

device and all contractual specifications had been met. Currently it is common practice for suppliers to be dragged into costly litigation even though these companies are not involved in the creation or marketing of a product. In fact, in almost every case thus far, biomaterials suppliers are not found liable in these type of lawsuits. S. 364 squashes illegitimate attempts for windfall profits and more importantly, ensures these life-saving medical devices will be in abundant supply.

Right now, the escalating expense suppliers unfairly incur defending their product continues to drive many out of the U.S. market. As a result, it is becoming increasingly more difficult for manufacturers of medical devices to find biomaterials suppliers with the raw materials necessary to produce their products. Replacement heart valves, pacemakers, and brain shunts are but a small selection of the devices which rely on raw material suppliers.

My colleague from Arizona, Senator McCAIN, mentioned in an earlier statement that 13 biomaterial supply companies have been driven out of business due to concerns about the risk of unwarranted litigation. Sadly, the people whose lives depend on these raw materials for survival are the ones who will pay the ultimate price. Unfortunately a family living in my home State of Michigan illustrates my point.

Recently Mr. and Mrs. Traxler of Fremont, MI, told me of their family's desperate need to find help for their young daughter, Sarah. The parents explained to me when Sarah was 2 months old she experienced a traumatic brain injury. As a result of the injury, Sarah now requires a shunt that drains fluid away from her brain.

The shunt will need replacing soon and her parents are deeply worried that if medical manufacturers are forced into bankruptcy, the shunts keeping Sarah alive will no longer be available. In their letter, Sarah's parents explain, "Because of the recent lawsuits involving breast implants and other medical devices, many biomaterials manufacturers have discontinued supplying the raw materials used to make medical devices. Because the sale of these raw materials represent such a small percentage of their total revenues, they do not feel it is worth the risk of having to defend themselves in court and they have discontinued supplying these materials to medical device manufacturers."

This is a sad commentary on the state of this Nation's legal system. Clearly, reform is needed and must be implemented soon to help protect the life of Sarah Traxler and countless others like her. For this reason, I ask my colleagues many of whom are parents themselves, to support this critical legislation.●

#### TRIBUTE TO KARIN ELKIS WEINSTEIN

● Mr. LAUTENBERG. Mr. President, today I want to congratulate Karin

Elkis, who is being honored on June 30, 1997 as the Sid Levy Memorial Volunteer of the Year by the Jewish Community Center of South Jersey. This annual award is presented to the volunteer who best captures the JCC's commitment to community service and self-giving. Karin is in charge of the Lautenberg Senate office in South Jersey and it is of no surprise to me that she is receiving this honor. Karin gets more done in one hour than most people accomplish in a single day. She is energetic, caring, selfless, and always thinking about others. She brings the same commitment and concern to her volunteer activities that she brings to her work to serve the people of New Jersey.

Despite a more than full time job, three young children, and other family responsibilities, Karin has found time to make a major contribution to the JCC by chairing its Festival of Arts, Books and Culture this year. Further, she's served as a liaison to the Early Childhood Department, a member of the Budget Committee, chaired the Camp Committee and been a member of the Executive Committee. If I listed all of her activities at the JCC over the past few years, this statement would be longer than a James Michener novel.

Through her work, Karin has touched the lives of many. She is truly an extraordinary person, with many talents, enormous energy and drive, and a compassionate heart. I am proud to have Karin on my staff and to include her as a friend. She makes an enormous contribution to the South Jersey community, through her work as a Senate employee and her work as a volunteer.

Mr. President, I again congratulate Karin on this well deserved recognition. I know that she will continue to serve the people of New Jersey in many ways for years to come and that our pride in her accomplishments will continue to be justified.●

#### CLEANING THE AIR

● Mr. LAHEY. Mr. President, for the past 5 months, we have been engaged in a troubling debate on how best to protect the health of our children, our elderly and our environment. Since the Environmental Protection Agency announced the proposed new standards for air quality, we have witnessed an unprecedented campaign by industry to block these new standards. Opponents instantly attacked the goals rather than sitting down to work with Congress and the administration on how to achieve these goals in a reasonable and cost-effective timeframe. I applaud EPA Administrator Carol Browner for standing up against the onslaught of industry backlash on the new standards. Today, President Clinton showed equal commitment by supporting the thrust of Administrator Browner's recommendation. This decision will reduce the smog and soot that drifts into Vermont from outside the State. I congratulate President Clinton for stand-

ing up for the health of our children and our environment. We can now begin the process of finding the most cost-effective means of implementing these standards.

In Vermont, we recognize the benefits of high environmental standards. Over the years, conservationists and the business community have worked together to protect the environment. Vermonters know that a healthy environment promotes a healthy economy. Yet despite our commitment, Vermont and other Northeastern States have become the dumping ground for pollution that seeps across our borders each night with the wind. The new ozone standard makes the biggest polluters accountable and will reduce the burden on States in the Northeast in their battle to maintain our high standards for air quality. Acid rain taught us that tough State environmental standards were not enough to protect us. We saw some of our healthiest forests die off from pollution borne from outside our region. This situation demands tough national environmental standards to ensure a level playing field.

The new air standards will address two central issues: Where the smog and soot is landing and how to use new scientific evidence to continue improving efforts to protect public health. We learned from the acid rain debate that emissions from dirty coal-fired powerplants in the Midwest can be transported farther than 500 miles. More than 40 percent of the pollution in Vermont is from outside the state. We also know that utility restructuring will encourage increased generation at the powerplants in the Midwest. The new standards proposed by EPA will reduce the smog and soot that drifts into Vermont from these powerplants. Today's decision is a clear victory for the Northeast because we now have a standard that will reduce air pollution at its source.

Since the passage of the Clean Air Act we have made considerable strides in reducing some pollutants. The level of lead pollution we and our children breathe today is one-tenth what it was a decade ago. That figure by itself is a tribute to the success of the original Clean Air Act. If we learned one thing from the acrimonious debate in Congress last year on environmental issues, it is that the American people do not want to halt the progress we have made and merely rest on our environmental laurels. Americans want to keep moving forward on cleaning up our environment. Unfortunately, as I listen to the debate on the Clean Air Act this Congress, I fear that we are not heeding their call. Instead of looking at ways to strengthen the Clean Air Act, we are trying to undercut the existing regulations.

Today, the President recognized the 130 million Americans in 170 major cities who continue to breathe unhealthy air. Congress should listen as well and approve the standards. I will work with my colleagues in the

Senate to oppose efforts to block the implementation of these new standards. Members of the House of Representatives have already launched their attack on the standards by introducing legislation to block the President's decision and weaken these standards. It is important to Vermont and to the Nation that we set aside the acrimonious debate that occurred on these standards and work together to develop a cost-effective implementation plan.

The recommendations of the Ozone Transport Assessment Group that were approved by 32 States lay out several concrete steps to clean up our air in the Northeast. I challenge Administrator Browner and the administration to move quickly on these recommendations. In particular, I want Congress and the administration to look at what probably has become one of the largest loopholes in the Clean Air Act: Allowing the dirtiest power plants to continue to operate with vastly inadequate pollution controls. The need to go back and close this loophole now—in this session of Congress—assumes greater urgency because of the deregulation of the electric utility industry.

Tomorrow's United Nations conference on the environment reminds us that we share the air, the water and our planet. There can be no greater legacy that we leave behind for our children and grandchildren than a society secure in its commitment to a healthy and environmentally sound future.●

#### BLOOMINGTON-NORMAL'S "NOT IN OUR TOWN" PROGRAM

● Mr. DURBIN. Mr. President, I rise today to recognize the people of Bloomington-Normal, IL, for their efforts to stem the growth of hate crimes and racial intolerance. Their commitment to taking proactive measures to prevent division and promote understanding serves as a model for communities across the Nation.

Inspired by the film "Not in Our Town," which tells the story of how Billings, MT, joined together in response to rampant hate crimes, the citizens of Bloomington-Normal created their own "Not in Our Town" program. They were not, however, responding to hate crimes or clear racial unrest. Instead, these Twin Cities chose to create a vehicle for awareness and prevention, to stop hate crimes before they started. This type of program is without a doubt ahead of its time.

Designed to increase public knowledge about the threat of racial violence, the program is carried out in a variety of ways. Adult and youth discussions and forums are regularly held. All city entrances are marked with "no racism" signs. Many city workers wear "Not in Our Town" buttons, and all city vehicles are marked with "Not in Our Town" bumper stickers. Clearly, it's difficult to be in Bloomington-Normal without knowing that prejudice and violence will not be accepted. In

addition to these efforts, the city has also sponsored two anti-racism marches, which give citizens the opportunity to demonstrate their commitment to the program and its goals not only to each other, but to surrounding communities as well.

Perhaps most vital to the program's success are its youth discussion groups. As one teen noted, "History is going to repeat itself if the youth aren't taught about the Holocaust and slavery \* \* \* they won't know any better." "Not in Our Town" provides young people a way to learn how local events are part of national issues, and more importantly, how community action can really make a difference for people everywhere.

As President Clinton begins a new initiative to have a national conversation about race and diversity, Bloomington-Normal has truly taken the lead in providing a model that all Americans can follow when organizing their home towns to discuss and confront what is perhaps our most important issue.●

#### THE SLAUGHTER OF REFUGEES IN CONGO MUST CEASE

● Mr. BIDEN. Mr. President, the government of the Democratic Republic of Congo must bring to an immediate end the systematic search and slaughter of Rwandan refugees, or else face isolation from the international community. Recent media reports allege the methodical execution of Rwandan refugees still hiding in the former Zaire by the Congolese military. Unless these atrocities are halted, Mr. Kabila should not expect ready support in the United States for his efforts to rebuild his country.

News reports the last several weeks have alleged the existence of mass grave sites of Rwandan refugees. As of yet, we do not know for certain if these reports are accurate, and if so, by whose hands the refugees were slaughtered. A team of United Nations investigators arrived in Congo last week to initiate an investigation of these claims. Media reports of Congolese government directives to hinder this investigation, if accurate, are intolerable. The government of Congo must bring to an immediate end the persecution of the remaining Rwandan refugees, and actively assist the U.N. in its efforts to locate and repatriate these Rwandan nationals.

According to reports of the United Nations and various nongovernmental organizations, thousands of Rwandan refugees continue to hide in the Democratic Republic of Congo. The U.N. High Commissioner for Refugees estimates that between 200,000 and 250,000 refugees are still missing in Congo. While the actual number may be uncertain, what is clear is that a significant number of Rwandan refugees remain within Congolese borders.

These refugees consist mostly of Rwandan Hutus who fled their country

after the 1994 genocide that took the lives of an estimated 800,000 Tutsis and moderate Hutus. Despite the large numbers of refugees who have already returned to their homes in Rwanda, a considerable number remain in Congo, many of them women and children. Many are exhausted and weak from almost three years of constant movement, malnutrition and illness.

Clearly there exists the very real likelihood that among the Rwandan refugees who remain in Congo are those responsible for the 1994 Rwandan genocide. If so, they should be returned to Rwanda and held accountable for their crimes before their own countrymen at the International War Crimes Tribunal. There is absolutely no justification for the execution of any Rwandan refugee in Congo.

Unfortunately, reports of persecution of Rwandan refugees in Kabila's Congo are not entirely new. Such claims have been associated with the Alliance of Democratic Forces for the Liberation of Congo since its early battlefield victories in eastern Zaire. However, Laurent Kabila earlier this month in a meeting with Ambassador Bill Richardson committed himself to assist international efforts to account for and repatriate Rwandan refugees in his country. The successful resolution of the refugee issue in Congo has serious consequences for the future of his country.

Failure to follow through on this commitment seriously calls into question the credibility of the Kabila government to deliver on its promises to the world and its own people. The U.N. team in Congo so far has not encountered any difficulties. If Mr. Kabila expects to receive the support of the international community, it is imperative that he fulfill his earlier pledge and secure the access the United Nations needs to locate and repatriate the refugees. If Mr. Kabila does not live up to his existing commitments on the issue of the Rwandan refugees, it's unclear what confidence there will be for his promises of democracy and peace for the Congolese people.●

#### SENIOR CITIZENS' MEDICARE FREEDOM TO CONTRACT ACT

● Mr. KYL. Mr. President, I rise as the sponsor of the Senior Citizens Medicare Freedom to Contract Act. The act would provide a technical correction in the Medicare Technical Corrections Act of 1994 (42 USCS section 1395, et. seq.), which was signed into law in November 1995.

The Medicare Technical Corrections Act of 1994 contained a subtle—and, based on the CONGRESSIONAL RECORD, clearly unintended—change in statutory language.

The Health Care Financing Administration [HCFA] interprets this change as expanding existing restrictions on private payments in Medicare cases in which claims are filed, to all cases involving Medicare enrolled individuals, regardless of whether a claim is filed.