

We are not going to get cloture. We have four or five absentees. We have two or three who have not seen the light on this side yet, maybe four. But despite all the horror stories, despite all the distortions and despite the desperate attempt to shift the focus of this debate—in fact, the President said on Saturday on the radio show if you adopt this bill, there are going to be more air crashes. And this is the same President a week ago who said we should be more civil, we should not make statements like this, we should treat everybody with civility. And he charges Republicans, on a bill like this, with air crashes, dirty meat, dirty water, dirty air, two or three other things. He did not have much time on the air. He mentioned three or four ridiculous, ludicrous, exaggerated statements like that.

We think we have made a lot of progress. We think this is a bipartisan effort. If I have missed something somewhere along the line, then I think we should try to address it. I am willing at any time to set down a schedule of amendments to finish this bill. I am ready to vote tomorrow morning, tomorrow noon on the big substitute. Maybe that is one way. Once we determine how that is going to come out, maybe that will move the debate.

I think we may as well vote. We do not have the votes. Those who are not ready for regulatory reform will vote "no." Those who are will vote "aye."

**CLOTURE MOTION**

The PRESIDING OFFICER. Under the previous order, the hour of 6 p.m. having arrived, the clerk will report the motion to invoke cloture.

The assistant 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 pending substitute amendment to S. 343, the regulatory reform bill.

Bob Dole, Bill Roth, Fred Thompson, Spencer Abraham, Kay Bailey Hutchison, Jon Kyl, Chuck Grassley, Craig Thomas, Orrin Hatch, Larry E. Craig, Mitch McConnell, Conrad Burns, Bob Smith, Jesse Helms, Jim Inhofe, Judd Gregg.

**CALL OF THE ROLL**

The PRESIDING OFFICER. Under the previous order, the mandatory quorum call has been waived.

**VOTE**

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 1487 to S. 343, the regulatory reform bill, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Arizona [Mr. MCCAIN], and the Senator from South Dakota [Mr. PRESSLER], are necessarily absent.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] and the Senator from Nebraska [Mr. KERREY], are necessarily absent.

The PRESIDING OFFICER (Mr. SANTORUM). Are there other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 46, as follows:

[Rollcall Vote No. 309 Leg.]

**YEAS—48**

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bond	Gramm	Nickles
Breaux	Grams	Packwood
Brown	Grassley	Pell
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Simpson
Coverdell	Inhofe	Smith
Craig	Johnston	Snowe
D'Amato	Kassebaum	Stevens
DeWine	Kyl	Thomas
Dole	Lott	Thompson
Domenici	Lugar	Thurmond
Faircloth	Mack	Warner

**NAYS—46**

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Graham	Murray
Bradley	Harkin	Nunn
Bryan	Hatfield	Pryor
Bumpers	Hollings	Reid
Byrd	Inouye	Robb
Chafee	Jeffords	Rockefeller
Cohen	Kennedy	Sarbanes
Conrad	Kerry	Simon
Daschle	Kohl	Specter
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	
Exon	Levin	

**NOT VOTING—6**

Bennett	Kemphorne	McCain
Heflin	Kerrey	Pressler

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 46. Three-fifths of those duly chosen and sworn not having voted in the affirmative, the motion is rejected.

**EXPLANATION OF ABSENCE**

Mr. DOLE. Mr. President, the distinguished Senator from South Dakota, Senator PRESSLER, was necessarily absent during the cloture vote on the Dole-Johnston substitute amendment to S. 343, the regulatory reform bill.

Senator PRESSLER was on his way back to Washington from Sioux Falls, SD, but has experienced a number of flight delays due to mechanical difficulties and weather surveillance. Had Senator PRESSLER been here for the vote, he would have voted to invoke cloture.

(At the request of Mr. DOLE, the following statements were ordered to be printed in the RECORD.)

**EXPLANATION OF ABSENCE**

• Mr. PRESSLER. Mr. President, I was necessarily absent during rollcall vote No. 309 on the motion to invoke cloture on the Dole-Johnston substitute amendment to S. 343, the comprehensive regulatory reform bill.

Had I been present for the vote, I would have voted in the affirmative.

I was unable to be here for the vote due to a number of travel problems that occurred on my flights from Sioux Falls to Washington, DC. Specifically, the aircraft that was to have taken me from Sioux Falls to Minneapolis was kept on the ground due to mechanical problems. The delay, in fact, forced me to take a later flight on another plane. I was further delayed at Minneapolis due to weather surveillance. I regret this series of flight delays prevented me from being present during the cloture vote earlier this evening.

• Mr. KEMPTHORNE. Mr. President, I rise today to explain my absence from the floor during Senate vote No. 309 to invoke cloture on S. 343. I was necessarily detained on my return flight to Washington, DC, due to severe weather conditions causing flight delays. Had I been present for vote No. 309, I would have voted "aye."

Mr. WARNER. Mr. President, as an original cosponsor of Majority Leader DOLE's regulatory reform package, I am delighted to have this opportunity to discuss the many benefits to be gained from its enactment. For perhaps the first time, we are confronting the astoundingly sensible idea that the regulations we impose at the Federal level should reflect risk-assessment and cost-benefit analyses. These important tools will ensure that limited dollars are spent on solving our most serious problems and in turn will return the greatest results.

Throughout this debate, we have been treated to a barrage of rhetoric from naysayers, the opponents of common-sense regulating. Those in favor of realistic balance have been portrayed as coldhearted calculators determined to destroy the environment, eradicate the safe workplace, and jeopardize the health of every American.

Mr. President, that simply is not true.

Regulations imposed by the Federal Government should bear a direct relationship to the potential risk to public health, safety, and the environment. They should also reflect a significant benefit for the costs incurred.

Those dual considerations form the centerpiece of the Dole-Johnson substitute.

The measure directs Federal agencies to conduct a cost-benefit analysis for major regulations, defined as having a gross annual economic impact of \$50 million in reasonably quantifiable direct and indirect costs. Where appropriate, standardized risk assessments reflecting the best available science also would be conducted, with public participation and peer review. Since many speakers have preceded me, I will not belabor the specific provisions of this package.

Earlier this year, the Environment and Public Works Committee, on which I have served for 9 years, held a hearing on the impact of regulatory reform