

now in a private session, as I understand it, discussing this measure.

I move that the Senate stand in recess until the hour of 2:30 p.m.

The motion was agreed to.

Thereupon, the Senate, at 1:22 p.m. recessed until 2:29 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ABRAHAM).

Mr. DOLE. Mr. President, I understand there are speakers on the way to the floor. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CONDOLENCES TO CITIZENS OF OKLAHOMA CITY

Mrs. BOXER. Mr. President, I wanted to add my voice, on behalf of the people of California, my voice that is going to say today that we send our love, our condolences, and our sympathies to our friends in Oklahoma.

A couple of California residents happened to be in that building at the time of the blast so we certainly share in this tragedy. I send my words of thanks to the incredible people who have shown up from all parts of this country to help the people of Oklahoma City cope with this tragedy.

I have a lot of thoughts and feelings, but rather than say them today, I will be writing them down because I do not want to misspeak or in any way say anything that could be misconstrued.

Today I just wanted to say that I am very fearful that what occurred in Oklahoma City could be a signal that America is losing something very special that we have always had, which is an ability to take our dissent and take it right to the ballot box.

If we lose that, and if we all do not guard against violence, we will lose the very essence of our Government, the Government of, by, and for the people. When we attack people who work for the Government, we are attacking our neighbors and friends, and indeed we are attacking ourselves.

One of the things that has concerned me for a long time is the dropoff in voter participation that I have seen. There are many people that are disgruntled and discontented with laws that are passed, the debates that we have here.

I encourage them to participate, to take that frustration and those feelings and organize politically and get your candidates here to the U.S. Senate, to the House of Representatives—whatever a person's philosophy, be it on the left, right, in the center, it matters not.

The beauty of what we have in America is this incredible democracy where

everyone has a chance to get here. Certainly I got here very unexpectedly myself, a first-generation American—my mother never even graduated from high school—and I got to the U.S. Senate.

This is an open country and there is no need to harbor bad feelings toward one another. Here in this Senate we debate many times and we sometimes get angry at each other because we disagree with each other. However, it is done with respect. I only hope in the years that I am here it will continue to be done with respect.

#### COMMONSENSE PRODUCT LIABILITY AND LEGAL REFORM ACT

The Senate continued with the consideration of the bill.

Mrs. BOXER. Mr. President, we have many problems that need fixing in our country. I just have to say that product liability law should not be one of the problems. It is not a problem. Yet we are here, facing this bill, S. 565, the Product Liability—it is called Fairness—Act when this is not a problem.

Why do I say this? First, this country has an enviable record of producing safe products. All the countries in the world wonder how we do it. Well, we have laws that hold people responsible if they produce a dangerous product. The people who want this bill want to change that law.

Why should we tinker with laws that contribute to one of the best safety records for products known to human kind? The only thing I can imagine is that there are some special interests who do not like it.

That is why, I think, we are here discussing S. 565, because it certainly is not going to contribute to safer products. Indeed, I say, if it passes—and I am doing everything I can so that it does not pass and it does not become law—it is going to contribute to unsafe products, products that harm the people of my State and products that will harm the people of this country.

Second, there are those who say that we have an explosion of frivolous lawsuits related to product liability, to dangerous products. I want to say unequivocally, and I will repeat it many times during this debate, that it is a figment of someone's imagination that there is an explosion of litigation around dangerous products.

Let me give the facts, because there is a lot of rhetoric around here. Product liability lawsuits are only one-third of 1 percent of all civil lawsuits in State courts. Let me repeat: They are one-third of 1 percent of all civil lawsuits in State courts.

Listen to this: In 25 years, the last 25 years, there have only been 355 punitive damage awards. Now, what is a "punitive damage award?" Punitive—meaning to punish. When a company harms an American citizen, a person using a product, because of shoddy manufacturing and a mistake was made, and the person is injured, say,

burned beyond recognition, that company is sued for punitive damages, meaning, "Let us punish the people who caused this grief"—sometimes for loss of life and limb.

In a single year during that 25-year time period, there were an average of 11 punitive damage awards. Yet this bill is going to limit punitive damages—the ability of an average person to walk into court and get justice—because this Congress has decided it knows better than a jury. There is no wave of frivolous lawsuits here. We know where the frivolous lawsuits are: businesses suing businesses. That is where the explosion is, but this bill does not deal with that. This is the Business Protection Act.

I find it really intriguing that many of the Senators who were pushing this bill, which would take precedence over State law, are the very ones who say let the States do everything else. "Oh, let the States do the School Lunch Program. But we know better, all of a sudden, than the States and the State legislatures, when it comes to products liability." I find that really astounding.

This is a rigid law. How could we determine now what the cap on punitive damages should be? I assure my colleagues, if a multibillion-dollar corporation makes a mistake in building a bus and the bus explodes, to punish a multibillion-dollar corporation \$250,000 or three times economic damages is not going to cut it. Why not just repeal punitive damages while you are at it? The reason is they cannot get the votes to do that.

This law would pretend to know all the facts of every case in advance without seeing them. We are the all-seeing Senators here. We are the all-knowing Senators here. We know every case in advance here, and we can say here, without any problem, we ought to limit the ability of juries and judges to make awards. We know all the scientific evidence, I suppose, and all the circumstances under which a product was sold and manufactured. That is what this bill says.

There are billions of products manufactured each and every year, and this bill says we can foresee that under no circumstances should a company have punitive awards greater than \$250,000, or three times economic damages. We, the almighty Senators, know—better than a jury, better than the States.

S. 565 would shift the current level playing field against the average person in favor of big corporations and there is no question about it. It would remove much of the responsibility of manufacturers and sellers of dangerous products. They do not have to fear a big jury award. They can just write it off as a cost of business. So what if a drug you took made you infertile? So what if a product your child got a hold of caused that child great damage to his brain or his limbs? It would take away the hard-won rights of average citizens to a safe marketplace for