

States submitting sundry nominations and two treaties which were referred to the appropriate committees.

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

MEASURES PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

H.R. 483. An act to amend title XVIII of the Social Security Act to permit Medicare select policies to be offered in all States, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1380. An act to provide a moratorium on certain class action lawsuits relating to the Truth in Lending Act.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of April 6, 1995, the following reports of committees were submitted on April 18, 1995:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 719: A bill to provide for the conservation, management, and administration of certain parks, forests, and other areas, and for other purposes (Rept. No. 104-49).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 694: A bill entitled the "Minor Boundary Adjustments and Miscellaneous Park Amendments Act of 1995" (Rept. No. 104-50).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 268: A bill to authorize the collection of fees for expenses for triploid grass carp certification inspections, and for other purposes (Rept. No. 104-51).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 534: A bill to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes (Rept. No. 104-53).

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

S. 441: A bill to reauthorize appropriations for certain programs under the Indian Child Protection and Family Violence Prevention Act, and for other purposes (Rept. No. 104-53).

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 84: A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Bagger*, and for other purposes (Rept. No. 104-54).

S. 172: A bill to authorize the Secretary of Transportation to issue a certificate of documentation for the vessel *L.R. Beattie* (Rept. No. 104-55).

S. 212: A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for

employment in the coastwise trade for the vessel *Shamrock V* (Rept. No. 104-56).

S. 213: A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Endeavour* (Rept. No. 104-57).

S. 278: A bill to authorize a certificate of documentation for the vessel *Serenity* (Rept. No. 104-58).

S. 279: A bill to authorize a certificate of documentation for the vessel *Why Knot* (Rept. No. 104-59).

S. 475: A bill to authorize a certificate of documentation for the vessel *Lady Hawk* (Rept. No. 104-60).

S. 480: A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Gleam* (Rept. No. 104-61).

S. 482: A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Emerald Ayes* (Rept. No. 104-62).

S. 492: A bill to authorize the Secretary of Transportation to issue a certificate of documentation for the vessel *Intrepid* (Rept. No. 104-63).

S. 493: A bill to authorize the Secretary of Transportation to issue a certificate of documentation for the vessel *Consortium* (Rept. No. 104-64).

S. 527: A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Empress* (Rept. No. 104-65).

S. 528: A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for three vessels (Rept. No. 104-66).

S. 535: A bill to authorize the Secretary of Transportation to issue certificates of documentation with appropriate endorsement for employment in coastwise trade for each of 2 vessels named *Gallant Lady*, subject to certain conditions, and for other purposes (Rept. No. 104-67).

S. 561: A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Isabelle*, and for other purposes (Rept. No. 104-68).

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 565: A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes (Rept. No. 104-69).

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. BROWN:

S. 720. A bill to amend rule 11 of the Federal Rules of Civil Procedure, relating to representations in court and sanctions for violating such rule, and for other purposes; to the Committee on the Judiciary.

By Ms. SNOWE (for herself and Mr. COHEN):

S. 721. A bill to impose a moratorium on sanctions under the Clean Air Act with respect to marginal and moderate ozone non-attainment areas, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. NICKLES (for himself, Mr. INHOFE, Mr. DOLE, Mr. DASCHLE, Mr. HATCH, 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):

S. Res. 110. A resolution expressing the sense of the Senate condemning the bombing in Oklahoma City.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWN:

S. 720. A bill to amend rule 11 of the Federal Rules of Civil Procedure, relating to representations in court and sanctions for violating such rule, and for other purposes; to the Committee on the Judiciary.

LEGISLATION TO DETER FRIVOLOUS LITIGATION  
 ● Mr. BROWN. Mr. President, the United States has become the most litigious society in history. The filing of frivolous or baseless claims has begun to jeopardize our system of redress for legitimate claims. Neither the parties nor the courts can or should shoulder the costs of the frivolous, baseless, or harassing suits.

Last Congress, changes were proposed to rule 11. By law, unless Congress acted to prevent or modify those changes, they would automatically become law. This body refused to consider the changes to rule 11. Protection against frivolous lawsuits included under rule 11 were repealed by Congress's refusal to act. As a consequence, rule 11 no longer provides clear deterrence to frivolous lawsuits. The changes of last year in effect protect the abuser, not the abused.

If this Congress wishes to address civil justice reform, the first place to start is with rule 11 and frivolous litigation.

I have introduced a bill that would breath life back into rule 11 and once again deter those who abuse the court system.

Last Congress, rule 11 was changed in significant ways. Under the new, ineffective rule 11, if a court finds the rule was violated, sanctions are no longer

mandatory—they are now permissive. In other words, if a court finds a party was using the court system to harass another party or was filing papers or charges which were untrue, the court does not have to sanction the guilty party.

Under the new, ineffective rule 11, a party is given a 21-day safe harbor in which the party can file harassing motions and then withdraw them after they are exposed without fear of sanction.

Under the new, ineffective rule 11, a party may allege facts which the party does not know to be true.

The new rule 11 says: Sue first and ask questions later. The bill we are introducing today puts teeth back in rule 11 so that lawyers and parties will be deterred from filing baseless or harassing lawsuits.

Why the rule was changed to begin with is not clear. According to a Federal Judiciary Center study, 80 percent of district judges believe rule 11 has an overall positive effect and should have been retained in the then-present form, 95 percent believed that the rule had not impeded development of the law, and 75 percent said that benefits justify the expenditure of judicial time.

Rule 11 can be the most effective tool Congress has to control litigation abuses and frivolous lawsuits. At a time when the Federal courts are overburdened with filings, we should not accommodate baseless claims.

The bill makes four important, restorative changes to rule 11. First, it requires that if rule 11 is violated, sanctions are mandatory. Second, it requires that there be some factual or evidentiary support for factual contentions. Third, it returns the preference for awarding attorneys' fees to the innocent party. Fourth, it clarifies that attorneys' fees can be awarded against attorneys.

We have limited resources for the Federal courts. These four restorative changes aim to make sure the resources are properly allocated to resolve legitimate disputes. Swift action against frivolous lawsuits saves time and money, and promotes public respect for the integrity of the courts.●

By Ms. SNOWE (for herself and Mr. COHEN):

S. 721. A bill to impose a moratorium on sanctions under the Clean Air Act with respect to marginal and moderate ozone nonattainment areas, and for other purposes; to the Committee on Environment and Public Works.

LEGISLATION IMPOSING A 1-YEAR MORATORIUM UNDER THE CLEAN AIR ACT

Ms. SNOWE, Mr. President, today I am introducing legislation that will impose a 1-year moratorium on sanctions under the Clean Air Act for States that have marginal or moderate nonattainment areas within their borders.

All across the country, from Maine to Texas, citizens are voicing their dissatisfaction with some of the require-

ments of the Clean Air Act Amendments of 1990. In particular, they are objecting to the imposition of enhanced vehicle inspection and maintenance programs. Many governors, frustrated over the difficulty of implementing this and other measures mandated by the act, have joined in this chorus of dissatisfaction and discontent, and have petitioned the Environmental Protection Agency for flexibility and assistance in meeting the act's requirement. Neither the people nor the Governors question the act's goals—clean and healthy air for everyone. But they do question the equity and reasonableness of the way that the act has been implemented to date.

In response to the widespread criticisms, the Administrator of EPA, Carol Browner, announced late last year that the Agency would provide the States with the greatest possible flexibility in implementing the act. She singled the enhanced inspection and maintenance program out for special mention, stating that EPA would review alternatives to a centralized enhanced I&M program, which had been required initially.

Although the EPA deserves credit for making a commitment to greater flexibility, much uncertainty and trepidation regarding the act's requirements remains. Maine provides a stark example of the serious problems that still exist and that must be addressed.

My home State led the Nation in implementing the enhanced inspection and maintenance program. Maine began its program 6 months ahead of time, on July 1, 1994, to avoid situations in which motorists might face long lines or technical problems at testing facilities in the middle of winter. The program was beset with problems almost before it began, with motorists complaining about long lines, inconsistent test results, and ill-informed attendants. In combination with serious concerns about potential repair costs, and legitimate questions about the need for such extensive tests in a small, sparsely populated State, these problems created a swell of popular opposition to the program.

By September, the State legislature and the Governor decided to suspend implementation of the program until March 1, 1995. People in other States facing the enhanced I&M requirements, hearing about the problems with Maine's program, and realizing what the enhanced program would require of them, began to express concerns as well. Their elected officials at the State and Federal levels relayed these concerns to the EPA. In response to the many criticisms coming from States across the country, EPA made its December announcement on alternatives and flexibility.

Unfortunately, since that time, little has been settled. There is great confusion in Maine, and probably other States, about exactly what will be required of them, especially with regard to ozone nonattainment. Not only is it

unclear what kind of emissions testing program will be acceptable, but questions persist about whether states subject to significant transported polluted air will be able to account for this transported air in their plans to attain the federal ozone standard.

Maine sits at the tail end of the Northeast ozone transport region, which includes the 11 Northeastern States and the District of Columbia. No area in the State is classified higher than moderate nonattainment. But under the Clean Air Act, Maine is required to reduce volatile organic compounds by 15 percent in all of these areas. Given the uncertainty and confusion surrounding emissions inspection and the act's requirements for ozone in general, the State has not yet adopted its 15 percent reduction plan, and it faces a statutory deadline of July 26, 1995. After that date, EPA is required by law to impose stiff sanctions, either withholding highway construction funds, or imposing a strict 2-to-1 offset requirement for new sources of emissions.

With the threat of painful sanctions weighing heavily over their heads, the Governor and the Maine Legislature are scrambling to devise a VOC reduction plan and an alternative I&M program. But people in Maine are understandably reluctant to move forward with expensive and complicated emissions reductions measures if a significant amount of the air that accounts for the nonattainment classification is transported in from outside state boundaries. Yet, the data that could determine the amount of transported pollution is unavailable at the present time. Maine is caught between a rock and a hard place. If it moves forward, it could impose burdensome requirements on its citizens without knowing the full extent to which they contribute to the pollution in Maine. If they do not proceed by July 26, the EPA will be forced to levy serious penalties. And they do not know, in precise terms, what is acceptable to EPA now, and what will be acceptable 6 months from now.

Maine faces similar uncertainty with regard to enhanced emissions inspection and maintenance programs. Because Maine is included in the Northeast ozone transport region, the act mandates that, at a minimum, the cities of Portland and Kittery implement the enhanced emissions testing program that has generated intense controversy in Maine and other States across the country. My legislation protects States from sanctions related to this requirement as well, provided the area subject to the enhanced I&M requirement has been designated as marginal or moderate nonattainment.

Mr. President, I do not believe that States like Maine should be required to develop these sensitive programs under the duress of Federal Sanctions. They should have sufficient time to sort out the new developments on the issue, to collect data on transported air, and to

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.