I end as I began. The question is, ''Where is the budget?'' Let us find that answer, bring it to the floor, pass it in a reasonsible way, and put this debate on the course it should be on.

I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I understand we are in morning business. Unless specified, the time permitted for debate is 5 minutes.

The PRESIDING OFFICER. That is correct.

Mr. LAUTENBERG. I believe we have requested 10 minutes of time for the introduction.

The PRESIDING OFFICER. That is correct.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that be extended for 5 minutes so that my colleague from California, Senator FEINSTEIN, can also make her remarks.

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

Mr. LAUTENBERG. Thank you, Mr. President.

(The remarks of Mr. LAUTENBERG and Mrs. FEINSTEIN pertaining to the introduction of S. 757 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mrs. FEINSTEIN. I thank you, Mr. President, and I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

EXPOSING THE FRAUD

Mr. HOLLINGS. Mr. President, before I have to leave to attend a budget meeting, I would like to try and expose the fraud in statements from Members on the other side of the aisle claiming that the President is unwilling to lead and that, much to their surprise, they just discovered that the Medicare trust fund is going broke.

The truth of the matter is that they have been telling us for a while now that action by the President was not even necessary. I wish I could take us back to December 18 after the glorious Republican victory in November when Mr. KASICH and others were on the TV saying,

> We're not going to wait on any budgets. We have three budgets. In fact, we are going to take one of them and have them first and we're going to have the budget cuts before we get to tax cuts.

I want the people to go back. For months they totally ignored the President and saying that his proposals were irrelevant, that they had their own plan, their own revolution, and were going to present their own budget. Having been a former chairman of the Budget Committee, that excited me. In January, I submitted a plan for the RECORD that showed how to put our Government back in the black by 2002.

But then having gone back on their promise to give us a budget in January, they said, ''We're going to put the spending cuts in the bank before giving any tax cuts.'' Then, we had the circus out on the lawn, as the House passed the tax cuts. We are back to the days of Rome under KASICH, GINGRICH, and that crowd. They went back home, had celebrations, waved flags, and everything else of that sort.

But then, they came back to Washington and said, ''Whoops, we just found out that Medicare's going broke.'' As a result, we have Medicare hearings coming out of our ears.

The Budget Committee has not given us the budget. They will not mark one up even though by law they are required to report out a budget by April 1. While we wait for the markup, they are having Medicare hearings all over the Hill. Mr. President, let me get right to the point and refer to the report of the board of trustees of the Federal Hospital Insurance Trust Fund last year, dated April 11, 1994, and addressed to Speaker Foley and Vice President GORE:

> GENTLEMEN: We have the honor of transmitting to you the 1994 annual report of the Federal Hospital Insurance Trust Fund.

On page 2, it says:

> The trust fund ratio defined as a ratio of assets at the beginning of the year to disbursements during the year was 131 percent in 1993, and then under the intermediate assumptions is projected to decline steadily until the fund is completely exhausted in 2001. Under the low-cost assumptions, the trust fund ratio is projected to decline until the fund is completely exhausted in 2004. Under the high-cost assumptions, the trust fund ratio is projected to decrease rapidly until the fund is exhausted in the year 2000. These projections clearly demonstrate that the hospital insurance program is severely out of financial balance, using a range of plausible economic and demographic assumptions.

Now, that makes it pretty clear. Why didn't the Contract With America face up to that point? They knew about it, but did not want to face up to it. Moreover, they rebuffed the President's attempts to address the problem. Let us remember that the President of the United States did not cause any kind of deficit in Medicare. He was down in Little Rock; if it was caused, it was caused by me and other Members of Congress, but certainly you cannot attribute it to him. Still, when he offered his proposal, we could not get any cooperation whatsoever from Republicans. I can say that categorically because when we finally got a $56 billion Medicare cut adopted, it was without a single Republican vote in the House of Representatives or in the U.S. Senate. In addition, we took $25 billion from the wealthiest Social Security recipients, and put the money into the HI trust fund. What does the Contract With America call for? It says repeal the Social Security tax increase of last year and thus hasten the insolvency of the HI trust fund.

We ought to cut out this nonsense and tell them to give us a budget. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE AMENDMENT ON JOINT AND SEVERAL LIABILITY

Mr. ABRAHAM. Mr. President, I want to take a couple of minutes today to speak once again in support of the amendment that I have introduced along with the distinguished Senator from Kentucky.

The purpose of our amendment which we will soon be voting on is to try to expand the portion of the underlying bill on product liability that pertains to joint and several liability beyond the realm of product liability to other aspects of civil actions.

As I spoke yesterday on several occasions, and as I have argued in quite a variety of settings over the last few weeks during this debate, what we are talking about here is what I believe is an underlying principle of the American legal process, the principle of fairness and the principle of justice. These principles, it seems to me, tend to be out of sync in the area of joint and several liability.

As I have demonstrated in the floor statements I have made, we have countless incidents where persons who are only minimally responsible for the damages involved in a court action, or other legal action, find themselves shouldering all or most of the responsibility for paying damages because of the fact that they are the deep pocket.

Unfortunately, this is not just something that afflicts defendants who are big businesses. As I demonstrated, it is also a problem for municipal governments, for county governments, for State governments. It is a problem that all too often afflicts nonprofit organizations, charitable organizations, and the like.

We heard talk during the debate yesterday that somehow the amendment we are speaking of would be adverse to women. But the fact is that women do not just find themselves as plaintiffs in legal actions; they often find themselves as defendants. They, too, could be victimized by the joint and several liability process that we have today. Indeed, 30 percent of the small businessowners in this country today are women. It is the small businesses who are most at risk, in my judgment, unless we repair this defect in the legal system at this time.

For those reasons, Mr. President, I just wanted to conclude the debate on this topic—at least from my perspective—by reiterating the arguments I made yesterday and by calling on those

people who have been supportive of reform of the joint liability process in the context of product liability, to support this effort to expand this notion beyond product liability.

Every argument that makes sense in the product liability context, where the people who are likely to be beneficiaries are the producers and manufacturers of products, also makes sense when the people who are likely to be aided are average American families, small businesses, charitable organizations and municipal governments. If this reform makes sense for product manufacturers, I think it equally makes sense for the small businesses, the charitable and nonprofit organizations, and for the local governments of this country.

For that reason, I sincerely hope that those individuals who will support the product liability legislation will support the expansion of this particular provision of that legislation to help the small businesses, the cities and towns of America, the average American families and, I think most importantly, the communities of our country.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COVERDELL. Mr. President, it is my understanding that we are in the closing minutes of morning business.

The PRESIDING OFFICER. That is correct.

JOINT AND SEVERAL LIABILITY

Mr. COVERDELL. Mr. President, I rise to speak on behalf of the Abraham amendment. I am not a lawyer, and I am glad that I can take a chance here, as a small businessman, to bring perspective on the question a little bit out of a legal arena. This whole question of joint and several liability, which means to an everyday person that if there is a wrongdoing that occurs and a legal dispute emerges about it, that if several parties are involved, and let us say party A is responsible for 90 percent of the wrongdoing and party B is responsible for 10 percent of the wrongdoing, and a suit is filed against the two of them, if it is determined by the legal process that party A, who was responsible for 90 percent of the wrongdoing, does not have any money, then the person to go after is party B who, while only sharing 10 percent of the responsibility, for one reason or another, has access to large sums of money. Therefore, he is the target.

Mr. President, I think in the American way that is just considered not fair. That is making two victims out of the crisis: The person to whom the wrongdoing occurred, and then this other party who happens to be in the arena, who does not share much of the responsibility, but just has resources. Therefore, that entity becomes the target.

In American A–B–C logic all across the country, it is not right for somebody who does not bear the responsibility, or much of it, to be the target of paying up just because they have money.

We have read several of these ludicrous stories of a person coming out of the McDonald's, spilling their milk shake, getting into an accident with somebody, suing the person they got into the accident with but that person is uninsured, so they sue McDonald's.

Mr. President, in light of the time, I will not dwell on this much more. I did take an interest in this Newsweek article—I am sure it has been talked about before—with the legal tax on the everyday consumer. Because of the kinds of things I have just been talking about, everybody is scared to death. So they build in all kinds of defensive tests and costs to protect themselves. An 8-foot ladder that costs $119.33, $23 of the cost is now a product of our legal system.

A tonsillectomy which costs $578 has $191 built into it because of our legal system. That is why 80 percent of the American public support the broadening of legal reform that we have been battling here for the last 2 weeks.

I will just close by saying once again that it is fundamentally wrong to make people who have a very small responsibility, if any, be the subject of having to pay damages simply because they were in the area or arena, or we had a situation where, as I said a moment ago, 90 percent of the responsibility belongs to person A and 10 percent to person B, but person B has resources, so they will ruin that person's life, ruin that victim's personal business, simply because they had resources and were responsible.

That is fundamentally unfair. That is why so many Americans support this amendment on joint and several liability, which means a person is responsible, financially, for their proportional share of what went wrong.

Mr. President, I yield the floor.

NOTICE

Financial disclosure reports required by the Ethics in Government Act of 1978, as amended and Senate rule 34 must be filed no later than close of business on Monday, May 15, 1995. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510. The Public Records Office will be open from 8 a.m. until 6 p.m. to accept these filings, and will provide written receipts for Senators' reports. Staff members may obtain written receipts upon request. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators' reports will be made available simultaneously on Wednesday, June 14. Any questions regarding the availability of reports should be directed to the Public Records Office (224–0322). Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics (224–2981).

GOVERNMENT REORGANIZATION HEARINGS

Mr. ROTH. Mr. President, in early January I announced my intention to have the Governmental Affairs Committee develop this year a blueprint for the reorganization of executive branch departments and agencies. I would like to take this opportunity to indicate that this effort will begin with hearings on May 17 and 18. That first day will be devoted to an overview of the general principles relating to the structuring of the Government. The second day will focus on specific proposals that have made regarding the elimination and consolidation of executive departments and agencies.

A number of such proposals have been made recently. In March, for example, our majority leader suggested the elimination of four departments—Commerce, Education, Energy, and HUD. Similar proposals have been made by other Members, both in the House and the Senate. In early January, I said that we might be able to reduce the number of departments by up to one-half of the present 14.

But more is involved in such an effort than simply outright elimination of departments and agencies. We may need to retain certain existing programmatic responsibilities of an agency that is itself to be terminated. We need to think about where to put these programs. And to really do this right—to begin to move us toward a Federal Government that is appropriate for the 21st century—we ought to be thinking in terms of a fundamental reorganization of the executive branch.

In other words, rather than trying to restructure the Federal Government piecemeal—eliminating a couple of departments this year, consolidating a couple of more next year, and leaving everything else untouched—we need to take a more comprehensive approach.

And this is what I intend to have Government Affairs Committee do. As the committee with the jurisdiction over the reorganization of the executive branch, including the creation and elimination of Cabinet departments, the Governmental Affairs Committee is ideally suited to look at the big picture, and to ensure that all the pieces of a reorganization fit together. Doing this may require a fundamental rethinking of what the executive branch ought to look like in the future.

To illustrate what this might mean, I would point to a proposal made by the Ash Commission during the Nixon administration. It was then proposed that four existing departments be retained—