

on any motion for summary judgment or dismissal filed by a biomaterials supplier who is a defendant under this section on behalf of such supplier if the manufacturer and any other defendant in such action enter into a valid and applicable contractual agreement under which the manufacturer agrees to bear the cost of such litigation or to conduct such litigation.

SEC. 207. SUBSEQUENT IMPLAIDER OF DISMISSED DEFENDANT.

(a) IMPEADING OF DISMISSED DEFENDANT.—A court, upon motion by a manufacturer or a claimant within 90 days after entry of a final judgment in an action by the claimant against a manufacturer, and notwithstanding any otherwise applicable statute of limitations, may implead a biomaterials supplier who has been dismissed from the action pursuant to this title if—

(1) the manufacturer has made an assertion, either in a motion or other pleading filed with the court or in an opening or closing statement at trial, or as part of a claim for contribution or indemnification, and the court makes a finding based on the court's independent review of the evidence contained in the record of the action, that under applicable law—

(A) the negligence or intentionally tortious conduct of the dismissed supplier was an actual and proximate cause of the harm to the claimant; and

(B) the manufacturer's liability for damages should be reduced in whole or in part because of such negligence or intentionally tortious conduct; or

(2) the claimant has moved to implead the supplier and the court makes a finding based on the court's independent review of the evidence contained in the record of the action, that under applicable law—

(A) the negligence or intentionally tortious conduct of the dismissed supplier was an actual and proximate cause of the harm to the claimant; and

(B) the claimant is unlikely to be able to recover the full amount of its damages from the remaining defendants.

(b) STANDARD OF LIABILITY.—Notwithstanding any preliminary finding under subsection (a), a biomaterials supplier who has been impleaded into an action subject to this title, as provided for in this section—

(1) may, prior to entry of judgment on the claim against it, supplement the record of the proceeding that was developed prior to the grant of the motion for impleader under subsection (a); and

(2) may be found liable to a manufacturer or a claimant only to the extent required and permitted by any applicable Federal or State law other than this title in an action alleging harm caused by an implant.

(c) DISCOVERY.—Nothing in this section shall give a claimant or any other party the right to obtain discovery from a biomaterials supplier defendant at any time prior to grant of a motion for impleader beyond that allowed under section 206.

TITLE III—LIMITATIONS ON APPLICABILITY; EFFECTIVE DATE

SEC. 301. FEDERAL CAUSE OF ACTION PRECLUDED.

The district courts of the United States shall not have jurisdiction pursuant to this Act based on section 1331 or 1337 of title 28, United States Code.

SEC. 302. EFFECTIVE DATE.

This Act shall apply with respect to any action commenced on or after the date of enactment of this Act without regard to whether the harm that is the subject of the action or the conduct that caused the harm occurred before that date of enactment.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

BROWNBACK AMENDMENT NO. 3065

(Ordered to lie on the table.)
Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, S. 2168, supra; as follows:

On page 93, between lines 18 and 19, insert the following:

SEC. 423. USE OF STATE REVOLVING LOAN FUNDS FOR MUNICIPALITIES FOR DEVELOPMENT OF WATER SYSTEMS.

Section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j-12(a)(2)) is amended in the first sentence by striking "community water systems and nonprofit noncommunity water systems" and inserting "community water systems, nonprofit noncommunity water systems, and municipalities for the development of such water systems".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GORTON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Tuesday, July 7, 9:00 a.m., Hearing Room (SD-406) on the following wildlife legislation: S 2094, Fish and Wildlife Revenue Enhancement Act of 1998; S. 361, Rhino and Tiger Product Labeling Act; H.R. 2807, Rhino and Tiger Product Labeling Act; H.R. 3113, Rhinoceros and Tiger Conservation Reauthorization Act of 1998; S. 263, Bear Protection Act; S. 659, Great Lakes Fish and Wildlife Restoration Act of 1997; S. 2244, National Wildlife Refuge System Volunteer and Partnership Enhancement Act of 1998; and S. 1970, the Neotropical Migratory Bird Conservation Act.

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

COMMITTEE ON THE JUDICIARY

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Tuesday, July 7, 1998, at 10:30 a.m., in room 226, of the Senate Dirksen Office Building.

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

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. GORTON. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Tuesday, July 7, 1998 at 9:00 a.m. to hold a hearing in room 342, Senate Dirksen Building, on: "Convergence and Consolidation in the Entertainment and Information Industries: What Does the Future Hold?"

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

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. GORTON. Mr. President, the Finance Committee Subcommittee on

International Trade requests unanimous consent to conduct a hearing on Tuesday, July 7, 1998, beginning at 10:00 a.m. in room 215 Dirksen.

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

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. GORTON. Mr. President, the Finance Committee Subcommittee on Social Security and Family Policy requests unanimous consent to conduct a hearing on Tuesday, July 7, 1998, beginning at 2:00 p.m. in room 215 Dirksen.

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

ADDITIONAL STATEMENTS

TRIBUTE TO JENNY CHUASIRIPORN

• Ms. MIKULSKI. Mr. President, I rise today to pay tribute to an outstanding young Maryland woman, Jenny Chuasiriporn. Yesterday, Jenny, a 20-year-old amateur golfer, placed second in the U.S. Women's Open following a "sudden death" round with the ultimate winner, Se Ri Pak. Although Jenny did not place first in the U.S. Women's Open, she won a place in my heart and in the hearts of many others.

Jenny Chuasiriporn is a senior at Duke University and is from Timonium, Maryland. Her pursuit of excellence in golf is truly a family affair. Her 21-year-old brother, Joey, was her caddy and coach. Her parents were also at the Blackwolf Run Golf Course in Wisconsin to cheer on their daughter, having closed up their family business, the Bangkok Place restaurant on York Road, to be with her.

Now, I will be the first to admit that I do not share much with Jenny in regard to the quality of my golf game. My golf handicap is pretty close to the height of the Washington Monument! But I do think I'm a pretty good putter. And I know from first hand experience that the game of golf takes an extraordinary amount of concentration and consistency to drive down the fairway, angle that chip shot, and putt slowly and surely. Jenny has that great concentration and consistency. She is and will be a great golfer. I, on the other hand, will stick with the Senate!

Jenny also exhibited strong endurance. On Sunday, she hit a forty foot birdie putt that forced the tournament into a playoff round. After an 18-hole playoff round, the game was still tied between Jenny and Se Ri. Then the tournament went into what they call a "sudden death" round. It was the first sudden death round in the U.S. Women's Open 53-year history. Finally, on the second hole of "sudden death", Se Ri Pak hit an 18-foot birdie to win the tournament. But Jenny Chuasiriporn, the young Maryland amateur, had held on tight for five long days of golf and can surely call herself a winner.

More and more Americans are turning to golf as a recreational sport. Jenny Chuasiriporn's game is not recreational. Hers is a game of hard work. Jenny and Se Ri went through weeds and water trying to win the tournament. That is not your typical Saturday afternoon golf game. Jenny played tough golf against seasoned professionals for five days, on the tough Blackwolf Run Golf Course in Wisconsin. That does not even count the endless hours she put in at school and home practicing for this day. She takes this game seriously and works hard at being the best.

She went further in the 1998 U.S. Women's Open than any other amateur in 30 years. No one has done what Jenny Chuasiriporn did in 30 years. Once again Jenny, I pay tribute to your achievement, and your amazing concentration, endurance, and hard work. You make Maryland and our Nation proud.●

HEALTH CARE

● Mr. SPECTER. Mr. President, I am pleased to return to my Senate duties today after a relatively brief period of convalescence following by-pass surgery at Jefferson Medical College of Thomas Jefferson University, one of our nation's great medical institutions.

This experience has again led me to marvel at our health care system and to make me more determined than ever to support federal funding for biomedical research and to make health care available to all Americans.

At Jefferson Medical College of Thomas Jefferson University, I was the beneficiary of outstanding hospital care and a superbly qualified medical team headed by renowned cardiologist, Dr. Howard Weitz and distinguished surgeons Dr. Richard Edie and Dr. James Diehl. (Dr. Weitz has assisted me for many years going back to his student days when he volunteered for my campaign for Mayor of Philadelphia.)

My concern about health care has long pre-dated my own personal benefits from the MRI and other diagnostic and curative procedures. My concern about health care began many years ago and has been intensified by my service on the Appropriations Subcommittee on Labor, Health and Human Services and Education which I now have the honor to chair.

As the RECORD shows, I have introduced and cosponsored legislation going back to the 98th Congress designed to provide health care coverage to all Americans. Among my proposals were the Health Care Cost Containment Act of 1983 (S. 2051), the Community Based Disease Prevention and Health Promotion Projects Act of 1985 (S. 1873), the Health Care Affordability and Quality Improvement Act of 1992 (S. 3176), the Comprehensive Health Care Act of 1993 (S. 18), the Health Care Assurance Acts of 1995 and 1997 (S. 18 and S. 24), and the Healthy Children's Pilot Program Act of 1997.

In conjunction with the distinguished ranking member of the Subcommittee, Senator TOM HARKIN, our Subcommittee has taken the lead to increase NIH funding from \$11.3 billion in FY95 to \$11.9 billion in FY96 to \$12.7 billion in FY97 to \$13.6 billion in FY98. This year we are targeting an increase of \$2 billion which will be difficult considering the Subcommittee's other priorities; but, I think, attainable.

I have long been convinced that our Federal budget of \$1,700,000,000,000 could provide sufficient funding for America's needs if we establish our real priorities. The real question is whether we have enough doctors, hospitals, medical personnel, etc. to take care of Americans in need of medical attention. I am convinced that we do. The part which has yet to be accomplished is to work out the financing for the delivery of such health care. As specified in the legislation which I have introduced, I am convinced that sufficient savings are possible within the current system to provide health care to all Americans within the current expenditures.

I return to the Senate today with renewed commitment that every American should have the quality medical care I had at Jefferson Medical College of Thomas Jefferson University. In recognition of health care providers everywhere in America, I consider it appropriate to identify, compliment and thank members of the medical team which provided my superb medical care at Jefferson Medical College of Thomas Jefferson University:

Dr. Stephen McNulty, Dr. Michael Savage, Dr. Herbert Patrick, Dr. Beckie Michael, Dr. Geno Merli, Dr. Arnold Greenspon, Dr. A. J. DiMarino, Dr. Rodney Bell, Dr. Phyllis Flomemerg and the following nurses: Leslie Amme, Grace Baillargeon, Tara Baldino, Jenna Briggs, Kathleen Bryan-Donahue, Susan Burton, Joanne Cannon, Mary Cavanaugh, Stephanie Cozzi, Danielle Delpais, Nancy Derivan, Linda Dib, Pam Dioguardo, Tim Dunn, Diane Ellingsworth, Robin Estadt, Marcia Gazdzinski, Debbie Granese, Karen Hartnett, Suzanne Henrick, Kelly Hollenbach, Charles Huckel, Suzanne James-Harmon, Leonida Josue-Peralta, Eileen C. Kelly, Eileen M. Kelly, Matt Kuhar, Kate Kuhns, Tracey Lee, Hermie Lichtman, Esther Loyola, Debra Lynn-McHale, Ida Magee, Nancy McCash, Dennis McFadden, Kathy McGurk, Tricia McNichol, Mark Metropole, Michelle Munday, Tim Peal, Kellyanne Petrone, Don Rank, Tim Schultz, Margaret Shanks, Lori Smith, Meg Smith, Valerie Winn, Mina Yasuoka, Nancy Masterson, Wil Crew, Jason McConomy, Colleen Schuh, Bill Nicholl, Jackie Robinson, Karen Crisfulla, Elly Negron-Lopez, Pauline Heater, Diane Falk, Terry Meehan, Dolly Kowal, Dan Zaborowski, Joyce McGrory, Kathy Peterson, Patty Lynch, Rene Ekeland, Michelle Hellstem, Barb Salapata, Kathy Byrne, Erin Moran, Marlowe Macapagal, Cindy

Miller, Susan Cook, Angela Dages, Nicki Hoffman, Bill Hepner, Chuck O'Toole, Dan Cifelle, Rose Shaffer, Selina Frazier and Mary Seals.●

TRIBUTE TO SHERRIE M. SUZUKI

● Mr. AKAKA. Mr. President, I rise today to honor Sherrie M. Suzuki of Hawaii Baptist Academy in Hawaii for winning first place in the 11th Annual National Peace Essay state-level competition. More than 5,000 participants from various countries around the world, including the United States and U.S. territories entered this contest. Each student wrote on issues concerning war crimes and human rights violations in various international conflicts.

Miss Suzuki's essay entitled, "Cleansing the Wounds of War", sheds light on an ongoing issue concerning how war criminals should be brought to justice. Her solution examines the United Nations' tribunal expected to be permanently implemented in 1998. She writes "an international tribunal is one logical solution" to the problem of making war criminals pay for their atrocities. Her essay discusses the positive outcomes of the Nuremberg trials and the negative effects of Rwanda's mistakes.

Mr. President, it is inspiring to witness the active role that young people play in enhancing their understanding about peace relations. Ms. Suzuki is proof that young students today are getting more involved in activities that address peacemaking issues. I am proud that Ms. Suzuki has received such a prestigious award. Her determination to expand her knowledge of peace and conflicts that arise in a changing global environment is admirable. I ask my colleagues to join me in honoring a young woman of outstanding potential and achievement.●

25TH ANNIVERSARY OF THE NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

● Mr. KEMPTHORNE. Mr. President, today I wish to congratulate the National Committee for Employer Support of the Guard and Reserve (NCESGR)—its 4,200 volunteers and DoD staff—marking 25 years of service to this Nation.

The National Committee for Employer Support of the Guard and Reserve was established in 1972, the year the United States ended the Selective Service System and established an all-volunteer military force. The Department of Defense realized that a loss of support from employers and communities could be a roadblock to maintaining Reserve component membership. NCESGR was created to obtain employer and community support for the National Guard and Reserve and to promote the role of Reserve forces in the national defense.

NCESGR has lived up to that task and accomplished much more. Since