

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD.)

• Mr. WARNER. Madam President, I would like to express my strong support for the nomination of John Deutch to serve as Director of Central Intelligence.

I have had the privilege of working with Secretary Deutch since 1993 in his various capacities in the Department of Defense, first as Under Secretary of Defense for Acquisition and Technology, and most recently as Deputy Secretary of Defense. 3

Secretary Deutch has served his Nation well in these assignments, and I am pleased that he will be bringing his considerable expertise to the Nation's intelligence community.

This is a time of great challenge for the various elements of the intelligence community and, in particular, for the Central Intelligence Agency. As it continues the process of adapting to the intelligence challenges of the post-cold-war world, the CIA has been rocked recently by a number of problems—from the Aldrich Ames spy scandal to the recent revelations of possible problems with CIA activities in Guatemala. I am concerned about the well-being of this agency, and the morale of the fine intelligence professionals who serve our country—at great personal risk—at the CIA. The work of the CIA, and the many other agencies of the intelligence community, remains vital to the security of our great Nation. We should not lose sight of this basic fact as we contemplate reforms.

I am pleased that Secretary Deutch will be taking over stewardship of the intelligence community at this critical time. I was encouraged by Secretary Deutch's testimony at his confirmation hearing regarding the changes that he believes should be made at the CIA. I wish him well as he undertakes a difficult task which is so important to the future well-being of this Nation. •

Mr. KYL. Madam President, I rise to support the nomination of Deputy Secretary of Defense John Deutch to be the Director of Central Intelligence. I have had the opportunity to meet with Secretary Deutch on a number of occasions to discuss defense and intelligence issues and am impressed with his ability in both of these critical areas.

As the President's new senior advisor on intelligence, John Deutch will have the responsibility of placing before the Congress a vision for the intelligence profession that embodies the lessons learned from the cold war and lessons from recent unfortunate mistakes within the agency. He will also be required to steadfastly guard against the politicization of the intelligence mission by government officials who would use intelligence resources for other ends, at the expense of the core programs. My impression of John Deutch is that he is well prepared to meet these challenges.

I believe John Deutch will be someone who is prepared to think seriously about the place and purpose of intelligence in a democracy, both as he fulfills his responsibilities as a senior Government official and as he lays the President's plans and programs before the Congress. In short, Madam President, I believe John Deutch will be a fine Director of Central Intelligence and have every confidence in his ability to lead the intelligence community into the 21st century. I wholeheartedly support his nomination.

Mr. SANTORUM. Madam President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of John M. Deutch, of Massachusetts, to be the Director of the Central Intelligence Agency? On this question, the yeas and nays have been ordered.

The clerk will call the roll.

Mr. LOTT. I announce that the Senator from Virginia [Mr. WARNER] is necessarily absent.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

I further announce that, if present and voting, the Senator from New York [Mr. MOYNIHAN] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 155 Ex.]

YEAS—98

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Ashcroft	Ford	Mack
Baucus	Frist	McCain
Bennett	Glenn	McConnell
Biden	Gorton	Mikulski
Bingaman	Graham	Moseley-Braun
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Bradley	Grassley	Nickles
Breaux	Gregg	Nunn
Brown	Harkin	Packwood
Bryan	Hatch	Pell
Bumpers	Hatfield	Pressler
Burns	Heflin	Pryor
Byrd	Helms	Reid
Campbell	Hollings	Robb
Chafee	Hutchison	Rockefeller
Coats	Inhofe	Roth
Cochran	Inouye	Santorum
Cohen	Jeffords	Sarbanes
Conrad	Johnston	Shelby
Coverdell	Kassebaum	Simon
Craig	Kempthorne	Simpson
D'Amato	Kennedy	Smith
Daschle	Kerrey	Snowe
DeWine	Kerry	Specter
Dodd	Kohl	Stevens
Dole	Kyl	Thomas
Domenici	Lautenberg	Thompson
Dorgan	Leahy	Thurmond
Exon	Levin	Wellstone
Faircloth	Lieberman	

NOT VOTING—2

Moynihan Warner

So the nomination was confirmed.

Mr. DOLE. Madam President, this matter has been cleared with the Democratic leader. I ask unanimous

consent that the motion to reconsider the vote by which the Deutch nomination was confirmed be tabled and that the President be immediately notified of the Senate's action.

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

# LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session and resume consideration of H.R. 956.

## COMMONSENSE PRODUCT LIABILITY AND LEGAL REFORM ACT

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Gorton amendment No. 596, in the nature of a substitute.

Coverdell-Dole amendment No. 690 (to amendment No. 596), in the nature of a substitute.

Gorton-Rockefeller modified amendment No. 709 (to amendment No. 690), in the nature of a substitute.

Ms. MOSELEY-BRAUN. Madam President, as I stated at the outset of debate on this bill, I believe it makes sense to have some basic, national product liability standards that apply across the board. In 1995, products manufactured in Illinois are no longer shipped down the street; instead, they are shipped throughout the 50 States, and beyond. The Constitution of the United States, in article 1, section 8, grants Congress the power to regulate interstate commerce. Where our product liability system acts as a disincentive to the manufacture and sale of goods in interstate commerce, Congress has not only a right, but a duty, to reform that system. I believe the Product Liability Fairness Act, while not perfect, is a good step in the reform process, and I am proud to cast my vote in favor of this bill.

I would like to add how pleased I am that, during the past weeks, the Senate very carefully considered and debated each and every amendment that was offered to this bill. I am particularly pleased by the compromise amendment that will soon be offered as a substitute amendment. I believe that the amendment significantly improves the committee reported bill, and I know that it would not have been possible without the vigorous debate that surrounded this legislation.

I strongly support the changes being made to the punitive damages section of the bill Rockefeller-Gorton substitute. While the original bill linked the calculation of punitive awards to economic damages, the amended bill instead links punitives to compensatory damages, a standard that is

much fairer to low-income workers, women who don't work outside the home, children and the elderly, who may not have a great deal of economic damages. I have no objection to making punitive damages proportionate to the harm caused by the product, the goal that the punitive damage limitation is intended to accomplish. That harm should not, however, be limited to out of pocket costs or lost wages. Non-economic damages can often be difficult to calculate, but that does not make them any less real.

Indeed, these compensate individuals for the things that they value most—the ability to have children, the ability to have your spouse or child alive to share in your life, the ability to look in the mirror without seeing a permanently disfigured face. As a notion of fundamental fairness, any congressional attempts to create a punitive damage standard should include both economic and noneconomic damages in its formula, as the Rockefeller-Gorton substitute now does.

In addition, the amended bill contains a provision that will allow a judge to increase the amount of a punitive damage award, if an increased award is necessary to either adequately punish a defendant for its past conduct, or to adequately deter a defendant from engaging in such conduct in the future. I know there have been concerns raised during the course of this debate that, in some cases, punitive damages awarded pursuant to the formula will not be sufficient to either punish or deter. I believe this judge additur provision addresses these concerns, and I want to thank Senators ROCKEFELLER and GORTON for their willingness to add this provision to their legislation. In my opinion, it makes a good bill even better, and it demonstrates their willingness to respond to the concerns of those of us “in the middle.”

Madam President, last year I stood on the Senate floor, after the Senate failed to invoke cloture on the Product Liability Fairness Act, and stated my desire not to filibuster this bill again. What I wanted to do was debate what alterations the Federal Government should make in the area of product liability law, and to act on a narrow, moderate product liability bill. I am pleased to have a chance to act on such a bill today.

But reporting a bill out of the Senate is only half of the battle; I also want to see this legislation enacted in to law. I believe that can happen, as long as a House-Senate conference committee keeps the bill limited to the subject of product liability, and rejects the draconian, anti-consumer provisions included in legislation which passed the House of Representatives. The votes in the Senate during the past 2 weeks should send a strong signal to the House that the U.S. Senate does not intend to restrict the ability of ordinary citizens to access the courts, under the guise of civil justice reform.

If our colleagues in the House of Representatives truly want a product liability reform bill, I have no doubt that we can obtain one. Our votes in the Senate spell out very clearly what will and will not be acceptable to this body, and I urge my House colleagues to consider those votes very carefully. For despite my desire to enact a product liability reform bill, nothing has changed about my underlying commitment to equal justice under law. I remain just as opposed to loser-pays provisions, caps on noneconomic damages, or changes that would restrict the right of individuals to bring suit for civil rights violations, employment discrimination, and sexual harassment, among other issues, as I have been in the past, and I will be compelled to oppose any legislation that returns from a conference including these provisions.

Madam President, in closing, I would like to commend Senators ROCKEFELLER and GORTON for all of their hard work to enact a product liability reform bill, not only this year, but in past Congresses as well. They are to be commended for championing an issue that needs to be addressed, and for doing so in a way that is balanced and fair. During the past 3 weeks, they have demonstrated a willingness to listen and resolve the concerns raised by myself and other Senators, and have taken steps to improve this legislation. I commend them for their leadership, and I am pleased to vote with them today.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on the pending substitute amendment to H.R. 956, the Product Liability bill.

Slade Gorton, Dan Coats, Richard G. Lugar, John Ashcroft, Rod Grams, Kay Bailey Hutchison, Judd Gregg, Strom Thurmond, Trent Lott, Rick Santorum, Larry E. Craig, Bob Smith, Don Nickles, R.F. Bennett, John McCain, Connie Mack.

#### VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Coverdell-Dole amendment, No. 690, to H.R. 956, the product liability bill, shall be brought to a close?

The yeas and nays are required.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Virginia [Mr. WARNER] is necessarily absent.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 60, nays 38, as follows:

[Rollcall Vote No. 156 Leg.]

#### YEAS—60

Abraham	Frist	Mack
Ashcroft	Gorton	McCain
Bennett	Gramm	McConnell
Bond	Grams	Mikulski
Brown	Grassley	Moseley-Braun
Burns	Gregg	Murkowski
Campbell	Hatch	Nickles
Chafee	Hatfield	Nunn
Coats	Helms	Pell
Cochran	Hutchison	Pressler
Coverdell	Inhofe	Pryor
Craig	Jeffords	Robb
DeWine	Johnston	Rockefeller
Dodd	Kassebaum	Santorum
Dole	Kempthorne	Smith
Domenici	Kohl	Snowe
Dorgan	Kyl	Stevens
Exon	Lieberman	Thomas
Faircloth	Lott	Thompson
Feinstein	Lugar	Thurmond

#### NAYS—38

Akaka	Daschle	Leahy
Baucus	Feingold	Levin
Biden	Ford	Murray
Bingaman	Glenn	Packwood
Boxer	Graham	Reid
Bradley	Harkin	Roth
Breaux	Hefflin	Sarbanes
Bryan	Hollings	Shelby
Bumpers	Inouye	Simon
Byrd	Kennedy	Simpson
Cohen	Kerrey	Specter
Conrad	Kerry	Wellstone
D'Amato	Lautenberg	

#### NOT VOTING—2

Warner Moynihan

The PRESIDING OFFICER (Mr. INHOFE). Are there any Senators who wish to change their vote? If there are no other Senators desiring to vote, on this vote, the yeas are 60, the nays are 38. Three-fifths of the Senators duly chosen and sworn, having voted in the affirmative, the motion is agreed to.

#### REGARDING THE VISIT BY PRESIDENT LEE TENG-HUI OF THE REPUBLIC OF CHINA ON TAIWAN TO THE UNITED STATES

Mr. MURKOWSKI. I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 103, House Concurrent Resolution 53, relative to the visit by the President of China on Taiwan, and that no amendments be in order to the resolution or the preamble.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 53) expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the United States.

The Senate proceeded to consider the resolution.

Mr. MURKOWSKI. I thank the Chair.