

negotiate with the EPA on a range of acceptable compliance measures. In the absence of a more deliberative process that allows States to carefully analyze all of their options, we could provoke a repeat of last year, when States like Maine tried to implement programs but met stiff public opposition. That kind of scenario will not bring us any closer to cleaner air.

States need a temporary break from the sanctions threat, and my bill will provide that break. It establishes a 1-year moratorium on sanctions and penalties related to marginal and moderate ozone nonattainment areas. It applies only to States, and it simply gives the States with these areas a reprieve from the Clean Air Act's heavy-handed sanctions so that they are not forced to act too hastily in what appears to be an evolving regulatory landscape.

Mr. President, my bill offers a reasonable approach to a major controversy affecting many States. I think it will advance the cause of clean air by allowing States to develop emissions reductions plans that have some credibility in the eyes of the public. I invite my colleagues from other States facing similar problems to join me in cosponsoring this legislation, and to work with me for prompt passage of it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OZONE NONATTAINMENT AREAS.

(a) IN GENERAL.—During the 1-year period beginning on the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall not initiate or continue in effect an enforcement action against a State with respect to an area that, before, on, or after that date, is designated nonattainment for ozone and classified as a Marginal Area or Moderate Area under section 181 of the Clean Air Act (42 U.S.C. 7511), including such an area that is located in the ozone transport region established by section 184(a) of that Act (42 U.S.C. 7511c(a)).

(b) DEFINITION.—In this section, the term "enforcement action" includes—

(1) the withholding of a grant under section 105 of the Clean Air Act (42 U.S.C. 7405);

(2) the promulgation of a Federal implementation plan under section 110(c) of the Clean Air Act (42 U.S.C. 7410);

(3) the imposition of a sanction under section 110(m) or 179 of the Clean Air Act (42 U.S.C. 7410(m), 7509); and

(4) any other action intended to obtain compliance (unless the action is agreed to by the State) or punish noncompliance with a requirement applicable to an area described in subsection (a) under the Clean Air Act (42 U.S.C. 7401 et seq.).

ADDITIONAL COSPONSORS

S. 216

At the request of Mr. INOUE, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cospon-

sor of S. 216, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 245

At the request of Mr. COHEN, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Wisconsin [Mr. KOHL], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 245, a bill to provide for enhanced penalties for health care fraud, and for other purposes.

S. 254

At the request of Mr. LOTT, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 254, a bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the U.S. merchant marine during World War II.

S. 258

At the request of Mr. PRYOR, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 258, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 277

At the request of Mr. D'AMATO, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 277, a bill to impose comprehensive economic sanctions against Iran.

S. 332

At the request of Mr. CONRAD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 332, a bill to provide means of limiting the exposure of children to violent programming on television, and for other purposes.

S. 388

At the request of Ms. SNOWE, the names of the Senator from Kentucky [Mr. MCCONNELL], the Senator from Idaho [Mr. CRAIG], the Senator from New Hampshire [Mr. SMITH], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of S. 388, a bill to amend title 23, United States Code, to eliminate the penalties for noncompliance by States with a program requiring the use of motorcycle helmets, and for other purposes.

S. 390

At the request of Mr. BIDEN, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 390, a bill to improve the ability of the United States to respond to the international terrorist threat.

S. 448

At the request of Mr. GRASSLEY, the names of the Senator from Arizona [Mr. KYL], the Senator from Maine [Mr. COHEN], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 448, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 469

At the request of Mr. GREGG, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 469, a bill to eliminate the National Education Standards and Improvement Council and opportunity-to-learn standards.

S. 512

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 512, a bill to amend title XVIII of the Social Security Act to provide for a 5-year extension of the Medicare-dependent, small, rural hospital payment provisions, and for other purposes.

S. 526

At the request of Mr. GREGG, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 526, a bill to amend the Occupational Safety and Health Act of 1970 to make modifications to certain provisions, and for other purposes.

S. 559

At the request of Mr. SIMPSON, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 559, a bill to amend the Lanham Act to require certain disclosures relating to materially altered films.

S. 565

At the request of Mr. ROCKEFELLER, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 565, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 588

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 588, a bill to amend the Employee Retirement Income Security Act of 1974 with respect to rules governing litigation contesting termination or reduction of retiree health benefits.

S. 692

At the request of Mr. GREGG, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 692, a bill to amend the Internal Revenue Code of 1986 to preserve family-held forest lands, and for other purposes.

SENATE JOINT RESOLUTION 32

At the request of Mr. HATCH, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of Senate Joint Resolution 32, a joint resolution expressing the concern of the Congress regarding certain recent remarks that unfairly and inaccurately maligned the integrity of the Nation's law enforcement officers.

SENATE RESOLUTION 97

At the request of Mr. THOMAS, the names of the Senator from Illinois [Mr.

SIMON] and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of Senate Resolution 97, a resolution expressing the sense of the Senate with respect to peace and stability in the South China Sea.

AMENDMENT NO. 568

At the request of Mr. WARNER the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of amendment No. 568 intended to be proposed to S. 383, a bill to provide for the establishment of policy on the deployment by the United States of an antiballistic missile system and of advanced theater missile defense systems.

SENATE RESOLUTION 110—CON-
DEMNING THE BOMBING IN
OKLAHOMA CITY

Mr. NICKLES (for himself, Mr. INHOFE, Mr. DOLE, Mr. DASCHLE, Mr. HELMS, Mr. BROWN, Mr. SMITH, Mrs. FEINSTEIN, Mr. DODD, Mr. BYRD, Mr. CONRAD, Mr. FORD, Mr. KOHL, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. ROBB, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BENNETT, Mr. BOND, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DOMENICI, Mr. FAIRCLOTH, Mr. FRIST, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mrs. HUTCHISON, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KYL, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. PRESSLER, Mr. ROTH, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, and Mr. WARNER) submitted the following resolution; which was considered:

S. RES. 110

Whereas, on Wednesday, April 19, 1995, a car bomb exploded outside the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, collapsing the north face of this nine-story concrete building, killing and injuring innocent and defenseless children and adults;

Whereas, authorities are calling this the deadliest terrorist attack ever on U.S. soil;

Whereas, federal law authorizes the imposition of the death penalty for terrorist murder; and,

Whereas, additional anti-terrorism measures are now pending for consideration in the United States Senate: Now, therefore, be it

Resolved, That the Senate of the United States:

(1) Condemns, in the strongest possible terms, the heinous bombing attack against innocent children and adults at the Alfred P. Murrah Federal Building in Oklahoma City;

(2) Sends its heartfelt condolences to the families, friends, and loved ones of those whose lives were taken away by this abhorrent and cowardly act; and expresses its hopes for the rapid and complete recovery of those wounded in the bombing;

(3) Applauds all those courageous rescue and volunteer workers who are giving unselfishly of themselves and commends all law enforcement officials who are working determinedly to bring the perpetrators to justice;

(4) Supports the President's and the United States Attorney General's position that federal prosecutors will seek the maximum penalty allowed by law, including the death penalty, for those responsible;

(5) Commends the rapid actions taken by the President to provide assistance to the victims of the explosion and for promptly beginning an investigation to find the perpetrators of this crime, and it urges the President to use all necessary means to continue this effort until the perpetrators and their accomplices are found and appropriately punished;

(6) Will expeditiously approve legislation to strengthen the authority and resources of all federal agencies involved in combating such acts of terrorism.

AMENDMENTS SUBMITTED

COMMONSENSE PRODUCT
LIABILITY REFORM ACT

GORTON (AND OTHERS)
AMENDMENT NO. 596

Mr. GORTON (for himself, Mr. ROCKEFELLER, Mr. MCCONNELL, Mr. LIEBERMAN, Mr. DODD, Mr. PRESSLER, Mr. HATCH, Mr. EXON, Mr. INHOFE, Mrs. HUTCHISON, Mr. CHAFEE, Mr. HATFIELD, Mr. LUGAR, and Mr. FRIST) proposed an amendment to the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes; as follows:

Strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Product Liability Fairness Act of 1995".

TITLE I—PRODUCT LIABILITY

SEC. 101. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) CLAIMANT.—The term "claimant" means any person who brings a product liability action and any person on whose behalf such an action is brought. If an action is brought through or on behalf of—

(A) an estate, the term includes the decedent; or

(B) a minor or incompetent, the term includes the legal guardian of the minor or incompetent.

(2) CLAIMANT'S BENEFITS.—The term "claimant's benefits" means an amount equal to the sum of—

(A) the amount paid to an employee as workers' compensation benefits; and

(B) the present value of all workers' compensation benefits to which the employee is or would be entitled at the time of the determination of the claimant's benefits, as determined by the appropriate workers' compensation authority for harm caused to an employee by a product.

(3) CLEAR AND CONVINCING EVIDENCE.—

(A) IN GENERAL.—Subject to subparagraph (A), the term "clear and convincing evidence" is that measure of degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established.

(B) DEGREE OF PROOF.—The degree of proof required to satisfy the standard of clear and convincing evidence shall be—

(i) greater than the degree of proof required to meet the standard of preponderance of the evidence; and

(ii) less than the degree of proof required to meet the standard of proof beyond a reasonable doubt.

(4) COMMERCIAL LOSS.—The term "commercial loss" means any loss or damage to a product itself, loss relating to a dispute over its value, or consequential economic loss the recovery of which is governed by the Uniform Commercial Code or analogous State commercial law, not including harm.

(5) DURABLE GOOD.—The term "durable good" means any product, or any component of any such product, which has a normal life expectancy of 3 or more years or is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986, and which is—

(A) used in a trade or business;

(B) held for the production of income; or

(C) sold or donated to a governmental or private entity for the production of goods, training, demonstration, or any other similar purpose.

(6) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including any medical expense loss, work loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities), to the extent that recovery for the loss is permitted under applicable State law.

(7) HARM.—The term "harm" means any physical injury, illness, disease, or death, or damage to property, caused by a product. The term does not include commercial loss or loss or damage to a product itself.

(8) INSURER.—The term "insurer" means the employer of a claimant, if the employer is self-insured, or the workers' compensation insurer of an employer.

(9) MANUFACTURER.—The term "manufacturer" means—

(A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product), and who designs or formulates the product (or component part of the product), or has engaged another person to design or formulate the product (or component part of the product);

(B) a product seller, but only with respect to those aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes, constructs, designs, or formulates, or has engaged another person to design or formulate, an aspect of a product (or component part of a product) made by another person; or

(C) any product seller that is not described in subparagraph (B) that holds itself out as a manufacturer to the user of the product.

(10) NONECONOMIC LOSS.—The term "noneconomic loss"—

(A) means subjective, nonmonetary loss resulting from harm, including pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, and humiliation; and

(B) does not include economic loss.

(11) PERSON.—The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(12) PRODUCT.—

(A) IN GENERAL.—The term "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state that—

(i) is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient;