

now to Africa. But let's see that we contain that industry in America's economic self-interest.

I yield the floor and thank the distinguished Chair.

Mr. DEWINE ADDRESSED THE CHAIR.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. Thirteen minutes.

Mr. DEWINE. I ask the Chair to notify me after I have used 6 minutes.

PRIVILEGE OF THE FLOOR

Mr. DEWINE. Mr. President, I ask unanimous consent that a member of my staff, Jason Small, be granted floor privileges for the day.

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

Mr. DEWINE. Mr. President, let me first join my colleagues, Senator LUGAR and Senator GRAMM, in support of the African Trade Group and Opportunities Act, and the reasons they have stated this is the right thing to do. It is in our national self-interest. It will do a lot of good.

(The remarks of Mr. DEWINE pertaining to the introduction of S. 2283 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DEWINE. Mr. President, I thank the Chair and yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

PRODUCT LIABILITY REFORM ACT

Mr. GORTON. Mr. President, we are about to vote on cloture on a product liability bill, a product liability bill worked out with great care over the course of the last year and a half by the distinguished Senator from West Virginia, Mr. ROCKEFELLER, and myself, and the White House, to meet all of the objections contained in the President's veto message on the bill passed on the same subject about 2 years ago. Nevertheless, the demand to party loyalty on the part of the minority leader will almost certainly defeat this vote for cloture. That is highly regrettable as the arguments against it are entirely devoid of merit.

Just a few minutes ago you heard the junior Senator from New Jersey protest about the fact that cloture would prohibit the bringing of lawsuits based on gun violence. That is entirely specious for two reasons. The first is the amendment on that subject that is at the desk will be germane after cloture and can be debated and voted on. Secondly, and more importantly, the lawsuits by various States against gun manufacturers based on the tobacco litigation are not product liability lawsuits. Tobacco litigation was not a product liability lawsuit at all, and neither are these lawsuits. They simply are not affected by this legislation.

The real protest was outlined a couple of nights ago by the minority lead-

er who said, "I hope that we have a good debate about how good or bad this legislation is. I hope we have an opportunity to propose amendments to this litigation."

Yesterday, about an hour before the time ran out for the filing of amendments, the majority leader came to the floor when only two or so amendments had been filed to ask unanimous consent for further time to put in amendments. The minority leader's representative objected to adding to that time. Nevertheless, there are 38 amendments on the desk on this bill, 28 of them by Democrats, 10 by Republicans. Many of those amendments, including several by the Senator from South Carolina, are germane and can be debated on and voted on after cloture.

Yesterday afternoon the majority leader offered to extend the time for this vote so that there could be debates on amendments before cloture took place. The minority leader turned down that informal request. In other words, there is no desire on the part of the opponents of this bill to debate amendments to the bill, amendments further restricting it or amendments on any other element of the subject. None whatsoever. It is a simple smokescreen to persuade Members who would otherwise be willing to vote for cloture and vote for the bill not to do so.

Night before last, other Members on that side of the aisle complained bitterly about their inability to debate totally irrelevant matters to product liability. They mentioned campaign finance laws. We had 2 weeks of debate on that subject. They mentioned tobacco legislation. We debated that subject for 4 weeks. They mentioned education reform. We debated that subject for 2 weeks and passed a bill which has now gone to the President of the United States. And they spoke of health care reform on which they have already rejected offers for debate but will probably accept some next week.

No, the claim that there has not been an opportunity to debate this legislation is based on one fact and one fact only—the desire to persuade Members who would otherwise vote for this bill to vote against the cloture motion and therefore to kill the bill. They will probably succeed in doing so, and it is a paradox that a bill that is much more narrow than the one passed by a significant majority of Members of this body 2 years ago and vetoed by the President, which now meets all of the requirements of the President, will be opposed by some Members among those who voted for the bill 2 years ago. It is, I regret to say, pure politics and has very little to do with the merits of the bill itself.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the Senator notes it is after 10 o'clock. I ask unanimous consent to speak for 3 minutes.

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

Mr. ROCKEFELLER. I thank the Chair.

I had very much hoped that the argument of politics would not be used in discussing this. I agree with much of what my distinguished colleague over these many years has said. But I think, frankly, that on the question of product liability tort reform there has been enough, sort of acting and sort of wanderlust faith on both sides of the aisle that we don't need to point fingers at each other.

My view towards this is that I would like to see, as the Senator from Washington indicated, a very modest bill which would be signed by the President to go forward. And I, after 11 years of working on this, am not willing to give up. I am not willing to say that I am going to put product liability to death. I am not going to be a part of that.

I will, therefore, vote no on this cloture vote because I still think that, arguments about politics to the contrary, neither side having totally clean hands on all of this, the controlling factor ought to be the substance of the bill, which I think is good, and that the controlling factor on a vote ought to be how one feels about whether or not one can continue to debate product liability and hope that the leadership will come together in some kind of an arrangement, as, indeed, in this sort of Kabuki dance there has been.

The majority leader last night vitiated cloture for today. The minority leader objected. The majority leader yesterday said there would be a period for filing of votes. A Democrat objected. On the other hand, there have been many problems on the other side.

So what I am trying to do is to promote product liability in a very modest form which will be signed by the President. And, therefore, I hope my colleagues will vote no on the pending cloture motion so we might have a chance to continue this discussion and hopefully work out something on this modest but helpful bill.

I thank the Presiding Officer.

PRODUCT LIABILITY REFORM

Mr. McCAIN. Mr. President, this nation needs legal reform. This bill before us—if passed into law—will deliver exactly that. While this legislation is not perfect, it does a great deal for small businesses across this nation. And for that reason, it should be supported and I hope it will become law.

Before I discuss this matter further, I want to thank Senator GORTON for his tireless pursuit of legal reform in the area of product liability. Senator GORTON has worked hard on this important legislation for many years. I also want to thank Senator ROCKEFELLER for all his efforts.

Mr. President, I do have concerns regarding this bill. My primary concern with this measure is the narrow nature of the reforms it would institute. I had