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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 622 TO AMENDMENT NO. 617

(Purpose: To provide protection for individuals, small businesses, charitable organizations and other small entities from excessive punitive damage awards.)

Mr. DEWINE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for himself and Mr. ABRAHAM, proposes an amendment numbered 622 to amendment No. 617.

Mr. DEWINE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 3, line 23, strike ''loss.'' and insert in lieu thereof: ''loss;

''except that if the award is against an individual whose net worth does not exceed $500,000 or against an owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization which has fewer than twenty-five full-time employees, that amount shall not exceed $250,000.''

Mr. DEWINE. Mr. President, I offer this amendment on behalf of Senator ABRAHAM and myself. It really is an amendment that is a small business amendment.

I expressed yesterday on the floor a concern, a twofold concern: One, that we make sure that the cap was sufficiently high so that larger businesses would in fact be deterred by the proper awards juries would make in regard to punitive damages, and that we not lose that deterrent effect; but I also expressed a concern that small business not be unduly penalized by punitive damages.

I have talked to small business men and women throughout Ohio who do have this very legitimate concern and who really live in fear literally every day of something happening where they would have a huge award that would literally put them out of business; that what would become a punitive damage award which, for a big business, might, in fact, be a deterrent, might, in fact, be for a small business actually the death penalty.

This particular amendment provides an exception for small business. And small business is defined in the amendment as any business that has 25 or fewer employees or has a net worth of not over one-half million dollars. If this amendment is agreed to, a punitive damage award could not exceed $250,000.

I think this amendment makes a great deal of sense. I think it will take care of one of the problems that we have today, a problem expressed to me many, many times by small business.

I hope that tomorrow it will, in fact, be adopted.

Mr. President, at this time, I ask unanimous consent that this amendment be set aside for the moment.

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

AMENDMENT NO. 623 TO AMENDMENT NO. 617

Mr. DEWINE. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 623 to amendment No. 617.

The amendment is as follows:

On page 4 line 11 strike the semicolon after the word ''awarded'' through line 15 and insert a period.

Mr. DEWINE. Mr. President, this amendment will, I believe, clean up the bill and it will finish a process that was begun several days ago. That was a concern that I expressed on the floor yesterday in regard to the way the bill was originally drafted, which said that juries no longer could consider the assets that a corporation had when that jury made its decision about what was the appropriate level of punitive damages.

As I indicated yesterday, that type of preemption of State law makes absolutely no sense because punitive damages have always been intended to do basically two things: One, to serve as punishment and, second, to serve as a legitimate deterrent.

A jury cannot make that determination unless the jury knows all the facts. One of the pertinent facts has to be what the assets of the corporation might be, and other relevant financial information.

The danger of the way the bill was written was not only that we might lose that deterrent effect. Because a jury would not really know what assets the company had, it might have just the opposite effect. You might have a jury assuming that a company had a great deal of assets and the company did not have those assets. The jury then would make a disproportionate award. And so it could hurt really on both sides.

What this amendment does is really complete the process that was started several days ago, by providing and taking out of the bill that preemption. So if this amendment would be passed, we would be back to where we were before in regard to what juries could consider in regard to making their decision about punitive damages; namely, we would be back to State law, which I think is where we need to go.

So, in this case, I hope that tomorrow, when we vote on this particular amendment, we will agree to it. I think it is only equitable and fair. I urge my colleagues to do so.

At this point, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

CLOTURE MOTION

Mr. GORTON. Mr. President, I send two separate motions to invoke cloture on the Gorton amendment No. 596 to the desk.

The PRESIDING OFFICER. The clerk will read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on the Gorton Amendment No. 596 to H.R. 956, the Product Liability bill.

Bob Dole, Slade Gorton, Rick Santorum, Jim Inhofe, Conrad Burns, Pete V. Domenici, Hank Brown, Spencer Abraham, Paul D. Coverdell, Larry E. Craig, Dirk Kempthorne, Bob Smith, Trent Lott, Chuck Grassley, Judd Gregg, Mitch McConnell.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will now read the second motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on the Gorton Amendment No. 596 to H.R. 956, the Product Liability bill.

Bob Dole, Slade Gorton, Orrin G. Hatch, Dirk Kempthorne, Pete V. Domenici, Conrad Burns, John Ashcroft, Dan Coats, Bill Frist, Olympia J. Snowe, Spencer Abraham, Nancy Landon Kassebaum, James J. Jeffords, Ted Stevens, Mark O. Hatfield, Frank H. Murkowski.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

REMEMBERING GINGER ROGERS

Mr. MOYNIHAN. Mr. President, the Op-Ed page of Friday's Washington Post featured an irresistible account by Philip Geyelin, ''When I Danced With Ginger Rogers.'' The occasion was the Gridiron Club dinner of March 28, 1981. With the advent of Ronald Reagan's presidency ''Hooray for Hollywood'' was the evening's theme, and Miss Rogers its most illustrious guest.