

January 29 Robert and Mildred Kelly celebrated their golden wedding anniversary. It is with great respect and admiration that I offer them my congratulations on reaching this glorious milestone.

It seems that Robert and Mildred understand devotion to one another, as well as, to family, friends and community. They are a shining example of all that is good in life. For 55 years, Robert worked as a union carpenter and is highly respected in his field. Mildred, Mimi to those close to her, is truly an angel. One is always delighted to see the two of them on one's doorstep, know that Mimi is delivering one of her special homemade angel-food cakes with her buttercream frosting and other homemade goodies. Their thoughtful acts of kindness are unlimited and they are always at the side of a family member, friend or neighbor in need of assistance.

I recall the day I met these fine folks. I was at a local shopping center where I had just purchased a large item. I was in the parking lot struggling with the item as I was trying to fit it into the trunk of my car. Robert and Mildred noticed my situation and offered to help. Robert and Mildred graciously loaded the item into their trunk and followed me to my home, some 15 miles out of their way. With smiles on their faces they said they were glad to be able to help me out. This gesture of kindness is just one example of what makes this couple so very special.

Mr. Speaker, Robert and Mildred Kelly's dedicated service to each other, to their family, and to their fellow citizens has set a tremendous example for the Nation. I wish them many more happy years of marriage and it is my great pleasure to represent them in the U.S. Congress.

BREAST IMPLANT ACCOUNTABILITY ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 10, 1997

Mr. TRAFICANT. Mr. Speaker, in April 1994, an immense multibillion dollar class action suit was filed against the silicone breast implant manufacturers, possibly the largest in American history. Since the 1980s, about 400,000 cases have been filed in Federal court against 40 makers of breast implants and their components. Thousands of cases have been filed in State courts as well.

A \$4.2 billion compensation fund was established by Dow Corning, Baxter Healthcare Corp., Bristol Myers, and several other corporations. The settlement distributes compensation money to several designated funds: A general compensation program, a medical diagnostic fund to pay unreimbursed costs of exams for women with implants, and an explanation fund to cover unreimbursed costs associated with removal of implants. There is also a rupture fund to compensate women whose implants have broken as well as a fund to cover administration and attorney's fees.

At the time the settlement was negotiated, Dow Corning denied rumors of a bankruptcy filing. The women coplaintiffs agreed to bypass the court system and entered into the settlement in good faith, under the impression that Dow Corning would fully honor the agree-

ment. In May 1995, Dow Corning reversed its position and filed bankruptcy under chapter 11 of the U.S. Bankruptcy Code.

Dow Chemical, the parent company of Dow Corning, may be held directly liable for breast implant claims under a recent ruling by a Federal district court. In May 1995, Dow Chemical filed a cross-claim against Dow Corning. One week later Dow Corning—which is 50 percent owned by Dow Chemical and has interlocking boards of directors with Dow Chemical—filed for bankruptcy. Dow Chemical then claimed that, under an April 19, 1995 Supreme Court ruling, all litigation against them should be put on hold because of their cross-claim. I find it hard to believe that Dow Chemical, as the parent company of Dow Corning, was not aware of Dow Corning's pending bankruptcy filing when they filed their cross-claim.

I believe that there is strong evidence that Dow Chemical and Dow Corning colluded to manipulate the legal system to avoid the bulk of their liability in the \$4.2 billion settlement. In addition, there is documented evidence that Dow Chemical suppressed information they had in their possession from as early as the 1940's that silicone posed significant health hazards to humans. Despite knowledge of this information, Dow Chemical and its subsidiary, Dow Corning, sold hundreds of thousands of silicone breast implants to women.

On October 10, 1995, the \$4.23 billion global breast implant settlement collapsed, closing the door on 440,000 women who desperately need medical treatment. Of those 440,000 women who qualified for funding under the settlement, an estimated 75 percent of the women still have ruptured or leaking implants in their bodies with no financial means to pay for surgical explanation. While a few women will be fortunate enough to win exorbitant law suits, as evidenced by the recent \$10 billion Nevada case, this practice will eventually bankrupt the manufacturers, leaving hundreds of thousands of women with no recourse.

As a result, I have introduced H.R. 366, the Breast Implant Accountability Act, to provide a fair solution for all parties involved, and I invite you to join me by cosponsoring the legislation. The Breast Implant Accountability Act does the following:

First, requires silicone breast implant manufacturers to notify breast implant recipients that funds will be provided for the surgical removal of breast implants which were implanted before January 1, 1994. Patient participation is completely voluntary; explanation will be performed only at the request of the individual.

Second, allows the notice recipient to select the physician and hospital or surgery center for the explanation procedure. The provision would prevent manufacturers from forcing women to travel great distances or to one central location for the explanation.

Third, ensures that the explanted breast implants become the property of the individual from which it was removed. The implant shall be given to the individual in an appropriate condition.

Fourth, requires further research on the physiological, neurological, and immunological effects of silicone on the human body. Individuals in the class action suit shall be included in the research, should they volunteer.

Fifth, requires all future implant candidates to be informed of the health risks of implants and to sign a consent form stating that she has read and understands the risks involved.

Sixth, prohibits the donation of blood and organs by individuals with breast implants.

As with any faulty product that threatens the health or safety of consumers, the manufacturer should issue a recall of the product. The fact is, per woman, the cost of explanation provided for under H.R. 366 is generally far less than the settlement award. If you support a fair and equitable solution for your constituents, without bankrupting the manufacturers, I urge you to cosponsor H.R. 366.

MUSIC TO LIVE BY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Frankie Yankovic, America's Polka King, the Elvis of ethnic musical expression, ambassador of the great American melting pot, prolific composer, band leader, performer, and Cleveland.

Frankie Yankovic was born to Slovene immigrants in 1915. In their hardscrabble working lives, music expressed their hope and joy. Frankie began by playing accompaniment to the boarders in his family home.

He was an obvious talent and was instantly loved by all who heard his music. At age 23, Frankie had his first band and his first hit album. He began a lifetime of touring. Frequently, he made 300 appearances per year. Over the years, his bands have played in every major concert hall in America.

Frankie Yankovic heralded many polka tunes known widely to American listeners. In 1948, Frankie recorded "Just Because" with Columbia records. The tune was a breakthrough release, attracting both a polka and popular music audience. "Just Because" sold 1 million copies. In 1949, Frankie released the "Blue Skirt Waltz," which attained the coveted gold status even more quickly.

Frankie was also a great mentor. He discovered and cultivated the talent of the famous virtuoso, Joey Miskulin.

Frankie received many honors in his lifetime. He was inducted into the International Polka Association Polka Hall of Fame as well as the Cleveland Style Polka Hall of Fame. In 1986, Frankie received the first Grammy awarded for polka music.

Beyond being the consummate performer, Frankie was also a lifetime union member of Local 4, American Federation of Musicians, and a patriot. Married and the father of two, he nevertheless voluntarily enlisted in the U.S. infantry in World War II and fought at the Battle of the Bulge. There, under extreme weather conditions, Frankie contracted gangrene in his limbs. Against the advice of doctors, Frankie resisted amputation. With a great deal of courage and persistence, Frankie brought his fingers and hands back to life. How fortunate we all are.

I commend Frankie Yankovic for his skill, his energy, and his ability to make people happy through the sounds and rhythms of polka.