

set an alternative ceiling of \$250,000, or twice the amount of compensatory damages. And then the judge, under the additur provision, decides if that is not enough, to take it up. So there is no floor.

We are not talking about treating people unfairly. In fact, I think we are trying to talk, for the first time in a long time, about treating people fairly.

To highlight some more information about the suggestion of the Senator from Iowa that there is any sort of special protection for businesses which are tempted to make defective or unsafe products, everybody needs to remember that juries under our bill can award compensatory damages in amounts that span from hundreds of dollars to millions and millions of dollars.

I have made this point several times, but I will make it again and I will give you a few more examples this time. I have already talked about the State of the Senator from Washington, not even considering punitive damages at all, and within the last 5 or 6 weeks there was an award of \$40 million. I have no idea what the circumstances were. But that was economic plus noneconomic—compensatory damages, \$40 million.

You do not need punitive damages to get a big award. I am for the punitive damages, but you do not need them to get major awards.

There was a \$70 million compensatory award, again, not even considering punitive, to the family of a woman who died when a defective helicopter crashed—in, as it turns out, Missouri. But that did not stop the jury from awarding \$70 million. So we are not kidding here. We are not doing anything fun here.

There was a \$15 million compensatory award—again, not even considering punitive damages; but a compensatory award—to a boy in a case involving a defective seat belt. Now, I do not know the circumstances. This was in Los Angeles County, 1993. I do not know the circumstances, but this is just compensatory award.

Almost \$20 million, Mr. President, in compensatory damages was awarded to a man injured in some circumstances in which a motorcycle spun around on the ground during a turn. My eloquence cannot exceed that, unfortunately, because I do not know what it was. But the man was injured by a motorcycle and got almost \$20 million—I say again, in compensatory damages alone.

So there is no kind of joking around here. We are trying to do the right thing.

I might say, on the other side of it—and I do not want to stretch this out—that there are a lot of things that are not happening in this country because of the fact that our punitive damages situation is scaring people away from new products, new research, new improvements, or whatever.

I have used this case before and I will use it again, because I think it is devastatingly powerful.

I care a lot about health care and I have worked a lot on health care. I have been into kidney dialysis clinics. They are not a lot of fun to go into. The former Governor of Missouri knows what I am talking about, the Presiding Officer. It is kind of dark and people are lying back in chairs, and their blood is being completely changed. It is kind of depressing to be there. I do not think they enjoy it much. Nobody is talking to anybody else. They cannot work. They are tied into these huge machines which rise up beside them and behind them.

This was carried a little step further and they developed a dialysis machine that you could take home with you so that if you worked within 2 or 3 miles, or 4 or 5 miles away, you could come home to that dialysis machine, do it yourself and then go back to work. It was a tremendous improvement, because you could go back to work, if your work was close enough so that you could come back two or three times to do that.

But then Union Carbide comes along and really comes up with the answer. They put the whole thing into a suitcase-sized dialysis machine that you can take to your job with you and do the dialysis on the job.

My 15-year-old son has one of his best friends who, a couple of years ago, we discovered had diabetes. That is not a lot of fun for a young kid to find something like that out. I cannot get over the way that young man, 12 years old at the time, simply adjusted to his new circumstances and was able to give himself insulin; just disappear for a few minutes and do it. His courage—he actually grew, grew in my eyes, and I think he grew in his own realization in the sense of mortality and what he could do and how precious everything was. He is a remarkable boy. In fact, I think his aunt is Madeleine Albright, our Ambassador to the United Nations—a wonderful boy.

But Union Carbide, when they came up with this same kind of you-can-do-it-right-on-the-spot kidney dialysis machine, had to sell their business to a foreign company where uniform product liability laws did not give the same litigation potential because Union Carbide, an enormous company, determined that the potential liability risk made the product uneconomical.

So I have to assume there are hundreds of thousands of people who need these blood changes in this country who are deprived of that now because Union Carbide could not do that.

I have 20 examples. I will not give them. It is late.

So I know that the amendment has sort of a nice, populist ring to it—CEO's salary. But this is dead-serious business that we are involved in.

Product liability reform is something I have fought for as a nonlawyer because I want to see people's lives get better and I want to see products developed and I want to see—just on personal grounds, my mother spent years dying from Alzheimer's disease. There

is a cure out there, but somebody has to put the money up to find that cure. It is probably not going to be the Federal Government, because we are cutting back.

So all of this is deadly serious. This is not a bill that should be used to beat up on business. This is a bill that should be used to beat up on a legal system which is failing us and, as the Senator from Washington said, in which the lawyers get 50 to 70 percent of the money. I do not respect that. I do not like that. I want to change that.

And for that, among other reasons, I oppose the amendment of the Senator from Iowa.

I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

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#### MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

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

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#### NOMINATION OF JOHN DEUTCH TO BE DIRECTOR OF CENTRAL INTELLIGENCE [DCI]

Mr. GLENN. Mr. President, I rise in strong support of the nomination of John Deutch to become Director of Central Intelligence [DCI]. As a longtime member of the Senate Armed Services Committee, I have enjoyed working with him in his various roles at the Department of Defense—and I look forward to working with him as DCI. Dr. Deutch has an extremely impressive résumé, and I ask unanimous consent that a copy of his biography be included in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. GLENN. Mr. President, his background and training clearly indicates that Dr. Deutch brings a broad background to the DCI position. His scientific background makes him particularly prepared to deal with the many, formidable technical issues confronting the Intelligence Community from satellites to signals intelligence [SIGINT]. Dr. Deutch also brings significant administrative and national security expertise to the DCI job from his past and current senior management experiences at the Defense Department. His toughness in making difficult decisions and his knowledge of, and experience in, national security matters will make him a very capable manager of the U.S. Intelligence Community.

I have been especially pleased with the principal purposes Dr. Deutch has articulated for the Intelligence Community: Striving to assure that the President and other national leaders

have the best information available before making decisions; providing adequate support to military operations; the need for intelligence to address the growing problems of international terrorism, crime, and drugs; and that our counterintelligence capabilities are able to assure that America's enemies do not penetrate our national security apparatus.

The new CIA Director comes along at an important time for the U.S. intelligence community. For almost half a century, the intelligence community—indeed our Nation's entire national security infrastructure—has been focused primarily on the Soviet threat. And during the cold war period, our Government viewed most national security issues—justifiable or not—through the prism of the United States-Soviet competition.

Obviously, this is no longer the case as America is coming to terms with a rapidly changing world. And having a robust and effective intelligence community is an indispensable means to that end. Timely and accurate intelligence forms the foundation of our foreign policy and defines the threat to U.S. national security that is—or should be—the basis of our defense spending.

Yet with the end of the cold war, some have argued that the CIA is a relic which has outlived its usefulness, and we should do away with it. I strongly disagree with such views. In this unprecedented time of enormous change and uncertainty in the world—as the on-going problem of the proliferation of weapons of mass destruction and recent acts of terrorism at home and around the world clearly demonstrate, our need for the intelligence community and a robust intelligence budget is greater than ever before.

The requirement for an intelligence capability is by no means a cold war aberration. This year, we are celebrating the 50th anniversary of the end of World War II. And history has ultimately revealed to the public the important role of intelligence in that war.

Mr. President, like all veterans of that conflict, the 50th anniversary commemorations of specific events of World War II have special meaning to me. One of the most moving ceremonies I have ever attended was last June's ceremony in France commemorating the D-Day invasion of Normandy.

And unsurprisingly, intelligence made an extraordinary contribution to the success of D-Day's planning and implementation. Intelligence agents acquired an accurate map of the German Atlantic Wall fortifications, and an intelligence deception operation code-named Body Guard used German spies captured in England as double agents who sent false messages to the Nazis regarding the precise location of the planned invasion of Europe. This latter operation also successfully passed along false information regard-

ing the location of Allied invasion forces in England.

Intelligence played a decisive role in Allied victory in World War II in many ways. Signals intelligence [SIGINT], for example, played an instrumental role in winning World War II as Allied intelligence successfully broke German and Japanese codes.

And as we enter one of the most unpredictable and dangerous periods in world history, we must ensure that our SIGINT as well as human intelligence [HUMINT] and other intelligence capabilities will be able to meet the intelligence challenges of tomorrow.

Mr. President, in addition to the other recommendations being made to Dr. Deutch, as DCI, I would like to add one more.

Next March, the Commission on the Roles and Capabilities of the United States Intelligence Community—which was initiated by this committee last year—will issue its report, including recommendations to reorganize the intelligence community in the postcold war era. While I look forward to reviewing the Commission's report, I must admit that I have been somewhat skeptical over the years about the utility of Government by "Blue Ribbon Panel"—and have sought to reduce the number of such commissions through oversight action of the Senate Governmental Affairs Committee, where I am now the ranking member.

As Dr. Deutch assumes his duties as DCI and he perceives significant problems—organizational and otherwise—that are impeding the intelligence community's ability to meet its requirements, I sincerely hope that he will act expeditiously to remedy these problems and not wait for the Commission's report next March.

Mr. President, I urge my colleagues to vote in support of Dr. Deutch as DCI.

#### EXHIBIT 1

JOHN M. DEUTCH

The Honorable John M. Deutch was sworn in as Deputy Secretary of Defense on 11 March 1994, following a unanimous vote in the Senate. He previously served as the Under Secretary of Defense (Acquisition and Technology) from 15 April 1993 until his confirmation as Deputy Secretary.

Prior to his nomination to these positions, Mr. Deutch served in a number of educational government posts. Mr. Deutch became a member of the faculty of the Massachusetts Institute of Technology in 1970 and since then has been an associate professor and professor of chemistry, chairman of the Department of Chemistry, dean of science, provost, and Institute Professor.

His government assignments include service in the Department of Energy as Director of Energy Research, Acting Assistant Secretary for Energy Technology, and Under Secretary of the Department. In recognition of his contributions, he was honored with the Secretary's Distinguished Service Medal and the Department's Distinguished Service Medal. He has been a member of the White House Science Council, the Defense Science Board, the Army Scientific Advisory Panel, the Chief of Naval Operations Executive Panel, the President's Commission on Strategic Forces, the President's Foreign Intel-

ligence Advisory Board, and the President's Nuclear Safety Oversight Committee. He also served as a consultant to the Bureau of the Budget.

He has been a trustee of the Urban Institute, a member and Chair of the National Science Foundation Advisory Panel for Chemistry, an overseer of the Museum of Fine Arts in Boston, a trustee of Wellesley College, a director of Resources for the Future, a member of the Trilateral Commission, and a member of the Governor of Massachusetts Technology and Economic Development Council.

A graduate of Amherst College with a B.A. in history and economics, he earned both a B.S. in chemical engineering and a Ph.D. in physical chemistry from M.I.T. He holds honorary doctoral degrees from Amherst College and the University of Lowell. Mr. Deutch has been a Sloan Research Fellow and a Guggenheim Fellow and is a member of Sigma Xi and the American Academy of Arts and Sciences.

Mr. Deutch was born in Brussels, Belgium, and became a U.S. citizen in 1946. He has three sons, and his permanent residence is in Belmont, Massachusetts.

#### 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 Armed Services.

(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-880. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the MIA2 Abrams Upgrade; to the Committee on Armed Services.

EC-881. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the Maneuver Control System; to the Committee on Armed Services.

EC-882. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the ADDS, C-17, and Javelin programs; to the Committee on Armed Services.

EC-883. A communication from the Deputy and Acting Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, a report relative to the Affordable Housing Disposition Program for calendar year 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-884. A communication from the President and Chairman of the Export-Import