The nuclear power industry, in its obsession to dispose of its waste as quickly as possible, is proposing to create thousands of rolling interim storage facilities, on trucks, and rail cars, in 43 States across the Nation.

The nuclear power industry's map shows the location of the 109 reactor sites, but not the proposed location for the central storage facility.

There is a good reason for this oversight—the industry's target for a central storage facility is not central at all.

Not even close.

Looking at the map, it could not be clearer—only 15 of the 109 sites identified are west of the Missouri River.

This second chart shows the map that the nuclear power industry, if it was being honest, should have run in their advertisement.

This map shows the location of the current reactor sites, the proposed location for their central storage facility, and the likely routes through 43 States for the thousands of shipments necessary to move the high-level waste from around the Nation to Nevada.

It is obvious to even the casual observer that the nuclear power industry's interim storage proposal could result in an unprecedented level of shipments of extremely toxic, highly dangerous radioactive materials.

Every Member of the Senate should take a careful look at this map.

Nothing could make clearer the true scope of what the nuclear power industry is proposing.

Over the years, as I have fought the industry and the DOE in their efforts to open a repository in Nevada, I have often found my colleagues, both here in the Senate and among the Nation's Governors in my previous position, sympathetic to Nevada's cause.

Many in the Senate sympathize with the outrageous abrogation of State's rights.

Others understand the potential environmental risks associated with opening a high-level nuclear waste dump 90 miles from the fastest growing metropolitan area in the United States—a metropolitan area with nearly 1 million residents.

Still others have understood the potentially grave economic damages that could result from the transport and storage of high-level nuclear waste so

close to the premier tourist destination in the United States.

Unfortunately, however, these expressions of sympathy have not often translated into action.

For too long, the commercial nuclear waste problem has been identified as a solely Nevada issue.

The general attitude has been we feel badly for Nevada—but if it is not Nevada, who would be the nuclear power industry's next target?

This map should make clear that the nuclear power industry's refusal to accept responsibility for the storage of its own waste will affect every citizen of every State along the routes the industry will use to move the waste.

Even those from the few States that are not targets of the nuclear power industry should be concerned. I do not know how many of anyone's constituents are anxious to share the road with a truck moving high-level nuclear waste.

Once the word is out to these affected communities, no one will be able to continue to dismiss the issue as simply a Nevada problem.

In the absence of a permanent solution to the nuclear waste problem, there is simply no reason to move nuclear waste away from the reactor sites.

The only crisis facing the nuclear power industry is a public relations crisis, not a scientific one.

The NRC has licensed technology to store waste in dry casks, on site, for the next several decades.

Some utilities, of necessity, have taken advantage of this technology.

Most refuse to do so.

Why are utilities so adverse to accepting the responsibility for their own waste? The answer could not be simpler.

Recognizing the political and public relations nightmare of seeking permission to increase storage for high-level waste on site, utilities are seeking an outside solution.

Nevada, a State with no reactors and about as far as you can get from a geographically central location, has been chosen as the target.

Let me return for a moment to the advertisement.

I have not even touched on the misinformation provided by the text.

The ad generally relies on the tried and true tactic of the nuclear power industry to create the impression of impending doom if its demands for relief are not met immediately.

Congress, then, is pressured to act quickly, irrespective of the wishes, or the health and safety, of Nevadans, or anyone else.

This was true in 1980, when the industry claimed that reactors across the Nation would soon shut down if they could not get what was then called away-from-reactor storage by 1983.

No away-from-reactor storage was ever built, and no reactor has ever shut down from lack of storage.

There simply was no crisis in 1980—and there is no crisis now.

It is all an expensive, dangerous ruse. I urge my colleagues to think carefully before falling for this, and other, deceptive misinformation campaigns by the nuclear power industry and its advocates.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER (Mr. Shelby). The Senator from New Mexico.

The Chair informs the Senator from New Mexico that at 12:10 morning business is set to expire unless it is extended.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that morning business be extended for up to 15 minutes, until I conclude my statement.

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

CUBA

Mr. BINGAMAN. Mr. President, I first want to say a few words about our policy toward a neighboring country, Cuba.

The United States objectives in Cuba are not in dispute. Our primary objective is to move Cuba to a more democratic form of government and to a government with a greater respect for human rights. Also, of course, we want to see the lives of the Cuban people improve economically, and we want to see our historically close ties with this island neighbor restored.

First, let us review some of the facts that led us to the present circumstances we find ourselves in. Fidel Castro came to power in Cuba some 34 years ago, when I was still in high school and before several Members of this Congress were even born. He quickly established an authoritarian and anti-United States regime. He declared himself a Marxist-Leninist in December 1961. Early in 1961, the United States broke diplomatic relations with Cuba.

A year later, in February 1962, we imposed a comprehensive trade embargo. The reasons cited for that were three.

First, Castro's expropriation without compensation, much property owned by U.S. citizens, in excess of \$1 billion.

Second, the Castro regime's obvious efforts to export revolution to other parts of the world.

And, third, the increasingly close ties that existed then between Castro's Government and the Soviet Union.

That was 33 years ago. During the past 33 years, we have maintained the trade embargo in place. In April 1961, we tried unsuccessfully in the Bay of Pigs to have Castro overthrown militarily. We began in 1985 to use Radio Martí to undermine Cuban support for Fidel Castro, and in the Bush administration just a few years ago we added TV Martí to the mix, as well.

In 1992, we passed the Cuban Democracy Act in an effort to tighten our trade sanctions. This year, we are being urged by some in this body to pass a new and tough measure entitled