

Mr. HOLLINGS. We have no objection.

Mr. DOLE. So, Mr. President, the yeas and nays are automatic on the cloture vote. Let me ask for the yeas and nays on the V-E Day resolution.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF JOHN M. DEUTCH, TO BE DIRECTOR OF CENTRAL INTELLIGENCE

Mr. DOLE. Finally, Mr. President, as in executive session, I ask unanimous consent that immediately following the cloture vote and the vote on the V-E Day resolution, notwithstanding rule XXII, the Senate go into executive session to consider the nomination of John Deutch, to be Director of the CIA, and that it be considered under the following time agreement: 2 hours equally divided between the chairman and vice chairman of the Intelligence Committee, or their designees; that following the conclusion, or yielding back of time, the nomination be set aside; and that the Senate then return to legislative session, with the vote to occur on the nomination at 10:30 a.m. on Tuesday, May 9, 1995.

I believe this has been cleared on both sides. We will have debate this afternoon and vote tomorrow morning. I know the President very much wants to have this nomination addressed. We are prepared to do that.

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

Mr. DOLE. Mr. President, let me suggest the absence of a quorum unless someone would like to speak. There are 8 minutes before the cloture vote occurs. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

COMMONSENSE PRODUCT LIABILITY AND LEGAL REFORM ACT

The Senate continued with the consideration of the bill.

Mr. HEFLIN. Mr. President, again, I want to emphasize what this vote is about. It is, of course, about product liability, but it is also the role of the Senate in the legislative process.

The House has passed a bill that contains vast differences from what is proposed in the substitute and what is proposed in the substitute to the substitute.

If we do not take advantage of our rules and do not exercise the role that is intended for the Senate to be a deliberative body, and if we vote cloture,

there is no question what will happen is it will go back to the House and I do not think there is much question as to what will happen.

The Speaker of the House will control the conference, and this is going to be a bill regardless of what fixes may have been attempted in the Senate, the version that is going to come out of the conference is going to be the version of the Speaker of the House of Representatives. It comes back here and people say, "Well, you can exercise your rules and you can have extended debate at that time." But we all know what happens on conferences. Their reports come back, people are anxious to get away, and they are arranged at a time to come up where you are in a situation, and we end up, with very rare exceptions, approving conference reports.

So I say to my colleagues, this is a vote not only on product liability but is a vote on the role of the Senate on this bill and other bills that may be coming down in the future.

So I urge my colleagues to vote against cloture. It is very important that they bear in mind the fact that whatever is being proposed here does not mean that that is going to be the final version. The final version, I think, in the judgment of anybody who can see beyond the immediate scene and can see around the corner will be that it will be in conference and it will come out as a Gingrich version of this bill.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I simply want to announce to the friends and supporters of this bill that this will not be a meaningful cloture vote. In the haste to draft the Gorton-Rockefeller amendment, a couple of drafting errors were made that can only be removed at this point by unanimous consent. Unanimous consent, as the body knows, was not granted.

Second, because the Gorton-Rockefeller amendment is in the nature of a substitute, had cloture been granted and had the Gorton-Rockefeller amendment been adopted, which it would have been, it would have cut off all other postcloture amendments from the opponents to the bill and that, too, could only have been waived by unanimous consent.

So I say to Members who have worked on this compromise, they can vote for or against cloture at will. I do not expect cloture to be invoked. I cannot under these circumstances vote for cloture myself. The bill by tomorrow morning will be in proper form, both for its own passage and to allow postcloture amendments. Tomorrow morning's cloture vote will be the significant one on this bill and not the vote that is being taken this evening.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 4:20 p.m. having arrived, under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on a substitute amendment to H.R. 956, the product liability bill:

Slade Gorton, Dan Coats, Richard G. Lugar, John Ashcroft, Rod Grams, Kay Bailey Hutchison, Judd Gregg, Strom Thurmond, Jay Rockefeller, Trent Lott, Rick Santorum, Larry E. Craig, Bob Smith, Don Nickles, R.F. Bennett, John McCain, Connie Mack.

VOTE ON MOTION TO INVOKE CLOTURE

The PRESIDING OFFICER. By unanimous consent the quorum call has been waived.

The question is: Is it the sense of the Senate that debate on amendment No. 690 to H.R. 956, the product liability bill, shall be brought to a close?

The yeas and nays have been required.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. AKAKA], the Senator from Iowa [Mr. HARKIN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Nebraska [Mr. KERREY] are necessarily absent.

I further announce that the Senator from Rhode Island [Mr. PELL] is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "yea."

I further announce that, if present and voting, the Senator from Hawaii [Mr. AKAKA] would vote "nay."

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 49, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—43

Abraham	Exon	Jeffords
Ashcroft	Faircloth	Kassebaum
Bond	Frist	Kempthorne
Brown	Gramm	Kyl
Burns	Grams	Lieberman
Chafee	Grassley	Lott
Coats	Gregg	Lugar
Coverdell	Hatch	Mack
Craig	Hatfield	McCain
DeWine	Helms	McConnell
Dole	Hutchison	Murkowski
Domenici	Inhofe	Nickles