

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 Wednes-

day, 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—

State, Treasury, Defense, and Justice—and that all the others be folded into four new departments with very broad jurisdiction—Natural Resources, Human Resources, Economic Development, and Community Development. In 1991, then-Congressman Leon Panetta proposed that the executive branch be reorganized into just six departments—State, Defense, Justice, Human Services, Natural Resources, and Economic Policy. And just last month the Heritage Foundation proposed that there be only five cabinet departments—State, Defense, Justice, Treasury, and Health and Human Services.

But before launching into a full-scale examination of Federal departments, agencies, and programs—to see what should be eliminated, consolidated, or reorganized—I think we need a better understanding of how to approach this task.

This is why I intend first to begin with an overview hearing. The purpose will be to get a better understanding of the principles and criteria that Congress should apply as it looks to specific aspects of governmental organization and operation. For example, is it best to centralize responsibility into fewer departments, so as to focus accountability and enhance policy coordination? Or is it best to decentralize responsibility, in order to eliminate layers of bureaucracy and improve responsiveness? Are there innovative ways to achieve the advantages to both approaches—such as through semi-independent agencies located within larger departments?

If the Federal Government is going to retain a certain programmatic responsibility—even after reorganization and streamlining—are there better ways of doing so? When, for example, should a program be part of an independent agency? When should it be part of a cabinet department? And when is it best to use some sort of autonomous government corporation?

We will also ask about privatization. What does it mean, when should it be used, and how should it be implemented? Are there alternative forms that might be appropriate, sometimes referred to as commercialization or marketization. And what about contracting out?

As I have stated, I intend that the hearing on the following day, May 18, will address specific proposals for agency consolidation and elimination, and program privatization. I would invite Members of Congress who have offered such proposals to contact the committee if they would like to testify on their ideas.

I should add that I also intend to have the Governmental Affairs Committee begin an examination of governmental operational issues. We need to improve the performance of government, as we reduce its size and complexity. This means a serious effort at civil service reform, as well as looking at budget system reform, program performance measurement, and financial

accountability. We also need to ask which responsibilities might most appropriately be devolved to the State and local governments.

I strongly agree with the demands for cutting the size and costs of the Federal Government by eliminating obsolete and ineffective programs and agencies. I think the right way to do this is to approach the task thoughtfully and carefully—but with a clear intention to develop a plan that is both bold and comprehensive.

Of course, another way to do this would be to appoint a commission—modeled on the Military Base Closing Commission—to develop the plan, and require Congress to approve or disapprove the plan. I have in past congresses introduced legislation that would create just such a commission, and I am still willing to consider it as an alternative approach.

But regardless of what mechanism we use to develop it, we need a blueprint for the organization of the Federal Government that reflects today's priorities and fiscal realities, and that prepares us for the 21st century. The Governmental Affairs Committee will soon begin work on this task.

IN MEMORY OF SENATOR JOHN C. STENNIS

Mr. JOHNSTON. Mr. President, I would like to take a few minutes to comment on the life and career of our departed colleague and my good friend, Senator John C. Stennis, whose long and full life ended on Sunday, April 23, at the age of 93.

When Senator Stennis retired in January 1989, he had been in the Senate 41 years, 1 month, and 29 days. This made his service in the Senate longer than all but one other person in history.

When I came to the U.S. Senate in November 1972, Senator Stennis had been a Member of this body for nearly 25 years, and I had the great honor and privilege of serving with Senator Stennis for 16 years—until he retired at the close of the 100th Congress in 1989. So it is with sadness that I pay tribute to the memory of this departed colleague today.

John Stennis was a man who anyone coming to know him well would love and admire. I came to know him early on my arrival in the Senate. He was from my neighboring State, and I learned to follow his advice and leadership in certain areas of our service together.

It was also my privilege to serve with John Stennis on the Appropriations Committee beginning in 1975. We had nearly identical subcommittee assignments on the committee. He was chairman of the then Public Works Subcommittee, now the Energy and Water Subcommittee, when I came aboard and I succeeded him as chairman of that subcommittee when he became chairman of the Defense Appropriations Subcommittee in 1978. We worked together on many matters of mutual

interest, especially the Mississippi River and tributaries flood control works, and other infrastructure improvements throughout the country. He requested my assistance on the Tennessee-Tombigbee Waterway project and I was pleased to help floor manage the successful completion of that massive project which opened in 1985. The New York Times called the Tenn-Tom Senator Stennis' "pyramid," and I am pleased to have had a role with Senator Stennis on this impressive project.

Mr. President, in our committee assignments and work together, I was blessed as much as a fellow Senator could be blessed by association, counsel, and advice from our departed friend.

As I mentioned earlier, it has been my honor and privilege to be closely associated with Senator Stennis for over 16 years of service together. As chairman and ranking member of the Appropriations Committee, Senator Stennis designated and commissioned me to floor manage and handle various appropriations measures including supplemental bills and continuing resolutions. He was my chairman, and I was always happy and enthusiastic to carry out his wishes on these matters.

Mr. President, John Stennis was unqualifiedly and unreservedly a gentleman in the finest American tradition. He was a man whose word was as good as his bond. He had an almost reverent sense of discretion and personal taste in his relations to the greatest affairs of the Nation as in his relations to individuals. He was indeed a giant in the Senate.

John Stennis was a Senator's Senator. He was gentle and courteous in conduct, but tough and strong in conviction and character. He personified the highest ideals of honor and integrity within the Senate.

John Stennis also possessed an extraordinary, and indomitable, fortitude, spirit, and fearless courage. I think of the several personal adversities he confronted with such wonderful dignity and demeanor. In 1973, he was shot by robbers in front of his house and left for dead. In 1983, his beloved wife of 52 years, he called her Miss Coy, passed away. In 1984, he lost a leg to cancer and was confined thereafter to a wheelchair but, Senator Stennis bore these adversities with such great strength and courage that he served as a great inspiration to us all.

We are thankful for his character, for his modesty and selflessness, for his devotion to the Senate and his family, for his outgoing good will to his friends, for his high honor as a man.

Mr. President, I traveled with a number of my colleagues to the burial services for Senator Stennis on Wednesday, April 26, at the Pinecrest Cemetery in DeKalb, MS. He was born in DeKalb County in the red clay hills of eastern Mississippi and his mortal remains were buried there in the family plot next to his beloved "Miss Coy" and near his parents. Many of the Stennises