the program which eventually yielded the C–17 Globemaster aircraft. Before he would reach the highest echelons of the Air Force though, Dutch Huyser still had a lot of flying to do, and he found himself in the cockpits of B–29's over Korea and B–52's in Vietnam when the United States became embroiled in conflicts in those nations.

Throughout his career, Dutch Huyser established an impressive record of awards, citations, and medals that is far too extensive to cite here. Suffice it to say, he set an excellent example for devotion, patriotism, and professionalism for all Air Force officers to follow, and I am confident that he served as an important role model for many of his subordinates throughout his career.

An obvious competent and talented officer, pilot, and manager, the career of Dutch Huyser progressed quickly. Following his service in Vietnam, he specialized in airlift matters and later became the Commander of the Military Airlift Command. In that position, he was an advocate for increased lift capabilities for the Air Force, and he fought hard for the modernization and expansion of the transport fleet. As mentioned above, he is universally credited as being the father credited as being the father of the C–17 program, an aircraft that proves its capabilities and worth on a daily basis as it transports troops and equipment to spots around the world.

After three major wars, almost 10,000 flying hours, and 38-years in the Air Force, General Huyser finally hung his uniform up for the last time in 1981. Though he left the military, he continued to make many contributions to aviation and the security of the United States.

Sadly, Gen. Robert ''Dutch'' Huyser passed away earlier this week, but perhaps fitting for a man who dedicated his life to the Air Force, he was on an Air Force base when he died. I am certain that the entire Senate would join me in saluting the many contributions that General Huyser made to the Air Force and the defense of the United States, as well as extending our deepest sympathies to his wife, Wanda, and their two daughters. They can be proud of all that their husband and father did to make our Nation a safer, stronger, and better place to live.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 25, 1997, the Federal debt stood at $5,387,703,781,934.24. (Five trillion, three hundred eighty-seven billion, seven hundred three million, seven hundred eighty-one thousand, nine hundred thirty-four dollars and twenty-four cents)

One year ago, September 25, 1996, the Federal debt stood at $5,198,791,000,000. (Five trillion, one hundred ninety-eight billion, seven hundred ninety-one million)

Five years ago, September 25, 1992, the Federal debt stood at $4,045,041,000,000. (Four trillion, forty-five billion, forty-one million)

Ten years ago, September 25, 1987, the Federal debt stood at $2,336,074,000,000. (Two trillion, three hundred thirty-six billion, seventy-four million)

Twenty-five years ago, September 25, 1972, the Federal debt stood at $437,412,000,000 (Four hundred thirty-seven billion, four hundred twelve million) which reflects a debt increase of nearly $5 trillion—$4,950,291,781,934.24 (Four trillion, nine hundred fifty billion, two hundred ninety-one million, seven hundred eighty-one thousand, nine hundred thirty-four dollars and twenty-four cents) during the past 25 years.

NATIONAL LAWSUIT ABUSE AWARENESS WEEK

Mr. ASHCROFT. Mr. President. This week, the American Tort Reform Association is holding a series of events to mark the National Lawsuit Awareness Week. Since it was founded in 1986, ATRA has played a valuable role in the effort to restore fairness, balance, and predictability to the civil justice system.

To commerate this week, ATRA is hosting a 5k ''Tort Trot'' to benefit the Hydrocephalus Research Foundation. Patients who suffer from hydrocephalus—excess fluid on the brain—particularly have been impacted by law suit abuse. Such patients require brain shunts to drain the excess fluid from the brain. While these shunts have saved the nearly 75,000 hydrocephalus patient's lives, they are made out of silicone which is becoming scarce. The silicone supply used by implant manufacturers is threatened by deep pocket liability lawsuits. Rather than take a risk over a product which they did not design or manufacture, some suppliers are exiting the medical device market.

Congress can fix this problem. We can pass meaningful tort reform to make sure that our system no longer lines the pockets of special interests at the expense of those in need of life-saving medical devices.

Americans deserve a system of justice, not justice delayed. Those wrongfully injured should have access to a timely remedy from the responsible party. A recent study found cases take about 2½ to 3 years to be resolved, and even longer in appealed cases. In our present—overburdened—system, 50–70 cents of every jury-awarded dollar goes to lawyers and legal costs.

I want to focus my remarks on reforming the product liability system; however, I also want to mention a case which illustrates the need for overall civil justice reform. This case, coined the ''Great New Orleans Train Robbery'' by the national media, resulted in a $2.5 billion punitive damages award against a company found to be only 15 percent at fault in an accident that did not result in loss of life, serious injuries, or major property damage.

On September 9, 1987, a railroad tank car containing butadiene, a volatile compound used in making synthetic rubber, was located in a rail yard in New Orleans on tracks that belong to CSX Corp. Since the fire involved hazardous materials, the officials involved made a determination that the best approach was to let the fire burn itself out. In order to avoid any possible harm to nearby residents, an evacuation of those living near the yard was undertaken. The fire lasted 36 hours. By all accounts, fire officials, and corporate representatives undertook heroic efforts to protect life and property. As a result, and as I said earlier, no deaths or significant injuries were involved, and there was only minimal property damage.

One year later, the National Transportation Safety Board—the Federal agency charged with investigating transportation accidents—determined that CSX had not caused this accident. In fact, other than providing the track over which the tank car was operated, CSX had no connection to the car.

The very day of the fire, a group of law firms brought a class action suit against CSX and other companies alleging various kinds of physical and mental anguish. A jury has now decided that the 8,000 plaintiffs should be awarded $3.5 billion in punitive damages. Although CSX was only found to be 15 percent responsible—presumably because they owned the track—its portion of the punitive damage award is $2.5 billion.

How can it be that a Federal agency determines that a company has no responsibility for an accident, another agency declines to assess any safety violation against that company, and yet, this enormous verdict is awarded?

The case in New Orleans is but the latest example of why we need to reform the entire civil justice system. We need to place some limits on verdicts. We need to modify the laws regarding joint liability. Finally, we need to provide disincentives for lawyers to sue the deep pocket every time they can.

Before I begin talking about product liability reform, Mr. President I ask unanimous consent that articles appearing recently in the Wall Street Journal and the Washington Post relating to this almost unbelievable case, appear in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 18, 1997]

LOUISIANA JACKPOT

The tort wheel of fortune turns round and round. By all accounts, the legal freak show is about to descend on the ''fen-phen'' diet-pill manufacturers. There will be ''thousands of lawsuits scattered all around the country,'' one tort lawyer roared in the Journal yesterday. But before this circus hits town, attention should be drawn to the one now playing in Louisiana.

In a case that has already been dubbed the Great New Orleans Train Robbery, 8,047 residents of the Big Easy hit the jackpot, winning $3.4 billion in punitive damages in a

state court. Forget about McDonald's hot coffee and BMW's paint job; the Louisiana train case is one of the wildest examples yet of the craziness that infects our civil-justice system.

If the accident that led to the huge award didn't get much attention at the time, that was because nothing much happened. On December 9, 1987, a tank car carrying butadiene, a petroleum byproduct, caught on fire while standing on a railway track in the Gentilly section of New Orleans. The fire burned for 36 hours and about 1,000 neighborhood residents were evacuated. No one died. No one was seriously hurt. There was no significant property damage.

Within hours the personal-injury lawyers were on the scene sniffing out clients, and the first lawsuit was filed before the fire had even stopped burning. Ultimately, the class in the suit decided last week ballooned to 8,047 people, seeking compensation for the mental anguish that the incident supposedly imposed on them.

Along the way, a much smaller group of plaintiffs ended up in federal court, which dismissed a bunch of cases and awarded several plaintiffs each about $1,000 in compensatory damages. The court ruled against punitive damages. Reading the writing on the wall, some of the original plaintiffs in the federal case apparently jumped over to the state case as soon as they realized they could shop for more money there.

There are nine defendants in the tank-car case, but the one that got socked with by far the biggest judgment—$2.5 billion in punitive damages—was CSX Transportation, a unit of CSX Corp. Never mind that CSX's only connection to the case was that it owned the track on which the tank car was resting. Never mind that an investigation by the National Transportation Safety Board concluded that CSX bore no responsibility for the accident, which was cause by a faulty gasket. And never mind that the owner and previous owner of the tank car admitted liability for the accident at the trial.

None of this reality mattered to the jury, which was looking for someone with deep pockets. Stymied because it couldn't go after the previous owner, which under state law was exempt from punitive damages, it settled on CSX.

The jury, of course, was encouraged to reach this decision by the plaintiff's lawyers, whose notion of justice has more to do with how much money they can siphon off for themselves than how much they can help their clients. The lawyer representing many of the plaintiffs was one Wendell Gauthier, the class-action king better known for masterminding the Castano tobacco suit.

He and his colleagues were in high dudgeon, carrying on about ''corporate greed,'' executives who travel in ''private Lear Jets and their limos,'' and corporations that cared more about the rich residents of the French Quarter than the lower-middle-class, mostly black residents of Gentilly. ''There is only one thing that will make a company that big respond,'' said Mr. Gauthier in asking the jury for punitive damages.

It's widely expected that Judge Wallace Edwards will overturn or drastically reduce the verdict. One school of thought opines that this means such unfair awards don't really do any damage; courts usually rein in such irrational exercises of jury power so all turns out well in the end. Or does it? Each case sends a ripple through the civil-justice system. It encourages fee-hungry plaintiff's lawyers to chase crazier and crazier cases, and it encourages companies to settle, no matter how outrageous the claim, if only to avoid having to play Russian roulette in court.

Louisiana, recognizing the need to restore sanity to its civil-justice system, last year enacted a comprehensive tort-reform law that pretty much eliminates punitive damages. This will have the welcome effect of reining in runaway juries and neutralizing Mr. Gauthier and his fellow tort tycoons. But it of course comes too late for CSX and the other defendants in the Great New Orleans Train Robbery.

[From the Washington Post, Sept. 9, 1997]

JURY AWARDS $3.4 BILLION IN 1987 RAIL BLAST

A jury awarded damages totaling $3.4 billion today to 8,000 people who said they were injured mentally and physically by a 1987 railroad tank car explosion.

Hardest hit by the award was rail firm CSX Transportation, a unit of Richmond-based CSX Corp., which was ordered to pay $2.5 billion.

The plaintiffs accused CSX Transportation and eight other defendants of negligence in the Sept. 9, 1987, incident in which a rail car carrying the petrochemical butadiene leaked and caught fire.

Residents from nearly 200 blocks in New Orleans were evacuated overnight. They said they suffered health problems and mental anguish, which the defendants disputed.

Chicago-based defendant GATX Corp., which was ordered to pay $190 million, said there were no deaths or significant injuries and no major property damage occurred.

Defense attorney Brent Barriere said: ''This should have been a case of reasonable damages for the inconvenience of residents being out of their homes for about 36 hours. But it was not reasonable. It was outrageous.''

Plaintiffs' attorney Wendell Gauthier said the companies had been ''careless and indifferent'' to the people living near the railroad. He said the accident was preceded by ongoing mishandling of dangerous materials by the defendants.

CSX Transportation President A.R. Carpenter said in a statement that the firm was ''very disappointed with this decision. . . .It is clearly not consistent with the facts.

''CSXT handled the leaking car in complete accordance with very stringent federal safety standards. The National Transportation Safety Board investigation into this accident concluded the incident was not caused by CSXT,'' he said.

Juror Kimbra Whitney told reporters she thought the defendants did not do enough to protect residents of the area. ''I felt the evidence showed they were unconcerned,'' she said.

Other defendants ordered to pay damages were Mitsui & Co., $375 million; Alabama Great Southern Railway, $175 million; and Illinois Railroad Co., $125 million.

Mr. ASHCROFT. Commonsense product liability reform is vital to the global competitiveness of American manufacturers and workers. U.S. companies face product liability insurance costs that are 20 to 50 times greater than those of our foreign competitors. Due to these high costs, American many manufacturers spend more on litigation than on research and development and the American consumer is deprived of the highest quality and most innovative product.

In addition, commonsense reform is vital to the health—in a very real sense—of millions of Americans. In 1993, Jim Vincent, the chairman and CEO of Biogen, indicated to this committee that his company decided not to pursue research into the development of an AIDS vaccine, because of the current U.S. product liability system. In addition, availability of many biomaterials such as silicone, polyester, dacron, and rubber that are used in life-saving medical implant devices is being threatened by our current product liability system.

Despite years of effort, the only Federal tort reform we have been able to accomplish has been in the areas of food donations, securities litigation, general aviation aircraft, and individual volunteer liability. The one area of reform that has been, in effect, long enough for us to measure its results is the General Aviation Revitalization Act of 1994, which was signed by President Clinton on August 17, 1994.

The aviation liability reform bill enacted a statute of repose for general aviation aircraft. In 1994, proponents of the bill said that it would produce jobs. It has. To date, over 9,000 new jobs, good jobs, have been created. Single engine aircraft are being manufactured in American again, and an endangered industry has been revitalized. President Clinton was right to support that bill. Let us bring the results of the General Aviation Revitalization Act of 1994 to the broad segments of our country and industries.

The principles which we begin this conversation should be based on making the product liability laws in this Nation fair for consumers who purchase defective products while placing the burden on those responsible for putting these products into the stream of commerce. We also should seek to ensure that those who misuse products, or use them while under the influence of drugs or alcohol, do not collect a windfall which becomes a burden for American consumers in the form of increased costs for products—useful products that are no longer available in the market, and the loss of jobs and greater opportunities.

We should not affect the ability of plaintiffs to sue manufacturers or sellers of medical implants. Rather, we should allow raw materials suppliers to be dismissed from lawsuits if the generic raw material used in the medical device met contract specifications, and if the biomaterial supplier is not classified as either a manufacturer or seller of the implant.

Strong product liability reform is good for America. It ensures that consumers, injured by a product, will be fairly compensated. It will enhance American innovation, which is the best in the world, by treating responsible entrepreneurs fairly while treating the bad actors harshly and to the full extent of the law.

As chairman of the Consumer Affairs Subcommittee I am committed and look forward to working with members of this committee, on both sides of the aisle, and with the administration toward ending the 20-year study and painstaking endeavor to provide our Nation with sound and fair Federal

product liability law. It took the European community about 6 years to accomplish this goal and create the European Product Liability Directive. Japan enacted its first product liability reform law almost 2 years ago. Our Nation, this Congress, and this administration should pull together and meet the challenge of our foreign competitors and enact fair and balanced product liability law.

EDUCATION SAVINGS ACCOUNTS

Mr. BURNS. Mr. President, I rise to add my name to the list of cosponsors of S. 1133, the Parent and Student Savings Account PLUS Act, introduced by Senator COVERDELL, and ask unanimous consent that my name be added. This bill will allow families to invest in education savings accounts, or A-Plus accounts, for their kids' K through 12 expenses.

Mr. President, the Taxpayer Relief Act of 1997 provides several education-related tax provisions for students and their families. Yet these provisions are mainly aimed at making higher education more affordable. While I am all for student loan interest deductions and tax credits for 2- and 4-year degrees, K through 12 education is not cheap either, and families could greatly benefit by saving up through A-Plus accounts. But for a last minute veto threat of the entire balanced budget act, families would have the option of savings accounts for their kids' future.

Why are education savings accounts a good idea? For the same reason tax credits for college expenses are a good idea: They help families afford a quality education for their kids. These A-Plus accounts can be used for public, private, and home schooling education expenses. Qualified expenses include tuition, fees, tutoring, special needs services, books, supplies, equipment, and transportation. This will mean a lot to hard-working families trying to make ends meet.

Opponents like to equate education savings accounts with vouchers, and they consistently use the terms interchangeably as if they are one and the same. This is a red herring. Unlike vouchers, education savings accounts would not redirect State or local funds otherwise available for public education. To the contrary, I believe public school students will greatly benefit by saving money for general school expenses. And from what I'm hearing, families across the country agree with me. Let me reiterate: We are talking here about using one's own hard-earned money for education expenses, not diverting public funds that would otherwise be spent on public schools.

Now, I do not support the use of vouchers in Montana because I believe they would disrupt public school financing and the costs to our public schools would outweigh the benefits to our students. But this is a separate issue, and one better left to the Montana Legislature.

Opponents have also claimed that education savings accounts would violate the establishment clause of the Constitution because Federal dollars would indirectly benefit religious schools. I'll simply respond by saying that under that reasoning, any federal financial aid to students attending Marquette, Georgetown, or Brigham Young would also violate the Constitution. We all know that is not the case.

Although we were blocked from including education savings accounts in the Taxpayer Relief Act, thanks to the efforts of Senator COVERDELL we will have another chance to send this bill to the President. At that time we will have the chance to show our support for America's families by making education more affordable.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 appropriate committees.

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

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

A message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2266. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (S. 1015) to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes (Rept. 105–90).

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. BURNS:

S. 1223. A bill to protect personal employment information reported to the National Directory of New Hires; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. WYDEN):

S. 1224. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to ensure full Federal compliance with that Act; to the Committee on Environment and Public Works.

By Mr. HUTCHINSON:

S. 1225. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. BROWNBACK, Mr. KYL, Mr. HAGEL, Mr. ALLARD, Mr. FAIRCLOTH, Mr. HUTCHINSON, Mr. NICKLES, and Mr. GRAMM):

S. 1226. A bill to dismantle the Department of Commerce; to the Committee on Governmental Affairs.

By Mr. JEFFORDS (for himself, Mr. D'AMATO, Mr. SARBANES, Mr. GRAMM, Mr. DODD, Mr. BOND, Mr. KENNEDY, and Mr. BINGAMAN):

S. 1227. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title; considered and passed.

By Mr. CHAFEE (for himself and Mr. D'AMATO):

S. 1228. A bill to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CAMPBELL:

S. 1229. A bill to provide for the conduct of a clinical trial concerning digital mammography; to the Committee on Labor and Human Resources.

By Mr. CRAIG:

S. 1230. A bill to amend the Small Reclamation Projects of 1956 to provide for Federal cooperation in non-Federal reclamation projects and for participation by non-Federal agencies in Federal projects; to the Committee on Energy and Natural Resources.

By Mr. FRIST (for himself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. ROCKEFELLER):

S. 1231. A bill to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN:

S. 1232. A bill to provide for the declassification of the journal kept by Glenn T. Seaborg while serving as Chairman of the Atomic Energy Commission; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. KYL, Mr. SESSIONS, and Mr. DEWINE):

S. Res. 128. A resolution expressing the sense of the Senate that sections 3345 through 3349 of title 5, United States Code (commonly referred to as the ''Vacancies Act''), relating to the appointment of certain officers to fill vacant positions in Executive agencies, apply to all Executive agencies, including the Department of Justice; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS:

S. 1223. A bill to protect personal employment information reported to the National Directory of New Hires; to the Committee on Finance.