

won a \$2 million judgment because the paint job on his car was partially refinished. It was a paint job that lead to a snow job on American justice. That decision was so bad—the judicial system that arrived at that decision is so corrupted by trial lawyer money—that this case is now before the Supreme Court of the United States.

The Alabama trial lawyers are capable of generating that kind of national publicity makes me mad. It makes me mad because Alabama is a great state, a great place to live and—all things considered—a great place to do business.

We don't deserve to live under the kind of system that we have. The cost of that system goes far beyond car companies. Lawsuit abuse hurts us all—as consumers, workers, taxpayers.

Yet our state is dominated, top to bottom, by the trial lawyers and the judges whose campaigns they bankroll. In a state where you can get \$2 million for a car paint job, the danger of a reckless, ruinous punitive award is taken very seriously, a threat to one's very livelihood. That's why we have 10 times the punitive damage settlements as our four neighboring states combined.

This is the constant threat I live under as a small businessman. This is the liability threat that forced me to stop supplying my community with products that can mean the difference between life and death.

I am sad to report that because of the possibility of a ruinous lawsuit, Fuller Medical had to stop offering baby monitors designed to warn parents of the possible onset of Sudden Infant Death Syndrome.

We have no choice. We cannot afford the insurance premiums that would allow us to continue offering these in-home-life-support devices.

We were forced to shut down this part of our operation in 1993 and no company in our immediate area has filled the gap. Thanks to the greed of trial lawyers, a potential life-saving device has been strangled in the crib.

Another casualty of lawsuit abuse is our van conversion business.

I'm not talking about making vans prettier. I am talking about making them more accessible to handicapped citizens. We did these conversions for several years, which made the vans hand-controlled, giving a handicapped driver greater mobility. But under our system of joint-and-several liability, we could be sued for any problem with a van, even if we were not actually at fault.

I have no trouble with reasonable damages for genuine fault. But I cannot pay an unlimited damage for any mistake someone else might make.

In these two ways, you see how the threat of limitless punitive damages and joint-and-several liability forced us out of these two ventures. Both of these measures would be addressed by the reforms Congress is sending to the President.

I cannot understand why Mr. Clinton has threatened to veto this bill. I cannot understand why an Administration that gives so much lip service to small business would defend a system like this one.

I cannot understand why Bill Clinton would take this stand, when any former governor must surely know that the ultimate victims are not the large corporations, or small businesses like mine. It is not even the consumers who must pay higher prices.

It is the handicapped, who need a way to drive themselves to work.

It is the parents, who don't want to lose another child to Sudden Infant Death Syndrome.

And it is tens of thousands of people like this sweet little girl, Tara Ransom, who depend on medical innovation and technology just to stay alive.

Mr. President, if you hear my words, please change your mind. Not simply for my small business, but for this little girl. Mr. President, it is not too late to do the right thing.

PHOENIX, AZ,  
March 29, 1996.

DEAR MR. CLINTON: My name is Jara Ransom. I am 8 years old. I'm in 3rd grade at Magnet Traditional School.

I have a silicone shunt for hydrocephalus. I get the hydrocephalus when I was a baby. I have had 5 operations.

I need the shunt to live. I have talked to Congress about it when I testified last summer. Mom says we need a liability bill. I only know a little bit about it, but I know it will help me live. Please sign it.

I know Mrs. Clinton likes kids. Can she help me too?

Sincerely,

JARA RANSOM.

My name is Linda Ransom. I'm not a lawyer. I'm not a lobbyist. I'm just a desperate mother.

My daughter, Tara, and I have flown here from our home in Phoenix, Arizona to give President Clinton this message: President Clinton, it's not too late to change your mind. It's not too late to help Tara. Please don't veto this bill.

You see, Tara has a medical condition called hydrocephalus, and the only treatment for it is a surgically-implanted shunt in her brain which is made out of silicone. The shunt takes the excess cerebral fluid away from her brain in a silicone tube and carries the fluid down through her chest into her abdomen, with the help of a small pump under her scalp. Kids outgrow shunts, and Tara has already had 5 surgeries. She will have to have more—that is, if the shunts are still available.

They may not be, under our current legal system. Already, three of the major suppliers of raw materials have decided to restrict or stop supplying manufacturers of medical implants. One of them, Dow Corning, is the sole supplier of the raw silicone used to make Tara's shunt. While the shunt is still available for the 50,000 hydrocephalics who depend on it to stay alive, the situation is looking worse and worse for the medical device industry.

Outrageous punitive damages awards are not really the problem, although the risk is always there. The medical implant industry is more threatened by the day-to-day cost of defending itself from thousands of lawsuits, only to be found not liable again and again. Many times, the cost of the raw materials in a medical device—the Teflon in a pacemaker, or the polyester yarn in a suture—amounts to just pennies. But these suppliers are forced to spend millions of dollars defending themselves in court, from lawsuits that they shouldn't have been dragged into in the first place.

This bill would change that. Caps on punitive damages will help, but more importantly, ending joint and several liability will mean that only those who are responsible for damages will be brought to court. This will free up millions of dollars in legal costs that could be better spent on research.

Tara's long-term future lies in the hands of medical researchers—the ones who might invent a better device that won't need surgery, or maybe a drug to control the excess fluid in the brain. Today, not enough bright young people are going into research, and I think a lot of it has to do with the frustration of not getting devices off the drawing board because of the liability.

Tara may be the person to find the cure for AIDS or become the first woman President. She is a very bright girl, who is at the top of

her class and has skills is beyond her current 3rd grade level at the Magnet Traditional School. Whatever her future is, she has a future because of a tiny piece of silicone plastic.

Tara is the perfect example of hope—hope in the surgeon's skills, hope in medical technology, hope in the shunt itself. She is also the perfect example of faith—faith in the belief that God's miracles are the hands of the surgeons and the minds of the scientists who make the discoveries and create the devices. Senator Dole and Speaker Gingrich have done their job in getting the bill passed. President Clinton, it's up to you. Don't take our hope away. Sign this bill.

CONGRATULATIONS ON 55  
SUCCESSFUL YEARS

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor my friends Frances and Bartlett Smith, of Milford, who are celebrating their 55th year of marriage this year.

In 1937, they came to Detroit to seek their fortune and found each other. Frances, with her sister Ann, came from Milford to work at Detroit Bank & Trust. Bartlett B. Smith came from Kalamazoo to attend the Detroit College of Law and work at the National Bank of Detroit. Bart and Fran met, courted and were married May 17, 1941, at the Jefferson Avenue Presbyterian Church in the Indian Village area of Detroit.

Following Bart's graduation from law school, they moved back to the family farm in Cooper Township near Kalamazoo where Bart's family had been original settlers. Not only did he work the farm, he worked 12-hour days welding tanks for the war effort as he awaited the results of his bar exam. When Bart joined the U.S. Army, 3d Armored Division in Fort Knox, KY, Frances and their two young children, John and Sarah, moved back to Milford, MI, to be near her family.

At the end of the war, Bart joined the Oakland County prosecutors office and served for 2 years. He opened his own firm in Milford, practiced for 46 years and retired in 1993. He was admitted to practice before the U.S. Supreme Court having been sponsored by U.S. Senator Philip A. Hart and Oakland County Circuit Judge William John Beer. Frances joined the practice as secretary in the late 1950's and son Christopher joined him as partner following his graduation from law school.

Civil duty has long been a family tradition. Frances has served on the Milford Township Library Board for 47 years, the last 30 as president of the board. She continues to serve today.

Bart served as Milford Village president, councilman, member of the township board, and justice of the peace. He is a member of various civic organizations including the American Legion, Rotary, Chamber of Commerce, and Masons. His service began in the 1940's, when as "Sam McCall's son-in-law" he was grand marshal and led the V-J Day parade down Main Street on horseback.

Oldest son John is a veterinarian practicing in Ypsilanti, MI. Daughter Sarah Redmond is a financial advisor for American Express Financial Advisers. Son Steve lives in Johnson

City, TN. Youngest son David lives in Howell, MI. Bart and Fran have nine grandchildren, Karen, Jeff, Brian, Kristen, Angela, Kevin, Courtney, Michael, and Paul; and two great-grandchildren, Justin and Cassandra.

Growing up on stories of the Civil War and early pioneers to standing on the edge of the 21st century, they have seen much, shared greatly, and anticipate the new century. Congratulations and best wishes.

### THE FIRST STEP TOWARD A BALANCED BUDGET

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 1996*

Mr. PACKARD. Mr. Speaker, last week my Republican colleagues and I passed an historic bill which will save the American people \$43 billion. It eliminates over 200 wasteful programs—more than 100 in the Labor, Health and Human Services bill alone. And it puts us on target for a balanced budget in 7 years.

In his attempt to put his best spin on this bill, President Clinton demanded we present him with a balanced budget. Apparently, he forgot—we did. He vetoed it. The President has shown little sign that he is truly committed to balancing the budget. He refuses to make tough decisions that count—like real welfare reform and saving Medicare from bankruptcy.

My Republican colleagues and I are now looking toward next year's budget. We are committed to real budget reform that balances the budget, creates real jobs and ensures a bright future for our children. We remain committed to the five keys to a balanced budget—genuine welfare reform, real reductions in spending, tax relief for families and job creation, moving power out of Washington, and saving Medicare from Bankruptcy.

Mr. Speaker, my Republican colleagues and I have proven our resolve for a balanced budget. When, the President presents us with a budget that really balances and tackles the tough issues, we will know he too is serious about saving our children's future.

### EARTH DAY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 1996*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 1, 1996 into the CONGRESSIONAL RECORD.

#### EARTH DAY 1996: PROTECTING OUR ENVIRONMENT

On this, the 26th anniversary of Earth Day, we can take great pride in the advances that have been made in environmental protection. We have succeeded in reducing the levels of lead and other dangerous pollutants from the air. Lakes and rivers, once so contaminated they could catch on fire, now support large fish populations. Forests are rebounding. Endangered species, like the eagle and the buffalo, have been saved from extinction and are now thriving.

Hoosiers strongly support cleaning up our air, water, and land, and they want to leave the environment safe and clean for the next

generation. They do not want to cut back on our environmental investment. Hoosiers do not say to me that we have too many parks, or that the air and water are too clean. They overwhelmingly support sensible, targeted and moderate laws necessary to keep the environment clean. They also support the view that states and localities have a greater role to play in the environment, and that environmental laws should be based on sound science and a careful balancing of costs, benefits and risks. I agree with their common sense beliefs.

Several federal laws provide the foundation for environmental protection in this country. As we celebrate the 26th Earth Day, it is helpful to understand how these laws work, how they have contributed to a cleaner environment in Indiana and around the country, and how we can improve them as we meet new challenges.

#### IMPROVING AIR QUALITY

The Clean Air Act, originally passed in 1970, seeks to protect human health and the environment from outdoor air pollution, such as car exhaust and factory emissions. The Act has dramatically reduced air pollutant levels. From 1984 to 1993, emissions of lead declined by 89%, particulates by 20%, sulfur dioxides by 26%, and carbon monoxide by 37%.

Congress substantially revised this law in 1990 to strengthen the ability of the Environmental Protection Agency (EPA), states and the private sector to work cooperatively to improve air quality, particularly in cities with significant pollution problems. The new law also aims to reduce pollutants which cause acid rain and contribute to global environmental problems, including ozone depletion and global warming.

The new law also expanded efforts to develop cost-effective ways to reduce emissions for coal-fired power plants. Such utilities are common in southern Indiana and throughout the Midwest, providing relatively inexpensive electricity to residents in the region. The burning of coal, however, does contribute to air quality problems. The Clean Coal Technology Program, which funds six projects in Indiana, provides assistance to help defray the costs of pollution control.

#### CLEANING OUR WATER

The Clean Water Act, passed in 1972, is the main law protecting our streams, lakes, estuaries, and coastal waters. It aims to limit the amount of waste flowing into surface waters. It also provides local communities with low-interest loans to assist in the construction or upgrade of municipal wastewater treatment facilities.

Wastewater treatment has dramatically reduced pollution in our rivers, lakes and streams. These efforts have improved the quality of drinking water and preserved fish and other aquatic life. Since 1972 the number of people served by modern sewage treatment facilities has almost doubled and the level of pollution discharged by municipal treatment plants has declined by 36%.

The other important federal law protecting water resources is the Safe Drinking Water Act, passed in 1974. The Act requires EPA to determine which contaminants threaten public health and set standards for safe pollutant levels in drinking water. These standards generally apply to public water systems. The Act has made tap water safer from harmful contaminants, including bacteria, viruses, and certain chemicals.

I appreciate that improving water quality costs money. I am sensitive to the concerns of local leaders who want the flexibility to achieve cleaner water in more cost-effective ways. Consequently, I have supported measures to make federal rules more flexible, less costly and less complex to assist them in pollution control efforts.

#### CONSERVING THE LAND

The federal government has worked cooperatively with farmers since the Dust Bowl of the 1930s to control soil erosion. The Natural Resource Conservation Service, formerly the Soil Conservation Service, has national responsibility for helping farmers and ranchers develop and carry out voluntary efforts to conserve and protect our natural resources. This effort has helped improve farm productivity while preserving water and soil quality.

Considerable debate has focussed in recent years on wetlands conservation. Wetlands include swamps, bogs, marshes, and prairie pot-holes, and are considered crucial to water quality protection and flood control. The problem is that wetlands have been disappearing at a significant rate. Indiana lost well over 80% of its wetlands between the late 1700s and the mid-1980s. Nationwide, wetlands are declining, primarily because of growth and development, at a rate of 290,000 acres a year.

The key to wetlands conservation is finding a way to protect these valuable resources without imposing significant economic costs on farmers and other landowners. The 1996 farm act approved earlier this year takes some steps toward striking an appropriate balance between environmental and economic interests. The new law streamlines current rules and makes them more understandable to farmers and other land users.

#### CONCLUSION

Indiana and our country have been blessed with a bountiful environment. This blessing cannot be taken for granted. We all have a stake in the preservation of our environment. Earth Day reminds us of our successes over the last 26 years—cleaner water, cleaner air, cleaner land—while committing us to preserve our natural heritage for future generations.

The challenge facing the U.S. is finding an appropriate balance between preserving our environment and promoting economic growth. Cleaning the environment has become more complicated. We must search for more effective ways to protect the environment with less cost and less regulation. My view is that we do not have to sacrifice environmental protection to get economic growth. We can have both. Growth creates jobs and increases our standard of living; environmental protection improves public health, conserves valuable resources upon which growth depends, and preserves the natural beauty of this country.

### LEGISLATION TO ENCOURAGE LONG-TERM-CARE INSURANCE

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 1, 1996*

Mr. DURBIN. Mr. Speaker, today I am introducing legislation to encourage Americans to purchase long-term insurance and address the growing cost to the Medicaid program of long-term care services.

The Long-Term Care Insurance Incentives and Consumer Protection Act of 1996 provides incentives to buy long-term care insurance and assistance in paying for long-term care.

This measure helps families afford the cost of long-term care services by treating payments for long-term care services as medical expenditures eligible for the same tax deduction as other health care services—deductible