I am honored to join your family and friends and colleagues in wishing you every success as you embark on your next journey; serving on the Physician Payment Review Commission.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMMONSENSE PRODUCT LIABILITY AND LEGAL REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 956, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Gorton amendment No. 596, in the nature of a substitute.

(2) Dole modified amendment No. 617 (to amendment No. 596) to provide for certain limitations on punitive damages.

(3) Dorgan amendment No. 619 (to amendment No. 617) to establish uniform standards for the awarding of punitive damages.

(4) Shelby/Heflin amendment No. 621 (to amendment No. 617) to provide that a defendant may be liable for certain damages if the alleged harm to a claimant is death and certain damages are provided under State law.

(5) DeWine amendment No. 622 (to amendment No. 617) to provide protection for individuals, small business, charitable organizations and other small entities from excessive punitive damage awards.

(6) DeWine amendment No. 623 (to amendment No. 617), regarding asset disclosure.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate equally divided and controlled by the Senator from Washington [Mr. GORTON] and the Senator from South Carolina [Mr. HOLLINGS] or their designees, prior to any votes ordered on or in relation to the Dole amendment No. 616.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as in morning business for 4 minutes.

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

BUDGET DELAY

Mr. FEINGOLD. Mr. President, I add my voice of concern over the delay in action of the Federal budget. It is now May 3. That is over a month after the April 1 deadline for the Budget Committee to report a concurrent resolution on the budget. It is also nearly 3 weeks after the April 15 deadline for Congress to have completed its work on that concurrent budget resolution.

I raise my concern, Mr. President, knowing that not every budget deadline has always been met, nor do I suggest that the task facing the Budget Committee is an easy one. It is a very tough one. But by this time, during the two sessions of the 103d Congress, we had considered and passed a concurrent budget resolution through the Senate.

In 1994, we passed the Senate version of the concurrent budget resolution on March 25, and agreed to a conference report on May 12.

Moreover, those concurrent budget resolutions contained politically tough deficit reduction provisions, and were submitted, debated, and passed at a time when a new administration was taking office—the first Presidential party change in 12 years.

Mr. President, many of us on this side of the aisle are ready to help craft a budget that will eliminate the Federal deficit.

We have demonstrated that we are willing to vote for politically unpopular proposals to lower the deficit.

In 1993, when we were the majority party, we developed and passed a $500 billion deficit reduction package.

We are still very sorry that no member of what was then the minority party decided to support that package, though it was certainly the right of each Senator to vote as they saw fit.

Beyond the individual right of minority members, though, during the 103d Congress it was our responsibility as the majority party to advance a budget, not the responsibility of those on the other side of the aisle who were in the minority at the time.

Mr. President, it is the responsibility of the majority party to propose, refine, and pass a budget, with or without the help of members of the minority. We want to be a part of that process and to cooperate. But it is first the responsibility of the majority.

It is the privilege of the minority party to respond, offer alternatives, and, when conscience requires, to dissent from the budget proposal.

Such is the political dynamic of our legislative process.

And our colleagues on the other side of the aisle exercised their privilege as the minority party in 1993, and refused to join us in making that tough deficit reduction vote.

Mr. President, the two parties have exchanges roles in the 104th Congress, but the duty of the majority party remains unchanged.

It is the majority party that sets the agenda, proposes a budget, and finds a way to pass that budget.

By contrast to the last Congress, however, I know a number of us in the minority are willing to support a budget resolution that reduces the deficit.

We will help shoulder the burden of passing a budget that reduces the deficit.

But, Mr. President, before we can provide that cooperation, we must have a budget to work with.

The choices that face us are already extremely difficult.

Each day we delay they become even harder.

We are all very much aware of how our budget problems are accelerating, and what delay means in lost fiscal opportunities.

But delay also risks the political consensus that must be achieved if we are to make significant progress on the deficit.

Mr. President, without public support, we cannot hope to find the votes for a balanced budget.

I don't mean to suggest that we can only pass a budget if the American people are enthusiastically behind every provision.

That is not going to happen when doing spending cuts.

If we could find such a proposal, we would have balanced the budget a long time ago.

Nor do the American people expect or even want such a budget.

They rightly are skeptical of those who promise easy solutions.

Mr. President, what the American people do want is to feel that their elected Representatives are being straightforward and open with them about what they propose.

They will not support a budget that is the product of closed-door meetings, held in the dead of night.

But they will support a budget that is openly debated.

They are willing to sacrifice if they feel that the process has been open and fair.

Mr. President, this budget delay really amounts to a budget blackout.

The longer the delay, the longer the blackout, and the less likely that we will be able to build the political consensus with the American public that we will need to balance the budget.

COMMONSENSE PRODUCT LIABILITY AND LEGAL REFORM ACT

The Senate continued with the consideration of the bill.

Mr. HEFLIN addressed the chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I would like to address the Dole amendment and its relationship to other parts of the bill.

The Dole amendment, of course, extends the provisions of this proposed bill to all civil actions involving interstate commerce. That includes almost every automobile accident, and every conceivable type of accident, not just product liability cases. And, as we know, the language ''interstate commerce'' has been so liberally construed up until the very recent Lopez case that it includes almost any situation. There are many examples, too numerous to cite here, that can demonstrate the liberal construction of the interstate commerce clause.

Let me first recite the provision not only in the Dole amendment but in the overall bill pertaining to punitive damages, that if you seek punitive damages and any party can call for a bifurcated trial which means that at the request