

have been working on for a couple of Congresses: the Biomaterials Access Assurance Act.

The Biomaterials bill is the response to a crisis affecting more than 7 million patients annually who rely on implantable life-saving or life-enhancing medical devices—things like pacemakers, heart valves, artificial blood vessels, hydrocephalic shunts, and hip and knee joints. These patients are at risk of losing access to the devices because many suppliers are refusing to sell biomaterial device manufacturers the raw materials and component parts that are necessary to make the devices. The reason: suppliers no longer want to risk having to pay enormous legal fees to defend against product liability suits when those legal fees far exceed any profit they make from supplying the raw materials for use in implantable devices. Although not a single biomaterials supplier has ultimately been held liable so far, the actual and potential costs of defending lawsuits has caused them to leave this market. A study by Aronoff Associates found that 75 percent of suppliers surveyed were not willing to sell their raw materials to implant manufacturers under current conditions. That study predicts that unless this trend is reversed, patients whose lives depend on implantable devices may no longer have access to them.

The Biomaterials title of the Product Liability bill responds to this crisis by allowing most suppliers of raw materials and component parts for implantable medical devices to gain early dismissal from lawsuits. At the same time, by allowing plaintiffs to bring those suppliers back into a lawsuit in the rare case that the other defendants are bankrupt or otherwise judgment proof, it ensures that plaintiffs won't be left without compensation for their injuries if they can prove a supplier was at fault. Mr. President, I have a summary of the bill here, and I ask unanimous consent that it be printed after this statement in the RECORD.

I will have a lot more to say about the Biomaterials provisions and the entire bill when we return from recess. For now, let me just once again congratulate Senator GORTON, Senator ROCKEFELLER and the President for their success in forging this compromise bill. I urge my colleagues to support it.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF BIOMATERIALS ACCESS ASSURANCE ACT

Title II of the Product Liability Reform Act of 1998 contains the provisions of the Lieberman-McCain Biomaterials Access Assurance Act.

Need For The Biomaterials Bill: The Biomaterials bill responds to a looming crisis affecting more than 7 million patients annually who rely on implantable life-saving or life-enhancing medical devices such as pace-

makers, heart valves, artificial blood vessels, hydrocephalic shunts, and hip and knee joints. These patients are at risk of losing access to the devices because many suppliers are refusing to sell biomaterial device manufacturers the raw materials and component parts that are necessary to make the devices. The reason: suppliers no longer want to risk having to pay enormous legal fees to defend against meritless product liability suits when those legal fees far exceed any profit they make from supplying the raw materials for use in implantable devices. Although not a single biomaterials supplier has thus far been held liable, the actual and potential costs of defending lawsuits has caused them to leave this market. A study by Aronoff Associates found that 75 percent of suppliers surveyed were not willing to sell their raw materials to implant manufacturers under current conditions. That study predicts that unless this trend is reversed, patients whose lives rely on implantable devices may no longer have access to them.

What The Bill Does: To alleviate these problems, the Biomaterials bill would do two things. First, with an important exception noted below, the bill would immunize suppliers of raw materials and component parts from product liability suits, unless (a) the supplier also manufactured the implant alleged to have caused harm; (b) the supplier sold the implant alleged to have caused harm; or (c) the supplier furnished raw materials or component parts that failed to meet applicable contractual requirements or specifications. Second, the bill would provide raw materials and component parts suppliers with a mechanism for making that immunity meaningful by obtaining early dismissal from lawsuits.

What The Bill Does Not Do: The bill does not keep injured plaintiffs from gaining compensation for their injuries. First, it leaves lawsuits against those involved in the design, manufacture or sale of medical devices untouched. Second, it provides a fallback rule if the manufacturer or other responsible party is bankrupt or judgment-proof. In such cases, a plaintiff may bring the raw materials supplier back into a lawsuit if a court concludes that evidence exists to warrant holding the supplier liable. Finally, the bill does not cover lawsuits involving silicone gel breast implants.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, June 25, 1998, the federal debt stood at \$5,504,168,372,205.11 (Five trillion, five hundred four billion, one hundred sixty-eight million, three hundred seventy-two thousand, two hundred five dollars and eleven cents).

One year ago, June 25, 1997, the federal debt stood at \$5,339,644,000,000 (Five trillion, three hundred thirty-nine billion, six hundred forty-four million).

Five years ago, June 25, 1993, the federal debt stood at \$4,305,269,000,000

(Four trillion, three hundred five billion, two hundred sixty-nine million).

Twenty-five years ago, June 25, 1973, the federal debt stood at \$452,652,000,000 (Four hundred fifty-two billion, six hundred fifty-two million) which reflects a debt increase of more than \$5 trillion—\$5,051,516,372,205.11 (Five trillion, fifty-one billion, five hundred sixteen million, three hundred seventy-two thousand, two hundred five dollars and eleven cents) during the past 25 years.

HONORING THE PHILLIPS, SWONS, AND YOUNTS ON THEIR 30TH WEDDING ANNIVERSARIES

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today along with the senior Senator from Missouri, Senator BOND, to honor Kathy and John Phillips, Alma and Larry Swon, and Kathy and Mike Yount of Mexico, Missouri, who on July 3, 1998, will celebrate their 30th wedding anniversaries. Many things have changed in the 30 years these couples have been married, but the values, principles, and commitment these marriages demonstrate are timeless.

My wife, Janet, and I had the privilege of celebrating our 30th wedding anniversary just one year ago. I can attest, like these fine couples, to the remarkable love and appreciation that has grown out of my own marriage. As these couples gather together in Mexico on July 3, surrounded by friends and family, it will be apparent that the lasting legacy of these marriages will be the time, energy, and resources invested in their children, church, and community.

The Phillips, Swons, and Younts exemplify the highest commitment to relentless dedication and sacrifice. Their commitment to the principles and values of their marriages deserve to be saluted and recognized.

PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, upon our return in July, it is my hope that the Senate will turn to full and open debate of patient protection legislation at the earliest appropriate time. The American people are concerned about the state of our health care system. Earlier this month, a survey by the Pew Research Center showed HMO regulation at the top of the list of issues important to individuals and the country.