# SENATE—*Tuesday, March 31, 1992*

*(Legislative day of Thursday, March 26, 1992)*

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

## PRAYER

The guest chaplain, the Reverend Richard C. Halverson, Jr., director, Church Leadership Seminars, National Prayer Breakfast, Washington, DC, offered the following prayer:

Let us pray:

Father in Heaven, You have revealed in an ancient Hebrew Proverb that: "A good name is rather to be chosen than great riches, and loving favour rather than silver or gold."—Proverbs 22:1.

In the light of this great wisdom, we thank You for the great riches You have bestowed upon us and on this great land. Yet we would rather choose a good name over even silver and gold.

So we beseech You now for a good name. A good name for our country. A good name for this Congress. A good name for ourselves. And a good name for our children.

This prayer is being made by one who is quite cognizant of the riches in the name he has inherited.

And it is requested of Him who, in spite of our refutations, can bestow the greatest name upon all who would receive it. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, March 31, 1992.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. SANFORD thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

## SCHEDULE

Mr. MITCHELL. Mr. President, this morning following the time reserved for the two leaders, there will be a period for morning business which will extend until 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each. Senators BOND and HARKIN are to be recognized for additional time under a previous order.

From 12:30 p.m. until 2:30 p.m., the Senate will stand in recess to accommodate the party conferences. At 2:30 p.m., the Senate will vote on the motion to invoke cloture on the motion to proceed to H.R. 2507, the reauthorization for the National Institutes of Health.

I hope that cloture will be invoked on the motion to proceed, and I hope that we will then be in a position to begin consideration of that measure. I encourage those Senators who are contemplating offering amendments to that bill to be ready to offer them once the Senate proceeds to the bill which, as I stated, hopefully will be early this afternoon.

Mr. President, as a reminder to Members of the Senate, the Senate must act by midnight tonight on continuing funding appropriations for foreign operations. We expect to receive that measure from the House during the day today.

## RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER OF PROCEDURE

Mr. REID. Mr. President, could I make a parliamentary inquiry? I understand that my friend, the Senator from Missouri, has 20 minutes reserved, and Senator HARKIN has some time reserved. Senator ADAMS and I are here wishing to speak for 5 minutes, and I am wondering if the Senator from Missouri would allow us to speak prior to starting his 20 minutes.

Mr. ADAMS. Mr. President, may I, if the Senator will yield, make a unanimous-consent request at this point.

Senator BOND has time reserved. We just wish to use 5 minutes of time, Senator REID and myself. If we could enter into a unanimous-consent order that Mr. REID proceed for 5 minutes and I proceed for 5 minutes, then we go directly to Mr. BOND for his period of time, since no other Senators are on the floor, and that way we would have full time without our standing here nervously while the Senator proceeds.

Mr. BOND. Mr. President, as much as I would like to have the presence on the floor of my two colleagues, I can understand why they may want to watch my speech in the comfort of their offices. I would be happy to agree to permit my two distinguished friends to go first.

Mr. REID. And I express, Mr. President, through you to our friend from Missouri, recognizing he is here and has 20 minutes reserved, my appreciation to him for extending that favor.

Mr. ADAMS. I, too, want to thank the Senator from Missouri for his kindness, and I will await the Senator from Nevada.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mr. REID addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

## SENATOR WARREN RUDMAN

Mr. REID. Mr. President, when I come to the Senate, I was asked by the man I served—he was Governor and I was Lieutenant Governor—Michael O'Callaghan, a man who had a distinguished military record, a Silver Star winner, and received a number of other medals for valor during the Korean conflict—to look up somebody with whom he had studied. And I did this because Michael O'Callaghan is a friend of mine. I had so much respect for him. He told me to introduce myself to WARREN RUDMAN, a Senator from New Hampshire.

The reason he asked me to do that was because Senator RUDMAN was in the infantry in Korea with my friend, Governor O'Callaghan. Senator RUDMAN was not only in the infantry during his tour of duty in Korea, but he was a member of the famous Indianhead Division in Korea. The reason this division is so important to the history of this country is that during the Korean conflict the Indianhead Division took 25 percent of all the casualties in the Army. The Indianhead Division is still in the demilitarized zone in Korea. It has been there these many decades.

I did meet Senator RUDMAN, and I can say it is one of the best moves I made. This man not only has a distin-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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guished record from the Korean conflict, as Governor O'Callaghan mentioned, but I learned also in coming to the Senate that Senator RUDMAN is and was unquestionably one of the most popular figures ever to come from the State of New Hampshire, and there is a long line of people from colonial times with distinguished political careers.

I think the main reason WARREN RUDMAN is a person who has this following is that he, as a person who is in touch with people at home, is what we would term in the old days a citizen-politician. WARREN RUDMAN never, Mr. President, took a political opinion poll to find out what he should do, as is vogue in the political world today. But this citizen-politician, WARREN RUDMAN, did what he thought was right. I frequently did not and do not agree with WARREN RUDMAN's stances on various issues, but you can always bet that when he takes a position, he has done it because he thinks it is the right thing to do. I admire and respect him for doing that, as do the people of New Hampshire.

Mr. President, when I learned that Senator RUDMAN was talking about not running, I went to visit with him personally. I told him that I thought not only was it important to the Senate that he remain a Senator, but I thought it was important to the country. I really do believe that the Senate needs more WARREN RUDMANS, people who are independent and who, in effect, are citizen-politicians.

I believe, for example, the person holding the chair today, presiding over these proceedings, is a citizen-politician. We do not have enough people like the Presiding Officer and WARREN RUDMAN who serve in this body.

Senator RUDMAN has made himself felt at the national level in several areas—the Gramm-Rudman-Hollings bill, something that some of us would debate as to whether or not it was a good move but something for which he will always be known. He became vice chairman of the Senate Iran-Contra Committee, in which his nonpartisan approach drew accolades from all over the country, if not all over the world.

I worked with him on a number of occasions with the Senate Ethics Committee, and the work that I did with him in that capacity showed him to be a man of fairness, a man of independence, a person who should be sitting on the Ethics Committee.

That loss will be sorely felt by this entire Congress and by this country.

He was one of the chief architects in the 1980 omnibus crime bill. He was a primary sponsor of one of the new Supreme Court Justices, David Souter.

What will be missed most in the Senate from WARREN RUDMAN, Mr. President, are the measured responses and refusal to rush to judgment that WARREN RUDMAN has displayed during his entire Senate career. He has the toughmindedness of a prosecutor and the temperament of a judge, a combination that has benefited all of us who have had the good fortune to have served with him.

His decision not to seek reelection is a loss to this country.

I yield the floor.

Mr. ADAMS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mr. ADAMS. Thank you, Mr. President.

## LOAN GUARANTEES TO ISRAEL

Mr. ADAMS. Mr. President, during the Persian Gulf crisis, the President spoke of a new world order, where the rule of law would be greater than that of the sword. Revolutionary change in the Soviet Union certainly seemed to bear out the President's prediction.

As Soviet emigration laws eased, hundreds of thousands of Jews saw the possibility of escaping the worsening climate of anti-Semitism amidst a declining Soviet economy and rising nationalism.

Israel has welcomed these Soviet Jews with open arms, offering them a better way of life and an opportunity to raise their children in the Jewish homeland, free from the historic persecution of Jews by the Soviet state.

Faced with the enormous task of absorbing these new immigrants, the Israeli Government prepared to ask the United States for loan guarantees—not loans, not additional aid—to help Israel finance the resettlement of these Soviet Jewish families, who come to Israel with almost nothing.

The administration could have acted on the Israeli request for loan guarantees immediately after the gulf war, but chose to put Israel off, under the guise that the loan guarantees were an impediment to the convening of a peace conference.

When the Israeli Government made its official request for the guarantees in September, the administration asked for a 120-day delay. The assumption, of course, was that the request would be considered at the end of the 120 days.

So now here we are. The loan guarantees are dead and the United States-Israeli relationship has been severely strained.

The administration was allowed to influence the timing of the request and then changed the rules of the game at the last minute. The conditions for the guarantees kept shifting as did the administration's commitment to helping Soviet Jews.

Congress worked closely with the administration to forge some kind of compromise. I compliment our colleagues, Senators LEAHY and KASTEN. They came very close.

While I was not completely happy with the Leahy-Kasten proposal, I could have—and would have—supported it.

But the administration was not bargaining. Its final offer to Congress was the same as its offer to Israel, "Take it or leave it."

Let us remember what we are talking about when we discuss these loan guarantees. We are talking about humanitarian assistance. And we are talking about longstanding U.S. policy.

Ever since the adoption of the Jackson-Vanik amendment, when Scoop Jackson made the free emigration of Soviet Jews a cornerstone of United States-Soviet relations, we have pushed for relaxation of Soviet restrictions and have pledged our assistance for Israeli absorption.

Now, our dreams of freer Soviet emigration have come true—and at this critical moment, the United States has wavered in its commitment. While we hesitate, these Jewish families face the terrible danger of rising anti-Semitism in many of the former Soviet Republics.

We are also talking about loyalty. For the last 40 years, Israel has been our staunchest ally in the region. This was amply proven during the gulf war, when Israel held its fire under attack in deference to United States wishes.

After the war, we rewarded Egypt for its role during the conflict by forgiving $7 billion in official debt. I supported that.

We rewarded Turkey with hundreds of millions of dollars in supplementary military and economic assistance. I supported that.

Additional aid to Israel, too, was approved last spring, but only at congressional insistence.

And now the administration has balked at being asked to guarantee—not to provide, but simply to guarantee—loans to be used to settle these poor Soviet immigrants as they are fleeing from what used to be the Soviet Union.

By delaying consideration and then opposing loan guarantees for Israel, the administration has accomplished little.

Tension in the region has increased. The peace process is stalled. Saddam Hussein is still in power. And there are still hundreds of thousands of Jews in the former Soviet Republics who wish to emigrate to Israel.

Mr. President, this is not a diplomatic backroom shell-game. It is humanitarian assistance for desperate people. I am disappointed with the administration's intransigence on this vital matter. I hope that we will help these people who are fleeing for their lives.

## PRIVILEGE OF THE FLOOR

Mr. ADAMS. Mr. President, I ask unanimous consent to allow Laura Brown, a legislative fellow in my office, on the floor for today's proceedings.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate is in a period for the transaction of morning business not to extend beyond the hour of 12:30.

The Senator from Missouri [Mr. BOND] is recognized to speak for up to 30 minutes.

## ALARMING SITUATION FORCING CONGRESS WE MUST REFORM THE GAO

Mr. BOND. Mr. President, I rise today to discuss an alarming situation facing Congress and policymakers around the country.

For years Congress has been attempting to bring its investigative oversight and auditing abilities up to speed. The General Accounting Office, the Office of Technology Assessment, and the Congressional Budget Office were each created by Congress to improve the legislative branch's analytical capabilities.

Unfortunately for us and the people we serve, there is a very real credibility gap in one of Congress' own agencies. There has been a deterioration, if not disappearance, of the professionalism of the General Accounting Office.

I do not say this lightly. The GAO report used to be a place to start when beginning a review of an issue, but I believe it is not now the place to start nor to end. For anyone who picks up the GAO report today, I would recommend you read to find out what those who requested the report want, but then do your own work to find the truth.

Mr. President, over the past 2 months, I have had a unique opportunity to see up close and in detail the way GAO thinks, how it puts together a report, what its source-gathering procedures are, how a review is developed, how it responds to factual challenges, its own internal controls, and the GAO's internal review process.

Today I want to spend a little of the Senate's time describing what I found. As a former State auditor, I recognize what I found to be disheartening, perhaps even frightening. There are two specific cases I want to discuss. The first is an issue important to my State and region; the second one important to us all.

In October 1989, the GAO was formally requested to study the various issues relating to the ongoing drought in the Missouri River Basin. This review began officially in December 1989 and was made public February 3 of this year.

At the time of the release of the report, the States of South Dakota, North Dakota, and Montana were locked in a lawsuit against the Army Corps of Engineers over their management of the Missouri River during the 1988 through 1990 drought. Obviously, downstream States like mine were watching the court case very carefully, and some Members of this body were concerned enough to ask the GAO to withhold its final report.

However, that request was not granted, and the GAO published its findings. Immediately, they were trumpeted by the upstream States as a great victory, proof that the corps was wrong and that the South Dakota and North Dakota versus the corps case was now all but over.

Of course, the fact that it was two North Dakota Members who requested this study and came away happy with the result should surprise no one familiar with the way GAO operates today.

As a member of the Senate Appropriations Committee and a member of the Legislative Branch Appropriations Subcommittee, I had the opportunity, only days after release of the Missouri River report, to ask the GAO about its methodology and information-gathering process as they came before the subcommittee.

To say they were able to answer any of my questions would be an overstatement. I asked specifically to whom in my State did they talk? What were the sources for various allegations they made? Why was the Corps of Engineers not allowed to include in the report a written comment in response? Why did they release a report which commented directly on pending litigation?

I pointed out that in their own report. On page 29, it says:

> Three upper basin states have recently filed in federal court a lawsuit that challenges the Corps' policy of categorizing a project's authorized purposes as primary and secondary.

But they had begun that page of the report and that section with the statement that:

> The drought contingency plan currently being followed by the Corps is based on economic assumptions about the uses of water for navigation and irrigation made in 1944 that never materialized and that do not reflect current economic conditions in the Missouri River Basin.

That would be the conclusion of a successful lawsuit, as I understand the issues framed.

On the next page, the GAO said:

> The lawsuit may ultimately settle the legal question. However, in the absence of a court decision adverse to the Corps' position, the Corps will continue to relegate recreation to a lower priority, even if the lower priority results in decreased system benefits.

Mr. President, clearly that is designed at influencing and supplanting a lawsuit.

Finally, I asked the GAO—in an effort to get at one of their central points that was plain wrong—if they truly believed the critical assumption of this report, the assumption on which they based their conclusions, that the corps master manuals and operating plans ever assumed that navigation on the river would be 12 million tons. To this day, I wait for an answer to that question.

But, I get ahead of myself. My staff and I had only a short time to dissect and read the report before the GAO hearing. It was a frustrating process. While implying much, it says very little. Attacking it was a little like trying to fight one's way out of a bowl of jello.

But even more frustrating, Mr. President, were the behavior and actions of the GAO at the hearing itself. My staff informed the GAO that I wanted someone at the hearing who could answer questions about the report because I was serious about trying to understand where the GAO was coming from.

What I got instead were a series of "I don't know," "I'll check into that," and then an appalling effort to imply things which were simply untrue.

Any analysis of the Missouri River which is well balanced must look equally at up and downstream States. How has the drought affected the various industries and communities, is obviously vital when trying to measure economic impact.

Thus, one of our key complaints about the report was the heavy coverage of upstream interests and little or no mention of downstream interests, such as navigation and its impact on agriculture, flood control, and water supply.

Several of my questions to the GAO were to this point: Who was contacted in each State? Why was the North Dakota commissioned study citing economic impacts used, and not a Missouri Department of Agriculture/University of Missouri study also citing economic impacts not used?

I received no answers to these questions, except the Comptroller attempted to get me to believe that the GAO consulted with downstream States in developing the report. The Comptroller turned to a member of his staff and said, "Jim, didn't you meet with Senator DANFORTH's people, and didn't they outline for you what you should look at from the point of view of Missouri and the downstream people?" The staff member nodded in agreement.

Unfortunately, as we checked on this statement after the hearing, we found that the only time Senator DANFORTH's office was called was well after all the GAO interviews were finished, and there was no discussion of the report or how it was progressing. Instead a contact was requested and given. And the end result of this brief call was that still no one at the key agency in Missouri, the Missouri Department of Natural Resources, was contacted. In fact, the GAO did not sit down with anyone in Missouri after the Danforth call.

They talked to no one in Iowa and after a courtesy call from Senator GRASSLEY, and although told by at least two—if not three Missouri agencies—that they didn't know anything about the issue, and that the GAO should talk to the Missouri Department of Natural Resources, the GAO hasn't yet interviewed one single person from this State agency in charge of river issues. So much for being consulted. So much for the inference that the GAO worked with downstream states to be fair.

Later in the hearing, I asked the GAO specifically why they spent so much of their report on the effects of the drought on recreation in the upstream States. I was curious because the two stated purposes of the report were, one, determine whether in 1988, 1989, or 1990, the corps followed a drought contingency plan in operating the Missouri River reservoir system and whether the plan reduced water releases; two, identify how the corps set operating priorities for the plant. These are two simple questions.

If these were the only questions, I could tell you the answers. The answer to the first is "yes," and to the second, "in accordance with the master manual and the annual operating plan."

Because I did not see any mention of recreation in the stated purpose, I asked GAO why they addressed this issue. They replied it was a logical process that led them to the issue once they began their work. I then specifically asked: "So it was not suggested that you ought to concern yourself with recreation?" Their reply: "No one directed us that we look specifically at recreation versus navigation issues."

Mr. President, since that hearing, I have acquired, for the first time, a copy of the original letter from my North Dakota colleagues in which they request the GAO study. It states:

> Specifically, we would like to know how recreational interests in North Dakota have been balanced with downstream navigational interests.* * *

Mr. President, perhaps now you are beginning to see why the GAO is not as well respected as it may have once been.

Again then I am left with the question of why? Why would the GAO deliberately attempt to mislead me, the committee, and in fact, the Congress? And how many other studies and reports have two agendas or purposes—the stated, and the unstated but understood?

This, of course, led me to wonder what else was wrong. What else have they inferred is not true? That is why my staff and I set out to do a thorough review of the study. We talked to the corps, Omaha and District of Columbia offices. We talked to Missouri officials and other Senate offices. We kept the CRS busy tracking down old committee reports and legislation.

Meanwhile, the GAO agreed to do an "internal review" of their report, and they got back to us in my office early in March. Their internal review consisted of three questions:

Did the GAO have things in their files which they should have used but did not?

Did they follow their procedures in commenting on ongoing litigation? and

Did they follow accepted accounting standards? Not surprisingly their review found no fault with their work.

Mr. President, I say not surprisingly, because the Comptroller General admitted while in my office that he has never retracted a report in the 12 years he's been at GAO.

But I must share with my colleagues what occurred at the meeting.

The GAO finally admitted they did no independent review of economic figures provided to them by upstream sources. At the hearing the GAO had no answer to my questions, but they did admit they simply took the upstream figures claiming $65 million in recreation benefits at face value and put them in the report. This meant two consultant studies commissioned by the States of North Dakota and South Dakota, and used in their lawsuit against the Corps, were simply placed in the report no questions asked.

On the other hand they admitted their report might have been better with the inclusion of a Missouri Department of Agriculture, University of Missouri study, but were not sure. This study noted that without the navigation benefits of the river, Missouri would face an increase in transportation costs of $136 million, and Missouri farmers would see their agriculture cash receipts fall by over $120 million. It was available to the GAO 6 months before their report came out, and was also mentioned to them during the corps exit interviews.

The GAO also admitted that including economic impact on the Mississippi River Basin might also have improved the report—since during a drought 60–65 percent of Mississippi's water comes from the Missouri River feeding into it.

And finally they were forced to admit the additional facts we provided for them at the meeting were such that they should reconsider and continue their internal review.

Mr. President, as a warning to all my colleagues, please understand that the GAO's internal review process clearly rewards the lazy auditor. For if the only critique used to define a competent audit is did you use what you had—then the less you know, the better off you are.

And who benefits when the audit group keeps its information and knowledge levels low? Why the requestor of the report of course, as they are the ones who provide all the initial information.

The key point of the entire GAO report, as described by the GAO, was that the Corps of Engineers is operating on out-of-date assumptions, which leads them to conclude that the corps is operating the river incorrectly; thus upstream recreation interests are being unfairly treated and thus somebody must do something.

Given that, my staff and I spent considerable time trying to track down the sources for the claim that the corps said in 1944 there would be 12 million tons of navigation on the Missouri River. This is important because the GAO, as well as the upstream States in their lawsuit, claim that since we have not gotten to 12 million tons of navigation moving on the river, the corps is out of date and thus is managing and operating the river incorrectly.

I first asked the GAO for their sources and background at the hearing. In response I received a written reply which said the figure was "contained in documents the corps supplied to the Congress as part of its justification for the Missouri River Basin system which Congress approved in 1944. The corps chief of engineers said the assumptions included in these documents were inherent in the Master Manual and the corps operation of the Missouri River reservoir system."

I then asked for the documents and the cite which showed the corps' chief comments.

When my staff was given the so-called documents supplied to Congress, we received a copy of a 1939 Secretary of War report which basically stated that they did not really know the potential but had a series of estimates, the best being a 1929 KC corps report on the lower Missouri, and a 1933 report by KC corps of the midriver. The Secretary of War added them up, said we can't do any better than this because we've been in a drought for several years and submitted the figure in with the overall plan.

But more interesting than the report itself was that it had been faxed to the GAO by an assistant South Dakota attorney general who had highlighted and noted the relevant sections. We also noted that it wasn't received by the GAO until 1½ years into the work on the report. So with much curiosity we asked if GAO had any other materials which referenced the now infamous 12 million tons figure.

Although the GAO clearly was not happy about these repeated requests, they did finally provide us one more document. A law review article written by the self-same South Dakota assistant attorney general in which he lays out an argument that the corps is out of date because the 12 million tons never materialized, and because it is out of date it is treating North Dakota and South Dakota unfairly.

Surprise, surprise—we stumbled into a GAO report, ghostwritten some 7 years before. My staff then followed up one step further and asked the GAO for

all the relevant documents footnoted in the 1985 article—just so we could make sure the GAO had done a little work and did not just crib the entire thing.

Imagine then my shock when it appears that the only document referenced in the law review article which purports to connect the 1939 report to the 1944 act is not in the GAO's files. Nowhere to be found.

That means, of course, that the GAO should be citing the law review article, written by an attorney for one of the parties to the lawsuit that they should not have been involved in and it is the sole basis for their conclusion. Let me repeat: The critical underlying assumption of their report was based on the conclusion of an attorney in the lawsuit and they made no effort independently to confirm or challenge that conclusion.

As a further outrage, the GAO auditor in charge actually admitted that they had not read any of the legislative history.

Mr. President, this is just one example of the many we found that show how flawed the GAO's system of internal controls and quality controls actually are.

I have not even mentioned that the second part of the GAO's answer to my question on their source for the out-of-date assumption claim is simply untrue. It is a quantum leap of faith made only because the South Dakota assistant attorney general law review article had already laid the backbone of the report. And this assertion was directly challenged by the corps in their exit interviews with the GAO.

The corps was not given an opportunity to include its written response because the GAO said they were rushing to get the report out. After 22 months? Why the rush? To influence the lawsuit?

But Mr. President, my colleagues must judge. The GAO says the sentence I am about to read means that a 1939 report to Congress which cites 1929 and 1933 preliminary studies of potential navigation—now provides the guiding principles used by the corps as it manages the Missouri River in 1990. The GAO source for that claim is a 1989 letter from the corps discussing the ongoing drought and their management of the river. It states:

> The water control management plan is inherently based on the economics of the formulation of the reservoir system.

Of course, the GAO conveniently leaves out the fact that while Congress may authorize projects based on preliminary data—it does not appropriate funds that way. And thus a mention in the report about the 15-year period between 1945 when the river widening was authorized and 1960 when the master manual was developed might have let the GAO show it actually understood how the water control management plan was developed.

Perhaps a brief discussion of the full fledged corps planning report which was so controversial in 1950-52 would have added some factual underpinnings to the report. During this period the corps fought internally over a 4 versus 5 million ton maximum navigation capacity figure to be reached 20 to 50 years after completion. A simple review of the Appropriations Committee hearings of the period would have brought this information to light—and would have ended the mysterious 12-million ton estimate once and for all.

Neither the corps nor Congress in all those years were operating on an assumed 12-million ton annual figure.

Perhaps the report would have benefited from some discussion of the numerous coordinating, interagency and States committees and commissions set up to insure the master operating plan was done right. The Governors of the 10 basin States were actively involved in lobbying Congress to finish the project and they were actively involved with the corps in developing the operating priorities for the river.

Perhaps some discussion of these key developments in the history of the river basin would have meant the GAO was actually doing some work on this report—instead of trying to interview the right people in order to make the law review thesis stand up.

But perhaps knowledge of this information would have changed the conclusions of the the law review article and the GAO report, and that's why none of it is contained either in the GAO report or the GAO's files.

And thus to no one's surprise, the GAO after rereviewing their materials; flying to Omaha to visit the corps officials again—and being told by the corps engineers in no uncertain terms how wrong their report is and how shallow and superficial their understanding of the issues are; the GAO notified me late last week that "while we agree that the report would have been more complete had we included information concerning the later traffic estimates * * * our report in this instance is nevertheless consistent with GAO's responsibilities."

Thus Comptroller General Bowser's record remains perfect—no reports withdrawn under his tenure.

Mr. President, perhaps I am asking too much. Maybe the GAO is just too busy with so many reports that using the Cliff note approach is the only way they can turn out a product.

It certainly was in this case.

I am sure some will challenge my review on this report and call all this sour grapes or some such nonsense, but they miss the point. You see, I will no longer be able to trust the GAO on any of their reports—good for me or bad, now that I have seen how they operate. I should also note at this point that I am not alone in my condemnation of the GAO and their lack of professional expertise as a "Dear Colleague" letter was recently circulated and enclosed a professional review of three GAO reports on rangeland issues.

Mr. President, I ask unanimous consent to print after my remarks in the RECORD a "Dear Colleague" letter signed by 16 of my colleagues and the attached information.

The PRESIDING OFFICER (Mr. KERRY). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOND. Mr. President, in that letter they say:

> Attached, you will find a critique of three GAO reports that was produced by several prominent professionals in the fields of range science, ecology and management. These scientists are knowledgeable in range technology and understand resource conditions across the United States, particularly in the West, making them qualified to evaluate the GAO's methodology and conclusions. The consensus reached by this group is that spotty research and an unfamiliarity with western ranching operations have led to inaccurate conclusions and a distorted picture of actual conditions. The GAO reports, according to this group of experts, are not a valid baseline from which Congress should make policy decisions regarding range utilization.

A few years ago I believe Arlo Guthrie had a song "Alice's Restaurant"—you can get anything you want at "Alice's Restaurant." The GAO is a little like "Alice's Restaurant." They even let you provide the recipe by which they want you to cook the outcome.

But, Mr. President, that leads me to a second issue as I also want to spend a little time on another GAO report—one that has captivated the public and the media and has House Members scrambling to reconstruct their financial records.

Given that the 1991 GAO report of extensive overdrafts in the so-called House bank is credited with bringing the outrage to light, I decided to take a closer look at this success story in order to see how a good GAO report would look.

Thus, my staff and I spent countless hours going over the various reports and documents in order better to understand the situation and GAO's work. What we found is that the GAO did much less work than meets the eye.

The GAO began semiannual audits of the House bank after a 1947 embezzlement scandal involving House officials had come to light. These audits were then delivered to the House Speaker and the House Sergeant at Arms but were not made public. I have reviewed all the available reports dating from September 12, 1952, through the 1991 report.

Interestingly, as early as the early 1950's the GAO audit reports noted problems with overdrafts and recommended that additional regulations be developed. For example, a January 4, 1952—July 3, 1952 audit report stated:

> It was noted that some Members still consistently overdraw their accounts, some-

times in excess of their monthly salary and expense allowances, while others make periodic overdrafts. Over 60 accounts showed overdrafts during the period of audit.

Mr. President, I remind you this was in 1952—40 years ago.

In the 1954 report, the GAO stated:

Some Members frequently overdrew their accounts sometimes in excess of their monthly salary and expenses * * * and one-third of all active Members accounts showed overdrafts at one time or another during the periods covered by the audit.

But this is just the beginning, for throughout the past 40 years the GAO has privately reported on the problems of House Member overdrafts. Audit reports from 1955, 1957, 1958, and 1959 all note the problem and recommend changes in the handling of overdrafts. The 1955 report reminds the Speaker that the Sergeant at Arms should prohibit the honoring of overdrafts except for "inadvertently overdrawn in reasonable amounts."

The 1959 reports stated:

Our examination indicated that, aside from the doubtful legality of accepting overdraft items and holding them for rather lengthy periods of time, the accounting control over the items is inadequate. * * *

We recommend that general ledger accounts receivable control accounts be maintained, to which there should be posted daily the amount of overdrafts and returned items received and the amount liquidated, and that the control account be supported by detailed records showing for each item the date received and the date liquidated.

By the 1960 report, the "weakness in control of overdrafts" had reached the front page of the GAO report. And the GAO noted that while one-half of their previous year recommendation had been adopted, the request for detailed subsidiary records as well as accounting controls on return checks were ignored. The report also for the first time gave an overall dollar figure for the overdrafts, noting that during fiscal year 1960, overdrafts totaled $653,000 and then stating:

This practice of honoring overdrafts is becoming more widespread and is not adequately controlled.

Report then went on to say that more than one-half of the Members with accounts had overdrafts during the audit period and that "in some instances the amount overdrawn by a Member was in excess of his net monthly salary."

The 1961 report was more of the same. Total overdrafts were now 5,221 checks, totaling $610,000 and the GAO recommended to the Speaker that a policy be adopted to establish a maximum overdraft level, and a maximum period for the overdraft to be outstanding.

By 1962 the number of checks increased to 5,670 while the dollar value fell to $587,833, but a pattern was clearly developing.

Let me just recite the year by year list:

1963—5,660 checks, $659,900.
1964—8,810 checks, $1,009,696.
1965—7,290 checks, $953,875.
1966—8,430 checks, $1,182,435.
1967—8,620 checks, $1,195,173.
1968—10,369 checks, $1,307,456.
1969—(approx 10,300), $1,801,556.
1970—10,711 checks, $1,872,521.
1971—8,519 checks, $1,509,922.
1972—12,309 checks, (unknown).
1973—8,534 checks, $1,790,103.
1974—9,719 checks, $2,063,435.
1975—9,434 checks, $1,803,272.
1976—8,428 checks, $1,817,550.

These audit reports continue to give the problem page 1 treatment throughout the 1960's until in 1968 the GAO listed proposed reforms in the appendix of their report.

Unfortunately, their 1969 report notes the problem was continuing unabated and that the number of bad checks has more than tripled over the past 10 years.

This process of private GAO complaints, with no public action, and no real changes by Congress continued, until by 1976 the GAO audit report noted that during the 1973–76 period well over one-half of the House Members wrote bad checks—with the high being 12,309 in fiscal year 1972, and the low year being 8,428 in fiscal year 1976.

Mr. President, to put this in perspective, the 1991 GAO report which started Rubbergate exposed a total of 8,331 bad checks.

However, after 1976, no mention was again made until the February 1990 report, and no real controversy was created until the now infamous September 1991 report was released.

So what happened? Did the House change its ways? Did 25 years of prodding of the Speaker finally sink in?

Did the House really clean itself up only to slip back into bad habits in 1990?

Common sense says this probably was not the case, but what else could explain it? Perhaps the GAO, after valiantly year after year pointing out the problem just got tired and simply gave up the ghost as hopeless. Since no one seemed to care, maybe they also felt that it was not worth fighting the status quo anymore.

Certainly this is not the type of behavior one would want from an agency often called watchdog—but maybe that's what occurred.

If only this is what occurred.

Mr. President, the only variable which changed from the 1954–76 period when the GAO issued stern warnings and made frank assessments of the problem listing the number of overdrafts and their ever increasing dollar value, and the 1977–89 period when no mention was made of overdrafts, no criticisms were made and no reforms suggested, was that the early reports were private and the later reports were public.

Let me repeat. The GAO ceased discussing the problem only when the reports became public. They gave no numbers of overdrafts, no dollar value of checks. They provided no analysis of abusers. No commentary on the account control weakness.

Mr. President, the watchdog was a watchdog when no one but the Speaker knew what was going on, but became a lap dog when the reports were for all the world to see.

I find this outrageous. But I also believe it fits the GAO's pattern all too well. Powerful interests request report. If report meets their purposes, it is released, if not it is shelved. Obviously, the House leadership wouldn't want the public criticism of the GAO—so while the problem continued, the criticisms ceased. And when the GAO finally did come forward again, 14 years later, in a February 1990 report, they only attacked non-Member overdrafts as a problem.

They attacked the $232,000 of bounced checks by non-Members, and gave only a passing reference to "checks totaling nearly $18,900" from House Members. GAO also noted in their report:

We first brought the lack of check cashing procedures to the Sergeant at Arms' attention in August 1988. At that time we were assured that procedures would be established. Although procedures were drafted, they were not implemented. Sound internal accounting controls would require that written procedures be instituted which would instruct the bank's tellers about matters such as who can cash checks at the bank, what limits are placed on those with check-cashing privileges and how to handle persons who repeatedly write checks returned due to insufficient funds.

The report then goes on to point out they have since received a letter from the House Sergeant at Arms outlining his commitment to addressing the problems brought up by the GAO. The GAO concludes by stating:

We believe that when written operating procedures for the bank are developed, implemented, and enforced by the Sergeant at Arms, they should improve operation of the House bank and reduce the frequency of checks being returned because of insufficient funds. The Sergeant at Arms' letter is presented in Appendix I.

Unfortunately, Jack Russ' letter addresses only the issue of outsiders bouncing checks, and notes that he personally agrees to cease all banking transactions at the House bank.

Thus, GAO has hit only part of the problem—but appears happy with the partial solution outlined by the Sergeant at Arms. Interestingly, the report does note in its balance sheet that Members were overdrawn by $406,895 on just 2 days of the year. But the report makes no specific mention of the total checks overdrawn—which by this time have to be in the millions. In contrast, the $232,000 figure for non-Members was highlighted.

Finally, in September 1991, the GAO makes a case against the House Members themselves, noting 8,331 checks were returned, and that some Members

(134) cashed 581 checks for over $1,000 in which there were insufficient funds to cover it. However, the GAO again made no specific mention of the total overdrafts, only noted that their balance sheet showed $347,482 in accounts receivable from Members.

The rest, of course, is history.

Mr. President, in all this long and sorry story an interesting thread weaves. When given the opportunity to blow the whistle in 1977, when the reports became public, the GAO simply blew it.

GAO had a chance publicly to expose an abuse which they had been complaining about for decades.

But for 12 years, they said nothing. Only a line in their balance sheet under "accounts receivable, due from Members" gave any clues as to whether checks were being held, bounced, or absorbed. And even this line only tells a partial story. For "due from Members" only notes the amount due on the final date of the audit period—and does not address the many overdrafts which may have occurred throughout the year.

If the DOD sat on this type of information, this would be a huge scandal. If the White House sat on this information it would be a page 1 story, so why is not anyone asking the watchdog agency who has a $450 million annual budget to ferret things out, expose auditing scams, frauds, ripoffs, and all the shoddy accounting practices which lead to huge future liabilities—where were they?

Why were they sitting on information which should have been made public in 1977? And probably only became public now because of the behavior of the former Sergeant at Arms and his $100,000 check bouncing habit.

What happened to turn the watchdog into a lap dog? And most important of all, what else is going on that we don't know about because someone powerful does not want a full GAO report on it?

Mr. President, we need a General Accounting Office. We need an agency which sticks its nose in, tells the truth—and if it irritates all around, so be it. But what we have is a bureaucracy beholden to the powerful.

Its work is not really independent, thought-provoking or influential; instead, its work has become fodder for one side's press releases, its standards low enough that it can argue with a straight face that while they didn't review the internal controls of the House bank fully, the ones they did review seemed OK—although their own report is laced with criticisms that arose because the House bank's internal review mechanisms were inadequate.

This circular reasoning process lets the GAO claim:

First, we never said they were inadequate;

Second, we never said they were adequate;

Third, we found problems; and

Fourth, Congress might want to act.

As a former State auditor, I find this extraordinary. Mr. President, Congress must act to bring the GAO back to what it should be—a tough, independent auditor, with expertise and understanding to keep from being snowed, and the ability to lay the facts on the table.

That is the only way we in Congress can then fairly trust the GAO's reports. And we need to be able to trust them.

Interestingly, at one point in this endeavor we were asked if we had ever requested a GAO report. We replied "no," and the GAO officials jumped right in to say, "Oh, you should."

Mr. President, in closing let me outline four simple reforms I believe we must make in the GAO.

First, retain an outside firm to do a complete and thorough review of the GAO's own internal controls and decisionmaking process.

Second, require all GAO reports to include written comments from the party being audited.

Third, require GAO to list their contacts and sources for the report. Let us see how many Assistant Attorney General law review articles or other party-in-interest memos are buried in GAO files and are the real source of GAO conclusions.

And finally, eliminate the use of other studies, reports, and so forth, as sources unless GAO has verified the work as legitimate. In other words, clearly distinguish between documented factual data and hearsay or claimed data.

These last three reforms we should put in place as soon as possible, and I will be introducing legislation to do so in the next week.

But we should also follow carefully whatever recommendation an outside audit of GAO will bring. I believe their internal controls need a major overhaul, but I am willing to have an independent review show us the way.

Mr. President, I do not often take to the floor to deliver these sorts of speeches. And in this case I sincerely wish I did not have to. But I found the conduct and behavior of the GAO so appalling that I had to speak out—if nothing else to warn my colleagues about the quality of work they are receiving. It is like "Alice's Restaurant"—you can get anything you want.

The truly unfortunate fact is that it only takes a few atrocious studies to poison the entire batch. And, we have no way of knowing which GAO reports are the $x$ percent which are perfectly fair, accurate, and true.

Therefore, Mr. President, I am forced to be suspicious of them all.

EXHIBIT 1

U.S. SENATE,
*Washington, DC, February 24, 1992.*

DEAR COLLEAGUE: You may be familiar with recent reports from the General Accounting Office on the state of western rangelands and livestock in the West. As you know, the federal grazing system has come under fire in recent years, and the GAO's reports have added fuel to the flames.

Attached, you will find a critique to three GAO reports that was produced by several prominent professionals in the fields of range science, ecology and management. These scientists are knowledgeable in range technology and understand resource conditions across the United States, particularly in the West, making them qualified to evaluate the GAO's methodology and conclusions. The consensus reached by this group is that spotty research and an unfamiliarity with western ranching operations have led to inaccurate conclusions and a distorted picture of actual conditions. The GAO reports, according to this group of experts, are not a valid baseline from which Congress should make policy decisions regarding range utilization.

We hope that you will take the short amount of time necessary to read this report and that it will help clear up any questions you may have regarding the actual state of western rangelands.

Sincerely,

Malcolm Wallop, Slade Gorton, Hank Brown, Kent Conrad, Quentin Burdick, Tom Daschle, Dennis DeConcini, Conrad Burns, Orrin Hatch, Bob Packwood, Steve Symms, Harry Reid, Larry E. Craig, Pete Domenici, John McCain, and Richard H. Bryan.

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FEBRUARY 6, 1992.

DEAR CONGRESSMAN: The U.S. General Accounting Office's (GAO) auditing function works effectively for compiling facts and figures. However, the matter of compiling opinions and presenting them as facts is misleading and dangerous.

As technical experts, because we believe this is a matter of national importance, we have undertaken an unsolicited review of several GAO rangeland management reports. After months of investigation, and out of concern for the people of the West, we must inform you that GAO's characterization of livestock grazing on public land is unjustified and deceptive.

You must rely upon this agency to provide objective investigations of federal programs. However, technical expertise is required to interpret GAO investigate findings. GAO claims no technical expertise: even so, their opinions are frequently incorporated into legislation and management policies. This is often to the detriment of millions of western voters.

Obviously, it is imperative that the information provided to you is accurate and impartial. To be fair, you must question the validity of GAO's reports and recommendations. For example, GAO has alarmed the public by sensationalizing their findings that eight percent of public rangeland is in a downward trend. This dramatization is absurd. As range management professionals, we find this status to be predictable and reason for little concern. Even under pristine conditions, in the complete absence of man, a certain portion of rangeland (in some cases much more than eight percent) would always exist in a downward trend due to wildfires, periodic drought, flood, and or excessive wildlife use. Could Congress have been better served if GAO had emphasized their finding that 67 percent of BLM allotments and 79 percent of Forest Service allotments are in improving condition or maintaining the status quo?

SJR 240 was passed in 1990 to reconfirm a national commitment to multiple use of public lands. It is ironic that GAO has been actively developing reports heavily biased against livestock grazing and making recommendations that could encourage laws that would deny this beneficial use of our public lands. Legislation, agency policy, and regulation will never meet the objective of multiple use until they are based on fact. It is our hope, as range professionals, that this report will provoke questions concerning the validity of GAO's snapshot overviews, prepared by non-technical staff, on extremely complex issues.

We are not ranchers, but we care about the range, its uses and improvement. We also believe in multiple use. Our fields of expertise include range management, soil conservation, watershed management, ecology, animal behavior, forestry and wildlife management. Because we care deeply about rangeland resources, we would like to ensure that Congress and others who rely on GAO reporting be provided accurate information before making critical decisions.

The attached report provides objective information to alert you to some serious misconceptions regarding public land management. Please call any of us at any time if you have any questions, comments, concerns, or would like additional information.

Respectfully submitted,

JOHN L. MCLAIN,
*Certified Range Management Consultant.*

TECHNICAL REVIEW OF GAO RANGELAND REPORTS

CONCLUSIONS AND RECOMMENDATIONS

The GAO rangeland management and public lands documents reviewed for this report should not be seriously considered by Congress in the deliberation of public land issues. Although GAO referred to reviews of "other reports" and consultations with "other professionals" in an attempt to add credibility to their work, these sources were never identified. Consequently the objectivity of the GAO reports cannot be verified.

An inherent problem with GAO reporting on the merits of rangeland management is that technically unqualified investigations result in formulation of technically invalid conclusions. When GAO was contacted regarding their research procedures and technical expertise on range management, their response was that GAO is a generalist organization and just analyzes facts. Compilation and presentation of facts can be successfully done by objective, non-technical staff if sufficient time is afforded for balanced research in order to develop an understanding of basic technical principles. Neither the GAO reports, nor personal communications with GAO personnel indicated that GAO researchers, writers, or editors were technically qualified to formulate the conclusions presented, based upon the narrow scope of their investigations. Under no circumstances should such far reaching conclusions be developed by GAO without full consideration of their consequences. Such a procedure is particularly inappropriate if the recommendations will be used to influence national legislation and policy.

As a means to improve the validity of information available to Congress for making public land decisions, we recommend that the GAO reporting process on range management issues be modified such that:

1. All references to subjective conclusions construed by technically unqualified researchers be eliminated from GAO reports.
2. GAO broaden their investigations and consult persons and organizations with professional range management expertise such as the Society for Range Management, University Extension Offices, Agricultural Research Service, and research or consulting professionals to provide technical interpretations of findings.
3. GAO be required to provide references and disclose all sources of technical background information, and be required to clearly distinguish between documented factual data and hearsay opinions.
4. GAO be required to contact and accurately report the viewpoints of all opposing factions regarding controversial range management issues in a professional objective manner.

Mr. BOND. I thank the Chair and yield the floor.

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Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be permitted to speak through the duration of my remarks as I present them.

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

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## LOAN GUARANTEES FOR ISRAEL

Mr. LAUTENBERG. Mr. President, today the Senate is likely to be asked to approve a continuing resolution on foreign aid spending. In my view, that bill should include loan guarantees for the State of Israel. But due to the administration's stubbornness, it is going to be very difficult. Nonetheless, I plan to keep exploring options with my colleagues throughout the day on this critical issue.

I am deeply dismayed by the administration's absolute refusal to work out a compromise on loan guarantees. I think the administration was disingenuous in its negotiations with the Israelis and Congress on this issue. I am not convinced that the administration ever wanted to work out a compromise on loan guarantees. I am not convinced that the administration has been negotiating in good faith. And that is a tragedy for the Soviet refugees in Israel who are there because of our insistence that they be permitted to emigrate and who are currently in desperate need of our assistance.

It is not a big secret that I think the administration made a terrible mistake when it linked loan guarantees to settlements. These are separate issues. Loan guarantees have to be decided by America, by this country. Settlements have to be decided by the parties involved in the dispute.

I have stated that time and time again since September when the President created an issue where none existed. At that time he threw down the gauntlet. He said "No loan guarantees unless there is a freeze on settlements." No one asked him to do that. No Arab country demanded it. The President acted unilaterally and incorrectly.

It was a bad policy decision. Loan guarantees are a humanitarian issue and are consistent with United States policy over decades—to provide freedom, to provide emigration for Soviet Jews and to assist further in their resettlement elsewhere. They need absorption assistance.

For years, the United States fought for the right for Soviet Jews to emigrate. We put our prestige and our trade benefits on the line for that policy. For years, there was not a high-level meeting between United States and Soviet Union officials that took place in which the issue of unfettered emigration was not raised. There was not a Soviet Government official who did not know that MFN, most-favored-nation trading status was inexplicably linked to the emigration of Soviet Jews.

Now, they are emigrating in unprecedented numbers. We have won the battle on free emigration. At the same time, we have made very careful decisions about limiting the number of them who can come to the United States. We put a cap on that. So where are they going to go? I believe that we have a moral obligation to help resettle these refugees from the former Soviet Union. And I think the administration is wrong to hold them hostage to a policy over which they have absolutely no control.

The need in Israel for absorption assistance could not be greater. Over 400,000 new immigrants arrived in Israel since late 1989. The population has been boosted by nearly 10 percent. Israel took 200,000 immigrants in 1990 and 170,500 in 1991, despite the gulf war. Some 600,000 more are expected through 1995, for a total of 1 million immigrants. That is a population increase of more than 20 percent. It is comparable to United States over a 1-year period increasing its population by some 50 million people.

Mr. President, by insisting on linkage with settlements, the administration has injected the United States into the peace negotiations. For the first time in four decades, with the exception of Egypt, bilateral discussions are taking place between Israel and her Arab neighbors. Israel is seeking peace agreements with the Arab countries. And she wants assurances that they are not going to try to annihilate her, as they have promised for so many years.

What the Arab countries have said and continue to say, because they are technically at war with Israel, is that: We want to destroy the Nation of Israel; we want her absorbed into the population that exists in the Middle East. Expressions like "We are going to drive Israel into the sea," do not make a very comforting environment to be operating in.

Israel and her Arab neighbors disagree about many issues. All of these ought to be resolved in face-to-face dis-

cussions in the context of an overall peace settlement for the Middle East. And hopefully they will be. But it will not happen if there are preconditions.

There are deep-rooted differences, and that cannot be resolved if the United States demands concessions from Israel outside the peace process in the absence of concessions from her Arab neighbors. In that case, she is distinctly disadvantaged.

This situation also emboldens terrorists. We have seen terrorist strike after terrorist strike. We saw what happened in Argentina. A very good friend of my son, who had moved to Israel, served in that Embassy. The father of two children, 42 years of age, he lost his life in that explosion.

Yes, the United States did issue a statement of outrage. But underlying the terrorist activity is a feeling that the United States is wavering in its friendship toward Israel. And that is what happens when we start linking loan guarantees with the settlements issue.

President Bush miscalculated on this point. The policy of linkage is a failure. But the President continues to cling to this policy. Now it is rumored that the administration is putting pressure on the European Community nations to deny any participation in guarantees to Israel if it does not accept a settlement freeze.

Israel knows how to make peace. She did it at Camp David with Egypt. In 1977, I had the privilege of visiting Israel when Egypt's President Sadat came to meet with the late Prime Minister Begin. In the name of peace, they negotiated in good faith. Each had something that they desperately wanted, and that was to be at peace with their neighbors and no longer give Israeli lives or Egyptian lives to the cause of war.

Israel gave back the entire Sinai, with the surplus of oil that otherwise could have permitted her an exported product as well as satisfying a domestic need. She tore down the town of Yamit in the Sinai. They carried out the people bodily and destroyed the town because they had a deal. But peace cannot be achieved if the negotiating deck is stacked against Israel.

By linking loan guarantees to settlements, the administration has made peace less possible. It has ignored fundamental policy differences that the United States has with Arab countries, and sent them the wrong signal.

It is shocking to me to see what has happened with Syria. As Syria encourages Iraq, our sworn enemy, someone who took the lives of American youngsters, to say: "You can do business with us, buddy. Come on, ship your oil through our territory; we will get it out to sea for you." That is the Syrian relationship with Iraq.

Syria does not take the blame that she should for terrorism. In today's New York Times, there is an article by A.M. Rosenthal about the Syrian participation in the downing of Pan Am flight 103. Every one of us felt shock and horror and dismay about that. But Syria has never been taken to task for it and she has yet to agree to eliminate terrorists from her soil.

The administration's unbending position on loan guarantees also smacks of hypocrisy. I was in Egypt on August 21, 1990. I was the first American Member of Congress to visit there. I went from a visit in Europe immediately to the Persian Gulf area to find out what was going on because I knew we were going to have to provide appropriations there one day.

I met with President Hosni Mubarak; I met with his Finance Minister; I met with our Ambassador. We sat and engaged in a very detailed discussion. I thanked the Egyptian Government; I thanked President Mubarak for siding with us because that was a very important step to have Egypt, the largest, most developed Arab country, on our side against Saddam Hussein.

In the course of the discussion one of his senior people asked me to be of help to Egypt. He asked if we could waive 163 million dollars' worth of interest due on loans that already existed. I was there August 20. The interest was due to be paid in September. And I said that I would try to be of help, and I meant it, Mr. President. And when I went to the White House with a group of other Congressmen and Senators, we talked about this obligation. And I expressed to the President what I thought our view ought to be.

The next thing that happened was that the President of the United States requested forbearance on $7 billion worth of loans—$7 billion that was outstanding.

I did not have too serious a problem with it. I think we should have done it differently. I think we should have amortized it over let us say a 10-year period, $700 million a year.

But, nevertheless, with that proposal by the President and his people, I said: "OK, I am on your team." And I fought until 6 a.m. with the House Appropriations Subcommittee on Foreign Operations to get that forgiveness in place. Mr. President, I did it because I thought it was right. It cost every American citizen something to forgive those $7 billion in loans.

The fact is that it will cost the American public nothing if we give Israel loan guarantees. We are not lending the money. We are saying to commercial banks that we are going to help Israel; we are going to underwrite the credit; we are going to help reduce her interest costs. We are not giving them any money.

A March 20 article from the New York Times points to the hypocrisy of the administration's policy as well. According to the article, the administration frustrated its own criminal investigators' efforts to examine Iraq's role in a $4 billion bank fraud scheme in Atlanta, while it was courting Iraq in 1989 and 1990.

Apparently, Government investigators and regulators tried to persuade the Agriculture and State Departments to deny guarantees for $500 million in loans to the Iraqi Government once it became clear that high-level Iraqis were involved in the $4 billion bank fraud.

The occupant of the chair knows this issue very well. He is the one who has carried it through to the investigatory process, who has alerted the public to what was going on at the BCCI. Imagine, we gave Iraq loan guarantees on which they defaulted to the tune of $500 million in 1989. If that is not hypocritical, I do not know what is.

It is ironic as well that at the same time the administration said no to loan guarantees for Israel, it warmly welcomed King Hussein of Jordan to Washington. He was met by the President; embraced, virtually, by the President. King Hussein stayed with Saddam Hussein of Iraq during the war. He encouraged him. He made it possible for them to transport material, war materiel, that killed our soldiers and our service people. And he was invited here as a friend and embraced? A friend of America? Someone who supported the killing of American service people?

At the same time that the administration is denouncing Israel on loan guarantees, it does not express outrage at the fact that Syria has, as I mentioned earlier, decided to press for lifting of U.N. sanctions against Iraq. Or about the fact that Syria has reportedly already shipped $15 million in petrochemicals to Iraq. Or about the fact that Syria is reportedly discussing an oil deal with Iraq that would allow the Hussein government to pump crude oil through Syria. Of course, the administration has a lot to say about guarantees to our good friend and dependable ally, Israel. It just says no.

Mr. President, even as we talk, there is a budget message that came from the White House which asks us to void a prohibition against doing business with companies abroad that acquiesce to the Arab boycott against Israel. It is against American law, and it is now written into the 1992 appropriations bill for the State Department. The administration wants to void that. We also have a prohibition that I wrote in the State Department appropriations bill that says: "No funds shall be used to produce Israel-only passports," and now they want to void it, once more isolating Israel from the rest of the world.

Mr. President, the world seems a bit topsy-turvy when a friend, who stood by us for decades, when a friend who never said no to America, when a friend who destroyed the nuclear reac-

tor in Iraq in 1981 and helped save countless American lives, is turned on at the same time we welcome former enemies to the White House as if they were friends.

Mr. President, we are going to be examining this issue very thoroughly, and I hope we will be able to find a way to fulfill our obligation to our friend and ally Israel.

I thank the Chair and yield the floor.

## EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The hour of morning business is not concluded. Under the unanimous-consent agreement of the Senator from New Jersey, the time was extended beyond the hour of 12:30, at which time the Senate was to have recessed.

Mr. HATFIELD. Mr. President, I ask unanimous consent that morning business be extended for 15 minutes and that I be given the privilege to speak for that period of time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HATFIELD. I thank the Chair.

(The remarks of Mr. HATFIELD pertaining to the introduction of S. 2491 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

## IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $3,871,340,970,219.40, as of the close of business on Friday, March 27, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

I thank the Chair.

I yield the floor.

## EXTENSION OF MORNING BUSINESS

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the period for morning business be extended for 4 minutes.

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

## THE 500TH ANNIVERSARY OF THE EDICT OF EXPULSION

Mr. DURENBERGER. Mr. President, there is a persistent thread of irony which tinges the fabric of history through the ages.

In this year of 1992, we mark the 500th anniversary of Christopher Columbus' discovery of the New World. This discovery, financed by the Spanish Monarchs Ferdinand and Isabella, forever changed the course of history and allowed for the creation of the world's greatest democracy and haven for the world's persecuted people.

Yet, on the very day that Columbus' fleet was about to set sail, August 2, 1492, another fleet set sail on a journey of great uncertainty and fear. For on that date, the last remaining Jews in Spain set sail for the Muslim domains of the Ottoman Sultan, Tunis, Egypt, The Netherlands, and any other lands that would allow them haven.

Why this exodus? Why this new diaspora? It was because on March 31, 1492, 500 years ago today, Ferdinand and Isabella issued the Edict of Expulsion which demanded that the Jews of Spain convert to Christianity or leave the country.

Mr. President, as an American citizen and a Catholic, I find it difficult to reconcile the forced exile of Jews by the Spanish Catholic monarchs with the teaching of Jesus that "Thou shall love thy neighbor as thyself."

Yet, on reflection, the people who founded this Nation—Catholics, Protestants, Huguenauts, Lutherans, Amish, Baptists, and Jews—were escaping the same type of Old World intolerance and persecution that Ferdinand and Isabella inflicted on the Spanish Jews, and later on Spanish Muslims. That is why our Founding Fathers incorporated the right of religious freedom in our Constitution's Bill of Rights.

Mr. President, I ask the question: Has the world progressed in the 500 years since the Edict of Expulsion? Surely, we have seen technological progress, but as we have learned, there is a price we all pay for technology. And when 20th century technology is harnessed to 15th-century religious intolerance, the results create tragedies beyond the comprehension of the human mind.

I look at the world of 1992 and wonder whether we are living in a new age of barbarism and intolerance. Catholics and Protestants are still killing each other in Northern Island. Muslim Azeris and Christian Armenians are destroying each other in Nagorno Karabakh. Muslims and Hindus, and Hindus and Sikhs engage in reciprocal terror in India. The Kurds continue to struggle for survival living in the lands of the Iraqis and Turks. And the struggle between Jews and Muslims continues unabated in the Middle East.

Mr. President, with the end of the cold war and the defeat of the totalitarian Soviet Socialist state, the world should be looking forward to a time of great material and social progress. Never before in history have so many nations embraced the idea of the rule of a democratic majority.

Yet with the rise of a worldwide democratic movement, we are seeing a concurrent rise of a new and dangerous intolerance of those who are different from those in the majority. It is not unlike the value structure that Ferdinand and Isabella imposed on the Jews 500 years ago. Either conform to the majority religion or leave. This intolerance is becoming most noticed in Europe.

In France, Jean Marie Le Pen wins a larger and larger share of support running for office on a platform of "France First" and "Expel the Immigrants." In Germany, there are regular reports of bands of skinheads wearing swatstikas, attacking foreigners, while chanting "Germany for the Germans."

And whenever intolerance and demands of conformity rise, one thing is certain—anti-Semitism cannot be far behind. Unfortunately, that is what we are witnessing today in Europe, especially in Russia, Poland, Hungary, and Romania. And we are witnessing the same thing in America where reports of anti-Semitic incidents have risen for the fifth year in a row.

So Mr. President, let us pause on this 500th anniversary of the Edict of Expulsion and remember the plight of the thousands of Jews who were forced to leave Spain because they refused to conform to the majority religion. They chose freedom of thought and freedom of religion at the expense of material security. They are not unlike the immigrants who founded our Nation and gave the oppressed minorities of the world a beacon of light and hope.

On this day then, let us recommit our Nation to a greater sense of tolerance and respect for the right of others to live in peace and dignity no matter their race, religion, or ethnic background. Let us work to prevent some future commentator on our times from pointing out the irony of our intolerance in the midst of global progress. And let us be an example to all who would choose racial, religious, or other strife, to divide their country and to keep them from the ideals they seek as they try to emulate us.

## NATIONAL LABS=INDUSTRIAL POLICY

Mr. JOHNSTON. Mr. President, I ask unanimous consent to place into the RECORD a copy of an article that appeared in Monday's Washington Post. The article is entitled "National Labs=Industrial Policy" and was writ-

ten by Robert Kuttner, correspondent for the New Republic and a columnist for Business Week.

Mr. Kuttner points out that with the cold war coming to an end, we are at a crossroads. As funding for nuclear weapons declines, Department of Energy national laboratories such as Los Alamos must be either scaled back or redirected to help American industry and universities. Some may think that we should simply let these laboratories fade away as they are no longer needed. The fact is, however, that the Department's laboratories already do more civilian research than weapons research. For decades, Department of Energy laboratories have built up a research establishment unequaled anywhere in the world. The laboratories have preeminent expertise in virtually every facet of science and technology. Industry has long sought to have access to these laboratories. It has only been recently that the laboratories have had the legal authority to pursue relationships with industry to do joint research.

The Committee on Energy and Natural Resources Committee, which I chair, is now considering legislation that would broaden the existing legal authority and encourage the laboratories to work more with industry and universities to develop technologies that are critical to the United States' economic and national security. The idea is to push the laboratories further into areas of technology such as high-performance computing, advanced materials, advanced manufacturing, transportation, and the environment. A close working relationship between the laboratories, industry, and universities will ensure that technologies important to this country's long-term survival will be developed. We expect to report this legislation very soon to the full Senate.

For now, I want to compliment Mr. Kuttner on a very timely, well-written article about the national laboratories, and commend his article to all of my colleagues.

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

[From the Washington Post, Mar. 30, 1992]

NATIONAL LABS=INDUSTRIAL POLICY

(By Robert Kuttner)

LOS ALAMOS, NM.—Nearly 50 years ago, J. Robert Oppenheimer led a band of scientists to these mesas and canyons northwest of Santa Fe to develop the world's first atomic bomb. Today, Los Alamos National Laboratory is a crown jewel in a national industrial policy whose very existence is denied by the Bush administration and whose mission is in flux.

The National Laboratory at Los Alamos, one of nine such labs, spends a billion dollars a year and employs some 3,000 scientists, engineers and technicians. In the first years of the Cold War, scientists at Los Alamos did nothing but design weapons. In the '50s, under Eisenhower's Atoms for Peace program, they also began researching nuclear energy. In the Carter years, when the old Atomic Energy Commission became the Department of Energy, scientists at Los Alamos began work aimed at energy self-sufficiency. Under Ronald Reagan, energy funding was cut, and Los Alamos turned its attention to Star Wars.

Today, as the Cold War winds down and funding for nuclear weaponry declines, this lab and others like it operated by the Department of Energy are the closest thing America has to a national technology or industrial policy. Legislation passed by Congress in 1986 and 1989, over the resistance of the two administrations, encourages the national labs to work closely with private business to develop and refine commercial technology.

It turns out that a great deal of research and technology sponsored by government in order to produce weapons has commercial applications. At its advanced computing lab, Los Alamos just installed the world's most powerful computer—the Thinking Machines' CM5, a $35 million massive parallel computing machine whose development was subsidized by another branch of the military, the Pentagon's Defense Advanced Research Projects Agency.

Los Alamos needs extremely powerful computers to design nuclear weapons and simulate their impact. But the same computer used in the design of weapons can, for example, be used to model and research global climate change or to design a more efficient internal combustion engine or to map the human genetic system.

The same laser technology developed for the Strategic Defense Initiative's beam weapons has medical and industrial applications. Research in advanced composite materials developed for weapons can have a variety of industrial uses. Magnetic Resonance Imaging now used in hospital diagnostics is based on military technology devised at Los Alamos.

Technology originally developed to drill holes to test nuclear explosions and monitor their impact has been adapted for oilfield mapping and exploration. Even Los Alamos's need to dispose of nuclear wastes has spawned new technologies for recycling them.

At Los Alamos, the presence of a variety of labs specializing in both basic research and in engineering in diverse fields creates an industrial research facility that none but the biggest private corporations could afford. This year, Los Alamos will still spend about 75 percent of its overall budget on military-related work. But that proportion will gradually drop.

As the need for design and production of nuclear weapons diminishes, the government's aid to commercial technology will no longer be able to hide behind a military mission or to pretend that a commercial application was purely accidental. We must either acknowledge the value of having national laboratories work with civilian industry—or gradually lose this unique resource.

For despite America's official disdain of anything smacking of "industrial policy," labs like Los Alamos are about as close as America gets to Japan's famed Ministry of International Trade and Industry. After some initial skepticism, the Bush administration in its recent National Technology Initiative, has just begun to encourage private industry to view the national labs as the national resource that they are.

Under a Cooperative Research and Development Agreement, as provided by Congress in the 1989 legislation, a private company or consortium of companies may work with a national laboratory or other government facility to develop a technology for commercial application. The government negotiates an agreement that defines how the fruits of the research are to be shared.

In the past two years, several of America's most prominent companies—General Motors, Grumman, Conoco, Boeing—as well as many smaller ones in such fields as energy extraction, superconductivity, fuel cell technology for electric vehicles, biotechnology, lithography—have negotiated agreements to work with Los Alamos and other national labs.

Because of the huge expense involved and the long lead-time before commercial payoff, much of this research simply would not be undertaken by the private sector acting alone. Nor would competing companies be willing to collaborate without a government agency providing both research facilities and neutral territory. The fact that private industry brings its own resources to the table and decides which technologies seem promising makes this approach a far cry from some government commissar "picking winners." Several national labs compete vigorously with each other.

Los Alamos and the other national laboratories are more than labs for scientific research. Increasingly, they are laboratories for policy. And while the administration and Congress continue to debate whether the nation ought to have a technology policy, one is quietly unfolding. The national laboratories are an exceptional example of America's capacity for national purpose, now at last freed for peaceful uses.

We would be insane to throw them on the scrap of the Cold War.

## A TRIBUTE TO MANUEL SAPIEN, JR.

Mr. WIRTH. Mr. President, a few days ago Manuel Sapien, Jr., was remembered and honored at a commemorative Mass at the Fort Logan National Cemetery, near Denver, CO. Manuel was a 22-year-old specialist with the U.S. Army's 1st Armored Division and was killed during Operation Desert Storm.

The Sapien family has a long heritage of service to the Armed Forces of our Nation. I know that I join all Coloradans in expressing our appreciation to the Sapien family and to every veteran for their sacrifices and commitment to preserving freedom. The eloquent sentiments expressed in Mr. Tomas Romero's piece remind all of us that our veterans must never be forgotten.

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

[From the Denver Post, Mar. 25, 1992]

DESERT STORM LOSS SHATTERED FAMILY HOPES

(By Tomas Romero)

Soledad Sapien and her husband returned last week to the quiet place. As chilling breezes rustled deadened greenery, linden, oak and birch trees displayed their bare branches reaching upward as though in supplication and prayer. There they knelt at the grave of Manuel, Jr. and mourned for their son, killed on March 17, 1991, during Operation Desert Storm.

Specialist Sapien was 22 years old and serving with the United States Army's Sixth Battalion, First Armored Division when he stepped on a cluster bomb unit and was killed instantly. Now a young soldier, one of the six Coloradans who died during the Persian Gulf War, rests forever near the mountains he loved so much as a young boy.

United States Army Specialist Hollie Perkins of Whitman, Mass., was called to help identify the remains. To her came the first horror of loss—Manuel Jr. was her fiance. They had met in Germany and after a courtship of six months were to be married in December. Hours later his parents, living in Southern California, received an early morning message. It was their son-in-law in Denver. "Someone is going to call you," he said. "Junior was killed in Kuwait." The Sapiens were stunned. The war had ended quickly, and a recent phone call from their only son indicated that he was anticipating an immediate return home and a discharge from the military. Indeed, it would be his second discharge, as he had officially been released in December, only to be called back to active duty two days later with the buildup of United Nations forces in Saudi Arabia.

A military-escorted casket, draped with an American flag, arrived in Colorado, and at Saint Cajetans Catholic Church, Father Tomas Fraile offered a Mass of the Christian Burial for the fallen young man he'd known as a choir boy. The outpouring of support for the Sapiens and daughters Patricia and Andrea was overwhelming.

Family, close friends and strangers, through letters, gifts, cards and in various other ways, rushed to express their sorrow. A Native American friend gently laid a warrior's feather upon his breast. Yellow ribbon wreaths and flowers filled the church.

And then everyone want away. Politicians who had supported the war basked in their popularity. It had been an "easy war," they said. Veterans were popular again. In Denver, the October Veterans' Day parade drew the largest crowd in years. Through T-shirts, patriotic memorabilia and other means, Americans reasserted their national pride. At the Super Bowl, Whitney Houston's rendition of the Star Spangled Banner brought tears to the eyes of the nation. Then—within months—we began to forget.

A young man who'd competed fiercely as an Abraham Lincoln High School soccer player and intended to go on to Colorado School of Mines was gone, few noticed. Last week, an old friend asked Manuel Sr. about his family: "How's your son doing?" For the first time, a father—through dry-mouthed and chest-tightened anguish—found the strength to say, "My son is dead. He was killed a year ago in Kuwait."

There is a timelessness, a quiet peace at Fort Logan National Cemetery. Manuel Sapien Sr. and Soledad are finding peace.

On March 17, 1992, a commemorative mass in Denver, attended by their son's closest friends, added to the solace. They have accepted God's will. Bound together as a family by their faith and by the continued love and contact with Hollie, they turn the pages of thick albums filled with letters, cards and other remembrances. The parades have stopped. Among the cards is one written in a child's cursive scrawl. "Dear Andrea, we love you and I'm sorry your brother stepped on the gun in the ground. I miss you," it says.

Manuel Sapien Jr. was born in a military hospital in Fort Riley, Kan., while his father was serving in Vietnam. He died an American soldier, and we need to remember that he served with honor, receiving a bronze star for his ultimate sacrifice. His name was Specialist Manuel Sapien Jr. Say his name once—lest we forget, lest he be forgotten.

## OBTAINING HIGHER EDUCATION

Mr. SPECTER. Mr. President, the future promise of any nation is dependent on the opportunities and capabilities of its youth. I recently met with groups of students who are attending Temple University, University of Pittsburgh, Point Park College, Chatham College, Carlow College, and Carnegie Mellon University. And if their intellect, creativity, and energy are any indication, then I am certain that our national character as well as our hope for the future will remain as strong as ever.

By way of background, these schools have built a tradition of academic excellence, matched only by their commitment of service to the community.

The young people I met with represented a broad cross-section of the student population. Of course, they voiced concern that affected them personally. But they also demonstrated a keen insight into the issues that this body grappled with just a few weeks ago, when it debated the Higher Education Act reauthorization.

Generally, speaking, the students' concerns centered around the rising cost of education—a concern that is borne out by the fact that over the past 10 years, the costs of a college education have risen 135 percent, compared to only a 65-percent increase in family income. During the same period, the cornerstone of our Federal Student Aid Program—the Pell grant—has actually declined in value. In 1980, Pell grants covered 41 percent of the cost of education; today a Pell grant covers only 23 percent of costs.

At the graduate level, students have revealed similar views. In most cases, tuition costs for graduate courses are higher than undergraduate. Many students come to graduate school with a loan burden ranging from $5,000 to $15,000. The prospect of adding graduate school loans on top of the cumbersome undergraduate loans either deters people from entering graduate school or requires the students to seek employment in a field of "high return." At a time when public service is of the utmost importance in America, financial burdens are preventing our country's best and brightest from pursuing public service positions.

Apart from the overall cost issue, these young people expressed concern over what they described as unrealistic and unnecessarily rigid criteria for calculating how much a family should contribute to a student's education. In particular, they criticized the formula for calculating the family contribution because it ignored other, equally important pressures on the family budget, economic pressures that are especially acute in my home State of Pennsylvania. And in this regard, their concerns extend well beyond this semester, and beyond their education as well.

Several students were particularly troubled about the rigorous Federal regulations regarding the definition of an independent student. These students felt that while their parents were not contributing to the cost of their education, the parents' incomes were still being considered when calculating student aid.

Education has gotten so expensive that these young people are genuinely worried about how they are going to cope with the enormous debt they are incurring—a debt that may leave them wondering why they bothered to pursue a higher education at all. In addition, many of the students I met with revealed that their financial burdens and excess jobs outside of school had adversely affected their ability to succeed academically. Failure to achieve good grades can preclude further advancement to the graduate level or into a job with a salary adequate to pay off the debts these students have incurred. They also expressed concern that many of their friends either were denied or strongly discouraged from pursuing a college education simply because it has become too expensive or because Federal student aid was unavailable.

Again, many of the issues they raised mirrored the concerns that were brought up when the Higher Education Act was recently taken up by this body. And I believe that the legislation we passed goes a long way toward addressing those issues.

The bill would authorize $17.4 billion in fiscal year 1993, the bulk of which would go to college student aid programs. As ranking member of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I want to note that last year we appropriated $11.7 billion for student aid. That, together with other Federal education funding, leverages additional State and private dollars to provide a total of $21.5 billion to 6 million students attending college and trade schools.

The measure that recently passed the Senate would increase the size of loans and grants and expand the number of students eligible to receive them. Among other things, the bill would raise the maximum Pell grant from $3,100 to $3,600 for the coming academic year. Family income limits used in determining eligibility would be excluded from the family income calculation for families earning less than $50,000. These steps will help make a college education a reality for low-income students and more affordable for middle-income families.

In short, Mr. President, the bill I supported will help restore one of the most basic tenants of this Nation's edu-

cation policy: That any qualified individual should have the opportunity to pursue a higher education. I think we owe the students of these fine Pennsylvania educational institutions and those throughout this country no less than that.

## PAUL DOUGLAS OF ILLINOIS

Mr. SIMON. Mr. President, Paul Douglas of Illinois, the People's Senator, would have been 100 years old on March 26. The events that have been organized to commemorate the Paul Douglas Centennial offer us the opportunity to take fresh stock of a Senator whose character, conviction and achievements are an example to us all.

David Broder, the distinguished Washington Post political reporter, reflects on the Paul Douglas legacy in a recent column about Douglas and about the late Friedrich Hayek, the economist and Nobel laureate.

I commend his column to the attention of my colleagues.

I ask unanimous consent that the column be printed in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 29, 1992]

TWO MEN OF PRINCIPLE

(By David S. Broder)

From their graves, two men whose deaths were marked last week spoke louder to today's politicians about the enduring importance of principle and courage than any of the Babel of voices in the halls of Congress or on the presidential campaign trail.

Friedrich Hayek, the Nobel Prize-winning economist whose ideas shaped the thinking of a generation of conservatives, died on Tuesday at the age of 92. And two nights later, by coincidence, a Washington dinner commemorated the 100th birthday of the late Sen. Paul H. Douglas of Illinois, another economist who became a role model to a generation of liberal politicians.

The two men seemingly were opposites, but they shared a stiff-necked stubbornness of conviction. Ostracized during much of their careers, they achieved an influence far more enduring than those who snubbed them.

Hayek's and Douglas's paths crossed briefly 44 years ago at the University of Chicago. Douglas was on his way out of the economics department into the first of his three terms as a senator just about the time that the Austrian-born Hayek arrived from London to take up a scholarly post at the university's Committee on Social Thought—because the economics department would not have him.

Four years earlier, in 1944, Hayek had published "The Road to Serfdom," a book that outraged conventional wisdom by arguing that central economic planning inevitably led to despotic government. He saw the malevolent fruits of the disease both in Nazi Germany and Communist Russia. And he thought he detected the seeds of the same disease in the growing intellectual appeal of socialism in Britain, especially among his fellow academics who were enjoying the taste of power in their wartime government planning positions.

As he wrote in the preface, Hayek understood that his argument "is certain to offend may people with whom I wish to live on friendly terms. . . . It is certain to prejudice the reception of the results of the more strictly academic work to which all my inclinations lead me. . . . In spite of this, I have come to regard the writing of this book as a duty which I must not evade."

The book was viewed as heresy in Britain, where the socialists were about to take power in the 1945 election, and Hayek was exiled to Chicago, where he was still something of an iconoclast.

Meantime, Douglas came to the Senate and immediately made it clear he was not willing to compromise his principles in order to gain popularity and power. As the reminiscences the other night poignantly recalled, the Senate of the 1950s was dominated by southern bourbons who used its arcane procedures to foil every effort to end legal segregation of the races and reduce the tax loopholes that benefited the oil, gas, timber and agriculture millionaires of their states.

Douglas began battling against the lenient filibuster rules and the stacked Senate committee system that protected the privileged positions of the white and the wealthy—earning himself the label of a nuisance. He lost again and again but never quit.

After all, this was a Quaker who enlisted as a Marine Corps private at age 50, insisted on combat duty, and when his arm was destroyed on Okinawa, reached up with his uninjured hand to remove his major's insignia so the medics would treat him no better than anyone else. This was a man so punctilious about honesty, his former colleague William Proximire recalled, that not only did he reject all the perks of office, but when his secretary would inform him of a phone call from a lobbyist Douglas was trying to duck, he would step into the corridor before allowing the secretary to say, "Sen. Douglas is out of the office."

The Senate powers dealt with Douglas by denying him a committee chairmanship or a leadership position, but he fought them every day and in time saw the measures he had championed—civil rights bills particularly—become law.

As for Hayek, his vindication came even more slowly. It was 1979—35 years after the publication of "The Road to Serfdom"—that a disciple, Margaret Thatcher, became prime minister of Britain and two years after that when Ronald Reagan brought Hayek's ideas to Washington. Jack Kemp and other younger generation Republicans learned from reading Hayek to think of themselves as "classic liberals" who believe that economic freedom empowers people, not "conservatives" seeking to protect the status quo. Another of Hyek's books, "The Constitution of Liberty," "is the book that set me off on my journey," Kemp said. Edwin Feulner, the president of the Heritage Foundation, said "the whole framework of what we believe in—it all started with Hayek."

But the final proof of Hayek's theories came in the last years of his life, when one after another of the Eastern European countries and finally the Soviet Union itself threw off the shackles of communism, emerging to tell the world what it had cost them in prosperity and freedom. Today, his book is sacred text to the post-communist reformers of the old empire.

Douglas and Hayek had very different principles. But they had principles. And the courage to stick to them. That is why they are remembered.

## ESCALATION IN IRAQ

Mr. PELL. Mr. President, I am deeply concerned by reports in today's press that Iraq is carrying out renewed attacks against the Kurds. The reports indicate that Iraq is bombarding the Kurdish inhabited areas surrounding Irbil, causing as many as 40,000 Kurdish people to flee their homes. The reports also assert that Iraq is flying helicopters over Kurdish-controlled areas, including the U.N.-mandated safe haven, and moving Republican Guard units into the region. U.N. officials have indicated the latest Iraqi actions are violations of the U.N. cease-fire resolutions.

This marks an alarming escalation of Saddam Hussein's continuing campaign against the Kurds. During the past year, the traditionally Kurdish area of northern Iraq has been subjected to a harsh economic embargo and to periodic harassment by Iraqi forces. The Kurds have mandated nonetheless to establish de facto control over most of the territory, and have gone as far as to organize elections to establish a unified Kurdish leadership, scheduled to be held later this month.

Undoubtedly, the latest Iraqi attacks are designed to force a cancellation of the Kurdish elections. Even more troubling, however, is the fact that these attacks adhere to a demonstrated pattern of Iraqi persecution against the Kurds. Earlier this month, I chaired a Senate Foreign Relations Committee hearing on mass killings in Iraq under the Saddam Hussein regime. The committee heard graphic testimony describing indiscriminate killings of Iraqi Kurdish civilians, based on official Iraqi documents and on tests conducted by forensic specialists. The available evidence suggests that the total number of Iraqi Kurdish deaths and disappearances may be as high as 200,000 to 300,000, or roughly 5 percent of the Iraqi Kurdish population. In my view, the information demonstrates that Iraqi actions against the Kurds are tantamount to an official policy of genocide.

The United States has an abiding responsibility to help protect the Kurds. During the gulf war, the President urged the Iraqi people to "take matters into their own hands" and overthrow Saddam Hussein, leading directly to the Kurdish uprising last year. The international community, too, assumed responsibility when it urged the scores of thousands of Kurdish refugees to return home under the protection of allied air cover. Now that U.N. Security Council resolutions—and, evidently, the borders of the safe haven—are being violated, the international community must ensure that its words are not meaningless. We must reaffirm our commitment to protect the Kurds under Operation Provide Comfort and see that the Kurds are not left open to the brutality of the Iraqi Army. It is

not only in our interest, but our moral responsibility to do so.

## TRIBUTE TO WILLIAM B. HOYT

Mr. MOYNIHAN. Mr. President, I rise to mourn the passing on March 25, 1992, of Assemblyman William B. Hoyt, educator, environmentalist, and public servant of Buffalo, NY. His obituary in this past Thursday's Buffalo News reads simply: "Hoyt is remembered as 'extraordinary'." And he was. He combined a rare sensitivity to public need with deep intellect, political skill, and determined character.

For 15 years he and I were closely allied on many public issues. Often on environmental matters, a cause to which he was passionately devoted. Not long ago Bill took the lead in creating legislation designed to protect a section of the Genesee River Gorge in Letchworth State Park. The "Grand Canyon of the East," as it is commonly known. He passed and had signed into State law a bill which included this portion of the Genesee in New York's Wild, Scenic and Recreational River System. We then collaborated to do the same on the Federal level with the Genesee River Protection Act of 1989, legislation that recognized the park's importance as a tourist area and its great contributions to the State's economy. Our bill was enacted, and thanks to Bill Hoyt will save for generations to come the beauty and natural qualities of these majestic waters.

In addition to serving in Albany as chairman of the assembly standing committee on energy he presided over the subcommittee on child abuse and was a member of committees on children and families. Child abuse prevention was one of his greatest priorities. Under his watchful eye State agencies and institutions improved their care of children and the elderly. Social service agencies counted him among their strongest advocates. The only thing greater than Bill Hoyt's love of nature was his care for people.

Lawrence O'Brien, John F. Kennedy's great friend, once described politics as an "intensely personal art." None could evoke this image better than Bill Hoyt. The Buffalo News continues, "some say he might not have entered politics if he did not believe that he could make things better." He did, and in so doing set standards for all who aspire to serve in government. There are simply too few people of his caliber in public life, and none to spare. The News got it right—Bill Hoyt was extraordinary. Mr. President, I ask that the text of the Buffalo News' tributes to William B. Hoyt be entered in the CONGRESSIONAL RECORD.

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

[From the Buffalo News, Mar. 27, 1992]

### HOYT: AN UNCOMMON MAN

William B. Hoyt was the thinking person's politician—able to approach public issues in a far-sighted and intellectual way, able to passionately hold his ground under challenge, able to work within the system to reach significant goals.

From the beginning, Bill Hoyt was a different sort of politician. As a Buffalo Common Council member, he bucked the odds and got a city ordinance on the books in 1974 that phased out the sale of leaded gasoline in the city. It was a pioneering environmental law emanating from a city government not known for pioneering. He organized a fledgling recycling program long before it became a popular environmental cause.

Beginning in 1975, he represented part of Buffalo in the State Assembly. He was in the front line on environmental concerns. He was a friend of Great Lakes protection. He was a major force in preventing a power project at beautiful Leichworth State Park.

He helped preserve low-cost hydropower for Western New York. He was a valuable legislative supporter for the Buffalo Philharmonic Orchestra and other cultural organizations. He worked on behalf of the Buffalo public schools and the State University of New York's units in Buffalo.

As chairman of the Assembly's Energy Committee, he championed conservation and co-generation of electric power. Social service agencies relied on him to be their man in Albany. His efforts breathed life into the Child Care Coalition of the Niagara Frontier. He made the prevention of child abuse a special concern.

Bill Hoyt had another passion—as distant from Albany politics as one can get. His love of the Canadian arctic resulted in long canoe expeditions to uninhabited wilds. "After six months in Albany, with its caterwauling and jabbering, a stint in the North is like breathing pure oxygen," he once wrote in The Buffalo News. Native Crees fighting Quebec's James Bay power project had no better friend south of the border than Bill Hoyt.

The other day—while engaged in a vigorous discussion of energy policy in the Assembly chambers—Bill Hoyt suffered a heart attack and died. His life was only 54 years long. But he made it count for much, and the Buffalo area is better because he did.

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[From the Buffalo News, Mar. 26, 1992]

### HOYT IS REMEMBERED AS "EXTRAORDINARY"

(By Molly McCarthy)

Western New York friends and colleagues recall Assemblyman William B. Hoyt as a man deeply committed to his community.

Erie County Executive Gorski, who served in the State Legislature with Hoyt, said he was "an extraordinary legislator" who will be remembered for his efforts to protect the environment and improve the quality of life in Buffalo.

"His abilities spanned a wide gamut of subjects," recalled Gorski. "He could quote poetry or sit and talk grass-roots politics. He was a wonderful person, who worked hard in Albany to ensure that Buffalo and Erie County got their fair share of aid."

A memorial service will be held at 11 a.m. Saturday in St. Paul's Cathedral, 182 Pearl St.

Joseph F. Crangle, who was Erie County Democratic chairman when Hoyt was endorsed for Delaware District Council member in 1969 and for the Assembly in 1974, said Hoyt, more than anyone else, was responsible for the restoration of Delaware Park.

"He saved the park by his diligence in pursuing federal and state funds to clean up Delaware Park Lake," stated Crangle.

"He was a perfect example of a public servant—bright, honest, straightforward, always driven by the public interest," added Crangle. "He never catered to a single interest group, and he was widely respected for his frankness in political debates."

Mayor Griffin opened a Buffalo Urban Renewal Agency meeting today by asking members to pause for a moment of silence to honor Hoyt.

"A friend of Buffalo passed away yesterday," the mayor said. "He helped us in a number of ways, the Scajaquada Pathway, Delaware Park and Delaware Park Lake. . . . He's going to be missed.

"He's a 54-year-old man leaving family and friends. It's a sad day."

Richard Tobe, Erie County commissioner of environment and planning and Hoyt's former chief of staff, said: "He will be missed in so many places and very, very badly missed."

"We've lost a great Democrat in Western New York," said Vincent J. Sorrentino, Eric County Democratic chairman. "Someone with his experience, the friends he's made and inroads he's paved . . . that's something you just don't replace."

Hoyt never aspired to a leadership position in the Assembly, Tobe said. In fact, some say he might not have entered politics if he did not believe that he could make things better.

In 1969, Hoyt was elected as the first Democrat to represent the Delaware District on the Common Council. Before that, he taught American and European history and coached the soccer and hockey teams at the Park School in Amherst.

"He had this belief that you do what's right," said Tobe, who did volunteer work for Hoyt while he served as councilman.

Hoyt, first elected to the Assembly in 1974, announced plans in February to run for a 10th two-year term.

In Albany, Hoyt was chairman of the Assembly Standing Committee on Energy and the Assembly subcommittee on child abuse and a member of committees on children and families, corporations and authorities, the environment, and fiscal matters.

Tobe characterized Hoyt as an unusual politician for his willingness to go beyond the complaints of his constituents and search for a deeper solution. As a legislator, Hoyt launched five investigations into state agencies include the state Division for the Blind and the Buffalo Psychiatric Center.

Mark Mahoney, a Buffalo defense attorney and former neighbor, described Hoyt as the "conscience of the Assembly on environmental and family issues."

Hoyt approached every issue with fervor and a deep commitment, just as he did in his personal life as an avid wilderness canoeist.

Mahoney and D. Bruce Johnstone, chancellor of the State University of New York, accompanied him on one of those trips, a 325-mile canoe journey in 1983 that became the subject of a Ted Turner-produced documentary, "On the Polar Sea. A Yukon Adventure."

His love of open spaces fueled his pursuit of environmental issues in his role as a state lawmaker. He was the leading opponent of the state's controversial power contracts with Hydro-Quebec.

He worked closely with the Cree Indian tribe and environmentalists to battle the contracts, which he said were driving the construction of a huge power plant in James Bay in Northern Quebec.

Sen. Daniel Patrick Moynihan. D-N.Y., who joined with Hoyt in a successful fight to save the Letchworth Gorge State Park from a power project, called the assemblyman "a dear friend and an extraordinary and exceptional legislator."

"There are simply too few people of his caliber in public life, and none to spare," the senator said. "For 15 years, he and I were as closely allied as any two people could be."

Hoyt's son, Sam, is director of Moynihan's Senate office in Buffalo.

Hoyt ran an unsuccessful campaign for mayor against Mayor Griffin in 1989.

Hoyt is survived by his wife, the former Susan Curran; two sons, John H., of Seattle, Wash., and William B. "Sam" III of Buffalo; two daughters, Whitney S. of Fairfax, Calif., and Carolyn H. of Washington, D.C.; a brother, Austin of Cambridge, Mass., and a grandson, Clayton Ballard.

[From the Buffalo News, Mar. 27, 1992]

BILL HOYT'S LEGACY IS HIS DEEP CONCERN FOR THE DISENFRANCHISED

(By Donn Esmonde)

The news came as a shock, as sudden death always does. For family and friends, it put everyday concerns in trivial perspective and made daily routine untidy and dumb.

Thursday, the day after Bill Hoyt collapsed and died at the Assembly in Albany, his staff members here still answered the phone "Assemblyman Hoyt's office." Among the office paperwork was a letter from him to a local organization, regretting that he wouldn't be able to make a dinner engagement last evening due to business in Albany.

Life ends, but time goes on. We leave memories and itineraries. It seems like there should be more.

Bill Hoyt was an intelligent guy, almost intimidatingly so. But his uniqueness really lay in his combination of virtues. He was sensitive enough to understand those of different backgrounds, compassionate enough to care and dedicated enough to work hard. He needed every ounce of empathy: His district included the Hispanic West Side and the well-heeled near Delaware Park, the artists in Allentown and the working folks in Riverside.

Government ought to take care of those least able to take care of themselves, and that's what Hoyt believed. His deepest concern, along with the environment, was abuse of children and the elderly.

A lot of people of Hoyt's quality don't go into politics anymore. There's more money to be made privately, and politics (when done correctly) isn't about fame and glamour. You work, you take abuse, and your best ideas often get buried in the swamp of bureaucracy. Hoyt got involved because he wanted to make the world—or at least the part of it he could affect—a better place.

He wasn't a politician who captivates a room with the force of his personality. There was little flashy or charismatic about him. Hoyt didn't wow the crowd, he just did a lot of good. Because of him, Delaware Park Lake is cleaner, and so is Lake Erie; there's no power plant in Letchworth Park; children in state institutions are protected; high-speed trains may be part of our future.

It's ironic, in a sense, that so cerebral a fellow was such a sleeves-up, head-down plugger. He understood the meaning of public service; the obligation of his office to try, every day, to make things better for the people you serve. That's what politics is about, ideally. Not about taking care of those who can take care of you, but letting conscience be a guide.

It's easy to be cynical about politicians, but Hoyt rose above the stereotype. He wasn't an issue-a-day guy, the sort who attaches himself to whatever gets people's attention and rides it as far as it's worth. He couldn't be bought. At the end, appropriately, he was fighting the power authority to preserve the homes of Native Americans and the sanctity of a wilderness.

Unlike some of his peers, he was no slave to his party affiliation. He worked with whoever could do what needed to be done. One of his recent collaborators was state Sen. John Sheffer, a Republican.

Thursday, in the Assembly in Albany, his colleagues left a red rose on the desk, in front of his vacant chair.

Like most of us, Hoyt was no saint. He could be arrogant, cutting you down with a word or a look.

Just as he wasn't always the easiest guy to be around, he wasn't always easy to work for. When he was in a bad mood in Albany, the dread was felt 300 miles away among his staff in Buffalo. He pushed himself hard, and expected no less from his people. But ultimately, as one staffer said, working for him was like weathering a tough course in college—it brought the satisfaction that comes only with giving all you have.

I didn't know him all that well. We'd run into each other occasionally. More often, he'd drop a line to comment on something I'd written—sometimes favorable, sometimes not. No one sent me to the dictionary as often, as when he wrote that an early piece on his failed 1989 mayoral bid was "obtuse."

It's romantic to think, as an associate of his said, that the end ideally would've come while he was canoeing down a Canadian river or making camp deep in the woods. Somehow, though, the time and place—an Assembly chamber, during a spirited meeting—made sense.

Hoyt relished a good fight, in the best sense of the term. He devoted his life to the sort of informed, spirited discussion that ends in resolution, not hard feelings. He was doing exactly what he loved to do when his time came. I don't know that any of us can ask for more than that.

The best thing to be said about someone is that he did a lot of good, made things better for others, fought for a cause. That's the sort of legacy Bill Hoyt left. His family and friends know that deeply. The rest of us should understand that we lost a good man.

## RECESS UNTIL 2:30 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:30 p.m.

Thereupon, the Senate, at 12:55 p.m., recessed until 2:30 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

## NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS

### MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to H.R. 2507, an act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health and for other purposes:

Joseph Lieberman, Jim Sasser, Frank R. Lautenberg, Paul Wellstone, Edward M. Kennedy, Howard Metzenbaum, John D. Rockefeller, Paul Simon, Al Gore, Bill Bradley, Alan Cranston, John F. Kerry, Don Riegle, Claiborne Pell, Pat Leahy, Timothy E. Wirth.

## CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

## VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 2507, an act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 98, nays 2, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—98

| | | |
|---|---|---|
| Adams | Ford | Mikulski |
| Akaka | Fowler | Mitchell |
| Baucus | Garn | Moynihan |
| Bentsen | Glenn | Murkowski |
| Biden | Gore | Nickles |
| Bingaman | Gorton | Nunn |
| Bond | Graham | Packwood |
| Boren | Gramm | Pell |
| Bradley | Grassley | Pressler |
| Breaux | Harkin | Pryor |
| Brown | Hatch | Reid |
| Bryan | Hatfield | Riegle |
| Bumpers | Heflin | Robb |
| Burdick | Hollings | Rockefeller |
| Burns | Inouye | Roth |
| Byrd | Jeffords | Rudman |
| Chafee | Johnston | Sanford |
| Coats | Kassebaum | Sarbanes |
| Cochran | Kasten | Sasser |
| Cohen | Kennedy | Seymour |
| Conrad | Kerrey | Shelby |
| Craig | Kerry | Simon |
| Cranston | Kohl | Simpson |
| D'Amato | Lautenberg | Specter |
| Danforth | Leahy | Stevens |
| Daschle | Levin | Symms |
| DeConcini | Lieberman | Thurmond |
| Dixon | Lott | Wallop |
| Dodd | Lugar | Warner |
| Dole | Mack | Wellstone |
| Domenici | McCain | Wirth |
| Durenberger | McConnell | Wofford |
| Exon | Metzenbaum | |

NAYS—2

Helms Smith

The PRESIDING OFFICER. On this vote, the yeas are 98, the nays are 2. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

## NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENT

MOTION TO PROCEED

The PRESIDING OFFICER. Is there any further debate on the motion to proceed to H.R. 2507, which is being considered under the cloture provisions of rule XXII?

There being no further debate, the question is on agreeing to the motion.

The motion to proceed was agreed to.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2507) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

The Senate proceeded to consider the bill, which had been reported by the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

***SECTION 1. SHORT TITLE, TABLE OF CONTENTS***

*(a) SHORT TITLE.—This Act may be cited as the "National Institutes of Health Reauthorization Act of 1992."*

*(b) TABLE OF CONTENTS.—The table of contents is as follows:*

*Sec. 1. Short Title, Table of Contents.*
*Sec. 2. References.*

*TITLE I—REAUTHORIZATION OF CERTAIN INSTITUTES AND EXPANSION OF VARIOUS PROGRAMS*

*Sec. 101. National Cancer Institute and National Heart, Lung and Blood Institute.*
*Sec. 102. National Library of Medicine.*
*Sec. 103. Revision and extension of National Research Service Awards program.*
*Sec. 104. National Center for Biotechnology Information.*
*Sec. 105. National Foundation for Biomedical Research.*
*Sec. 106. Biomedical and behavioral research facilities.*
*Sec. 107. National Eye Instititue.*

*TITLE II—RESEARCH FREEDOM*

*Sec. 201. Short title.*
*Sec. 202. Establishment of certain provisions regarding research conducted or supported by National Institutes of Health.*
*Sec. 203. Research concerning the transplantation of fetal tissue.*
*Sec. 204. Purchase of human fetal tissue; solicitation or acceptance of tissue as directed donation for use in transplantation.*
*Sec. 205. Nullification of moratorium.*
*Sec. 206. Requirements for standing approval of unfunded projects.*

*TITLE III—WOMEN'S HEALTH RESEARCH*

*Sec. 301. Women's health research.*
*Sec. 302. Effective date and applicability of requirements.*

*TITLE IV—CONTRACEPTION AND INFERTILITY*

*Sec. 401. Contraception and infertility.*

*TITLE V—PROGRAMS RELATING TO ACQUIRED IMMUNE DEFICIENCY SYNDROME*

*Sec. 501. Loan repayment program with respect to research at National Institutes of Health.*
*Sec. 502. Research with respect to acquired immune deficiency syndrome.*
*Sec. 503. Studies.*

*TITLE VI—NIH DIRECTOR'S DISCRETIONARY FUND, CHILD HEALTH RESEARCH CENTERS, AND INTERAGENCY PROGRAM FOR TRAUMA RESEARCH*

*Sec. 601. NIH director's discretionary fund.*
*Sec. 602. Child health research centers.*
*Sec. 603. Establishment of interagency program for trauma research.*
*Sec. 604. Traumatic brain injury.*

*TITLE VII—NATIONAL CENTER FOR HUMAN GENOME RESEARCH AND REDESIGNATION OF NATIONAL CENTER FOR NURSING RESEARCH AND DIVISION OF RESEARCH RESOURCES.*

*Sec. 701. Purpose of National Center for Human Genome Research.*
*Sec. 702. Redesignation of National Center for Nursing Research as National Institute of Nursing Research.*
*Sec. 703. Redesignation of Division as National Center for Research Resources.*

*TITLE VIII—DESIGNATION OF SENIOR BIOMEDICAL RESEARCH SERVICE IN HONOR OF SILVO CONTE, AND LIMITATION ON NUMBER OF MEMBERS.*

*Sec. 801. Silvio Conte Senior Biomedical Research Service.*

*IX—MISCELLANEOUS PROVISIONS*

*Sec. 901. Paperwork reduction.*
*Sec. 902. National Commission on Sleep Disorders Research.*
*Sec. 903. Chronic fatigue syndrome.*
*Sec. 904. Transfer of provisions.*
*Sec. 905. Biennial report on carcinogens.*
*Sec. 906. National Institute of Allergy and Infectious Diseases.*
*Sec. 907. Health promotion research dissemination.*
*Sec. 908. Study on the relationship between the consumption of legal and illegal drugs.*
*Sec. 909. Experimental program to stimulate competitive research.*
*Sec. 910. General provisions.*

***SEC. 2. REFERENCES.***

*Except as otherwise provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).*

*TITLE I—REAUTHORIZATION OF CERTAIN INSTITUTES AND EXPANSION OF VARIOUS PROGRAMS*

***SEC. 101. NATIONAL CANCER INSTITUTE AND NATIONAL HEART, LUNG AND BLOOD INSTITUTE.***

*(a) AUTHORIZATION OF APPROPRIATIONS.—Section 408(a) (42 U.S.C. 284C(a)) is amended—*

*(1) in paragraph (1)—*

*(A) by striking out "1,500,000,000" and all that follows through the period in subparagraph (A), and inserting in lieu thereof "2,218,400,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997."; and*

*(B) by striking out "100,000,000" and all that follows through the period in subparagraph (B) and inserting in lieu thereof "$156,600,000 for fiscal year 1993, and such sums as may be necessary in each of the fiscal years 1994 through 1997."; and*

*(2) in paragraph (2)—*

*(A) by striking out "$1,100,000,000" and all that follows through the first period in subparagraph (A), and inserting in lieu thereof $1,500,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997."; and*

*(B) by striking out "$101,000,000" and all that follows through the period in subparagraph (B) and inserting in lieu thereof "$151,500,000 for fiscal year 1993, and such sums as may be necessary in each of the fiscal years 1994 through 1997.";*

*(b) RESOURCE PROGRAM.—Section 421(b) (42 U.S.C. 285-3(b)) is amended—*

*(1) in paragraph (3), by striking out "and" at the end thereof;*

*(2) in paragraph (4), by striking out the period and inserting in lieu thereof "; and"; and*

*(3) by inserting immediately after paragraph (4) the following new paragraph:*

*"(5) shall, in consultation with the advisory council for the Institute, support appropriate programs of training and education, including continuing education and laboratory and clinical research training.".*

*(c) CENTERS FOR THE STUDY OF PEDIATRIC CARDIOVASCULAR DISEASES.—Section 422(a)(1) (42 U.S.C. 285b-4(a)(1)) is amended—*

*(1) in subparagraph (B), by striking out "and" at the end thereof;*

*(2) in subparagraph (C), by striking out the period and inserting in lieu thereof "; and"; and*

*(3) by adding at the end thereof the following new subparagraph:*

*"(D) three centers for basic and clinical research concerning, training in, and demonstration of, advanced diagnostic, prevention, and treatment (including genetic studies, intrauterine environment studies, postnatal studies, heart arrhythmias, and acquired heart disease and preventive cardiology) for cardiovascular diseases in children.".*

***SEC. 102. NATIONAL LIBRARY OF MEDICINE.***

*(a) AUTHORIZATION OF APPROPRIATIONS.—Section 469 (42 U.S.C. 286E) is amended by striking out "$14,000,000" and all that follows through the first period and inserting in lieu thereof "$40,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994 through 1997.".*

*(b) GRANTS FOR THE DEVELOPMENT OF NEW EDUCATIONAL TECHNOLOGIES.—Section 473 (42 U.S.C. 286b-4) is amended by adding at the end thereof the following new subsection:*

*"(c) The Secretary shall make grants to appropriate public or private nonprofit institutions for the purpose of carrying out projects in the research, development, and demonstration of new educational technologies. Such projects shall assist in the training of health professions students, and enhance and improve the research and teaching capabilities of health professionals. Funding may support projects including those concerning computer-assisted teaching at health professions and research institutions, the effective transfer of new information from research laboratories to appropriate clinical applications, the expansion of the laboratory and clinical uses of computer-stored research databases, and the testing of new technologies for training health care professionals in nontraditional settings.".*

*(c) REMOVAL OF CAP ON CERTAIN GRANTS.—Section 474(b)(2) (42 U.S.C. 286b-S(b)(2)) is amended by striking out ", except that" and all that follows through "750,000".*

*(d) NATIONAL INFORMATION CENTER ON HEALTH SERVICES RESEARCH AND HEALTH CARE.—Part D of title IV (42 U.S.C. 286 et seq.) is amended by adding at the end thereof the following new subpart:*

*"Subpart A—National Information Center on Health Services Research and Health Care Technology*

***"SEC. 478A. NATIONAL INFORMATION CENTER.***

*"(a) ESTABLISHMENT.—There is established within the National Library of Medicine an en-*

*tity to be known as the National Information Center on Health Services Research and Health Care Technology (hereafter in this section referred to as the 'Center').*

*"(b) PURPOSE.—The purpose of the Center is the collection, storage, analysis, retrieval, and dissemination of information on health services research and on health care technology, including the assessment of such technology. Such purpose includes developing and maintaining data bases and developing and implementing methods of carrying out such purpose.*

*"(c) COORDINATION.—The Secretary, acting through the Center, shall ensure that the activities carried out under this section are coordinated with related activities of the Agency for Health Care Policy and Research.*

*"(d) INTERAGENCY AGREEMENT.—The Director of the National Library of Medicine and the Administrator for the Agency for Health Care Policy and Research shall enter into an agreement providing for the implementation of this section."*

*(e) CONFORMING PROVISIONS.—*

*(1) STRIKING OF DUPLICATIVE AUTHORITY.—Section 904 of the Public Health Service Act (42 U.S.C. 299a–2) is amended—*

*(A) by striking subsection (c); and*

*(B) by redesignating subsection (d) as subsection (c).*

*(2) RULE OF CONSTRUCTION.—The amendments made by subsection (d) and by paragraph (1) of this section may not be construed to terminate the information center on health care technologies and health care technology assessment or the interagency agreement established under section 904 of the Public Health Service Act, as in effect on the day before the date of the enactment of this Act. Such center and interagency agreement shall be considered to be the center and agreement established in section 478A of the Public Health Service Act, as added by section 102 of this Act, and shall be subject to the provisions of such section 478A.*

***SEC. 103. REVISION AND EXTENSION OF NATIONAL RESEARCH SERVICE AWARDS PROGRAM.***

*(a) ADDITIONAL AUTHORITIES.—Section 487(a)(1) (42 U.S.C. 288 et seq.) is amended—*

*(1) in subparagraph (A)(iv), by striking out "and" at the end thereof;*

*(2) in subparagraph (B), by striking out the period and inserting in lieu thereof "; and"; and*

*(3) by adding at the end thereof the following new subparagraph:*

*"(C) make grants for comprehensive programs to recruit women, underrepresented minorities and individuals from disadvantaged backgrounds, into fields of biomedical or behavioral research and to provide research training to women, underrepresented minorities and such individuals.".*

*(b) AUTHORIZATION OF APPROPRIATIONS FOR GENERAL PROGRAM.—Section 487(d) (42 U.S.C. 288) is amended by striking out "$300,000,000" and all that follows through the first period and inserting in lieu thereof "$15,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.".*

***SEC. 104. NATIONAL CENTER FOR BIOTECHNOLOGY INFORMATION.***

*Section 478(c) of the Public Health Service Act (42 U.S.C. 286c(c)) is amended—*

*(1) by striking out "$8,000,000" and inserting in lieu thereof "$18,000,000"; and*

*(2) by striking out "1989" and inserting in lieu thereof "1993"; and*

*(3) by striking out "fiscal year 1990" and inserting in lieu thereof "each of the fiscal years of 1994 through 1997".*

***SEC. 105. NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH.***

*Section 499A (42 U.S.C. 289i) is amended—*

*(1) in the second sentence of subsection (c)(1)(A), by inserting, ", except the ex officio members," after "Foundation"; and*

*(2) in subsection (i)(1), by striking out "1995" and inserting in lieu thereof "1997".*

***SEC. 106. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.***

*Title IV (42 U.S.C. 281 et seq) is amended by adding at the end there of the following new part:*

*"PART I—BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES*

***"SEC. 499B. DEFINITIONS.***

*"As used in this part:*

*"(1) CONSTRUCTION AND COST OF CONSTRUCTION.—The terms 'construction' and 'cost of construction' include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects' fees, but not including the cost of acquisition of land or off-site improvements*

*"(2) PUBLIC OR NONPROFIT PRIVATE INSTITUTION.—The term 'public or nonprofit private institution' means an institution that conducts biomedical or behavioral research, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.*

***"SEC. 499C. GRANTS FOR CONSTRUCTION.***

*"The Director of the National Institutes of Health, through the Director of the National Center for Research Resources (hereinafter in this part referred to as the 'Director'), is authorized to award grants on behalf of the National Institutes of Health to public and nonprofit private institutions to expand, remodel, renovate, or alter existing research facilities or construct new research facilities pursuant to this part. Applications for grants shall be evaluated on the basis of merit as provided in section 499J.*

***"SEC. 499D. TECHNICAL REVIEW BOARD ON BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.***

*"(a) ESTABLISHMENT.—*

*"(1) IN GENERAL.—There is established in the National Center for Research Resources of the National Institutes of Health a Technical Review Board on Biomedical and Behavioral Research Facilities (hereinafter referred to in this part as the 'Board") to advise the Director and the Advisory Council established pursuant to section 480 (hereafter in this part referred to as the 'Advisory Council') on matters concerning the construction of facilities, and to conduct the peer review of applications reviewed under this part.*

*"(2) MEMBERSHIP.—The Board shall be appointed by the Secretary, acting through the Director, and consist of not fewer than—*

*"(A) 12 members to be appointed without regard to the civil service laws; and*

*"(B) an official of the National Science Foundation designated by the National Science Board.*

*"(3) FACTORS FOR APPOINTMENTS.—In selecting individuals for appointment to the Board under paragraph (2), the Secretary, acting through the Director, shall consider factors such as—*

*"(A) the experience of the individual in the planning, construction, financing, and administration of institutions engaged in the conduct of research in the biomedical or behavioral sciences;*

*"(B) the familiarity of the individual with the need for biomedical or behavioral research facilities;*

*"(C) the familiarity of the individual with the need for dentistry, nursing, pharmacy, and allied health professions research facilities; and*

*"(D) the experience of the individual with emerging centers of excellence as defined in section 499E(d)(2).*

*"(b) DUTIES.—The Board shall—*

*"(1) advise and assist the Director and the Advisory Council in the preparation of general regulations and with respect to policy matters arising in the administration of this part;*

*"(2) make recommendations to the Director and the Advisory Council concerning—*

*"(A) merit review of applications for grants; and*

*"(B) the amount that should be granted to each applicant whose application, in its opinion, should be approved; and*

*"(3) prepare an annual report for the Advisory Council, that shall be available to the public, that—*

*"(A) describes the activities of the Board in the fiscal year for which the report is made;*

*"(B) describes and evaluates the progress made in such fiscal year in meeting the facilities' needs for the biomedical research community;*

*"(C) summarizes and analyzes expenditures made by the Federal Government for such activities;*

*"(D) reviews the approved but unfunded applications for grants; and*

*"(E) contains the recommendations of the Board for any changes in the implementation of this part.*

*"(c) TERMS.—*

*"(1) IN GENERAL.—Each appointed member of the Board shall hold office for a term of 4 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term.*

*"(2) STAGGERED TERMS.—Of the initial members appointed to the Board—*

*"(A) 3 shall hold office for a term of 3 years;*

*"(B) 3 shall hold office for a term of 2 years; and*

*"(C) 3 shall hold office for a term of 1 year; as designated by the Director at the time of the appointment.*

*"(3) REAPPOINTMENT.—No member shall be eligible for reappointment until at least 1 year has elapsed since the end of such member's preceding term.*

*"(d) COMPENSATION.—Members of the Board who are not officers or employees of the United States shall receive for each day the members are engaged in the performance of the functions of the Board compensation at the same rate received by members of other national advisory councils established under this title.*

*"(e) USE OF MEMBERS.—The Director is authorized to use the services of any member or members of the Board, and where appropriate, any member or members of any other national advisory council established pursuant to this title, in connection with matters related to the administration of this part, for such periods, in addition to conference periods, as the Director may determine appropriate. The Director shall make appropriate provision for consultation between and coordination of the work of the Board and the advisory Council, with respect to matters bearing on the purposes and administration of this part.*

*"(f) ADMINISTRATION.—The administration of the Board's functions shall be the responsibility of the Director and shall be carried out in the same manner as the administration of the functions of the Advisory Council.*

*"(g) BOARD ACTIVITIES.—*

*"(1) IN GENERAL.—In carrying out its functions under this part, the Board may establish subcommittees, convene workshops and conferences, and collect data as the Board considers appropriate.*

*"(2) SUBCOMMITTEES.—Subcommittees established under paragraph (1) may be composed of Board members and nonmember consultants*

with expertise in the particular area to be addressed by the subcommittees. The subcommittee may hold meetings as determined necessary to enable the subcommittee to carry out its activities.

**"SEC. 499E. APPLICATION AND SELECTION FOR GRANTS.**

"(a) SUBMISSION.—Applications for grants under this part shall be submitted at least once each year to the Director by interested public and nonprofit private institutions.

"(b) AWARDING OF GRANTS.—A grant under this part may be awarded by the Director if—

"(1) the applicant institution is determined by the Director to be competent to engage in the type of research for which the proposed facility is to be constructed;

"(2) the applicant institution meets the eligibility conditions established by the Director;

"(3) the application contains or is supported by the reasonable assurances that—

"(A) for not less than 20 years after completion of the construction, the facility will be used for the purposes of research for which it is to be constructed;

"(B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility; and

"(C) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

"(4) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research.

A grant under this part may be made only if the application therefore is recommended for approval by the Advisory Council.

"(c) ELIGIBILITY CONDITIONS.—Within the aggregate monetary limit as the Director may prescribe, applications that, solely by reason of the inability of the applicants to give the assurance required by subsection (b)(2), fail to meet the requirements for applications described in this section, may be approved on condition that the applicants give the assurance required by such paragraph within a reasonable time and on such other reasonable terms and conditions as the Director may determine appropriate.

"(d) AWARDING GRANTS.—

"(1) IN GENERAL.—In acting on applications for grants under this part, the Director shall take into consideration—

"(A) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

"(B) the quality of the research or training, or both, to be carried out in the facilities involved;

"(C) the need of the institution for such facilities in order to maintain or expand the institution's research and training mission;

"(D) The congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

"(E) the age and condition of existing research facilities and equipment.

"(2) INSTITUTIONS OF EMERGING EXCELLENCE.—

"(A) IN GENERAL.—In addition to the considerations required under paragraph (1), the Director shall also consider other criteria for the awarding of grants to eligible institutions that demonstrate emerging excellence in biomedical or behavioral research for the construction of research facilities.

"(B) ELIGIBILITY.—To be eligible to receive a grant under this paragraph, an institution shall—

"(i) have a plan for research or training advancement and possess the ability to carry out such plan; and

"(ii)(I) carry out research and research training programs that have a special relevance to a problem, concern, or unmet need of the United States;

"(II) have been productive in research or research development and training in settings where significant barriers to institutional development have been created by—

"(aa) the underrepresentation of minorities in health science careers;

"(bb) the health status deficit of a large segment of the population; or

"(cc) a regional deficit in health care technology, services, or research resources that can adversely affect health status in the future;

"(III) have the capacity to broaden the scope of research and research training programs of such institution by promoting—

"(aa) interdisciplinary research;

"(bb) research on emerging technologies, including those involving novel analytical techniques or computational methods; or

"(cc) other novel research mechanisms or programs;

"(IV) have already demonstrated a commitment to enhancing and expanding the research productivity of such institution; or

"(V) broaden the scope of research and research training programs of qualified institutions by promoting genomic research with an emphasis on interdisciplinary research, including research related to pediatric investigations.

**"SEC. 499F. AMOUNT OF GRANT; PAYMENTS.**

"(a) AMOUNT.—The amount of any grant awarded under this part shall be determined by the Director, except that such amount shall not exceed—

"(1) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

"(2) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

"(b) RESERVATION OF AMOUNTS.—On approval of any application for a grant under this part, the Director shall reserve, from any appropriation available therefore, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of the Director of any amount by the Director under this subsection may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

"(c) EXCLUSION OF CERTAIN COSTS.—In determining the amount of any grant under this part, there shall be excluded from the cost of construction an amount equal to the sum of—

"(1) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this part; and

"(2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(d) WAIVER OF LIMITATIONS.—The limitations imposed by subsection (a) may be waived at the discretion of the Director for institutions described in section 499E(d)(2).

**"SEC. 499G. RECAPTURE OF PAYMENTS.**

"If, not later than 20 years after the completion of construction for which a grant has been awarded under this part—

"(1) the applicant or other owner of the facility shall cease to be a public or nonprofit private institution; or

"(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

**"SEC. 499H. NONINTERFERENCE WITH ADMINISTRATION OF INSTITUTIONS.**

"Except as otherwise specifically provided in this part, nothing contained in this part shall be construed as authorizing any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over, or impose any requirement or condition with respect to the administration of any institution funded under this part.

**"SEC. 4991. REGULATIONS.**

"Not later than 6 months after the date of enactment of this part, the Director, after consultation with the Advisory Council, shall prescribe regulations concerning the eligibility of institutions for grants awarded under this part, and the terms and conditions applicable to the approval of applications for such grants. The Director may prescribe such other regulations as the Director determines necessary to carry out this part.

**"SEC. 499J. PEER REVIEW OF APPLICATIONS.**

"(a) IN GENERAL.—The Director shall require appropriate peer review of applications for grants under this part in accordance with section 492.

"(b) MANNER OF REVIEW.—Review of grant applications under this part shall be conducted in a manner consistent with the system of scientific peer review conducted by scholars with regard to applications for grants under this Act for biomedical and behavioral research.

"(c) MEMBERSHIP.—Members of a peer review group established under this section shall be individuals who, by the virtue of their training or experience, are eminently qualified to perform peer review functions, except that not more than one-fourth of the members of any peer review group shall be officers or employees of the United States.

**"SEC. 499K. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated to carry out this part, $150,000,000 for fiscal year 1993, and such sums as may be necessary in each of the fiscal years 1994 through 1997.

**"SEC. 499L. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTER.**

"(a) GRANTS.—With respect to activities carried out by the National Center for Research Resources to support regional centers for research on primates, the Director of NIH may, through the Director of the National Center for Research Resources, for each of the fiscal years 1993 through 1997, reserve from the amounts described in section 499K not more than $5,000,000 for the purpose of making grants to, or entering into contracts with, public or nonprofit private entities to construct, renovate, or otherwise improve such regional centers.

"(b) MATCHING CONTRIBUTIONS.—The Director of NIH may not make a grant or enter into a contract under subsection (a) unless the applicant for such assistance agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward such costs

*in an amount equal to not less than $1 for each $4 of Federal funds provided in such assistance.".*

**SEC. 107. NATIONAL EYE INSTITUTE.**

*Subpart 9 of part C (42 U.S.C. 285i et seq.) is amended by adding at the end thereof the following new section:*

**"SEC. 455A. CLINICAL RESEARCH ON DIABETES EYE CARE.**

*"(a) GRANTS.—The Director of the National Eye Institute, in consultation with the advisory council for the Institute, may award not to exceed three grants for the establishment and support of Centers for Clinical Research on Diabetes Eye Care.*

*"(b) USE.—Amounts received under a grant awarded under this section may, in addition to establishing a Center, be used for research, facilities modernization, construction and the purchase of equipment.".*

*TITLE II—RESEARCH FREEDOM*

**SEC. 201. SHORT TITLE.**

*This title may be cited as the "Research Freedom Act of 1992".*

**SEC. 202. ESTABLISHMENT OF CERTAIN PROVISIONS REGARDING RESEARCH CONDUCTED OR SUPPORTED BY NATIONAL INSTITUTES OF HEALTH.**

*Part G of title IV (42 U.S.C. 289 et seq.) is amended by inserting after section 492 the following new section:*

**SEC. 492A. CERTAIN PROVISIONS REGARDING REVIEW AND APPROVAL OF PROPOSALS FOR RESEARCH.**

*"(a) REVIEW AS PRECONDITION TO RESEARCH.—*

*"(1) PROTECTION OF HUMAN RESEARCH SUBJECTS.—*

*"(A) In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to review under section 491(a) by an Institutional Review Board unless the application has undergone review in accordance with such section and has been recommended for approval by a majority of the members of the Board conducting such review.*

*"(B) In the case of research that is subject to review under procedures established by the Secretary for the protection of human subjects in clinical research conducted by the National Institutes of Health, the Secretary may not authorize the conduct of the research unless the research has, pursuant to such procedures, been recommended for approval by a majority of the members of the entity conducting such review.*

*"(2) PEER REVIEW.—In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to technical and scientific peer review under section 492(a) unless the application has undergone peer review in accordance with such section and has been recommended for approval by a majority of the members of the entity conducting such review.*

*"(b) ETHICAL REVIEW OF RESEARCH.—*

*"(1) PROCEDURES REGARDING WITHHOLDING OF FUNDS.—If research has been recommended for approval for purposes of subsection (a), the Secretary may not withhold funding for the research on ethical grounds unless—*

*"(A) the Secretary convenes an advisory board in accordance with paragraph (4) to study the ethical implications of the research; and*

*"(B) the majority of the advisory board recommends that, on ethical grounds, the Secretary withhold funds for the research.*

*"(2) APPLICABILITY.—The limitation established in paragraph (1) regarding the authority to withhold funds on ethical grounds shall apply without regard to whether the withholding of funds is characterized as a disapproval, a moratorium, a prohibition, or other description.*

*"(3) PRELIMINARY MATTERS REGARDING USE OF PROCEDURES.—*

*"(A) If the Secretary makes a determination that an advisory board should be convened for purposes of paragraph (1), the Secretary shall, through a statement published in the Federal Register, announce the intention of the Secretary to convene such a board.*

*"(B) A statement issued under subparagraph (A) shall include a request that interested individuals submit to the Secretary recommendations specifying the particular individuals who should be appointed to the advisory board involved. The Secretary shall consider such recommendations in making appointments to the board.*

*"(C) The Secretary may not make appointments to an advisory board under paragraph (1) until the expiration of the 30-day period beginning on the date on which the statement required in subparagraph (A) is made with respect to board.*

*"(4) ETHICS ADVISORY BOARDS.—*

*"(A) Any advisory board convened for purposes of paragraph (1) shall be known as an ethics advisory board (hereafter in this paragraph referred to as an 'ethics board').*

*"(B)(i) An ethics board shall advise, consult with, and make recommendations to the Secretary regarding the ethics of the project of biomedical or behavioral research with respect to which the board has been convened.*

*"(ii) Not later than 180 days after the date on which the statement required in paragraph (3)(A) is made with respect to an ethics board, the board shall submit to the Secretary, and to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report describing the findings of the board regarding the project of research involved.*

*"(C) An ethics board shall be composed of no fewer than 14, and no more than 20, individuals who are not officers or employs of the United States. The Secretary shall make appointments to the board from among individuals with special qualifications and competence to provide advice and recommendations regarding ethical matters in biomedical and behavioral research. Of the members of the board—*

*"(i) no fewer than 1 shall be an attorney;*

*"(ii) no fewer than 1 shall be an ethicist;*

*"(iii) no fewer than 1 shall be a practicing physician;*

*"(iv) no fewer than 1 shall be a theologian; and*

*"(v) no fewer than one-third, and no more than one-half, shall be scientists with substantial accomplishments in biomedical or behavioral research.*

*"(D) The term of service as a member of an ethics board shall be for the life of the board. If such a member does not serve the full term of such service, the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.*

*"(E) The Secretary shall designate an individual from among the members of an ethics board to serve as the chairperson of the board.*

*"(F) In carrying out subparagraph (B)(i) with respect to a project of research, an ethics board shall conduct inquiries and hold public hearings.*

*"(G) With respect to information relevant to the duties described in subparagraph (B)(i), an ethics board shall have access to all such information possessed by the Department of Health and Human Services, or available to the Secretary from other agencies.*

*"(H) Members of an ethics board shall receive compensation for each day engaged in carrying out the duties of the board, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.*

*"(I) The Secretary, acting through the Director of the National Institutes of Health, shall provide to each ethics board such staff and other assistance as may be necessary to carry out the duties of the board.*

*"(J) An ethics board shall terminate 30 days after the date on which the report required in subparagraph (B)(ii) is submitted to the Secretary and the congressional committees specified in such subparagraph.".*

**SEC. 203. RESEARCH CONCERNING THE TRANSPLANTATION OF FETAL TISSUE.**

*Part G of title IV (42 U.S.C. 289 et seq.) is amended by inserting after section 498 the following new section:*

**"SEC. 498A. RESEARCH ON TRANSPLANTATION OF FETAL TISSUE.**

*"(a) ESTABLISHMENT OF PROGRAM.—*

*"(1) AUTHORITY.—The Secretary may conduct or support research concerning the transplantation of human fetal tissue for therapeutic purposes.*

*"(2) SOURCE OF TISSUE.—Human fetal tissue may be used in research carried out under the authority of paragraph (1) regardless of whether the tissue is obtained subsequent to a spontaneous or induced abortion or subsequent to a stillbirth.*

*"(b) INFORMED CONSENT OF DONOR.—*

*"(1) IN GENERAL.—With respect to research carried out under the authority of subsection (a), human fetal tissue may be used only if the woman providing the tissue provides a signed statement declaring that—*

*"(A) such woman donates such fetal tissue for use in research of the type described in subsection (a);*

*"(B) such donation is made without any restriction regarding the identity of individuals who may be the recipients of transplantations of such tissue; and*

*"(C) such woman has not been informed of the identity of any such individuals.*

*"(2) CERTIFICATION OF CONSENT.—With respect to research carried out under the authority of subsection (a), human fetal tissue may be used only if the attending physician provides a signed statement declaring that—*

*"(A) the tissue has been donated in accordance with paragraph (1);*

*"(B) in the case of tissue obtained subsequent to an induced abortion, consent for such abortion was obtained prior to obtaining or requesting consent for the donation of such tissue; and*

*"(C) full and complete disclosure has been provided to the donor described in paragraph (1) with regard to—*

*"(i) such physician's interest in the research to be conducted with the donated tissue; and*

*"(ii) any known medical risks to such donor or risks to the privacy of such donor that might be associated with the retrieval of such tissue and that are in addition to risks of such type that are associated with the donor's medical care.*

*"(c) INFORMED CONSENT OF RESEARCHER AND DONEE.—With respect to research carried out under the authority of subsection (a), human fetal tissue may be used only if the individual with the principal responsibility for conducting such research provides a signed statement declaring that such individual—*

*"(1) is aware that—*

*"(A) the tissue is human fetal tissue;*

*"(B) the tissue may have been obtained subsequent to a spontaneous or induced abortion or subsequent to a stillbirth; and*

*"(C) the tissue was donated for research purposes;*

"(2) has provided such information to other individuals with responsibilities regarding the research; and

"(3) will require, prior to obtaining the consent of an individual to be a recipient of a transplantation of the tissue, written acknowledgment of receipt of such information by such individual recipient.

"(d) AVAILABILITY OF STATEMENTS FOR AUDIT.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, shall require that each entity that applies for a grant, contract, or cooperative agreement under this Act for any project or program that involves the conduct of research of the type described under subsection (a) provide certification that the statements required under subsections (b)(2) and (c)(1) will be available for audit by the Secretary.

"(2) CONFIDENTIALITY OF AUDIT.—Any audit conducted by the Secretary pursuant to paragraph (1) shall be conducted in a confidential manner to protect the privacy rights of the individual involved in such research, including those individuals involved in donation, transfer, receipt, and transplantation of human fetal tissue. With respect to any material or information obtained pursuant to such audit the Secretary shall—

"(A) use such material or information only for the purposes of verifying compliance with the requirements set forth in this section;

"(B) not disclose or publish such material or information, except where required by Federal law, in which case such material or information shall be coded in a manner such that the identities of such individuals are protected; and

"(C) not maintain such material or information after completion of such audit, except where necessary for the purposes of such audit.

"(e) APPLICABILITY OF STATE AND LOCAL LAW.—

"(1) RESEARCH CONDUCTED BY RECIPIENTS OF ASSISTANCE.—The Secretary may not provide financial assistance for research conducted under the authority of subsection (a) unless the applicant for such assistance agrees to conduct the research in accordance with applicable State and local law.

"(2) RESEARCH CONDUCTED BY SECRETARY.—The Secretary may conduct research under the authority of subsection (a) only in accordance with applicable State and local law.

"(f) DEFINITION.—For purposes of this section, the term 'human fetal tissue' means tissue or cells obtained from a dead human embryo or fetus subsequent to a spontaneous or induced abortion, or a stillbirth.".

**SEC. 204. PURCHASE OF HUMAN FETAL TISSUE; SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.**

Part G of title IV, as amended by section 203, is further amended by inserting after section 498A the following new section:

**"SEC. 498B. PROHIBITIONS REGARDING HUMAN FETAL TISSUE.**

"(a) PURCHASE OF TISSUE.—It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.

"(b) SOLICITATION OR ACCEPTANCE OF DONATED TISSUE FOR USE IN TRANSPLANTATION RESEARCH.—It shall be unlawful for any person or entity to knowingly solicit, acquire, receive, or accept a donation of human fetal tissue for the purpose of research involving transplantation of such tissue into another person if the donation affects interstate commerce, the tissue will be or is obtained subsequent to an induced abortion, and—

"(1) the donation will be or is made pursuant to a promise to the donating individual that the donated tissue will be transplanted into a recipient specified by such individual;

"(2) the donated tissue will be transplanted into a relative of the donating individual; or

"(3) the person or entity that knowingly solicits, acquires, receives, or accepts such donation has provided valuable consideration for the costs associated with such abortion.

"(c) CRIMINAL PENALTIES FOR VIOLATIONS.—Any person who violates subsection (a) or (b) shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'human fetal tissue' has the meaning given such term in section 498A(f).

"(2) The term 'interstate commerce' has the meaning given such term in section 201(b) of the Federal Food, Drug, and Cosmetic Act.

"(3) The term 'valuable consideration' does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.".

**SEC. 205. NULLIFICATION OF MORATORIUM.**

(a) IN GENERAL.—Except as provided in subsection (c), no official of the executive branch may impose a policy that the Department of Health and Human Services is prohibited from conducting or supporting any research on the transplantation of human fetal tissue for therapeutic purposes. Such research shall be carried out in accordance with section 498A of the Public Health Service Act (as added by section 203), without regard to any such policy that may have been in effect prior to the date of the enactment of this Act.

(b) PROHIBITION AGAINST WITHHOLDING OF FUNDS IN CASES OF TECHNICAL AND SCIENTIFIC MERIT.—

(1) IN GENERAL.—In the case of any proposal for research on the transplantation of human fetal tissue for therapeutic purposes, the Secretary of Health and Human Services may not withhold funds for the research if—

(A) the research has been approved for purposes of section 492A(a) of the Public Health Service Act (as added by section 202);

(B) the research will be carried out in accordance with section 498A of such Act (as added by section 203); and

(C) there are reasonable assurances that the research will not utilize any fetal tissue that has been obtained in violation of section 498B(a) of such Act (as added by section 204).

(2) STANDING APPROVAL REGARDING ETHICAL STATUS.—In the case of any proposal for research on the transplantation of human fetal tissue for therapeutic purposes, the issuance in December 1988 of the Report of the Human Fetal Tissue Transplantation Research Panel shall be deemed to be a report—

(A) issued by an ethics advisory board pursuant to section 492A(b)(4)(B)(ii) of the Public Health Service Act (as added by section 202); and

(B) finding that there are no ethical grounds for withholding funds for such research.

(c) AUTHORITY FOR WITHHOLDING FUNDS FROM RESEARCH.—In the case of any research on the transplantation of human fetal tissue for therapeutic purposes, the Secretary of Health and Human Services may withhold funds for the research if any of the conditions specified in any of subparagraphs (A) through (C) of subsection (b)(1) are not met with respect to the research.

(d) DEFINITION.—For purposes of this section, the term "human fetal tissue" has the meaning given such term in section 498A(f) of the Public Health Service Act (as added by section 203).

**SEC. 206. REQUIREMENTS FOR STANDING APPROVAL OF UNFUNDED PROJECTS.**

Any proposal for research that has received review and approval in accordance with applicable requirements of section 491 and 492 of the Public Health Service Act on or after January 1, 1988, and prior to the date of enactment of this Act, and for which funding has been withheld or withdrawn by the Secretary of Health and Human Services, the Director of the National Institutes of Health, or any Director of an Institute or Agency of such National Institutes, for reasons other than insufficient funds or disciplinary action, shall be considered to have been recommended for approval for the purposes of section 492A(b)(1) of such Act upon resubmission of such proposal or an amended proposal. Such resubmission shall be made in accordance with the applicable requirements of such section 491 and 492A(a)(1)(A).

TITLE III—WOMEN'S HEALTH RESEARCH

**SEC. 301. WOMEN'S HEALTH RESEARCH.**

Title IV (42 U.S.C. 281 et seq.) is amended—

(1) by redesignating parts F and G as parts G and H, respectively; and

(2) by inserting after part E the following new part:

"PART F—WOMEN'S HEALTH RESEARCH

"Subpart 1—General Provisions With Respect to Women's Health

**"SEC. 486O. INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH.**

"(a) GENERAL REQUIREMENTS.—In conducting or supporting clinical research for purposes of this title, the Director of NIH shall ensure that women and members of minority groups are included as subjects in each project of such research, subject to subsection (b).

"(b) NONAPPLICABILITY.—

"(1) IN GENERAL.—The requirement established in subsection (a) regarding women and members of minority groups shall not apply to a project of clinical research if the inclusion, as subjects in the project, of women and members of minority groups, respectively—

"(A) is inappropriate with respect to the health of the subjects;

"(B) is inappropriate with respect to the purpose of research; or

"(C) is inappropriate under such other circumstances as the Director of NIH may designate.

"(2) CRITERIA.—

"(A) GUIDELINES.—The Director of NIH, in consultation with the Director of the Office of Research on Women's Health, shall establish guidelines regarding—

"(i) the circumstances under which the inclusion of women and minorities in clinical research is inappropriate for purposes of subsection (b);

"(ii) the manner in which projects of clinical research are required to be designed and carried out for purposes of subpart 2, including a specification of the circumstances in which the requirement of such subpart does not apply on the basis of impracticability; and

"(iii) the conduct of outreach programs for the recruitment of women and members of minority groups as subjects in such research.

"(B) LIMITATIONS.—The guidelines established under subparagraph(A)—

"(i) may not provide that the costs of including women and minorities in clinical research are a permissible consideration regarding the circumstances described in subparagraph (A)(i); and

"(ii) may provide that such circumstances include circumstances in which there are scientific reasons for believing that the variables proposed to be studied do not affect women or minorities differently than other subjects in the research.

"(C) PUBLICATION.—The guidelines required in subparagraph (A) shall be established and published in the Federal Register not later than October 1, 1992.

"(c) ANALYSIS OF EFFECT ON WOMEN AND MINORITY GROUPS.—In the case of any project of

*clinical research in which women or members of minority groups are required under subsection (a) to be included as subjects, the Director of NIH shall ensure that the project is designed and carried out in a manner sufficient to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other subjects in the research.*

*"(d) NOTIFICATION.—Not later than October 1, 1992, the Director of NIH shall notify appropriate research entities and research grant recipients concerning the requirements of subsections (a), (b), and (c).*

*"(e) CLINICAL RESEARCH EQUITY SUBCOMMITTEES.—*

*"(1) ESTABLISHMENTS.—The Director of NIH shall establish within the advisory council of each of the National Research Institutes a subcommittee to be known as the Clinical Research Equity Subcommittee (hereafter in this subsection individually referred to as a 'Subcommittee').*

*"(2) DUTIES.—Each Subcommittee shall review all clinical research conducted by the agency for which the advisory council involved is established. The purpose of the review shall be to determine the extent to which the research is being conducted in accordance with subsections (a) through (c). Such a review shall be conducted not less than annually. Not later than 60 days after each such review, each Subcommittee shall submit to the Secretary and the Director of NIH a report describing the finding made as a result of the review.*

*"(3) COMPOSITION.—Each Subcommittee shall be composed of not less than 6 members of the advisory council involved. The Chairperson of such advisory councils, acting on behalf of the Director of NIH, shall designate the membership of each Subcommittee (but in no event less than six members) from among members of the advisory council involved who have expertise regarding clinical research on diseases, disorders, or other health conditions—*

*"(A) that are unique to women, more prevalent in women, or more serious for women; or*

*"(B) for which the risk factors or interventions are different for women.*

*"(4) APPOINTMENT OF ADDITIONAL MEMBERS.—If the Director of NIH determines that an advisory council for a national research institute does not contain a sufficient number of individuals with the expertise required for purposes of paragraph (3), the Director of NIH shall appoint to the advisory council, from among individuals who are not officers or employees of the United States, a number of individuals necessary with respect to complying with such paragraph.*

*"(5) SUSPENSION OR REVOCATION OF RESEARCH AUTHORITY.—If the Director of NIH determines that any project of clinical research conducted by any agency of the National Institutes of Health is not being conducted in accordance with subsections (a) through (c), the Director shall suspend or revoke the authority for the project under such conditions as the Director determines appropriate.*

*"(f) DEFINITION.—For purposes of this section, the term 'minority groups' means racial and ethnic minority groups.*

***"SEC. 486P. PEER REVIEW REGARDING INCLUSION OF WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH.***

*"(a) EVALUATION.—In technical and scientific peer review, conducted under section 492 or this part, of proposals for clinical research, the consideration of any such proposal (including the initial consideration) shall, except as provided in subsection (b), include an evaluation of the technical and scientific merit of the proposal regarding the inclusion of women and members of minority groups as subjects in the research.*

*"(b) EXCEPTION.—Subsection (a) shall not apply to any proposal for clinical research that, pursuant to subsection (b) of section 492A, is not subject to the requirement of subsection (a) of such section regarding the inclusion of women and members of minority groups as subjects in clinical research.*

***"SEC. 386Q. INCLUSION OF WOMEN IN AGING RESEARCH.***

*"The Director of the Institute on Aging, in addition to other special functions specified in section 444 and in cooperation with the Directors of other National Research Institutes and agencies of the National Institutes of Health, shall conduct research into the aging processes of women, with particular emphasis given to the effects of menopause and the physiological and behavioral changes occurring during the transition from pre- to post-menopause, and into the diagnosis, disorders, and complications related to aging and loss of ovarian hormones in women.*

*"Subpart 2—Women's Health Research*

***"SEC. 486R. OFFICE OF RESEARCH ON WOMEN'S HEALTH.***

*"(a) ESTABLISHMENT.—The Secretary shall establish, within the office of the Director of NIH, an Office of Research on Women's Health (hereinafter referred to in this part as the 'Office') and provide administrative support and support services to the Director of such Office.*

*"(b) DIRECTOR.—The Office of Research on Women's Health shall be headed by a Director who shall be appointed by the Secretary, acting through the Director of the National Institutes of Health.*

*"(c) PURPOSE.—It shall be the purpose of the Office to ensure that research pertaining to women's health is identified and addressed throughout the research activities conducted and supported by the National Institutes of Health. The Secretary, acting through the Director of the Office, shall—*

*"(1) establish an intramural research program in gynecology at the National Institute of Child Health and Human Development; and*

*"(2) establish a clinical service in gynecology.*

***"SEC. 486S. FUNCTIONS OF THE DIRECTOR.***

*"(a) IN GENERAL.—The Director of the Office of Research on Women's Health shall—*

*"(1)(A) identify women's health research needs, including prevention research;*

*"(B) identify needs for coordinated research activities, especially multidisciplinary research relating to women's health, to be conducted intra- and extra-murally;*

*"(C) encourage researchers whose research is funded or supported by the National Institutes of Health to pursue research pertaining to women's health;*

*"(D) encourage researchers whose research is funded or supported by the National Institutes of Health to pursue research into the aging processes of women, with particular emphasis given to menopause; and*

*"(E) support the development and expansion of clinical trials of treatments, therapies and modes of prevention that include women of all ages, races and ethnicities; and*

*"(2) establish a coordinating council that shall be composed of the Directors of the Institutes, Centers, Offices, and Divisions of the National Institutes of Health, to assist in the duties described in paragraph (1).*

*"(b) ADVISORY COMMITTEE.—*

*"(1) ESTABLISHMENT.—The Secretary, acting through the Director of the Office of Research on Women's Health, shall establish within such Office an advisory committee to be known as the Women's Health Clinical Research Advisory Committee (hereafter referred to in this section as the 'Committee').*

*"(2) COMPOSITION. The Committee shall be composed of not less than 12 appropriately qualified representatives of the public who are not officers or employees of the Federal Government. Such members shall include physicians, practitioners, scientists, and other women's health professionals whose clinical practice, and research specialization focus on women's health and gender differences that affect women's health.*

*"(3) DUTIES.—The Committee shall—*

*"(A) advise the Director of the Office concerning—*

*"(i) appropriate research activities to be undertaken by the Agencies of the National Institutes of Health with respect to—*

*"(I) research on women's health;*

*"(II) research concerning gender differences involved in clinical drug trials, with emphasis provided to pharmacological response and side effects resulting from such;*

*"(III) research concerning gender differences involving disease etiology, course and treatment;*

*"(IV) research concerning obstetrical and gynecological health, conditions, diseases, and treatment;*

*"(V) research concerning health conditions relating to women that require a multidisciplinary approach; and*

*"(VI) research concerning the prevention of health conditions that affect women;*

*"(B) report to the Director of the Office on research concerning women's health that is publicly and privately supported;*

*"(C) provide recommendations to the Director of the Office regarding the operations of the Office;*

*"(D) monitor the compliance of all research projects supported or conducted by the National Institutes of Health with laws and regulations relating to the inclusion of women in clinical study populations;*

*"(E) provide advice to the Director of the National Institutes of Health concerning the manner in which to advance and encourage research on women's health;*

*"(F) request that a study be conducted by the Institute of Medicine of the National Academy of Sciences that could assist in determining the manner in which to remove obstacles to and advance and encourage research concerning women's health; and*

*"(G) make recommendations to the appropriate committees of Congress and to the Director of NIH for further legislative and administrative initiatives, as appropriate for achieving the purposes described in section 486O(c).*

***"SEC. 486T. REPORT TO THE SECRETARY.***

*"(a) IN GENERAL.—Not later than January 1, 1994, and biennially thereafter, the Director of the National Institutes of Health shall prepare and submit to the Secretary, a report that shall—*

*"(1) describe and evaluate the progress made, during the period for which such report is prepared, in research, treatment and prevention with respect to women's health conducted or supported by the National Institutes of Health;*

*"(2) summarize and analyze expenditures, made during the period for which such report is made, for activities with respect to women's health research conducted or supported by the National Institutes of Health; and*

*"(3) contain such recommendations as the Director of the Office of Research on Women's Health considers appropriate.*

*"(b) SUBMISSION TO CONGRESS.—The Secretary shall provide a copy of the reports submitted under subsection (a) to the appropriate committees of Congress.*

*"(c) STUDY.—With respect to the study conducted under a request made under section 486R(b)(2)(G), such study shall include an examination of the infrastructure of the Institutes, the grant approval process, the peer review process with regard to the impact of such on*

*women's health research, the manner in which to increase the number of women in senior level research positions, and a proposed research agenda for biomedical and biobehavioral research on women's health.*

**"SEC. 486U. DATA BANK ON WOMEN'S HEALTH AND GENDER DIFFERENCES RESEARCH.**

*"(a) ESTABLISHMENT OF PROGRAM.—The Director of NIH, in consultation with the Director of the Office of Research on Women's Health for the National Institutes of Health and the National Library of Medicine, shall establish, maintain, and operate a program to provide information on research and prevention activities of such Institutes relating to research on women's health.*

*"(b) DATA BANK.—*

*"(1) ESTABLISHMENT.—The Director of NIH shall establish a data system for the collection, storage, analysis, retrieval, and dissemination of information regarding research on women's health that is conducted or supported by the National Institutes of Health. Such a data bank shall be headed by an executive director to be appointed by the Director of the Office of Research on Women's Health. Information from the data system shall be available through information systems available to health care professionals and providers, researchers, and members of the public.*

*"(2) CLINICAL TRIALS AND TREATMENTS.—The data bank established under paragraph (1) shall compile information concerning clinical trials and treatments with respect to women's health and gender differences.*

*"(3) INFORMATION.—The executive director of the data bank shall make information compiled by the data bank available through informational systems that provide access to health care professionals and providers, researchers, and members of the public.*

*"(4) REGISTRY.—*

*"(A) IN GENERAL.—The executive director of the data bank shall maintain a registry of ongoing clinical trials of experimental treatments that have been developed for women's health.*

*"(B) INFORMATION.—Information to be maintained in the registry under this paragraph shall include—*

*"(i) eligibility criteria (including sex, age, ethnicity or race) for participating in clinical trials;*

*"(ii) the location of the clinical trial sites; and*

*"(iii) any other information determined to be appropriate by the executive director.*

*"(C) REQUIREMENT TO PROVIDE INFORMATION.—Not later than 21 days after the date on which the Food and Drug Administration approves the application of the sponsor of a clinical trial for an experimental treatment, such sponsor shall provide information concerning the research to be conducted under such clinical trial to the data bank. The data bank shall include information pertaining to the results of such clinical trials of such treatments, including information concerning potential toxicities or adverse effects associated with the use or administration of such experimental treatment.*

**"SEC. 486V. DEFINITION.**

*"As used in this part, the term 'women's health conditions', with respect to women of all age, ethnic, and racial groups, means all diseases, disorders, and conditions—*

*"(1) unique to, more serious, or more prevalent in women;*

*"(2) for which the factors of medical risk or types of medical intervention are different for women; or*

*"(3) with respect to which there has been insufficient clinical research involving women as subjects.*

**"SEC. 486W. AUTHORIZATION OF APPROPRIATIONS.**

*"For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1993 through 1997.*

*"Subpart 3—Research Programs With Respect to Cancer*

**"SEC. 486X. RESEARCH PROGRAMS ON BREAST CANCER AND CANCERS OF WOMEN'S REPRODUCTIVE SYSTEM.**

*"(a) FINDINGS.—Congress finds that—*

*"(1) in 1966, one in 14 women in the United States was expected to develop breast cancer in her lifetime, and in 1991 one in 9 women in the United States could expect to develop the disease;*

*"(2) it is estimated that 45,000 deaths in the United States in 1991 were attributed to breast cancer;*

*"(3) in 1991, 175,000 women in the United States were diagnosed with breast cancer;*

*"(4) breast cancer incidence rates in the Unites States have increased more than 2 percent a year since 1973;*

*"(5) in 1991, the National Cancer Institute spent $1,700,000,000 on all cancer research, but targeted only $93,000,000 toward breast cancer;*

*"(6) after decades of research and experimentation, there is still no certain cure for, or known cause of, breast cancer;*

*"(7) the Congress reaffirms women's health as a national public health priority;*

*"(8) Federal monies are urgently needed to eliminate breast cancer, now reaching epidemic proportions; and*

*"(9) there is a need to accelerate investigation into the cause, treatment, and prevention of breast cancer.*

*"(b) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to breast cancer, ovarian cancer, and other cancers of the reproductive system of women.*

*"(c) COORDINATION WITH OTHER INSTITUTES.—The research programs expended or intensified under subsection (b) concerning breast cancer and cancers of the reproductive system of women shall be coordinated with activities conducted by other National Research Institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to breast cancer and other cancers of the reproductive system of women.*

*"(d) PROGRAMS FOR BREAST CANCER.—The research programs expanded or intensified under subsection (b) concerning breast cancer shall focus on research efforts undertaken to expand the understanding of the cause of, and to find a cure for, breast cancer. Such programs shall provide for an expansion and intensification of the conduct and support of—*

*"(1) basic research concerning the etiology and causes of breast cancer;*

*"(2) clinical research and related activities concerning the causes, prevention, detection and treatment of breast cancer;*

*"(3) prevention and control programs with respect to breast cancer in accordance with section 412;*

*"(4) information and education programs with respect to breast cancer in accordance with section 413; and*

*"(5) research and demonstration programs with respect to breast cancer in accordance with section 414, including the development and operation of breast and prostate cancer research centers to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and treatment research and related activities.*

*The centers referred to in paragraph (5) should number at least six, should include support for new and innovative research and training programs for new researchers, and should attract qualified scientists and expedite the transfer of research advances to clinical applications.*

*"(e) IMPLEMENTATION OF BREAST CANCER RESEARCH PROGRAMS.—*

*"(1) PLAN.—The Director of the Institute shall ensure that the research programs described in subsection (d) are implemented in accordance with a program plan. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9)(A). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.*

*"(2) SUBMISSION OF PLAN.—Not later than October 1, 1992, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.*

*"(3) REVISIONS.—The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary and the Director of NIHL.*

*"(4) Submission to Congress.—The Secretary shall provided a copy of the plan submitted under paragraph (2) and any revisions submitted under paragraph (3) to the appropriate committees of Congress.*

*"(f) OTHER CANCERS.—The research programs expanded or intensified under subsection (b) concerning ovarian cancer and other cancers of the reproductive system of women shall provide for the expansion and intensification of the conduct and support of—*

*"(1) basic research concerning the etiology and causes of ovarian cancer and other cancers of the reproductive system of women;*

*"(2) clinical research and related activities into the causes, prevention, detection and treatment of ovarian cancer and other cancers of the reproductive system of women;*

*"(3) prevention and control programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 412;*

*"(4) information and education programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 413; and*

*"(5) research and demonstration programs with respect to ovarian cancer and cancers of the reproductive system in accordance with section 414.*

*"(g) REPORT.—The Director of the Institute shall prepare, for inclusion in the biennial report submitted under section 407, a report that describes the activities of the National Cancer Institute under the research programs referred to in subsection (b), that shall include—*

*"(1) a description of the research plan with respect to breast cancer prepared under subsection (e);*

*"(2) an assessment of the development, revision, and implementation of the research plan with respect to breast cancer;*

*"(3) a description and evaluation of the progress made, during the period for which such report is prepared, in the research programs on breast cancer and cancers of the reproductive system of women;*

*"(4) a summary and analysis of expenditures made, during the period of which such report is made, for activities with respect to breast cancer and cancers of the reproductive system of women conducted and supported by the National Institutes of Health; and*

*"(5) such comments and recommendations as the Director considers appropriate.*

*"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, in*

*addition to the amounts authorized to be appropriated for the National Cancer Institute under sections 301 and 408, there are authorized to be appropriated $155,000,000 for fiscal year 1993, of which $55,000,000 shall be allocated for research under subsection (d)(1), $25,000,000 shall be allocated for centers, research, and programs under paragraph (2) through (5) of subsection (d), and $75,000,000 shall be allocated for research and programs under subsection (f), and such sums as may be necessary for each of the fiscal years 1994 through 1997.*

**"SEC. 486Y. RESEARCH PROGRAM ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.**

*"(a) ESTABLISHMENT.—The Directors of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, and the National Institute of Diabetes, Digestive and Kidney Diseases, shall expand and intensify the programs of such Institutes with respect to research and related activities concerning osteoporosis, Paget's disease, and related bone disorders.*

*"(b) COORDINATION.—The Directors referred to in subsection (a) shall jointly coordinate the programs referred to in such subsection and consult with the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and the Interagency Task Force on Aging Research.*

*"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.".*

**SEC. 302. EFFECTIVE DATE AND THE APPLICABILITY OF REQUIREMENTS.**

*(a) EFFECTIVE DATE.—Subpart I of part F of title IV, as added by the amendment made by section 301, shall apply to research proposals considered after January 1, 1993.*

*(b) APPLICABILITY.—The amendment made by section 301 shall apply with respect to any project of clinical research whose initial approval by the Secretary of Health and Human Services occurs after the expiration of the 90-day period beginning on the effective date of this Act.*

*TITLE IV—CONTRACEPTION AND INFERTILITY*

**SEC. 401. CONTRACEPTION AND INFERTILITY.**

*(a) RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND RESEARCH CENTERS WITH RESPECT TO INFERTILITY.—Subpart 7 of part C of title IV (42 U.S.C. 285g et seq.) is amended by adding at the end thereof the following new section:*

**"SEC. 452A. RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND INFERTILITY.**

*"(a) IN GENERAL.—The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct activities for the purpose of improving methods of contraception and centers to conduct activities for the purpose of diagnosing and treating infertility.*

*"(b) NUMBER OF CENTERS.—In carrying out subsection (a), the Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the establishment of three centers with respect to contraception and for two centers with respect to infertility.*

*"(c) DUTIES.—*

*"(1) IN GENERAL.—Each center assisted under this section shall, in carrying out the purpose of the center involved—*

*"(A) conduct clinical and other applied research, including—*

*"(i) for centers with respect to contraception, clinical trials of new or improved drugs and devices for use by males and by females (including barrier methods); and*

*"(ii) for centers with respect to infertility, clinical trials of new or improved drugs and devices for the diagnosis and treatment of infertility in both males and females;*

*"(B) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals;*

*"(C) conduct training programs for such individuals;*

*"(D) develop model continuing education programs for such professionals; and*

*"(E) disseminate information to such professionals.*

*"(2) STIPENDS AND FEES.—A center may use funds provided under subsection (a) to provide stipends for health and allied health professionals enrolled in programs described in subparagraph (C) of paragraph (1), and to provide fees to individuals serving as subjects in clinical trials conducted under such paragraph.*

*"(d) COORDINATION OF INFORMATION.—The Director of the Institute shall, as appropriate, provide for the coordination of information among the centers assisted under this section.*

*"(e) CONSORTIUM.—Each center assisted under this section shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Secretary, after consultation with the Director of the Institute.*

*"(f) TERM OF SUPPORT AND PEER REVIEW.—Support of a center under subsection (a) may be for a period of not to exceed 5 years. Such period may be extended for one or more additional periods of not to exceed 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Secretary, acting through the Director, and if such group has recommended to the Director that such period should be extended.".*

*(b) LOAN REPAYMENT FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.—Part G of title IV (42 U.S.C. 288 et seq.) (as redesignated by section 301) is amended by inserting after section 487A the following new section:*

**"SEC. 487B. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.**

*"(a) ESTABLISHMENT.—The Secretary, after consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program to enter into agreements with appropriately qualified health professionals (including graduate students) under which such health professionals shall agree to conduct research with respect to contraception, or with respect to infertility, in consideration of the Secretary agreeing to repay, for each such service, not to exceed $20,000 of the principal and interest of the educational loans incurred by such health professionals.*

*"(b) ADMINISTRATIVE PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a), apply to the program established in such subsection to the same extent and in the same manner as such provisions apply to the National Service Loan Repayment Program.*

*"(c) AUTHORIZATION OF APPROPRIATIONS.—*

*"(1) IN GENERAL.—To carry out this section and section 452A, there are authorized to be appropriated $20,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.*

*"(2) AVAILABILITY OF FUNDS.—Amounts appropriated under paragraph (1) for a fiscal year shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".*

*"(c) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1992, or on the date of the enactment of this Act, whichever occurs later.*

*TITLE V—PROGRAMS RELATING TO ACQUIRED IMMUNE DEFICIENCY SYNDROME*

**SEC. 501. LOAN REPAYMENT PROGRAM WITH RESPECT TO RESEARCH AT NATIONAL INSTITUTES OF HEALTH.**

*(a) EXPANSION OF LOAN REPAYMENT PROGRAMS FOR RESEARCH WITH RESPECT TO AIDS.—Section 487A (42 U.S.C. 288–1) is amended—*

*(1) in subsection (a), by adding at the end thereof the following new paragraph:*

*"(3) CONTRACTS FOR THE CONDUCT OF OTHER RESEARCH.—The Secretary, subject to paragraph (2), may enter into agreements with appropriately qualified health professionals under which such health professionals agree to conduct, as employees of the National Institutes of Health, biomedical, behavioral or clinical research in those areas of demonstrated need so identified by the Director of the National Institutes of Health, in consideration of the Federal Government agreeing to repay, for each year of service, not more than $20,000 of the principal and interest of the educational loans of such health professionals."; and*

*(2) in subsection (c)—*

*(A) by redesignating paragraph (2) as paragraph (3); and*

*(B) by inserting after paragraph (1), the following new paragraph:*

*"(2) CONDUCT OF OTHER RESEARCH.—There are authorized to be appropriated to enter into agreements under subsection (a)(3), $3,000,000 for each of the fiscal years 1993 through 1997.".*

*(b) MINIMUM PERIOD OF SERVICE.—Section 487A(a)(2)(B) (42 U.S.C. 288—1(a)(2)(B)) is amended—*

*(1) by inserting "(i)" after the subparagraph designation;*

*(2) by striking out the period and inserting in lieu thereof "; or"; and*

*(3) by adding at the end thereof the following new clause:*

*"(ii) agrees to serve as an employee of such Institutes for purposes of paragraph (1) for a period of not less than 3 years.".*

*(c) AUTHORIZATION OF APPROPRIATIONS.—Section 487A(c)(1) (42 U.S.C. 288–1(c)(1)) is amended by striking out "1991" and inserting in lieu thereof "1997".*

**SEC. 502. RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME.**

*Title XXIII (42 U.S.C. 300cc et seq.) is amended—*

*(1) in section 2304(c)(1)—*

*(A) in the matter preceding subparagraph (A), by inserting after "Director of such Institute" the following: "(and the Directors of other agencies of the National Institutes of Health, as appropriate)"; and*

*(B) in subparagraph (A), by inserting before the semicolon the following: ", including recommendations on the projects of research that should be given priority with respect to preventing and treating opportunistic cancers and infectious diseases";*

*(2) in section 2311(a)(1), by inserting before the semicolon the following: ", including evaluations of treatments for opportunistic cancers and infectious diseases";*

*(3) in section 2315—*

*(A) by striking out "international research" in subsection (a)(2) and all that follows through the period and inserting in lieu thereof "inter-*

*national research and training concerning the natural history and pathogenesis and the development and evaluation of vaccines and treatments for acquired immune deficiency syndrome, opportunistic infections and other emerging microbial diseases."; and*

*(B) by striking out "and 1991" in subsection (f) and inserting in lieu thereof "through 1997";*

*(4) in section 2318—*

*(A) in subsection (a)(1)—*

*(i) by inserting after "The Secretary" the following: ", after consultation with the Administrator of the Agency for Health Care Policy and Research,"; and*

*(ii) by striking out "syndrome" and inserting in lieu thereof "syndrome, including treatment and prevention of HIV infection and related conditions among women";*

*(B) in subsection (b)(2), by inserting "and treatment" after "prevention"; and*

*(C) in subsection (e), by striking out "1991." and inserting in lieu thereof "1997";*

*(5) in section 2320(b)(1)(A), by striking out "syndrome" and inserting in lieu thereof "syndrome and the natural history of such infection"; and*

*(6)(A) in section 2351(a)—*

*(i) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9); and*

*(ii) by inserting after paragraph (1) the following new paragraph:*

*"(2)(A) shall develop and implement a comprehensive plan for the conduct and support of such research by the agencies of the National Institutes of Health, which plan shall specify the objectives to be achieved, the target date by which the objectives are expected to be achieved, and an estimate of the resources needed to achieve the objectives by such date; and*

*"(B) shall develop and implement a plan for evaluating the sufficiency of the plan developed under subparagraph (A) and for evaluating the extent to which activities of the National Institutes of Health have been in accordance with the plan;"; and*

*(B) in section 2301(b)(6), by inserting before the semicolon the following: ", including evaluations conducted under section 2351(a)(2)(B)".*

***SEC. 503. STUDIES.***

*(a) CERTAIN DRUG-RELEASE MECHANISMS.—*

*(1) CONTRACT FOR STUDY.—The Secretary of Health and Human Services shall, subject to paragraph (2), enter into a contract with a public or nonprofit private entity to conduct a study for the purpose of determining, with respect to acquired immune deficiency syndrome, the impact of parallel-track drug-release mechanisms on public and private clinical research, and on the activities of the Commissioner of Food and Drugs regarding the approval of drugs.*

*(2) INSTITUTE OF MEDICINE.—The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under paragraph (1) to conduct the study described in such paragraph. If such Institute declines to conduct the study, the Secretary shall carry out paragraph (1) through another public or nonprofit private entity.*

*(b) THIRD-PARTY PAYMENTS REGARDING CERTAIN CLINICAL TRIALS.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of—*

*(1) determining the policies of third-party payers regarding the payment of the costs of appropriate health services that are provided incident to the participation of individuals as subjects in clinical trials conducted in the development of drugs with respect to acquired immune deficiency syndrome; and*

*(2) developing recommendations regarding such policies.*

*(c) ADVISORY COMMITTEES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of determining—*

*(1) whether the activities of the various advisory committees established in the National Institutes of Health regarding acquired immune deficiency syndrome are being coordinated sufficiently; and*

*(2) whether the functions of any of such advisory committees should be modified in order to achieve greater efficiency.*

*TITLE VI—NIH DIRECTOR'S DISCRETIONARY FUND, CHILD HEALTH RESEARCH CENTERS, AND INTERAGENCY PROGRAM FOR TRAUMA RESEARCH*

***SEC. 601. NIH DIRECTOR'S DISCRETIONARY FUND.***

*(A) IN GENERAL.—Section 402 (42 U.S.C. 282) is amended by adding at the end thereof the following new subsection:*

*"(g)(1) The Director shall have a Director's discretionary fund that may be used—*

*"(A) to correct imbalances, to be more responsive to new issues and scientific emergencies, and to act on research opportunities of high-priority;*

*"(B) to support research that does not fit clearly into the research assignment of any existing Institute; and*

*"(C) for such other purposes, including the purchase or rental of equipment and space, as the Director determines appropriate.*

*"(2) There are authorized to be appropriated for the fund established under paragraph (1), $25,000,000 in fiscal year 1993, and such sums as may be necessary in each of the fiscal years 1994 through 1997.".*

*(b) LITERACY REQUIREMENTS.—Section 402(e) (42 U.S.C. 282(e)) is amended—*

*(1) in paragraph (3), by striking out "and" at the end thereof;*

*(2) in paragraph (4), by striking out the period and inserting in lieu thereof "; and"; and*

*(3) by adding at the end thereof the following new paragraph:*

*"(5) ensure that, after January 1, 1993, at least one-half of all new or revised health education and promotion materials developed or funded by the National Institutes of Health is in a form that does not exceed a level of functional literacy, as defined in the National Literacy Act of 1991 (Public Law 102-73).".*

***SEC. 602. CHILD HEALTH RESEARCH CENTERS.***

*Subpart 7 of part C (42 U.S.C. 285g et seq.) (as amended by section 401) is further amended by adding at the end thereof the following new section:*

***SEC. 452B. CHILD HEALTH RESEARCH CENTERS.***

*"The Director of the Institute shall develop and support centers that will build the research capacity of pediatric institutions and develop pediatric investigators, thereby speeding the transfer of advances from basic science to clinical applications and improving the care of infants and children.".*

***SEC. 603. ESTABLISHMENT OF INTERAGENCY PROGRAM FOR TRAUMA RESEARCH.***

*Part B of title IV (42 U.S.C 284 et seq.) is amended by adding at the end thereof the following new section:*

***SEC. 409. INTERAGENCY PROGRAM FOR TRAUMA RESEARCH.***

*"(a) IN GENERAL.—The Director of NIH shall establish a comprehensive program to conduct and support basic, behavioral, and clinical research on trauma (hereafter in this section referred to as the 'Program'). The Program shall include research regarding the diagnosis, treatment, rehabilitation, general management, and prevention of trauma.*

*"(b) PLAN FOR PROGRAM.—*

*"(1) IN GENERAL.—The Director of NIH, in consultation with the Trauma Research Interagency Coordinating Committee established under subsection (b), shall establish and implement a plan for carrying out the activities of the Program. All such activities shall be carried out in accordance with the plan. The plan shall be periodically reviewed by the Director and the Committee, and revised as appropriate.*

*"(2) SUBMISSION TO CONGRESS.—The Director of NIH shall submit to the Congress the plan required in paragraph (1) no later than April 1, 1993, together with an estimate of the funds needed for each of the fiscal years 1994 through 1995 to implement the plan.*

*"(c) PARTICIPATING AGENCIES; COORDINATION AND COLLABORATION.—The Director of NIH—*

*"(1) shall provide for the conduct of activities under the Program by the Directors of each of the National Research Institutes and agencies of the National Institutes of Health involved in research with respect to trauma;*

*"(2) shall ensure that the activities of the Program are coordinated among the institutes and agencies referred to in paragraph (1); and*

*"(3) shall, as appropriate, provide for collaboration among the institutes and agencies referred to in paragraph (1) in carrying out such activities.*

*"(d) CERTAIN ACTIVITIES OF PROGRAM.—The Program shall include—*

*"(1) studies with respect to all phases of trauma care including prehospital, resuscitation, surgical intervention, critical care, infection control, wound healing, nutritional care and support, and medical rehabilitation, including the physical, cognitive and emotional sequelae;*

*"(2) basic, clinical, and behavioral research regarding the response of the body to trauma and the acute treatment and medical rehabilitation of individuals who are the victims of trauma; and*

*"(3) basic, clinical, and behavioral research regarding trauma care for pediatric and geriatric patients.*

*"(e) BEHAVIORAL FACTORS STUDY.—The Director of NIH shall—*

*"(1) conduct a study to determine, with respect to traumatic injury, the behavioral, psychological, and cognitive factors associated with injury;*

*"(2) develop a national plan for the conduct of research on the prevention of traumatic injuries based on the results of the study authorizes in paragraph (1).*

*"(f) MECHANISMS OF SUPPORT.—In carrying out the Program, the Director of NIH, acting through the Directors of each of the Institutes and agencies referred to in the subsection (c)(1), may make grants to public and nonprofit entities, including designated trauma centers, subject to subsection (e).*

*"(g) RESOURCES.—The Director of NIH shall assure that resources appropriated for the purposes of the Program are made available to carry out Program activities in accordance with the plan referred to in subsection (b).*

*"(h) COORDINATING COMMITTEE.—*

*"(1) IN GENERAL.—There shall be established a Trauma Research Interagency Coordinating Committee (hereafter in this section referred to as the 'Coordinating Committee').*

*"(2) DUTIES.—The Coordinating Committee shall make recommendations regarding—*

*"(A) the activities of the Program to be carried out by each of the agencies represented on the Committee and the amount of funds needed by each of the agencies for such activities; and*

*"(B) effective collaboration among the agencies in carrying out the activities.*

*"(3) COMPOSITION.—The Coordinating Committee shall be composed of the Directors of each of the National Research Institutes and agencies of the National Institutes of Health involved in*

*research with respect to trauma and other individuals the Director of NIH determines appropriate. The Director of NIH shall serve as the chairperson of the Committee.*

*"(i) DEFINITIONS.—For purposes of this section:*

*"(1) The term 'designated trauma center' has the same meaning given such term in section 1231(1).*

*"(2) The term 'prevention research' means the study of the causes of behavior associated with traumatic injury and the psychological and behavioral factors predisposing individuals to traumatic injury.*

*"(3) The term 'trauma' means any serious injury that could result in loss of life or significant disability and that would meet pre-hospital triage criteria for transport to a designated trauma center."*

***SEC. 604. TRAUMATIC BRAIN INJURY.***

*"(a) IN GENERAL.—Part K of title III is amended by inserting after section 393 (42 U.S.C. 280b–2) the following new section:*

***"SEC. 393A. TRAUMATIC BRAIN INJURY.***

*"The Secretary, acting through the Director of the Centers for Disease Control—*

*"(1) shall conduct a survey to determine which Federal and other entities collect data on traumatic brain injuries and the nature of the data collection systems of such entities; and*

*"(2) may cooperate and enter into agreements with other Federal agencies and provide assistance to other entities with responsibility for data collection to establish traumatic brain injury as a specific reportable condition or disability in disease and injury reporting systems.".*

*(b) AUTHORIZATION OF APPROPRIATIONS.—Section 394 (42 U.S.C. 280b–3) is amended—*

*(1) by inserting "(a) IN GENERAL.—" after the section designation; and*

*(2) by adding at the end thereof the following new subsection:*

*"(b) TRAUMATIC BRAIN INJURY.—For the purpose of carrying out section 393A, there are authorized to be appropriated $2,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.".*

***TITLE VII—NATIONAL CENTER FOR HUMAN GENOME RESEARCH AND REDESIGNATION OF NATIONAL CENTER FOR NURSING RESEARCH AND DIVISION OF RESEARCH RESOURCES***

***SEC. 701. PURPOSE OF NATIONAL CENTER FOR HUMAN GENOME RESEARCH.***

*Title VI is amended—*

*(1) in section 401(b)(2), by adding at the end thereof the following new subparagraph:*

*"(E) The National Center for Human Genome Research."; and*

*"(2) in part E, by adding at the end the following new subpart:*

*"Subpart 4—National Center for Human Genome Research*

***"SEC. 486B. PURPOSE OF THE CENTER.***

*"The general purpose of the National Center for Human Genome Research established within the National Institutes of Health (hereafter in this subpart referred to as the "Center') is to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes. Such purpose includes—*

*"(1) planning and coordinating the research goal of the genome project;*

*"(2) reviewing and funding research proposals;*

*"(3) developing training programs;*

*"(4) coordinating international genome research;*

*"(5) communicating advances in genome science to the public; and*

*"(6) reviewing and funding proposals to address the ethical issues associated with the genome project.".*

***SEC. 702. REDESIGNATION OF NATIONAL CENTER FOR NURSING RESEARCH AS NATIONAL INSTITUTE OR NURSING RESEARCH.***

*"(a) IN GENERAL.—Subpart 3 of part E of title IV (42 U.S.C. 287c et seq.) is amended—*

*"(1) in the subpart heading, by striking "**Center for**" and inserting "**Institute of**";*

*"(2) in section 483—*

*"(A) in the heading for the section, by striking "**CENTER**" and inserting "**INSTITUTE**"; and*

*"(B) by striking "The general purpose" and all that follows through "is" and inserting the following. "The general purpose of the National Institute of Nursing Research (hereafter in this subpart referred to as the 'Institute') is";*

*(3) in section 484, by striking "Center" each place such term appears and inserting "Institute";*

*(4) in section 485—*

*(A) in subsection (a), in each of paragraphs (1) through (3), by striking "Center" each place such term appears and inserting "institute";*

*(B) in subsection (b)—*

*(i) in paragraph (2)(A), by striking "Center" and inserting "Institute";*

*(ii) in paragraph (3)(A), in the first sentence, by striking "Center" and inserting "Institute"; and*

*(C) in subsections (d) through (g), by striking "Center" each place such term appears and inserting "Institute".*

*(b) CONFORMING AMENDMENTS.—*

*(1) ORGANIZATION OF NATIONAL INSTITUTE OF HEALTH.—Section 401(b) (42 U.S.C. 281(b)) is amended—*

*(A) in paragraph (1) by adding at the end the following new subparagraph:*

*"(N) The National Institute of Nursing Research."; and*

*(B) in paragraph (2), by striking subparagraph (D) and redesignating subparagraph (E) (as added by section 701(1) as subparagraph (D).*

*(2) TRANSFER OF STATUTORY PROVISIONS.—Sections 483 through 486, as amended by subsection (a) of this section—*

*(A) are transferred to part C of title IV of such Act;*

*(B) are redesignated as sections 464L through 464O of such part; and*

*(C) are inserted, in the appropriate sequence, after section 464F of such part.*

*(3) HEADING FOR NEW SUBPART.—Title IV, as amended by the preceding provisions of this section, is amended—*

*(A) in part C, by inserting before section 464L the following new heading:*

*"Subpart 14—National Institute of Nursing Research"; and*

*(B) by striking the heading for subpart 3 of part E.*

*(4) CROSS-REFERENCES.—Title IV, as amended by the preceding provisions of this section, is amended in subpart 14 of part C—*

*(A) in section 464M, by striking "section 483" and inserting "section 464L";*

*(B) in section 464N(g), by striking "section 486" and inserting "section 464O"; and*

*(C) in section 464O, in the last sentence, by striking "section 485(g)" and inserting "section 464N(g)".*

***SEC. 703. REDESIGNATION OF DIVISION AS NATIONAL CENTER FOR RESEARCH RESOURCES.***

*Title IV (42 U.S.C. 281 et seq.) is amended—*

*(1) in section 401(b)(2)(B), by amending such subparagraph to read as follows:*

*"(B) The National Center for Research Resources."; and*

*(2) in part E—*

*(A) in the heading for subpart 1, by striking "Division of" and inserting "National Center for";*

*(B) in section 479, by striking "the Division of Research Resources" and inserting the following: "the National Center for Research Resources (hereafter in this subpart referred to as the Center)";*

*(C) in sections 480 and 481, by striking "the Division of Research Resources" each place such term appears and inserting "the Center"; and*

*(D) in sections 480 and 481, as amended by subparagraph (C), by striking "the Division" each place such term appears and inserting "the Center".*

*TITLE VIII—DESIGNATION OF SENIOR BIOMEDICAL RESEARCH SERVICE IN HONOR OF SILVIO CONTE, AND LIMITATION ON NUMBER OF MEMBERS*

***SEC. 801. SILVIO CONTE SENIOR BIOMEDICAL RESEARCH SERVICE.***

*Section 228(a) of the Public Health Service Act (42 U.S.C. 237), as added by section 304 of Public Law 101–509, is amended to read as follows:*

*"(a)(1) There shall be in the Public Health Service a Silvio Conte Senior Biomedical Research Service, not to exceed 750 members.*

*"(2) The authority established in paragraph (1) regarding the number of members in the Silvio Conte Senior Biomedical Research Service is in addition to any authority established regarding the number of members in the commissioned Regular Corps, in the Reserve Corps, and in the Senior Executive Service. Such paragraph may not be construed to require that the number of members in the commissioned Regular Corps, in the Reserve Corps, or in the Senior Executive Service be reduced to offset the number of members serving in the Silvio Conte Senior Biomedical Research Service (hereafter in this section referred to as the 'Service').".*

***TITLE IX—MISCELLANEOUS PROVISIONS***

***SEC. 901. PAPERWORK REDUCTION.***

*Section 465(d)(2) (42 U.S.C. 286(d)(2)) is amended—*

*(1) by striking out "Rules" and inserting in lieu thereof "Notwithstanding any other provision of law, rules";*

*(2) in subparagraph (B), by striking out "or" at the end thereof;*

*(3) in subparagraph (C), by striking out the period and inserting in lieu thereof ", or"; and*

*(4) by adding at the end thereof the following new subparagraph:*

*"(D) under licensing arrangements that provide for quality control and full recovery of access costs.".*

***SEC. 902. NATIONAL COMMISSION ON SLEEP DISORDERS RESEARCH.***

*The Secretary of Health and Human Services shall, not later than 6 months after the submission of the final report of the National Commission on Sleep Disorders Research, prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that analyzes the findings and recommendations of the Commission and presents a plan for the conduct and support of sleep disorders research at the National Institutes of Health.*

***SEC. 903. CHRONIC FATIGUE SYNDROME.***

*The Secretary of Health and Human Services shall, not later than October 1, 1992, and annually thereafter for the next 3 years, prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that summarizes the research activities conducted or supported by the National Institutes of Health concerning Chronic Fatigue Syndrome. Such report should include information concerning grants made, cooperative agreements or contracts entered into, intramural activities, research priorities and*

*needs, and a plan to address such priorities and needs.*

***SEC. 904. TRANSFER OF PROVISIONS.***

*(a) IN GENERAL.—Section 12 of the Health Research Extension Act of 1985 (42 U.S.C. 285e–2 note) is—*

*(1) transferred to subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.);*

*(2) redesignated as section 445G; and*

*(3) inserted after section 445F (42 U.S.C. 285e–8).*

*(b) AVAILABILITY OF APPROPRIATIONS.—With respect to amounts made available in appropriations Acts for the purpose of carrying out the Program transferred by subsection (a) to the Public Health Service Act, such subsection shall not be construed to affect the availability of such funds for such purpose.*

*(c) TECHNICAL AMENDMENT.—Section 445G(a) of such Act (as so redesignated) is amended by striking out "and its incidence in the United States".*

***SEC. 905. BIENNIAL REPORT ON CARCINOGENS.***

*Section 301(b)(4) (42 U.S.C. 241(b)(4) is amended by striking out "an annual" and inserting in lieu thereof "a biennial".*

***SEC. 906. NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES.***

*Section 446 (42 U.S.C. 285(f)) is amended by inserting before the period the following: ", including tropical diseases".*

***SEC. 907. HEALTH PROMOTION RESEARCH DISSEMINATION.***

*Section 402(f) of the Public Health Service Act (42 U.S.C. 282(f)) is amended by striking out "other public and private entities." and all that follows through the end thereof and inserting "other public and private entities, including elementary, secondary, and post-secondary schools. The Associate Director shall—*

*"(1) annually review the efficacy of existing policies and techniques used by the national research institutes to disseminate the results of disease prevention and behavioral research programs;*

*"(2) recommend, coordinate, and oversee the modification or reconstruction of such policies and techniques to ensure the maximum dissemination, using advanced technologies to the maximum extent practicable, of research results to the target audiences; and*

*"(3) annually prepare and submit to the Director of NIH a report concerning the prevention and dissemination activities undertaken by the Associate Director, that shall include—*

*"(A) a summary of the Associate Director's review of existing dissemination policies and techniques together with a detailed statement concerning any modification or restructuring, or recommendations for modification or restructuring, of such policies and techniques; and*

*"(B) a detailed statement of the expenditures made for the prevention and dissemination activities reported on and the personnel used in connection with such activities.".*

***SEC. 908. STUDY ON THE RELATIONSHIP BETWEEN THE CONSUMPTION OF LEGAL AND ILLEGAL DRUGS***

*(a) PURPOSES.—The purpose of this study is to provide the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") and the Congress with assistance in designing prevention programs to reduce the likelihood of drug abuse.*

*(b) STUDY.—The Secretary of Health and Human Services shall review and consider all existing relevant data and research concerning whether there is a relationship between an individual's receptivity to use or consume legal drugs and the consumption or abuse by the individual of illegal drugs. On the basis of such review, the Secretary shall determine whether additional research is necessary. If the Secretary determines additional research is required, the Secretary shall conduct a study of those subjects where the Secretary's review indicates additional research is needed, including, if necessary, a review of—*

*(1) the effect of advertising and marketing campaigns that promote the use of legal drugs on the public;*

*(2) the correlation of legal drug abuse with illegal drug abuse; and*

*(3) other matters that the Secretary determines appropriate.*

*(c) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall prepare and submit, to the Committee on Energy and Commerce of the House of Representatives and Committee on Labor and Human Resources of the Senate, a report containing the results of the review conducted under subsection (b). If the Secretary determines additional research is required, no later than 2 years after the date of enactment of this Act, the Secretary shall prepare and submit, the to Committee on Energy and Commerce of the House of Representatives and Committee on Labor and Human Resources of the Senate, a report containing the results of the additional research conducted under subsection (b).*

*(d) LIMITATION.—For purposes of this section, the terms "legal drugs" and "illegal drugs" do not include beverage alcohol or tobacco products.*

***SEC. 909. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.***

*Part G of title IV is amended by inserting after section 496 (42 U.S.C. 289e) the following new section.*

***"SEC. 496A. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.***

*"(a) IN GENERAL.—The Director of the National Institutes of Health, acting through the Director of the National Center for Research Resources, shall establish a program, to be known as the 'Experimental Program to Stimulate Competitive Research', to assist those States that—*

*"(1) have historically received little Federal research and development funding relative to other States; and*

*"(2) have demonstrated a commitment to developing their research bases and improving the biomedical and biotechnical research and education programs at their universities and colleges.*

*"(b) GRANTS.—The Director of NIH may award grants under the program established under subsection (a) to States to assist such States in establishing plans to enhance health-related research capabilities. Grants may also be awarded for the purpose of implementing plans made in accordance with the purposes of this section.*

*"(c) MATCHING REQUIREMENT.—Amounts provided to a State under this section shall be matched by such State at a rate to be established by the Director of NIH.*

*"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $2,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.*

*"(e) DEFINITION.—For purposes of this section, a State described in subsection (a)(1) shall be a State that has, with respect to institutions in that State, experienced (on average over time) low success rates relative to such rates in other States, in obtaining research awards from the National Institutes of Health.*

***SEC. 910. GENERAL PROVISIONS.***

*Section 405 (42 U.S.C. 284) is amended—*

*(1) in subsection (b)(1)—*

*(A) in the matter preceding subparagraph (A) of paragraph (1)—*

*(i) by striking out "human diseases" and inserting in lieu thereof "human disease";*

*(ii) by striking out "for which the national research institutes were established"; and*

*(iii) by inserting "and agency of the National Institutes of Health" after "each national research institute";*

*(B) in subparagraph (K), by striking out "and" at the end thereof;*

*(C) in subparagraph (L), by striking out the period and inserting in lieu thereof "; and";*

*(D) by adding immediately after subparagraph (L) the following new subparagraph:*

*"(M) may, notwithstanding any other provision of law, in disseminating information pursuant to this section and other laws, enter into licensing agreements that provide for quality control and the full recovery of access costs."; and*

*(E) by adding at the end thereof the following new sentence: "For purposes of Federal income, estate, and gift taxes, any gift accepted under subparagraph (H) shall be considered to be a gift or transfer to the United States.";*

*(2) in the matter preceding subparagraph (A) of subsection (b)(2), by inserting "and agency of the National Institutes of Health" after "research institute"; and*

*(3) in subsection (c)—*

*(A) by inserting "and agency of the National Institutes of Health" after "national research institute" in the matter preceding paragraph (1);*

*(B) by inserting "or agency" after "institute" in paragraph (1); and*

*(C) in paragraph (2)—*

*(i) by inserting "and agencies" after "institutes"; and*

*(ii) by inserting "or agency" after "institute".*

MODIFICATION OF COMMITTEE REPORTED SUBSTITUTE

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I send a modification of the committee-reported substitute to the desk. I have been authorized by a majority of the members of the Labor and Human Resources Committee to make the modification. I ask the modification be considered original text for the purposes of any further amendment.

The PRESIDING OFFICER. The Senator has that right. The substitute, as modified, will be considered as the bill. It is so ordered.

The modification, is as follows:

In lieu of the committee reported substitute insert the following:

**SECTION 1. SHORT TITLE, TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "National Institutes of Health Reauthorization Act of 1992".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short Title, Table of Contents.
Sec. 2. References.

TITLE I—REAUTHORIZATION OF CERTAIN INSTITUTES AND EXPANSION OF VARIOUS PROGRAMS

Sec. 101. National Cancer Institute and National Heart, Lung and Blood Institute.
Sec. 102. National Library of Medicine.
Sec. 103. Revision and extension of National Research Service Awards program.
Sec. 104. National Center for Biotechnology Information.
Sec. 105. National Foundation for Biomedical Research.
Sec. 106. Biomedical and behavioral research facilities.

Sec. 107. National Eye Institute.
TITLE II—RESEARCH FREEDOM
Sec. 201. Short title.
Sec. 202. Establishment of certain provisions regarding research conducted or supported by National Institutes of Health.
Sec. 203. Research concerning the transplantation of fetal tissue.
Sec. 204. Purchase of human fetal tissue; solicitation or acceptance of tissue as directed donation for use in transplantation.
Sec. 205. Nullification of moratorium.
Sec. 206. General Accounting Office report on the adequacy of the safeguards in the Act.
TITLE III—WOMEN'S HEALTH RESEARCH
Sec. 301. Women's health research.
Sec. 302. Effective date and applicability of requirements.
TITLE IV—CONTRACEPTION AND INFERTILITY
Sec. 401. Contraception and infertility.
TITLE V—PROGRAMS RELATING TO ACQUIRED IMMUNE DEFICIENCY SYNDROME
Sec. 501. Loan repayment program with respect to research at National Institutes of Health.
Sec. 502. Research with respect to acquired immune deficiency syndrome.
Sec. 503. Studies.
TITLE VI—NIH DIRECTOR'S DISCRETIONARY FUND, CHILD HEALTH RESEARCH CENTERS, AND INTERAGENCY PROGRAM FOR TRAUMA RESEARCH
Sec. 601. NIH director's discretionary fund.
Sec. 602. Child health research centers.
Sec. 603. Establishment of interagency program for trauma research.
Sec. 604. Traumatic brain injury.
TITLE VII—NATIONAL CENTER FOR HUMAN GENOME RESEARCH AND REDESIGNATION OF NATIONAL CENTER FOR NURSING RESEARCH AND DIVISION OF RESEARCH RESOURCES
Sec. 701. Purpose of National Center for Human Genome Research.
Sec. 702. Redesignation of National Center for Nursing Research as National Institute of Nursing Research.
Sec. 703. Redesignation of Division as National Center for Research Resources.
TITLE VIII—DESIGNATION OF SENIOR BIOMEDICAL RESEARCH SERVICE IN HONOR OF SILVIO CONTE, AND LIMITATION ON NUMBER OF MEMBERS.
Sec. 801. Silvio Conte Senior Biomedical Research Service.
TITLE IX—REVITALIZATION OF INTRAMURAL RESEARCH PROGRAM
SUBTITLE A—AUTHORITIES OF THE DIRECTOR
Sec. 901. Management of the intramural program.
Sec. 902. Expedited administration.
SUBTITLE B—PERSONNEL
Sec. 911. Model integrated personnel system for NIH.
Sec. 912. Sabbatical and tuition reduction program.
SUBTITLE C—WARREN GRANT MAGNUSON CLINICAL CENTER
Sec. 921. Renovation and replacement program.
SUBTITLE D—ACQUISITION OF LAND AND FACILITIES
Sec. 931. Acquisition of land and facilities.
SUBTITLE E—PROCUREMENT
Sec. 941. Study.
SUBTITLE F—GENERAL PROVISIONS
Sec. 951. Findings.
Sec. 952. Day care.
TITLE X—MISCELLANEOUS PROVISIONS
Sec. 1001. Paperwork reduction.
Sec. 1002. National Commission on Sleep Disorders Research.
Sec. 1003. Chronic fatigue syndrome.
Sec. 1004. Transfer of provisions.
Sec. 1005. Biennial report on carcinogens.
Sec. 1006. National Institute of Allergy and Infectious Diseases.
Sec. 1007. Health promotion research dissemination.
Sec. 1008. Study on the relationship between the consumption of legal and illegal drugs.
Sec. 1009. Experimental program to stimulate competitive research.
Sec. 1010. Requirements for standing approval of unfunded projects.
Sec. 1011. Study concerning malnutrition in the elderly.
Sec. 1012. General provisions.

**SEC. 2. REFERENCES.**

Except as otherwise provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

## TITLE I—REAUTHORIZATION OF CERTAIN INSTITUTES AND EXPANSION OF VARIOUS PROGRAMS

**SEC. 101. NATIONAL CANCER INSTITUTE AND NATIONAL HEART, LUNG AND BLOOD INSTITUTE.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 408(a) (42 U.S.C. 284c(a)) is amended—

(1) in paragraph (1)—

(A) by striking out "1,500,000,000" and all that follows through the period in subparagraph (A), and inserting in lieu thereof "2,218,400,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997."; and

(B) by striking out "100,000,000" and all that follows through the period in subparagraph (B) and inserting in lieu thereof "$156,600,000 for fiscal year 1993, and such sums as may be necessary in each of the fiscal years 1994 through 1997."; and

(2) in paragraph (2)—

(A) by striking out "$1,100,000,000" and all that follows through the first period in subparagraph (A), and inserting in lieu thereof "$1,500,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997."; and

(B) by striking out "$101,000,000" and all that follows through the period in subparagraph (B) and inserting in lieu thereof "$151,500,000 for fiscal year 1993, and such sums as may be necessary in each of the fiscal years 1994 through 1997.";

(b) RESOURCE PROGRAM.—Section 421(b) (42 U.S.C. 285b-3(b)) is amended—

(1) in paragraph (3), by striking out "and" at the end thereof;

(2) in paragraph (4), by striking out the period and inserting in lieu thereof "; and"; and

(3) by inserting immediately after paragraph (4) the following new paragraph:

"(5) shall, in consultation with the advisory council for the Institute, support appropriate programs of training and education, including continuing education and laboratory and clinical research training.".

(c) CENTERS FOR THE STUDY OF PEDIATRIC CARDIOVASCULAR DISEASES.—Section 422(a)(1) (42 U.S.C. 285b-4(a)(1)) is amended—

(1) in subparagraph (B), by striking out "and" at the end thereof;

(2) in subparagraph (C), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new subparagraph:

"(D) three centers for basic and clinical research concerning, training in, and demonstration of, advanced diagnostic, prevention, and treatment (including genetic studies, intrauterine environment studies, postnatal studies, heart arrhythmias, and acquired heart disease and preventive cardiology) for cardiovascular diseases in children.".

**SEC. 102. NATIONAL LIBRARY OF MEDICINE.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 469 (42 U.S.C. 286E) is amended by striking out "$14,000,000" and all that follows through the first period and inserting in lieu thereof "$40,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994 through 1997.".

(b) GRANTS FOR THE DEVELOPMENT OF NEW EDUCATIONAL TECHNOLOGIES.—Section 473 (42 U.S.C. 286b-4) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary shall make grants to appropriate public or private nonprofit institutions for the purpose of carrying out projects in the research, development, and demonstration of new educational technologies. Such projects shall assist in the training of health professions students, and enhance and improve the research and teaching capabilities of health professionals. Funding may support projects including those concerning computer-assisted teaching at health professions and research institutions, the effective transfer of new information from research laboratories to appropriate clinical applications, the expansion of the laboratory and clinical uses of computer-stored research databases, and the testing of new technologies for training health care professionals in nontraditional settings.".

(c) REMOVAL OF CAP ON CERTAIN GRANTS.—Section 474(b)(2) (42 U.S.C. 286b-S(b)(2)) is amended by striking out ", except that" and all that follows through "750,000".

(d) NATIONAL INFORMATION CENTER ON HEALTH SERVICES RESEARCH AND HEALTH CARE.—Part D of title IV (42 U.S.C. 286 et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 4—National Information Center on Health Services Research and Health Care Technology

**"SEC. 478A. NATIONAL INFORMATION CENTER.**

"(a) ESTABLISHMENT.—There is established within the National Library of Medicine an entity to be known as the National Information Center on Health Services Research and Health Care Technology (hereafter in this section referred to as the 'Center').

"(b) PURPOSE.—The purpose of the Center is the collection, storage, analysis, retrieval, and dissemination of information on health services research and on health care technology, including the assessment of such technology. Such purpose includes developing and maintaining data bases and developing and implementing methods of carrying out such purpose.

"(c) COORDINATION.—The Secretary, acting through the Center, shall ensure that the activities carried out under this section are coordinated with related activities of the Agency for Health Care Policy and Research.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $6,000,000 for fiscal year 1993, and such sums as may be necessary

for each of the fiscal years 1994 through 1997.".

(e) CONFORMING PROVISIONS.—

(1) STRIKING OF DUPLICATIVE AUTHORITY.—Section 904 of the Public Health Service Act (42 U.S.C. 299a-2) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) RULE OF CONSTRUCTION.—The amendments made by subsection (d) and by paragraph (1) of this section may not be construed to terminate the information center on health care technologies and health care technology assessment or the interagency agreement established under section 904 of the Public Health Service Act, as in effect on the day before the date of the enactment of this Act. Such center and interagency agreement shall be considered to be the center and agreement established in section 478A of the Public Health Service Act, as added by section 102 of this Act, and shall be subject to the provisions of such section 478A.

**SEC. 103. REVISION AND EXTENSION OF NATIONAL RESEARCH SERVICE AWARDS PROGRAM.**

(a) ADDITIONAL AUTHORITIES.—Section 487(a)(1) (42 U.S.C. 288 et seq.) is amended—

(1) in subparagraph (A)(iv), by striking out "and" at the end thereof;

(2) in subparagraph (B), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new subparagraph:

"(C) make grants for comprehensive programs to recruit women, underrepresented minorities and individuals from disadvantaged backgrounds, into fields of biomedical or behavioral research and to provide research training to women, underrepresented minorities and such individuals.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR GENERAL PROGRAM.—Section 487(d) (42 U.S.C. 288(d)) is amended by striking out "$300,000,000" and all that follows through the first period and inserting in lieu thereof "$415,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.".

(c) TECHNICAL AMENDMENT.—Section 487(d)(3) (42 U.S.C. 288(d)(3)) is amended—

(1) by inserting "785," after "784,"; and

(2) by striking out "one half of" each place that such appears.

**SEC. 104. NATIONAL CENTER FOR BIOTECHNOLOGY INFORMATION.**

Section 478(c) of the Public Health Service Act (42 U.S.C. 286c(c)) is amended—

(1) by striking out "$8,000,000" and inserting in lieu thereof "$18,000,000"; and

(2) by striking out "1989" and inserting in lieu thereof "1993"; and

(3) by striking out "fiscal year 1990" and inserting in lieu thereof "each of the fiscal years of 1994 through 1997".

**SEC. 105. NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH.**

Section 499A (42 U.S.C. 289i) is amended—

(1) in the second sentence of subsection (c)(1)(A), by inserting ", except the ex officio members," after "Foundation"; and

(2) in subsection (i)(1), by striking out "1995" and inserting in lieu thereof "1997".

**SEC. 106. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.**

Title IV (42 U.S.C. 281 et seq) is amended by adding at the end thereof the following new part:

"PART I—BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES

**"SEC. 499B. DEFINITIONS.**

"As used in this part:

"(1) CONSTRUCTION AND COST OF CONSTRUCTION.—The terms 'construction' and 'cost of construction' include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects' fees, but not including the cost of acquisition of land or offsite improvements.

"(2) PUBLIC OR NONPROFIT PRIVATE INSTITUTION.—The term 'public or nonprofit private institution' means an institution that conducts biomedical or behavioral research, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

**"SEC. 499C. GRANTS FOR CONSTRUCTION.**

"The Director of the National Institutes of Health, through the Director of the National Center for Research Resources (hereinafter in this part referred to as the 'Director'), is authorized to award grants on behalf of the National Institutes of Health to public and nonprofit private institutions to expand, remodel, renovate, or alter existing research facilities or construct new research facilities pursuant to this part. Applications for grants shall be evaluated on the basis of merit as provided in section 499J.

**"SEC. 499D. TECHNICAL REVIEW BOARD ON BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.**

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established in the National Center for Research Resources of the National Institutes of Health a Technical Review Board on Biomedical and Behavioral Research Facilities (hereinafter referred to in this part as the 'Board') to advise the Director and the Advisory Council established pursuant to section 480 (hereafter in this part referred to as the 'Advisory Council') on matters concerning the construction of facilities, and to conduct the peer review of applications received under this part.

"(2) MEMBERSHIP.—The Board shall be appointed by the Secretary, acting through the Director, and consist of not fewer than—

"(A) 12 members to be appointed without regard to the civil service laws; and

"(B) an official of the National Science Foundation designated by the National Science Board.

"(3) FACTORS FOR APPOINTMENTS.—In selecting individuals for appointment to the Board under paragraph (2), the Secretary, acting through the Director, shall consider factors such as—

"(A) the experience of the individual in the planning, construction, financing, and administration of institutions engaged in the conduct of research in the biomedical or behavioral sciences;

"(B) the familiarity of the individual with the need for biomedical or behavioral research facilities;

"(C) the familiarity of the individual with the need for dentistry, nursing, pharmacy, and allied health professions research facilities; and

"(D) the experience of the individual with emerging centers of excellence as defined in section 499E(d)(2).

"(b) DUTIES.—The Board shall—

"(1) advise and assist the Director and the Advisory Council in the preparation of general regulations and with respect to policy matters arising in the administration of this part;

"(2) make recommendations to the Director and the Advisory Council concerning—

"(A) merit review of applications for grants; and

"(B) the amount that should be granted to each applicant whose application, in its opinion, should be approved; and

"(3) prepare an annual report for the Advisory Council, that shall be available to the public, that—

"(A) describes the activities of the Board in the fiscal year for which the report is made;

"(B) describes and evaluates the progress made in such fiscal year in meeting the facilities' needs for the biomedical research community;

"(C) summarizes and analyzes expenditures made by the Federal Government for such activities;

"(D) reviews the approved but unfunded applications for grants; and

"(E) contains the recommendations of the Board for any changes in the implementation of this part.

"(c) TERMS.—

"(1) IN GENERAL.—Each appointed member of the Board shall hold office for a term of 4 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term.

"(2) STAGGERED TERMS.—Of the initial members appointed to the Board—

"(A) 3 shall hold office for a term of 3 years;

"(B) 3 shall hold office for a term of 2 years; and

"(C) 3 shall hold office for a term of 1 year; as designated by the Director at the time of the appointment.

"(3) REAPPOINTMENT.—No member shall be eligible for reappointment until at least 1 year has elapsed since the end of such member's preceding term.

"(d) COMPENSATION.—Members of the Board who are not officers or employees of the United States shall receive for each day the members are engaged in the performance of the functions of the Board compensation at the same rate received by members of other national advisory councils established under this title.

"(e) USE OF MEMBERS.—The Director is authorized to use the services of any member or members of the Board, and where appropriate, any member or members of any other national advisory council established pursuant to this title, in connection with matters related to the administration of this part, for such periods, in addition to conference periods, as the Director may determine appropriate. The Director shall make appropriate provision for consultation between and coordination of the work of the Board and the Advisory Council, with respect to matters bearing on the purposes and administration of this part.

"(f) ADMINISTRATION.—The administration of the Board's functions shall be the responsibility of the Director and shall be carried out in the same manner as the administration of the functions of the Advisory Council.

"(g) BOARD ACTIVITIES.—

"(1) IN GENERAL.—In carrying out its functions under this part, the Board may establish subcommittees, convene workshops and conferences, and collect data as the Board considers appropriate.

"(2) SUBCOMMITTEES.—Subcommittees established under paragraph (1) may be composed of Board members and nonmember consultants with expertise in the particular area to be addressed by the subcommittees. The subcommittee may hold meetings as determined necessary to enable the subcommittee to carry out its activities.

**"SEC. 499E. APPLICATION AND SELECTION FOR GRANTS.**

"(a) SUBMISSION.—Applications for grants under this part shall be submitted at least once each year to the Director by interested public and nonprofit private institutions.

"(b) AWARDING OF GRANTS.—A grant under this part may be awarded by the Director if—

"(1) the applicant institution is determined by the Director to be competent to engage in the type of research for which the proposed facility is to be constructed;

"(2) the applicant institution meets the eligibility conditions established by the Director;

"(3) the application contains or is supported by the reasonable assurances that—

"(A) for not less than 20 years after completion of the construction, the facility will be used for the purposes of research for which it is to be constructed;

"(B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility; and

"(C) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

"(4) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research.

A grant under this part may be made only if the application therefore is recommended for approval by the Advisory Council.

"(c) ELIGIBILITY CONDITIONS.—Within the aggregate monetary limit as the Director may prescribe, applications that, solely by reason of the inability of the applicants to give the assurance required by subsection (b)(2), fail to meet the requirements for applications described in this section, may be approved on condition that the applicants give the assurance required by such paragraph within a reasonable time and on such other reasonable terms and conditions as the Director may determine appropriate.

"(d) AWARDING GRANTS.—

"(1) IN GENERAL.—In acting on applications for grants under this part, the Director shall take into consideration—

"(A) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

"(B) the quality of the research or training, or both, to be carried out in the facilities involved;

"(C) the need of the institution for such facilities in order to maintain or expand the institution's research and training mission;

"(D) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

"(E) the age and condition of existing research facilities and equipment.

"(2) INSTITUTIONS OF EMERGING EXCELLENCE.—

"(A) IN GENERAL.—In addition to the considerations required under paragraph (1), the Director shall also consider other criteria for the awarding of grants to eligible institutions that demonstrate emerging excellence in biomedical or behavioral research for the construction of research facilities.

"(B) ELIGIBILITY.—To be eligible to receive a grant under this paragraph, an institution shall—

"(i) have a plan for research or training advancement and possess the ability to carry out such plan; and

"(ii)(I) carry out research and research training programs that have a special relevance to a problem, concern, or unmet need of the United States;

"(II) have been productive in research or research development and training in settings where significant barriers to institutional development have been created by—

"(aa) the underrepresentation of minorities in health science careers;

"(bb) the health status deficit of a large segment of the population; or

"(cc) a regional deficit in health care technology, services, or research resources that can adversely affect health status in the future;

"(III) have the capacity to broaden the scope of research and research training programs of such institution by promoting—

"(aa) interdisciplinary research;

"(bb) research on emerging technologies, including those involving novel analytical techniques or computational methods; or

"(cc) other novel research mechanisms or programs;

"(IV) have already demonstrated a commitment to enhancing and expanding the research productivity of such institution; or

"(V) broaden the scope of research and research training programs of qualified institutions by promoting genomic research with an emphasis on interdisciplinary research, including research related to pediatric investigations.

**"SEC. 499F. AMOUNT OF GRANT; PAYMENTS.**

"(a) AMOUNT.—The amount of any grant awarded under this part shall be determined by the Director, except that such amount shall not exceed—

"(1) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

"(2) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

"(b) RESERVATION OF AMOUNTS.—On approval of any application for a grant under this part, the Director shall reserve, from any appropriation available therefore, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of the Director of any amount by the Director under this subsection may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

"(c) EXCLUSION OF CERTAIN COSTS.—In determining the amount of any grant under this part, there shall be excluded from the cost of construction an amount equal to the sum of—

"(1) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this part; and

"(2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(d) WAIVER OF LIMITATIONS.—The limitations imposed by subsection (a) may be waived at the discretion of the Director for institutions described in section 499E(d)(2).

**"SEC. 499G. RECAPTURE OF PAYMENTS.**

"If, not later than 20 years after the completion of construction for which a grant has been awarded under this part—

"(1) the applicant or other owner of the facility shall cease to be a public or nonprofit private institution; or

"(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

**"SEC. 499H. NONINTERFERENCE WITH ADMINISTRATION OF INSTITUTIONS.**

"Except as otherwise specifically provided in this part, nothing contained in this part shall be construed as authorizing any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over, or impose any requirement or condition with respect to the administration of any institution funded under this part.

**"SEC. 499I. REGULATIONS.**

"Not later than 6 months after the date of enactment of this part, the Director, after consultation with the Advisory Council, shall prescribe regulations concerning the eligibility of institutions for grants awarded under this part, and the terms and conditions applicable to the approval of applications for such grants. The Director may prescribe such other regulations as the Director determines necessary to carry out this part.

**"SEC. 499J. PEER REVIEW OF APPLICATIONS.**

"(a) IN GENERAL.—The Director shall require appropriate peer review of applications for grants under this part in accordance with section 492.

"(b) MANNER OF REVIEW.—Review of grant applications under this part shall be conducted in a manner consistent with the system of scientific peer review conducted by scholars with regard to applications for grants under this Act for biomedical and behavioral research.

"(c) MEMBERSHIP.—Members of a peer review group established under this section shall be individuals who, by the virtue of their training or experience, are eminently qualified to perform peer review functions, except that not more than one-fourth of the members of any peer review group shall be officers or employees of the United States.

**"SEC. 499K. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated to carry out this part, $150,000,000 for fiscal year 1993, and such sums as may be necessary in each of the fiscal years 1994 through 1997.

**"SEC. 499L. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTER.**

"(a) GRANTS.—With respect to activities carried out by the National Center for Research Resources to support regional centers for research on primates, the Director of NIH may, through the Director of the National Center for Research Resources, for each of the fiscal years 1993 through 1997, reserve from the amounts described in section 499K not more than $5,000,000 for the purpose of making grants to, or entering into contracts with, public or nonprofit private entities to construct, renovate, or otherwise improve such regional centers.

"(b) MATCHING CONTRIBUTIONS.—The Director of NIH may not make a grant or enter into a contract under subsection (a) unless the applicant for such assistance agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward such costs in an amount equal to not less than $1 for each $4 of Federal funds provided in such assistance.".

**SEC. 107. NATIONAL EYE INSTITUTE.**

Subpart 9 of part C (42 U.S.C. 285i et seq.) is amended by adding at the end thereof the following new section:

**"SEC. 455A. CLINICAL RESEARCH ON DIABETES EYE CARE.**

"(a) GRANTS.—The Director of the National Eye Institute, in consultation with the advisory council for the Institute, may award not to exceed three grants for the establishment and support of Centers for Clinical Research on Diabetes Eye Care.

"(b) USE.—Amounts received under a grant awarded under this section may, in addition to establishing a Center, be used for research, facilities modernization, construction and the purchase of equipment.".

## TITLE II—RESEARCH FREEDOM

**SEC. 201. SHORT TITLE.**

This title may be cited as the "Research Freedom Act of 1992".

**SEC. 202. ESTABLISHMENT OF CERTAIN PROVISIONS REGARDING RESEARCH CONDUCTED OR SUPPORTED BY NATIONAL INSTITUTES OF HEALTH.**

Part G of title IV (42 U.S.C. 289 et seq.) is amended by inserting after section 492 the following new section:

**"SEC. 492A. CERTAIN PROVISIONS REGARDING REVIEW AND APPROVAL OF PROPOSALS FOR RESEARCH.**

"(a) REVIEW AS PRECONDITION TO RESEARCH.—

"(1) PROTECTION OF HUMAN RESEARCH SUBJECTS.—

"(A) In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to review under section 491(a) by an Institutional Review Board unless the application has undergone review in accordance with such section and has been recommended for approval by a majority of the members of the Board conducting such review.

"(B) In the case of research that is subject to review under procedures established by the Secretary for the protection of human subjects in clinical research conducted by the National Institutes of Health, the Secretary may not authorize the conduct of the research unless the research has, pursuant to such procedures, been recommended for approval by a majority of the members of the entity conducting such review.

"(2) PEER REVIEW.—In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to technical and scientific peer review under section 492(a) unless the application has undergone peer review in accordance with such section and has been recommended for approval by a majority of the members of the entity conducting such review.

"(b) ETHICAL REVIEW OF RESEARCH.—

"(1) PROCEDURES REGARDING WITHHOLDING OF FUNDS.—If research has been recommended for approval for purposes of subsection (a), the Secretary may not withhold funding for the research on ethical grounds unless—

"(A) the Secretary convenes an advisory board in accordance with paragraph (4) to study the ethical implications of the research; and

"(B) the majority of the advisory board recommends that, on ethical grounds, the Secretary withhold funds for the research.

"(2) APPLICABILITY.—The limitation established in paragraph (1) regarding the authority to withhold funds on ethical grounds shall apply without regard to whether the withholding of funds is characterized as a disapproval, a moratorium, a prohibition, or other description.

"(3) PRELIMINARY MATTERS REGARDING USE OF PROCEDURES.—

"(A) If the Secretary makes a determination that an advisory board should be convened for purposes of paragraph (1), the Secretary shall, through a statement published in the Federal Register, announce the intention of the Secretary to convene such a board.

"(B) A statement issued under subparagraph (A) shall include a request that interested individuals submit to the Secretary recommendations specifying the particular individuals who should be appointed to the advisory board involved. The Secretary shall consider such recommendations in making appointments to the board.

"(C) The Secretary may not make appointments to an advisory board under paragraph (1) until the expiration of the 30-day period beginning on the date on which the statement required in subparagraph (A) is made with respect to the board.

"(4) ETHICS ADVISORY BOARDS.—

"(A) Any advisory board convened for purposes of paragraph (1) shall be known as an ethics advisory board (hereafter in this paragraph referred to as an 'ethics board').

"(B)(i) An ethics board shall advise, consult with, and make recommendations to the Secretary regarding the ethics of the project of biomedical or behavioral research with respect to which the board has been convened.

"(ii) Not later than 180 days after the date on which the statement required in paragraph (3)(A) is made with respect to an ethics board, the board shall submit to the Secretary, and to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report describing the findings of the board regarding the project of research involved.

"(C) An ethics board shall be composed of no fewer than 14, and no more than 20, individuals who are not officers or employees of the United States. The Secretary shall make appointments to the board from among individuals with special qualifications and competence to provide advice and recommendations regarding ethical matters in biomedical and behavioral research. Of the members of the board—

"(i) no fewer than 1 shall be an attorney;

"(ii) no fewer than 1 shall be an ethicist;

"(iii) no fewer than 1 shall be a practicing physician;

"(iv) no fewer than 1 shall be a theologian; and

"(v) no fewer than one-third, and no more than one-half, shall be scientists with substantial accomplishments in biomedical or behavioral research.

"(D) The term of service as a member of an ethics board shall be for the life of the board. If such a member does not serve the full term of such service, the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual. A member of an ethics board shall be subject to removal from the board by the Secretary for neglect of duty or malfeasance or for other good cause shown.

"(E) The Secretary shall designate an individual from among the members of an ethics board to serve as the chairperson of the board.

"(F) In carrying out subparagraph (B)(i) with respect to a project of research, an ethics board shall conduct inquiries and hold public hearings.

"(G) With respect to information relevant to the duties described in subparagraph (B)(i), an ethics board shall have access to all such information possessed by the Department of Health and Human Services, or available to the Secretary from other agencies.

"(H) Members of an ethics board shall receive compensation for each day engaged in carrying out the duties of the board, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

"(I) The Secretary, acting through the Director of the National Institutes of Health, shall provide to each ethics board such staff and other assistance as may be necessary to carry out the duties of the board.

"(J) An ethics board shall terminate 30 days after the date on which the report required in subparagraph (B)(ii) is submitted to the Secretary and the congressional committees specified in such subparagraph.".

**SEC. 203. RESEARCH CONCERNING THE TRANSPLANTATION OF FETAL TISSUE.**

Part G of title IV (42 U.S.C. 289 et seq.) is amended by inserting after section 498 the following new section:

**"SEC. 498A. RESEARCH ON TRANSPLANTATION OF FETAL TISSUE.**

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) AUTHORITY.—The Secretary may conduct or support research concerning the transplantation of human fetal tissue for therapeutic purposes.

"(2) SOURCE OF TISSUE.—Human fetal tissue may be used in research carried out under the authority of paragraph (1) regardless of whether the tissue is obtained subsequent to a spontaneous or induced abortion or subsequent to a stillbirth.

"(b) INFORMED CONSENT OF DONOR.—

"(1) IN GENERAL.—With respect to research carried out under the authority of subsection (a), human fetal tissue may be used only if the woman providing the tissue provides a signed statement declaring that—

"(A) such woman donates such fetal tissue for use in research of the type described in subsection (a);

"(B) such donation is made without any restriction regarding the identity of individuals who may be the recipients of transplantations of such tissue; and

"(C) such woman has not been informed of the identity of any such individuals.

"(2) CERTIFICATION OF CONSENT.—With respect to research carried out under the authority of subsection (a), human fetal tissue may be used only if the attending physician provides a signed statement declaring that—

"(A) the tissue has been donated in accordance with paragraph (1);

"(B) in the case of tissue obtained subsequent to an induced abortion, consent for such abortion was obtained prior to obtaining or requesting consent for the donation of such tissue;

"(C) there was no alteration of the timing, method, or procedures used to terminate the

pregnancy solely for the purposes of obtaining donated fetal tissue; and

"(D) full and complete disclosure has been provided to the donor described in paragraph (1) with regard to—

"(i) such physician's interest in the research to be conducted with the donated tissue; and

"(ii) any known medical risks to such donor or risks to the privacy of such donor that might be associated with the retrieval of such tissue and that are in addition to risks of such type that are associated with the donor's medical care.

"(c) INFORMED CONSENT OF RESEARCHER AND DONEE.—With respect to research carried out under the authority of subsection (a), human fetal tissue may be used only if the individual with the principal responsibility for conducting such research provides a signed statement declaring that such individual—

"(1) is aware that—

"(A) the tissue is human fetal tissue;

"(B) the tissue may have been obtained subsequent to a spontaneous or induced abortion or subsequent to a stillbirth; and

"(C) the tissue was donated for research purposes;

"(2) has provided such information to other individuals with responsibilities regarding the research;

"(3) will require, prior to obtaining the consent of an individual to be a recipient of a transplantation of the tissue, written acknowledgment of receipt of such information by such individual recipient; and

"(4) will have no part in any decisions as to the timing, method, or procedure used to terminate the pregnancy solely in the interest of the research.

"(d) AVAILABILITY OF STATEMENTS FOR AUDIT.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, shall require that each entity that applies for a grant, contract, or cooperative agreement under this Act for any project or program that involves the conduct of research of the type described under subsection (a) provide certification that the statements required under subsections (b)(2) and (c)(1) will be available for audit by the Secretary.

"(2) CONFIDENTIALITY OF AUDIT.—Any audit conducted by the Secretary pursuant to paragraph (1) shall be conducted in a confidential manner to protect the privacy rights of the individuals involved in such research, including those individuals involved in donation, transfer, receipt, and transplantation of human fetal tissue. With respect to any material or information obtained pursuant to such audit the Secretary shall—

"(A) use such material or information only for the purposes of verifying compliance with the requirements set forth in this section;

"(B) not disclose or publish such material or information, except where required by Federal law, in which case such material or information shall be coded in a manner such that the identities of such individuals are protected; and

"(C) not maintain such material or information after completion of such audit, except where necessary for the purposes of such audit.

"(e) APPLICABILITY OF STATE AND LOCAL LAW.—

"(1) RESEARCH CONDUCTED BY RECIPIENTS OF ASSISTANCE.—The Secretary may not provide financial assistance for research conducted under the authority of subsection (a) unless the applicant for such assistance agrees to conduct the research in accordance with applicable State and local law.

"(2) RESEARCH CONDUCTED BY SECRETARY.—The Secretary may conduct research under the authority of subsection (a) only in accordance with applicable State and local law.

"(f) DEFINITION.—For purposes of this section, the term 'human fetal tissue' means tissue or cells obtained from a dead human embryo or fetus subsequent to a spontaneous or induced abortion, or a stillbirth.".

**SEC. 204. PURCHASE OF HUMAN FETAL TISSUE; SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.**

Part G of title IV, as amended by section 203, is further amended by inserting after section 498A the following new section:

**"SEC. 498B. PROHIBITIONS REGARDING HUMAN FETAL TISSUE.**

"(a) PURCHASE OF TISSUE.—It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.

"(b) SOLICITATION OR ACCEPTANCE OF DONATED TISSUE FOR USE IN TRANSPLANTATION RESEARCH.—It shall be unlawful for any person or entity to knowingly solicit, acquire, receive, or accept a donation of human fetal tissue for the purpose of research involving transplantation of such tissue into another person if the donation affects interstate commerce, the tissue will be or is obtained subsequent to an induced abortion, and—

"(1) the donation will be or is made pursuant to a promise to the donating individual that the donated tissue will be transplanted into a recipient specified by such individual;

"(2) the donated tissue will be transplanted into a relative of the donating individual; or

"(3) the person or entity that knowingly solicits, acquires, receives, or accepts such donation has provided valuable consideration for the costs associated with such abortion.

"(c) CRIMINAL PENALTIES FOR VIOLATIONS.—Any person who violates subsection (a) or (b) shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'human fetal tissue' has the meaning given such term in section 498A(f).

"(2) The term 'interstate commerce' has the meaning given such term in section 201(b) of the Federal Food, Drug, and Cosmetic Act.

"(3) The term 'valuable consideration' does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.".

**SEC. 205. NULLIFICATION OF MORATORIUM.**

(a) IN GENERAL.—Except as provided in subsection (c), no official of the executive branch may impose a policy that the Department of Health and Human Services is prohibited from conducting or supporting any research on the transplantation of human fetal tissue for therapeutic purposes. Such research shall be carried out in accordance with section 498A of the Public Health Service Act (as added by section 203), without regard to any such policy that may have been in effect prior to the date of the enactment of this Act.

(b) PROHIBITION AGAINST WITHHOLDING OF FUNDS IN CASES OF TECHNICAL AND SCIENTIFIC MERIT.—

(1) IN GENERAL.—In the case of any proposal for research on the transplantation of human fetal tissue for therapeutic purposes, the Secretary of Health and Human Services may not withhold funds for the research if—

(A) the research has been approved for purposes of section 492A(a) of the Public Health Service Act (as added by section 202);

(B) the research will be carried out in accordance with section 498A of such Act (as added by section 203); and

(C) there are reasonable assurances that the research will not utilize any fetal tissue that has been obtained in violation of section 498B(a) of such Act (as added by section 204).

(2) STANDING APPROVAL REGARDING ETHICAL STATUS.—In the case of any proposal for research on the transplantation of human fetal tissue for therapeutic purposes, the issuance in December 1988 of the Report of the Human Fetal Tissue Transplantation Research Panel shall be deemed to be a report—

(A) issued by an ethics advisory board pursuant to section 492A(b)(4)(B)(ii) of the Public Health Service Act (as added by section 202); and

(B) finding that there are no ethical grounds for withholding funds for such research.

(c) AUTHORITY FOR WITHHOLDING FUNDS FROM RESEARCH.—In the case of any research on the transplantation of human fetal tissue for therapeutic purposes, the Secretary of Health and Human Services may withhold funds for the research if any of the conditions specified in any of subparagraphs (A) through (C) of subsection (b)(1) are not met with respect to the research.

(d) DEFINITION.—For purposes of this section, the term "human fetal tissue" has the meaning given such term in section 498A(f) of the Public Health Service Act (as added by section 203).

**SEC. 206. GENERAL ACCOUNTING OFFICE REPORT ON THE ADEQUACY OF THE SAFEGUARDS IN THE ACT.**

Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct an audit to determine if the safeguards contained in this Act, and the amendments made by this Act, are being complied with, make recommendations as necessary to insure the adequacy of such safeguards, and shall prepare and submit to the Chairman and ranking minority member of the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report concerning the findings of the Comptroller General with respect to such audit.

## TITLE III—WOMEN'S HEALTH RESEARCH

**SEC. 301. WOMEN'S HEALTH RESEARCH.**

Title IV (42 U.S.C. 281 et seq.) is amended—

(1) by redesignating parts F and G as parts G and H, respectively; and

(2) by inserting after part E the following new part:

### "PART F—WOMEN'S HEALTH RESEARCH

### "Subpart 1—General Provision With Respect to Women's Health

**"SEC. 486O. INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH.**

"(a) GENERAL REQUIREMENT.—In conducting or supporting clinical research for purposes of this title, the Director of NIH shall ensure that women and members of minority groups are included as subjects in each project of such research, subject to subsection (b).

"(b) NONAPPLICABILITY.—

"(1) IN GENERAL.—The requirement established in subsection (a) regarding women and members of minority groups shall not apply

to a project of clinical research if the inclusion, as subjects in the project, of women and members of minority groups, respectively—

"(A) is inappropriate with respect to the health of the subjects;

"(B) is inappropriate with respect to the purpose of the research; or

"(C) is inappropriate under such other circumstances as the Director of NIH may designate.

"(2) CRITERIA.—

"(A) GUIDELINES.—The Director of NIH, in consultation with the Director of the Office of Research on Women's Health, shall establish guidelines regarding—

"(i) the circumstances under which the inclusion of women and minorities in clinical research is inappropriate for purposes of subsection (b);

"(ii) the manner in which projects of clinical research are required to be designed and carried out for purposes of subpart 2, including a specification of the circumstances in which the requirement of such subpart does not apply on the basis of impracticability; and

"(iii) the conduct of outreach programs for the recruitment of women and members of minority groups as subjects in such research.

"(B) LIMITATIONS.—The guidelines established under subparagraph (A)—

"(i) may not provide that the costs of including women and minorities in clinical research are a permissible consideration regarding the circumstances described in subparagraph (A)(i); and

"(ii) may provide that such circumstances include circumstances in which there are scientific reasons for believing that the variables proposed to be studied do not affect women or minorities differently than other subjects in the research.

"(C) PUBLICATION.—The guidelines required in subparagraph (A) shall be established and published in the Federal Register not later than October 1, 1992.

"(c) ANALYSIS OF EFFECT ON WOMEN AND MINORITY GROUPS.—In the case of any project of clinical research in which women or members of minority groups are required under subsection (a) to be included as subjects, the Director of NIH shall ensure that the project is designed and carried out in a manner sufficient to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other subjects in the research.

"(d) NOTIFICATION.—Not later than October 1, 1992, the Director of NIH shall notify appropriate research entities and research grant recipients concerning the requirements of subsections (a), (b), and (c).

"(e) CLINICAL RESEARCH EQUITY SUBCOMMITTEES.—

"(1) ESTABLISHMENT.—The Director of NIH shall establish within the advisory council of each of the National Research Institutes a subcommittee to be known as the Clinical Research Equity Subcommittee (hereafter in this subsection individually referred to as a 'Subcommittee').

"(2) DUTIES.—Each Subcommittee shall review all clinical research conducted by the agency for which the advisory council involved is established. The purpose of the review shall be to determine the extent to which the research is being conducted in accordance with subsections (a) through (c). Such a review shall be conducted not less than annually. Not later than 60 days after each such review, each Subcommittee shall submit to the Secretary and the Director of NIH a report describing the finding made as a result of the review.

"(3) COMPOSITION.—Each Subcommittee shall be composed of not less than 6 members of the advisory council involved. The Chairperson of such advisory councils, acting on behalf of the Director of NIH, shall designate the membership of each Subcommittee (but in no event less than six members) from among members of the advisory council involved who have expertise regarding clinical research on diseases, disorders, or other health conditions—

"(A) that are unique to women, more prevalent in women, or more serious for women; or

"(B) for which the risk factors or interventions are different for women.

"(4) APPOINTMENT OF ADDITIONAL MEMBERS.—If the Director of NIH determines that an advisory council for a national research institute does not contain a sufficient number of individuals with the expertise required for purposes of paragraph (3), the Director of NIH shall appoint to the advisory council, from among individuals who are not officers or employees of the United States, a number of individuals necessary with respect to complying with such paragraph.

"(5) SUSPENSION OR REVOCATION OF RESEARCH AUTHORITY.—If the Director of NIH determines that any project of clinical research conducted by any agency of the National Institutes of Health is not being conducted in accordance with subsections (a) through (c), the Director shall suspend or revoke the authority for the project under such conditions as the Director determines appropriate.

"(f) DEFINITION.—For purposes of this section, the term 'minority groups' means racial and ethnic minority groups.

**"SEC. 486P. PEER REVIEW REGARDING INCLUSION OF WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH.**

"(a) EVALUATION.—In technical and scientific peer review, conducted under section 492 or this part, of proposals for clinical research, the consideration of any such proposal (including the initial consideration) shall, except as provided in subsection (b), include an evaluation of the technical and scientific merit of the proposal regarding the inclusion of women and members of minority groups as subjects in the research.

"(b) EXCEPTION.—Subsection (a) shall not apply to any proposal for clinical research that, pursuant to subsection (b) of section 492A, is not subject to the requirement of subsection (a) of such section regarding the inclusion of women and members of minority groups as subjects in clinical research.

**"SEC. 486Q. INCLUSION OF WOMEN IN AGING RESEARCH.**

"The Director of the Institute on Aging, in addition to other special functions specified in section 444 and in cooperation with the Directors of other National Research Institutes and agencies of the National Institutes of Health, shall conduct research into the aging processes of women, with particular emphasis given to the effects of menopause and the physiological and behavioral changes occurring during the transition from pre- to postmenopause, and into the diagnosis, disorders, and complications related to aging and loss of ovarian hormones in women.

**"Subpart 2—Women's Health Research**

**"SEC. 486R. OFFICE OF RESEARCH ON WOMEN'S HEALTH.**

"(a) ESTABLISHMENT.—The Secretary shall establish, within the office of the Director of NIH, an Office of Research on Women's Health (hereinafter referred to in this part as the 'Office') and provide administrative support and support services to the Director of such Office.

"(b) DIRECTOR.—The Office of Research on Women's Health shall be headed by a Director who shall be appointed by the Secretary, acting through the Director of the National Institutes of Health.

"(c) PURPOSE.—It shall be the purpose of the Office to ensure that research pertaining to women's health is identified and addressed throughout the research activities conducted and supported by the National Institutes of Health. The Secretary, acting through the Director of the Office, shall—

"(1) establish an intramural research program in gynecology at the National Institute of Child Health and Human Development; and

"(2) establish a clinical service in gynecology.

**"SEC. 486S. FUNCTIONS OF THE DIRECTOR.**

"(a) IN GENERAL.—The Director of the Office of Research on Women's Health shall—

"(1)(A) identify women's health research needs, including prevention research;

"(B) identify needs for coordinated research activities, especially multidisciplinary research relating to women's health, to be conducted intra- and extra-murally;

"(C) encourage researchers whose research is funded or supported by the National Institutes of Health to pursue research pertaining to women's health;

"(D) encourage researchers whose research is funded or supported by the National Institutes of Health to pursue research into the aging processes of women, with particular emphasis given to menopause; and

"(E) support the development and expansion of clinical trials of treatments, therapies and modes of prevention that include women of all ages, races and ethnicities; and

"(2) establish a coordinating council that shall be composed of the Directors of the Institutes, Centers, Offices, and Divisions of the National Institutes of Health, to assist in the duties described in paragraph (1).

"(b) ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT.—The Secretary, acting through the Director of the Office of Research on Women's Health, shall establish within such Office an advisory committee to be known as the Women's Health Clinical Research Advisory Committee (hereafter referred to in this section as the 'Committee').

"(2) COMPOSITION.—The Committee shall be composed of not less than 12 appropriately qualified representatives of the public who are not officers or employees of the Federal Government. Such members shall include physicians, practitioners, scientists, and other women's health professionals whose clinical practice, and research specialization focus on women's health and gender differences that affect women's health.

"(3) DUTIES.—The Committee shall—

"(A) advise the Director of the Office concerning—

"(i) appropriate research activities to be undertaken by the Agencies of the National Institutes of Health with respect to—

"(I) research on women's health;

"(II) research concerning gender differences involved in clinical drug trials, with emphasis provided to pharmacological response and side effects resulting from such;

"(III) research concerning gender differences involving disease etiology, course and treatment;

"(IV) research concerning obstetrical and gynecological health, conditions, diseases, and treatment;

"(V) research concerning health conditions relating to women that require a multidisciplinary approach; and

"(VI) research concerning the prevention of health conditions that affect women;

"(B) report to the Director of the Office on research concerning women's health that is publicly and privately supported;

"(C) provide recommendations to the Director of the Office regarding the operations of the Office;

"(D) monitor the compliance of all research projects supported or conducted by the National Institutes of Health with laws and regulations relating to the inclusion of women in clinical study populations;

"(E) provide advice to the Director of the National Institutes of Health concerning the manner in which to advance and encourage research on women's health;

"(F) request that a study be conducted by the Institute of Medicine of the National Academy of Sciences that could assist in determining the manner in which to remove obstacles to and advance and encourage research concerning women's health; and

"(G) make recommendations to the appropriate committees of Congress and to the Director of NIH for further legislative and administrative initiatives, as appropriate for achieving the purposes described in section 486O(c).

**"SEC. 486T. REPORT TO THE SECRETARY.**

"(a) IN GENERAL.—Not later than January 1, 1994, and biennially thereafter, the Director of the National Institutes of Health shall prepare and submit to the Secretary, a report that shall—

"(1) describe and evaluate the progress made, during the period for which such report is prepared, in research, treatment and prevention with respect to women's health conducted or supported by the National Institutes of Health;

"(2) summarize and analyze expenditures, made during the period for which such report is made, for activities with respect to women's health research conducted or supported by the National Institutes of Health; and

"(3) contain such recommendations as the Director of the Office of Research on Women's Health considers appropriate.

"(b) SUBMISSION TO CONGRESS.—The Secretary shall provide a copy of the reports submitted under subsection (a) to the appropriate committees of Congress.

"(c) STUDY.—With respect to the study conducted under a request made under section 486R(b)(2)(G), such study shall include an examination of the infrastructure of the Institutes, the grant approval process, the peer review process with regard to the impact of such on women's health research, the manner in which to increase the number of women in senior level research positions, and a proposed research agenda for biomedical and biobehavioral research on women's health.

**"SEC. 486U. DATA BANK ON WOMEN'S HEALTH AND GENDER DIFFERENCES RESEARCH.**

"(a) ESTABLISHMENT OF PROGRAM.—The Director of NIH, in consultation with the Director of the Office of Research on Women's Health for the National Institutes of Health and the National Library of Medicine, shall establish, maintain, and operate a program to provide information on research and prevention activities of such Institutes relating to research on women's health.

"(b) DATA BANK.—

"(1) ESTABLISHMENT.—The Director of NIH shall establish a data system for the collection, storage, analysis, retrieval, and dissemination of information regarding research on women's health that is conducted or supported by the National Institutes of Health. Such a data bank shall be headed by an executive director to be appointed by the Director of the Office of Research on Women's Health. Information from the data system shall be available through information systems available to health care professionals and providers, researchers, and members of the public.

"(2) CLINICAL TRIALS AND TREATMENTS.—The data bank established under paragraph (1) shall compile information concerning clinical trials and treatments with respect to women's health and gender differences.

"(3) INFORMATION.—The executive director of the data bank shall make information compiled by the data bank available through informational systems that provide access to health care professionals and providers, researchers, and members of the public.

"(4) REGISTRY.—

"(A) IN GENERAL.—The executive director of the data bank shall maintain a registry of ongoing clinical trials of experimental treatments that have been developed for women's health.

"(B) INFORMATION.—Information to be maintained in the registry under this paragraph shall include—

"(i) eligibility criteria (including sex, age, ethnicity or race) for participating in clinical trials;

"(ii) the location of the clinical trial sites; and

"(iii) any other information determined to be appropriate by the executive director.

"(C) REQUIREMENT TO PROVIDE INFORMATION.—Not later than 21 days after the date on which the Food and Drug Administration approves the application of the sponsor of a clinical trial for an experimental treatment, such sponsor shall provide information concerning the research to be conducted under such clinical trial to the data bank. The data bank shall include information pertaining to the results of such clinical trials of such treatments, including information concerning potential toxicities or adverse effects associated with the use or administration of such experimental treatment.

**"SEC. 486V. DEFINITION.**

"As used in this part, the term 'women's health conditions', with respect to women of all age, ethnic, and racial groups, means all diseases, disorders, and conditions—

"(1) unique to, more serious, or more prevalent in women;

"(2) for which the factors of medical risk or types of medical intervention are different for women; or

"(3) with respect to which there has been insufficient clinical research involving women as subjects.

**"SEC. 486W. AUTHORIZATION OF APPROPRIATIONS.**

"For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1993 through 1997.

**"Subpart 3—Research Programs With Respect to Cancer**

**"SEC. 486X. RESEARCH PROGRAMS ON BREAST CANCER AND CANCERS OF WOMEN'S REPRODUCTIVE SYSTEM.**

"(a) FINDINGS.—Congress finds that—

"(1) in 1966, one in 14 women in the United States was expected to develop breast cancer in her lifetime, and in 1991 one in 9 women in the United States could expect to develop the disease;

"(2) it is estimated that 45,000 deaths in the United States in 1991 were attributed to breast cancer;

"(3) in 1991, 175,000 women in the United States were diagnosed with breast cancer;

"(4) breast cancer incidence rates in the United States have increased more than 2 percent a year since 1973;

"(5) in 1991, the National Cancer Institute spent $1,700,000,000 on all cancer research, but targeted only $93,000,000 toward breast cancer;

"(6) after decades of research and experimentation, there is still no certain cure for, or known cause of, breast cancer;

"(7) the Congress reaffirms women's health as a national public health priority;

"(8) Federal monies are urgently needed to eliminate breast cancer, now reaching epidemic proportions; and

"(9) there is a need to accelerate investigation into the cause, treatment, and prevention of breast cancer.

"(b) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to breast cancer, ovarian cancer, and other cancers of the reproductive system of women.

"(c) COORDINATION WITH OTHER INSTITUTES.—The research programs expanded or intensified under subsection (b) concerning breast cancer and cancers of the reproductive system of women shall be coordinated with activities conducted by other National Research Institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to breast cancer and other cancers of the reproductive system of women.

"(d) PROGRAMS FOR BREAST CANCER.—The research programs expanded or intensified under subsection (b) concerning breast cancer shall focus on research efforts undertaken to expand the understanding of the cause of, and to find a cure for, breast cancer. Such programs shall provide for an expansion and intensification of the conduct and support of—

"(1) basic research concerning the etiology and causes of breast cancer;

"(2) clinical research and related activities concerning the causes, prevention, detection and treatment of breast cancer;

"(3) prevention and control programs with respect to breast cancer in accordance with section 412;

"(4) information and education programs with respect to breast cancer in accordance with section 413; and

"(5) research and demonstration programs with respect to breast cancer in accordance with section 414, including the development and operation of breast and prostate cancer research centers to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and treatment research and related activities.

The centers referred to in paragraph (5) should number at least six, should include support for new and innovative research and training programs for new researchers, and should attract qualified scientists and expedite the transfer of research advances to clinical applications.

"(e) IMPLEMENTATION OF BREAST CANCER RESEARCH PROGRAMS.—

"(1) PLAN.—The Director of the Institute shall ensure that the research programs described in subsection (d) are implemented in

accordance with a program plan. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9)(A). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(2) SUBMISSION OF PLAN.—Not later than October 1, 1992, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.

"(3) REVISIONS.—The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.

"(4) SUBMISSION TO CONGRESS.—The Secretary shall provide a copy of the plan submitted under paragraph (2) and any revisions submitted under paragraph (3) to the appropriate committees of Congress.

"(f) OTHER CANCERS.—The research programs expanded or intensified under subsection (b) concerning ovarian cancer and other cancers of the reproductive system of women shall provide for the expansion and intensification of the conduct and support of—

"(1) basic research concerning the etiology and causes of ovarian cancer and other cancers of the reproductive system of women;

"(2) clinical research and related activities into the causes, prevention, detection and treatment of ovarian cancer and other cancers of the reproductive system of women;

"(3) prevention and control programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 412;

"(4) information and education programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 413; and

"(5) research and demonstration programs with respect to ovarian cancer and cancers of the reproductive system in accordance with section 414.

"(g) REPORT.—The Director of the Institute shall prepare, for inclusion in the biennial report submitted under section 407, a report that describes the activities of the National Cancer Institute under the research programs referred to in subsection (b), that shall include—

"(1) a description of the research plan with respect to breast cancer prepared under subsection (e);

"(2) an assessment of the development, revision, and implementation of the research plan with respect to breast cancer;

"(3) a description and evaluation of the progress made, during the period for which such report is prepared, in the research programs on breast cancer and cancers of the reproductive system of women;

"(4) a summary and analysis of expenditures made, during the period for which such report is made, for activities with respect to breast cancer and cancers of the reproductive system of women conducted and supported by the National Institutes of Health; and

"(5) such comments and recommendations as the Director considers appropriate.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, in addition to the amounts authorized to be appropriated for the National Cancer Institute under sections 301 and 408, there are authorized to be appropriated $400,000,000 for fiscal year 1993, of which $300,000,000 shall be allocated for research under subsection (d)(1), $25,000,000 shall be allocated for centers, research, and programs under paragraph (2) through (5) of subsection (d), and $75,000,000 shall be allocated for research and programs under subsection (f), and such sums as may be necessary for each of the fiscal years 1994 through 1997.

**"SEC. 486Y. RESEARCH PROGRAM ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.**

"(a) ESTABLISHMENT.—The Directors of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, and the National Institute of Diabetes, Digestive and Kidney Diseases, shall expand and intensify the programs of such Institutes with respect to research and related activities concerning osteoporosis, Paget's disease, and related bone disorders.

"(b) COORDINATION.—The Directors referred to in subsection (a) shall jointly coordinate the programs referred to in such subsection and consult with the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and the Interagency Task Force on Aging Research.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.".

**SEC. 302. EFFECTIVE DATE AND APPLICABILITY OF REQUIREMENTS.**

(a) EFFECTIVE DATE.—Subpart I of part F of title IV, as added by the amendment made by section 301, shall apply to research proposals considered after January 1, 1993.

(b) APPLICABILITY.—The amendment made by section 301 shall apply with respect to any project of clinical research whose initial approval by the Secretary of Health and Human Services occurs after the expiration of the 90-day period beginning on the effective date of this Act.

## TITLE IV—CONTRACEPTION AND INFERTILITY

**SEC. 401. CONTRACEPTION AND INFERTILITY.**

(a) RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND RESEARCH CENTERS WITH RESPECT TO INFERTILITY.—Subpart 7 of part C of title IV (42 U.S.C. 285g et seq.) is amended by adding at the end thereof the following new section:

**"SEC. 452A. RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND INFERTILITY.**

"(a) IN GENERAL.—The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct activities for the purpose of improving methods of contraception and centers to conduct activities for the purpose of diagnosing and treating infertility.

"(b) NUMBER OF CENTERS.—In carrying out subsection (a), the Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the establishment of three centers with respect to contraception and for two centers with respect to infertility.

"(c) DUTIES.—

"(1) IN GENERAL.—Each center assisted under this section shall, in carrying out the purpose of the center involved—

"(A) conduct clinical and other applied research, including—

"(i) for centers with respect to contraception, clinical trials of new or improved drugs and devices for use by males and by females (including barrier methods); and

"(ii) for centers with respect to infertility, clinical trials of new or improved drugs and devices for the diagnosis and treatment of infertility in both males and females;

"(B) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals;

"(C) conduct training programs for such individuals;

"(D) develop model continuing education programs for such professionals; and

"(E) disseminate information to such professionals.

"(2) STIPENDS AND FEES.—A center may use funds provided under subsection (a) to provide stipends for health and allied health professionals enrolled in programs described in subparagraph (C) of paragraph (1), and to provide fees to individuals serving as subjects in clinical trials conducted under such paragraph.

"(d) COORDINATION OF INFORMATION.—The Director of the Institute shall, as appropriate, provide for the coordination of information among the centers assisted under this section.

"(e) CONSORTIUM.—Each center assisted under this section shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Secretary, after consultation with the Director of the Institute.

"(f) TERM OF SUPPORT AND PEER REVIEW.—Support of a center under subsection (a) may be for a period of not to exceed 5 years. Such period may be extended for one or more additional periods of not to exceed 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Secretary, acting through the Director, and if such group has recommended to the Director that such period should be extended.".

(b) LOAN REPAYMENT FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.—Part G of title IV (42 U.S.C. 288 et seq.) (as redesignated by section 301) is amended by inserting after section 487A the following new section:

**"SEC. 487B. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.**

"(a) ESTABLISHMENT.—The Secretary, after consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program to enter into agreements with appropriately qualified health professionals (including graduate students) under which such health professionals shall agree to conduct research with respect to contraception, or with respect to infertility, in consideration of the Secretary agreeing to repay, for each such service, not to exceed $20,000 of the principal and interest of the educational loans incurred by such health professionals.

"(b) ADMINISTRATIVE PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a), apply to the program established in such subsection to the same extent and in the same manner as such provisions apply to the National Service Loan Repayment Program.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—To carry out this section and section 452A, there are authorized to be appropriated $20,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated under paragraph (1) for a fiscal year shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1992, or on the date of the enactment of this Act, whichever occurs later.

**TITLE V—PROGRAMS RELATING TO ACQUIRED IMMUNE DEFICIENCY SYNDROME**

**SEC. 501. LOAN REPAYMENT PROGRAM WITH RESPECT TO RESEARCH AT NATIONAL INSTITUTES OF HEALTH.**

(a) EXPANSION OF LOAN REPAYMENT PROGRAMS FOR RESEARCH WITH RESPECT TO AIDS.—Section 487A (42 U.S.C. 288-1) is amended—

(1) in subsection (a), by adding at the end thereof the following new paragraph:

"(3) CONTRACTS FOR THE CONDUCT OF OTHER RESEARCH.—The Secretary, subject to paragraph (2), may enter into agreements with appropriately qualified health professionals under which such health professionals agree to conduct, as employees of the National Institutes of Health, biomedical, behavioral or clinical research in those areas of demonstrated need so identified by the Director of the National Institutes of Health, in consideration of the Federal Government agreeing to repay, for each year of service, not more than $20,000 of the principal and interest of the educational loans of such health professionals."; and

(2) in subsection (c)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1), the following new paragraph:

"(2) CONDUCT OF OTHER RESEARCH.—There are authorized to be appropriated to enter into agreements under subsection (a)(3), $3,000,000 for each of the fiscal years 1993 through 1997.".

(b) MINIMUM PERIOD OF SERVICE.—Section 487A(a)(2)(B) (42 U.S.C. 288-1(a)(2)(B)) is amended—

(1) by inserting "(i)" after the subparagraph designation;

(2) by striking out the period and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new clause:

"(ii) agrees to serve as an employee of such Institutes for purposes of paragraph (1) for a period of not less than 3 years.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 487A(c)(1) (42 U.S.C. 288-1(c)(1)) is amended by striking out "1991" and inserting in lieu thereof "1997".

**SEC. 502. RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME.**

Title XXIII (42 U.S.C. 300cc et seq.) is amended—

(1) in section 2304(c)(1)—

(A) in the matter preceding subparagraph (A), by inserting after "Director of such Institute" the following: "(and the Directors of other agencies of the National Institutes of Health, as appropriate)"; and

(B) in subparagraph (A), by inserting before the semicolon the following: ", including recommendations on the projects of research that should be given priority with respect to preventing and treating opportunistic cancers and infectious diseases";

(2) in section 2311(a)(1), by inserting before the semicolon the following: ", including evaluations of treatments for opportunistic cancers and infectious diseases";

(3) in section 2315—

(A) by striking out "international research" in subsection (a)(2) and all that follows through the period and inserting in lieu thereof "international research and training concerning the natural history and pathogenesis and the development and evaluation of vaccines and treatments for acquired immune deficiency syndrome, opportunistic infections and other emerging microbial diseases."; and

(B) by striking out "and 1991" in subsection (f) and inserting in lieu thereof "through 1997";

(4) in section 2318—

(A) in subsection (a)(1)—

(i) by inserting after "The Secretary" the following: ", after consultation with the Administrator of the Agency for Health Care Policy and Research,"; and

(ii) by striking out "syndrome" and inserting in lieu thereof "syndrome, including treatment and prevention of HIV infection and related conditions among women";

(B) in subsection (b)(2), by inserting "and treatment" after "prevention"; and

(C) in subsection (e), by striking out "1991." and inserting in lieu thereof "1997";

(5) in section 2320(b)(1)(A), by striking out "syndrome" and inserting in lieu thereof "syndrome and the natural history of such infection"; and

(6)(A) in section 2351(a)—

(i) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9); and

(ii) by inserting after paragraph (1) the following new paragraph:

"(2)(A) shall develop and implement a comprehensive plan for the conduct and support of such research by the agencies of the National Institutes of Health, which plan shall specify the objectives to be achieved, the target date by which the objectives are expected to be achieved, and an estimate of the resources needed to achieve the objectives by such date; and

"(B) shall develop and implement a plan for evaluating the sufficiency of the plan developed under subparagraph (A) and for evaluating the extent to which activities of the National Institutes of Health have been in accordance with the plan;"; and

(B) in section 2301(b)(6), by inserting before the semicolon the following: ", including evaluations conducted under section 2351(a)(2)(B)".

**SEC. 503. STUDIES.**

(a) CERTAIN DRUG-RELEASE MECHANISMS.—

(1) CONTRACT FOR STUDY.—The Secretary of Health and Human Services shall, subject to paragraph (2), enter into a contract with a public or nonprofit private entity to conduct a study for the purpose of determining, with respect to acquired immune deficiency syndrome, the impact of parallel-track drug-release mechanisms on public and private clinical research, and on the activities of the Commissioner of Food and Drugs regarding the approval of drugs.

(2) INSTITUTE OF MEDICINE.—The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under paragraph (1) to conduct the study described in such paragraph. If such Institute declines to conduct the study, the Secretary shall carry out paragraph (1) through another public or nonprofit private entity.

(b) THIRD-PARTY PAYMENTS REGARDING CERTAIN CLINICAL TRIALS.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of—

(1) determining the policies of third-party payers regarding the payment of the costs of appropriate health services that are provided incident to the participation of individuals as subjects in clinical trials conducted in the development of drugs with respect to acquired immune deficiency syndrome; and

(2) developing recommendations regarding such policies.

(c) ADVISORY COMMITTEES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of determining—

(1) whether the activities of the various advisory committees established in the National Institutes of Health regarding acquired immune deficiency syndrome are being coordinated sufficiently; and

(2) whether the functions of any of such advisory committees should be modified in order to achieve greater efficiency.

**TITLE VI—NIH DIRECTOR'S DISCRETIONARY FUND, CHILD HEALTH RESEARCH CENTERS, AND INTERAGENCY PROGRAM FOR TRAUMA RESEARCH**

**SEC. 601. NIH DIRECTOR'S DISCRETIONARY FUND.**

(a) IN GENERAL.—Section 402 (42 U.S.C. 282) is amended by adding at the end thereof the following new subsection:

"(g)(1) The Director shall have a Director's discretionary fund that may be used—

"(A) to correct imbalances, to be more responsive to new issues and scientific emergencies, and to act on research opportunities of high-priority;

"(B) to support research that does not fit clearly into the research assignment of any existing Institute; and

"(C) for such other purposes, including the purchase or rental of equipment and space, as the Director determines appropriate.

"(2) There are authorized to be appropriated for the fund established under paragraph (1), $25,000,000 in fiscal year 1993, and such sums as may be necessary in each of the fiscal years 1994 through 1997.".

(b) LITERACY REQUIREMENTS.—Section 402(e) (42 U.S.C. 282(e)) is amended—

(1) in paragraph (3), by striking out "and" at the end thereof;

(2) in paragraph (4), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(5) ensure that, after January 1, 1993, at least one-half of all new or revised health education and promotion materials developed or funded by the National Institutes of Health is in a form that does not exceed a level of functional literacy, as defined in the National Literacy Act of 1991 (Public Law 102-73).".

**SEC. 602. CHILD HEALTH RESEARCH CENTERS.**

Subpart 7 of part C (42 U.S.C. 285g et seq.) (as amended by section 401) is further amended by adding at the end thereof the following new section:

**"SEC. 452B. CHILD HEALTH RESEARCH CENTERS.**

"The Director of the Institute shall develop and support centers that will build the research capacity of pediatric institutions and develop pediatric investigators, thereby speeding the transfer of advances from basic science to clinical applications and improving the care of infants and children.".

**SEC. 603. ESTABLISHMENT OF INTERAGENCY PROGRAM FOR TRAUMA RESEARCH.**

Part B of title IV (42 U.S.C. 284 et seq.) is amended by adding at the end thereof the following new section:

**"SEC. 409. INTERAGENCY PROGRAM FOR TRAUMA RESEARCH.**

"(a) IN GENERAL.—The Director of NIH shall establish a comprehensive program to conduct and support basic, behavioral, and clinical research on trauma (hereafter in this section referred to as the 'Program'). The Program shall include research regarding the diagnosis, treatment, rehabilitation, general management, and prevention of trauma.

"(b) PLAN FOR PROGRAM.—

"(1) IN GENERAL.—The Director of NIH, in consultation with the Trauma Research Interagency Coordinating Committee established under subsection (b), shall establish and implement a plan for carrying out the activities of the Program. All such activities shall be carried out in accordance with the plan. The plan shall be periodically reviewed by the Director and the Committee, and revised as appropriate.

"(2) SUBMISSION TO CONGRESS.—The Director of NIH shall submit to the Congress the plan required in paragraph (1) not later than April 1, 1993, together with an estimate of the funds needed for each of the fiscal years 1994 through 1995 to implement the plan.

"(c) PARTICIPATING AGENCIES; COORDINATION AND COLLABORATION.—The Director of NIH—

"(1) shall provide for the conduct of activities under the Program by the Directors of each of the National Research Institutes and agencies of the National Institutes of Health involved in research with respect to trauma;

"(2) shall ensure that the activities of the Program are coordinated among the institutes and agencies referred to in paragraph (1); and

"(3) shall, as appropriate, provide for collaboration among the institutes and agencies referred to in paragraph (1) in carrying out such activities.

"(d) CERTAIN ACTIVITIES OF PROGRAM.—The Program shall include—

"(1) studies with respect to all phases of trauma care including prehospital, resuscitation, surgical intervention, critical care, infection control, wound healing, nutritional care and support, and medical rehabilitation, including the physical, cognitive and emotional sequelae;

"(2) basic, clinical, and behavioral research regarding the response of the body to trauma and the acute treatment and medical rehabilitation of individuals who are the victims of trauma; and

"(3) basic, clinical, and behavioral research regarding trauma care for pediatric and geriatric patients.

"(e) BEHAVIORAL FACTORS STUDY.—The Director of NIH shall—

"(1) conduct a study to determine, with respect to traumatic injury, the behavioral, psychological, and cognitive factors associated with injury;

"(2) develop a national plan for the conduct of research on the prevention of traumatic injuries based on the results of the study authorized in paragraph (1).

"(f) MECHANISMS OF SUPPORT.—In carrying out the Program, the Director of NIH, acting through the Directors of each of the Institutes and agencies referred to in the subsection (c)(1), may make grants to public and nonprofit entities, including designated trauma centers, subject to subsection (e).

"(g) RESOURCES.—The Director of NIH shall assure that resources appropriated for the purposes of the Program are made available to carry out Program activities in accordance with the plan referred to in subsection (b).

"(h) COORDINATING COMMITTEE.—

"(1) IN GENERAL.—There shall be established a Trauma Research Interagency Coordinating Committee (hereafter in this section referred to as the 'Coordinating Committee').

"(2) DUTIES.—The Coordinating Committee shall make recommendations regarding—

"(A) the activities of the Program to be carried out by each of the agencies represented on the Committee and the amount of funds needed by each of the agencies for such activities; and

"(B) effective collaboration among the agencies in carrying out the activities.

"(3) COMPOSITION.—The Coordinating Committee shall be composed of the Directors of each of the National Research Institutes and agencies of the National Institutes of Health involved in research with respect to trauma and other individuals the Director of NIH determines appropriate. The Director of NIH shall serve as the chairperson of the Committee.

"(i) DEFINITIONS.—For purposes of this section:

"(1) The term 'designated trauma center' has the same meaning given such term in section 1231(1).

"(2) The term 'prevention research' means the study of the causes of behavior associated with traumatic injury and the psychological and behavioral factors predisposing individuals to traumatic injury.

"(3) The term 'trauma' means any serious injury that could result in loss of life or significant disability and that would meet prehospital triage criteria for transport to a designated trauma center.".

**SEC. 604. TRAUMATIC BRAIN INJURY.**

(a) IN GENERAL.—Part K of title III is amended by inserting after section 393 (42 U.S.C. 280b-2) the following new section:

**"SEC. 393A. TRAUMATIC BRAIN INJURY.**

"The Secretary, acting through the Director of the Centers for Disease Control—

"(1) shall conduct a survey to determine which Federal and other entities collect data on traumatic brain injuries and the nature of the data collection systems of such entities; and

"(2) may cooperate and enter into agreements with other Federal agencies and provide assistance to other entities with responsibility for data collection to establish traumatic brain injury as a specific reportable condition or disability in disease and injury reporting systems.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 394 (42 U.S.C. 280b-3) is amended—

(1) by inserting "(a) IN GENERAL.—" after the section designation; and

(2) by adding at the end thereof the following new subsection:

"(b) TRAUMATIC BRAIN INJURY.—For the purposes of carrying out section 393A, there are authorized to be appropriated $2,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.".

## TITLE VII—NATIONAL CENTER FOR HUMAN GENOME RESEARCH AND REDESIGNATION OF NATIONAL CENTER FOR NURSING RESEARCH AND DIVISION OF RESEARCH RESOURCES

**SEC. 701. PURPOSE OF NATIONAL CENTER FOR HUMAN GENOME RESEARCH.**

Title IV is amended—

(1) in section 401(b)(2), by adding at the end thereof the following new subparagraph:

"(E) The National Center for Human Genome Research."; and

(2) in part E, by adding at the end the following new subpart:

"Subpart 4—National Center for Human Genome Research

**"SEC. 486B. PURPOSE OF THE CENTER.**

"The general purpose of the National Center for Human Genome Research established within the National Institutes of Health (hereafter in this subpart referred to as the 'Center') is to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes. Such purpose includes—

"(1) planning and coordinating the research goal of the genome project;

"(2) reviewing and funding research proposals;

"(3) developing training programs;

"(4) coordinating international genome research;

"(5) communicating advances in genome science to the public; and

"(6) reviewing and funding proposals to address the ethical issues associated with the genome project.".

**SEC. 702. REDESIGNATION OF NATIONAL CENTER FOR NURSING RESEARCH AS NATIONAL INSTITUTE OF NURSING RESEARCH.**

(a) IN GENERAL.—Subpart 3 of part E of title IV (42 U.S.C. 287c et seq.) is amended—

(1) in the subpart heading, by striking "**Center for**" and inserting "**Institute of**";

(2) in section 483—

(A) in the heading for the section, by striking "CENTER" and inserting "INSTITUTE"; and

(B) by striking "The general purpose" and all that follows through "is" and inserting the following: "The general purpose of the National Institute of Nursing Research (hereafter in this subpart referred to as the 'Institute') is";

(3) in section 484, by striking "Center" each place such term appears and inserting "Institute";

(4) in section 485—

(A) in subsection (a), in each of paragraphs (1) through (3), by striking "Center" each place such term appears and inserting "Institute";

(B) in subsection (b)—

(i) in paragraph (2)(A), by striking "Center" and inserting "Institute";

(ii) in paragraph (3)(A), in the first sentence, by striking "Center" and inserting "Institute"; and

(C) in subsections (d) through (g), by striking "Center" each place such term appears and inserting "Institute".

(b) CONFORMING AMENDMENTS.—

(1) ORGANIZATION OF NATIONAL INSTITUTE OF HEALTH.—Section 401(b) (42 U.S.C. 281(b)) is amended—

(A) in paragraph (1) by adding at the end the following new subparagraph:

"(N) The National Institute of Nursing Research."; and

(B) in paragraph (2), by striking subparagraph (D) and redesignating subparagraph (E) (as added by section 701(1)) as subparagraph (D).

(2) TRANSFER OF STATUTORY PROVISIONS.—Sections 483 through 486, as amended by subsection (a) of this section—

(A) are transferred to part C of title IV of such Act;

(B) are redesignated as sections 464L through 464O of such part; and

(C) are inserted, in the appropriate sequence, after section 464F of such part.

(3) HEADING FOR NEW SUBPART.—Title IV, as amended by the preceding provisions of this section, is amended—

(A) in part C, by inserting before section 464L the following new heading:

**"Subpart 14—National Institute of Nursing Research"; and**

(B) by striking the heading for subpart 3 of part E.

(4) CROSS-REFERENCES.—Title IV, as amended by the preceding provisions of this section, is amended in subpart 14 of part C—

(A) in section 464M, by striking "section 483" and inserting "section 464L";

(B) in section 464N(g), by striking "section 486" and inserting "section 464O"; and

(C) in section 464O, in the last sentence, by striking "section 485(g)" and inserting "section 464N(g)".

**SEC. 703. REDESIGNATION OF DIVISION AS NATIONAL CENTER FOR RESEARCH RESOURCES.**

Title IV (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2)(B), by amending such subparagraph to read as follows:

"(B) The National Center for Research Resources."; and

(2) in part E—

(A) in the heading for subpart 1, by striking "Division of" and inserting "National Center for";

(B) in section 479, by striking "the Division of Research Resources" and inserting the following: "the National Center for Research Resources (hereafter in this subpart referred to as the Center)";

(C) in sections 480 and 481, by striking "the Division of Research Resources" each place such term appears and inserting "the Center"; and

(D) in sections 480 and 481, as amended by subparagraph (C), by striking "the Division" each place such term appears and inserting "the Center".

## TITLE VIII—DESIGNATION OF SENIOR BIOMEDICAL RESEARCH SERVICE IN HONOR OF SILVIO CONTE, AND LIMITATION ON NUMBER OF MEMBERS

**SEC. 801. SILVIO CONTE SENIOR BIOMEDICAL RESEARCH SERVICE.**

Section 228(a) of the Public Health Service Act (42 U.S.C. 237), as added by section 304 of Public Law 101-509, is amended to read as follows:

"(a)(1) There shall be in the Public Health Service a Silvio Conte Senior Biomedical Research Service, not to exceed 750 members.

"(2) The authority established in paragraph (1) regarding the number of members in the Silvio Conte Senior Biomedical Research Service is in addition to any authority established regarding the number of members in the commissioned Regular Corps, in the Reserve Corps, and in the Senior Executive Service. Such paragraph may not be construed to require that the number of members in the commissioned Regular Corps, in the Reserve Corps, or in the Senior Executive Service be reduced to offset the number of members serving in the Silvio Conte Senior Biomedical Research Service (hereafter in this section referred to as the 'Service').".

## TITLE IX—REVITALIZATION OF INTRAMURAL RESEARCH PROGRAM

### Subtitle A—Authorities of the Director

**SEC. 901. MANAGEMENT OF THE INTRAMURAL PROGRAM.**

Section 402(b) (42 U.S.C. 282(b)) is amended—

(1) in paragraph (10), by striking out "and" at the end thereof;

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10), the following new paragraph:

"(11) exercise supervision, through the directors of the national research institutes, over the intramural research program of the National Institutes of Health; and".

**SEC. 902. EXPEDITED ADMINISTRATION.**

(a) REQUIREMENT.—The Secretary of Health and Human Services, Administrator of General Services, Director of the Office of Personnel Management, and Director of the Office of Management and Budget shall provide for the prompt handling of requests from the Director of the National Institutes of Health made pursuant to this Act, or an amendment made by this Act.

(b) APPROVAL.—Requests of the Director of the National Institutes of Health made pursuant to this Act, or an amendment made by this Act, and clearly identified as so by the Director who shall submit a copy of such request to the Secretary, if not acted upon within 90 days of the receipt of such request, shall be considered to be approved.

### Subtitle B—Personnel

**SEC. 911. MODEL INTEGRATED PERSONNEL SYSTEM FOR NIH.**

Part A of title IV (42 U.S.C. 281 et seq.) is amended by adding at the end thereof the following new section:

**"SEC. 404. MODEL INTEGRATED PERSONNEL SYSTEM FOR NIH.**

"(a) ESTABLISHMENT OF PERSONNEL SYSTEM.—Not later than 1 year after the date of enactment of this section the Secretary, acting through the Director of NIH, shall develop a proposed model integrated personnel system with respect to the personnel of the National Institutes of Health to enable the National Institutes of Health to recruit and retain the highest quality personnel to promote the conduct of efficient, effective and high quality research for the American public. The Director of NIH shall work with appropriate employee organizations and representatives to develop such a system.

"(b) REQUIREMENTS OF SYSTEM.—

"(1) IN GENERAL.—The proposed system developed under subsection (a) shall be designed as an integrated, excepted service system that would provide one type of appointment authority for all employees of the National Institutes of Health, including firefighters, security personnel and procurement officers, with salaries comparable to those prevailing in the private sector for comparable positions.

"(2) TRANSFER RIGHTS AND OTHER FEATURES.—The proposed system developed under subsection (a) shall include—

"(A) provisions to enable employees of the National Institutes of Health currently covered under other personnel systems to transfer to the new system without penalty;

"(B) a flexible benefits program that can be tailored to the needs of the employee; and

"(C) a performance management system (including promotions, portable retirement benefits from universities, rewards, and penalties) that is suitable to the research environment.

"(c) DIRECTOR'S STAFFING AUTHORITY.—Under the proposed system developed under subsection (a), the Director of NIH shall have authority for the staffing of the intramural research program of the Institutes. Such authority may be delegated by the Director of NIH to the directors of the national research institutes.

"(d) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing the proposed system developed under subsection (a) together with the recommendations of the Secretary concerning the enactment of legislation to apply the proposed system to the National Institutes of Health.".

**SEC. 912. SABBATICAL AND TUITION REDUCTION PROGRAM.**

Part F of title IV (42 U.S.C. 288 et seq.) is amended by adding at the end thereof the following new section:

**"SEC. 490. SABBATICAL AND TUITION REDUCTION PROGRAMS.**

"(a) ESTABLISHMENT.—The Secretary, acting through the Director of NIH, may with the approval of the chief executive officer of a State, establish and implement a scientific personnel exchange program with such State.

"(b) OPERATION.—The program established under paragraph (1) for a State shall permit National Institutes of Health scientists to elect to take sabbaticals at State institutions of higher learning, while continuing to be paid as employees of the Federal Government. To be eligible to permit a State institution to accept a scientist on such a sabbatical, the State involved shall offer the children of all intramural scientists at the National Institutes of Health the opportunity to attend such institutions in the State at the rate of tuition applicable to in-State students.

"(c) PLAN.—The chief executive officer of a State desiring to have a program of the type described in subsection (a) implemented in the State shall prepare and submit to the Secretary a plan for such program that shall include—

"(1) a description of the program to be implemented;

"(2) the limitations, if any, on sabbaticals under the program;

"(3) the limitations, if any, on the opportunity of children to attend State institutions; and

"(4) any other information determined appropriate by the Secretary.".

### Subtitle C—Warren Grant Magnuson Clinical Center

**SEC. 921. RENOVATION AND REPLACEMENT PROGRAM.**

Title IV (42 U.S.C. 281 et seq.) (as amended by section 106) is further amended by adding at the end thereof the following new part:

"PART J—RESTORATION AND RENOVATION OF FACILITIES AND INFRASTRUCTURE

"Subpart 1—Warren Grant Magnuson Clinical Center

**"SEC. 499N. WARREN GRANT MAGNUSON CLINICAL CENTER RENOVATION AND REPLACEMENT PROGRAM.**

"(a) ESTABLISHMENT.—To address the problems existing at the Warren Grant Magnuson Clinical Center (hereafter referred to as the 'Clinical Center'), the Director of NIH may establish and implement a program for the renovation of the existing Clinical Center facility or the construction of a replacement facility. The Director may conduct feasibility studies to determine the appropriate action to be taken concerning the Clinical Center.

"(b) TRANSFER OF LAND.—

"(1) IN GENERAL.—The Secretary, acting through the Director of NIH, is authorized to accept the transfer to the National Institutes of Health of not less than 25 acres of land from other Federal agencies. Such land shall be suitable for the construction of a new research hospital and clinical center. Such land may include land obtained from the Secretary of the Navy, located on the reservation of the National Naval Medical Center, in Bethesda, Maryland.

"(2) USE AGREEMENT AND MEMORANDUM OF UNDERSTANDING.—The Secretary, acting through the Director of NIH, may enter into a Use Agreement and a Memorandum of Un-

derstanding with the Administrators, Director, or Secretaries of the appropriate executive branch entity, to accomplish the transfer of property pursuant to paragraph 1.

"(c) REQUIREMENTS.—

"(1) FACILITIES.—Any facility renovated or constructed under this section shall be equipped with a state-of-the-art capacity for beds and necessary laboratories and be comparable to the current Clinical Center complex, with necessary amenities for employees, volunteers, research subjects and visitors, including cafeteria and vehicle parking facilities.

"(2) TRANSFER OF PERSONNEL.—If a new facility is to be constructed under this section, the Secretary may expend amounts necessary to transfer the personnel and administration of the current Clinical Center to the new facility upon its completion.

"(3) COMPLETION.—Notwithstanding any other provisions of law, the renovation or construction performed under this section shall be completed as soon as feasible.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section. Such funds shall be available beginning October 1, 1992, and shall remain available until expended.".

### Subtitle D—Acquisition of Land and Facilities

**SEC. 931. ACQUISITION OF LAND AND FACILITIES.**

Part I of title IV, as added by section 921, is amended by adding at the end thereof the following new subpart:

"Subpart 2—Acquisition of Land and Facilities

**"SEC. 499O. PHYSICAL INFRASTRUCTURE FOR RESEARCH.**

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director of NIH, may establish and implement a comprehensive program that is designed to provide for the replacement or refurbishment of less than adequate buildings, utility equipment and distribution systems (including the resources that provide electrical and other utilities, chilled water, air handling, and other services that the Secretary, acting through the Director, deems necessary), roads, walkways, parking areas, and grounds that underpin the laboratory and clinical facilities of the National Institutes of Health. Such program may provide for the undertaking of new projects that are consistent with the objectives of this section, such as encircling the National Institute of Health Federal enclave with an adequate chilled water conduit.

"(b) REQUIREMENTS.—

"(1) DESIGN OF PROGRAM.—In establishing the program under subsection (a), the Secretary shall ensure that such program is designed to modernize the existing research and clinical laboratory infrastructure of the National Institutes of Health in the shortest possible time consistent with good stewardship of Federal funds.

"(2) FUTURE EXPANSION.—In designing the program under subsection (a), the Secretary may make reasonable allowance for future expansion and usual employee amenities, such as cafeteria services and vehicle parking.

"(3) NONDISRUPTION OF OPERATIONS.—In carrying out the program established under subsection (a), the Director of NIH shall, to the extent feasible, plan renovations and construction in such a manner that significant elements of the research program at the Institutes are not significantly disrupted.

**"SEC. 499P. LEASED FACILITIES.**

"The Secretary, acting through the Director of NIH, may lease space as necessary to support the intramural research program of the National Institutes of Health or the related administrative needs in the area near the Bethesda, Maryland, campus or at any satellite facilities without regard to time limit or square foot limit normally required by the Administrator of General Services.

**"SEC. 499Q. ACQUISITION OF LAND.**

"(a) IN GENERAL.—The Director of NIH may purchase not to exceed a total of 300 acres of land for the establishment of a satellite campus in Maryland for the purpose of enhancing the intramural research capacity of the National Institutes of Health.

"(b) STUDY.—Prior to the purchase of land under subsection (a), the Director of NIH shall conduct a study concerning the expansion needs of the National Institutes of Health and the purpose for which the land is to be purchased. A report concerning such study shall be submitted for approval to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Labor and Human Resources of the Senate, and to the other appropriate committees of Congress.

**"SEC. 499R. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated such sums as may be necessary to carry out this subpart. Amounts appropriated under this subsection shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which such amounts are appropriated.".

### Subtitle E—Procurement

**SEC. 941. STUDY.**

The Director of the National Institutes of Health and the Administrator of the General Services Administration shall jointly conduct a study to develop a streamlined procurement system for the National Institutes of Health that complies with the requirements of Federal Law.

### Subtitle F—General Provisions

**SEC. 951. FINDINGS.**

Congress finds that participation of women in the National Institute of Health research enterprise and its undertakings is essential to the continued growth of the intramural program and, to this end, efforts should be directed to provide accommodations such as child care so that more women, particularly at the child-rearing stage, can participate as scientists in the intramural research program and as subjects in research programs conducted at the research hospital and clinical center of the National Institutes of Health.

**SEC. 952. DAY CARE.**

Part G of title IV is amended by inserting after section 496 (42 U.S.C. 289e) the following new section:

**"SEC. 496A. DAY CARE.**

"(a) PROVISION OF FUNDS.—The Director of NIH may establish a program under which the Director will provide assistance to day care providers in amounts equal to the amounts paid by employees of the National Institutes of Health to such providers to enable such employees to afford appropriate day care for their children.

"(b) SLIDING SCALE.—The amount of funds to be provided by the Director of NIH on behalf of an employee under subsection (a) shall be based on a sliding scale developed by the Director that takes into consideration the income and needs of the employee.

"(c) FEES.—The Director of NIH may assess a nominal fee to employees and day care providers who receive assistance under this section to be utilized to offset the cost of the administration, operation and upkeep of the day care assistance program.

"(d) OTHER SERVICES.—The Director of NIH may provide for the availability of day care service on a 24-hour-a-day basis if the Director considers such appropriate to meet the needs of employees. In order to accommodate these needs, the Director is further authorized to enter into a rental or lease purchase agreements as needed.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section. Amounts appropriated under this subsection shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which such amounts are appropriated.".

## TITLE IX—MISCELLANEOUS PROVISIONS

**SEC. 1001. PAPERWORK REDUCTION.**

Section 465(d)(2) (42 U.S.C. 286(d)(2)) is amended—

(1) by striking out "Rules" and inserting in lieu thereof "Notwithstanding any other provision of law, rules";

(2) in subparagraph (B), by striking out "or" at the end thereof;

(3) in subparagraph (C), by striking out the period and inserting in lieu thereof ", or"; and

(4) by adding at the end thereof the following new subparagraph:

"(D) under licensing arrangements that provide for quality control and full recovery of access costs.".

**SEC. 1002. NATIONAL COMMISSION ON SLEEP DISORDERS RESEARCH.**

The Secretary of Health and Human Services shall, not later than 6 months after the submission of the final report of the National Commission on Sleep Disorders Research, prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that analyzes the findings and recommendations of the Commission and presents a plan for the conduct and support of sleep disorders research at the National Institutes of Health.

**SEC. 1003. CHRONIC FATIGUE SYNDROME.**

(a) REPORT ON RESEARCH ACTIVITIES.—The Secretary of Health and Human Services shall, not later than October 1, 1992, and annually thereafter for the next 3 years, prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that summarizes the research activities conducted or supported by the National Institutes of Health concerning Chronic Fatigue Syndrome. Such report should include information concerning grants made, cooperative agreements or contracts entered into, intramural activities, research priorities and needs, and a plan to address such priorities and needs.

(b) EXTRAMURAL STUDY SECTION.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall establish an extramural study section for Chronic Fatigue Syndrome Research.

(c) REPRESENTATIVES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall ensure that appropriate individuals with expertise in chronic fatigue syn-

drome or neuromuscular diseases and representative of a variety of disciplines and fields within the research community are appointed to appropriate National Institutes of Health advisory committees and boards.

**SEC. 1004. TRANSFER OF PROVISIONS.**

(a) IN GENERAL.—Section 12 of the Health Research Extension Act of 1985 (42 U.S.C. 285e-2 note) is—

(1) transferred to subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.);

(2) redesignated as section 445G; and

(3) inserted after section 445F (42 U.S.C. 285e-8).

(b) AVAILABILITY OF APPROPRIATIONS.—With respect to amounts made available in appropriations Acts for the purpose of carrying out the Program transferred by subsection (a) to the Public Health Service Act, such subsection shall not be construed to affect the availability of such funds for such purpose.

(c) TECHNICAL AMENDMENT.—Section 445G(a) of such Act (as so redesignated) is amended by striking out "and its incidence in the United States".

**SEC. 1005. BIENNIAL REPORT ON CARCINOGENS.**

Section 301(b)(4) (42 U.S.C. 241(b)(4) is amended by striking out "an annual" and inserting in lieu thereof "a biennial".

**SEC. 1006. NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES.**

Section 446 (42 U.S.C. 285(f)) is amended by inserting before the period the following: ", including tropical diseases".

**SEC. 1007. HEALTH PROMOTION RESEARCH DISSEMINATION.**

Section 402(f) of the Public Health Service Act (42 U.S.C. 282(f)) is amended by striking out "other public and private entities." and all that follows through the end thereof and inserting "other public and private entities, including elementary, secondary, and post-secondary schools. The Associate Director shall—

"(1) annually review the efficacy of existing policies and techniques used by the national research institutes to disseminate the results of disease prevention and behavioral research programs;

"(2) recommend, coordinate, and oversee the modification or reconstruction of such policies and techniques to ensure the maximum dissemination, using advanced technologies to the maximum extent practicable, of research results to the target audiences; and

"(3) annually prepare and submit to the Director of NIH a report concerning the prevention and dissemination activities undertaken by the Associate Director, that shall include—

"(A) a summary of the Associate Director's review of existing dissemination policies and techniques together with a detailed statement concerning any modification or restructuring, or recommendations for modification or restructuring, of such policies and techniques; and

"(B) a detailed statement of the expenditures made for the prevention and dissemination activities reported on and the personnel used in connection with such activities.".

**SEC. 1008. STUDY ON THE RELATIONSHIP BETWEEN THE CONSUMPTION OF LEGAL AND ILLEGAL DRUGS.**

(a) PURPOSES.—The purpose of this study is to provide the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") and the Congress with assistance in designing prevention programs to reduce the likelihood of drug abuse.

(b) STUDY.—The Secretary of Health and Human Services shall review and consider all existing relevant data and research concerning whether there is a relationship between an individual's receptivity to use or consume legal drugs and the consumption or abuse by the individual of illegal drugs. On the basis of such review, the Secretary shall determine whether additional research is necessary. If the Secretary determines additional research is required, the Secretary shall conduct a study of those subjects where the Secretary's review indicates additional research is needed, including, if necessary, a review of—

(1) the effect of advertising and marketing campaigns that promote the use of legal drugs on the public;

(2) the correlation of legal drug abuse with illegal drug abuse; and

(3) other matters that the Secretary determines appropriate.

(c) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall prepare and submit, to the Committee on Energy and Commerce of the House of Representatives and Committee on Labor and Human Resources of the Senate, a report containing the results of the review conducted under subsection (b). If the Secretary determines additional research is required, no later than 2 years after the date of enactment of this Act, the Secretary shall prepare and submit, to the Committee on Energy and Commerce of the House of Representatives and Committee on Labor and Human Resources of the Senate, a report containing the results of the additional research conducted under subsection (b).

(d) LIMITATION.—For purposes of this section, the terms "legal drugs" and "illegal drugs" do not include beverage alcohol or tobacco products.

**SEC. 1009. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.**

Part G of title IV is amended by inserting after section 496 (42 U.S.C. 289e) the following new section:

**"SEC. 496A. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.**

"(a) IN GENERAL.—The Director of the National Institutes of Health, acting through the Director of the National Center for Research Resources, shall establish a program, to be known as the 'Experimental Program to Stimulate Competitive Research', to assist those States that—

"(1) have historically received little Federal research and development funding relative to other States; and

"(2) have demonstrated a commitment to developing their research bases and improving the biomedical and biotechnical research and education programs at their universities and colleges.

"(b) GRANTS.—The Director of NIH may award grants under the program established under subsection (a) to States to assist such States in establishing plans to enhance health-related research capabilities. Grants may also be awarded for the purpose of implementing plans made in accordance with the purposes of this section.

"(c) MATCHING REQUIREMENT.—Amounts provided to a State under this section shall be matched by such State at a rate to be established by the Director of NIH.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $2,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.

"(e) DEFINITION.—For purposes of this section, a State described in subsection (a)(1) shall be a State that has, with respect to institutions in that State, experienced (on average over time) low success rates relative to such rates in other States, in obtaining research awards from the National Institutes of Health.".

**SEC. 1010. REQUIREMENTS FOR STANDING APPROVAL OF UNFUNDED PROJECTS.**

Any proposal for research that has received review and approval in accordance with applicable requirements of section 491 and 492 of the Public Health Service Act on or after January 1, 1988, and prior to the date of enactment of this Act, and for which funding has been withheld or withdrawn by the Secretary of Health and Human Services, the Director of the National Institutes of Health, or any Director of an Institute or Agency of such National Institutes, for reasons other than insufficient funds or disciplinary action, shall be considered to have been recommended for approval for the purposes of section 492A(b)(1) of such Act upon resubmission of such proposal or an amended proposal. Such resubmission shall be made in accordance with the applicable requirements of such section 491 and 492A(a)(1)(A).

**SEC. 1011. STUDY CONCERNING MALNUTRITION IN THE ELDERLY.**

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the National Institute on Aging, coordinating with the Agency for Health Care Policy and Research and, to the degree possible, working in cooperation with the head of the National Nutrition Monitoring System, established under section 1428 of the Food and Agriculture Act of 1977 (7 U.S.C. 3178), shall conduct a 3-year nutrition screening and intervention activities study.

(2) EFFICACY AND COST-EFFECTIVENESS OF NUTRITION SCREENING AND INTERVENTION ACTIVITIES.—In conducting the study, the Secretary shall determine the efficacy and cost-effectiveness of nutrition screening and intervention activities conducted in the elderly health and long-term care continuum, and of a program that would institutionalize nutrition screening and intervention activities. In evaluating such a program, the Secretary shall determine—

(A) if health or quality of life is measurably improved for older individuals who receive routine nutritional screening and treatment;

(B) if federally subsidized home or institutional care is reduced because of increased independence of older individuals resulting from improved nutritional status;

(C) if a multidisciplinary approach to nutritional care is effective in addressing the nutritional needs of older individuals; and

(D) if reimbursement for nutrition screening and intervention activities is a cost-effective approach to improving the health status of older individuals.

(3) POPULATIONS.—The populations of older individuals in which the study will be conducted shall include populations of older individuals who are—

(A) living independently, including—

(i) individuals who receive home and community-based services or family support; and

(ii) individuals who do not receive additional services and support;

(B) hospitalized, including individuals admitted from home and from institutions; and

(C) institutionalized in residential facilities such as nursing homes and adult homes.

(b) MALNUTRITION STUDY.—The Secretary, acting through the National Institute on Aging, shall conduct a 3-year study to deter-

mine the extent of malnutrition in older individuals in hospitals and long-term care facilities and in older individuals who are living independently.

(c) REPORT.—The Secretary shall submit a report to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives containing the findings resulting from the studies described in subsections (a) and (b), including a determination regarding whether a program that would institutionalize nutrition screening and intervention activities should be adopted, and the rationale for the determination.

(d) ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Secretary, acting through the Director of the National Institute on Aging, shall establish an advisory panel that shall oversee the design, implementation, and evaluation of the studies described in subsections (a) and (b).

(2) COMPOSITION.—The advisory panel shall include representatives appointed for the life of the panel by the Secretary from organizations that include the Health Care Financing Administration, the Social Security Administration, the National Center for Health Statistics, the Administration on Aging, the National Council on the Aging, the American Dietetic Association, and the American Academy of Family Physicians.

(3) COMPENSATION AND EXPENSES.—

(A) COMPENSATION.—Each member of the advisory panel who is not an employee of the Federal Government shall receive compensation at the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day the member is engaged in the performance of duties for the advisory panel, including attendance at meetings and conferences of the panel, and travel to conduct the duties of the panel.

(B) TRAVEL EXPENSES.—Each member of the advisory panel shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(4) DETAIL OF FEDERAL EMPLOYEES.—On the request of the advisory panel, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the advisory panel to assist the advisory panel in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(5) TECHNICAL ASSISTANCE.—On the request of the advisory panel, the head of a Federal agency shall provide such technical assistance to the advisory panel as the advisory panel determines to be necessary to carry out its duties.

(6) TERMINATION.—Notwithstanding section 15 of the Federal Advisory Committee Act (5 U.S.C. App.), the advisory panel shall terminate 3 years after the date of enactment of this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section, and not less than $3,000,000, for each of fiscal years 1993 through 1995.

**SEC. 1012. GENERAL PROVISIONS.**

Section 405 (42 U.S.C. 284) is amended—

(1) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A) of paragraph (1)—

(i) by striking out "human diseases" and inserting in lieu thereof "human disease";

(ii) by striking out "for which the national research institutes were established"; and

(iii) by inserting "and agency of the National Institutes of Health" after "each national research institute";

(B) in subparagraph (K), by striking out "and" at the end thereof;

(C) in subparagraph (L), by striking out the period and inserting in lieu thereof "; and";

(D) by adding immediately after subparagraph (L) the following new subparagraph:

"(M) may, notwithstanding any other provision of law, in disseminating information pursuant to this section and other laws, enter into licensing agreements that provide for quality control and the full recovery of access costs."; and

(E) by adding at the end thereof the following new sentence: "For purposes of Federal income, estate, and gift taxes, any gift accepted under subparagraph (H) shall be considered to be a gift or transfer to the United States.";

(2) in the matter preceding subparagraph (A) of subsection (b)(2), by inserting "and agency of the National Institutes of Health" after "research institute"; and

(3) in subsection (c)—

(A) by inserting "and agency of the National Institutes of Health" after "national research institute" in the matter preceding paragraph (1);

(B) by inserting "or agency" after "institute" in paragraph (1); and

(C) in paragraph (2)—

(i) by inserting "and agencies" after "institutes"; and

(ii) by inserting "or agency" after "institute".

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Laura Brown, a legislative fellow in Senator ADAMS' office, be permitted to be on the floor during today's proceedings.

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

Mr. KENNEDY. I ask unanimous consent that a health fellow on Senator MITCHELL's staff, Christie Provost, have privileges of the floor during the consideration of H.R. 2507.

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

Mr. KENNEDY. Mr. President, the legislation now before the Senate to reauthorize the National Institutes of Health is a major opportunity to guarantee American's leadership and excellence in biomedical research through the end of this century.

Today, we are on the threshold of breakthroughs unimaginable even a few years ago when he last reauthorized the NIH in 1988. Congress and the American people should be proud of this investment in NIH and the emphasis placed on maintaining global preeminence in biomedical research.

Today, we are also on the threshold of establishing a new era of freedom of science. The ultimate goal of biomedical research is to improve health and save lives. But because of the rapid pace of progress in biomedical technology, society has had trouble keeping up with the moral and ethical dilemmas posed by new and unfamiliar technology. However, NIH has long predicted the dilemmas that would arise and has addressed these questions head on in a rational manner throughout its history.

I am aware that the bulk of debate on this bill has been devoted to the issue of fetal tissue research. This issue is of vital importance and deserves thoughtful consideration by this Chamber. The measure that Senator ADAMS and I have included in the bill promises to save many lives But I want to emphasize that there is much more to this bill that also promises to advance health research in this country.

The National Cancer Institute has done an outstanding job in the development of new approaches to the treatment of the serious threat posed by cancer, second only to cardiovascular disease as a cause of death. Remarkable progress has been made in the diagnosis, treatment, and prevention of cancer in almost all disease in many of its forms. The gains in all areas of research hold out promise for the development of new cures.

However, over a million new cases of cancer are reported annually, with a death toll of nearly half a million. These numbers, which encompass all age groups, make it essential that the Government support ample research to find cures and better treatments to alleviate the suffering caused by cancer, and to reduce the enormous costs of the disease in terms of lost wages and lost human potential.

The NCI has made significant advances in the development of genetic treatments for cancer. These techniques are opening new doors in our understanding of the origins and treatment of diseases. We cannot allow these advances to stop.

Breast cancer is the most frequent major cancer in women and prostate cancer is the most frequent major cancer in men. In 1992, approximately 180,000 new cases of breast cancer and approximately 132,000 new cases of prostate cancer will be diagnosed. This legislation supports the need for additional research and increased emphasis by NCI on these cancers. The legislation also strengthens the extramural programs at the NCI for the prevention, diagnosis, treatment, and cure of these diseases.

In addition, the legislation authorizes a 43-percent increase over fiscal year 1992 appropriations for the National Heart, Lung, and Blood Institute. The increase will make possible a success rate of 35 percent for new and competing grants, and protect grantees from budget cuts. Despite the budget squeeze of recent years, the National Heart, Lung, and Blood Institute has continued research of the same high quality that has led to the 46-percent reduction in the death rate from cardiovascular diseases since 1970. The Institute will also be receiving support

for its exploration and development of new areas of research opportunity, such as molecular biology.

Reauthorization of the NHLBI includes funding for the national research and demonstration centers for heart, blood vessel, lung and blood diseases, sickle cell anemia and blood disorders. These programs mirror the successful comprehensive cancer centers program of the National Cancer Institute, which has led to new discoveries in cancer prevention and treatment and effective dissemination of information to patients, physicians, and other health care professionals.

This bill provides new authority for centers for the study of prevention, diagnosis, and treatment of cardiovascular diseases in children. Cardiovascular diseases causes significant disability and death in children in the United States. Congenital heart disease, the most common birth defect, affects 8 of every 1,000 newborns. Acquired heart diseases, such as rheumatic heart disease, Kawasaki disease, and heartbeat irregularities, accounted for over 50,000 hospital admissions in 1990. These multidisciplinary research centers offer the potential for advancing knowledge in biochemistry, molecular biology, genetics, and bioengineering in all of these diseases.

In the United States heart disease is still the primary cause of total and permanent disability, but lung diseases are the fastest growing cause of total and permanent disability and death. These increases have been particularly great in women.

This bill expands the research programs at NHLBI on the effectiveness of cardiopulmonary disease prevention and control strategies and moreover, the results to this research will be disseminated rapidly to health professionals, health educators, and the general public.

NIH has not had general construction authority since the Health Research Facilities Act of 1956 ran out in 1972. Categorical authorities for the National Cancer Institute, the National Heart, Lung, and Blood Institute, and the National Eye Institute did not receive appropriations for the past several years. Dwindling Federal support over the last 20 years has resulted in a serious backlog of needed construction and maintenance. Much construction and renovation of physical plant goes on continually with non-Federal funds. But the growth of biomedical research has created needs for maintenance, renovation, and expansion that have considerably surpassed the means of the non-Federal sector at a time when Federal construction support has been largely withdrawn.

According to increasing reports, research progress is being curtailed for lack of space or for lack of properly maintained or renovated space. The Nation's health facilities are slowly deteriorating, and a new Federal construction program is needed to replace outmoded facilities, relieve overcrowding, and accommodate changing research requirements.

The program proposed in this bill begins to rebuild the infrastructure necessary for medical research progress to be made at a rapid pace. The legislation creates a matching grants program at the NIH in the Center for Research Resources for construction and maintenance of biomedical and behavioral research facilities.

Another vital issue addressed by this legislation is the lack of information on women's health. Too little effort is made to involve women in clinical research. In 1985, the Public Health Service Task Force on Women's Health Issues released a report assessing the status of women's health in America. One of the Task Force's principal recommendations was that biomedical and behavioral research be expanded to assure adequate emphasis on conditions and diseases unique to, or prevalent among, women in all age groups.

The failure to include women as subjects of research at NIH has had serious consequences. Heart disease, among all diseases, claims the greatest number of women's lives in this country. Yet all of the major studies of the cause and prevention of heart disease have only involved men. A 1988 study of 22,000 physicians funded by the Heart, Lung and Blood Institute found that aspirin prevent heart attacks in men. Doctors subsequently recommended that older men at increased risk for heart disease take an aspirin every other day. They specifically stated, however, that they could not offer women the same advice.

In addition, no women were included in a major study that examined premature heart disease in 13,000 men over a period of 15 years. Nor were women included in the 15-year coronary primary prevention trial that studied the effects of lower cholesterol levels in 4,000 men, despite evidence that women's cholesterol levels typically increase after menopause and are affected by factors such as smoking or the use of oral contraceptives.

The lack of studies on women's health has resulted in second rate care for women. This legislation supports NIH plans to study aging, disease morbidity and mortality in women, and to create an Office of Research on Women's Health.

Finally, on the issue of fetal tissue transplantation research, the tradition of scientists seeking outside guidance on ethical and moral questions are involved led to the controversy in which we are embroiled now. In 1987, James Wyngaarden, then Director of NIH, was prepared to proceed with experimental transplantation of fetal tissue into a patient with Parkinson's disease. It was within his authority to go forward, but he decided to seek guidance from the Assistant Secretary of DHHS. The result was the current administration ban, which is unjustified on scientific, ethical, or humane grounds.

In 1988, the NIH Human Fetal Tissue Transplantation Research Panel, appointed by the Reagan administration, concluded after extensive study that support for such research is "acceptable public policy." The panel proposed guidelines and procedures to address concerns about maintaining a wall of separation between research and abortion. The NIH panel included theologians, physicians, scientists, and lawyers, many of whom are opposed to abortion. They carefully considered, in public forums, the ethical, legal, and scientific ramifications of this research and voted overwhelmingly that it should go forward. The Advisory Committee to the Director of NIH unanimously approved the panel's report. Two NIH directors and one acting director have said that this research should proceed.

The denial of support for merit-approved projects by the administration inhibits research that has great promise for helping millions of Americans with otherwise incurable diseases. Fetal tissue transplantation research has real potential for developing treatments for Parkinson's disease, Alzheimer's disease, diabetes, spinal cord injury, and other chronic diseases and disorders, including cancer and a wide range of birth defects and genetic diseases.

For many of these afflictions, no other area of research offers promise of this magnitude. There is also great potential, through research on in vitro fertilization, for helping thousands of infertile couples.

The sinister picture that opponents have painted of an illicit trade in fetal tissue involving researchers, physicians, donors, and others bears no relation to reality.

Today, privately funded research using fetal tissue, including transplantation research, is conducted with strict, self-imposed guidelines. Researchers do not get involved in the abortion decision or procedure. Indeed, for researchers who are funded publicly, such involvement is prohibited by Federal regulation. Nevertheless, lack of NIH involvement in transplantation research leads to a lack of oversight in the private sector. The pending legislation will correct this omission.

Many of my colleagues are wrestling with this issue. They want very much to move this vital research forward, but they share the concern of the administration that the research may increase the incidence of abortion.

There is no evidence to substantiate that concern. The NIH task force found no evidence to support it—and some evidence to refute it. The task force recommended safeguards to separate abortion from research.

The decision to terminate a pregnancy is highly personal and complex. There is no evidence to suggest that women will be more likely to have abortions because of the knowledge that fetal tissue can be used for medical research. Fetal tissue has been used for research since the 1950's, with no link to the incidence of abortion.

Such an incentive is especially unlikely, since there would be no assurance that the tissue from a particular abortion could or would be used for research. In fact, evidence presented before the committee at a hearing on November 21, 1991, indicates that recent success in the private sector with fetal-to-fetal transplantation to correct genetic defects could actually lead to reductions in the incidence of abortion, if the research were to receive Federal support.

The legislation includes safeguards to prevent any abuse. We have strengthened the safeguards by talking with Members opposed to abortion and incorporating changes to address their concerns.

As Congressman WAXMAN and other witnesses eloquently asked at a hearing before the committee last fall, is it better to discard tissue than to use it to save lives? Do we question the reasons for the death of an organ donor before we accept the donation? Isn't saving a life after another death the most pro-life position we can take? I urge the Senate to lift this current irrational ban and allow this lifesaving research to proceed. And in reaching their decision on this critical issue. I also urge my colleagues to read the eloquent and extremely moving and extremely personal "Dear Colleague" letter that Senator THURMOND has written to each of us in support of this provision.

In this bill as a whole, there are many other worthwhile provisions. We all understand what is at stake, because there are few better investments in our future than the investment we make in health research. Passage of this bill will mark the beginning of a new era of creative support for the Nation's scientists, and insure that the United States remains the world leader in biomedical research. This measure has broad legislative support, and I urge the Senate to approve.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah [Mr. HATCH] is recognized.

Mr. HATCH. Mr. President, I have enjoyed the comments of my distinguished colleague from Massachusetts, and I am pleased the Senate is acting today on H.R. 2507, the National Institutes of Health Reauthorization Act of 1992.

The National Institutes of Health is the world's finest biomedical research institution. For over 100 years, the NIH has demonstrated scientific excellence in its research on diseases and on the fundamental secrets of human health.

In nearly half a century since World War II, the Agency has led our Nation's and the world's biomedical research effort through work both in its own laboratories and by its support of researchers in laboratories all over the country.

Today, the National Institutes of Health is a $9 billion Federal research agency, and it confronts new challenges in the way it must fulfill its mission.

Like all Federal agencies, NIH must try to do more with less. It must deal with the concerns about indirect costs and scientific integrity, and it must face the difficult ethical questions that inevitably flow from progress in biomedical research.

Nonetheless, the National Institutes of Health is responding to these challenges. I want to commend Secretary Louis Sullivan, Dr. James Mason, and Dr. Bernadine Healey for their leadership of this premier research institution.

The NIH is now in the midst of a planning process that will identify specific areas of biomedical research needs and opportunities.

This planning process has solicited the advice and guidance of scientists throughout the country so that scientific thought, not politics, will define NIH goals and objectives.

This is an important and complex process. Moreover, it is an ongoing one. Science is certainly not static. We should give sufficient latitude to the Secretary to permit the Agency to adjust to changing scientific priorities and findings.

The history of biomedical research has not only demonstrated that new knowledge can be readily applied to new therapies, but also that entire new fields, such as biotechnology, can be opened.

Mr. President, I suspect that there is not one Member of this body who does not believe that biomedical research has not paid off handsomely over the years. The support of basic research has the potential to increase jobs and products. Therefore, we must not overlook the fact that our investment in research and in research training leads not only to new knowledge, but also to improved strength of our economy.

I enthusiastically join with my colleagues from both sides of the aisle in singing the praises of the National Institutes of Health. There are many provisions in this bill I wholeheartedly support.

For example, I support the provision concerning the National Research Service Awards, which provide grants to encourage women, underrepresented minorities, and individuals from disadvantaged backgrounds into biomedical or behavioral research.

The wisdom of encouraging students in research fields was recognized years ago by Dr. Vannevar Bush, science adviser to President Franklin Roosevelt and well-known for defining a role for the Federal Government's support of science. He said, and I quote:

> The responsibility for the creation of new scientific knowledge—and for most of its application—rests on that small body of men and women who understand the fundamental laws of nature and are skilled in the techniques of scientific research. We shall have rapid or slow advance on any scientific frontier depending on the number of highly qualified and trained scientists exploring it.

Mr. President, we must support the endless frontier of science; no American should be denied this opportunity regardless of race, creed, or sex.

And, Mr. President, there is the research itself. Science and medicine have added an average 26 years of life to Americans in this century, and the broad ambitions of biomedical investigators are that medical research will add improved quality to those extra years of life.

There is no better example of this than in the area of human genetics. Scientists have just recently identified the genes that cause Duchenne muscular dystrophy, cystic fibrosis, and a little-known disease called the fragile X syndrome, a disorder that results in mental retardation. Moreover, the genetic determinants of asthma, cardiovascular disease, and some kinds of cancer are now within our grasp.

The past year has been an extraordinary year for progress in biomedical research. This winter, scientists in the National Cancer Institute began testing an exciting new form of cancer treatment, treatment that enlists the patient's own immune system in fighting off the disease. The prospect that such a cancer treatment could be added to our arsenal of weapons against cancer, a disease that still kills about 520,000 Americans every year, is thrilling. This hope is precious to patients and families whose doctors tell them, "There is nothing more we can do."

Such discoveries—and discoveries to follow—capture our imaginations. We can hope that our loved ones may not have to suffer the pain of cancer or AIDS; we can hope that they do not die prematurely from heart disease; we can hope that their lives will not be hindered by a disability.

Another devastating disease that affects hundreds of thousands of Americans is Alzheimer's disease. NIH-supported scientists have recently identified a mistake in the normal gene sequence that appears to be responsible for the inheritance of this disease in three generations of a midwestern family.

This genetic research gives us a lead on the possible cause of Alzheimer's. It holds out hope that, ultimately, researchers will discover the cause and develop a treatment, and a cure, to help patients and families burdened by this terrible illness. But medical re-

search offers more than hope; the fruits of scientific investigation deliver tangible benefits to Americans.

This year, for example, an NIH-sponsored study has shown the benefits of a new treatment regimen for chronic congestive heart failure, which affects 2 to 3 million Americans yearly and is the leading cause of hospitalization among people over age 65.

In patients taking the drug called enalapril, there was a 13-percent reduction in cardiovascular deaths and a 21-percent reduction in deaths due primarily to progressive heart failure. Dissemination of this research to practicing physicians saves both lives and medical care for thousands of patients.

Another example is a recently completed clinical trial supported by the National Institutes of Health. It has been shown that treating a certain type of high blood pressure, often thought to be a natural part of aging, with a simple, inexpensive diuretic would result in 24,000 fewer strokes and 50,000 fewer cardiovascular events, such as heart attacks, each year.

The treatment could reduce the incidence of stroke by one-third and save the Nation more than $200 million each year. And, a nice fringe benefit, Mr. President, is that this treatment costs only about 25 cents a day.

In my home State of Utah, several activities are underway in biomedical research funded by NIH. In 1991, Utah scientists were awarded over 250 research project grants totaling about $50 million in supported research funds from the National Institutes of Health. These scientists are all doing front-line research.

For example, Dr. Raymond White in the department of human genetics at the University of Utah is aggressively constructing sets of genetic markers to serve as "tools" to map and identify human genes responsible for common disorders such as cancer, cardiovascular disease, or mental illness.

Dr. Mark Skolnick, also at the University of Utah, is conducting investigations into genetic epidemiology of cancer and predisposing lesions. He has computerized the genealogical records of every family registered in the State and is looking for families that are predisposed for a particular cancer, such as cancer of the colon or breast.

Another Utahn, Dr. Catherine Rappaport, with Technical Research Associates, is developing systems for the extraction and culturing of adult neurons to be used in the process of evaluating various pharmaceuticals, such L-DOPA, for treating neural degenerative disorders, which can be administered in the management of Parkinson's disease.

Americans continue to depend on the NIH for research leadership in conquering some old public health enemies including measles and tuberculosis.

Although we thought that TB was virtually a disease of the past in our country, we have seen an alarming reemergence of TB in the past 6 years. The problem of treating it in the 1990's is compounded by the emergence of TB strains resistant to most of the medications available for treating TB infection.

I am encouraged that the National Institute of Allergy and Infectious Diseases has recently focused increased attention on the need for better tuberculosis diagnosis and treatment.

In the field of AIDS and HIV infection, research supported by the National Institutes of Health led to the development of AZT and other drugs active against HIV, the virus that causes AIDS.

Today, I had visit me in my office Eileen Getty who has HIV, and now full-blown AIDS. She is a heroine to me because she has been fighting for the rights of women, realizing the incidence of HIV positive signs in women are increasing at an annual rate of 15 percent, compared to 4 or 5 percent for males. This is an important mission. I was impressed with her and the willingness to come forward and let people know that she has full-blown AIDS and is willing to stand up and fight against this terrible disease, this terrible virus.

H.R. 2507 has other key provisions that equip the National Institutes of Health to address these challenges.

There are provisions for strengthening the infrastructure of biomedical research by expanding construction grants to improve existing research facilities and to support construction of new research facilities. The bill enhances the scientific expertise at the National Institutes of Health by recruiting and training women and minorities in biomedical or behavioral research.

It reaffirms the importance of senior biomedical researchers by helping to ensure that salaries and opportunities available to scientists in the Federal sector are competitive with those in the private sector. It also enhances the ability of institutions in rural States to compete for the National Institutes of Health research grants.

All of these components will enhance the ability of the National Institutes of Health to conduct and to sponsor first rate research that is critical to our national battle against disease. This fight includes attacking those diseases that uniquely or disproportionately affect women, such as breast, ovarian, and cervical cancers.

Moreover, this bill affirms the absolute necessity of including women and minorities in clinical trials for treatment of diseases that affect both men and women. We recognize the recent efforts of the Department of Health and Human Services to correct the current deficiency of clinical trials in this regard. We urge the National Institutes of Health to continue this progress, and I suspect some of these accomplishments are because of Bernadine Healy, a woman who is running and directing the National Institutes of Health, and doing, in my opinion, a very splendid job.

Mr. President, while I support many of the provisions in the bill, I find a few that are troubling. In fact, I voted against reporting H.R. 2507 from the Labor and Human Resources Committee for three reasons:

First, it divests the Secretary of Health and Human Services of discretionary authority necessary to administer the programs of the National Institutes of Health.

The bill codifies many existing programs that have satisfactorily evolved precisely because the Secretary and the Director of the National Institutes of Health have had the flexibility to amend them from time to time to meet the ever changing health needs of our country.

These programs did not require legislation to create them and do not require legislation to keep them working. I view these micromanagement provisions, such as special requirements and unnecessary advisory committees, as intrinsically harmful to the National Institutes of Health scientific programs and disruptive to their management.

I do not believe that just because a policy or practice at the NIH is desirable today we ought to carve it in stone. Science is so evolutionary that we should not require an act of Congress in order for our health research agency to adapt to it.

Second, this bill, if it were to become law, would not allow the Secretary of Health and Human Services to disapprove peer reviewed scientific research on ethical grounds. We do not believe that science policy develops in a moral vacuum.

In a democratic society, responsible science policy judgments require balancing scientific pursuits, their social consequences, both short- and long-term, and the ethical significance of these considerations. This legislation silences the Secretary and excludes him from the deliberative process.

The Department of Justice has raised important constitutional objections to allowing unelected and unconfirmed ethics advisory panels to usurp the authority of the Secretary in this regard.

Persons exercising significant authority pursuant to the laws of the United States, such as the authority to make grants, confer financial assistance, or to enter into contracts, must be appointed in conformity with the appointments clause of the Constitution and must be subject to the supervisory power vested in the President and his delegates.

To the extent that the provisions of this legislation vest unreviewable control in any panel without allowing for the Secretary's oversight, review, and

decision, such provisions would violate the appointments clause and raise serious constitutional questions. One relevant section from the Department of Justice letter reads as follows:

Proposed new section 492(b)(1) * * * would prevent the Secretary from withholding funding for research on ethical grounds unless he convenes an ethics advisory board to study the ethical implications of the research and unless the majority of the ethics board recommends that he withhold the funds on ethical grounds. Because the members of the ethics advisory board would exercise "significant authority pursuant to the laws of the United States," Buckley, 424 U.S. at 126, they would be "officers of the United States." Consistent with this status, the board members would be appointed by the Secretary under proposed new section 492A(b)(4)(c). As inferior officers under the direction of the Secretary, the work and the preliminary report of the board would be subject to revision by the Secretary.

I ask unanimous consent that this letter, as well as a letter from the Secretary of Health and Human Services, be printed in the RECORD.

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

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
*Washington, DC, February 4, 1992.*

Hon. EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: This letter supplements the letter of the Department of Health and Human Services [HHS] on S. 1523, as amended. As noted in the HHS letter, S. 1523, as amended, is unacceptable, because it would permit federally funded research endeavors to use fetal tissue from induced abortions. If the bill were presented to the President in its current form, his senior advisers would recommend a veto. In addition, this letter provides the views of the Department of Justice on particular constitutional concerns in S. 1523, the "National Institutes of Health Reauthorization Act of 1991," and S. 1902, the "Research Freedom Act of 1991."

Several proposed provisions of S. 1523 raise issues under the Appointments Clause of the Constitution. That clause provides that "Officers of the United States" shall be appointed by the President, by and with the advice and consent of the Senate. In the case of inferior officers, however, Congress may vest their appointments "in the President alone, in the Courts of Law, or in the Heads of Departments." U.S. Const. art. II, §2, cl. 2. An "Officer of the United States," as defined by the Supreme Court, is "any appointee exercising significant authority pursuant to the laws of the United States." Buckley versus Valeo, 424 U.S. 1, 126 (1976) (per curiam). The head of a department must either be a Cabinet-level officer, such as the Secretary, or at least the head of a free-standing, self-contained entity in the Executive Branch. Freytag versus Commissioner, 111 S. Ct. 2631, 2642–43 (1991); *id.* at 2657–61 (Scalia, J., concurring in part and concurring in the judgment).

Proposed new section 499D(a) (pp. 11–12) would establish a Technical Review Board on Biomedical and Behavioral Research Facilities, whose members are to be appointed by the Director of the National Center for Research Resources. This center is an agency of the National Institutes of Health, which is an agency of the Public Health Service, which is, in turn, a component of the Department of Health and Human Services. *See*, 42 U.S.C. §§202, 281. Therefore, the Director is not one of the persons in whom Congress may vest the power of appointment, and so the members of the Board may not exercise "significant authority."

Proposed new section 486R of S. 1523 (p. 30) would direct the Secretary to establish an Office of Women's Health Research, which "shall be headed by a Director who shall be appointed by the Director of [NIH]." Under proposed sections 486R(c), 486S, and 486U(b)(1) (p. 30–35, 37), the Director would exercise "significant authority." Thus, Congress may not vest the power to appoint the Director by the Director of NIH, who is not the head of a department.[1]

This new Director would be required by proposed new section 4865(a)(3) (p. 32) to establish and appoint a Woman's Health Clinical Research Advisory Committee. Because appointment of the Advisory Committee's members by the Director would not, for the reasons given above, comport with the Appointments Clause, the Committee may not exercise "significant authority."

Proposed new section 452A(f) (p. 49) would allow the Director of the National Institute of Child Health and Human Development to extend the period of support for a contraception or infertility research center only "if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended." Presumably, the Director would appoint the peer review group members pursuant to 42 U.S.C. §284(c)(3). The Director is not, however, one of the persons in whom Congress may, consistent with the Appointment Clause, vest the power to appoint "officers of the United States." Thus, the peer review group could not exercise "significant authority pursuant to the laws of the United States." Buckley versus Valeo, 424 U.S. 1, 126. Proposed section 452A(f), by purporting to grant peer review groups veto power over extensions of support to certain research centers, might be construed as giving them such authority.

Under proposed new section 486X(d) (p. 42–43), the Director of the National Cancer Institute is to develop and periodically revise a breast cancer research program plan and to submit a copy of the plan to the President's Cancer Panel and "simultaneously submit a copy of the plan [or its revisions] to the Director of NIH, the Secretary, and the appropriate Committees of Congress." Concurrent reporting requirements such as this one would breach the separation of powers by disrupting the chain of command within the Executive Branch and preventing the President from exercising his constitutionally guaranteed right of, supervision and control over Executive Branch officials. These requirements would infringe upon the President's authority as head of a unitary Executive to control the presentation of the Executive Branch's Views to Congress.

Title II of S. 1523, as amended, incorporates provisions of S. 1902 concerning fetal tissue transplantation research.

Proposed new section 492A(b)(1) (slip p. 2) would prevent the Secretary from withholding funding for research on ethical grounds unless he convenes an ethics advisory board to study the ethical implications of the research and unless the majority of the ethics board recommends that he withhold the funds on ethical grounds. Because the members of the ethics advisory board would exercise "significant authority pursuant to the laws of the United States," *Buckley*, 424 U.S. at 126, they would be "Officers of the United States." Consistent with this status, the board members would be appointed by the Secretary under proposed new section 492A(b)(4)(C). As inferior officers under the direction of the Secretary, the work and the preliminary report of the board would be subject to revision by the Secretary.

Proposed new section 492(b) contains two other provisions that deserve comment. To avoid constitutional questions, the construed to apply only to the "final" reports of the ethics advisory boards. Finally, the authority of such board to "have access to all such information possessed by [HHB] or available to [it] from other agencies" under paragraph (4)(G) will be construed to give the boards access "consistent with law."

The office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program, and that enactment of S. 1523 and S. 1902 would not be in accord with the program of the President.

Sincerely,

W. LEE RAWLS,
*Assistant Attorney General.*

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THE SECRETARY OF HEALTH
AND HUMAN SERVICES
*Washington, DC, February 4, 1992.*

Hon. EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: We wish to offer our views on what we understand is a proposed substitute for S. 1523, the National Institutes of Health Reauthorization Act of 1991. The Administration is strongly committed to the biomedical research endeavors of the National Institutes of Health (NIH). However, S. 1523 as proposed to be amended is unacceptable because it would permit federally funded transplantation research endeavors to use fetal tissue from induced abortions. Many thoughtful physicians, researchers, and women and men from all walks of life strongly believe that this could have the potential of fostering an increased incidence of abortion. If the bill were presented to the President in its current form, his senior advisors would recommend a veto.

Other major general concerns with the bill are as follows:

The bill is too directive in its effort to expand certain research programs;

The bill would allow unwarranted and unwise intrusions into the authority of the Secretary of Health and Human Services; and

The bill would impose activities and a number of advisory committees on NIH that are costly, unnecessary, and in some cases, duplicate existing efforts.

As you know, current law vests broad discretionary authority in the Secretary to determine the kinds of research the Department of Health and Human Services will or will not support; it is necessary to make these decisions using a mix of scientific, social, policy, and ethical considerations. Under title II of the bill, the authority of the

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[1] We note that the appointment of the Director is also a departure from current practice. Other officers who report to the Director of NIH—the directors of the national research institutes and the appointed members of the Board of Regents of the National Library of Medicine, for example—are appointed either by the President or the Secretary. 42 U.S.C. §§284(a), 286a(1)(A).

Secretary to regulate human fetal tissue transplantation research within the Public Health Service would be seriously undermined. This important responsibility would, in fact, be taken from the Secretary. The authority to define research funding policy should remain under the purview of the Secretary, who has the broad-based knowledge to make these decisions as well as the ultimate responsibility for the outcome of those decisions.

We do not object to fetal tissue transplantation research where the tissue is derived from a source other than an induced abortion, such as from the treatment for an ectopic pregnancy. It is our judgement, however, that the pursuit of transplantation research using human fetal tissue derived from induced abortions has the potential of providing an incentive to abortion. It could also create a demand cycle, dependent upon maintaining the legality of induced abortions. Since such consequences are unacceptable, a moratorium on this research was issued in 1988 and remains in effect. This moratorium was based on careful consideration of not only the potential benefits of such research but also the profound moral and ethical elements that must never be divorced from the highest purposes of medical research.

We understand that the Department of Justice will be providing separately its views on certain constitutional issues raised by the provisions concerning fetal tissue transplantation research.

Additional comments regarding our specific concerns with the bill are attached.

Because of the overall objectionable nature of the proposed substitute for S. 1523, we recommend that it not be favorably considered.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report and that the enactment of S. 1523 (as amended) would not be in accord with the program of the President.

Sincerely,

LOUIS W. SULLIVAN, M.D.

ADDITIONAL COMMENTS ON THE PROPOSED SUBSTITUTE FOR S. 1523

TITLE III

We strongly object to the provisions regarding the establishment of the Office of Women's Health Research. In September 1990, the Office of Research on Women's Health [ORWH] was established within the Office of the Director, NIH. ORWH has been provided with a broad mandate to increase clinical research on women's health. S. 1523 would give the office three additional responsibilities: to establish an intramural gynecology program within one of the institutes, to establish a clinical gynecology service, and to develop plans for and establish a Center for Women's Health Research. We object to each of these. First, it is inappropriate for ORWH to establish a program within one of the institutes. Second, we strongly believe that women's health issues must be seen far beyond merely reproductive issues, and thus the role of ORWH should not be limited to gynecological issues. Most importantly, we object to the establishment of a separate center as being counterproductive to the mission of ORWH. To place women's health research in a separate center, apart from the scientific expertise of the institutes, is in direct opposition to our established goal to make women's health research an important part of the research agendas of each and every research institute of NIH.

The NIH Guide for Grants and Contracts and the joint NIH-Alcohol, Drug Abuse, and Mental Health Administration [ADAMHA] policy statement provides for the inclusion of women and minorities in clinical research projects. Such inclusion would be best effected without the establishment of new organizational entities or highly specific statutory requirements that might impede, rather than promote, progress.

The proposed clinical research subcommittee are objectionable for several reasons: it might be difficult to identify members with the required expertise, existing councils would be disrupted, their charters would require amendment, and the workloads of the advisory council members would be increased. Further, the National Institute of General Medical Sciences funds very little clinical research and its council would not have the necessary expertise for the subcommittee, thereby requiring additional members and increased administrative expense.

The requirement for an Institute of Medicine study on ways to advance and encourage research concerning women's health, would be duplicative of the year-long process completed by ORWH involving scientists, researchers, and advocates from across the country to plan a trans-NIH research agenda.

TITLE IV

The Fiscal Year 1991 appropriation provided $3 million (to remain available until expended) for five centers on contraception and infertility, which the National Institute of Child Health and Human Development is developing, there is no need to authorize this program. We also object to this provision because it fails to provide definition for such research or allow exceptions for objectionable research and contraceptive methods. For example, we have a long-standing policy prohibiting support of in vitro fertilization or harmful experimentation on live embryos. The failure of this provision to define or provide exceptions for research could result in threats to human life.

We see no need for an educational loan programs for those entering research in contraception and infertility at the present time.

TITLE V

Section 501 would expand the scope of the loan repayment programs for research with respect to AIDS to include other research. We oppose the establishment of new scholarship and loan repayment programs in NIH and ADAMHA as inconsistent with the President's 1993 Budget submission.

We further object to the expanded authorities provided for the AIDS Clinical Research Review Committee of the National Institute of Allergy and Infectious Diseases, as it would be inappropriate for an institute-level committee to advise other components of NIH on research priorities. Such authority should be vested in the NIH AIDS Program Advisory Committee. Other provisions require a study of the policies of third-party payers for health services incidental to participation of subjects in clinical trials. This activity falls outside the mission of NIH and could more appropriately be conducted by another departmental office or by an external organization such as the Institute of Medicine. The proposed parallel-track study should be conducted by the National AIDS Program Office. The study of advisory committee coordination is unnecessary; their purview are distinct.

TITLE VI

The provision to establish an interagency program for trauma research is unnecessary since NIH institutes, centers and divisions fund a variety of research projects in both the biomedical and rehabilitative aspects of trauma. Such a program would require additional committees, plans and reports, boosting administrative costs and diverting money away from the research itself.

TITLE VIII

We object to the expansion of the Senior Biomedical Research Service (SBRS) from its current 350 to 750 positions. We are not yet able to evaluate the effectiveness of SBRS in terms of recruitment and retention. Expanding SBRS at this time would be premature.

(Mr. AKAKA assumed the chair.)

Mr. HATCH. Third, this bill would nullify the administration's current moratorium on human fetal tissue transplantation research.

The terms of the moratorium announced on November 2, 1989, must be understood. This moratorium is very narrow. It applies only to transplantation research that involves transplanting human fetal tissue—taken from induced abortion—into human recipients. It does not prohibit other basic research that uses human fetal tissue from elective abortions, including human fetal tissue transplantation into animals. Neither does it prohibit any type of research using fetal tissue from spontaneous abortions—miscarriages—and ectopic pregnancies.

We are all poignantly aware of the suffering that results from a life plagued by disease. My colleagues and I have all been touched by the real life struggles of those who suffer from Parkinson's disease or insulin-dependent diabetes. Our hearts go out to parents of young children tragically afflicted with Hurler's syndrome.

I recognize that beneficial knowledge can be gained by study of human fetal tissue. The National Institutes of Health has already spent hundreds of millions of dollars and will spend in excess of $450 million this year alone on research directed at Parkinson's and Alzheimer's diseases, diabetes, and spinal cord injury.

Some of these funds are spent on research using human fetal tissue. The current regulations pertaining to human fetal tissue research do not ban any areas of research other than human fetal tissue transplantation into human recipients.

We have all read about the promise of human fetal tissue for alleviating or curing a number of neurological disorders as well as severe forms of diabetes mellitus.

We must realize that human fetal tissue transplantation research is still in its infancy. Less than 60 fetal tissue transplants have been performed in the United States over the last 20 years for all diseases and conditions. Some would have us believe that human fetal tissue transplantation is the only area of research for treating these diseases that holds any promise. It is not.

Others would have us believe that this research is a dead end and hold no promise. The fact is that this research

is truly in its beginning phases. We simply do not have evidence that it has promise or disappointment for those many Americans afflicted with conditions that have alluded treatment thus far.

Many other avenues for research are actively being pursued. Research is underway on the potential therapeutic benefits of using adrenal medullary tissue along with the appropriate neurotrophic factors; xenograft tissues—from other animal species—contained within porous capsules to allow hormone release and prevent direct tissue contact; and genetically altered skin fibroblast cells that produce neurotrophic factors that support and nourish brain cells.

Just last Friday, the results were reported in the New York Times of a study showing that brain cells may be coaxed into repairing themselves. This opens up yet another new avenue for research.

It is too early yet to concentrate on only one research approach; it is too soon to put all our eggs in one research basket.

I believe that all of these avenues, including fetal tissue transplantation, can be part of the total research effort to fight the ravages of Parkinson's, Alzheimer's, diabetes, and perhaps many other illnesses.

However, fetal tissue transplantation into human recipients is the one area that has stimulated a long and difficult ethical debate that has impeded research from going forward. The work of the National Institutes of Health must not wait. Regardless of whether a Senator is pro-life or pro-choice, each of my colleagues must realize that a protracted debate over the use of fetal tissue from induced abortions will not get us anywhere.

In order to support these critical NIH programs, we should make sure that our scientific researchers time and energies are devoted to research and advancing scientific knowledge—and are not wasted in lengthy ethical and moral debates.

I will offer an amendment at the appropriate time that will facilitate fetal tissue research. I believe this amendment will strengthen the bill and allow the research to proceed without offending anyone's ethical beliefs concerning human fetal tissue transplantation.

Senior advisers to the President have indicated they will recommend a veto of this bill unless this issue is resolved, and important human fetal tissue transplantation research that might have been done stands a good chance of being sacrificed.

Nothing will have been gained, in my view, for the good of those whose hope for a future rests at the National Institutes of Health, nor for those dedicated scientists who labor on their behalf. Our fellow Americans, crippled by disease, wait for a sensible resolution.

I intend to bring that amendment to the floor, and I hope our colleagues will listen to the debate on both sides, because it will be a significant debate and the decision will be a significant decision. I would like to avoid the ethical conflicts that have tied up America, that have caused the fighting and screaming all over America and do what really will be in essence the same thing by doing it in a more appropriate ethical way or, should I say, more appropriate medical way or more appropriate scientific way.

Be that as it may, I know that people have differing points of view on this. I will make my case and do it the best I can and, of course, allow the Senate to work its will.

I appreciate working with the distinguished Senator from Massachusetts. He is a pleasure to work with. When we get together we are able to do many things that I think are very worthwhile. I hope we can continue to work together and jointly in all ways in the best interest of the National Institutes of Health which I think is one of the truly great agencies of the Federal Government.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, today as the Senate is considering H.R. 2507, the National Institutes of Health Reauthorization Act, I rise to focus on title II of this measure which would lift the current ban on federally sponsored fetal tissue transplantation research that was imposed in 1988.

I have been and continue to be a supporter of efforts to limit abortion in this Country. After careful analysis, I determined that fetal tissue transplantation research should not be lumped together with the debate about abortion and voted in favor of H.R. 2507 during consideration by the Labor and Human Resources Committee.

Fetal tissue transplantation research holds a great deal of promise for curing diabetes, Parkinson's, Huntington's, Alzheimer's and probably other diseases. My daughter Julie, a lovely young lady, has suffered from diabetes for 3 years. As the parent of a diabetic, I have a personal appreciation for the urgent need for a cure. I believe that for the sake of Julie and those individuals who suffer from diabetes and other serious diseases, we cannot afford to lose this opportunity to develop a cure.

Concern has been expressed that allowing this research will lead to more abortions. I do not believe that this bill would, in any way, encourage abortions—I would not support it if this was the case. Title II includes guidelines and safeguards to keep the decision to terminate a pregnancy independent from the retrieval and use of fetal tissue. For instance, the bill prohibits payment, or other forms of compensation, for fetal tissue. It prohibits the pregnant woman from designating the recipient of the fetal tissue, and it requires that informed consent to donate the tissue be obtained only after the decision to abort has been made. In fact, these safeguards are based on the recommendations of the 1988 National Institutes of Health Human Fetal Tissue Transplantation Research Panel which concluded that this research should be allowed.

Mr. President, this is not a debate about abortion. This is a debate about allowing federally sponsored research that will serve humanity and may save thousands of lives. Passage of this bill should improve the quality of life for many people with devastating diseases and disabilities. I will vote to allow this important research to go forward and urge my colleagues to carefully consider supporting this legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I also want to speak on the pending bill. I want to commend the senior Senator from South Carolina for his very excellent statement on a very critical subject.

I rise today in support of the NIH Reauthorization Act of 1992, which contains in title II the Research Freedom Act. I strongly urge my colleagues to do the same, free of any limiting amendments.

The Congress is compelled to act on the issue of fetal tissue research by three undeniable facts. First, as we sit here today, millions of Americans are suffering, and dying from progressive, deadly diseases—Parkinson's disease, diabetes, pediatric disorders, Alzheimer's, and many more—with no cure in sight. Second, fetal tissue transplant research holds enormous promise to give those suffering significant therapeutic help, maybe even cures. Third, against all logic, the administration refuses to allow support for this research to move ahead using fetal tissue.

For 40 years, medical science has thrived on the use of fetal tissue research—the polio vaccine, just to name one, owes its discovery to this work. In 1988, though, the Reagan administration ignored the advice of its own expert panel and refused to allow the NIH to proceed with a human clinical trial using an implant of fetal cells. In the ensuing 4 years, this moratorium has stagnated and stalled scientific progress: The research exists only narrowly in the United States today, and scientific advancements are a pale shadow of what they would be if research freedom were allowed.

If there were any good reason for the moratorium, maybe the added suffering and delays and uncertainty would be justified. But there is not. Strong ethical guidelines, recommended by the Reagan administration's NIH panel

and followed by the research community, fully separate the use of tissue from the abortion decision and procedure. The one cannot, and does not, influence the other. If this bill becomes law, those provisions would become Federal law, with criminal sanctions for violation. As the NIH panel found, there is no evidence—none—that any abuses have occurred, or would in the future.

I have carefully considered the arguments raised against lifting the moratorium. I am convinced that the moral, humane, logical choice is to use this tissue to save lives where we can. I also have reviewed the so-called compromise option, of only using the tissue from spontaneous abortions and ectopic pregnancies. If this were truly a viable alternative, it would be in use now. It is not.

As a result, we have only one option that responds to the great need of the millions of Americans who suffer from incurable diseases. This research offers them—and their many millions more loved ones—a gift of hope. The clock is ticking for each one of them. We cannot turn our backs on them any more. It is time for us to act. I feel very strongly that we should vote in favor of the NIH reauthorization bill, including title II.

Mr. President, I thank you. I yield the floor.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. Thank you, Mr. President.

Mr. President, I rise today to speak on behalf of the National Institutes of Health Reauthorization Act, H.R. 2507. I thank the chairman of the committee and the ranking member for having brought this bill forward this far. I thank Senator THURMOND for his strong statement and his leadership which gives hope to many people in the United States, and to the others who will support this bill. I particularly appreciate their support in the strong cloture vote.

I am a strong supporter of biomedical research.

I have fought for increased funding for NIH over the years because it is one of our Nation's most treasured assets.

But I am also deeply troubled by what I see happening to this institution.

The NIH has—until the appointment of Dr. Bernadine Healy—virtually ignored the study of women's health.

For reasons still unclear to me, women were excluded from major clinical trials on heart disease.

Little research has been done on diseases particular to women, like osteoporosis and breast cancer.

In fact, we have made far too little progress in reducing the mortality rates of this dreadful disease.

This reauthorization will change that.

In recent years, the NIH has also fallen prey to political intervention, and that is regrettable.

No longer is research being judged solely on the basis of scientific merit. It is being undermined by ideology and fear.

This bill is directed toward changing that climate and I hope that, on a bipartisan basis, we will change that climate.

Because for the last 4 years—almost to the day—the Reagan-Bush administrations have banned the use of Federal dollars for fetal tissue transplantation research.

They have banned this research, despite the findings of their own panel of experts that voted 18 to 3 to support this type of research; despite the unanimous recommendations by the NIH advisory panel itself to lift the ban—all of this happened during the Reagan administration, so it is not a partisan matter. It is not a debate on abortion as has been pointed out.

Despite the millions of individuals—and I am going to personalize here now, Mr. President, because some dear friends of mine are involved in this; they are not relatives but they are very dear friends—despite the millions of individuals like Mo Udall and Joan Samuelson who suffer from Parkinson's disease; despite the mothers and fathers of children with juvenile diabetes or fatal genetic diseases, like the Reverend Guy Walden, whose testimony I heard when I was presiding over this hearing; despite the tremendous promise the research holds for curing Parkinson's disease, juvenile diabetes, spinal cord injuries, Alzheimer's disease, inborn genetic disease; and despite the more than 40 organizations, representing the medical community, the research and university community, the disease groups.

Organizations we all respect support this research, such as: the American Federation of Clinical Researchers; the Association of American Universities; the American Medical Association; the American Association of Medical Colleges; the March of Dimes; the Juvenile Diabetes Association; and the Cancer Society.

Despite all of this, the Government ban of lifesaving research continues.

What are we going to tell the scientists and medical groups opposed to the ban?

What are we gong to tell people like Mo Udall and his daughter Anne who is watching this debate in the gallery with Joan Samuelson?

That they should wait another decade? That they should stop hoping for a cure?

That, despite the recommendations by two NIH expert panels to lift the ban, the U.S. Congress thinks otherwise?

Well, this is one Senator that will not say that. These people, these friends of ours, these associations, these people throughout the United States cannot wait another day.

It is time for the Federal Government to stop playing scientist. This is not politics. This is medical science. This is something that is a potential cure for many people. This is a movement forward in the world of medical research that all can benefit from.

Now I want to make clear that I understand that this research raises ethical and moral questions. I understand that many of my colleagues have looked thoughtfully at this issue and the concerns it might raise about abortion. But that is exactly what the Reagan-appointed panel did. The panel was made up of 21 scientists, ethical experts, lawyers, and doctors and were asked questions, such as this—and I hope my colleagues and all who are watching this listen to these questions and to the answers, because they clearly build a wall between this vital research and any political debate on abortion regardless of which side any of us may be on, pro-life or pro-choice.

They were asked questions such as whether abortion was of moral relevance? Whether fetal tissue transplant research would encourage or increase abortion? Whether enough animal research had been done? Whether the science was promising?

The panel concluded: the use of fetal tissue is acceptable public policy because the tissue is being used to obtain significant medical goals.

Let me repeat that: The use of fetal tissue is acceptable public policy.

The panel also found that there is no evidence that fetal tissue research has encouraged abortion.

The panel did recommend—that certain safeguards be put in place.

They recommended that a woman's decision and consent to have an abortion must precede any discussion of the possible use of fetal tissue and a woman's consent to donate the tissue.

They also recommended that a woman should be prohibited from designating the transplantation recipient.

Title II does that. In fact, the safeguards in title II go far beyond these recommendations.

Let me briefly summarize these safeguards because they are very critical to this bill because they remove from this bill any question in anyone's mind or any concern they might have, whether they are pro-life or pro-choice. I have them on charts behind me and I brought these charts to the floor so you can focus on them with the exact words—not trying to remember my words but see the written words also of the safeguards that are built into title II of this bill.

First, it is illegal to sell fetal tissue;

Second, it is illegal for the researcher to contribute to any costs associated with the abortion;

Third, a woman must consent to an abortion prior to being approached about donating fetal tissue;

Fourth, a woman may not donate tissue to a friend or relative;

Fifth, the woman making the donation may not be informed about the identities of the transplant recipients;

Sixth, the physician or the researcher may not alter the abortion procedure solely for research purposes;

Seventh, the physician must disclose any interest he or she has in the research;

Eighth, research must be conducted according to applicable State and local laws;

Ninth, researchers must inform individuals participating in the research about the origin of the tissue;

Tenth, physicians and researchers must provide signed statements verifying these procedures for audit purposes; and

Eleventh, GAO will audit the safeguards within 2 years to ensure the safeguards are being followed.

That is what Senator THURMOND is referring to when he stated that he has examined this title II very carefully and that many, many and absolute safeguards have been provided.

As you can see we have carefully drafted the safeguards in this bill to create a solid wall separating the abortion from the decision to donate fetal tissue.

These safeguards have been reviewed by all the major medical and research groups.

They have been reviewed by all of you and your staff.

We have been open to including additional safeguards and have included several requested by our distinguished Senate colleagues.

There is no question but that this research should go forward.

For compassion, for God's sake compassion—for humanitarian interests for our people. There is no question that this research cannot go forward until this ban is lifted because the ban is arbitrary.

The ban stops promising research.

The administration has called the ban "razor sharp." I call it totally wrong and illogical.

BAN IS ILLOGICAL

First, the ban is illogical because the Bush administration currently supports fetal tissue research obtained from induced abortions.

In fact, the Federal Government spends over $14 million dollars a year on such research.

An interesting fact to many is without fetal tissue research we would still be fighting polio today. In other words, the steps that came before this step provided the polio vaccine.

Cultured human fetal kidney cells were essential to growing the polio virus and the research that led to the development of the polio vaccine.

The Government also supports fetal transplantation into animals.

Yet when it comes to saving the lives of humans, the Government has drawn an arbitrary line. That is why I say it is illogical.

Second, the ban is wrong because as a community we support organ transplantations.

The use of fetal tissue is no different from the use of adult organs and tissue in other transplants.

Organ transplants often come from car crashes and shooting deaths. No one involved in transplantation encourages more car crashes or more shooting deaths. There is no connection between the two.

No one involved in fetal tissue transplantation is encouraging more abortions.

The truth is, we can either use the tissue in what we know to be lifesaving research, or we can bury it. That is the choice.

I want to repeat that. We can use the tissue in what we know to be lifesaving research or we can bury it or burn it.

The majority of Americans want us to save lives.

The little fetal tissue transplantation research going on in the United States today is being carried out in the private sector. In the absence of Federal guidelines. In the absence of Federal scrutiny. We need carefully articulated safeguards.

That is what Judge Arlin Adams, who headed the fetal tissue transplantation panel and who is against abortion, called for when he voted to recommend lifting the ban. That is what this bill will do. It will stop the Federal Government from intervening in the scientific process and get it back in its proper oversight role. It calls on the Government to ensure that this research is carried out ethically under carefully developed guidelines. We have set forth these guidelines in detail for everyone.

This bill also restores hope to millions of Americans. To people like Joan and Anne and Reverend Walden, who have worked tirelessly to see common sense and decency prevail. I want to thank them for their work and for their compassion.

I know many of my colleagues have met these three remarkable individuals and heard their stories. I urge you to remember their lives and the lives of millions of Americans like them and vote to lift the ban on promising medical research.

I ask in the name of compassion, in the name of being a human being, of giving hope to other human beings who can see a life stretching before them of agony and death that could be helped by this type of research.

I urge my colleagues to vote for title II, to vote to lift the ban and to vote against any amendments that attempt to remove this very carefully crafted portion from the bill. I thank the President. I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I know of few issues I have had to wrestle with more in the light of conscience and belief and conviction than on this question of fetal tissue.

I stand here today as one who is unabashedly pro-life. I voted every time for the Hyde amendment and other amendments that delineate through so-called pro-choice and pro-life, both of which are oversimplified labels. I have worked throughout my career to promote pro-life causes because of my deep respect for life. I believe in the sanctity of life. A unifying goal of my political career has been to improve the quality of life for my constituents and all Americans and all humanity everywhere.

I worked to achieve this goal by promoting and supporting world peace, disarmament, improvements in education, access to health care, and increased medical research.

I have long supported the programs such as WIC and Head Start to help women and children, and I have supported efforts to improve the access to prenatal care and childhood immunizations. In addition, my colleagues have heard me speak on this floor on numerous occasions in opposition to capital punishment and nuclear proliferation.

Unfortunately, the term pro-life is increasingly associated with the antiabortion movement only. It is my hope that the term pro-life will return to its original meaning, and that is a respect for the sanctity of all life. And may I say I am just as concerned about life in the womb and life out of the womb. I strongly believe that allowing fetal tissue research is a pro-life position and, as I say, I did not reach this conclusion without careful deliberation.

Mr. President, I spoke with a number of individuals in the medical research field about the moral and ethical implications of fetal tissue transplants. I listened to the concerns of those in the antiabortion community and after careful review of the arguments on both sides, I arrived at two conclusions.

First, fetal tissue transplants hold the promise of saving life, and second, this research will not promote abortion. Having gone through this process of investigation, study, and deliberation, I strongly urge my colleagues to take the time to study this issue for I believe it is of great importance. I believe every Member should pose the question: Should we allow this tissue to be discarded rather than seize the opportunity to support life and provide hope for the millions of people who suffer from Alzheimer's disease, diabetes, Parkinson's disease, and other genetic disorders?

Securing funding for medical research is a top priority for me. Statistics show for every $1 invested in medical research, $13 are returned to our economy. The key to controlling

health care costs is finding cures and preventive treatments.

As health care costs continue to rise at an unabated rate, we must approach reform from a farsighted perspective. Clearly, the long-term return from medical research is worth the investment. This is not just an economic argument. The benefits medical research provides are more importantly felt as they relate to improving the quality of life and easing human suffering.

In terms of fetal tissue transplants, the potential is, of course, unlimited. I feel it is unlimited for a number of reasons because researchers have seen the promise of fetal tissue transplants. They should be allowed to continue this research with Federal support. A number of people have questioned the need to use tissue from induced abortions. In 1990, the Federal Government spent $8 million supporting fetal tissue research. However, the current ban only allows the use of fetal tissue from ectopic pregnancies and miscarriages and, unfortunately, researchers have found that this tissue is of little use because it is unreliable and often diseased.

Ironically, federally funded research in fetal tissue from induced abortions is allowed for use in transplants performed on rats but has been prohibited for use in humans. The success of the transplant in rats has led many scientists to believe that fetal tissue from certain types of abortion holds a promise of helping humans who suffer from debilitating diseases. For that reason, from a purely research perspective, fetal tissue research must be allowed to take place.

The administration's ban on Federal tissue research has had a negative effect on the medical community and has become increasingly difficult for researchers to raise private funds to continue their research.

These researchers have tested their theories about the benefits of fetal tissue transplants through basic research, and they have seen positive results. It is time to take this basic research one step further and apply it through research on humans. If we fail to act to lift this ban, we will essentially shut the door to applied fetal tissue research on humans. This is wrong. I have often told my colleagues who are opposed to abortion that in my view our concern for life must extend beyond birth and reach to cover the entire lifespan and experience.

Opponents of fetal tissue research have raised the concern that the success of fetal tissue transplants will lead to increased abortions and will provide an incentive or justification for a woman to have an abortion.

Mr. President, I have to reject that argument. First, let me address the concern that the number of abortions will increase. If true, this is a valid concern and was the most troubling to me, as I examined this legislation.

The legislation provides safeguards against the promotion of abortion. Most important, it requires that consent for the abortion must be received prior to obtaining or requesting consent for the donation of tissue. In other words, no discussions of the donation of tissue can take place until consent is given for the abortion.

The physician must certify that this process was followed or face criminal penalties. In addition, the bill prohibits the direction of tissue to specific individuals. This prevents a friend or a family member from having an abortion to assist an individual known to them. The bill requires that the identities of the recipient and the donor remain confidential. I believe these protections will guard against any increase in the number of abortions performed.

There is also a concern that fetal tissue research will provide an incentive for a woman to have an abortion. As we all know, there are many reasons why a woman chooses to have an abortion. While I do not believe in the right to choose an abortion except when the life of the mother is in danger, I must say, though, I am sympathetic to the situations that force a woman to make that choice.

That is why I have worked hard to support funding for family planning and for sex education. In addition, I have been an ardent supporter of contraceptive and infertility research. Included in this NIH reauthorization bill is legislation to increase the number of contraceptive and infertility research centers. The Senate Appropriations Committee on which I serve has already earmarked $6 million in appropriations over the last 2 years which would allow NIH to begin its research programs immediately.

The reality is that abortion exists because of unwanted pregnancies. Through the efforts I have mentioned above, we can reduce the number of unwanted pregnancies and thus reduce the need for abortion.

I know many of my colleagues agree with me that prevention should be our focus. I find it a weak argument to assert that the benefit of fetal tissue research will become a justification for abortion. It has been argued by the Reverend Guy Walden, who recently testified before two House and Senate subcommittees, that the availability of fetal tissue transplants may even lead to a reduction in the number of abortions. Each year, 195,000 medically necessary abortions are performed because of genetic defects found through prenatal testing. In the Waldens' case, their baby was discovered to have Hurler's syndrome, a genetic defect that eventually leads to death. The Waldens had already lost two children to this crippling disease. But because of their moral opposition to abortion, they decided against aborting the fetus. The transplantation of fetal tissue cells into the baby carried by Terri Walden has apparently been successful. Their son still has signs of the disease, but he is doing much better than his two older siblings who died from this horrible disease.

If fetal tissue transplants are proven through research to be successful, parents who learn that their baby has a genetic defect may have an option other than abortion. If this proves true, the possibility of reducing the number of medically necessary abortions may indeed become a reality.

Opponents have argued that we should not lift the ban because, if research is successful, there will never be enough tissue to satisfy demand. I do not believe this justifies prohibiting fetal tissue research. The point of medical research is to search all avenues to find cures and treatments for crippling diseases. If we censor this one aspect of research, we are hindering a researcher's ability to examine all possible solutions. No one is holding fetal tissue transplants out as a panacea. However, this research may be the key to opening the door to a cure. It serves as an important part in unlocking the mystery behind the cause of genetic defects and nervous system diseases.

If, in fact, fetal tissue transplants are found to be a therapeutic cure, is it right to deny this option to some individuals because we cannot provide it to all individuals? I do not think so. We do not have enough organs to give to everyone who needs an organ transplant, but we still allow it as an option for as many as possible. In addition, the success and desirability of organ transplants has not created a demand for coerced or compulsory demand of organs. For that reason, I do not believe it is a sufficient argument against allowing fetal tissue transplants.

Mr. President, one of my greatest concerns in this debate relates to the abuses that may occur as a result of this research. Unfortunately, it is difficult in any profession or industry to guard against all conceivable abuses. I have carefully examined the safeguards in this legislation. As I have stated before, I am comfortable with those that are now included. I worked behind the scenes to address one area I felt needed stronger protection and that was the ability to alter the timing of the abortion procedure. Working with Senator ADAMS and others of the committee, I was able to include language in the bill that prohibits physicians or researchers from changing the "timing, method, and procedures used to terminate the pregnancy." Furthermore, "no procedural changes which may cause greater than minimal risk to the fetus or the pregnant woman will be introduced into the procedure for terminating the pregnancy solely in the interest of fetal tissue research." While re-

searchers have not indicated a preference for early- or late-term tissue, I feel this language provides adequate protection against abuses that might occur.

It is important to remember that there are currently no laws regulating private fetal tissue transplantation research. Currently, fetal tissue can be sold, women can be compensated for the donation of tissue, and women can conceivably be coerced into having an abortion for this purpose—I emphasize, in private, non-public-funded research. Under this legislation all public and privately funded fetal tissue transplants would be subject to the restrictions and the safeguards included in this bill. This legislation explicitly prohibits the sale of fetal tissue, payment for the donation of tissue, and the transfer of tissue for valuable consideration. Violators of these provisions would be subject to criminal penalties, including fines or imprisonment.

Finally, Mr. President, I would like to take a moment to recognize the groups and individuals who support fetal tissue research and who have worked hard to explain the possible benefits of this research to those with crippling diseases. Supporters of this legislation include the Alzheimer's Association, the Juvenile Diabetes Foundation, Joan Samuelson and the Parkinson's Action Network, the American Federation for Clinical Research, and the National Association of State Universities and Land-Grant Colleges.

I would especially like to applaud Anne Udall, the daughter of former Congressman Mo Udall, for her courage to share her father's battle against Parkinson's disease with us. For those of us who are friends and colleagues of Mo, it has been difficult to watch this disease take its toll. His case illustrates firsthand how debilitating this illness is. His quality of life has been severely diminished, and for him there is no hope. Only a period of waiting remains until he loses his life. The possibility of fetal tissue transplants has given new hope to those who face the reality of death from diseases like Parkinson's. After watching what Mo and his family have gone through, I have to ask the question again: Can we deny this opportunity, can we deny this opportunity of hope to the millions of others who suffer from debilitating diseases? It may not be in time for Mo Udall, but I know that his hope is for the others who are younger and perhaps who can be helped as time goes along.

Mr. President, this is a very difficult issue, and the decision to support this research should not be made lightly. It is important, in my opinion, to view the sanctity of life in the broadest perspective and look at the true benefits of life that this research provides. And given the great promise of fetal tissue transplants and the protections against the abuse of the abortion decision, I believe the truly pro-life position on this issue is that of supporting fetal tissue research.

Mr. President, I yield the floor.

Mrs. KASSEBAUM. Mr. President, I wanted to follow the Senator from Oregon and appreciate very much his thoughtful comments. I think there is nothing that Senator HATFIELD has stood for more consistently in his years in the Senate than quality of life. That is reflected in one issue after another, and I was very anxious to hear his thoughtful comments on this particular and difficult issue. We come at it perhaps from a different background because I am, as they say, pro-choice. Mr. President, I have never believed that meant pro-abortion. In my case, it means I do not believe the Federal Government should make that decision. But nevertheless, the issue surrounding fetal tissue transplantation research is a very difficult one.

It is one that, as has been pointed out in the 1920's was involved in helping develop the polio vaccine when fetal tissue research was undertaken.

In the 1980's when concern arose regarding fetal tissue research, President Reagan appointed a panel, a commission to review this difficult and sensitive issue. They struggled with the scientific promise that had been offered by the research, balanced against the ethical questions involving using tissue from an aborted fetus.

As the Senator from Oregon pointed out, it is not an issue that one faces with any sort of relish or certainty. But I think that we have all felt very confident that indeed there are safeguards in this legislation that would in no way encourage an abortion, would in no way permit a monetary reward for such a decision. In fact, regarding the ethical questions involved, one aspect of this legislation that has some merit is the ethics advisory board which has been proposed. I believe it serves a very beneficial function to help work through some of the ethical questions that are before us.

The Fetal Tissue Transplantation Research Panel that was appointed by President Reagan voted 18 to 3 to lift the moratorium prohibiting the use of fetal tissue for human transplantation research.

I believe, Mr. President, that it is important for us to recognize that this panel gave a great deal of thought, a great deal of time and by that significant vote addressed a case and situation which we have been fearful of addressing here.

Because this legislation before us today has tried to answer the fears and concerns, I think it merits our support. It has been argued that private research can continue; that this has nothing to do with stopping private research. But the moratorium that has been in place since 1988 has not only stopped the federally funded research in the area of fetal tissue transplantation; it has had a chilling effect on privately funded research, an effect that has driven private founders and scientific research away from these areas of scientific inquiry.

The safeguards contained in this legislation will apply not only to fetal tissue transplantation research supported by the National Institutes of Health, but to research conducted in the private sector as well. Senator HATFIELD addressed that, as have others on the floor. So I will not go further into that. But I believe the very fact that this would provide safeguards which hitherto have not been in existence for the private arena will serve a very useful function.

Mr. President, I would make the argument that this debate is not and should not be about abortion. It is about the tragedy of disease and lives lost, and lives that might be saved through this research. As a mother and grandmother, I value life. We all value life. I have always said I think of myself first as a mother and second as a Senator. But research indicates that fetal tissue is very special tissue which could help provide enhanced lives for those who are struggling with disease, and who might have the ability to live longer if they could be able to utilize this special tissue.

The question of abortion in this country will never be an easy issue for us. There will be those who are filled with fear and concern. There will be those who view it as the only issue they wish to address.

I think we have to try and rise above that altercation, and say there are other important considerations. And when in a case such as this we have carefully addressed those issues in a way to provide protection from those who fear that it might be abused, we simply must vote in support of continuing research that could enhance the lives of those who are still living.

I yield the floor, Mr. President.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, first I want to commend my colleagues, Senator KASSEBAUM and Senator HATFIELD, for their thoughtful remarks. I think what they have said is right on the target.

I might add, because the whole question of abortion is obviously involved in this matter, that my hope is that we can in some way pull together people who are pro-choice and pro-life—not that they are going to agree—but if they could agree on some kind of constructive programs together that would reduce the numbers of abortions.

For example, we know that there are about 1 million teenage pregnancies each year, and about 400,000 of those

end up in abortions. We also know that when students drop out from school, they are much more likely to become pregnant.

It seems to me both sides ought to be able to work on that.

Now on the immediate question at hand—and it is an awkward thing, an awkward kind of an issue because we all feel a little unsettled dealing with something like this—the point has to be stressed again and again, as Senator KASSEBAUM just did, that there is no payment to anyone for an abortion. It prohibits any sale of a fetus. So I do not see that there is any encouragement for abortion.

I think there are two fundamental questions. Will this legislation, if it is passed, encourage one single more abortion in this country? And I suggest any rational reading of this means that it will not encourage one single additional abortion.

Then the second question, is a question that each of us faces with our own lives; that is, should this fetus or in the case of the Presiding Officer or the Senator from Kansas, or the Senator from Illinois, when we die should our bodies be used for some constructive purpose? Or should these fetuses, in the case of fetuses, simply be tossed away? I would like to see them used to save lives. That, it seems to me, is the right and responsible answer.

When you see what happens on Parkinson's—there is a Business Week article about the first operation performed here in the United States by the University of Colorado on a gentleman named Donald Nelson. It says, "Since then, Nelson's gait has improved enough that he usually does not need crutches." He has regained the use of his left hand and his regular dosage of medicine has been cut by 45 percent.

It is not going to help everyone. The evidence is slightly more than the majority of those with Parkinson's are helped. Some are not. But let us help those that we can.

Someone that the Presiding Officer, Senator GRAHAM, knows, someone Senator KASSEBAUM knows, a great former Congressman from Arizona, Mo Udall—I visited Mo Udall in the nursing home here, a veterans nursing home. He has Parkinson's. Mo Udall used to be a professional basketball player; used to be very, very vigorous. I could tell he could understand what I had to say, but he was able to get out only one word to me, and that was a real struggle to get out that one word. You could tell he wanted to say other things. We can prevent that.

And it is not simply on Parkinson's; Alzheimer's, other problems, where it is possible to use the fetuses to save lives. Again I stress we can do it without any encouragement for a single additional abortion. That was very clear in our hearings.

So I am pleased to join Senator KENNEDY when he offers this. I am pleased to join the sentiments of Senator KASSEBAUM and Senator HATFIELD. I hope that we will reject the amendment that would make it not possible to save lives.

Mr. President, if no one else seeks the floor, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SIMON. Mr. President, I ask unanimous consent that I may proceed for 3 minutes as in morning business.

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

The Senator from Illinois is recognized.

Mr. SIMON. I thank the Chair.

(The remarks of Mr. SIMON pertaining to the introduction of S. 2503 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SIMON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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## NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1748

(Purpose: To provide for the development of a plan for involving HIV-infected women, including pregnant women, infants, and children in studies of the safety and efficacy of HIV vaccines for the prevention and therapy of HIV infections)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1748.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following new section:

**SEC. . STUDY OF HIV VACCINES FOR THERAPY AND PREVENTION OF HIV INFECTION IN WOMEN, INFANTS, AND CHILDREN.**

Part G of title IV (42 U.S.C. 289 et seq.) is amended by inserting after section 498 the following new section:

**"SEC. 498B. STUDY OF HIV VACCINES FOR THERAPY AND PREVENTION OF HIV INFECTION IN WOMEN, INFANTS, AND CHILDREN.**

"(a) IN GENERAL.—The Secretary, acting through the National Institutes of Health, shall develop a plan for the appropriate inclusion of HIV-infected women, including pregnant women, HIV-infected infants, and HIV-infected children in studies conducted by or through the National Institutes of Health concerning the safety and efficacy of HIV vaccines for the treatment and prevention of HIV infection. Such plan shall ensure the full participation of other Federal agencies currently conducting HIV vaccine studies and require that such studies conform fully to the requirements of part 46 of title 45, Code of Federal Regulations.

"(b) REPORT.—Not later than 6 months after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report concerning the plan developed under subsection (a).

"(c) IMPLEMENTATION.—Not later than 12 months after the date of enactment of this section, the Secretary shall implement the plan developed under subsection (a), including measures for the full participation of other Federal agencies currently conducting HIV vaccine studies.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to enable the Secretary to carry out this section, $50,000 for fiscal year 1993, $2,500,000 for fiscal year 1994, and $5,000,000 for fiscal year 1995.".

Mr. HATCH. Mr. President, for 1981, when AIDS reporting began, through the end of February 1992, over 22,000 cases of AIDS have been reported among adult women and adolescent females, 13 years of age and older, in our country. In addition, nearly 3,600 AIDS cases have been reported among infants and children less than 13 years of age.

Although these cases of AIDS in women represent only 10 percent of the total number of 213,641 AIDS cases reported to the Centers for Disease Control, the incidence of AIDS in women has been increasing more rapidly than in other groups. Between 1990 and 1991, the number of women with AIDS increased by 15 percent, compared with a 4-percent increase of AIDS among men.

Although mortality data are not yet complete for 1991, AIDS is expected to be the fifth leading cause of death in America among women 15 to 24 years of age, and the sixth leading cause of death among women age 25 to 44.

The occurrence of AIDS among racial and ethnic minority women confirms the disproportionate burden of HIV infection among these women. Black and Hispanic women make up 17 percent of all American women, but they represent 74 percent of all reported AIDS cases among women.

Until recently, women have not been fairly represented in the studies of

treatments for HIV infection and the diseases that result from the immune deficiency caused by HIV infection. But there is a crying demand for effective treatment both for men and for women, as well as infants and children. NIH is supporting trials of drugs against HIV in women, including pregnant women, to determine whether or not such antiviral therapies will prolong the life of the infected women and also prevent HIV infection in their unborn children, without harming these fetuses. Because 60 to 80 percent of the children born to HIV-infected women will not be infected during pregnancy or delivery, the risks and benefits of any treatments to these unborn children must be carefully weighed.

Another avenue of HIV treatment currently generating considerable interest is the use of HIV vaccines to stimulate—or strengthen—the body's own host immune defenses to slow the growth of HIV in those already infected with HIV. Although vaccines are most commonly used to prevent infection, current research is looking at the safety and effectiveness of HIV vaccines as treatment for those with HIV infection. Small trials of such vaccines now are underway in men, but I believe that women, as well as infants and children, should be considered for inclusion in these important studies. All HIV-infected individuals need the best treatments that science can offer; pregnant women with HIV infection especially need access to the best therapies to reduce the risk of transmitting HIV infections to their unborn children. In this amendment that I am offering today, the Secretary of Health and Human Services is asked to develop a plan within 6 months for the appropriate inclusion of HIV-infected women, HIV-infected infants, and HIV-infected children in studies of the safety and effectiveness of HIV vaccines for the treatment of HIV infection, and the prevention of HIV infection in the unborn infants of HIV-infected pregnant women. He is also asked to begin to include women and children in these trials within 12 months.

Certainly there are many important questions that need to be addressed. For example, it is not possible at the present time to determine which infants born to an HIV-infected mother will actually carry the virus that causes AIDS, rather than simply having a positive blood test. All newborn infants test positive because the mother's blood antibodies cross the placenta into the bloodstream of the fetus. However, HIV will cross the placenta to infect the baby at delivery only 20 to 30 percent of the time. Not until all maternal antibodies have disappeared at 6 to 12 months can a doctor be certain that a baby is not infected.

I believe that the studies called for in this amendment are vital to the well-being of all HIV-infected women and children. I believe that we should learn from the experience of all Federal agencies currently conducting HIV-vaccine trials. I know, for example, that scientists at the Walter Reed Army Institute for Research have been actively involved in such studies. They should be full partners in such research.

I am confident everybody here will see the wisdom of this amendment, and since today is the day that Eileen Getty came to visit me—and I would say she has been heroic in her approach to heighten the awareness of the American public about the advancing causes of HIV infection in women—I thought it would be a very appropriate thing to ask for this type of further research out at NIH. I cannot imagine anybody who would not want it and not want to be a cosponsor and support this amendment.

I think it is the right thing to do. I would like to tell our colleagues we had been thinking about the problem a long time, but we thought about the actual amendment in the last minute here, and I think our colleagues should like this amendment.

I hope our distinguished friend from Massachusetts, who has been my friend and one of the great leaders in the Congress on the issue of AIDS legislation, with whom I have worked very hard to pass AIDS legislation, will also agree to support it at this time.

And I wish we would have had more time to inform people of it. It is a very clear-cut amendment; it is a very simple amendment; and it would help to resolve a significant, serious problem. And I think it would show the appropriate compassionate concern for women in our society, one of the groups—in fact, the group—that is increasing in HIV positiveness faster than any other group in society.

Mr. President, I ask that the amendment be accepted. If we can, I will be happy to go to a vote on it, or anything else.

I yield the floor.

The PRESIDING OFFICER. Is there debate?

The Senator from California.

Mr. CRANSTON. Mr. President, I rise to speak to the bill itself, rather than to the amendment that the Senator from Utah offered.

Mr. President, I rise today to speak in favor of the National Institutes of Health Reauthorization Act of 1991.

The National Institutes of Health [NIH] have pioneered a number of advances in biomedical research over the last 100 years. Researchers at the NIH have worked tirelessly and successfully to combat a wide range of debilitating and deadly diseases. However, in the last decade, the NIH's ability to forge new medical breakthroughs has been restricted by budget constraints and administrative bans on research. This bill would focus Federal research funding on a number of chronic and deadly diseases and overturn administrative restrictions on promising biomedical research.

The NIH reauthorization bill would provide for a 30-percent increase in the National Cancer Institute [NCI] budget over last year's appropriations to $2.5 billion. The committee report also notes advances in the treatment of cancer involving a new form of radiotherapy [three-dimensional conformal radiation therapy] which has been available to the public only on a limited basis due to the lack of clinical trials. I am aware of the effectiveness of the three-dimensional conformal radiation therapy and am pleased that the committee supports developing therapeutic modalities that will reduce morbidity and mortality from cancer and encourages expanded efforts at NCI toward this end.

The NIH reauthorization bill makes great strides in including women and minorities in scientific research. Women's health issues have received scant attention both in terms of funding and research. In the past, the NIH spent only about 13 percent of its budget on women's health. Many medical treatments currently used on women are based on studies conducted entirely on men. The NIH reauthorization bill requires the appropriate inclusion of women and minorities in research projects supported or conducted by NIH; creates by statute an office of research on women's health; establishes an intramural research program in obstetrics and gynecology to study osteoporosis and related bone disorders, and centers for research on contraception and infertility. In addition, the bill provides increased authorization for NCI which will go toward expanded research in breast and gynecological cancers.

The NIH reauthorization bill also would overturn a ban on fetal tissue transplantation research, and establish certain safeguards to allow researchers the freedom to use fetal tissue transplantation research in developing treatments for a host of incurable diseases. Federally regulated research of human fetuses had been conducted for about 50 years. Fetal tissue transplantation research has shown great promise in combating a wide range of diseases such as Parkinson's, Alzheimer's, diabetes, spinal cord injury, and other chronic diseases. However, progress in this line of research was halted in 1987. The administration issued the ban based on the belief that fetal tissue transplantation research would increase the incidence of abortion.

Subsequent to issuing the ban, the administration formed the human fetal tissue transplantation advisory panel and the NIH formed the Director's advisory committee consisting of experts to study the fetal tissue transplantation research issue.

After a thorough investigation, the panel found no evidence that the use of fetal tissue for research affected decisions regarding abortion and safeguards could be applied to minimize any possible encouragement of abortion. The panel recommended the lifting of the ban on fetal tissue research with certain safeguards. The advisory committee adopted the panel's report and also recommended that the ban on fetal tissue transplantation research be lifted. Despite the findings and recommendations of the advisory committee and panel, Secretary Sullivan rejected their findings and recommendation and decided to continue the ban on fetal tissue transplantation indefinitely.

The continuation of this ban is groundless and irresponsible based on the panel's findings and recommendations. More importantly, the ban on fetal tissue transplantation is thwarting the discovery of possible treatments for a number of presently incurable diseases. It is irresponsible for the Secretary to prevent biomedical research that may lead to the treatment of the most chronic and deadly diseases such as cancer, Parkinson's, Alzheimer's, and diabetes.

In addition to overturning the ban, the NIH reauthorization bill would provide the safeguards recommended by the NIH panel to ensure that the decision to have an abortion is not linked in any way to a woman's decision to donate the tissue to research. These safeguards provisions require informed consent from the donors, researchers, and recipients and that the donor sign a statement acknowledging the tissue is for use in transplantation research, that the donation is unrestricted and that no information has been provided as to the identity of possible recipients. The safeguards also require that the attending physician certify in writing that consent to the abortion was made prior to obtaining or requesting consent for the donation. Furthermore, the safeguards would make it unlawful to purchase human fetal tissue or to donate tissue to a designated recipient or family member. These safeguards will ensure that any potential for abuse is avoided.

Furthermore, the NIH reauthorization bill would also expand research on AIDS by establishing a loan repayment program for health professionals who agree to conduct AIDS related research at the NIH, directing the NIH's clinical evaluation units to conduct trials of treatment for opportunistic infections and cancers, and recruiting more minorities, women, children, and intravenous drug users for clinical trials. As the incidence of AIDS is growing in minority communities, the need for expanded research in this area is critical.

The NIH reauthorization bill would also ensure that the NIH conduct or support scientifically meritorious research on human sexual behavior designed to address public health concerns.

Research on human sexual behavior is the first and necessary step to prevent unwanted pregnancies and stop the spread of sexually transmitted diseases [STD's] and HIV/AIDS. The number of unmarried pregnant teenagers has climbed to 8.5 percent of all births. The number of people contracting STD's and HIV/AIDS especially among young people and minorities is also on the rise. Fortunately, these problems and diseases are preventable. However, in the absence of accurate and current data on human sexual behavior, researchers, and public health officials are limited in their ability to stop unintended pregnancies and the spread of STD's and HIV/AIDS. Presently, researchers and public health officials must rely on 50-year-old data. Researchers and public health officials cannot hope to stop unintended pregnancies and the spread of STD's and HIV/AIDS using this outdated information.

Mr. President, the NIH reauthorization bill is a comprehensive bill which addresses the most critical health issues facing our Nation today. I commend my colleagues on the Labor and Human Resources Committee for their efforts.

I specifically want to praise Senator KENNEDY for his leadership on this matter. I ask my colleagues to support the NIH reauthorization bill.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

[Mr. KENNEDY addressed the Chair.]

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as my friend from Utah understands, we have included in this NIH legislation a provision for the Department to develop and implement a plan for research on HIV, which includes research on vaccines. The bill also provides for the development of a longer-term plan in this area, including other associated diseases of individuals who have HIV. We have seen that those who are HIV positive develop, in many instances, other kinds of diseases on which there has not been sufficient focus and attention with regard to research. The idea of focusing attention also on pregnant HIV individuals and their children is exceedingly worthwhile.

I am going to urge that the Senate accept the amendment. What has been brought to our attention when we looked at this particular issue is that there are enormously difficult ethical issues involved in considering these questions because of the possibility of the utilization of a drug during pregnancy which may delay the progress of HIV but may have an adverse impact in terms of the fetus.

We do not expect, obviously, to address those complex ethical and medical questions here. But there will be some difficult and complex issues that the Department will have to address, and we have established the mechanisms to try to deal with those complex ethical issues and questions. And we have every indication that, as we proceed in this area, we are going to feel our way and do the best that we can.

But focusing on pregnant women who test positive for HIV and considering the enormous dilemma that we face with children are positive steps. We are just beginning to find out now that a number of infants at the time of birth who test HIV positive do not necessarily develop the full nature of the disease itself. We have even seen examples where children are born HIV positive and then over a very short period of time are virtually free from the disease. It is very difficult to understand how this has developed because apparently there is a good deal of research being done in this area. So I would certainly urge our colleagues to accept this proposal.

We are mindful of the difficulties we are going to have in terms of implementation. I know Senator HATCH and I will be glad to work with NIH to defer on certain protocols in this area, but bringing focus and attention to this particular human dilemma is very worthwhile. I certainly commend the Senator from Utah for the focus and attention that he brings to this issue and we will certainly work with him and others to try to see that the objectives of the amendment are achieved at NIH.

Mr. HATCH. Mr. President, I thank my colleague for his kind remarks and for his willingness to accept this amendment.

All it does and all it calls for is that the Secretary of HHS is directed to develop a plan for including HIV infected women, including pregnant women, HIV infected infants and HIV infected children in HIV vaccine trials at NIH. These studies concern the safety and effectiveness of HIV vaccines in treating HIV infection and in preventing HIV infection in the unborn infants of HIV infected women.

The Secretary is to develop the plan within 6 months, and to begin including women and children in these trials within 12 months following the effective date of this bill.

It is authorized at $50,000 for fiscal year 1993, $2.5 million fiscal year 1994, $5 million fiscal year 1995.

So it is a very simple amendment. I appreciate being able to work with my good colleague. We have worked together on these measures for a long time.

Mr. President I ask that the amendment be agreed to.

The PRESIDING OFFICER. Is there any further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1748) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1749

(Purpose: To provide for the establishment of a physician and hospital registry and a fetal tissue bank)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1749.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

Beginning on page 28, strike out line 7 and all that follows through line 15 on page 44, and insert in lieu thereof the following new title:

TITLE II—PROVISIONS CONCERNING FETAL TISSUE

**SEC. 201. FETAL TISSUE REGISTRY, FETAL TISSUE BANK AND FETAL CELL LINES.**

Part G of title IV (42 U.S.C. 289 et seq.) is amended by inserting after section 498 the following new section:

**"SEC. 498A. FETAL TISSUE REGISTRY, FETAL TISSUE BANK AND FETAL CELL LINES.**

"(a) ESTABLISHMENT OF REGISTRY.—The Secretary shall establish a nonprofit registry of physicians and hospitals desiring to participate in and facilitate the creation of a nonprofit human fetal tissue bank, established with tissue obtained from spontaneous abortions and ectopic pregnancies, for use in human fetal tissue transplantation. Such registry shall be funded by the Department of Health and Human services and administered through the National Institutes of Health.

"(b) ESTABLISHMENT OF TISSUE BANK.—The Secretary shall establish a nonprofit human fetal tissue bank, for tissue obtained from ectopic pregnancies and spontaneous abortions, for use in human fetal tissue transplantation. Such registry shall be funded by the Department of Health and Human Services and administered through the National Institutes of Health.

"(c) STUDY.—

"(1) CONTENTS.—The Secretary shall conduct a study that shall include—

"(A) an assessment of the adequacy, in terms of quality, of the human fetal tissue obtained from spontaneous abortions and ectopic pregnancies and with respect to the research use of such fetal tissue in human fetal tissue transplantation for diseases and conditions such as, neurological diseases, endocrine diseases (such as diabetes mellitus), and hematopoietic conditions (such as leukemia or aplastic anemia);

"(B) an assessment of the overall availability and potential supply of tissue from such sources with respect to future research needs described in subparagraph (A); and

"(C) an examination of the methods and approaches of recovering, identifying, and characterizing fetal tissue and fetal cells obtained from such sources.

"(2) REPORT.—Not later than 6 months after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report concerning the results of the study conducted under paragraph (1).

"(3) PARTICIPATION OF INVESTIGATORS.—Nothing in this section shall prohibit investigators who are not affiliated with the National Institutes of Health from participating in the registry and tissue bank established under this section for purposes of conducting human fetal tissue transplantation research.

"(d) HUMAN FETAL CELL LINES.—The Secretary, acting through the National Institutes of Health, shall establish human fetal cell lines using cells obtained from spontaneous abortions and ectopic pregnancies.

"(e) ADDITIONAL STUDIES.—

"(1) PRESERVATION OF FETAL CELLS AND TISSUE.—The Secretary shall conduct a study to assess the various methods available for the optimal preservation of viable human fetal cells and tissues, including an assessment of—

"(A) the transportation and storage conditions involved;

"(B) the intervals between the collection of such cells and tissues and the cryopreservation or utilization of such; and

"(C) the methods and conditions for maintaining the optimal viability and functional integrity of both frozen and unfrozen cells and tissues.

"(2) OUTCOMES MONITORING.—The Secretary shall conduct a study to monitor the outcomes of the transplantation of human fetal cells and tissue in recipients.

"(3) ECTOPIC PREGNANCIES AND SPONTANEOUS ABORTIONS.—The Secretary shall conduct a study to determine the causes, and demographic and epidemiological characteristics, of ectopic pregnancies and spontaneous abortions, for the purpose of developing and evaluating strategies for improved treatment and prevention of such complications of pregnancy and for improved fetal survival.

"(4) REPORTS.—The Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report concerning the results of the—

"(A) study conducted under paragraph (1), not later than 1 year after the date of enactment of this section;

"(B) study conducted under paragraph (2), not later than 1 year after the date of enactment of this section, and biennially thereafter; and

"(C) study conducted under paragraph (3), not later than 1 year after the date of enactment of this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to enable the Secretary to carry out this section, $25,000,000 for fiscal year 1993, to remain available for 5 years.".

On page 115, strike lines 1 through 17.

Mr. HATCH. Mr. President, this is one of the main issues of contention on this particular bill. This one does involve the fetal tissue issue. My amendment will provide the needed source of tissue for human fetal tissue transplantation research without needlessly embroiling scientists in issues in which the larger community holds polarized views.

I am concerned about fetal tissue research. I want fetal tissue research. I want it to continue, and I want it to be outside of this awful abortion debate that rages up and down America. And I believe the only way to do it is in a way that enhances fetal tissue research while moving it outside of the polarized viewpoints of many people.

The moratorium itself does not prohibit the use of tissue obtained from spontaneous abortions and ectopic pregnancies. Tissue from those sources is free from the controversial baggage that should accompany tissue obtained from elective abortion.

In an April 20, 1989, New England Journal of Medicine article, Stanford University Medical Center Committee on Ethics stated in a paper entitled, "Ethical Use of Human Fetal Tissue in Medicine":

If tissue from spontaneous abortions could reasonably satisfy medical demands in both quantity and quality, it would be preferable to avoid the ethical problems of using tissue from induced abortions.

Now, in the largest systematic study of miscarriages conducted, they examined 3,518 in-hospital miscarriages from 1975 to 1985 in three New York City hospitals. The data indicates that 5 to 7 percent of all miscarriages occurring in hospitals would be potentially suitable for transplantation. So the criteria would be normal appearance, chromosomally normal, live or recently deceased, and the miscarriage occurs in a hospital; gestational age is 8 to 20 weeks. The number found to be potentially suitable for transplantation was 176, or approximately 5 percent. This is the clinical study of miscarriages occurring in New York City hospitals between 1975 and 1985.

Mr. President, this chart makes it very clear that we have a considerable amount of fetal tissue available for NIH research. And this is just one city, one area. In fact, many investigators at Columbia University requested and were provided tissue from this clinical study for their own studies, and they considered such tissue very satisfactory. An estimated 5 to 7 percent of all in-hospital spontaneous abortions each year are potentially suitable for transplantation.

This study shows that fact. By using spontaneously aborted materials, without induced abortion materials, we avoid the ethical controversies and the screaming and shouting that occurs on this issue and we allow science to go forward without any interference from anybody; without any anguish from anybody; without any major concerns by any particular group. This is a very, very important study and it is one of a number that are going on.

So, an estimated 5 to 7 percent of all those spontaneous abortions each year are suitable for transplantation.

There are over 100,000 ectopic pregnancies. The number of ectopic preg-

nancies per year in the United States, in 1970 was 17,800; in 1980 this was 52,000; in 1987 this was 88,000; and in 1990 there were 100,000 estimated ectopic pregnancies, rounded to the nearest hundred.

There are, then, over 100,000 ectopic pregnancies every year. And the estimates are that there will be 1,000 to 2,000 such pregnancies yielding tissue potentially suitable for transplantation.

So, if you add the ectopic number of pregnancies of 1,000 to 2,000 with the miscarriages, or spontaneous abortions, you are talking about approximately 5,000 to 7,000 annual number of spontaneous abortions and ectopic pregnancies yielding tissue potentially suitable for transplantation.

There does appear to be enough tissue from those two sources to meet our research needs in this country. The total number of fetal tissue transplants performed in the United States over the last 30 years is shown on this next chart. It is entitled "U.S. Experience With Fetal Tissue Transplantation."

The total number over the last 30 years is around 60. A generous estimate of current research needs in the United States indicates that fetal tissue would be needed for less than 200 transplantations. So you have basically these cell types: pancreas, neural and the liver and thymus, which are used for bone marrow transplants. The gestational ages most often used are, 10–20 weeks for the pancreas; 7 to 11 weeks neural, and 8 to 14 weeks liver, thymus and bone marrow.

The total number of pancreas transplants through 1990 were 38; the number of neural tissue transplants were 3; with 18 scheduled in the area of neural; and a unknown number, a few in the area of liver, thymus and bone marrow. There was only one transplant involving an infant suffering from Hurler's disease. Over the last 30 years in the United States there have only been 3, as I have said, total neural transplants in the whole country. There have only been 19 worldwide, and 38 fetal pancreas transplants in our whole country.

A generous estimate of current research needs in the United States indicates that fetal tissue would be needed for less than 200 transplantations. So there appears to be an adequate supply of tissue out there that we can use that would come from a source that nobody would find morally objectionable or ethically objectionable.

In this chart, we have the annual number of spontaneous abortions and ectopic pregnancies yielding tissue potentially suitable for transplantation. That number is 6,000 to 7,000.

The current annual U.S. research needs is less than 200.

The source, of course, it is based on the estimates, based on discussions with private researchers at NIH and the New York study of miscarriages.

This prior chart, U.S. Experience With Fetal Tissue Transplantation, comes from the report "Use of Human Fetal Tissue: Scientific, Ethical, and Policy Concerns, January 1990," developed by scholars at the University of Minnesota.

The sources for this prior chart, regarding the number of ectopic pregnancies per year, is the Centers for Disease Control, Morbidity and Mortality Weekly Report of December 1990, and National Institute of Child Health and Human Development.

So there appears to be an adequate supply of human fetal tissue for transplantation purposes from sources that no one could find ethically or morally objectionable.

It is important to pursue all avenues of research where possible. No one area should be promoted to the exclusion of all others.

The Hatch amendment, in addition to providing for the needs of human tissue fetal transplantation research, also fosters research in the area of establishing human fetal cell lines. These human fetal cell lines may in the future provide a source of cells that have been genetically engineered to produce specific hormones and other proteins.

The number of ectopic pregnancies in this country has been increasing. From 1970 to 1987, as you can see, the number of ectopic pregnancies have increased—indeed they are increasing. The source on this again is the Centers for Disease Control, taken from its Morbidity and Mortality Weekly Report, December 1990.

From 1970 to 1987, the number of ectopic pregnancies has increased fivefold.

The Hatch amendment authorizes a study of the causes of ectopic pregnancies and spontaneous abortions. Little research has been done in this area to date. Learning more about the causes of these conditions will not only facilitate human fetal tissue transplantation research, but help to improve the treatment and prevention of these conditions; and, therefore, improve fetal survival.

I would like to move the science of this matter outside of the orbit of the abortion debate. Whenever the issue of abortion comes up, we see Supreme Court nominees threatened. We see other people who might possibly be good servants of Government, threatened on that single issue. We see normal people in this body turn into very antagonistic opponents. We see outside groups going at each other all over this country in ways that sometimes seem unseemly. We see it used continuously, the issue of abortion, for political purposes. We see people afraid to even stand up on this issue one way or the other. We see a lot of material that is not true on both sides of the issue. We see ethical and moral considerations completely, sometimes, flung aside—other times raised in imperious and fallacious ways. We see normally cooperative and good people begin to hate each other. We see the county in a turmoil. We see it become an issue in major elections. We see it as an issue in the Presidential elections of this country, even though the polls show that most people are not going to make the selection of who they vote for solely on that issue.

So it becomes an issue of who can present their case the best? Who can raise the most concerns? Who can distort the facts around us? Who can hit home with the 30-second spot? And in the process we now have, the way it is written in this bill, bringing that whole issue with its whole contentions, its whole difficult set of issues, its complete unearthing of issues that could stultify and hurt science—we see that brought into this bill the way it is currently written, in a way that brings all of the ethical and moral, religious and other considerations into the ban.

My amendment prevents all of that. And if my amendment would not provide enough fetal tissue for transplantation purposes, I think I would see it another way myself perhaps, or at least I would certainly give every consideration to a better methodology of trying to resolve these problems.

But the way the bill is written, we are going to get into unnecessary debates and a potential veto, dissatisfaction of people all over this country and a continual uproar that really is not necessary. I think I have made the case that we will get enough fetal tissue from spontaneous abortions, in other words, miscarriages, and from ectopic pregnancies, as many as there are and the small percentage that it is, that it will be way in excess of what we need to conduct the research that is required in this country.

Under this amendment, we can reach every scientific conclusion within the available potential of fetal research, and certainly more than we can currently do.

Some have said, in order to discourage this approach, that although there are thousands of spontaneous abortions, they mostly occur outside of the hospitals which makes it impracticable to obtain usable fetal tissue.

The test is not whether spontaneous abortions are, from a narrow scientific perspective, the best source of fetal tissue or whether tissue from every spontaneous or ectopic abortion may be salvageable. The question is whether a sufficient supply of tissue can be obtained that will allow the science of fetal tissue research to proceed in a scientifically sound and unobjectionable manner.

My amendment attempts to enact measures that will systematically answer the question of the feasibility of the use of both spontaneous and ectopic pregnancies. That we may not be

able to use most or even a very small percentage of cells from spontaneous abortions is irrelevant. What is relevant and what my amendment seeks to accomplish is whether we can obtain enough usable fetal material from spontaneous and ectopic pregnancies to allow fetal tissue science to proceed in a socially acceptable manner.

Some have said that in order to discourage the approach that I am making here, that even when spontaneous and ectopic abortions occur in health care facilities, they often do so in sites remote from the research institutions that conduct fetal tissue research. The means with which fetal tissue can be transferred from collection site to research facility I think is a valid logistical concern, but it pales in importance to the social and ethical considerations that lead me to offer this amendment which centers on the source of fetal material.

My amendment seeks to arrive at a compromise by which valuable research can take place consistent with deeply felt concerns over the source of fetal cells. A major purpose of my amendment is to facilitate the transfer of fetal cells from spontaneous and ectopic abortions into the hands of researchers situated around and throughout the whole country. Let us fairly try this approach before we pronounce it a failure, as some have tried to do. It is not a failure. It will work. And it will prevent the inordinately destructive debate later.

It is far more appropriate to accommodate the legitimate social and ethical concerns regarding the sources of tissue than it would be to devise a system whose overriding purpose is to ease the collection of fetal material. What type of cells will be used is much more important than the ease with which we collect them.

Some have also said, to discourage the support for this amendment, that tissues from ectopic and spontaneous abortions generally possess a greater frequency of viral and bacterial contamination than tissues from elective abortions. Because ectopic pregnancies are treated either by entering the abdomen with an endoscope or by opening the abdomen surgically, sterility of the tissue is maintained.

Spontaneous abortions are associated with some increased probability of bacterial infections because such infections are one of the causes of fetal loss during pregnancies. Bacterial infections that enter the uterus through the cervix, so-called ascending infections, may occur during later stages of pregnancies in women who have incompetent uterine cervixes. Other opportunities for bacterial or viral infections can occur during passage of the abortive tissue through the cervix or storage in unsterile containers after delivery. However, antibiotic treatment can reduce the occurrence of bacterial infections. So I think that is a very false argument as well.

Mr. President, some have said, to discourage this amendment, that a good way to address contentious social and ethical questions in biomedical research, such as fetal tissue research, is through the ethics advisory board created by this bill. The recommendations of this board would be binding on the Secretary in cases in which the Secretary wishes to withhold research funding purely on ethical grounds. If there was ever a good example of the old adage, "tough cases make hard law," this is it.

In their zealous desire to overturn the current moratorium on human fetal tissue transplantation, proponents of the bill have adopted an ethics advisory board mechanism that could override the judgment of the Secretary in cases in which the Secretary chose to disapprove peer reviewed scientific research proposals on ethical grounds. The provision is lousy law and very poor policy.

The Justice Department has taken the position that this provision raises important constitutional objectives under the appointments clause. The Justice Department has stated "proposed section 492(B)(1) would prevent the Secretary from withholding funding for research on ethical grounds unless he convenes an ethics advisory board to study the ethical implications of the research and unless the majority of the ethics board recommends he withholds the funds on ethical grounds. Because the members of the ethics advisory board would exercise 'significant authority pursuant to the laws of the United States' they would be 'officers of the United States.' Consistent with this status, the board members would be appointed by the Secretary under the proposed new section 492(A)(b)(4)(C) as inferior officers under the direction of the Secretary, the work and preliminary report of the board would be subject to revision by the Secretary."

The full text of this letter has already been included in the RECORD.

Mr. President, the proponents of this bill, it seems to me, would stand the law of this country on its head by making the recommendations of the advisory committee binding. In addition to being bad law, this provision is bad policy. A wise man once said to me, never ask for advice if you have to take it. This bill violates this principle. I believe that it is a matter of sound policy that the Secretary of Health and Human Services has the responsibility to weigh the ethical considerations attendant to fully supported research. To paraphrase Harry Truman, this particular type of policy should make a final stop at the Secretary's desk and not with some ad hoc committee.

Some have also said, to discourage my amendment, tissues from ectopic and spontaneous abortions generally possess a greater frequency of genetic elective or induced abortions. It is important to distinguish between tissue obtained from spontaneous abortions and ectopic pregnancies because the rates are very different.

Ectopic pregnancies occur because the fertilized ovary is implanted outside of the uterus, not because the embryo is abnormal. Thus, there is no evidence that genetic abnormalities occur with increased frequency in ectopic pregnancies.

Spontaneous abortion is the most common complication of pregnancy, affecting 1 in 4 of all women who become pregnant defined as fertilization of an ovary. Moreover, it is generally recognized 12 to 15 percent of clinically recognized pregnancies will end. Major genetic defects will usually cause the early demise of a fertilized egg and embryo. Thus, the frequency of spontaneous abortions is highest in early pregnancy. For example, the incidence of chromosomal abnormalities may be about 60 percent of nonspontaneous abortions occurring before 12 weeks of gestation while the incidence of such abnormalities above 12 weeks drops to about only 10 or 20 percent.

Causes of spontaneous abortions later in pregnancy are more often the result of internal factors. By selecting fetal issue from spontaneous abortions between 8 and 20 weeks of gestation, the risk of genetic abnormalities will be reduced. Screening cytogenetic and chromosomal studies can determine which tissues are most suitable for transplantation.

Now, some have said also in order to discourage this amendment that the fetal tissue amendment flies in the face of the argument that the Administration and I have made regarding micromanagement of science at the NIH by the political considerations exerted by Members of Congress.

Now, when we object to the micromanagement of NIH, we properly and carefully distinguish between unjustifiably interfering with the detailed research program that should be fundamentally in the purview of the science community and the responsible consultative process between the Congress and the executive branch agencies in charting parameters prior to embarking on a new major avenue of research.

Because of the longstanding tensions associated with the issue of abortion in our society, it is proper to fully discuss and delineate safeguards before we embark down a research path, however promising, that threatens to embroil the NIH into the larger societal conflict over abortion.

Deciding what boundaries to place on federally funded human fetal tissue research is a very different type of question than congressional interference with noncontroversial garden variety

research decisions. The passage of the Hyde amendment in the late 1970's established a principle whereby we strived to keep taxpayer funds out of activities that can be fairly interpreted as encouraging abortion.

Far from ill-conceived micromanagement, by amendment is a valid exercise of proper congressional scrutiny into an area of broad societal disagreement and interest. I would urge all of my colleagues to join in my effort to balance the inexorable pressures for science progress with the deeply felt concerns of those many citizens who believe that, if unchecked, fetal research would result in additional abortions.

Regardless of whether you agree or disagree with the balance established by my amendment, it attempts to address a highly contentious social issue that cannot fairly be characterized as mere micromanagement. I suspect that but for this issue there would not have been a Presidential veto last summer and we would not be locked in this fierce debate today. There is a larger issue here.

Let me just summarize the Hatch fetal tissue amendment. It immediately establishes a nonprofit registry and a tissue bank using tissue obtained from spontaneous abortions and ectopic pregnancies for use in human fetal tissue transplantation. And I believe it brings everybody into the orbit of good science without all of the ethical and moral arguments and fights that will inevitably occur if this amendment is not passed.

And I think it does it in a way where we have cooperation and we can march forward in valuable fetal tissue research and study.

My amendment requires a study to be completed within 6 months to look at the quality and the availability of tissue from these sources and to address the logistics of recovering, identifying and characterizing the tissue. It authorizes the Secretary of Health and Human Services to develop human fetal cell lines and study methods of preserving viable human fetal cells and tissues.

For example, the study will examine transportation, storage, preservation and maintaining the viability of frozen and unfrozen cells and tissues. It studies the outcome of the transplantation of human fetal cells and tissue in recipients. It requires the Secretary to study the causes of spontaneous abortions and ectopic pregnancies to help develop strategies for improving the treatment and prevention of these conditions and to improve fetal survival. And it authorizes $25 million for fiscal year 1993 to remain available for 5 years.

Now, Mr. President, I believe this amendment will strengthen the bill. My amendment guarantees that the research will proceed without offending anyone's ethical beliefs concerning human fetal tissue transplantation. Senior advisers to the President have indicated they will recommend a veto of this bill unless the issue is satisfactorily resolved and important human fetal tissue transplantation research that might have been done stands a good chance of being sacrificed. Nothing will have been gained, in my view, for the good of those whose hope for a better future rests with the National Institutes of Health or those dedicated scientists who labor on their behalf.

Our fellow Americans who are crippled by certain diseases wait for a sensible and decent resolution. So I am asking my colleagues to join me in support of this amendment. I believe it is the right way to go. I believe it is the approach that will get us to the best science in the quickest fashion. I believe that it will bring people together rather than tear them apart. I believe that it will allow for fetal tissue transportation more quickly and better than in any other way, and in the process I think we would all be better off.

Mr. President, I do not intend to prolong this. I think I have made the basic points, and at this point I will yield the floor .

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I wonder if the Senator is familiar with Julianne Byrne, who is the senior staff fellow of the Clinical Epidemiology Branch at the National Cancer Institute of NIH who participated in this study.

Mr. HATCH. Yes; I am.

Mr. KENNEDY. I understand that Julianne Byrne was the principal staff individual, as the senior staff fellow, who did the study upon which these charts are based, and which was never published. The information that is being presented here is selective information of a study that was not published in which Julianne Byrne was the senior staff official.

I am wondering if the Senator from Utah would indicate whether there was an evaluation that was done in terms of the fetuses with regard to the brain, which is a principal aspect of transplantation research, particularly in the areas of Alzheimer's disease and other neurodegenerative diseases.

Mr. HATCH. Is the Senator asking a question?

Mr. KENNEDY. Yes

Mr. HATCH. As I understand it, Dr. Julianne Byrne has indicated an intention to publish this material, I have the following letter from Dr. Byrne, who is the senior staff fellow Ph.D. from the Clinical Epidemiology Branch of NCI. This letter is dated March 26, 1992.

It says:

On Friday, March 20, 1992, Scott Daniels of your staff called to inquire about the proportion of miscarried embryos and fetuses that would be suitable for studies such as fetal tissue transplant.

Please note that the data under discussion resulted from my prior employment and not from my current position as an NCI employee.

The answer is about 7 percent. This percentage comes from a study of all miscarriages less than 28 weeks gestational age occurring in three New York City hospitals between 1975 and 1985—the largest such study ever conducted.

The pathology component of this study, for which I was responsible, ran from 1977 until 1981. Together with William A. Blanc, Professor of Pediatric Pathology, I evaluated more than 3,500 specimens resulting in 14 papers, a book, (Oxford 1991), and a lab manual, (March of Dimes 1983) on the pathology of miscarriage.

Although my active involvement in this area ceased in 1984, the study remains the only systematic survey of the problem yet attempted.

And then she goes on further beyond that.

I ask unanimous consent that that be printed in the RECORD.

Mr. KENNEDY. It should be included.

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

NATIONAL INSTITUTES OF HEALTH,
NATIONAL CANCER INSTITUTE,
*Bethesda, MD, March 26, 1992.*

Hon. ORRIN HATCH,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR HATCH: On Friday, March 20, 1992, Scott Daniels of your staff called to inquire about the proportion of miscarried embryos and fetuses that would be suitable for studies requiring normal fetuses, such as fetal tissue transplants. Please note that the data under discussion resulted from my prior employment, and not from my current position as an NCI employee.

The answer is: about 7 percent.

This percentage comes from a study of all miscarriages (less than 28 weeks gestational age) occurring in three New York City hospitals between 1975 and 1985—the largest such study ever conducted. The pathology component of this study, for which I was responsible, ran from 1977 until 1981. Together with William A. Blanc, Professor of Pediatric Pathology, I evaluated more than 3,500 specimens, resulting in 14 papers, a book (Oxford, 1991) and a lab manual (March of Dimes, 1983) on the pathology of miscarriage. Although my active involvement in this area ceased in 1984, the study remains the only systematic survey of the problem yet attempted.

The pathology study was part of a larger survey of miscarriages, including an interview with the mother and a cytogenetic evaluation of the abortus. The principal investigators were Zena Stein, Mervyn Susser, Dorothy Warburton (responsible for the cytogenetic data) and Jennie Kline (responsible for the interview). All four are research scientists at Columbia University in New York.

The question you asked is not one that we had previously considered, so the data had to be generated. Here are the results of my computer analyses.

First, the number of specimens in this pathology database totals 3,518. You asked for the number which were normal in terms of all the measures we used. To get this, I eliminated all specimens without a known normal cytogenetic constitution, all specimens with structural abnormalities and all

specimens that were autolyzed (where the condition of the tissues indicated retention after intrauterine fetal death). This left 241 embryos and fetuses, or 10 percent of all miscarriages in this hospital-based series. For other information about these embryos and fetuses, please see the enclosed article (Byrne et al, 1985). I have also worked out a distribution of the 241 normal embryos and fetuses according to their developmental age at the time of miscarriage, shown on the attached table.

In summary, in this large miscarriage series, 7% or 241 miscarriage specimens were normal in appearance, had a normal chromosome constitution, and seemed to be recently deceased. Therefore, they appeared to be potentially suitable for studies requiring fresh material, such as fetal tissue transplants.

This conclusion is based on the following criteria:

(1) The embryos and fetuses were structurally normal, demonstrated by an autopsy and examination of all organ systems, including a dissection of the heart, but excluding the brain.

(2) All had a normal chromosome constitution, demonstrated by Giemsa banded karyotypes, of fetal tissue—thymus, muscle and placenta.

(3) They seemed to be recently deceased, possibly alive when expelled, based on their appearance.

Many investigators at Columbia University requested and were provided fresh fetal material for their own studies and considered it satisfactory. A paper that resulted from one such study is enclosed (Davidson et al, 1983; page 1 only). Fetal loss in these cases appears to have more to do with maternal conditions, such as incompetent cervix, or ascending infection, than to any fetal defect.

However, a word of caution: On the basis of unpublished work, I suspect that bacterial infection may play a part in a significant number of these miscarriages. In some cases, the fetus itself was septic. Viral infections would be another worry for the area of transplants.

I hope that this information is useful.

Sincerely,

JULIANNE BYRNE, Ph.D.,
*Senior Staff Fellow, Clinical Epidemiology Branch.*

*Distribution by developmental age[1] of 241 miscarried embryos and fetuses*

| Estimated developmental age, in weeks: | No. |
|---|---|
| | No. |
| 4 to 6 | 4 |
| 7 to 8 | 9 |
| 9 to 10 | 12 |
| 11 to 12 | 22 |
| 13 to 14 | 22 |
| 15 to 16 | 35 |
| 17 to 18 | 42 |
| 19 to 20 | 34 |
| 21 to 22 | 29 |
| 23 to 24 | 24 |
| 25 to 26 | 7 |
| 27 to 28 | 1 |
| Total | 241 |

[1] Developmental age is an estimate of the number of weeks since conception, and is derived by comparing the fetal length to values in published tables.

Mr. KENNEDY. I also ask unanimous consent to include the communication from Julianne Byrne.

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

*Letter to Scott Daniels:*

This letter responds to your recent query. You asked for the proportion of miscarried embryos and fetuses that would be suitable for studies requiring normal fetuses, such as fetal tissue transplants.

The answer is: about 7 percent.

This percentage comes from a study of all miscarriages (less than 28 weeks gestational age) occurring in three New York City hospitals between 1975 and 1985—the largest such study ever conducted. The pathology component of this study, for which I was responsible, ran from 1977 until 1981. I trained a series of research assistants, and together with William A. Blanc, Professor of Pediatric Pathology, evaluated more than 3,500 specimens. During and after this study, I published 14 papers, a book (Oxford, 1991) and a lab manual (March of Dimes, 1983) on the pathology of miscarriage. Although my active involvement in this area ceased in 1984, the study remains the only systematic survey of the problem yet attempted.

The pathology study was part of a larger survey of miscarriages. Besides pathology examinations, the larger study included an interview with the mother and a cytogenetic evaluation of the abortus. The principal investigators were Zena Stein, Mervyn Susser, Dorothy Warburton (responsible for the cytogenetic data) and Jennie Kline (responsible for the interview). All four are research scientists at Columbia University in New York.

The question you asked is not one that we had previously considered, so the data had to be generated. Here are the results of my computer analyses.

First, the number of specimens in this pathology database totals 3,518. You asked for the number which were normal in terms of all the measures we used. To get this, I eliminated all specimens without a known normal cytogenetic constitution, all specimens with structural abnormalities and all specimens that were autolyzed (where the condition of the tissues indicated retention after intrautarine fetal death). This left 241 embryos and fetuses, or almost 7% of all miscarriages in this hospital-based series. For other information about these embryos and fetuses, please see the enclosed article (Byrne et al. 1985). I have also worked out a distribution of the 241 normal embryos and fetuses according to their development age at the time of miscarriage, shown on the attached table.

In summary, in this large miscarriage series, 7% or 241 miscarriage specimens, were normal in appearance, had a normal chromosome constitution, and seemed to be recently deceased. Therefore, they appeared to be potentially suitable for studies requiring fresh material, such as fetal tissue transplants.

This conclusion is based on the following criteria:

(1) The embryos and fetuses were structurally normal, demonstrated by an autopsy and examination of all organ systems, including a dissection of the heart, but excluding the brain.

(2) All had a normal chromosome constitution, demonstrated by Giemsa banded karyotypes, of fetal tissue—thymus, muscle and placenta.

(3) They seemed to be recently deceased, possibly alive when expelled, based on their appearance.

Many investigators at Columbia University requested and were provided fresh fetal material for their own studies and considered it satisfactory. A paper that resulted from one such study is enclosed (Davidson et al, 1983; page 1 only). Fetal loss in these cases appears to have more to do with maternal conditions, such as incompetent crevix, or ascending infection, than to any fetal defect.

However, a word of caution: On the basis of unpublished work, I suspect that bacterial infection may play a part in a significant number of these miscarriages. In some cases, the fetus itself was septic. Viral infections would be another worry for the area of transplants.

I hope that this information is useful.

Sincerely,

JULIANNE BYRNE, Ph.D.,
*Senior Staff Fellow, Clinical Epidemiology Branch.*

*Distribution by developmental age[1] of 241 miscarried embryos and fetuses*

| Estimated developmental age, in weeks: | No. |
|---|---|
| | No. |
| 4 to 6 | 4 |
| 7 to 8 | 9 |
| 9 to 10 | 12 |
| 11 to 12 | 22 |
| 13 to 14 | 22 |
| 15 to 16 | 35 |
| 17 to 18 | 42 |
| 19 to 20 | 34 |
| 21 to 22 | 29 |
| 23 to 24 | 24 |
| 25 to 26 | 7 |
| 27 to 28 | 1 |
| Total | 241 |

[1] Developmental age is an estimate of the number of weeks since conception, and is derived by comparing the fetal length to values in published tables.

Mr. KENNEDY. As the Senator has pointed out, the letter ends by saying that the conclusion of the study is based on the following criteria:

The embryos and fetuses were structurally normal, demonstrated by an autopsy and examination of all organ systems, including a dissection of the heart, but excluding the brain.

And then it continues, "However, a word of caution: On the basis of unpublished work I suspect that bacterial infection may play a part in a significant number"—we do not know what the number is—"of these miscarriages. In some cases, the fetus itself was septic,"—which means it was diseased or infected. We do not know how many. "Viral infections would be another worry for the area of transplants."

We do not have any indication with all these wonderful charts as to which tissues are appropriate. There is absolutely no indication, which is the very reason that this legislation is necessary. The overwhelming body of scientific information—and we will put in the appropriate studies—indicates that there is not sufficient material that is appropriate and that can be utilized both with the kind of safety and under the kind of ethical standards that are necessary for pursuing this important opportunity for progress.

I would say that if all this material were available, there would be fetal transplantation taking place today. The fact is that there is not; a prin-

cipal reason is because the material is not available.

According to Centers for Disease Control, there are approximately 88,000 ectopic pregnancies a year. With early diagnosis, 75 percent of ectopic pregnancies can be treated with surgery and chemical therapy. These methods result in destruction or resorption of the fetal tissue. The remaining 25 percent of ectopic pregnancies are treated after the onset of symptoms, and at that point the woman's health is in danger and emergency surgery is performed.

Of the ectopic pregnancies treated by surgery, about 22,000 per year, 95 percent have no viable tissue because the fetal tissue has been dead for a period of days or weeks. Of the remaining 5 percent, about 1,100, there is a high frequency of genetic abnormalities—the best estimate is about 50 percent—and infection. Therefore, only about 500 ectopic pregnancies per year would provide tissue appropriate for use in humans. The tissue can only be obtained from 7 to 9 weeks gestational age. That is the optimum time for any of the material.

For the 500 remaining ectopic pregnancies, it can take up to 3 weeks to determine whether the tissue does not have any chromosomal abnormalities, and thus is appropriate for use in humans. This is one of the most important studies, "The Use of Human Fetal Issue" by the University of Minnesota. It points out in this study that it takes up to 3 weeks for the clinical examination.

What the country has seen in the last 2 days, or last week, with the small child in that extraordinarily tragic circumstance in Florida, is that even though in this instance the child was breathing—so to speak—organs deteriorated because of the delay, so that, with the exception of the cornea of the eyes, there was no possibility for transplantation.

There may be, then, 500 ectopic pregnancies that may provide the material for transplantations. But it would be unethical and inappropriate to fail to examine those 500 for abnormalities or for any other kinds of disease.

That is basically what the studies say. What the studies also say is that, if you wait for the 3 weeks, you basically undermine the effectiveness of the transplantation.

Also, Mr. President, the clinical trials to date have indicated that methotrexate therapy for ectopic pregnancies results in a 95- to 100-percent resolution of ectopic pregnancies, decreased hospital stays, and limited side effects. This holds great promise as an alternative to surgery, and thus further reduces the tissue available from ectopic pregnancies. It is used to fight cancer and is increasingly being used as a principal instrument. It was used in the treatment of my own son. It is a very powerful drug.

What they are finding with research is that methotrexate holds promise to replace surgery in many of these circumstances. That is the flow line. That is where it is moving. This means that even if you were to take the 500 cases based on the extrapolation of figures provided by CDC, you still will not have the material.

I see my colleague from Rhode Island. Let me touch very briefly on the other statistics dealing with spontaneous abortions.

It is estimated that 15 to 20 percent of recognizable pregnancies, about 700,000, end in spontaneous abortions in the first trimester. This is according to the Journal of the American Medical Association in 1983, and the American Journal of Obstetrics and Gynecology in 1987. Sixty percent of spontaneous abortions are due to abnormality, and not suitable for transplantation according to the current reviews in Obstetrics and Gynecology in 1984. That would leave about 280,000.

About 77 percent of spontaneous abortions do not result in recognizable fetal tissue. That is according to the Journal of the American Medical Association, which leaves about 70,000. Most spontaneously aborted fetuses die in utero 2 or 3 weeks prior to the abortion, which effectively eliminates the possibility of utilizing the material. Or, as basic studies have shown, fewer than 1 in 500 specimens yield tissues that are viable and useful for transplantation. This leaves about 140 nationwide.

Mr. President, I just reviewed very quickly that the statistics are based on the studies that I have mentioned, and I have referenced them rather than include them in the RECORD so that Members can review this over the evening for their own edification. That is basically the extrapolation of the facts based on the CDC studies.

Quite frankly, I am amazed that my good friend would use this kind of a study when it really does not make the point that I know the Senator is attempting to make based upon the words of the principal researchers themselves.

Mr. President, we have answered the concerns raised by our colleagues by incorporating the strictest protections from an ethical point of view, based on the recommendations of the NIH task force. That panel included ethicists, theologians, and members of the scientific and religious community. We have followed these recommendations in terms of the ethical issues to guard against any suggestion that there would be an increase in abortions.

We have added the language which has been suggested by the Senator from Oregon [Mr. HATFIELD] in terms of the procedures to deal with some of the kinds of issues that were raised here in the course of the hearing. I think we deal with that in the most appropriate way.

I believe that the kinds of protections that we have included in this bill would enhance life. This legislation and this provision will enhance life for thousands of individuals with Parkinson's disease, Alzheimer's disease, juvenile diabetes, and other incurable diseases.

I believe, as has been demonstrated in various medical journals, that the range of opportunities for other areas is virtually unlimited. I think all of us would expect that this legislation will provide some hope and opportunity to save people's lives. There will be new opportunities and new treatments that will be coming up next year and the year after, that will hopefully be more effective. But this bill offers a very important opportunity for progress in the areas that afflict millions of Americans. We should move forward.

[Mr. CHAFEE addressed the Chair.]

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, first of all, I want to thank the distinguished senior Senator from Massachusetts for the presentation he has made and for the work his committee has done on this issue. I am a cosponsor of the underlying bill.

First, Mr. President, I would like to address the underlying bill and then make some remarks, if I might, about the Hatch amendment.

First of all, Mr. President, I think it is very important to remember that this bill takes some very important steps toward improving our Nation's commitment to scientific research. What does it do? It reauthorizes the National Cancer Institute and the National Heart, Lung, and Blood Institute, which are the largest two components of the NIH.

The NIH, I think we will all agree—this is not seriously in dispute—is one of the world's premier research institutions. I am encouraged by the fact that the committee that considered this measure did so in order to ensure that recent scientific progress in the areas of cancer research and cardiovascular disease, which are the two biggest killers in our society, receive appropriate Federal support.

The measure also devotes greater resources to the health of women and the health of minorities, two groups which all too often are neglected in clinical research trials.

Mr. President, I am also pleased that this bill includes a provision to lift the ban on Federal funding for fetal tissue transplantation research. What it does is it lifts the moratorium that is on the fetal tissue transplantation research.

A little bit of the background on all of this. The Federal funds for this research have been banned since 1988 by an administratively imposed moratorium. There was a panel appointed of 23 experts in 1988 by the Reagan administration. Was this some wild, far-out

group? Well, Mr. President, who was on this panel? The chairman of it was a retired member of the United States Court of Appeals. Included on this was the chairman of the department of obstetrics and gynecology in Brigham Woman's Hospital in Boston, certainly one of the top hospitals in the United States of America. Also, on it was the director for the Center of Bioethics from Georgetown University, a Catholic university here in the city of Washington. Members were a rabbi; a professor of law at Cardoza Law School; Father James Berchail, professor of theology, University of Notre Dame; a professor from the University of North Carolina School of Medicine; chairman of the department of religious studies, Cocal University of Virginia, a Ph.D., a Dr. Childress; Dr. Clausner, chairman, Hershey Medical Center, Pennsylvania State University. On and on the list goes. It had theologians, medical doctors, Ph.D.'s. It had a rabbi, lawyers, and it was chaired by a distinguished retired judge from the circuit court of appeals.

So, Mr. President, this was no fly-by-night group. This was a very distinguished group. What did this group say? They came back with a report with 18 to 3 in favor of going ahead with fetal tissue research, with some restrictions and some guidelines that this panel imposed. All of that is included in this legislation before us.

Unfortunately, thereafter, this moratorium was imposed, and it has remained in effect since. What are we trying to do here? We believe—not we Senators, but distinguished research physicians and others who know the subject, believe—that, pursuing these avenues of research, we can encourage cures for diseases such as Parkinson's, diabetes, leukemia, and other diseases. I suspect most Members of this body have a family member or a friend who is suffering from one of these and, of course, especially Parkinson's, although diabetes and leukemia are widespread. These individuals are being denied the possibility of some treatment and cure because of this moratorium

There are some who oppose this research, claiming that it will encourage women to have abortions and create a demand for fetal tissue; there will be a market for it out there and, therefore, there will be induced abortions. Mr. President, that is nonsense. This measure contains all of the safeguards which were recommended by the NIH panel that I just referred to. That panel, again, included a rabbi, a priest, judges, distinguished lawyers, and they made these recommendations, all of which are included within the legislation before us.

These safeguards will ensure that the decision to donate tissue is made only after a woman has already decided to terminate her pregnancy. It prohibits any form of monetary compensation for the tissue. You cannot go out and sell the tissue. Women will be prohibited from designating who is to receive the tissue. So I ask you, Mr. President, where is the increased incentive for a woman to terminate her pregnancy?

Let me just say, once again, that we are dealing with an issue that is not about abortion. I do not think the word "abortion" should even be mentioned here. It is about sound and ethical medical research. Unfortunately, there are many who would like to support this measure, but they consider it a pro-abortion vote, a pro-choice vote. I maintain that support for this bill is the ultimate pro-life vote, because allowing this critical research to continue will mean that millions of lives, potentially, could be prolonged and saved.

Mr. President, now a word about the Hatch amendment which is here before us. First, I think it is unfortunate that this debate is being prolonged. What Congress is doing involved with this whole matter to start with is beyond me. We ought to put this matter behind us once and for all. This matter has been studied. We have recommendations. Let us just proceed and get it over with.

Mr. President, as best I can understand the Hatch amendment, there are two things—and the Senator is here and can obviously correct me if I am wrong—that the Senator is proposing. He is saying, first, that it will be permissible to use those tissues from those ectopic pregnancies where the tissue is viable.

First of all, that is already permitted. I am not sure what he is suggesting that is not already being done.

The second point is that there are very limited amounts of this tissue available, because through a series of eliminations, if you will 75 percent of these ectopic pregnancies can now be diagnosed with ultrasound in 8 weeks, and they can be treated with medication so the tissue is reabsorbed within the body so you do not even have the tissue. That is not there. Another 25 percent of these cases result in surgery, and in 95 percent of these cases, there is no viable tissue left.

So I think the Senator from Utah would agree that when all is said and done, between 1,000 and 2,000 such pregnancies, where there is the possibility of having tissue available—the possibility; that does not mean you have 1,000 or 2,000 pregnancies in which there is a chance the tissue will be available. Very limited.

What the Senator has then said, as I understand, is that the tissue from spontaneous miscarriages can be used. Well, I think we have already had it pointed out by the distinguished chairman of the committee that this leads to very, very limited numbers of incidences where tissue can become available.

Mr. President, I would like to read, if I might, a letter on this subjecft from Dr. Richard Robbins, associate professor of medicine, Yale, Neural Transplant Program from the School of Medicine at Yale.

This is what he says. First of all, he goes through the statistics of those instances where after spontaneous miscarriages there will be the tissue available. And he concludes that there are 4.3 average annual spontaneous miscarriages where the tissue is available from a total of three hospitals per year. In other words, amongst the three hospitals that they studied, there were 4.3 instances where the tissue that they were seeking was available. In other words, 1.4 fetuses on an average might be available from "An average hospital." OK. That is what you get once a year in a hospital, in effect one and one-half chances, or, over 2 years, you would have three chances.

In order to collect this tissue rapidly with consent, to dissect the small brain region which contains the dopamine-producing cells and to quickly cryopreserve it to retain viability, we need to have a team of three or four people. And then he goes through who these people are: A neuroscientist, a neurosurgeon, a scientist familiar with cryopreservation, a nurse to obtain consent from the donor and a technician to transport and to assist the scientists.

In order to obtain tissue from 1.4 miscarriages per year which might yield potentially useful tissue, we have to station such a team on call each time, any time a pregnant woman came with a threatened miscarriage. This is obviously a ridiculous scenario and a logistical nightmare. It simply would never work. Then he goes on.

As Dr. Byrne correctly points the tissue is often infected. Our own experience, using the most sterile approach reveals that approximately 10 percent of all appropriate specimens are infected usually with bacteria which normally reside in the vagina.

In summary, this is from a doctor who is very familiar with this in one of the hospitals where they are doing work in fetal tissue:

In summary, tissue from spontaneous miscarriages is difficult to collect in a safe and timely fashion to preserve the viability of the cells. The number of potentially useful miscarriages is so low that it would require a moderate-sized army of scientists scattered in hospitals around the country to collect even a few specimens each year.

The same can be said for ectopic pregnancies which produce tissue which is likely to be non-viable due to lack of blooc supply and which may be infected. Furthermore, once an ectopic pregnancy is diagnosed, it is a surgical emergency which needs immediate surgical attention.

It is not a situation where you planned for it, it comes up instantaneously and action has to be taken. You cannot call on somebody with a consent form, you cannot call on that physician who is familiar with cryopreservation.

Delaying the procedure to get consent and to an assemble the team to collect an preserve the tissue would be unethical and seriously dangerous to the pregnant woman.

Mr. President, despite the efforts—and well meaning efforts—of the distinguished Senator from Utah, I think this is an amendment that should be defeated. And I would hope, Mr. President, that we could then go on and pass the underlying bill, get this matter settled once and for all and behind us. I thank the Chair.

The PRESIDING OFFICER (Mr. GORE). The Senator from Washington.

Mr. ADAMS. Mr. President, I want to follow through with the very fine remarks that have been made by the Senator from Rhode Island. I would first pick up with the point that he has just made in the letter from Dr. Richard Robbins. The summary that he has made indicates what the fatal flaw is in the well-meaning amendment of my friend from Utah, Senator HATCH.

What that amendment does is it simply leaves us where we are now, because it says that you could use the material from ectopic pregnancies and from spontaneous abortions—in other words, miscarriages—as an alternative means of transplantation.

The most dangerous, the most damning part of this, I want to turn to first as to why we oppose so strenuously the use of the study which was not published. The person who made the study indicated that danger themselves. I want to put this into the RECORD because this is a very technical subject, it is one that we wish we could leave with the doctors, and that is what our amendment does, but unfortunately our amendment is attempted to be changed. I mean the bill is attempted to be changed by an amendment that would endanger people.

For example, that happens in this case is that with the ectopic pregnancy, you have the danger of a septic fetus. A septic fetus, if it is used for transplantation as opposed to being used in some dish for experimentation with the cells themselves, would transmit the viral nature or the septic nature to the transplant.

The second point, as so well stated by the Senator from Rhode Island, is that spontaneous miscarriages—and all of us who have been married for a substantial period of time know what this problem involves, it is that you do not know it is going to happen or you know only on very short notice. And then what you are studying—and this was the study referred to by Senator HATCH—is you are trying to save the life of the mother most often and you are not examining the fetus itself for potential transplantation. And that is what she points out in the letter that she has written.

She has indicated in the last part of it—and this was referred to by both the Senator from Rhode Island and by Senator KENNEDY—is that viral infections would be another worry for the area of transplants. In plain English that simply means that the miscarriage has occurred undoubtedly for a purpose, and that purpose would be transplanted if we had simply the use of miscarriages.

The other thing that was so dangerous about the letter and the study is that they studied the fetuses but, and I quote:

The embryos and fetuses were structurally normal demonstrated by an autopsy and examination of all organ systems including a dissection of the heart but excluding the brain.

And one of the things that we are hopeful that we can have the doctors—not you, Mr. President, nor me, nor Senator HATCH, but the doctors—look at these transplantation cells, particularly the dopamine cells, as hopes for Parkinson's, Alzheimer's, junior diabetes, many of these causes.

So when we look at the amendment, what it would do is it would leave us right where we are. People who are involved in this research have written—and the letter that I quoted from was from Julianne Byrne, Ph.D., the senator staff fellow that was quoted by Senator HATCH as indicating the dangers of using either spontaneous or ectopic pregnancies, and ectopic pregnancy, a tubal pregnancy. It is a very dangerous situation for the mother and immediate and often very dramatic surgical procedures are required, involving chemicals, involving a whole range of problems that make this again something that people who are in the medical profession have examined and have uniformly not proceeded with for transplants because of the dangers that are involved in ectopic and spontaneous pregnancies.

I would like at this point to ask unanimous consent that the letter from which I have quoted and from which the Senator from Rhode Island quoted, dated March 31, 1992, signed by Richard J. Robbins, MD, FACP, be printed in the RECORD at this point.

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

MARCH 31, 1992.

Joan Samuelson, Lynn Morrison and Associates.

DEAR JOAN: The letter from Julianne Byrne arrived in readable form on the FAX machine. Several points need to be addressed:

1. As indicated by Dr. Byrne a small percentage of tissue remaining after spontaneous miscarriages may be viable and lack major genetic or structural abnormalities. Assuming that her figures are correct, this means that in 241 fetuses might be suitable for collection of brain tissue. Since our program, and others in the Parkinson's transplantation field only have experience with fetal tissue of 7-12 weeks of age I obtain from her table that 43 (9+12+22=43) fetuses of the correct age were available over a ten year period. Of this 4.3 annual average figure, the tissue was collected from three hospitals, meaning that 1.4 fetuses, on average, might be available from an "average" hospital. In order to collect this tissue rapidly with consent; to dissect the small brain region which contains the dopamine producing cells; and to quickly cryopreserve it to retain viability, we need to have a team of 3 or 4 people (a neuroanatomist, a neurosurgeon, a scientist familiar with cryopreservation, a nurse to obtain consent from the donor, and a technician to transport and to assist the scientists). In order to obtain tissue from the 1.4 miscarriages per year which might yield potentially useful tissue, we would have to station such a team, on call at each hospital, any time a pregnant woman came in with a threatened miscarriage. This is obviously a ridiculous scenario and a logistical nightmare, it simply would never work.

2. As Dr. Byrne correctly points the tissue is often infected. Our own experience, using the most sterile approach, reveals that approximately 10% of all appropriate specimens are infected, usually with bacteria which normally reside in the vagina. If you consider the fact that most tissue from a miscarriage cannot be collected or stored in a sterile fashion this further increases the chance that the tissue might be infected. This does not even consider the fact that many young sexually active women now carry the HIV and/or hepatitis virus which can only be detected by assaying the blood of the pregnant woman. This would have to be done on each potentially useful specimen before it could be considered for transplantation.

In summary, tissue from spontaneous miscarriages is difficult to collect in a safe and timely fashion to preserve the viability of the cells. The number of potentially useful miscarriages is so low that it would require a moderate-sized army of scientists scattered in hospitals around the country to collect even a few specimens each year.

The same can be said for ectopic pregnancies which produce tissue which is likely to be non-viable due to lack of blood supply, and which may be infected. Furthermore, once an ectopic pregnancy is diagnosed, it is a surgical emergency which needs immediate surgical attention. Delaying the procedure to get consent, and to assemble a team to collect and preserve the tissue would be unethical and severely dangerous to the pregnant woman.

RICHARD J. ROBBINS, MD, FACP,
*Associate Professor of Medicine,*
*Yale Neural Transplant Program.*

Mr. ADAMS. Mr. President, this follows and is a letter that comments on the letter that was placed in the RECORD that I have previously referred to signed by Julianne Byrne, Ph.D., who was the one that was the basis of the unpublished study here, and who has cautioned they not only did not use the brain but they suspect "that bacterial infection may play a part in a significant number of these miscarriages. In some cases, the fetus itself was septic. Viral infections would be another worry for the area of transplants."

So what we would be left with, if we were to adopt this amendment, is we would be left with a situation of, in effect, a ban on the ability to transplant and to take research transplants which would give hope to people with these horrible, not only debilitating but fatal type diseases. Because, as we all know,

the dopamine producing cells are the ones that supply the brain and are the ones most often attacked by not only drugs but by these other infectious, horrifying diseases such as Parkinson's for which we have no cure.

So what we are hopeful is that we can keep the bill as it is, because responsible physicians want to be certain that they do not use improper material but use material that will be safe for the transplant. And since spontaneous abortions rarely occur in sterile circumstances, a responsible physician could not use the remains in another human being. Miscarriages usually occur a day to weeks after the fetus is dead. This tissue could not be used for transplant. And one-third of miscarriages happen in the semester beyond the time the tissue would be useful for transplantation .

Ectopic pregnancies have been mentioned, and I think that we have to reiterate, though this has been touched upon by Senator KENNEDY and Senator CHAFEE very well, but I want to mention it one more time. Ectopic pregnancies are rare. Out of 4 million pregnancies every year, about 88,000 are ectopic, but it is a dangerous situation when it occurs. There is abdominal pain, internal bleeding, and infection. At this point, the woman's life is in danger and emergency surgery must be performed. And that leaves no time to make arrangements for collection of the tissue. And about three-quarters of the ectopics can be diagnosed before the symptoms appear.

Of the ectopics treated surgically, almost all have no usable tissue because the fetus has been dead for days or weeks.

In rare instances that an ectopic pregnancy provides tissue, there is a high frequency of chromosomal abnormalities and infection. So we are talking about an extremely limited number of cases in which ectopic pregnancies could provide tissue.

This information comes from letters, numerous conversations, and briefings by the top doctors and researchers in the country.

Mr. President, when we were holding these hearing, I questioned the doctors. I questioned those that were there who had been saved or had an opportunity for being saved by fetal tissue transplants. And the conclusion that I came to out of that is that the signs on this are unequivocal. I think we need to leave the decision up to the scientists. That is why title II allows for the doctors to make the ultimate choice, not the Government.

We need to allow research freedom and we need to allow promising research to go forward. Our friends with Parkinson's and juvenile diabetes do not have time to wait any longer.

So we should defeat this amendment. I hope we will defeat this amendment, and that we will then be able to pass this bill and proceed with the type of research that the world is waiting for, because the United States leads the world in medical research. And this type of research which is being conducted throughout the rest of the world is waiting for its leader to step forward and simply does not understand why a ban that has no scientific basis and has been recommended to be done away with by the Reagan administration's panel as well as by other researchers should continue to stand.

So I hope this will be defeated and that we will proceed on with this bill. I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

FETAL TISSUE RESEARCH

Mr. METZENBAUM. Mr. President, I rise in support of the fetal tissue research provision in H.R. 2507 and in opposition of the Hatch amendment.

The provision in the bill overturns the administration's ban on fetal tissue research and includes safeguards to protect against exploitation of the procedure.

The moratorium on fetal tissue research has been in place for 2 years despite findings both by an outside panel that was convened by NIH and by the advisory committee to the Director of NIH. Each of the neutral scientifically respected panels concluded that fetal tissue research is both acceptable and advisable public policy.

Given these findings, the administration's ban on fetal tissue research is not just an affront to the basic principles of scientific investigation; it also is a cruel rejection of the millions of Americans who suffer from incurable diseases. Alzheimer's disease is one of many chronic disorders that may benefit from fetal tissue research. Indeed the Alzheimer's Association, a national voluntary health agency based in 215 local chapters throughout the country, supports the fetal tissue transplantation research provision of this bill.

An estimated 4 million Americans have Alzheimer's disease today.

By the middle of the next century, 14 million Americans—1 in 10 over 65—will have the disease. A vote against ethical fetal tissue research may therefore doom your mother, your grandmother, and maybe even you to the tragedy of Alzheimer's.

Alzheimer's has struck at the families of some of the Members who serve in this body today.

I also understand that some opponents to this bill claim that fetal tissue research will increase the incidence of abortion.

This assertion is in direct contradiction to a finding by the NIH fetal tissue research task force. The task force found that there is no evidence that fetal tissue research will increase the incidence of abortions. Moreover, the NIH panel proposed safeguards to ensure that abortions for research purposes never occur.

Mr. President, in addition to supporting the fetal tissue language in the bill at the present time, I would add that I oppose the Hatch amendment because it does not lift the ban on fetal tissue transplant research.

The amendment does not follow the recommendations of the fetal tissue panel. All the Hatch amendment does is call for a study. Once again we in this body are called upon to study a subject when we instead should be acting on it. It calls for a study for establishing a physician registry and human fetal tissue bank from ectopic pregnancies and miscarriages.

You will not solve the problem by having a study. It is action that is called for. And the legislation pending before us calls for just that action.

Experts have already indicated that tissue from miscarriages is not appropriate for human transplantation. Therefore, the Hatch amendment should be rejected, and the bill in its entirety should be supported.

I yield the floor.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

PRIVILEGE OF THE FLOOR

Mr. ADAMS. I ask unanimous consent that Rush Russell, a congressional fellow in Senator BRADLEY's office, be afforded floor privileges during Senate floor consideration of the NIH reauthorization bill, H.R. 2507.

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

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I do not think we need to enter into a time agreement. I think we can have the debate finished I would say by 6:30, or 6:45 at the latest.

Just to give our colleagues a little bit of notice, I would say I am going to take about 10 or 15 minutes, and then I think Senator KENNEDY is going to finish off. We can probably be through by 6:30, somewhere between 6:30 and 6:45, and have a vote.

Mr. ADAMS. Does the Senator want to have a unanimous-consent agreement or just proceed?

Mr. HATCH. Let us proceed and see if we can get through. I will try to shorten my time.

Mr. ADAMS. That is fine.

Mr. HATCH. Mr. President, I will take just a few minutes to summarize what has been said here.

What I am trying to do is get fetal research advanced, get it going, put it forward, get it done. Right now it is not going forward. NIH is afraid to do it. They do not have the guidelines to do it. They do not have the fetal tissue bank that my amendment would set up. They are not approaching it in a

way that might help solve these problems, that is what all this angst is about on this floor.

The only way we are going to get there is with the Hatch amendment that would set the tone and allow fetal tissue research to go forward, from this day onward. It is the only way we are going to get there.

The administration has said they will veto this bill if it continues to contain the same language that the other side is arguing for. And I believe they will. And I personally believe if not in the Senate, that veto will be sustained in the House.

If we really serious about Parkinson's disease and diabetes and all these other diseases that potentially might be solved through fetal tissue research—although that is not the only way we can get there—then I am giving people the route to get there quicker and better and establish the procedure and establish the format and establish the approach to solve these problems.

If we continue to go with the language in the bill, I think the bill will be vetoed, I think the veto will be sustained, and there goes another year by without formal, effective fetal tissue research.

In a sense, I am arguing for fetal tissue research much more strongly than those who act like they are so compassionate and so concerned. I think they like the abortion issue more than they like getting fetal tissue research done. I do not like the abortion issue. I do not want it to cloud this issue. I want fetal tissue research to go forward, and the only way I can see that it will go forward, ultimately, over a quick period of time and get this procedure established is with the Hatch amendment. And that is why I am proposing it.

So I have to say that those who have tried to belittle this amendment, I think have done so in an inappropriate way. If they really are for fetal tissue research, then they ought to look at the good that is in this amendment. They ought to look at the fact that a lot of people will support fetal tissue research who never would have supported it before. And once it goes forward and we see some of these great happenings occur, then everybody will say, "My goodness, that Hatch amendment got us off the dime. It got us off our brakes. It allowed fetal tissue research to go forward instead of being stultified so some people could have the benefit of saying, 'Oh, those anti-abortion people stopped this again.'"

Come on, the pro-life people would support this amendment. They will support fetal tissue research under these terms. We are talking about 60 cases in which humans received transplanted human fetal tissue in the whole United States through 1990, and even the other side has admitted we will certainly have a lot more fetal tissue available than 60 transplants.

So that is what is really involved here. The other side wants the abortion issue, and the heck with fetal tissue research.

Frankly, there are some on the other side who want the same thing. We have had 60 cases of fetal tissue transplantation over 20 years and I have shown the way where you can have somewhere between 5,000 and 7,000 human fetal tissue transplant opportunities in a bank. We are talking about 100 times what actually has occurred.

Concerning the question of available tissue from spontaneous abortions, let me say that 5 percent of all spontaneous abortions occurring in the United States is a very large number. The other side agrees with this. There are some 700,000 spontaneous abortions in the United States each year and about half, or 350,000 of them occur between 8 and 20 weeks of gestation. Thus our estimate of 5,000 potentially useful fetal spontaneous abortions and specimens—it is a conservative estimate. Keep in mind the figure 60 versus the potential of 5,000.

Yes, we are concerned about this issue and we are concerned about bacterial and viral infections. But these are the concerns we have included in the 95 percent that we are rejecting as unsuitable. We can solve these problems.

With regard to the chemicals that have been brought up by Senator ADAMS, he probably refers to methotrexate, which is used to destroy ectopic fetal tissues in some tubal pregnancies. Obviously, fetal tissue treated in this manner cannot be used. But not all hospitals by any means use this type of chemical.

So we recognize the limitations on finding appropriate fetal tissue that is useful. But that is not the same as saying not enough can be found. The other side admits enough can be found with the method I am giving you. And if we go with this method, we will advance the process of fetal tissue research and transplantation.

This issue of human fetal tissue transplantation research is a serious one, and I believe in this amendment we have arrived at a solution of the perplexing question of how to advance our research goals in this area while avoiding, as I said, the contentious ethical issues that have impeded this issue in the past. I have talked about this.

Now I will just mention a few things here.

The amendment requires the Secretary to study the causes of spontaneous abortions and ectopic pregnancies in order to help develop strategies for improving the treatment and prevention of these conditions and to improve fetal survival. We have had discussions with mainstream obstetricians, neurologists, and fetal tissue specialists around the country. They have expressed their support of this. They want this to go forward. This is the way to do it. Six researchers at the college of Obstetrics and Gynecology at the University of California say this:

> We are in support of this amendment since it offers a real opportunity to diffuse a socially divisive issue while still satisfying the need of fetal tissue researchers. We are truly encouraged that the provisions of the amendment call for careful study of each of the steps involved in the usage of fetal cells derived from naturally occurring fetal loss. Because of the size of our service at Women's Hospital, we can comment specifically on one aspect of the usage of fetal cells from naturally occurring loses i.e., procurement.
>
> In our institution we see more than 1,000 cases of spontaneous pregnancy loss occurring at greater than 9 weeks gestation. In addition, we see an average of 350 ectopic gestations per year. Based on the collective experience of numerous colleagues, in 5 to 10 percent of cases a recently dead fetus will be identified at the time of surgery.
>
> Most of these will be suitable for tissue harvesting since the incidence of anomalies or infection in this condition is low. Thus a total of 85 to 100 fetuses suitable for obtaining fetal cells can be expected from our institution alone each year.

Remember, 60 fetal tissue transplants in 20 years. That is the history of this country. From this one hospital, six of these obstetrician/gynecologists, leaders in the field of medicine, have said alone they would have 85 to 100 fetuses suitable for obtaining fetal cells.

Dr. Joanne Kurtsberg of Duke University's Medical Center says "I am writing in support of your effort to establish a registry and fetal tissue bank."

My amendment does that. It establishes the methodology, procedure, and effective medical approach toward this and it gets us off the dime.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. HATCH. I am running out of time. I would like to do that.

"I am writing in support of your efforts to establish a registry and fetal tissue bank. The need is vital if biomedical researchers are to move beyond existing barriers to organ transplantation."

You can go on and on.

Mr. President, I ask unanimous consent that the letter from the University of Southern California School of Medicine, from Women's Hospital, dated March 30, 1992, signed by C. Paul Morrow, M.D., professor, obstetrics and gynecology—all these are professors of obstetrics and gynecology—C. Paul Morrow, M.D.; Kathryn Shaw, M.D.; Laila Muderspach, M.D.; Lynda Roman, M.D.; T. Murphy Goodwan, M.D.; and Richard Paul, M.D. be printed in the RECORD at this point.

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

DEPARTMENT OF OBSTETRICS AND GYNECOLOGY, UNIVERSITY OF SOUTHERN CALIFORNIA SCHOOL OF MEDICINE, WOMEN'S HOSPITAL

*Los Angeles, CA, March 30, 1992.*

Re amendment to H.R. 2507.

Senator ORRIN HATCH,
*U.S. Senate, Washington, DC.*

DEAR SENATOR HATCH: We are writing to support your amendment to H.R. 2507.

We have reviewed the draft amendment regarding fetal tissue transplantation and have consulted with our colleagues on this subject. We are in support of this amendment since it offers a real opportunity to defuse a socially divisive issue while still satisfying the need for fetal tissue researchers. We are particularly encouraged that the provisions of the amendment call for careful study of each of the steps involved in usage of fetal cells derived from normally occurring pregnancy loss.

Los Angeles County—University of Southern California Women's Hospital is the largest Obstetric Unit in North America. Because of the size of our service at Women's Hospital, we can comment specifically on one aspect of the usage of fetal cells from naturally occurring losses—procurement. In our institution we see more than 1000 cases of spontaneous pregnancy loss occurring at greater than 9 weeks gestation (based on ultrasound criteria, not just menstrual history) each year. Based on the data of Byrne (derived from a study of all spontaneous losses at three Hospitals in New York City between 1975 and 1985). We could expect to obtain adequate cells from at least 70 fetuses per year at this institution alone. In addition, we see an average of 350 ectopic gestations per year. Based on the collective experience of numerous colleagues, in 5 to 10% of cases a recently dead fetus will be identified at the time of surgery. Most of these should be suitable for tissue harvesting since the incidence of anomalies or infection in this condition is low. Thus, a total of 85 to 100 fetuses suitable from obtaining fetal cells could be expected from our institution alone each year.

Except for the size of the Obstetric services at Women's Hospital, the conditions here are unique. It should be possible to obtain the same proportion of fetal specimens from any other reasonably large service in various regions of the country.

If we can be of further assistance in clarifying our position with regard to the amendment, please do not hesitate to contact us.

C. Paul Morrow, M.D., Professor OB/GYN; Kathryn Shaw, M.D., Assistant Professor of OB/GYN; Laila Muderspach, M.D., Assistant Professor of OB/GYN; Lynda Roman, M.D., Assistant Professor of OB/GYN; T. Murphy Goodwin, M.D., Assistant Professor of OB/GYN; Richard H. Paul, M.D., Professor of OB/GYN.

Mr. ADAMS. Will the Senator yield for a question on that point—at that letter?

Mr. HATCH. Let me put these letters in if I could.

Let me also ask unanimous consent to print a letter in the RECORD dated March 27, 1992, from the Duke University Medical Center signed by Joanne Kurtzberg, M.D., associate professor of pediatrics and the codirector of the Pediatric Bone Marrow Transplant Program.

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

DUKE UNIVERSITY MEDICAL CENTER,
*Durham, NC, March 27, 1992.*

Hon. ORRIN HATCH,
*Ranking Minority Member, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.*

DEAR SENATOR HATCH: I am writing in support of your efforts to establish a registry and fetal tissue bank by amending the Public Health Service Act. The need for such a tissue bank is vital if biomedical researchers are to move beyond existing barriers to organ transplantation.

Fetal tissue can be an invaluable resource in pre-clinical studies, as medical researchers investigate how to decrease the odds of a transplanted organ being rejected, and how to use organ transplantation as a cure for presently incurable and often fatal diseases.

Banked fetal tissue may also be valuable in clinical trials as a source of transplantable tissue. Physician scientists have recently demonstrated that umbilical cord blood, a substance usually discarded, can be as effective as harvested bone marrow in bone marrow transplantation. The advantages of using the cord blood are multiple: the donor is not subjected to the risks of anesthesia; the cord blood is available months before an infant's bone marrow could be harvested, and it is an excellent source of immortal cells for gene therapy before transplantation. It may be possible to use cord blood as a substitute for harvested bone marrow even when the cord blood cells are not a perfect match to the recipient's. Given the positive results of ongoing research with cord blood, it is reasonable to hypothesize that cells in states of early development which are isolated from fetal tissue may be as good—or an even better—source of hematopoietic (blood-forming) cells for transplantation, especially when a living donor with an exact tissue match cannot be found.

In my field of Pediatric Hematology/Oncology, I see many children die. Some of these kids have diseases for which there is not yet a cure, and fetal tissue research may help us to develop cures for those diseases. Many other children who die have diseases curable by bone marrow transplantation, but they die because no suitable marrow donor can be located in time. It is entirely possible that, after the necessary preclinical research, a bank of fetal tissue could be the source of transplantable cells which can save the lives of some of these children.

Without a reliable source of fetal tissue, like the registry and tissue bank you are proposing in your amendment, biomedical researchers and physician scientists may never have the chance to discover both cures for presently incurable diseases and sources of transplantable cells which can be used successfully in situations in which present transplant technology fails.

I think this amendment takes a major step forward in the direction of facilitating fetal tissue research. I urge your colleagues to support this amendment.

Sincerely,

JOANNE KURTZBERG, M.D.,
*Associate Professor of Pediatrics; Co-director, Pediatric Bone Marrow Transplant Program; Director, Pediatric Bone Marrow Transplant Laboratory.*

Mr. ADAMS. Will the Senator yield for a question at that point on those letters?

Mr. HATCH. Let me put one more letter in. I ask unanimous consent to print in the RECORD a letter dated March 30, 1992, signed by William Krivit, M.D., Ph.D., professor of pediatrics, study inborn errors and metabolism; David Sutherland, M.D., professor of surgery, pancreas transplant for diabetes; Fatih Uckun, M.D., associate professor, therapeutic radiology, Shelly M. Child, M.D., Ph.D., professor of neurosurgery, neurological disorders; Leo W. Twiggs, interim head of obstetrics and gynecology.

I will be happy to yield.

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

UNIVERSITY OF MINNESOTA, TWIN CITIES, DEPARTMENT OF PEDIATRICS,
*Minneapolis, MN, March 30, 1992.*

Senator ORRIN HATCH,
*U.S. Senate, Committee on Labor and Human Resources, Washington, DC:*

The undersigned have read and wholeheartedly support the Amendment H.R. 2507 proposed by Senator Hatch: Title II—Provisions Concerning Fetal Tissue Registry, Fetal Tissue Bank and Fetal Cell Lines.

The undersigned note that the establishment of the processes for recovering, culturing and maintaining fetal cells will enhance the treatment and care for many patients. Included would be those suffering from neurological disorders, diabetes, leukemia, immune deficiencies and inborn errors of metabolism.

The undersigned note that Senator Hatch's amendment represents a significant advance in promoting research with fetal tissue and should serve as encouragement for all investigators in this field.

William Krivit, M.D. Ph.D., Professor of Pediatrics (Inborn Errors of Metabolism); David Sutherland, M.D., Professor of Surgery (Pancreas Transplant for Diabetes); Fatih Uckun, M.D., Associate Professor of Therapeutic Radiology (Leukemia); Shelley N. Chou, M.D., Ph.D., Professor of Neurosurgery (Neurological Disorders); Leo B. Twiggs, M.D., Professor and Interim Head, Department Obstetrics and Gynecology.

Mr. ADAMS. Is the Senator aware that there is a letter of March 31, 1992, from the University of Southern California, the dean of the school of medicine saying that they hope that the amendments that have been offered that will weaken the provisions of the bill, that they are opposed to these and in that regard will be opposed to any measure that would limit the source of any fetal tissue and its availability on research; and from Duke University, where the Senator read that letter, that there is a letter of March 31, 1992, directed to Senator HATCH saying that they also feel that the amendment should not be adopted and that they should proceed with the bill as it is; and a letter of March 31, 1992, to Senator WELLSTONE saying that the letter was to clarify his position that he supports research provisions of title II and is opposed to the current ban and my earlier letter was based on the erroneous assumption that Senator HATCH's amendment was in addition to title II rather than substitute for title II?

Mr. HATCH. Mr. President, I have to say a number of these doctors—I am

not aware of Krivit's letter, the one you just mentioned and I am surprised that he would withdraw or change his opinion, but that is OK with me.

The other doctors were aware that their deans did not support their position, which makes their opinions, I think, even more valid than they were before. We have a battle between doctors on this issue, there is no question. And every one of them, I believe, if they really knew the true facts and knew that this bill is going to go down with a veto, every one of them, I believe, would support the Hatch amendment, not only because it is the way to get fetal tissue research going, but because we set up the cell bank and everything else necessary to do it and to do it in the right way. It is a far superior way to getting us where we want to go than the approach taken by the majority in this particular instance.

My amendment also calls for much more research into the development of cell cultures in the laboratory. The potential for cell cultures is tremendous. I have just learned that cells may be created with the capacity to produce insulin by introducing the gene that codes for insulin. Such cells may also be altered by genetic manipulation to turn off insulin production when the blood sugar rises.

My point is that my amendment will strengthen the potential for creating these cell lines which have so much potential. And if it is rejected, then all of the arguments in the world on the other side go down the drain if the veto is sustained and I believe it will be, if not here, then in the House. I do not expect it to be sustained here in the Senate. I would like it to be, but I do not expect it to be.

Senator METZENBAUM raises the real tragedy of Alzheimer's disease and suggests that my amendment will condemn those patients to a worse fate. Certainly, I want progress in Alzheimer's disease research as much as Senator METZENBAUM or anybody else, and my record in the area of medicine, in the area of health, I think, certainly proves that.

But my amendment does not block such research, as he, I think, glossed over. It encourages such research. It gets us there. This approach by the majority does not get us there. It is just that simple.

The demand for fetal tissue in such transplantation research is now constrained by a lack of basic studies in laboratories and in animals, not just by a lack of tissue. No surgeon is going to transplant tissue in the brain of a patient with Alzheimer's without a lot more basic research, and my amendment will get us there.

The current language in the bill will not get us there, and I have to tell the majority that if that happens to turn out to be the case, then I am going to hold them responsible for the lack of research, the lack of accomplishments, the lack of development, the lack of crucial discovery that we would have by the months and years that my amendment will save.

We all want the same thing. The question is how do you get there? Do you want the abortion issue more than you want the fetal tissue to go forward? I hate to say this, but I believe some really want the abortion issue in this election year more than they want fetal tissue research to go forward. My amendment gets it forward. It is good policy. It is pro-research. It is pro-woman and it does not offend anybody's ethical beliefs. I happen to think that is pretty important.

If we stick with the current language in this bill, it is bad policy under the circumstances. I think it is policy that will not be implemented, that will be stopped by a veto and a veto that will be sustained in Congress. And I believe that if it did happen to pass and the veto was overridden, you are going to create even more antagonism toward fetal research than we had before. I think that would be unfortunate. I do not want that to occur. I want it to go forward and to go forward for the right reasons.

Mr. President, that is all I have to say about it. I am prepared to vote. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Is the Senator prepared to vote now on the amendment? And the manager is.

Mr. HATCH. Yes.

Mr. MITCHELL. I hope we can get to a vote on this as soon as possible.

The PRESIDING OFFICER (Mr. ADAMS). Is there any further debate? The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me try and be brief. I want to, first of all, emphasize, Mr. President, what was said on the floor just a few moments ago. David Sutherland, M.D., professor of surgery at the University of Minnesota, wants to be crystal clear. He sent a letter March 31, today:

> This letter is to clarify my position. I support the research freedom provisions of title II to H.R. 2507. I am opposed to the current ban on such research. My earlier letter was based on the erroneous assumption that Senator Hatch's amendment was in addition to title II, rather than a subtitle for title II.

Mr. President, Dr. Sutherland pretty much underlies my position. I heard the Senator from Utah say that he was concerned that perhaps some people in this debate were speaking against his amendment because maybe they were not "really serious about this research." I also heard him say that perhaps some people, I do not think he certainly meant all of us or maybe very few of us, were more concerned about abortion.

Let me be clear about this. I speak for some people who have been working very hard in the House and the Senate: Joan Samuelson with Parkinson's; Ann Udall whose father Mo Udall suffers from Parkinson's, and I speak for myself as well. I said this in committee and I want to say it one time on the floor: Both my parents had Parkinson's disease; both of them.

I remember very well that at the very end of my father's life, when he was about 80 years old, we want out to lunch. We went out to lunch at McDonald's. My father liked McDonald's because there were lots of colors and lots of children to look at. A close friend of mine, who taught at Carleton College, Michel Minot, came to McDonald's at the same time. Michel, at about the age of 38, had Parkinson's disease. It was a bad day for my father.

I have mentioned this before. Senator HATCH has heard this story before.

I decided that we would take my father not through the front door, where he would have to go past Michel Minot, but out the back door. The reason for that was I did not want Michel to see his future.

I just want to make it crystal clear that those of us who speak against Senator HATCH'S amendment do not speak against that amendment because we are not serious about the potential of this research for Parkinson's, Alzheimer's, diabetes, and many other diseases. We speak against the amendment because we think it is a killer amendment and undercuts the very promise of this research for people like Joan Samuelson and many others.

I have very little time to spend on this tonight because we now are at the point we want to have a vote, but I want to say as clearly as I can, with as much eloquence as I can, with as much conviction as I can, and with as much emotion as I can, I cannot think of a more important vote than this. I hope that Senators will not deny so many citizens in this country who suffer from these diseases the cure that could come from the research that is being done and the procedures that are being done with fetal transplants. I very much hope that we will vote this amendment down.

[Mr. KENNEDY addressed the Chair.]

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I will take one remaining moment.

Mr. President, with regard to the Hatch amendment, it would be my recommendation that we accept all of the Hatch amendment except substituting it for what is in the bill. The establishment of the bank and the registry all makes sense. But it does not make sense in this context as a substitution. It really is not a compromise; it is a substitution for what has been debated and discussed here today.

I think when all is said and done, Mr. President, the case really has been

made that the amendment would not make available the material which is essential to make progress on a wide variety of different diseases. We hope this amendment will be rejected because we believe that when we permit scientific inquiry into this area, it will mean new life for millions of our fellow citizens and, I believe, for millions of people all over the world.

Mr. DANFORTH. Mr. President, the Senate is addressing a very difficult issue in the context of the National Institutes of Health reauthorization: The question of whether a moratorium against fetal tissue transplantation research should be lifted. After careful deliberation over the course of the last several years, I am supporting the lifting of that ban.

Fetal tissue research has been going on since the 1930's. The research and development of the polio vaccine was accomplished through the use of human fetal kidney cells. Now there is a promising field of research involving the transplantation of fetal tissue for those suffering from juvenile diabetes, Parkinson's disease, spinal cord injuries, and Alzheimer's disease. Although nontransplantation laboratory research on fetal tissue has continued unhindered, this promising area of transplantation research has been chilled by a Federal moratorium.

Mr. President, there are 12 million people in this country with diabetes, 2 to 3 million of whom are children. These children, due to the lack of insulin producing cells, experience excessive thirst, hunger, weight loss, energy loss, blindness and ultimately death. If the insulin producing cells of these children could be replaced, all of the complications of diabetes could be avoided. This is an amazing possibility which merits exploration.

Likewise, fetal tissue transplantation research holds out promise for those suffering from Parkinson's disease. Parkinson's disease is an awful, incapacitating disease which is caused when an insufficient amount of dopamine is released in the brain. When dopamine is lacking, the nerves in one's brain are unable to send messages to the rest of one's body—which means when a person wants to get out of bed, she cannot make hands pull back the bedcovers. The study of fetal tissue transplantation could lead to important new treatments and cures for Parkinson's and possibly other neurological diseases such as Alzheimer's, and to a more fundamental understanding of the human brain.

Those with spinal cord injuries, the average age of whom is 19 years, also see promise in fetal tissue transplantation research through the implantation of sensory nerve cells. This research could mean that a paralyzed person could move, maybe even walk, again.

But none of these therapies will evolve if scientists are not able to explore them freely. And the basic scientific knowledge that can come from this research, which may help explain the causes and other cures for these diseases, will not be furthered by this ban.

The Human Fetal Tissue Transplantation Research Panel, convened by the Director of NIH, has recommended several safeguards surrounding the use of fetal tissue in transplantation research, all of which have been included in the legislation to reinstate this research. These safeguards will apply to publicly funded research, as well as privately funded research which currently goes on without any Federal regulation or oversight.

With these safeguards in place, a woman who has an abortion will not be allowed to designate, or be informed of, the recipient of that tissue. Thus, it simply cannot happen that a woman will decide to terminate her pregnancy in order to assist a relative who is ill. Furthermore, the topic of tissue donation may not be raised with a woman until after she has given consent to have an abortion, so that the use of the tissue in research will not factor into her decisionmaking.

As for the concern that public knowledge of fetal tissue research may be the factor that tips the scales in favor of having an abortion, I am not convinced. I have not seen any evidence, for instance, that a person who is considering ending her own life through suicide decides to do so because at least she can save another person's life with her organs. Yet if it proves to be so that fetal tissue transplantation research increases the incidence of abortion in this country, I believe we should reevaluate whether this research should be continued.

Additional safeguards in the legislation make the sale of fetal tissue strictly forbidden, so that no physician, abortion clinic, or any other person or entity will profit at all from the collection and donation of fetal tissue.

The issue of fetal tissue transplantation research has become linked to the abortion debate. There are some who argue that abortion has nothing to do with this issue. I disagree. We cannot ignore the fact that we are talking about drawing some good from an elective abortion, a procedure to which I, and many others, have profound moral objections. But the question is not whether abortion is wrong, but whether the beneficial use of fetal tissue in any way encourages or sanctions abortion. I believe that, with the proper safeguards, it does not.

There are some who argue that no matter how many safeguards Congress enacts, the very nature of fetal tissue transplantation research offers a symbolic sanction of abortion. I simply cannot take that position. As much as I abhor the violence that is tearing apart our cities, I would never deny a dying person the chance to live a new life through the use of an organ from a murder victim. The use of that organ does not constitute an acceptance of violence nor is it likely to increase the number of murders that occur in our country. It will, however, provide hope and a chance at life for a suffering, dying person.

I support allowing this research to resume and I hope that my colleagues will choose to do the same.

Mr. DOLE. Mr. President, this issue is not an easy one for any of us. Under normal circumstances we would leap at the opportunity to support research that held out the promise of advancement in solving the tragedy of diabetes, Alzheimers, Parkinsons, and other similar conditions. But in this instance the debate has been complicated by legitimate ethical concerns raised regarding abortion.

Mr. President, this Senator is a consistent supporter of legislative efforts to place limits on abortion in this country. Those who support the continuation of the ban on the use of fetal tissue obtained from elective abortions argue that the lifting of the ban may, in fact, encourage abortions. But, Mr. President, after careful deliberation I am not persuaded that permitting this research will increase the incidence. Women arrive at the very difficult decision to have an abortion after a great deal of personal thought. This decision, to permit donation of tissue will be made after the initial decision is made. The legislation contains specific safeguards to provide that a wall be erected between the abortion decision and the decision to donate tissue.

There are additional safeguards to prohibit any payments or renumeration and compensation for the tissue in question. The women are also prohibited from designating the recipient of the fetal tissue transplant. These guidelines were developed based on the recommendations of the human fetal tissue transplantation research panel—many of whose members held the same deep reservations regarding abortion that I hold.

This Senator was impressed by the care given to these issues by the panel. They carefully weighed the concerns over abortion against concerns for medical research that could improve the lives of thousands of Americans. No doubt, certain precautions are paramount if the research is to be permitted. I believe the need for these precautions have been addressed in the bill.

Mr. President, I was perhaps most strongly persuaded to support the lifting of the ban by the comments of the Rev. Guy Walden. Reverend Walden, a Baptist preacher from Texas, is also an outspoken pro-life advocate. But, Reverend Walden argued that this debate is not about abortion, it is about life. His own child was a beneficiary of a

fetal tissue transplant, and he believes firmly that others should have this opportunity.

We can all agree that there is a tremendous need for a medical breakthrough in the treatment of a myriad of diseases. Given the great promise of fetal tissue transplants and the protections against abuse of the abortion decision, I believe, as do many of my colleagues, that to support this research is the true pro-life position.

The PRESIDING OFFICER (Mr. WELLSTONE). Is there further debate on the amendment? If not, the question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 23, nays 77, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—23

| | | |
|---|---|---|
| Bond | Ford | Lugar |
| Burns | Gramm | McCain |
| Coats | Grassley | Nickles |
| Cochran | Hatch | Pressler |
| Craig | Helms | Smith |
| D'Amato | Johnston | Symms |
| Durenberger | Kasten | Wallop |
| Exon | Lott | |

NAYS—77

| | | |
|---|---|---|
| Adams | Garn | Murkowski |
| Akaka | Glenn | Nunn |
| Baucus | Gore | Packwood |
| Bentsen | Gorton | Pell |
| Biden | Graham | Pryor |
| Bingaman | Harkin | Reid |
| Boren | Hatfield | Riegle |
| Bradley | Heflin | Robb |
| Breaux | Hollings | Rockefeller |
| Brown | Inouye | Roth |
| Bryan | Jeffords | Rudman |
| Bumpers | Kassebaum | Sanford |
| Burdick | Kennedy | Sarbanes |
| Byrd | Kerrey | Sasser |
| Chafee | Kerry | Seymour |
| Cohen | Kohl | Shelby |
| Conrad | Lautenberg | Simon |
| Cranston | Leahy | Simpson |
| Danforth | Levin | Specter |
| Daschle | Lieberman | Stevens |
| DeConcini | Mack | Thurmond |
| Dixon | McConnell | Warner |
| Dodd | Metzenbaum | Wellstone |
| Dole | Mikulski | Wirth |
| Domenici | Mitchell | Wofford |
| Fowler | Moynihan | |

So the amendment (No. 1749) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. May we have order, Mr. President?

The PRESIDING OFFICER. There will be order in the Chamber.

Mr. DODD. Mr. President, as we debate the NIH reauthorization bill, I want to express my support for a key provision that lifts the moratorium on Federal funding for fetal tissue transplantation research while imposing important safeguards regarding the acquisition and use of tissue for such research. The Reagan and Bush administrations have argued that fetal tissue research would increase the incidence of abortion across the country. This argument, however, is in direct contradiction to the findings of the Reagan administration's own task force that concluded that transplant research is not itself an inducement for women to have abortions.

Mr. President, while I firmly support a woman's right to choose, I would not support Federal funding of research that would serve to encourage abortion. I do, however, support the legislation before us that would nullify the moratorium on NIH-supported fetal tissue research. I support this legislation because I am convinced that the safeguards included in the bill ensure that the decision to terminate a pregnancy will be independent from the retrieval and use of fetal tissue. The safeguards in this bill are not a substitute for—but additions to—the already extensive ethical, technical, and scientific review that all research applications undergo. For example, H.R. 2507 would require that informed consent to donate the tissue be obtained only after the decision to terminate the pregnancy has been made. It would prohibit women from designating the recipient, or being informed of the identity of the recipient. And, the bill would make it illegal for any person to purchase or sell fetal tissue.

Scientists have been using fetal tissue for disease research since the 1950's. For example, cultured fetal kidney cells were essential to growing the polio virus and the research that led to the development of the polio vaccine. Forty years ago, more than 50,000 people were afflicted with polio each year. Fewer than four cases were reported in 1984. There is no evidence to suggest a link between this, or similar research, and increases in the number of abortions.

Fetal tissue transplantation research holds immediate promise for people who suffer from diabetes, Parkinson's disease, and spinal cord injury. Many others who suffer from chronic disorders such as Alzheimer's disease, genetic disorders, cancer, and AIDS, may eventually benefit from the research. I urge my colleagues to put rhetoric and politics aside and act to end this restraint on biomedical research. With appropriate safeguards in place, we have a responsibility to support critical research that holds the promise of eliminating the pain and suffering of millions of people throughout the country.

## ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, if I may have the attention of Senators, I have just discussed the status of the pending legislation with the managers, the distinguished Senators from Massachusetts and Utah. I will, in a few moments, propound a unanimous-consent request with the objective of identifying the remaining amendments to the bill and, if agreed, limiting the amendments to those. The managers have had their staffs working to prepare a list of such amendments, and the proposed unanimous-consent agreement is now being prepared. I will, in a few moments, propound that request.

I have also discussed with the distinguished Republican leader, and the chairmen of the relevant subcommittees, the possibility of obtaining an agreement to proceed with respect to the continuing resolution. That still is being reviewed by the distinguished Republican leader and his colleagues, as he has just received this and has not had time to consult with his colleagues before responding.

So after a period of time during which such consultation can occur, I will be in a position to make an announcement on the continuing resolution. First, we will try to get a unanimous-consent agreement with respect to the pending measure, based upon the discussions of the two managers of the bill. I expect to do that in just a few moments.

Mr. LEAHY. Will the Senator yield for a question?

Mr. MITCHELL. Mr. President, I yield to the Senator from Vermont.

Mr. LEAHY. I am wondering, just for planning purposes, for myself, and Chairman BYRD, and the staff, can we have some idea whether we might know whether we are going to have an agreement on the continuing resolution?

Mr. MITCHELL. Mr. President, I have suggested a method of proceeding, which I will then put forth in a request for unanimous consent, as soon as the Republican leader has had a chance to review that and consult with his colleagues on it. I expect that to be shortly. But I do not have a precise time on that. As the Senator knows, these matters are subject to consultation with a number of Members of the Senate.

Mr. LEAHY. This one especially. I thank the majority leader.

Mr. MITCHELL. If there are no further questions, Mr. President, I am going to suggest the absence of a quorum, but it will be just for a few moments. So if Senators have an interest in the legislation and in the unanimous-consent request, they should remain on the Senate floor, as that request will be put shortly, as it is now being drafted. The list of amendments that has been compiled by the managers is being incorporated in the agreement.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

The Senator is recognized.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that I may be permitted to go into morning business for a period not to exceed 5 minutes.

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

The Senator is recognized for a period not to exceed 5 minutes as if in morning business.

## EDICT FOR THE EXPULSION OF THE JEWS FROM SPAIN

Mr. METZENBAUM. Mr. President, today marks a grim anniversary.

This day echoes with the pain of centuries, with the sorrow of half a millennium.

Mr. President, 500 years ago this very day, on March 31, of the year 1492, a decree was issued by the royal family of Spain. The decree was entitled "Edict for the Expulsion of the Jews From Spain."

The terms of the decree were simple: After hundreds of years in Spain, Jews were forced to pack up, get out, and never return. The alternative was equally clear: summary execution.

And any non-Jew who out of decency and kindness sheltered a Jew suffered immediate forfeiture of all property and possessions.

Mr. President, we recall this day with pain, with pride, and with concern.

Our pain derives from the centuries of tradition and of uncommon tolerance that were shattered by the expulsion decree. This was no peripheral community.

For centuries, the Jewish community of Spain had been the preeminent Jewish community in the world.

Even today, those centuries are recalled as a golden age, a time that produced Moses Maimonides, a giant of philosophy and of medicine, a man who served as a bridge between ancient Greek philosophy and the stirring of the modern age;

It was a time during which Jews served as counselors to kings, wrote poetry that is read and recited to this day, a time when Jews developed scientific methods and instruments that were breakthroughs of the day.

Indeed, the navigational instruments on which Columbus depended when he made his voyage to the New World were perfected by two Spanish Jews.

Mr. President, this terrible tragedy forced the Jews of Spain to flee, and it was not easy for them. The doors of Europe were, with few exceptions, closed.

The prime exception was Turkey. We cannot recall the tragedy of Spanish Jews, without recalling as well the wisdom of Turkey, to which Jews worldwide will ever be grateful.

Mr. President, our pride derives from the fact that the Jews did what Jews had learned from their earlier history, and were to learn again and again from their later history.

They learned how to move on, carrying with them their meager possessions and their wisdom.

Their passion for justice, their devotion to God, their learning and their lore.

They established new homes, built new communities, and contributed immensely to the nations where they came to dwell.

Mr. President, I do not raise this anniversary merely to mark the day.

It is to the concern arising from this day that I would call my colleagues' attention.

Mr. President, Spain did what it did 500 years ago because its rulers had come to the view that there was room in Spain for only one culture, one people, one religion.

And I fear terribly that this disease of intolerance did not end in 1492, that it has not ended in 1992, 500 years later.

In nations and regions around the world, intolerance is precisely the disease that threatens unprecedented destabilization and, ultimately, bloodshed.

Our own country is founded on very different principles. Here, we celebrate our pluralism, and rightly so.

We understand that the diversity of cultures we embrace is a source of great strength, perhaps our greatest strength as a nation.

However, even here, ugly voices are raised that promote intolerance, bigotry.

Whether the voice be that of David Duke;

Whether the voice that of the marginally more subtle demagogues;

Whether it be TV ads calculated to appeal to racism and ethnic prejudice.

We cannot hide from America's would-be inquisitors, and from their voices of bigotry and hate.

Indeed, even in our national election campaigns, intolerance is peddled as bait to catch a few votes:

In 1988, television ads were used to inject race as an issue in our Presidential decision;

In 1990, voters were offered the image of a white worker losing his paycheck to an unqualified minority;

And in the 1992 campaign, voices of intolerance are back with renewed vigor:

Intolerance of foreigners;

Intolerance of ethnic and religious minorities; and

Intolerance of economic minorities.

There is also the continuing scandal of racism in this country.

It causes so many of our fellow citizens to suffer the insults and the injuries of bigotry and intolerance each and every day.

And then there is the newest type of racism:

It is cloaked with terms like "Buy American" and "America For Americans."

But let's not kid ourselves. The Japan-bashing of recent months is no more than Japanese-bashing. The free-trade fair-trade rhetoric is picking up an anti-Japanese racist flavor. It is there, and it is as dangerous as any other kind of discrimination.

We should be tough with our international competitors.

But our fight should be on business, not racial terms.

Mr. President, how many more centuries must we wait before we will all fully absorb the bitter lessons of 1492?

I am happy that Spain has heeded the lessons of its history, and has moved decisively away from its transgression against decency.

In 1954, the first new synagogue since 1492 was opened.

The Jewish community of Spain has sought to reclaim its past vitality.

And today, on this anniversary day, King Juan Carlos will visit the Madrid Synagogue to mark the brutal past and the new day that has come to Spain and to its Jews.

It is, I might add, no accident that Spain hosted the opening round of the Arab-Israeli peace talks last fall.

So there is hope and there is celebration. But who would deny that there is, at the same time, cause for concern?

If an anniversary is to mean anything, it must be more than an act of remembering;

It must also be an act of rededicating.

What we learn from our remembering is a lesson that we have yet fully to embrace—

A lesson to which each of us as individuals must attend;

A lesson to which we as a Nation must urgently give heed;

A lesson that all over the world must lead to a rededication to tolerance;

To decency; and

To the acceptance of human diversity.

This lesson is about rejecting our bias and our fear:

Who among us will resist the urge to fear someone who is different—

A different color;

A different religion;

A different accent; and

A different nationality.

How many Americans easily accept those who are made in a mirror image, but quickly reject those who are not a perfect match?

Mr. President, facing up to intolerance and fear is a fight for both our statehouses and for our homes.

It is a fight that each of us must take on.

Let both our hearts and our doors be ever open to our neighbors, whatever their faith, whatever their race; let both hearts and doors be open to the victims of hate who wander in our midst.

Mr. President, I ask unanimous consent that an English copy of the Expulsion Decree of 1492 be printed in the RECORD.

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

XIII, EDICT FOR THE EXPULSION OF THE JEWS FROM SPAIN—GRANADA, 31 MARCH 1492

Whereas, having been informed that in these our kingdoms, there were some bad Christians who judaized and apostatized from our holy Catholic faith, the chief cause of which was the communication of Jews with Christians; at the Cortes we held in the city of Toledo in the year 1480, we ordered the said Jews in all the cities, towns, and places in our kingdoms and dominions, to separate into Jewries and places apart, where they should live and reside, hoping by their separation alone to remedy the evil. Furthermore, we have sought and given orders, that inquisition should be made in our said kingdoms, which, as is known, for upwards of twelve years has been, and is done, whereby many guilty persons have been discovered, as is notorious. And as we are informed by the inquisitors, and many other religious, ecclesiastical, and secular persons, that great injury has resulted, and does result, and it is stated, and appears to be, from the participation, society, and communication they held and do hold with Jews, who it appears always endeavour in every way they can to subvert our holy Catholic faith, and to make faithful Christians withdraw and separate themselves therefrom, and attract and pervert them to their injurious opinions and brief, instructing them in the ceremonies and observances of their religion, holding meetings where they read and teach them what they are to believe and observe according to their religion; seeking to circumcise them and their children; giving them books from which they may read their prayers; and explaining to them the fasts they are to observe; assembling with them to read and to teach them the histories of their law; notifying to them the festivals previous to their occurring, and instructing them what they are to do and observe thereon; giving and carrying to them from their houses unleavened bread, and meat slaughtered with ceremonies; instructing them what they are to refrain from, as well in food as in other matters, for the due observance of their religion, and persuading them all they can to profess and keep the law of Moses; giving them to understand, that except that, there is no other law or truth, which is proved by many declarations and confessions, as well of Jews themselves as of those who have been perverted and deceived by them, which has greatly redounded to the injury, detriment, and opprobrium of our holy Catholic faith.

Notwithstanding we were informed of the major part of this before, and we knew the certain remedy for all these injuries and inconveniences was to separate the said Jews from all communication with Christians, and banish them from all our kingdoms, yet we were desirous to content ourselves by ordering them to quit all the cities, towns, and places of Andalusia, where, it appears, they had done the greatest mischief, considering that would suffice, and that those of other cities, towns and places would cease to do and commit the same.

But as we are informed that neither that, nor the execution of some of the said Jews, who have been guilty of the said crimes and offences against our holy Catholic faith, has been sufficient for a complete remedy to obviate and arrest so great an opprobrium and offence to the Catholic faith and religion;

And as it is found and appears, that the said Jews, wherever they live and congregate, daily increase in continuing their wicked and injurious purposes; to afford them no further opportunity for insulting our holy Catholic faith, and those whom until now God has been pleased to preserve, as well as those who had fallen, but have amended and are brought back to our holy mother church, which, according to the weakness of our human nature and the diabolical suggestion that continually wages war with us, may easily occur, unless the principal cause of it be removed, which is to banish the said Jews from our kingdoms.

And when any serious and detestable crime is committed by some persons of a college or university, it is right that such college or university should be dissolved and annihilated and the lesser suffer for the greater, and one be punished for the other; and those that disturb the welfare and proper living of cities and towns, that by contagion may injure others, should be expelled therefrom, and even for lighter causes that might be injurious to the state, how much more then for the greatest, most dangerous, and contagious crimes like this.

Therefore we, by and with the counsel and advice of some prelates and high noblemen of our kingdoms, and other learned persons of our council, have maturely deliberated thereon, resolve to order all the said Jews and Jewesses to quit our kingdoms, and never to or come back to them, or any of them. Therefore we command this our edict to be issued, whereby we command all Jews and Jewesses, of whatever age they may be, that live, reside, and dwell in our said kingdoms and dominions, as well natives as those who are not, who in any manner or for any cause may have come to dwell therein, that by the end of the month of July next, of the present year 1492, they depart from all our said kingdoms and dominions with their sons, daughters, man-servants, maid-servants, and Jewish attendants, both great and small, of whatever age they may be; and they shall not presume to return to nor reside therein, or in any part of them, either as residents, travellers, or in any other manner whatever, under pain that if they do not perform and execute the same, and are found to reside in our said kingdoms and dominions, or should in any manner live therein, they incur the penalty of death, and confiscation of all their property to our treasury, which penalty they incur by the act itself, without further process, declaration, or sentence.

And we command and forbid any person or persons of our said kingdoms, of whatsoever rank, station, or condition they may be, that they do not presume publicly or secretly to receive, shelter, protect, or defend any Jew or Jewess, after the said term of the end of July, in their lands or houses, or in any other part of our said kingdoms and dominions, henceforward for ever and ever, under pain of losing all their property, vassals, castles, and other possessions; and furthermore forfeit to our treasury any sums they have, or receive from us.

And that the said Jews and Jewesses during the said time, until the end of the said month of July, may be the better able to dispose of themselves, their property, and estates, we hereby take and receive them under our security, protection, and royal safeguard; and insure to them and their properties, that during the said period, until the said day, the end of the said month of July, they may travel in safety, and may enter, sell, barter, and alienate all their movable and immoveable property, and freely dispose thereof at their pleasure.

And that during the said time, no harm, injury, or wrong whatever shall be done to their persons or properties contrary to justice, under the pains those persons incur and are liable to, that violate our royal safeguard.

We likewise grant permission and authority to the said Jews and Jewesses, to export their wealth and property, by sea or land, from our said kingdoms and dominions, provided they do not take away gold, silver, money, or other articles prohibited by the laws of our kingdoms, but in merchandise and goods that are not prohibited.

And we command all the justices of our kingdoms, that they cause the whole of the above herein contained to be observed and fulfilled, and that they do not act contrary hereto; and that they afford all necessary favour, under pain of being deprived of office, and the confiscation of all their property to our exchequer.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## UNANIMOUS-CONSENT AGREEMENT—H.R. 2507

Mr. MITCHELL. Mr. President, as I stated earlier, I will now propound a unanimous-consent request with respect to the pending bill, and following that a request with respect to the continuing resolution.

First, Mr. President, I ask unanimous consent that the only amendments remaining in order to H.R. 2507, in addition to the committee substitute, be the following: An amendment by Senator HATFIELD regarding ethics of genetic engineering; an amendment by Senator DECONCINI regarding penalties for dealing in human fetal tissue; an amendment by Senator LEAHY regarding a cancer research registry; an amendment by Senator BRADLEY regarding a children's vaccine initiative; an amendment by Senator JEFFORDS regarding the Worker's Family Protection Act; an amendment by Senator HELMS regarding section 1010 of title X of the bill; an amendment by Senator HELMS that is regarding and relevant to title II of the bill—and I should have stated with respect to the first Helms amendment that it would be regarding and relevant to the noted section; an amendment by Senator HATCH that is relevant to the bill; that no motions to recommit be in order; and that the listed amendments all be first-degree amendments subject to relevant second-degree amendments.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I wonder, if the majority leader and the manager would agree, if I may offer an amendment on prostate cancer research; I may not. Do they have any objection to that?

Mr. MITCHELL. I ask unanimous consent that the agreement be modified to include a Dole amendment regarding prostate cancer research.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL. Mr. President, I wish to make clear that the titles to which I referred in the request are titles in the committee substitute, not the titles in the bill. So a Senator wishing, after reading this list, to cross-reference them and to check them should check the titles in the committee substitute.

The PRESIDING OFFICER. With that understanding, is there objection? The Chair hearing none, without objection the unanimous consent request is agreed to.

Mr. MITCHELL. Mr. President, if I might proceed to try to get the next agreement?

Mr. DOLE. If the majority leader will yield, I know the answer, but just so the RECORD will reflect it, there is not any time agreement other than these amendments to be offered, is that correct?

Mr. MITCHELL. That is correct.

Mr. DOLE. If Senator HATCH and others want additional time, it is debatable?

Mr. MITCHELL. The agreement merely limits amendments to the bill to those amendments which have been identified on the list.

The PRESIDING OFFICER. The majority leader is recognized.

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UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, I will now propound a proposed agreement with respect to the continuing resolution.

I ask unanimous consent that at a time to be determined by the majority leader, following consultation with the Republican leader, Senator LAUTENBERG be recognized to offer a resolution for himself and Senators KASTEN, DECONCINI, D'AMATO, and others regarding Israeli loan guarantees; that there be 2 hours for debate on the resolution equally divided in the usual form with an additional 10 minutes for Senator DECONCINI; that no amendments or motions to commit be in order with respect to the resolution; that upon the use or yielding back of time the Senate, without any intervening action or debate, vote on the adoption of the resolution; and that immediately upon the disposition of the resolution offered by Senators LAUTENBERG, KASTEN, DECONCINI, D'AMATO, and others, the Senate proceed to the consideration of House Joint Resolution 456, the continuing appropriations bill for foreign operations; that there be 30 minutes for debate equally divided in the usual form; that no amendments or motions to commit be in order with respect to the continuing resolution; and that when all time is used or yielded back, the Senate, without any intervening action or debate, vote on passage of the continuing resolution.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, reserving the right to object, and I shall object at this time, I just state for the RECORD that, as the majority leader knows, I think we received the request and the proposed sense-of-the-Senate amendment with reference to loan guarantees at some time around 6. We have been trying to check with the administration and others who have an interest in this issue, and, because of that, I am not in a position to agree to the request at this time. Hopefully, I can be in that position by sometime early tomorrow morning. And I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEAHY. Mr. President, will the leader yield?

Mr. MITCHELL. Yes.

Mr. LEAHY. Mr. President, I am wondering, is the concern of the distinguished Republican leader directed toward the sense-of-the-Senate resolution or toward the continuing resolution on appropriations or both? I wonder if it would be possible to ask, if he has concern with only one or the other, to get agreement on one.

Mr. DOLE. This Senator may not have any concern about either, but there is concern about both.

Mr. LEAHY. OK. That answers my question. I thank the Chair, and I thank the distinguished Republican leader.

Mr. LAUTENBERG. Mr. President, if the majority leader will yield?

Mr. MITCHELL. Yes; I yield to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, does it imply that, since the Republican leader has raised an objection, that there would not be an opportunity to object to dealing with the CR as it is presented? I think Senator LEAHY just clarified that, but I would like to be certain because I think I might have an objection to the CR coming up.

Mr. DOLE. It is a package deal, a package request.

Mr. MITCHELL. Mr. President, the request was presented as a single request embracing both the sense-of-the-Senate resolution and the continuing resolution. Objection has been heard on the ground stated by the distinguished Republican leader, and he expressed the hope that he will be in a position to agree to the request tomorrow morning with the intervening time to consult.

Accordingly, Mr. President, that being the case and the Senate already having accepted an agreement with respect to the pending bill, it is my belief that, rather than attempting to proceed to the continuing resolution this evening with the prospect, or at least the possibility, of consent tomorrow morning to the agreement as presented, that we would be best off waiting until the morning and giving the distinguished Republican leader the opportunity to determine whether it will be possible to proceed, pursuant to this proposed agreement.

Mr. LEAHY. If the distinguished majority leader will yield?

Mr. MITCHELL. Yes.

Mr. LEAHY. I totally concur. As the leader knows, I was here today in the hopes of being able to work out a time agreement on this. I note the distinguished majority leader and the distinguished Republican leader, as well as the distinguished ranking member, Senator KASTEN, have been very, very cooperative, as have a number of other Senators, all here on the floor trying to work that out.

As one who will have to manage the bill, I would say—I hope the distinguished chairman of our committee would agree—that naught would be gained by trying to go forward here.

I only note to Senators I hope an agreement can be reached early in the morning because the time does run out on the present continuing resolution. It is my understanding that business can go on as usual for a relatively short period of time. People have been instructed to show up for work tomorrow in the affected agencies. But that could change if we were not able to reach an agreement, for a short time—soon.

I am sure the distinguished Republican leader has heard the same. But it is my understanding from the administration that everybody is to report to work in the morning. I hope people will act as they have this afternoon and we will have an agreement soon.

Mr. DOLE. Mr. President, if the majority leader will yield, it seems, if we reach an agreement, we might want to do the CR first. I do not know why we are doing that—to save that 2 or 3 hours we would spend in debating the first part of the request—if it means uncertainty on the part of the employees. And there is some indication that, if we can reach an agreement, the SBA is in dire need of additional funding.

If that leads to other amendments, I assume that would not be possible on the CR. I have discussed it briefly with the chairman of the Appropriations Committee. But I hope to be in a position tomorrow morning at a fairly early time to convey to the majority leader what we are in a position to do.

Mr. MITCHELL. Mr. President, I am advised that we have requests for morning business speaking time of

about 2 hours. So what I am going to suggest is that we come in at 9 and that at 11 I would put the request again with respect to the CR, in the hopes that prior to 11, the distinguished Republican leader will be able to give us a response on it. And that, if we do obtain agreement to proceed in accordance with this agreement or something like it, my intention would be to proceed to do that beginning at 11. And when we complete action on that to return to the pending bill and to complete action on that, on the several amendments and that bill during the day.

If that is agreeable?

Mr. DOLE. Mr. President, I wonder if I might suggest the absence of a quorum, or at least have a chance to meet with the majority leader before everybody leaves here. There may be something developed.

Mr. LAUTENBERG. That is a very simple request. If the distinguished Republican leader will yield for a moment so I can make certain that the RECORD reflects Senator LEAHY, chairman of the Subcommittee on Foreign Operations, Appropriations, is a cosponsor of the resolution that is pending?

Mr. MITCHELL. I thank my colleague.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, it appears that we are not going to be able to make further progress on this matter this evening. Accordingly, there will be no further rollcall votes this evening. We will return tomorrow, as I suggested earlier; at 11 or approximately at 11, I will put the request anew and the distinguished Republican leader will have an opportunity to consult with his colleagues in the interim. We will see if we can reach an agreement on proceeding. If not, obviously, we will have to go to the CR and proceed as best we can.

Mr. President, unless any other Senator wishes to address the subject.

Mr. DOMENICI. Will the majority leader yield for a question?

Mr. MITCHELL. Certainly; yes.

Mr. DOMENICI. Mr. President, I was going to seek to speak 15 minutes as in morning business during the 2 hours that the majority leader described, between 9 and 11. It seems to me that I will not be able to be here during those 2 hours because I am supposed to be at the White House at 10, as I assume the distinguished majority leader is going to be.

I wonder if it would be appropriate for me to ask now for 15 minutes while the bill, which we are going to return to, is pending in that there is no time limit on it and I merely ask for the first opportunity that I can get the floor that I have 15 minutes as in morning business.

Mr. MITCHELL. Mr. President, I inquire of the Chair. I believe the Senator has that right in any event. He can get the floor and speak for however long he wants.

Mr. DOMENICI. It is on a completely different matter than the bill, and I would rather do it this way, if I could. Does the leader have any objection to my doing it that way?

Mr. MITCHELL. No, I have no objection.

The PRESIDING OFFICER. The Senator from New Mexico, Senator DOMENICI, is recognized.

Mr. DOMENICI. I sought unanimous consent and the distinguished majority leader has no objection.

The PRESIDING OFFICER. As the Chair understands the Senator, the Senator requests a period of time to speak not to exceed a period of 15 minutes as in morning business.

Mr. DOMENICI. During the pendency of the bill which we will be on tomorrow.

The PRESIDING OFFICER. During the pendency of the bill. Is there objection? Without objection, it is so ordered.

## UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I am advised, I have now received word that another amendment is to be offered and that the agreement with respect to the pending bill should be modified to include an amendment that was not on the list that I was previously given.

Mr. President, I am now advised there are two amendments. I think we better quit soon or we will have another 15 amendments. This is an amendment by Senator NICKLES regarding a report on the 20 diseases that cause the most deaths. And an amendment by Senator KENNEDY that is relevant to the bill. I ask unanimous consent that the agreement with respect to the pending bill be modified to include those two amendments.

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

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## MORNING BUSINESS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein.

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to executive session; that the Committee on Commerce, Science, and Transportation be discharged from further consideration of the nomination of Daniel S. Goldin to be Administrator of the National Aeronautics and Space Administration; and that the Senate proceed to immediate consideration of the nomination.

I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nomination considered and confirmed is as follows:

Daniel S. Goldin, to be Administrator of the National Aeronautics and Space Administration.

STATEMENT ON THE NOMINATION OF DAN GOLDIN

Mr. GARN. Mr. President, I rise to speak in support of the President's nomination of Dan Goldin to be the ninth Administrator of NASA. Like many of you, I only recently had an opportunity to meet with Mr. Goldin and to learn more about his career and qualifications to serve as Administrator of this important agency. I followed with interest his testimony before the Commerce Committee. I was most impressed with both his statements to the committee, and his clear, forthright answers to questions posed him by the committee members. Clearly, this is a person who intends to provide NASA strong leadership.

Mr. President, there are no reservations in my mind that Mr. Goldin is eminently well qualified, from a technical perspective, to take on the task of managing the incredible array of complex and sophisticated programs of the agency. He is very, very, familiar with space technology. Moreover, beyond being technically well versed, he has served as overall division manager for a variety of different space programs, both military and civil.

The Commerce Committee, however, already has reviewed this information, and has completed its examination of Mr. Goldin's financial disclosures to remove any questions about potential conflicts of interests. I only wish to

add a personal perspective about why I am comfortable about recommending confirmation of Mr. Goldin.

As you all know from my previous statements, speeches, and conversations, the opportunity to fly aboard the space shuttle *Discovery* in 1985 really was the high point of my life. There is literally nothing on Earth that can compare, and it absolutely confirmed all my long-held views and conviction about the critical need for our Nation to pursue an aggressive manned-space program. What most people do not bother to note, however, is that it also achieved the purpose that Jim Beggs really had in mind when he finally gave in to my repeated requests.

I learned an incredible amount about how the agency really operates * * * something that few Members of Congress do in all the hearings and after reading all the reports that consume our days on Capitol Hill. Even when we visit Federal facilities, it is usually only for the hour-long tour and the various briefings. Sometimes we bring to our tenure in office an intimate understanding of how certain programs work. For example, as a former mayor, no one had to tell me about Federal paperwork and regulations which made running a city nearly impossible.

With the extraordinary exception of our distinguished colleague from Ohio, JOHN GLENN, operations of a space agency are not yet an activity familiar to many in the Senate. Learning how a space agency is run certainly was new to me. And I will confess that I was like a kid in a candy store, but I did learn a lot. My nose got into everything they did with the dollars we appropriate.

It made coming back to the Senate real hard * * * but it imparted a deep appreciation of the importance and implications of decisions we make daily as legislators. And, while I do not think it inappropriate, it thoroughly convinced me that few uses of taxpayer dollars can compare to the value and necessity of investing in NASA and our space program.

Mr. President, this is a long explanation of what the Senate already knows: I have an absolute bias in favor of our Civil Space Program, manned and unmanned. But one formed on the basis of intense and continuing close association with NASA, combined with direct knowledge of its very diverse and valuable activities which benefit our Nation, and all of mankind, in countless ways.

I see in Dan Goldin a man who shares my deep and profound commitment to the necessity of pursuing an aggressive and vibrant space program. There simply can be no other explanation for a successful business executive to subject himself to the vicissitudes of life in our Nation's capital.

As you all know, I consider myself a good friend of Adm. Dick Truly. Frankly, I was upset with the timing and manner in which he was fired. Moreover, I deeply disagree with any notion that his performance as Administrator merited any such action. In my opinion, it was an unfortunate and ill-advised mistake. But such is the President's prerogative. And while I am extremely sorry to see Dick Truly leave, I must add that part of me is a bit relieved that he will no longer be subjected to the second guessing and interminable debate associated with securing funds necessary to maintain a viable program.

I know that Dick stayed the course because he shares my love of NASA, and that he felt that his service was important to the agency. There is no steadier hand at the helm than Dick Truly, no matter how rough the water.

Indeed, that is why I was surprised, pleased, and relieved when I learned of the President's intention to nominate Dan Goldin. Here is a man who also spent a career in space activities, one who clearly shares an understanding and appreciation of the value of space technology, and, incredibly, is willing to endure the financial sacrifice to take the punishment that Dick Truly has been spared. Moreover, this guy loves the space program.

A decision by the President to select key members of his own administration must be accorded great deference. I am, however, enthusiastic that NASA, we in the Senate, and the Nation, have the good fortune that Mr. Goldin is the nominee.

NASA, along with all other significant Federal agencies engaged in discretionary research and development activities, are confronting enormous challenges in the budget battles that have begun to be waged in the Halls of Congress. Strong leadership, such as that provided by Admiral Truly, is critical if NASA is to move forward in this troubled environment. I believe Dan Goldin can and will provide that leadership. I urge prompt and favorable action on this nomination.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## NATIONAL GEOLOGIC MAPPING ACT OF 1992

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 2763, a bill relating to geologic mapping, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2763) to enhance geologic mapping of the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1751

Mr. LAUTENBERG. Mr. President, on behalf of Senator JOHNSTON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for Mr. JOHNSTON (for himself and Mr. WALLOP), proposes an amendment numbered 1751.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 2, delete lines 8 through 10 and insert in lieu thereof the following:

(C) land use evaluation and planning for environmental protection;".

On page 5, line 11, delete "210" and insert in lieu thereof "300".

On page 5, line 17, delete lines 17 through 19 and insert in lieu thereof the following:

"(C) within 210 days after the date of enactment of this Act, submit a report to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Affairs of the House of Representatives identifying—".

On page 6, at the end of line 6, delete the period and insert in lieu thereof a semicolon and the following:

"(iv) the degree to which geological mapping activities traditionally funded by the Survey, including the use of commercially available aerial photography, geodesy, professional land surveying, photogrammetric mapping, cartography, photographic processing, and related services, can be contracted to professional private mapping firms.".

On page 6, delete lines 18 through 23 and insert in lieu thereof the following:

"(1) determining the Nation's geologic framework through systematic development of geological maps at scales appropriate to the geological setting and the perceived applications, such maps to be contributed to the national geological map data base;".

On page 7, lines 19 through 20, delete "shall be coordinated through the OMB Circular A-16 (revised) Process and".

On page 10, line 1, insert a period after "priorities" and delete "established through the OMB Circular A-16 (Revised) process coordinated by the Survey."

On page 10 and 11, delete subsection (a) and insert in lieu thereof the following:

"(a) ESTABLISHMENT. There shall be established a sixteen member geologic mapping advisory committee to advise the Director and planning and implementation of the geological mapping program. The President shall appoint one representative each from the Environmental Protection Agency, the Department of Energy, the Department of Agriculture, and the Office of Science and Technology Policy. Within 90 days and with the advice and consultation of the State Geological Surveys, the Secretary shall appoint to the advisory committee 2 representatives from the Survey (including the Chief Geologist, as Chairman), 4 representatives from

the State geological surveys, 3 representatives from academia, and 3 representatives from the private sector.

On page 12, lines 12 and 13, delete "consistent with OMB Circular A-16 (Revised)".

On page 13, delete lines 14 through 20 and insert in lieu thereof the following:

"(4) a description of the degree to which the Survey can acquire, archive, and use Side-Looking Airborne Radar (SLAR) or Interferometric Synthetic Aperture Radar (IFSAR) data in a manner that is technically appropriate for geologic or related mapping studies;".

On page 15, line 11, delete "$11,500,000" and insert in lieu thereof "$12,000,000".

On page 1, line 5, delete "1991" and insert in lieu thereof "1992".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1751) was agreed to.

Mr. BURNS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I urge the Senate to support H.R. 2763, the Geologic Mapping Act of 1992. The purpose of the legislation is to establish a national geologic mapping program to expedite the production of a geologic map information base necessary to meet the goal of mapping the geology of the entire United States.

On May 23, 1991, I introduced S. 1179, legislation similar to H.R. 2763. The Subcommittee on Mineral Resources Development and Production held hearings on S. 1179 on July 30, 1991, and on November 15, 1991, the committee favorably reported the bill as amended. On November 21, 1991, the House of Representatives passed H.R. 2763, sending it to the Senate where it was referred to the Committee on Energy and Natural Resources. Today I am asking for unanimous consent to discharge H.R. 2763 from the committee and pass it with amendments.

Geologic maps are the principal sources of geologic information for nearly all basic and applied earth-science research and decisionmaking. Geologic maps provide data essential to assessing energy, mineral, and water resources; screening and characterizing sites for toxic and nuclear waste disposal; land use planning; earthquake-hazard reduction; predicting volcanic hazards; mitigating effects of coastal and stream erosion; and basic earth-science research. Conversely, the lack of proper geologic maps can lead to the poor design of such structures as dams and waste disposal facilities.

Geologic maps are prepared from field surveys and other available information such as geophysical and remote-sensing data and drilling and mining records. Geologic mapping basically involves the gathering of information about surface occurrences of rocks, minerals and other materials at or near the surface of the Earth and plotting this data on maps. Users of geologic maps include Federal agencies, State and local governments, private industry, and the general public.

Despite the pivotal role that geologic maps play in the portrayal and dissemination of geologic information crucial to many of today's pressing issues, this Nation has never committed itself to a sustained, systematic effort to build a comprehensive national geologic data base. Instead, scientific effort has been directed away from the acquisition of long-term baseline information and toward the solution of single-issue problems.

Most of the geologic mapping is carried out by the U.S. Geological Survey and by the State geological surveys. Due to increasing costs and decreasing budgets, current combined geologic mapping is not adequate to meet the geologic mapping needs of the United States. According to the Association of American State Geologists, only two States and Puerto Rico have essentially complete geologic map coverage. To achieve important geologic mapping goals, a focused nationwide effort is required.

H.R. 2763 directs the Secretary of the Interior to establish a nationwide geologic mapping program led by the U.S. Geological Survey, with participation from State geological surveys and agencies and academia.

The mapping program is to be made up of a Federal mapping component to determine national geologic mapping needs and priorities, a State geologic mapping component to determine and fulfill State needs and priorities; a geologic mapping support component to provide interdisciplinary support in areas such as paleontologic, geochronologic, and isotopic studies and geophysical and geochemical investigations, and an education component. Funding for the State component is to be matched on a one-to-one basis with non-Federal dollars.

I believe that this program will provide information necessary to assist in resolving many of today's energy and environment issues, and I urge support of H.R. 2763.

Mr. WALLOP. Mr. President, I rise in support of the legislation now before us, the Geologic Mapping Act of 1992. I am very pleased that we have finally turned the last page in a legislative book which will open vast new doors of geologic information.

It is clear from the impressive abundance and diversity of support for this legislation that the information provided by geologic maps is in great demand. Geologic maps provide the data base upon which determinations are made that affect America's basic economy. Exploration and development of energy, mineral and water resources depend on accurate geologic information. But more importantly, as the pressures on our dwindling resources and strained environment demand better management based on more comprehensive geologic data, this bill, through a cost-sharing program, will produce critically needed maps that previous and existing State and Federal mapping programs have failed to provide.

The failure of the U.S. Geological Survey to provide adequate geologic maps makes passage of this very specific and binding authorization a clear necessity. By matching funds on a 50-50 basis, the States will have both the structural and financial incentives to increase their role in the production of geologic maps. In turn, we will have a greater understanding of the landscape we inhabit; waste-disposal facility siting, land-use planning, construction planning and geologic hazard predictions will all be more accurately defined.

These efforts will be further enhanced by my amendment, accepted by the Energy Committee, to encourage the use of radar imagery—including SLAR and IFSLAR—as a tool in the geologic mapping program. Radar imagery is an important advantage; large areas can be covered in a short time and pictures can be produced and interpreted after only a minimum of processing. And, radar can work under almost any weather condition or in forested terrain, a vital element in military flight planning.

In closing, Mr. President, let me just say that had it not been for the enthusiastic support of the State geologists, we may not be making this commitment today. So I thank them for their foresight, their diligent efforts and their willingness to be full partners in this important program.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2763), as amended, was passed.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## MEASURE INDEFINITELY POSTPONED

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that Calendar No. 323, S. 1179, a bill to stimulate the production of geological map information, be indefinitely postponed.

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

## COMMENDATION OF VICE ADM. RICHARD H. TRULY

Mr. BURNS. Mr. President, I send a resolution to the desk for Senator GARN, commending Admiral Truly for his work, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 276) commending the long and distinguished service to the Nation of Vice Admiral Richard H. Truly upon his retirement as Administrator of the National Aeronautics and Space Administration.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. GARN. Mr. President, it is with very mixed emotions that I note for the RECORD that this day marks the last day of service of Vice Adm. Richard H. Truly as Administrator of the National Aeronautics and Space Administration, and brings to a close his distinguished career of service to the Nation spanning over 30 years.

As one who will also be leaving the Government soon, with increasing frequency, I find myself reflecting on the nature of roles in public service and office. I know that his departure is more difficult than my own, if only because he respects and loves the agency of Government that he has worked in—and that his contributions and efforts are reflected in the achievements of the last 6 years, and in NASA's readiness to continue to build on the solid foundation of people and programs that he has shaped and lead.

Some have questioned the President's nominee for the next NASA Administrator on the basis that he hasn't had enough political experience dealing with the Congress. I personally find this concern unfounded. As one who has closely followed NASA's leadership from a distinctly political perspective for 18 years, it is my profound conviction that the agency's fate rests not on how it handles Congress, but rather on how it manages its programs.

To this end, those who follow Admiral Truly are well advised to examine his leadership and stewardship of that agency, and to build on that exemplary record of success.

One of the aspects of life in Washington which has always troubled me is that when someone leaves, we all too frequently engage in political hyperbole, that the real human relationships and spirit of confidence, trust, and thanks are lost. I for one, hope that these words are not lost in the standard political knashing of teeth and overblown accolades. Dick Truly has been a good administrator of NASA, and served that agency, and the Nation well, during a very difficult and trying time.

Mr. President, the Senate Resolution before us clearly states the remarkable career and contributions of Vice Adm. Richard H. Truly and expresses our well deserved thanks for a job well done. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 276) was agreed to.

The preamble was agreed to.

The resolution, and its preamble, are as follows:

S. RES. 276

Whereas Vice Admiral Richard H. Truly began his career of service to his Nation in 1959 when he was commissioned as an ensign in the United States Navy;

Whereas, as a naval aviator, Vice Admiral Richard H. Truly served as a fighter pilot, instructor at the United States Air Force Aerospace Research Pilot School, and in 1969, transferred to the National Aeronautics and Space Administration, as an astronaut;

Whereas, during his assignment to the National Aeronautics and Space Administration as an astronaut, Vice Admiral Richard H. Truly was pilot for one of the approach and landing test flights in 1977 of the Space Shuttle Enterprise, and pilot of the Space Shuttle Columbia for the Nation's second shuttle mission in space orbit in 1981;

Whereas Vice Admiral Richard H. Truly returned to naval service in 1983 to become the first commander of the Naval Space Command, but returned to the National Aeronautics and Space Administration in February 1986, to lead the difficult and painstaking rebuilding of the Space Shuttle program following the Challenger tragedy;

Whereas, under Vice Admiral Richard H. Truly's leadership, the National Aeronautics and Space Administration celebrated "return to flight" of the Space Shuttle program in September of 1988, and has subsequently flown twenty additional safe and highly successful shuttle missions;

Whereas Vice Admiral Richard H. Truly became the eighth Administrator of the National Aeronautics and Space Administration on July 1, 1989, and the first astronaut to head the Nation's civilian space agency;

Whereas as Administrator, Vice Admiral Richard H. Truly expanded and emphasized the National Aeronautics and Space Administration's role in improving education programs and stimulating the interest of our Nation's youth in mathematics, science, and engineering; increased the dissemination of aerospace technologies to stimulate domestic economic activity; broadened opportunities to develop new commercial enterprises in space; managed the development of a broad array of new science, technology, and exploratory missions; initiated a continuous improvement program; and promoted a culturally diverse work force; and

Whereas, Vice Admiral Richard H. Truly's leadership of the National Aeronautics and Space Administration has emphasized the operation of a safe and reliable space transportation system and a balance between the scientific research and exploration and more focused Earth, environmental, materials, and life sciences research, aeronautics and high performance computing technology development, and expansion of manned missions through the Space Shuttle and Space Station Freedom programs, leading to future manned exploration of our solar system: Now, therefore, be it *Resolved*,

**SECTION 1. TRIBUTE.**

The Senate pays tribute to Vice Admiral Richard H. Truly in appreciation for his dedication and commitment to promoting the goals and objectives of our Nation's civil space program, sustaining America's leadership in space and aeronautics, and inspiring our youth to continue to reach for the stars.

**SEC. 2. COMMENDATION.**

The Senate commends Vice Admiral Richard H. Truly for his outstanding leadership of the National Aeronautics and Space Administration through difficult program and policy debates; and wishes him God speed as he brings to a close an exemplary career in Government service to chart new waters.

**SEC. 3. COPY OF RESOLUTION.**

The Secretary of the Senate shall transmit a copy of this resolution to Vice Admiral Richard H. Truly.

Mr. BURNS. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## EXTENDING THE DEADLINE FOR APPOINTMENT UNDER PUBLIC LAW 102-166

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the deadline in Public Law 102-166, section 303(b)(4) for the appointment of the director of the Office of Senate Fair Employment Practices by the President pro tempore, upon the recommendation of the majority leader in consultation with the minority leader, be extended through April 11, 1992; and that the director's appointment take effect within 30 days following that person's appointment, as agreed to by the President pro tempore, upon the recommendation of the majority leader in consultation with the minority leader.

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

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO THE EXPIRATION OF THE EXPORT ADMINISTRATION ACT—MESSAGE FROM THE PRESIDENT—PM 189

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

1. On September 30, 1990, in Executive Order No. 12730, I declared a national emergency under the International Emergency Economic Powers Act ("IEEPA") (50 U.S.C. 1701, *et seq.*) to deal with the threat to the national security and foreign policy of the United States caused by the lapse of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401, *et seq.*), and the system of controls maintained under that Act. In that order I continued in effect, to the extent permitted by law, the provisions of the Export Administration Act of 1979, as amended, the Export Administration Regulations (15 C.F.R. 768, *et seq.* (1991)), and the delegations of authority set forth in Executive Order No. 12002 of July 7, 1977, Executive Order No. 12214 of May 2, 1980, and Executive Order No. 12131 of May 4, 1979, as amended by Executive Order No. 12551 of February 21, 1986.

2. I issued Executive Order No. 12730 pursuant to the authority vested in me as President by the Constitution and laws of the United States, including IEEPA, the National Emergencies Act ("NEA") (50 U.S.C. 1601, *et seq.*), and section 301 of title 3 of the United States Code. At that time, I also submitted a report to the Congress pursuant to section 204(b) of IEEPA (50 U.S.C. 1703(b)). Section 204 of IEEPA requires follow-up reports, with respect to actions or changes, to be submitted every 6 months. Additionally, section 401(c) of the NEA requires that the President, within 90 days after the end of each 6-month period following a declaration of a national emergency, report to the Congress on the total expenditures directly attributable to that declaration. This report, covering the 6-month period from October 1, 1991, to March 31, 1992, is submitted in compliance with these requirements.

3. Since the issuance of Executive Order No. 12730, the Department of Commerce has continued to administer the system of export controls, including antiboycott provisions, contained in the Export Administration Regulations. In administering these controls, the Department has acted under a policy of conforming actions under Executive Order No. 12730 to those required under the Export Administration Act, insofar as appropriate.

4. Since my last report to the Congress, there have been several significant developments in the area of export controls:

—In light of the ongoing changes occurring in Eastern Europe and the former Soviet Union, the Department of Commerce has been working with officials of Bulgaria, Czechoslovakia, Hungary, Poland, and republics of the former Soviet Union to implement and strengthen their export control systems, including pre-license inspections and post-shipment verifications. We are also engaged in activities with these countries to assist in the prevention of proliferation of weapons of mass destruction and corresponding technology. These developments will allow for enhanced and much-needed trade in high technology items and other commodities in the region, while helping to prevent unauthorized shipments or uses of such items.

—In my last report I noted that, following negotiations with our Coordinating Committee (COCOM) partners that produced a streamlined Core List of truly strategic items subject to multilateral national security controls, the Department of Commerce implemented a new Commerce Control List (CCL), effective September 1, 1991 (56 F.R. 42824, August 29, 1991). During the current reporting period, the Department issued a conforming regulation, effective January 7, 1992, to bring the CCL into line with special country- and commodity-based controls. In this action, foreign policy provisions in the Export Administration Regulations (EAR) were revised to adjust and expand controls on Iran and Syria. Controls affecting countries designated by the Secretary of State as supporting international terrorism were also revised, with Iraq added and Yemen deleted from the list. Additionally, the transfer from the Department of State to the Department of Commerce of licensing jurisdiction over certain civil aircraft inertial navigation equipment was implemented (57 F.R. 4553, February 6, 1992).

—Our efforts to address the threat to the national security and foreign policy interests of the United States posed by the spread of weapons of mass destruction and missile delivery systems remain ongoing. In this vein, we continue to work with our major trading partners to strengthen export controls over goods, technology, and other forms of assistance that can contribute to the spread of nuclear, chemical, and biological weapons and missile systems:

—The United States has been working with its partners in the 22-nation Australia Group (AG) to harmonize export controls related to the proliferation of chemical and biological weapons (CBW). At the December 1991 meeting, the participants agreed to control the export of certain biological organisms and CBW-related equipment. The list considered for possible adoption by the AG in this effort is nearly identical to the draft submitted by the United States.

—Additionally, the 27-nation Nuclear Suppliers Group, in which the United States participates, is expected formally to establish a multilateral regime to control nuclear-related, dual-use items along the lines of the nuclear referral list currently administered by the Department of Commerce.

—In the area of supercomputers, we have agreed on a supercomputer safeguard regime with Japan and will be negotiating with our European trading partners to expand this regime. Supercomputer exports involve sensitive national security and foreign policy interests such as cryptology, strategic defense, and submarine warfare; the multilateral safeguard regime is therefore intended to establish uniform and effective international policies and procedures to protect supercomputers from unauthorized end-uses and end-users.

—Developments in the Missile Technology Control Regime (MTCR) include revision of the MTCR control list or "Annex," and the inclusion of missiles capable of delivering all weapons of mass destruction within the scope of the MTCR, not just those capable of delivering nuclear weapons, which were originally designated as the focus of the regime.

—In response to commitments made by the People's Republic of China (PRC) to adhere to the MTCR nonproliferation guidelines, on February 21, 1992, the Department of State announced my decision to remove special missile sanctions imposed upon the PRC for the activities of Chinese entities involved in missile technology proliferation. As a result, certain sanctions, including restrictions on the export of high-performance computers, are being removed. Other controls affecting the PRC, such as those implemented following Tiananmen Square, remain in place.

—Finally, our enforcement efforts have continued unabated:

—During this 6-month reporting period, record civil penalties, totalling in excess of $3.5 million, were assessed in export control enforcement cases. The companies against which the penalties were imposed include the Digital Equipment Corporation; Ecosphere International; Everex Sys-

tems, Inc., and its subsidiary Everex Systems (Far East); and Kobe Argentina, the Argentine subsidiary of a U.S. company that was involved in the first case in which both export control and antiboycott violations were alleged.

—On December 19, 1991, special agents from the Department of Commerce's Bureau of Export Administration arrested a French businessman in New York on charges of diverting two shipments of aviation oil valued at over $2 million to Cuba. A German company and two of its executives were also indicted in connection with the diversion scheme. In addition, an American company and two of its executives were indicted and charged with falsifying shipping documents, having knowledge of the diversion, and failing to report the diversion to authorities.

—On February 18, 1992, the Department of Commerce charged L.A. Gear, Inc., an athletic footwear manufacturer, with 46 violations of the antiboycott provisions of the Export Administration Act and Regulations. The Department alleged that, in July 1987 and January 1990, the company complied with boycott requests from a Middle Eastern customer, resulting in antiboycott violations including knowingly agreeing to refuse to do business with other persons in response to a boycott-based requirement, furnishing prohibited boycott-related information, and failure to report receipt of boycott-related requests.

5. The expenses incurred by the Federal Government in the 6-month period from October 1, 1991, to March 31, 1992, that are directly attributable to the exercise of authorities conferred by the declaration of a national emergency with respect to export controls were largely centered in the Department of Commerce, Bureau of Export Administration. Expenditures by the Department of Commerce are anticipated to be $20,254,000, most of which represents wage and salary costs for Federal personnel.

6. The unrestricted access of foreign parties to U.S. goods, technology, and technical data, and the existence of certain boycott practices of foreign nations, in light of the expiration of the Export Administration Act of 1979, continue to constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. I shall continue to exercise the powers at my disposal to retain the export control system, including the antiboycott provisions, and will continue to report periodically to the Congress.

GEORGE BUSH.

THE WHITE HOUSE, *March 31, 1992.*

## ANNUAL REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT—PM-190

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Pursuant to the requirements of 42 U.S.C. 3536, I transmit herewith the Twenty-sixth Annual Report of the Department of Housing and Urban Development, which covers calendar year 1990.

GEORGE BUSH.

THE WHITE HOUSE, *March 31, 1992.*

## ANNUAL REPORTS ON ACTIVITIES UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT—MESSAGE FROM THE PRESIDENT—PM—191

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports; which was referred to the Committee on Labor and Human Resources:

*To the Congress of the United States:*

In accordance with section 26 of the Occupational Safety and Health Act of 1970 (Public Law 91-596; 29 U.S.C. 675), I transmit herewith the 1989 annual reports on activities of the Department of Labor, the Department of Health and Human Services, and the Occupational Safety and Health Review Commission.

GEORGE BUSH.

THE WHITE HOUSE, *March 31, 1992.*

## MESSAGES FROM THE HOUSE

At 11:32 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes, disagreed to by the Senate; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

Mr. ROSE, Mr. GEJDENSON, Mr. GEPHARDT, Mr. SWIFT, Mr. PANETTA, Mr. SYNAR, Mr. KLECZKA, Mr. THOMAS of California, Mr. EDWARDS of Oklahoma, Mr. LIVINGSTON, and Mr. WALSH.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 103 and 202 of the Senate bill, and section 802 of the House amendment, and modifications committed to conference: Mr. DINGELL, Mr. MARKEY, and Mr. LENT.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 104, 404 409, and 411 of the Senate bill, and section 103 of the House amendment, and modifications committed to conference: Mr. CLAY, Mr. MCCLOSKEY, and Mr. GILMAN.

At 2:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 3292. An act to require candidates who are eligible to receive amounts from the Presidential Election Campaign Fund to prepare television commercials with closed captioning of the oral content;

H.J. Res. 402. Joint resolution approving the location of a memorial to George Mason; and

H.J. Res. 456. Joint resolution making further continuing appropriations for the fiscal year 1992, and for other purposes.

## MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 402. Joint resolution approving the location of a memorial to George Mason; to the Committee on Rules and Administration.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2839. A communication from the Acting Assistant Secretary of Agriculture (Science and Education), transmitting, pursuant to law, the annual report on the Food and Agricultural Sciences for fiscal year 1990; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2840. A communication from the Secretary of the Army, transmitting, pursuant to law, notice that the Air Defense Anti-Tank System has breached its unit cost threshold by 15 percent; to the Committee on Armed Services.

EC-2841. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, the annual report on funds obligated in the research, development, test and evaluation chemical/biological programs during fiscal year 1991; to the Committee on Armed Services.

EC-2842. A communication from the Director for Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, the annual report on Extraordinary Contractual Actions to facilitate the National Defense for calendar year 1991; to the Committee on Armed Services.

EC–2843. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report on enforcement of the Fair Debt Collection Practices Act for 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC–2844. A communication from the Director for Congressional Liaison, Office of the Comptroller of the Currency, transmitting, pursuant to law, a revised edition of the annual report on enforcement actions under the Financial Institutions Reform, Recovery, and Enforcement Act for calendar year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC–2845. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report on the Rural Housing Demonstration Program for fiscal year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC–2846. A communication from the Chairman of the Securities and Exchange Commission, transmitting a draft of proposed legislation to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act and through business development companies; to the Committee on Banking, Housing, and Urban Affairs.

EC–2847. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on enforcement activities under the Financial Institutions Reform, Recovery, and Enforcement Act for calendar year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC–2848. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the fiscal year 1993 budget request of the Federal Aviation Administration; to the Committee on Commerce, Science, and Transportation.

EC–2849. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, documentation relative to the legislative proposal to eliminate the mortality of dolphins in the eastern tropical pacific tuna purse seine fishery; to the Committee on Commerce, Science, and Transportation.

EC–2850. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1993 for the United States Coast Guard; to the Committee on Commerce, Science, and Transportation.

EC–2851. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on actions taken under the Powerplant and Industrial Fuel Use Act for calendar year 1991; to the Committee on Energy and Natural Resources.

EC–2852. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the establishment of an oil and gas leasing program for the non-North Slope Federal lands for fiscal year 1991; to the Committee on Energy and Natural Resources.

EC–2853. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Energy and Natural Resources.

EC–2854. A communication from the Acting General Counsel of the Department of Defense, transmitting a draft of proposed legislation to revise the stockpile requirement and authorize the disposal of cobalt from the National Defense Stockpile; to the Committee on Armed Services.

EC–2855. A communication from the Assistant Secretary of the Interior (Water and Science), transmitting, pursuant to law, a report entitled "High Plains States Groundwater Demonstration Program 1991, Interim Report"; to the Committee on Energy and Natural Resources.

EC–2856. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Office of Surface Mining Reclamation and Enforcement for fiscal year 1991; to the Committee on Energy and Natural Resources.

EC–2857. A communication from the Deputy Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund; to the Committee on Energy and Natural Resources.

EC–2858. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–2859. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–2860. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–2861. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–2862. A communication from the Inspector General of the Department of the Interior, transmitting, pursuant to law, an audit report entitled "Accounting for Fiscal Year 1990 Reimbursable Expenditures of Environmental Protection Agency Superfund Money, Water Resources Division, U.S. Geological Survey"; to the Committee on Environment and Public Works.

EC–2863. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the annual report on progress in cleaning up the Nation's worst hazardous waste sites for fiscal year 1990; to the Committee on Environment and Public Works.

EC–2864. A communication from the Chairman of the Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Tax Act and the Railroad Retirement Act to ease administration of those Acts and for other purposes; to the Committee on Finance.

EC–2865. A communication from the Secretary of Labor, transmitting a draft of proposed legislation to repeal the Trade Adjustment Assistance Program, and for other purposes; to the Committee on Finance.

EC–2866. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1991; to the Committee on Governmental Affairs.

EC–2867. A communication from the Chairman and Members of the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1991; to the Committee on Governmental Affairs.

EC–2868. A communication from the Executive Director of the Federal Energy Commission, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC–2869. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–170 adopted by the Council on March 3, 1992; to the Committee on Governmental Affairs.

EC–2870. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–171 adopted by the Council on March 3, 1992; to the Committee on Governmental Affairs.

EC–2871. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–172 adopted by the Council on March 3, 1992; to the Committee on Governmental Affairs.

EC–2872. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–173 adopted by the Council on March 3, 1992; to the Committee on Governmental Affairs.

EC–2873. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–174 adopted by the Council on March 3, 1992; to the Committee on Governmental Affairs.

EC–2874. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–175 adopted by the Council on March 3, 1992; to the Committee on Governmental Affairs.

EC–2875. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–176 adopted by the Council on March 3, 1992; to the Committee on Governmental Affairs.

EC–2876. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–177 adopted by the Council on March 3, 1992; to the Committee on Governmental Affairs.

EC–2877. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–178 adopted by the Council on March 3, 1992; to the Committee on Governmental Affairs.

EC–2878. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9–179 adopted by the Council on March 3, 1992; to the Committee on Governmental Affairs.

EC-2879. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-180 adopted by the Council on March 3, 1992; to the Committee on Governmental Affairs.

EC-2880. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-181 adopted by the Council on March 3, 1992; to the Committee on Governmental Affairs.

EC-2881. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-182 adopted by the Council on March 3, 1992; to the Committee on Governmental Affairs.

EC-2882. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-183 adopted by the Council on March 3, 1992; to the Committee on Governmental Affairs.

EC-2883. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-184 adopted by the Council on March 3, 1992; to the Committee on Governmental Affairs.

EC-2884. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-185 adopted by the Council on March 3, 1992; to the Committee on Governmental Affairs.

EC-2885. A communication from the Investment Specialist, Tennessee Valley Authority, transmitting, pursuant to law, the 1988, 1989, and 1990 annual reports for the Tennessee Valley Authority's Pension Plan; to the Committee on Governmental Affairs.

EC-2886. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued by the General Accounting Office during February 1992; to the Committee on Governmental Affairs.

EC-2887. A communication from the Executive Director of the United States Holocaust Memorial Council, transmitting a draft of proposed legislation to authorize appropriations to carry out the programs of the United States Holocaust Memorial Council; to the Committee on the Judiciary.

EC-2888. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2889. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, the annual report of the Office under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2890. A communication from the Director of the Office of Legislative and Public Affairs, National Science Foundation, transmitting, pursuant to law, the annual report of the Foundation under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2891. A communication from the Director of Selective Service, transmitting, pursuant to law, the annual report of the Selective Service under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2892. A communication from the Washington Representatives of the Girl Scouts of America, transmitting, pursuant to law, the annual report of the Girl Scouts of America for 1991; to the Committee on the Judiciary.

EC-2893. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Department of Health and Human Services under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2894. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2895. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2896. A communication from the Executive Director of the Committee for Purchase from the Blind and Severely Handicapped, transmitting, pursuant to law, the annual report of the Committee under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2897. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the annual report of the Department of Defense under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2898. A communication from the Postmaster General of the United States, transmitting, pursuant to law, the annual report of the United States Postal Service under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2899. A communication from the Deputy Assistant to the President for Management and Director of the Office of Administration, Executive Office of the President, transmitting, pursuant to law, the annual report of the Office of Administration under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2900. A communication from the President of the Foundation of the Federal Bar Association, transmitting, pursuant to law, the annual audit report of the Association for fiscal year 1991; to the Committee on the Judiciary.

EC-2901. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report of the Office under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2902. A communication from the Archivist of the United States, transmitting, pursuant to law, the annual report of the National Archives and Records Administration under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2903. A communication from the Assistant Secretary of the Interior (Policy, Management, and Budget), transmitting, pursuant to law, the annual report of the Department of the Interior under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-2904. A communication from the Acting Commissioner of the National Center for Education Statistics, Department of Education, transmitting, pursuant to law, a report entitled "International Mathematics and Science Assessments: What Have We Learned?"; to the Committee on Labor and Human Resources.

EC-2905. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priorities for fiscal year 1992—Projects With Industry; to the Committee on Labor and Human Resources.

EC-2906. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Family Planning and Five Year Plan report for fiscal year 1990; to the Committee on Labor and Human Resources.

EC-2907. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priorities for fiscal year 1992—Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals With Severe Handicaps; to the Committee on Labor and Human Resources.

EC-2908. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priority for fiscal year 1992—Vocational Rehabilitation Service Projects Program for Migratory Agricultural and Seasonal Farmworkers With Handicaps; to the Committee on Labor and Human Resources.

EC-2909. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priorities for fiscal year 1992—Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with Handicaps; to the Committee on Labor and Human Resources.

EC-2910. A communication from the Secretary of Veterans Affairs and the Secretary of Defense, transmitting jointly, pursuant to law, a report on the implementation of the health resources sharing portion of the Department of Veterans Affairs and Department of Defense Health Resources Sharing and Emergency Operations Act for fiscal year 1991; to the Committee on Veterans' Affairs.

EC-2911. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priorities for fiscal year 1992—Vocational Rehabilitation Service Projects for American Indians With Handicaps; to the Committee on Labor and Human Resources.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 1882. A bill to authorize extensions of time limitations in a FERC-issued license (Rept. No. 102-265).

By Mr. SARBANES, from the Joint Economic Committee:

Special report entitled "The 1992 Joint Economic Report" (with additional and minority views) (Rept. No. 102-266).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 429. A bill to authorize additional appropriations for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming (Rept. No. 102-267).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SASSER (for himself, Mr. GORE, and Mr. MCCONNELL):

S. 2490. A bill to provide that employees of the Tennessee Valley Authority who are covered by a collective bargaining agreement shall not be subject to any regulations which take employee efficiency or performance ratings into account in determining the order of retention of competing employees in a reduction in force; to the Committee on Environment and Public Works.

By Mr. HATFIELD:

S. 2491. A bill to amend the Job Training Partnership Act to establish an Endangered Species Employment Transition Assistance Program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. D'AMATO:

S. 2492. A bill to suspend temporarily the duty on pectin; to the Committee on Finance.

S. 2493. A bill to suspend temporarily the duty on 6-Acetyl-1,1,2,3,3,5,-hexamethyl Indan; to the Committee on Finance.

S. 2494. A bill to extend until December 31, 1996, the temporary suspension of duties on 7-Acetyl-1,1,3,4,4,6-hexamethyletrahydronaphthalene; to the Committee on Finance.

By Mr. INOUYE:

S. 2495. A bill to amend the Civil Liberties Act of 1988 to increase the authorization for the Trust Fund under the Act, and for other purposes; to the Committee on the Judiciary.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 2496. A bill to authorize a certificate of documentation for the vessel Delphinus II; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2497. A bill to authorize a certificate of documentation for the vessel Touch of Class; to the Committee on Commerce, Science, and Transportation.

S. 2498. A bill to authorize a certificate of documentation for the vessel Liquid Gold; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER:

S. 2499. A bill for the relief of Elham Ghandour Cicippio; to the Committee on the Judiciary.

By Mr. CHAFEE:

S. 2500. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

S. 2501. A bill to provide for the appropriation of funds from Harbor Maintenance Trust Fund to the Department of the Army for payment of administrative expenses incurred in administering the port use fee and to clarify funding from the Inland Waterways Trust Fund for rehabilitation costs of existing and future projects for navigation on the inland and coastal waterways of the United States and for other purposes; to the Committee on Environment and Public Works.

By Mr. DECONCINI:

S. 2502. A bill to amend the provisions of title 28, United States Code, to provide for the payment of attorney fees to a prevailing defendant in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMON (for himself, Mr. RUDMAN, Mr. PELL, Mr. BUMPERS, and Mr. CRANSTON):

S. 2503. A bill to amend the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, to make available additional funds to the Department of State for the United States contributions to international peacekeeping activities; to the Committee on Appropriations.

By Mr. MITCHELL:

S. 2504. A bill to eliminate restrictions in United States law on the extension of credit and assistance to the successor states of the former Soviet Union; to the Committee on Foreign Relations.

By Mr. WARNER (for himself, Mr. BROWN, Mr. BUMPERS, Mr. CHAFEE, Mr. COCHRAN, Mr. LUGAR, Mr. METZENBAUM, Mr. STEVENS, and Mr. SYMMS):

S.J. Res. 283. A joint resolution designating January 16, 1993, as "Religious Freedom Day"; to the Committee on the Judiciary.

By Mr. SPECTER:

S.J. Res. 284. A joint resolution designating August 4, 1992, as "National Neighborhood Crime Watch Day"; to the Committee on the Judiciary.

By Mr. WARNER:

S.J. Res. 285. A joint resolution to designate September 24, 1992, as "National Patrick Sarsfield Gilmore Day"; to the Committee on the Judiciary.

By Mr. GARN (for himself and Mr. HATCH):

S.J. Res. 286. A joint resolution to designate June 6, 1992, through June 10, 1992, as "International Student Awareness Week"; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURNS (for Mr. GARN, for himself, Ms. MIKULSKI, Mr. HOLLINGS, Mr. GORE, Mr. D'AMATO, and Mr. GLENN):

S. Res. 276. A resolution commending the long and distinguished service to the Nation of Vice Admiral Richard H. Truly, upon his retirement as Administrator of the National Aeronautics and Space Administration; considered and agreed to.

By Mr. DOMENICI (for himself, Mr. BOND, Mr. LOTT, Mr. SYMMS, and Mr. BROWN):

S. Con. Res. 104. A concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1993, 1994, 1995, 1996, and 1997; to the Committee on the Budget.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATFIELD:

S. 2491. A bill to amend the Job Training Partnership Act to establish an Endangered Species Employment Transition Assistance Program, and for other purposes; to the Committee on Labor and Human Resources.

### ENDANGERED SPECIES EMPLOYMENT TRANSITION ASSISTANCE ACT

Mr. HATFIELD. Mr. President, many of my colleagues are aware of the ongoing debate centered around the northern spotted owl. It has been listed as a threatened species under the Endangered Species Act. I have spoken at length on this issue in the past and today rise to offer legislation to bring relief to the people who are harmed seriously by the application of the Endangered Species Act, without in any way weakening the protection or survivability of the owl.

Because of the way the Endangered Species Act is today being applied, we are on the frontier of change, change at virtually every level of government. In Oregon, we have become accustomed to the idea, though it is not easy to accept.

But change as represented by the Endangered Species Act is not limited just to Oregon. As some of my other colleagues have learned or are beginning to learn, the Endangered Species Act applies not just to the snail darter of Tennessee or the spotted owl of Oregon and Washington. It also applies to the delta smelt of San Francisco Bay; the red cockaded woodpecker of the South; the grizzly bear of Montana; the sturgeon of Alabama; or any of the 2,000 other species which are regarded as sensitive or have, in fact, been listed as threatened or endangered.

For some, these species represent the destruction of the natural systems which sustain them. For others, it confirms the idea that humans are an evil force which will inevitably cause the destruction of the Earth. And for others, these species represent a threat—a threat to them, a threat to their communities, and threat to their children, and a threat to their way of life.

For me, these species represent all these things. That we regard them as sensitive, threatened, or endangered at all means that something has gone wrong. The fact that some are concerned that the loss—perceived or otherwise—of these species confirms their worst fears about the future of the Earth is understandable. For, in just the last century, we have fought two world wars and innumerable other regional wars and we have created the technology and harnessed the physical sciences to the extent that we have brought the entire planet to the edge of total, irretrievable extinction in its totality.

And yet, the manner in which we respond to the plight of nonhuman species is, in itself, a remarkable story. For we have found, as a society, we are not consigned to live a subsistence life because of the bounties bestowed upon us by the blessings of God. Because of this, we are able to consider the interrelatedness of life on Earth and have chosen to try to protect and preserve those qualities.

In the case of the spotted owl, however, we are going about it the wrong way. Instead of developing a plan for conservation and then an economic plan of transition, we have assumed the worst, virtually shut down our entire National Forest System, and forced our people and our communities to play catchup. If you're talking about a few hundred jobs and one

dam—well, that's one thing. But if you're talking about the western half of two States and the northern 7 counties of another; if you're talking about 35,000 to 40,000 jobs; if you're talking about $1 billion or more in lost income, then it's another matter entirely.

As everyone now knows, Oregon's economy depends tremendously on our abundant natural resources. The State and local governments depend heavily on timber receipts to finance roads and schools. Rural communities survive on fishing and forestry. Since the end of 1989, Oregon has lost nearly 17,000 full-time jobs in the forest products industry. That industry is facing more losses—losses which could total tens of thousands of additional jobs resulting from greater protection for the northern spotted owl by withdrawing nearly 10 million additional acres of public forest lands from commercial production. Our fishing and river commerce industries are further placed in jeopardy by the potential listing of several salmon species as threatened or endangered.

In fact, this threat has become all the more real due to recent court injunctions which have brought timber harvesting on the national forests and public lands of the Pacific Northwest to a screeching halt. These injunctions are extracting a very high price in my State, both in terms of job losses and social impacts.

There are approximately 81 timber dependent communities in Oregon. Most of these communities are one or two mill towns which depend entirely on Federal-controlled timber. With the recent court actions, the Federal Government has, in effect, condemned many of these communities to a slow and tortuous death. Workers in these communities receive an average salary of $26,400 a year. It is unrealistic to expect these workers to move their families, retrain for a new career, and find a decent job before their savings—if they have any—run out. They certainly cannot support their families on minimum wage jobs.

The spotted owl and the Columbia River Basin salmon are not the only species listed under the Endangered Species Act. Let me just take a moment to give a few other examples. Just yesterday, the Energy and Water Appropriations Subcommittee held a public witness hearing. In that hearing, the subcommittee was told that the Alabama sturgeon is on the verge of being proposed as an endangered species. Witnesses testified that the economic impacts would be in the billions of dollars and the total direct and indirect job losses could be in the 15,000 to 17,000 range. In California, the winter-run chinook salmon has been listed as endangered and is threatening a $5 billion shipping industry in the San Francisco Bay. In fact, two ships have already run aground due to curtailed dredging activities in the bay. The California gnat-catcher, which nests in prime developable coastal areas is the source of contention and could affect 200,000 jobs if that bird is found to be endangered. In the Southeast United States, logging sources have said that the allowable sale quantity of timber in that region may be cut from 1.4 billion board feet to just over 600 million board feet in order to protect the red-cockaded woodpecker. This represents more than a 50-percent reduction in logging in the southeast region.

The human costs resulting from endangered species listings are becoming increasingly evident. Across this country, tens of thousands of people may be affected by the thousands of listing petitions currently pending before the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. In Oregon, Washington, and California, this situation is no longer hypothetical, it has become all too real. Men, women, children, and communities in which they have spent their entire lives are at risk unless we try to create a mechanism to ensure they will have the opportunity to pursue other productive interests.

It is for these people that I am introducing the Endangered Species Employment Transition Assistance Act today as both a free-standing bill and as an amendment to the Job Training Partnership Act amendments, which were recently filed at the desk.

Let me stress at the outset that this legislation does not in any way alter the Endangered Species Act. It does nothing to take away protection from any species. It helps all species by protecting the only species which can offer protection to nature, that species is humankind.

This bill amends title III of the Job Training Partnership Act by establishing an employment transition assistance program, similar to that created by Congress for the Clean Air Act. The new section would authorize $50 million per year for 5 years to assist dislocated workers who are affected adversely by the application of the Endangered Species Act. Ninety-five percent of the funding would go to the worker assistance programs and the remaining 5 percent would be used to administer the program through the Department of Labor.

In addition to the benefits currently available to dislocated workers through this title, new benefits for job search allowances, needs-related payments, and extended monetary assistance would be available. Extended monetary assistance would be available to dislocated workers who have exhausted their unemployment insurance benefits, provided they are participating in a qualified training or educational program.

The intent of providing needs-related payments is to provide a financial floor for workers who are adjusting to career changes. Under this legislation, workers enrolled in training or educational programs exceeding the period of time for which they can receive unemployment insurance, would be eligible to complete training or education with further monetary assistance. These payments would be awarded to dislocated workers enrolled in training or educational programs, if either they or a member of their family has an income level below the poverty level as a result of job loss. Payments would be equivalent to either the amount they received from their unemployment insurance, or the amount necessary to bring their income up to the Federal poverty level.

As the original sponsor of endangered species legislation in 1972, I have long supported laws to ensure that we are responsible stewards of the environment. Through my experiences during the ongoing forestry debate in the Pacific Northwest, however, I am keenly aware of the unintended consequences the Endangered Species Act has on the social structure of our communities. Until Congress provides additional guidance on the application of the Endangered Species Act to the economic viability of an entire region, we must take the steps necessary to protect our people. It is time now to recognize that when we act to protect endangered and threatened species we may have a negative impact on our workers and our economy.

It is this Nation's policy to protect its flora and fauna, and I support that policy. I helped write it. But just as we are preparing programs to retool and reemploy our military in this post-cold-war era, the people affected by the unforeseen application of the Endangered Species Act must be protected from the results of these actions. Such protection must reflect equity, fairness, and a recognition of the extremely serious toll the application of that law is exacting on humans.

Finally, I want to say to the Nation that this bill is not intended to be a cure-all. It will not provide everything our people need, and frankly, Mr. President, I do not intend to stop with this proposal in my efforts to assist those affected by what is, in fact, a Federal decision.

But it is a start. At the very least, it will provide a helping hand to those individuals caught between the Endangered Species Act and the specter of immediate unemployment and cultural dislocation. Oregonians recognize that our economy is in transition. No longer will timber and fishing represent guaranteed employment in rural communities. Diversification efforts are underway all over the State. But the Federal Government must assist in the transition efforts. Our environmental laws have created human suffering not just in my State, but all across this

country. We cannot simply turn off one source of jobs and hope something—anything—will come along to take its place.

There is much talk in this chamber about helping rural communities. Rural health, rural education, rural this, rural that. But all of the talk is just that—talk—unless we step up and meet our responsibility of assisting rural Americans when Federal policies directly injure them. We are not so wealthy a nation that we can afford to create vast metropolises while our rural communities die on the vine. Rural America is the lifeblood of urban America. Without strong and vibrant rural communities, America as we know it cannot survive. And there is no clearer case of Federal policies affecting rural Americans than we see with the application of the Endangered Species Act in the Pacific Northwest.

Transitions take time. Many timber jobs already have been lost forever. The Endangered Species Act, as currently applied, does not address what happens to families and communities when actions are taken to protect ecosystems. Instead, all it offers many unemployed Americans is shock, despair, and a ticket to nowhere. We must show compassion for these people by helping them build a floor under themselves and their families as they learn to cope with change. I urge my colleagues to show real support for all of America's endangered species, including workers dependent upon natural resources by enacting this bill.

Mr. President, the authorization for the Endangered Species Act expires at the end of this year. I believe that I face the realism that it will not happen during this Presidential and congressional election year. However, we will fund the program following the expiration, as we have other programs, and in 1993 we will then address the question of reauthorization of the Endangered Species Act.

But in the meantime, I must point out that the application of this act as it relates to the Pacific Northwest and the famous northern spotted owl is beginning to be replicated throughout the entire United States. We now have over 1,200 endangered or threatened species that have been determined under the authority of the act affecting every State in the Union. The map that I have here today illustrates the situation by showing in orange on the map those States which have over 15 listings, such as Texas with 59, Oregon with 21, California with 94. And the white part of the map shows those States and the numbers under the threshold of 15.

Fundamentally, what we are talking about is the entire United States today has over 1,200 species listed as endangered or threatened. So it has gone far beyond the snail darter. It has gone far beyond the northern spotted owl. And let me say there are literally thousands more candidates for listing that are being considered for protection. There are over 1,000 possible candidates to be added to the States of Hawaii and California alone, 300 plus in the State of Texas in addition to the ones already listed as possible further listings.

Mr. President, it is very obvious that the precedent set by the owl in the Northwest and other such listings is ultimately going to have very serious impact on the entire country and in every State. Today there is a $5 billion shipping industry in San Francisco Bay alone that could be affected—in fact, has already been impacted—on the listing of a fish. Two ships have already run aground in San Francisco Harbor because of the reduction of dredging, which maintains that harbor. Just this week we had testimony indicating that for half of the length of the State of Alabama, beginning at Mobile, there is the possibility of a listing of the Alabama sturgeon, which could cost literally billions of dollars and affect 15,000 to 17,000 jobs.

The endangered species as it is applied to the spotted owl in my part of the country affects four counties in California, all of western Oregon and all of western Washington. Furthermore, it has cost about $1 billion in wages, about 2,000 jobs, up to possibly another 30,000 jobs in the Pacific Northwest.

This is happening in Oregon's No. 1 economic base—timber production.

Mr. President, I authored the first Endangered Species Act in 1972, and I am still a supporter of the endangered species concept, which I cosponsored, with Senator Williams of New Jersey, who was the major author of it in 1973. We could not pass it in 1972 because we could not agree on whether we should include both plant life and animal life. So I want to make it very clear I shall work for the reauthorization of the Endangered Species Act.

It is right in concept. It has been wrong in much of its application. I do not think we have to throw the baby out with the bathwater in order to correct those parts of the Endangered Species Act. I would not state, for instance, that all—all—animal life is of incalculable value. When you set that as your premise, you have no corresponding measure being placed to human value, so under the administration, under strict interpretation of the act, it is wildlife over all. It is not a question of how many spotted owls we must save. We must save them all. And we are not at this point able to give any census of how many we have.

Initially, the science was that the northern spotted owl could only exist in old-growth timber. Then we found spotted owls in second-growth timber. Then we found spotted owls in cut-over land. And now we have found spotted owls on a fence post.

Consequently, what I am saying is simply that the science is yet to be precise, yet the application of the law has been total.

I believe there has to be a better balance between people and animals. We do not have any knowledge of what indicator species have had as an impact, such as the dodo bird. We know it had an impact. Yet there is no dodo bird. There are certain species of life surrounding the environment and habitat of the dodo bird that disappeared when the dodo bird became extinct. Therefore, we have to look beyond the boundaries of the given forests and look at ecosystems and their interrelationships.

What I propose today is not in any way to modify the Endangered Species Act. That is premature. It is not in any way to amend the Endangered Species Act. That, too, is premature, but rather to deal with the results of the Endangered Species Act as it has stricken the thousands of households, the jobs of people who depend on the timber industry's prosperity.

Lest you think this is a parochial economic concern of one Senator from Oregon, let me quickly add that the radical fringe of some of the environmental organizations say that animal life above all life—some of the same who say meat is murder, some of the same who say lock up all of the range lands, lock up all the forests. But that is their excuse. They really want to lock up all nature resources of this country—land, water, forests.

Let me say that this has a national impact. We produce in the two States of Oregon and Washington between a fifth and a quarter of all timber products in this country. Let me tell you that the fastest-growing homeless population in this country is families with children being squeezed out of their jobs first, and being forced out of their homes second. There is a social impact.

The radical environmentalists have been very clear in succeeding to polarize this issue as an issue between timber barons, profits, and economics, on one hand, and the preservation of the environment on the other hand. However, they fail again to consider the people whose needs must be calculated into the whole equation.

Therefore, I say to my colleagues, those of us who have been on the forefront of fighting for the homeless cannot ignore the supply of timber to build these people homes. Timber is the most energy efficient building material and is grown with free solar energy. It is the only renewable raw material and can be sustained in perpetuity. It is the best, most efficient, most cost-effective product to build homes for the homeless and to build affordable homes for those who are candidates to becoming homeless or those who are on the track toward homelessness.

So this issue has a people dimension throughout this country.

Let me add one other thing. Too many of the environmentalists are so concerned about locking up the forests and the production of timber products in the Northwest that they do not take into consideration the national environmental impact.

Mr. President, the 13 Southern pine States are also a source of timber products. British Columbia and other parts of Canada are also a source. But if that harvest transfer and that demand in the marketplace is moved exclusively out of the Northwest or entirely out of the Northwest, it will have horrendous environmental impact on the 13 Southern pine States and Canada.

Oregon has a statute on the books which is 50 years old. It commands that every tree that is cut on private land or State land shall be replaced by a tree. We are currently averaging five trees planted for every one tree cut. We have locked up over 60 percent, through my legislation, of the old growth in my State to protect the old growth.

We need timber products and we cannot be ignorant or unconcerned about the harvest transfer to other parts of the States because few, if any, of those 13 Southern pine States have any regulation on the harvesting of timber. Most of that timber is located on small wood lots and is privately owned. It is not federally controlled land which is under five national statutes governing the harvest and the planting and the management of timber.

Canada has yet to establish a comprehensive national forest management act. We are transferring that harvest demand to areas of this country and this hemisphere to areas that have no governing practices in existence. Is that an environmentally sound policy?

We are now talking about importing logs from Siberia, from Central America. We are being unconcerned by this action, this overreaction here in the Northwest, in my view, to the global, regional, and local environmental needs.

Today I offer two pieces of legislation, one a freestanding bill on job retraining, and the other as an amendment. The amendment is the same as the free-standing bill, and I look forward to debating this amendment when we discuss the job training bill that we will be taking up.

This legislation, if passed, will cover the whole Nation. We did this in the Clean Air Act. We said we will establish certain standards in the clean air, and there will be job displacement. But that job displacement shall be given an undergirding of support for retraining and for sustaining those people beyond their unemployment compensation times, because we felt the value of the clean air goals were of such importance.

I am urging today we take the Endangered Species Act, and that we apply the same principle that is going to be—and already is—job displacement all over this country created by the application of the Endangered Species Act. What I am saying in these proposals is that we address the needs of those working people that have been dependent on certain jobs, and industries that are no longer in existence or greatly reduced, greatly diminished because of the application of the Endangered Species Act. It is a simple proposition. I think it is a fair proposition.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2491

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Endangered Species Employment Transition Assistance Act of 1992".

**SEC. 2. ENDANGERED SPECIES EMPLOYMENT TRANSITION ASSISTANCE.**

(a) AMENDMENT.—Part B of title III of the Job Training Partnership Act (29 U.S.C. 1662 et seq.) is amended by adding at the end the following:

**"SEC. 327. ENDANGERED SPECIES EMPLOYMENT TRANSITION ASSISTANCE.**

"(a) DETERMINATION OF ELIGIBILITY.—

"(1) DEFINITION.—For purposes of this section, the term 'eligible individual' means an individual who

"(A) is an eligible dislocated worker; and

"(B) has been terminated or laid off, or has received a notice of termination or layoff, as a consequence of compliance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

"(2) DETERMINATIONS.—The determination of eligibility under paragraph (1)(B) shall be made by the Secretary of Labor, pursuant to criteria established by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Army, the Secretary of Commerce, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Energy.

"(b) GRANTS AUTHORIZED.—The Secretary may make grants to States, substate grantees (as described in section 312(c)), employers, employer associations, and representatives of employees—

"(1) to provide training, adjustment assistance, and employment services to eligible individuals adversely affected by compliance with the Endangered Species Act of 1973; and

"(2) to make needs-related payments to such individuals in accordance with subsection (f).

"(c) PRIORITY AND APPROVAL.—

"(1) APPLICATION.—To be eligible to receive a grant under subsection (b), a State, substate grantee, employer association, or representative of an employee shall submit an application to the Secretary at such time, in such manner, and containing such assurances as the Secretary may require.

"(2) PRIORITY.—In reviewing applications for grants under subsection (b), the Secretary shall give priority to applications proposing to provide training, adjustment assistance, and services in areas that have the greatest number of eligible individuals.

"(3) NEEDS-RELATED PAYMENTS REQUIRED.—The Secretary shall not approve an application for a grant under subsection (b) unless the application contains assurances that the applicant will use grant funds to provide needs-related payments in accordance with subsection (f).

"(d) USE OF FUNDS.—Subject to the requirements of subsections (e) and (f), grants under subsection (b) may be used for any purpose for which funds may be used under section 314.

"(e) ADJUSTMENT ASSISTANCE.—

"(1) JOB SEARCH ALLOWANCE.—Grants under subsection (b) for adjustment assistance may be used to provide job search allowances to eligible individuals. Such allowance, if granted, shall provide reimbursement to the individual of not more than 90 percent of the cost of necessary job search expenses, as prescribed by regulations of the Secretary, and may not exceed $800 unless the need for a greater amount is justified in the application and approved by the Secretary.

"(2) CRITERIA FOR GRANTING JOB SEARCH ALLOWANCES.—A job search allowance may be granted only—

"(A) to assist an eligible individual who has been totally separated in securing a job within the United States; and

"(B) if the Secretary determines that such employee cannot reasonably be expected to secure suitable employment in the commuting area in which the worker resides.

"(f) NEEDS-RELATED PAYMENTS.—The Secretary shall prescribe regulations with respect to the use of funds from grants under subsection (b) for needs-related payments in order to enable eligible individuals to complete training or education programs under this section. Such regulations shall—

"(1) require that such payments shall be provided to an eligible individual only if such individual—

"(A) does not qualify or has ceased to qualify for unemployment compensation;

"(B) has been enrolled in training by the later of—

"(i) the end of the 13th week of the individual's initial unemployment compensation benefit period; or

"(ii) the end of the 8th week after an individual is informed that a short-term layoff will in fact exceed 6 months; and

"(C) is participating in training or education programs under this section, except that such regulations shall protect an individual from being disqualified pursuant to this clause for failure to participate that is not the fault of the individual;

"(2) provide that to qualify for such payments the individual currently receives, or is a member of a family that currently receives, a total family income (exclusive of unemployment compensation, child support payments, and welfare payments) that, in relation to family size, is not in excess of the lower living standard income level;

"(3) provide that the levels of such payments shall be equal to the higher of—

"(A) the applicable level of unemployment compensation; or

"(B) the official poverty line (as defined by the Office of Management and Budget, and revised annually by the Secretary in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2));

"(4) provide for the adjustment of payments to reflect changes in total family income; and

"(5) provide that the grantee shall obtain information with respect to such income,

and changes therein, from the eligible individual.

"(g) ADMINISTRATIVE EXPENSES.—The Secretary of Labor may reserve not more than 5 percent of the funds appropriated under this section for the administration of activities authorized under this section, including the provision of technical assistance for the preparation of grant applications.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—In addition to amounts authorized to be appropriated by section 3(c), there are authorized to be appropriated $50,000,000 for fiscal year 1993, and such sums as may be necessary for each of fiscal years 1994, 1995, 1996, and 1997 to carry out this section. The total amount appropriated for all 5 such fiscal years shall not exceed $250,000,000.

"(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

"(i) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section not later than 180 days after the date of enactment of this section.

"(j) GENERAL ACCOUNTING OFFICE ASSESSMENT OF EFFECTS ON EMPLOYMENT OF COMPLIANCE WITH ENDANGERED SPECIES ACT OF 1973.—The Comptroller General of the United States shall—

"(1) identify and assess, to the extent possible, the effects on employment that are attributable to compliance with the provisions of the Endangered Species Act of 1973; and

"(2) submit to the Congress on the date 4 years after the date of the enactment of this section a written report on the assessments required under paragraph (1).".

(b) CONFORMING AMENDMENTS.—

(1) The table of contents of the Job Training Partnership Act is amended by adding at the end of the items pertaining to part B of title III the following:

"Sec. 327. Endangered species employment transition assistance.".

(2) Section 3(c) of the Job Training Partnership Act (29 U.S.C. 1502(c)) is amended by striking "section 326" and inserting "sections 326 and 327".

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By Mr. D'AMATO:

S. 2492. A bill to suspend temporarily the duty on pectin; to the Committee on Finance.

S. 2493. A bill to suspend temporarily the duty on 6-Acetyl-1,1,2,3,3,5,-hexamethyl Indan; to the Committee on Finance.

S. 2494. A bill to extend until December 31, 1996, the temporary suspension of duties on 7-Acetyl-1,1,3,4,4,6-hexamethyletrahydronaphthalene; to the Committee on Finance.

SUSPENSION OF CERTAIN DUTIES

• Mr. D'AMATO. Mr. President, I rise today to introduce legislation to amend the Harmonized Tariff Schedule of the United States to seek an extension until December 31, 1996, which would temporarily suspend the duties on pectin, tonalid, and phantoid. My colleague, Congressman GILMAN, has introduced companion legislation in the House.

This legislation will help U.S. consumers and manufacturers in three ways. The first purpose of this amendment is to improve the competitive position of pectin users—principally U.S. jams and jelly manufacturers—and lower costs to consumers by reducing manufacturing costs.

The second purpose of this legislation is to delay the expiration of the duty suspension on tonalid. If allowed to expire, it would revert to a duty of 6.5 percent and put U.S. companies at a disadvantage with foreign competition, unnecessarily burdening the U.S. companies because of increased costs. As there is no tonalid/fixolide production in the United States, extension of this duty suspension can have no effect upon producers who manufacture aroma chemicals in the United States.

Finally, the enactment of the duty suspension on phantoid would allow this product to become widely available to consumer companies at a competitive price, therefore benefiting the retail consumer of products containing it.

Mr. President, I ask unanimous consent that the text of my bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2492

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

| | | | | | |
|---|---|---|---|---|---|
| "9902.31.12 | Pectin (provided for in subheading 1302.20.000 | Free | No change | No charge | On or before 12/31/93". |

SEC. 2. The amendment made by the first section of this Act applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

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S. 2493

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

| | | | | | |
|---|---|---|---|---|---|
| "9902.31.12 | 6-Acetyl-1,1,2,3,4,5-hexamethyl (provided for in subheading 2914.-30.00. | Free | No change | No charge | On or before 12/31/93". |

SEC. 2. The amendment made by the first section of this Act applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

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S. 2494

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That heading 9902.30.16 of the Harmonized Tariff Schedule of the United States is amended by striking out "12/31/92" and inserting in lieu thereof "12/31/96".

SEC. 2. The amendment made by the first section of this Act applies with respect to goods entered, or withdrawn from warehouse for consumption, after December 31, 1992.•

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By Mr. SPECTER:

S. 2499. A bill for the relief of Elham Ghandour Cicippio; to the Committee on the Judiciary.

RELIEF OF ELHAM GHANDOUR CICIPPIO

Mr. SPECTER. Mr. President, today I am introducing a private relief bill for Elham Cicippio, wife of former hostage Joseph Cicippio. This bill would grant Mrs. Cicippio permanent resident status of the United States. The legislation also would enable her to apply for U.S. citizenship without the necessary minimum 3-year waiting requirement for foreign nationals married to American citizens.

Mr. President, Joseph Cicippio is a native and had been a long-time resident of Norristown, PA, a suburb of Philadelphia. He and his family recently moved to Princeton, NJ.

In 1984, Mr. Cicippio accepted a position as acting comptroller for the American University in Beirut. In 1985, he married Elham Ghandour, a Lebanese assistant at the American Embassy in Beirut, and they continued to live in Beirut. One year after their marriage, the Revolutionary Justice Organization kidnapped him as he was walking to work on September 12, 1986. In July and August 1989, the Senate shared the anxiety of all Americans over the fate of Joseph Cicippio and other hostages. At one point, the kidnappers had threatened to kill Mr. Cicippio just as they had killed Colonel Higgins in July 1989. Needless to say, until his release on December 2, 1991, Mr. Cicippio endured many atrocities inflicted by his kidnappers.

Mr. President, the world rejoiced when Mr. Cicippio and other Western hostages were released last December. After his release, Mr. Cicippio declared his readiness to start a "new life." Therefore, I introduce this bill which will enable the Cicippios to live together in the United States. In our efforts to help Mr. Cicippio begin that new life, I urge my colleagues to pass this bill and thus allow Mrs. Cicippio to become a citizen of the United States of America. May they never be separated again.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD following my remarks.

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

S. 2499

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PERMANENT RESIDENCE.**

For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Elham Ghandour Cicippio shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this Act, upon payment of the required visa fee.

**SEC. 2. REDUCTION OF THE NUMBER OF AVAILABLE VISAS.**

Upon the granting of permanent residence to Elham Ghandour Cicippio, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under subsections (a) and (b) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153).

**SEC. 3. WAIVER OF PERIOD OF RESIDENCY REQUIREMENT.**

Upon the receipt of permanent residence status under section 1, Elham Ghandour Cicippio shall be considered to have satisfied the requirements of section 316 of the Immigration and Nationality Act relating to required periods of residence and physical presence within the United States, and, notwithstanding section 310(d) of that Act, may be naturalized if she is otherwise eligible for naturalization under that Act.

**SEC. 4. LIMITATION OF WAIVER.**

Section 3 shall apply only if Elham Ghandour Cicippio files an application for naturalization within two years after the date of the enactment of this Act.

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By Mr. CHAFEE (by request):

S. 2500. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

S. 2501. A bill to provide for appropriation of funds from the Harbor Maintenance Trust Fund to the Department of the Army for payment of administrative expenses incurred in administering the port use fee and to clarify funding from the Inland Waterways Trust Fund for rehabilitation costs of existing and future projects for navigation on the inland and coastal waterways of the United States, and for other purposes; to the Committee on Environment and Public Works.

WATER RESOURCES DEVELOPMENT ACT AND AUTHORIZATION OF FUNDS TO PAY CERTAIN EXPENSES RELATIVE TO THE INLAND AND COASTAL WATERWAYS

• Mr. CHAFEE. Mr. President, today I rise to introduce, by request, the Department of the Army's legislative program for the 2d session of the 102d Congress. The program consists of two major pieces of legislation. The first, the Water Resources Development Act of 1992 provides for the conservation and development of water and related resources and authorizes the Secretary of the Army to construct various projects for improvements to our rivers and harbors. The second bill provides for the appropriation of funds from the harbor maintenance trust fund to the Department of the Army for payment of expenses incurred in administering the port use fee and amends the Water Resources Development Act of 1986 with respect to the payment of the rehabilitation costs of inland and coastal waterway navigation projects.

The Department of the Army's legislative proposals in support of the Army Corps of Engineers Civil Works Program represent a continuation of the administration's commitment to approve water resources legislation on a biennial basis. As you know, Mr. President, the 1970's and 1980's saw a departure from the previous practice of approving omnibus authorization bills and predictable appropriations for the construction of water projects. In 1986, however, we broke the logjam. After 16 years of legislative-executive policy confrontations over the role of the Federal Government in water policy, the 99th Congress approved the Water Resources Development Act of 1986.

The 1986 act was truly landmark legislation in the area of water policy and formed the basis of the 1988 and 1990 Water Resources Development Acts. Most importantly, the 1986 Act contains the framework for local cost-sharing of Army Corps of Engineers projects. I support that framework wholeheartedly, and I might add, the intent of cost-sharing is not to prevent the construction of a particular project, but rather to recognize our limited Federal resources and the financial responsibility of local project beneficiaries. The 1986 act has brought a sense of fiscal sanity to the authorization and appropriation process.

As Congress moves forward to enact legislation this year, we must remain faithful to the provisions of the 1986 Act. After reviewing the Department of the Army's proposals, I can see that the administration too, views this as a guiding principle.

Mr. President, the Committee on Environment and Public Works has held two days of hearings on water resources legislation this session and expects to report a bill after the Easter recess. Certainly, the committee needs to review these proposals here more closely, but I commend the administration for laying the groundwork for legislative action.

I ask that the two bills and the section-by-section analyses be included in the RECORD.

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

S. 2500

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE: TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1992".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title: table of contents.
Sec. 2. Definitions.
Sec. 3. Project authorizations.
Sec. 4. Project modifications.
Sec. 5. National inventory of dams.
Sec. 6. "Challenge" cost-sharing program for the management of recreation facilities.
Sec. 7. Recreation user fees.
Sec. 8. Eliminate requirements to provide one free campground.
Sec. 9. Magnetic levitation technology.
Sec. 10. Safety award and promotional materials.
Sec. 11. Upper Mississippi River system fish and wildlife habitat rehabilitation and enhancement projects.
Sec. 12. Contract goals for small disadvantaged business concerns and historically black colleges and universities or minority institutions.
Sec. 13. Beneficial uses of dredged material.
Sec. 14. Work for others, technical amendment.
Sec. 15. Cost-sharing for disposal of dredged materials on beaches.
Sec. 16. Recovery of costs for clean up of hazardous or toxic substances.
Sec. 17. Hydroelectric power project uprating.
Sec. 18. Engineering innovations.
Sec. 19. Cost-sharing of environmental projects.
Sec. 20. Dredge vessel disposal.
Sec. 21. Federal lump-sum payments for Federal operation and maintenance costs.
Sec. 22. Projects for improvement of the environment.
Sec. 23. Collaborative research and development.
Sec. 24. Voluntary contributions for environmental projects.
Sec. 25. Cost-sharing for removal of project features.
Sec. 26. Alternative means for resolution of interstate water disputes.

**SEC. 2. DEFINITIONS.**

(a) For purposes of the Act, the term "Secretary" means the Secretary of the Army.

**SEC. 3. PROJECT AUTHORIZATIONS.**

The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in the section:

(a) CANAVERAL HARBOR, FLORIDA. The project for navigation, Canaveral Harbor, Florida: Report of the Chief of Engineers dated July 24, 1991, as modified by the Secretary in the letter to Congress dated October 10, 1991, at a total cost of $13,270,000, with an estimated first Federal cost of $6,100,000, and an estimated first non-Federal cost of $7,170,000.

(b) SAUGUS RIVER AND TRIBUTARIES, MASSACHUSETTS. The project for storm damage reduction, Saugus River and Tributaries, Massachusetts: Report of the Chief of Engineers dated August 1, 1991, as modified by the Secretary in the letter to Congress dated August 26, 1991, at a total cost of $95,700,000, with an estimated first Federal cost of $61,360,000, and an estimated first non-Federal cost of $34,340,000.

**SEC. 4. PROJECT MODIFICATIONS.**

ROCHESTER, MINNESOTA. The project for flood control, Rochester, Minnesota, authorized by section 401(a) of the Water Resources Development Act of 1986, is modified to au-

thorize the Secretary to construct the project at a total cost of $123,100,000, with an estimated first Federal cost of $90,800,000, and an estimated first non-Federal cost of $32,300,000.

**SEC. 5. NATIONAL INVENTORY OF DAMS.**

Section 13 of Public Law 92-367, as added by section 1201(b),

Public Law 99-662 (33 U.S.C. 467l, 100 Stat. 4262), is amended by striking the second sentence in its entirety and replacing it with the following:—

"There is authorized to be appropriated up to $500,000 each fiscal year for the purpose of carrying out this section."

**SEC. 6. "CHALLENGE" COST-SHARING PROGRAM FOR THE MANAGEMENT OF RECREATION FACILITIES.**

The Secretary is authorized to develop and implement a program to share the cost of managing recreation facilities and natural resources at water resources development projects under the Secretary's jurisdiction. To implement the program, the Secretary is authorized to enter into cooperative agreements with non-Federal public and private entities to provide for operation and management of recreation facilities and natural resources at civil works projects under the Secretary's jurisdiction where such facilities and resources are being maintained at complete Federal expense. For purposes of carrying out this section, the Secretary may accept contributions of fund, materials, and services from non-Federal public and private entities. Any funds received by the Secretary under this section shall be deposited into the account in the Treasury of the United States entitled, 'Contributions and Advances, Rivers and Harbors, Corps of Engineers (8662)', and shall be available until expended to carry out the purposes of this section.

**SEC. 7. RECREATION USER FEES.**

The second sentence of section 210 of the Flood Control Act of 1968 (82 Stat. 746; 16 U.S.C. 460d-3) is amended to read:

"Notwithstanding section 4(b) of the Land and Water Conservation Fund Act of 1965, as amended (78 Stat. 897; 16 U.S.C. 460*l*-6a(b)), the Secretary of the Army is authorized to charge fees for the use of developed recreation sites and facilities, including, but not limited to, campsites, swimming beaches, and boat launching ramps; however, the Secretary shall not charge fees for the use or provision of drinking water, wayside exhibits, general purpose roads, overlook sites, toilet facilities, or general visitor information. The fees shall be deposited in the special Treasury account for the Corps of Engineers that was established by section 4(i) of the Land and Water Conservation Fund of 1965, as amended (16 U.S.C. 460*l*-6a(i))."

**SEC. 8. ELIMINATE REQUIREMENT TO PROVIDE ONE FREE CAMPGROUND.**

Section 4 of the Land and Water Conservation Fund Act of 1965, as amended, (78 Stat. 897; 16 U.S.C. 460*l*-6a) is further amended by deleting the next to the last sentence of subsection (b).

**SEC. 9. MAGNETIC LEVITATION TECHNOLOGY.**

Section 417 of the Water Resources Development Act of 1990 (Public Law 101-640) is amended by deleting the last sentence of subsection (e).

**SEC. 10. SAFETY AWARD AND PROMOTIONAL MATERIALS.**

(a) The Secretary is authorized to procure materials that, in the judgment of the Secretary, are necessary to promote the Army's safety program. The items purchased pursuant to this section shall be distributed to employees of the Army to advance the goals of the safety program.

(b) The Secretary is authorized to incur necessary expense for the honorary recognition of the outstanding safety performance of Army employees. Such recognition may be in the form of certificates, plaques, cash, or other forms of awards.

(c) There is authorized to be appropriated no more than $350,000 during any single fiscal year for carrying out the purposes of this section.

**SEC. 11. UPPER MISSISSIPPI RIVER SYSTEM FISH AND WILDLIFE HABITAT REHABILITATION AND ENHANCEMENT PROJECTS.**

Subsection (e)(6)(A) of section 1103 of the Public Law 99-662 (100 Stat. 4082, 4227) is amended to read as follows:

"Notwithstanding the provisions of subsection (a)(2) of this section, the costs of each project carried out pursuant to paragraph (1)(A) of this subsection shall be allocated between the Secretary and the appropriate non-Federal sponsor in accordance with the provisions of section 906(e) of this Act, except that the costs of operation and maintenance of projects located on Federal public lands or lands owned or operated by State and local governments shall be borne by the agency that is responsible for management activities for fish and wildlife on those lands."

**SEC. 12. CONTRACT GOALS FOR SMALL DISADVANTAGED BUSINESS CONCERNS AND HISTORICALLY BLACK COLLEGES AND UNIVERSITIES OR MINORITY INSTITUTIONS.**

(a) GOAL.—Except as provided in subsection (c), the Secretary shall establish a goal of 5 percent of the total amount of Civil Works funds obligated for contracts and subcontracts entered into by the Department of the Army for fiscal year 1993 for award to small business concerns owned and controlled by socially and economically disadvantaged individuals (as defined by section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and regulations issued under such section), the majority of the earnings of which directly accrue to such individuals, and to historically Black colleges and universities or minority institutions (as defined by the Secretary of Education pursuant to the General Education Provisions Act (20 U.S.C. 1221 et seq.)).

(b) COMPETITIVE PROCEDURE.—To the extent practicable and when necessary to facilitate achievement of the 5 percent goal in subsection (a)—

(1) the Secretary is authorized to enter into contracts using less than full and open competitive procedures, but shall pay a price not exceeding the fair market cost by more than 10 percent in payment per contract to contractors or subcontractors of contracts described in subsection (a).

(2) the Secretary shall maximize the number of small disadvantaged business concerns, historically Black colleges and universities, and minority institutions participating in the program.

(c) For purposes of subsection (b), the same exception that is recognized in section 712(a) of Public Law 100-656 for set asides pursuant to section 1207 of Public Law 99-661 shall apply.

(d) APPLICABILITY.—Subsection (a) does not apply if—

(1) the Secretary determines that the existence of a national emergency requires otherwise; and

(2) the Secretary notifies the Congress of such determination and the reasons therefor.

**SEC. 13. BENEFICIAL USES OF DREDGED MATERIAL.**

(a) The Secretary is authorized to carry out projects for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in connection with dredging for construction, operation, or maintenance of an authorized navigation project.

(b) Subject to the limitations of subsection (d) of this section, projects for the protection, restoration or creation of aquatic and ecologically related habitats such as wetlands restoration shall be undertaken in any case where the Secretary finds that—

(1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost thereof; and,

(2) such project would not result in any further environmental degradation.

(c) Any project undertaken pursuant to this section shall be initiated only after non-Federal interests have entered into a cooperative agreement according to the provisions of section 221 of the Flood Control Act of 1970. The non-Federal interests shall agree to—

(1) provide twenty-five percent of the cost associated with the project, including provision of all lands, easements, rights-of-way, and necessary relocations; and

(2) pay 100 percent of the costs of operation, maintenance, replacement, and rehabilitation costs associated with the project.

(d) There are authorized to be appropriated not to exceed $15,000,000 annually to carry out this section. The Federal share of the cost of each project implemented under this section will not exceed $2,000,000.

**SEC. 14. WORK FOR OTHERS, TECHNICAL AMENDMENT.**

Section 3036(d) of title 10, United States Code, is amended by adding the following additional subsection:

"(3) For purposes of this subsection, the term "State" includes the several states, the District of Columbia, Indian tribes, territories or possessions of the United States, and the Commonwealths of Puerto Rico and the Northern Mariana Islands.".

**SEC. 15. COST-SHARING FOR DISPOSAL OF DREDGED MATERIAL ON BEACHES.**

Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j), as amended, is further amended by—

(a) adding the following language at the end of the first sentence:

"At the request of the State, the Secretary may enter into an agreement with a political subdivision of the State to place such sands on the beaches of the political subdivision of such State under the same terms and conditions required in the first sentence of this section, except that the political subdivision shall be responsible for providing any payments required under this section in lieu of the State."; and,

(b) amending the last sentence to read as follows:

"In carrying out this section, the Secretary shall give consideration to the schedule of the State, or the schedule of the responsible political subdivision of a requesting State, for providing its sharing of funds for placing such sand on the beaches of such State or such political subdivision, and shall, to the maximum extent practicable, accommodate such schedule."

**SEC. 16. RECOVERY OF COSTS FOR CLEAN UP OF HAZARDOUS OR TOXIC SUBSTANCES.**

Amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) for any response action taken by the Secretary in support of the Army Civil Works Program shall be credited to the principal appropriation from which the cost of

such response action has been paid or will be charged.

**SEC. 17. HYDROELECTRIC POWER PROJECT UPRATING.**

In accomplishing the maintenance, rehabilitation, and modernization of hydroelectric power generating facilities at water resources projects under the jurisdiction of the Department of the Army, the Secretary is authorized to increase the efficiency of energy production or the capacity of these facilities if, after consulting with other appropriate Federal agencies, the Secretary determines that such uprating—

(a) is economically justified and financially feasible;

(b) will not result in significant adverse affects on the other purposes for which the project is authorized;

(c) will not result in significant adverse environmental impacts; and,

(d) will not involve major structural or operational changes in the project.

**SEC. 18. ENGINEERING INNOVATIONS.**

To encourage innovative and environmentally sound engineering solutions to problems of national significance, the Secretary may undertake surveys, plans, and studies and prepare reports which may lead to work under existing civil works authorities or to recommendations for authorizations. To carry out the purposes of this section, the Secretary may utilize no more than $3,000,000 from available appropriated Civil Works funds during any single fiscal year. The Secretary may also accept and expend additional funds from other Federal agencies, states, or non-Federal entities for purposes of carrying out this section.

**SEC. 19. COST-SHARING OF ENVIRONMENTAL PROJECTS.**

Section 103(c) of the Water Resources Development Act of 1986 (Public Law 99-662) is amended by adding the following new subsection:

"(7) environmental protection and restoration: 25 percent."

**SEC. 20. DREDGE VESSEL DISPOSAL.**

Section 945 of the Water Resources Development Act of 1986 [100 Stat. 4200] is amended by—

(a) inserting a period after the word "lease" in the first sentence and striking all that follows in that sentence; and,

(b) striking the second sentence in its entirety.

**SEC. 21. FEDERAL LUMP-SUM PAYMENTS FOR FEDERAL OPERATION AND MAINTENANCE COSTS.**

(a) At a water resources project where the non-Federal interest is responsible for performing the operation, maintenance, replacement, and rehabilitation of the project and the Federal Government is responsible for paying a portion of the operation, maintenance, replacement, and rehabilitation costs, the Secretary may provide, under terms and conditions acceptable to the Secretary, a payment of the estimated total Federal share of such costs to the non-Federal interest after completion of construction of the project.

(b) The amount to be paid shall be equal to the present value of the Federal payments over the life of the project, as estimated by the Government, and shall be computed using the average market yields for outstanding marketable obligations of the United States with remaining periods of maturity between 15 and 30 years as the rate of discount for payments in future years. This rate shall be determined during the fiscal year in which construction of the project is completed.

(c) The Secretary may make a payment under this section only if the non-Federal interest has entered into a binding agreement with the Secretary to perform the operations, maintenance, replacement, and rehabilitation of the project. The agreement must be in accordance with the requirements of section 221 of the Flood Control Act of 1970 [84 Stat. 1818], and must contain provisions specifying the terms and conditions under which a payment may be made under this section and the rights of, and remedies available to, the Federal Government to recover all or a portion of a payment made under this section in the event the non-Federal interest suspends or terminates its performance of operation, maintenance, replacement, and rehabilitation of the project, or fails to perform such activities in a manner satisfactory to the Secretary.

(d) Except as provided in subsection (c), a payment provided to the non-Federal interest under this section shall relieve the Government of any future obligations for paying any of the operation, maintenance, replacement, and rehabilitation costs for the project.

**SEC. 22. PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT.**

Section 1135 of the Water Resources Development Act of 1986, (33 U.S.C. 2294 note), as amended, is further amended by—

—in subsection (b), inserting the following sentence at the end of the subsection: "Not more than $5,000,000 shall be allotted for each modification undertaken pursuant to this section."; and

—in subsection (e), striking "$15,000,000" and inserting in lieu thereof, "$25,000,000."

**SEC. 23. COLLABORATIVE RESEARCH AND DEVELOPMENT.**

(b) Section 7 of the Water Resources Development Act of 1988 (33 U.S.C. 2313) is amended by—

—deleting "(b)", "(c)", "(d)" and "(e)" in subsections (b), (c), (d) and (e), and redesignating the subsections as subparagraphs (1), (2), (3) and (4); and

—inserting a new subsection (b) as follows:

"(b) Technology developed by the Corps of Engineers which, in the opinion of the Secretary, will be subject to a Cooperative Research and Development Agreement within two years of its development, may, in the discretion of the Secretary, be accorded the coverage of section 12(c)(7)(B) of the Stevenson-Wydler Technology Innovation Act of 1980, as amended."

**SEC. 24. VOLUNTARY CONTRIBUTIONS FOR ENVIRONMENTAL PROJECTS.**

(a) The Secretary is authorized to accept contributions of cash, funds, materials, and services from nonprofit private entities and from non-Federal public entities other than project sponsors in connection with carrying out projects for environmental protection and restoration.

(b) Any cash or funds received by the Secretary under subsection (a) shall be deposited into the account in the Treasury of the United States entitled, "Contributions and Advances, Rivers and Harbors, Corps of Engineers (8662)", and shall be available until expended to carry out this section.

**SEC. 25. COST-SHARING FOR REMOVAL OF EXISTING PROJECT FEATURES.**

After the date of enactment of this Act, any proposal submitted to the Congress by the Secretary for modification of an existing authorized water resources development project by removal of one or more of the project features which would significantly and adversely impact the authorized project purposes or outputs shall include the recommendation that the non-Federal sponsor shall bear 50% of the cost of any such modification, including the costs of acquiring any additional interests in lands which become necessary for accomplishing the modification.

**SEC. 26. RESOLUTION OF INTERSTATE WATER DISPUTES.**

(a) Congress recognizes that there are disputes between States, and on occasion, between a State or States and the Federal Government concerning water flows and water levels in rivers and in associated lakes and reservoirs. In the past, some of these disputes have been effectively resolved through negotiation. Resolution of some of the disputes has required Congressional approval of interstate compacts. It is the sense of Congress that negotiation between the affected States and, when warranted, concerned Federal agencies and affected Indian tribes, is an effective method of settling water disputes and could eliminate the need to settle these disputes in the court system, thereby reducing the time and costs of resolution. Congress encourages such negotiation between all interested parties.

(b) The Secretary is authorized to participate in such negotiations and to provide technical assistance when the Secretary determines that such participation and assistance is in the interest of the Department of the Army.

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SECTIONAL ANALYSIS OF THE WATER RESOURCES DEVELOPMENT ACT OF 1992

INTRODUCTION

The Administration and the Congress have firmly established the two-year cycle of water project authorization bills. In 1986, after 16 years of stalemate on water project cost sharing, the Administration and the Congress reached agreement, and the landmark 1986 Water Resources Development Act was signed into law. As a part of the compromise, there was a general understanding that a two-year cycle of water project authorization bills would be reestablished. Thus, the basis for what eventually became the Water Resources Development Act of 1988 and the Water Resources Development Act of 1990 was formed. The 1988 and 1990 Acts adopted a pattern of limited size authorization bills to stay within realistic budget considerations and preserve the cost sharing reforms of the 1986 Act.

It is once again time to follow up with a Water Resources Development Act of 1992. Toward that end, the Department of the Army has developed proposed legislation for the 102nd Congress in support of the Army Corps of Engineers Civil Works program.

There are very pressing public demands for new water resource development. However, these demands can be met only in the context of certain guiding principles. They are as follows:

Cost sharing principles and policy directives developed since the passage of the Water Resources Development Act of 1986 must be preserved, without exception.

Limit the number and cost of authorizations to be consistent with spending objectives.

Projects that have not been fully reviewed by the Executive Branch must not be included.

Projects must be economically justified and environmentally sound.

New or expanded program initiatives and special interest provisions that shift non-Federal responsibilities to the Federal government are unacceptable

The principles of Federal cost recovery in the planning, construction, operation and

maintenance of Federal projects must be advanced.

Utilize the Army Corps of Engineers expertise to assist other governmental agencies as a technical, scientific and construction management resource.

The adherence to these principles will assist passage and enactment of the Water Resources Development Act for 1992. It will continue the biennial authorization process that is so important to the orderly execution of the Army's Civil Works program.

SECTIONAL ANALYSIS

Sec. 1. Short title: Table of contents.

Sec. 2. Definitions.

Sec. 3. Project authorizations.

This section includes water resources projects which have met all Executive Branch review requirements and are now ready to be authorized.

(a) Canaveral Harbor Florida.—The recommended plan provides for modifying the existing Canaveral Harbor, which is located in Brevard County on the east coast of Florida approximately 192 miles south of Jacksonville and 200 miles north of Miami, Florida. The project includes extending the channel to the 41-foot contour along the existing navy project alignment, deepening the inner channel reach to 39 feet and widening the channel to 400 feet, deepening a 1,200 foot diameter area in the Middle Turning Basin to 39 feet, deepening the first 1,800 feet of the west access channel to 39 feet, deepening and widening the north branch channel from the Middle Turning Basin to the north end of Berth 4 to a 350 foot width and 39 foot depth, and constructing recreation facilities at the Jetty Park.

Based on October 1991 price levels, the estimated first cost of the proposed project is $13,270,000, of which $6,100,000 would be Federal. Annual operation and maintenance is estimated to be $27,000 Federal and $29,000 non-Federal. Average annual costs, based on 8.50 percent discount rate and a 50 year period for economic analyses, are $1,236,000. The project would improve the navigation features of the existing harbor providing average annual benefits of approximately $1,567,000. The project would also serve recreation, providing average annual benefits of approximately $128,000. The benefit-cost ratio is 1.4.

(b) Saugus River and Tributaries, Massachusetts.—The project for storm damage reduction, Saugus River and Tributaries, Massachusetts, is based on the Report of the Chief of Engineers dated August 1, 1990, as modified by the Secretary in the letter to Congress dated August 26, 1991.

The project is located in the coastal communities of Revere, Lynn, Malden and Saugus, immediately north of Boston and Winthrop, Massachusetts. The flood plain, containing thousands of homes, hundreds of businesses, and four major highways, borders the largest saltwater estuary near Boston. Frequent tidal flooding, major coastal storms, and sea level rise pose a constant threat to the area. A recurrence of the "Blizzard of 78" would result in over $100 million in damages and a storm equal to the standard project northeaster could cause damages in excess of $500 million.

The Regional Saugus River Floodgate Plan is the recommended plan and the National Economic Development Plan. This plan combines over 3 miles of existing flood damage reduction structures with new measures to create a linked defense line that will protect the entire area. The centerpiece of the plan is construction of tidal floodgates across the 1,290-foot mouth of the Saugus River to prevent tidal surges from entering the river and flooding the four communities. Included are 600 feet of gated openings to maintain both safe passage for commercial and recreation navigation and natural tide levels and flushing patterns in the estuary. The plan provides a very high degree of coastal flood protection to the area's standard project northeaster storm (greater than a 100 year event). Damages are also reduced against future sea level rise. Construction of sections of walls and a park dike will benefit recreation at Revere Beach.

Based on October 1991 price levels, the estimated cost of the recommended plan is $95,700,000 of which $61,360,000 would be Federal. Annual operation and maintenance is a non-Federal responsibility and is estimated at $250,000. Average annual costs, based on 8.50 percent discount rate and a 100 year period for economic analysis, are $9,410,000. Average annual benefits are $12,400,000. The benefit-cost ratio is 1.3. All benefits are storm damage reduction except for $480,000 in recreational benefits.

Sec. 4. Project modifications.

Rochester, Minnesota.—This project was authorized by section 401(a) of the Water Resources Development Act of 1986, Pub. L. 99-662 [100 Stat. 4117], at a total cost of $61,500,000, October 1985 price levels. The local cooperation agreement for the project was signed on August 29, 1987. Construction began in FY 87 and the project is scheduled for completion in FY 95. However, project costs have increased beyond the maximum cost allowed under section 902 of WRDA 86 because of changes in price levels, costs of contract awards to date, and the need for more detailed design. A Post Authorization Change Report dated July 1990 and an Economic Supplement dated January 1991 have been reviewed by Office of the Chief of Engineers and the Office of the Assistant Secretary of the Army (Civil Works) and was submitted to the Office of Management and Budget (OMB) on July 24, 1991.

The project is located in Rochester, in Olmstead County, in southeastern Minnesota, approximately 70 miles south of Minneapolis-St. Paul. It consists of channel modifications, including widening and deepening the existing channel, and riprap, concrete and steel sheetpile bank protection on the South Fork Zumbro River, Cascade Creek and Bear Creek. Principal features include 6.6 miles of riprap lined channel, 0.9 miles of architecturally treated concrete channel, 0.5 miles of dredged channel, four drop structures and 2.4 miles of levees. Recreation features include hiking and biking trails, foot-bridges over the channel, river accesses, a canoe launch area, picnic shelters and aesthetic treatment. The project, when combined with a system of upstream reservoirs being constructed by the Soil Conservation Service, will protect Rochester from approximately the 0.5% chance flood (200 year flow frequency).

Based on October 1991 price levels, the project cost inflated through construction ending in September 1995 is $123,100,000, of which $90,800,000 is Federal, and $32,300,000 is non-Federal. The benefit-cost ratio is 1.11.

Sec. 5. National inventory of dams.

This provision ensures the Department of the Army's ability to continuously maintain and update the national inventory of dams compiled by the Corps of Engineers pursuant to Public Law 92-367, the National Dam Safety Act of 1972. That Act authorized and directed the Department of the Army to carry out a national program of inspection of dams and to conduct an inventory of all dams located in the United States. The inventory was initially completed in 1975 and updated in 1981. Continuous demands after 1981 for current information on dams located throughout the Nation amplified the need to continuously maintain a current inventory. In response to that need, Congress authorized appropriations of $500,000 each year for maintaining and updating the inventory for fiscal years 1988-1992. Consequently, the present updating effort will terminate at the end of fiscal year 1992, and the inventory will begin to immediately lapse into a state of obsolescence.

Experiences have shown the need for a current national inventory since using the initial inventory for conducting the national dam inspection program and for facilitating the development of state and Federal dam safety programs since 1972 as directed by Congress in Public Law 92-267. A current inventory, which will include new dams, changes in the hazard potential classification of existing dams due to downstream developments, pertinent data for managing state and Federal dam safety programs, and other vital water resources development information is in the Nation's best interest.

Under this provision, current inventory data would continue to be collected from state and Federal agencies and placed in a computerized database which would be accessible to state, Federal, and private users.

Sec. 6. "Challenge" cost-sharing program for the management of recreation facilities.

This provision authorizes the Secretary of the Army to accept donations of money, materials, and services for the Corps of Engineers management program at water resources projects. The program "challenges" the non-Federal sector to join in partnership with the Army Corps of Engineers to manage recreation facilities and natural resources at projects where such facilities and resources are being maintained at complete Federal expense. Specifically, it would permit the Secretary to enter into cooperative agreements with non-Federal public and private entities for those entities to undertake the operation and management of recreation facilities and natural resources currently being maintained by the Federal Government. It would also permit the Secretary to accept donations of funds, materials, and services from the non-Federal public and private sector, as well as from individuals. The legislation would not affect non-Federal cost-sharing requirements under other laws.

The Department of the Army, through the Corps of Engineers, administers one of the largest systems for the management of outdoor recreation in the entire Federal Government. The Corps currently administers approximately 11.7 million acres of land and water at 459 lakes and waterways reporting recreation use. The public use of water and water-related resources at Corps lakes has increased dramatically over the past three decades. Enactment of this proposal will allow individuals, private groups, and state and local governments to provide needed funds, material, and services to work in partnership with the Corps in ensuring the continued public use and enjoyment of these areas.

Examples of types of work that are conducive to "challenge" cost-sharing partnerships include construction of waterfowl nesting platforms, restoration of historic structures, rehabilitation of restrooms, and research related to cultural resources. Potential partners include businesses, state and local governments, universities, hunting and fishing organizations, local gardening societies, and individuals.

The program would be modeled after the U.S. Forest Service's very successful "challenge"cost-sharing program. In Fiscal Year 1990, the Forest Service matched $5.5 million of Federal funds with donations worth $12.8 million for projects nationwide. Over 600 private groups, state and local government agencies, and individuals contributed to the Forest Service's program. Army expects that it too can achieve similar results through a "challenge" cost-sharing program of its own.

Sec. 7. Recreation user fees.

This provision allows the Secretary of the Army to collect certain recreation user fees at water resources development areas administered by the Department of the Army. The legislation would remove existing restrictions on the authority of the Department of the Army to impose reasonable charges for use of certain developed recreation areas under its administration. The legislation, however, is not intended to authorize the imposition of fees for general public access to water resources development projects.

The Department of the Army, through the Corps of Engineers, administers one of the largest systems for outdoor recreation in the entire Federal Government. In the past, the bulk of the cost of operating and maintaining this extensive program has been borne by the general taxpayers even though an easily identifiable group—those who actually visited recreation areas and used facilities—derived a direct benefit at little or no cost to themselves. User fees are a fact of life at state and local recreation areas.

Certainly, the availability of Federally subsidized outdoor recreation is of indirect benefit to all Americans. However, those who actually visit and use such areas derive greater benefit and should be expected to contribute a higher percentage of the costs of operating and maintaining these areas and facilities. A May 1986 study completed by Market Opinion Research of Detroit (underwritten by the National Geographic Society and presented to the President's Commission on Americans Outdoors) gives additional insight into current public opinion on this issue. As a part of the Study, Market Opinion Research conducted a 2,000-interview telephone survey and found that a 55-percent majority of American adults think the costs of maintaining existing recreation areas should come mainly from user fees, rather than from taxes.

Sec. 8. Eliminate requirement to provide one free campground.

Provision eliminates the requirement that the Corps of Engineers provide one free campground at each of its projects where camping is permitted. Under existing law, the Department of the Army is the only Federal agency with such a requirement. Elimination of the requirement would therefore be consistent with the recreation programs administered by the other Federal agencies and would result also in an increase in revenues generated at recreation areas administered by the Department of the Army through the Corps of Engineers.

Sec. 9. Magnetic levitation technology.

During Fiscal Year 1991, the Corps of Engineers worked closely with the Department of Transportation in a joint effort to develop system concept definitions with U.S. industry. In order for the Department of the Army to further refine its role in the development of this technology, it is necessary for the Department to continue funding and working on its portion of the joint effort. Section 417 of the Water Resources Development Act of 1990 authorizes the Secretary of the Army to carry out research and development activities on magnetic levitation; however, subsection (e) of section 417 prohibits appropriations of funds to carry out the program after Fiscal Year 1991.

The Energy and Water Development Appropriations Act for Fiscal Year 1992 provided funds for the Corps to continue its Maglev research program during Fiscal Year 1992, but there is no clear authority for the Corps to continue its efforts with the Department of Transportation in this important area. This provision would ensure continued budgeting for the Department of the Army's efforts in the jointly managed Federal Maglev initiative and provide for better long-term program management.

Sec. 10. Safety award and promotional materials.

Federal departments and agencies are required by the Occupational Safety and Health Act (OSHA) to establish and maintain safety programs. OSHA also requires the head of a department or agency to promote the safety program. In enacting OSHA, Congress has demonstrated its belief that safety in the Government workplace is a matter of great importance. One critical element to a safety program is promotion to create a high degree of safety awareness among employees. Although the Army currently has the authority to promote its safety program through the distribution of leaflets and posters, opinions of the Comptroller General indicate that the provision of "personal use" items to employees is not a permissible type of safety promotion. This legislation would allow the distribution of items of small cost that have a personal use characteristic but that have the primary purpose of conveying a safety message (e.g., ball point pens, buttons, etc.). The Army intends to provide only items that address and promote safety in the workplace. That is, the safety message provided should have a direct relevance to the performance of an employee's job and should not address a hazard that is faced by all people regardless of whether they are Army employees.

In addition to ensuring employee awareness, another indispensable part of safety promotion is the provision of incentives. As demonstrated by the highly successful Army Incentive Awards program, employees are driven to success by recognition of their outstanding performance. Currently, Army regulations allow the provision of honorary awards to employees who demonstrate outstanding safety practices in the performance of their jobs. While this program is very successful, the Army believes that a program that would provide employees with benefits similar to the cash awards provided by the Incentive Awards program would increase the incentive among employees to ensure safety in the workplace. This section would authorize the provision of cash awards to employees in recognition of safe job performance. Although the Army believes that the Secretary currently has the authority to provide cash awards for safety practices under the Incentive Awards Act, the Army wishes to emphasize its commitment to job safety by providing cash awards under the authority of the safety program independent of any other program. In addition, this provision would authorize the Secretary to recognize outstanding safety performance with awards or certificates, plaques, or with other forms of awards.

Sec. 11. Upper Mississippi River system fish and wildlife habitat rehabilitation and enhancement projects.

Habitat projects implemented under the Upper Mississippi River Plan authorized by section 1103 of the Water Resources Development Act of 1986 (WRDA 86), are cost-shared under the provisions of Section 906(e) of WRDA 86. Section 906(e) provides that "[t]he non-Federal share of operation, maintenance, and rehabilitation of activities to enhance fish and wildlife resources shall be 25-percent." The majority of the habitat projects currently scheduled to be implemented are entirely located on U.S. Fish and Wildlife Service refuges or on Cooperative Agreement lands managed by a State agency, "lands managed as a national wildlife refuge" according to Section 906(e). Cost-sharing of operation and maintenance on these small projects has resulted in an administratively cumbersome system with excessive coordination, documentation, processing, and auditing requirements. The legislation would align cost-sharing of operation and maintenance of projects under the Upper Mississippi River System Environmental Management Program with the actual performance of the work. The amendment would make project sponsors (United States Fish and Wildlife Service, States, or private entities) that manage project areas for fish and wildlife purposes entirely responsible for operation and maintenance of completed habitat rehabilitation and enhancement projects.

The financial impact of this legislation on non-Federal sponsors is minor. It is estimated that the increase in total operation and maintenance costs to non-Federal sponsors would be about $100,000 a year.

Sec. 12. Contract goals for small disadvantaged business concerns and historically Black colleges and universities or minority institutions.

Under Public Law 99-661 and through Administration and Department of Defense guidance, specific goals have been established for the award of Department of the Army contracts to small disadvantaged business concerns and historically black colleges and universities or minority institutions. These goals are being applied to both the military and civil works programs managed by the Corps of Engineers. Concurrent with establishing specific goals for Department of Defense procurement activities, Public Law 99-661 authorized special procurement procedures to attain the goals. It has been determined that these special procedures cannot be applied to Civil Works appropriations to meet the established goals. The proposed legislation is similar to existing authority afforded the Department of Defense for military procurements pursuant to Public Law 99-661, and authorize the Secretary to establish an overall goal of 5 percent of Department of Army contracts entered into in support of the Army Civil Works program for fiscal year 1993 and to implement special procurement procedures required to attain the established goal.

Sec. 13. Beneficial uses of dredged material.

There is an increasing national concern about the loss of coastal wetlands and other coastal aquatic resources. The Water Resources Development Act of 1990 authorized new programs for the Corps of Engineers to protect aquatic resources and made environmental protection a mission of the Corps of Engineers. This provision would enhance the environmental protection mission of the Corps by providing a general program authority for the Corps of Engineers to undertake projects for the protection, restoration and creation of aquatic and ecologically related habitats in connection with dredging for construction, operation, or maintenance of an authorized navigation project. Under

this provision, non-Federal interests would be required to enter into cooperative agreements to provide 25 percent of the cost of the project, including the provision of all required lands, easements, right-of-way and relocations, with the value of these contributions included in the 25 percent non-Federal share of the increased cost. In addition, non-Federal interests would be required to pay 100 percent of the operation, maintenance, and replacement and rehabilitation cost of the wetland or other related ecosystem area. Under this initiative, the cost of the project must be justified by the monetary and non-monetary benefits to be gained. In addition, this provision limits the Federal expenditures for each project undertaken pursuant to this section to no more than $2,000,000.

Sec. 14. Work for others, technical amendment.

Under 10 U.S.C. 3036(d), the Corps can provide reimbursable services to States and political subsdivisions of States in those instances where Federal financial assistance is involved and the agency providing the financial assistance does not object to the Corps providing the services. The current definition of "States and political subdivisions of States" does not include Indian tribes, territories or possessions of the United States, or the Commonwealths of Puerto Rico and the Northern Mariana Islands.

It was clearly not the intent of Congress to deny any of these entities assistance under 10 U.S.C. 3036(d). However, there have been instances in the recent past where the Corps has not been able to provide assistance under this authority to an entity that does not fall under the existing definition, including a request for assistance received by the Corps in the aftermath of Hurricane Hugo.

This provision will clarify that assistance under 10 U.S.C. 3036(d) is available to Indian tribes, territories or possessions of the United States, and the Commonwealths of Puerto Rico and the Northern Mariana Islands.

Sec. 15. Cost-sharing for disposal of dredged material on beaches.

Under existing law the Secretary can place beach quality sand which has been dredged in constructing and maintaining navigation inlets and channels on adjacent State beaches at the request of the State, if the State agrees to certain cost-sharing requirements. There are many instances, however, where non-Federal public entities other than States would like to improve the quality of their beaches through such an arrangement with the Secretary. These other non-Federal public entities cannot be accommodated under current law. This legislation would change that by authorizing the Secretary to place beach quality sand on the beaches of States or political subdivisions of States. The cost-sharing requirements for any political subdivision receiving the sand would be the same as those for the State, and the sand would be placed on the beaches of political subdivisions of States only at the request of the State in which such beaches are located.

Sec. 16. Recovery of costs for cleanup of hazardous and toxic substances.

There are potentially a number of instances where the Corps of Engineers finds itself faced with cleaning up civil works properties that were contaminated with hazardous or toxic substances by other parties. In such instances, the Secretary can seek recovery from the responsible party under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

Currently, section 104 of CERCLA authorizes Federal agencies to respond with remedial or removal actions against actual or threatened releases of toxic substances. In addition, section 107 of CERCLA authorizes the Government to recover all costs of such response actions from responsible parties. However, without specific authority, the funds recovered pursuant to section 107 must be deposited into the General Treasury rather than be used to offset the cost of the response action. This provision, which is similar to authority provided to the Secretary of Defense under the Defense Environmental Restoration Program, would enable a direct credit of the amounts recovered to the principal appropriation from which the costs of the cleanup have been or will be used.

Sec. 17. Hydroelectric power project uprating.

The Corps of Engineers operates and maintains more than 70 hydroelectric power facilities. The energy generated at these facilities is generally marketed to non-Federal electric utilities by the Department of Energy Power Marketing Administration. The rates charged for the energy are based on 100 percent repayment of those costs associated with hydroelectric power production, including both specific and joint costs for development, repair, rehabilitation, and operation and maintenance.

Historically, the Corps has monitored its equipment such that, in addition to recurring preventative maintenance, major maintenance is performed prior to a failure. Often the need for major maintenance or rehabilitation provides the opportunity to replace existing equipment with state of the art technology resulting in increasing the capacity of such facilities or increasing the efficiency of energy production at such facilities.

In other cases, there are economic opportunities to uprate existing hydroelectric power projects by modernizing existing equipment with state of the art technology to lower expected future operation and maintenance and to increase the benefits received from production of power. In each case, however, some question exists regarding the extent to which existing hydropower production capacity can be increased above the levels reflected in the project authorizing documents. The Army supports uprating of existing hydroelectric power projects where such uprating is economically feasible and environmentally acceptable.

The legislative proposal would provide general authority to uprate existing projects. However, the legislation places limits on the Secretary's authority. It limits uprating at existing projects to those cases where the uprating is economically feasible, is environmentally compatible, has only minor impacts to other project purposes, and involves no major structural or operational changes to the project.

Sec. 18. Engineering innovations.

This provision recognizes the critical importance of the ability of the Army civil works program to be ready to respond to future needs and demands for environmentally sound engineering solutions to problems of national significance. Currently there is no clear authority for the Corps to utilize its multifaceted resources to undertake significant preparatory work to respond to such emerging national challenges. This provision will provide that authority and will represent a giant step forward in the Corps' ability to "get ready to be ready" as the country moves towards the 21st century.

The Secretary may utilize no more than $3,000,000 from funds available to the Secretary in carrying out activities under this section during any single fiscal year. However, the Secretary may accept additional funds from other Federal agencies, states, or other non-Federal entities. The funding limitation, coupled with the Secretary's being able to work closely with other Federal agencies, states, or other non-Federal entities, will serve to enhance the Corps' ongoing partnering initiatives.

Sec. 19. Cost-sharing of environmental projects.

The Water Resources Development Act of 1990 (Public Law 101-640) established environmental protection as one of the missions of the Corps of Engineers. In addition, section 307(a) of the Coastal Wetlands Planning, Protection and Restoration Act (Public Law 101-646) generally authorized the Corps to undertake wetlands restoration projects. Section 103(c) of the Water Resources Development Act of 1986 (WRDA '86) sets forth the cost-sharing formulas for water resources development projects, but does not include a cost-sharing formula for environmental projects. Given the continued and increasing involvement of the Corps in environmental projects, it is important that a specific cost-sharing formula for such projects be established.

The purpose of this provision is to create a consistent cost-sharing formula of 75 percent Federal/25 percent non-Federal responsibility for the costs of projects for environmental protection, restoration and/or enhancement that could be applied to the various authorities for the Corps to carry out such projects.

Sec. 20. Dredge vessel disposal.

This provision removes the restriction placed on the disposal of dredge vessels within the United States. Present law requires that these dredging vessels and related equipment not be sold in the United States for the purposes of engaging in dredging activities. These vessels and the related equipment can only be used for training purposes, technical assistance to foreign governments, or sold for scrap. Removal of the present restriction would enhance the competition within the U.S. dredging industry as well as the industry's capability. It would provide an opportunity for generating additional revenues for operating, maintaining, and enhancing remaining plant and equipment currently being used by the Corps.

Sec. 21. Federal lump sum payments for federal operation and maintenance costs.

The purpose of this proposal is to enable the Secretary to make one-time lump-sum payments to non-Federal sponsors for the Federal share of operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) costs of Civil Works projects. The proposal would reduce Corps of Engineers administrative costs for budgeting, auditing, and making payment on an annual basis.

The authority would apply to any project or separable element for which there is a Federal share of OMRR&R. The amount to be paid would equal the present value of the Federal payments over the remaining life of the project, as estimated by the Federal Government. The present value would be determined during the fiscal year in which construction of the project was completed and would be computed using the average market yields for outstanding marketable obligations of the United States with remaining periods of maturity between 15 and 30 years as the rate of discount for payments in future years.

A lump sum payment could only be made with the concurrence of the sponsor under the terms of a local cooperation agreement. The payment could be made immediately

upon completion of a project, or after a "track record" of OMRR&R costs has been established over a period of a few years. Most payments would be in advance of the relevant OMRR&R costs being incurred by the local sponsor.

Sec. 22. Projects for improvement of the environment.

This section increases the annual cap on the funding for project modifications undertaken pursuant to section 1135 of the Water Resources Development Act of 1986 as amended and also limits the amount to be allotted for each modification undertaken to $5,000,000. Section 1135 authorizes the Secretary to modify existing projects to improve the quality of the environment in the public interest, where such modifications are feasible and consistent with the authorized project purposes. Originally authorized as a demonstration program, section 1135 has proven to be highly successful and was recently made into a permanent program under section 304 of the Water Resources Development Act of 1990. Increasing the annual cap from $15,000,000 to $25,000,000 will provide the Secretary greater flexibility in budgeting for and implementing modifications to projects under section 1135.

Sec. 23. Collaborative research and development.

This provision amends section 7 of the Water Resources Development Act of 1988 (Public Law 100-676) to authorize the Secretary to apply appropriate protections to technology developed by the Corps. Under current law, Federally developed software can only be protected after the Government enters into a cooperative research and development agreement (CRDA) with a non-Federal entity under the Technology Transfer Act. However, such protection only covers the jointly developed technology, not technology that was originally developed by the Government before entering into the CRDA. Because there is generally no copyright protection of Federally developed software, the software has no commercial value to the private sector. This provision would encourage private entities to market software developed by the Corps, since it would enable the Corps to apply the protections in section 12(c)(4)(6) of the Technology Transfer Act to software developed by the Corps. Under section 12(c)(7)(B) of the Technology Transfer Act, the Secretary could protect from dissemination information that would be considered a trade secret or commercial information if it had been obtained from a private party for a period of up to two years after the development of the information.

Sec. 24. Voluntary contributions for environmental projects.

This provision allows the Secretary to accept contributions from nonprofit private entities and from non-Federal public entities, other than project sponsors. The Secretary's authority to accept such contributions under this provision is limited to contributions for projects carried out by the Secretary for environmental protection and restoration. The intent of this section is to enhance Federal expenditures for environmentally related projects. therefore, any cash or funds received by the Secretary pursuant to this section will be deposited into a special account in the Treasury and will be used solely to carry out the purposes of this section.

This provision is not to be confused with any cost-sharing requirements borne by the non-Federal project sponsor, as its intent is not to place any additional burdens on project sponsors. Therefore, the project sponsor may not make any contributions pursuant to this section.

Sec. 25. Cost-sharing for removal of project features.

The purpose of this section is to clarify the appropriate cost-sharing formula for project modifications at existing authorized water resources development projects where that modification would require removal of one or more of the features of the project and where that removal would significantly and adversely impact the authorized project purposes or outputs. In such circumstances, the non-Federal project sponsor would be required to provide 50% of the cost of the modification.

Sec. 26. Resolution of interstate water disputes.

In recent years, several disputes have arisen between States and, on occasion, between a State or States and the Federal government involving water flows and water levels in rivers and streams in the United States and in associated lakes and reservoirs. Given the various uses of the water in a river system and the often contrary interests of the upstream States and the downstream States, more disputes are likely to arise in the future. The current widespread and long-standing drought conditions throughout much of America will likely serve to increase the number and the intensity of these disputes.

The nature of these disputes is such that the level of public interest is high and rapid resolution of the disputes is crucial. Interested citizens often place considerable pressure on their elected State officials to represent their interests. Currently, the primary recourse for State officials is to attempt to settle such disputes through the Federal court system. The result is that the interested States become involved in a costly, often lengthy, litigation process. Since the flows of water in many of the river systems involved are controlled by the Department of the Army, the Federal government may also be made a party to this litigation. Further, since many of the river systems involved affect the rights of Indian tribes, the tribes are interested in the litigation and often become parties to the litigation.

Often, the interested parties are not well served by the costly and lengthy litigation process. This legislation encourages all affected parties with the assistance of the Department of the Army to negotiate a satisfactory solution to interstate disputes over the control of water flows in order to avoid the costs and delays associated with litigation. The legislation anticipates that the Secretary of the Army may elect to participate in such negotiations and authorizes the Secretary to do so when the Secretary determines such participation to be in the interest of the Department of the Army. It also emphasizes the Secretary's existing authority to facilitate negotiations by sharing data with the negotiating parties, by conducting relevant studies, and by providing access to other resources of the Corps.

It should be stressed that this legislation is designed to promote negotiation and does not limit the already existing right of affected interests to negotiate a solution to water disputes. Congress recognizes that successful negotiation may result in the signing of an interstate agreement or compact and notes that any such agreement or compact is governed by the provisions of Article I, section 10, clause 3 of the Federal Constitution.

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S. 2501

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is authorized to be appropriated to the Department of the Army out of the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1986, for each fiscal year up to $5,000,000, to be used by the Department of the Army to provide payment of administration expenses incurred by the Department of the Army, the Department of Treasury, and the Department of Commerce in administering the tax imposed by section 4461 of the Internal Revenue Code of 1986.

SEC. 2. Section 9505(c)(1) of the Internal Revenue Code of 1986 is amended by striking "(as in effect on the date of enactment of this section)" and inserting in lieu thereof "(as amended by the Water Resources Development Act of 1990)".

SEC. 3. Section 9505(c)(3) of the Internal Revenue Code of 1986 is amended by deleting it in its entirety and replacing it with the following:

"(3) for the payment of all administrative expenses incurred by the Department of the Army, the Department of the Treasury, and the Department of Commerce in administering the tax imposed by section 4461 of this Title, but not in excess of $5,000,000 for any fiscal year.".

SEC. 4. Section 1403(b) of the Water Resources Development Act of 1986 is repealed.

SEC. 5. Section 102 of the Water Resources Development Act of 1986 (100 Stat. 4084) is amended by—

Redesignating subsections (b) and (c) as "(c)" and "(d)"; and

Inserting a new subsection (b) as follows:

"(b) REHABILITATION.—One-half of the costs of rehabilitation of any project for navigation on the inland and coastal waterways of the United States described in section 206 of the Inland Waterways Revenue Act of 1978 shall be paid only from amounts appropriated from the general fund of the Treasury. One-half of such costs shall be paid only from amounts appropriated from the Inland Waterways Trust Fund."

SEC. 6. Subsection (c)(2) of section 9506 of the Internal Revenue Code of 1954 (relating to the establishment of trust funds) is amended by—

Inserting "and rehabilitation" after the word "construction"; and

Inserting "and 102(b)" after "102(a)".

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SECTIONAL ANALYSIS

Section 1 authorizes appropriations from the Harbor Maintenance Trust Fund to the Department of the Army to pay the administrative costs incurred by the Department of the Army, the Department of the Treasury, and the Department of Commerce in administering the port use fee. No more than 5,000,000, may be appropriated from the Fund during any one fiscal year.

Section 2 amends the existing language in section 9505(c)(1) of the Internal Revenue Code to conform with the amendment to section 210(a)(2) of the Water Resources Development Act of 1986 (Public Law 99-662) by section 316 of the Water Resources Development Act of 1990 (Public Law 101-640).

Section 3 deletes the provision in the Internal Revenue Code of 1986 that provides for appropriations from the Harbor Maintenance Trust Fund for payment of expenses incurred by the Department of the Treasury in administering the port use fee and replaces it with a provision allowing for appropriations from the Fund to the Department of the Army to be used by the Department of the Army to pay the administrative expenses incurred by all of the agencies involved in administering the port use fee.

Section 4 repeals paragraph (b) of section 1403 of the Water Resources Development Act of 1986 (Public Law 99-662).

Section 5 amends section 102 of the Water Resources Development Act of 1986 to authorize that one-half the costs of rehabilitation of projects for navigation on the inland and coastal waterways can be appropriated from the Inland Waterways Trust Fund.

Section 6 makes the necessary technical amendments of section 9506 of the Internal Revenue Code of 1954 (relating to the establishment of trust funds).•

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By Mr. DECONCINI:

S. 2502. A bill to amend the provisions of title 28, United States Code, to provide for the payment of attorney fees to a prevailing defendant in civil actions, and for other purposes; to the Committee on the Judiciary.

ATTORNEY ACCOUNTABILITY ACT

• Mr. DECONCINI. Mr. President, I rise today to introduce the Attorney Accountability Act. This legislation is intended to provide prevailing defendants in Federal court actions reimbursement of their reasonable attorney fees. America's love affair with litigation, and the pursuit of a deep pocket has inappropriately made the courts the forum for redistributing wealth in this country. Accountability, especially on the part of attorneys bringing nonmeritorious cases, needs to be established. I believe making plaintiffs and their lawyers, in certain situations, responsible for the legal fees of winning defendants may help reform the process of initiating civil actions in our Federal court system.

Tort reform has been the subject of heated debate over the past decade. Concerns have been raised about the problems resulting from the high costs of liability insurance, the expense of litigation, and the tremendous backlog in our courts. The costs of malpractice insurance, medical liability, and defensive medicine—the practice of conducting superfluous tests as protection from malpractice suits—arguably have had a significant effect on health care in this country. The Small Business Administration has estimated that the threat of malpractice claims adds an alarming $4 billion to the cost of health care each year and that defensive actions on the part of doctors costs $100,000 per year per physician.

Numerous proposals have been introduced in the Congress seeking to reform medical malpractice liability and product liability. Most see the answer as capping the amount of damages which prevailing plaintiffs can recover. I am very concerned about such an approach because I believe those who are severely injured should be able to completely recover for their losses. Furthermore, these limits tend to harm economically deprived individuals or younger people who receive little compensation elsewhere.

Some of the liability reform bills advocate alternative dispute resolution systems and/or binding arbitration. I am interested in these ideas and will continue to study the merits of such proposals. However, the bill I am introducing today takes a different approach. It provides for prevailing defendants to be reimbursed for their attorney fees.

Let me explain briefly the substance of my bill. First, it provides that in all Federal civil actions prevailing defendants will be awarded reasonable attorney fees after the entry of final judgment. Fee awards to prevailing defendants can be waived by the court if such an award would be against equity and good conscience. This waiver is intended to allow the court the discretion not to impose fees on the poor or other for whom to do so would be wrong.

The bill clarifies that plaintiffs who are required to pay defendants' attorney fees will be reimbursed if the court finds that their attorney violated rule 11 of the Code of Civil Procedure. Rule 11 provides that attorneys must certify that every pleading, motion, or other paper filed is, to the best of his knowledge, "well grounded in fact and is warranted by existing law * * * and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation." Although rule 11 already allows reimbursement for attorney fees, this bill ties the two together and gives recourse for the losing plaintiff to recover fees paid.

This legislation attempts to hold attorneys who take cases on a contingency basis liable for a proportionate share of the attorney fee award. Concerns have been raised that contingency fee arrangements contribute to the litigation explosion. My bill seeks to impose some level of accountability on the part of lawyers who take cases on a contingency fee basis by requiring that they share not only in the possible rewards of filing suit but also the potential risks. Attorneys working on a contingency basis will be required to pay the same percentage that they would receive if they won. Let me provide an example. An attorney agrees to take a personal injury suit for a one-third contingency fee. If he wins, he receives 33.3 percent of the damages awarded. However if he loses, he must pay 33.3 percent of the defendant's attorney fees. Attorneys must be discouraged from filing frivolous lawsuits.

The bill does not intend to preempt other existing Federal statutes dealing with fee shifting, unless they are inconsistent. There are already a number of Federal statutes which provide for the award of attorney fees to prevailing parties. There is nothing in this bill that would prohibit prevailing plaintiffs in civil actions brought under statutes with fee shifting mechanisms from recovering their attorney fees. Finally, the bill does not apply to pending cases or to class actions.

I believe the lack of accountability in civil litigation has created the current sentiment in this country that "anyone can sue for anything." Filing suit, no matter how baseless the charge, requires both parties to hire an attorney. Everyone knows that the cost of defending a lawsuit is skyrocketing; the cost of defending an employment discrimination suit has been estimated to cost over $60,000. Faced with the prospect of defending a suit and paying the lawyers fees, many defendants conclude they should settle. Even if they do proceed and win, their cost generally cannot be recovered and they are never made whole.

Is it fair to defend a senseless law suit, win, and still have to pay the costs of defending the suit when you have proven that you did nothing wrong? Fairness needs to be put back into the system. Prevailing plaintiffs often sue under statutes that provide for fee shifting. This bill would just ensure that prevailing defendants are reimbursed for their lawyer's bill.

The American legal system generally requires both parties to pay their own costs. The reason behind the so-called American rule is the belief that such a system enhances access to the courts. The English rule is used virtually everywhere except the United States. Its goal is to reduce the number of cases filed and to eliminate frivolous cases. Critics, however, think the loser-pays rule would discourage the average citizen from filing suit because of the threat of huge legal fees.

Trial lawyers will not like this bill. They will argue it will hurt the little guy. I say it will require attorneys to think more carefully about the consequences of taking on a case that has little chance of success.

I recognize that this bill will discourage people from filing suit. That is one of its purposes. However, plaintiffs who have valid, meritorious claims have little to fear by this bill, since they will not have to pay. What this bill will do is discourage claims initiated with the goal of settlement, claims without merit and defendant shopping.

Defendant shopping is a practice that needs reform. In a personal injury suit, injured plaintiffs are looking for compensation, the deep pocket. Therefore in many cases they file suit against any number of possibly negligent parties in order to seek out the best possibility for recovery. For example, in an automobile accident claims may be filed against the person who caused the accident, the brake manufacturer, the car manufacturer, the mechanic, the driver's employer, et cetera. The list is nearly endless. Today there is little risk in such an approach. If the plaintiff knew that he could be responsible for each of these defendant's legal fees he may reconsider his strategy. This would reduce the workload in the courts, and cut costs and reduce the time to resolve such suits.

In 1991, there were 240,000 civil cases pending. The United States now has

well over 750,000 lawyers. Just 20 years ago, there were 325,000 lawyers and today 35,000 new lawyers are graduating from law school every year. The amount of money many lawyers are earning is absurd. For example, attorneys working on a contingency factor in lawsuits against Drexel Burnham Lambert, Inc., and its former employees, including Michael Milken, may receive as much as $125 to $250 million if compensation is based on usual contingency fees. Forty million dollars alone was paid by the Federal Deposit Insurance Corporation [FDIC] to the Wall Street law firm of Cravath, Swain & Moore that negotiated the settlement on behalf of the FDIC. The Washington Post reported that top litigators at Cravath would collect $600 per hour and others would receive $250 to $150 per hour.

We don't sufficiently understand the incentives and deterrents in filing lawsuits and whether the benefits outweigh the costs of our current system for reimbursement of attorney fees. I am not confident that a major overhaul of our Nation's tort system of justice is necessary or advisable. This bill is my attempt to continue the debate on this most serious issue. I welcome comments, suggestions, and recommendations from my colleagues and other interested parties. I believe there are any number of ways that we can help restore some accountability in the court system, and I hope this will stimulate additional thoughts on this issue.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the RECORD immediately following this statement.

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

S. 2502

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Attorney Accountability Act of 1992".

**SEC. 2. AWARD OF ATTORNEY FEES TO PREVAILING DEFENDANT.**

(a) IN GENERAL.—Chapter 123 of title 28, United States Code, is amended by inserting after section 1931 the following new section:

**"§ 1932. Award of attorney fees to prevailing defendant**

"(a)(1) Except as otherwise provided in this section, in each court of the United States, the court shall award reasonable attorney fees to a prevailing defendant from the plaintiff after the entry of final judgment in any civil action.

"(2) In an action involving multiple parties, the court may apportion the payment of attorney fees under paragraph (1) between or among plaintiffs to defendant or defendants at the court's discretion.

"(3) The provisions of this section shall not apply to any class action suit.

"(b) The court may waive the provisions of subsection (a) in exceptional cases in which the application of such subsection would be against equity and good conscience.

"(c) In any case in which the provisions of subsection (a) apply and the court finds that the attorney for plaintiff has violated rule 11 of the Federal Rules of Civil Procedure, the court shall order such attorney to reimburse the plaintiff for the amount awarded under subsection (a).

"(d) In any case in which the provisions of subsection (a) apply and the attorney for the plaintiff has a contingency fee agreement with the plaintiff, the court shall order such attorney to pay a portion of the fees awarded under subsection (a). Such payment shall equal the amount of the total fees awarded to the prevailing defendant under subsection (a) multiplied by the contingency fee percentage under such agreement.

"(e) The provisions of this section shall preempt and supersede any other Federal law relating to attorney fees to the extent such law is inconsistent with this section.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 123 of title 28, United States Code, is amended by adding after the item relating to section 1931 the following:

"1932. Award of attorney fees to prevailing defendant".

(c) EFFECTIVE DATE.—The provisions of this Act and amendments made by this Act shall be effective on and after the date of the enactment of this Act and shall apply only to civil actions filed on and after such date.●

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By Mr. SIMON (for himself, Mr. RUDMAN, Mr. PELL, Mr. BUMPERS, and Mr. CRANSTON):

S. 2503. A bill to amend the Foreign Relations Authorization Act, fiscal years 1992 and 1993, to make available additional funds to the Department of State for U.S. contributions to international peace-keeping activities; to the Committee on Appropriations.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING FUNCTIONS

Mr. SIMON. Mr. President, I am introducing a bill on behalf of myself, Senator RUDMAN, Senator PELL, Senator BUMPERS, and Senator CRANSTON which would, starting in fiscal year 1993, transfer the peacekeeping function of the United Nations from the foreign aid account in the budget, function 150, over to the defense function, which is under the general 050, in the subfunction of 051.

That may sound very technical but, in fact, the United Nations' function is a security function, and I think, as we move ahead in Cambodia, as we move ahead in Yugoslavia, using the United Nations, shifting away from excessive reliance on the United States and U.S. taxpayers, that should come out of the defense function in the budget, not the foreign aid function. As we help people, we should not take money away from hungry people in the Sudan or Somalia, or wherever desperate, hungry people are.

So I am pleased to introduce this. It really grew out of a suggestion made by Senator RUDMAN, which I felt was a very fine suggestion. So I have put it in the form of a bill and, again, it would apply only beginning in the fiscal year 1993 session. I think it makes a great deal of sense, and I hope it will be considered by this body.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2503

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AMENDMENT TO THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993.**

The Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138) is amended by adding at the end the following new title:

"TITLE VI—ADDITIONAL SUPPORT FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

**"SEC. 601. FINDINGS.**

"The Congress makes the following findings:

"(1) Section 175 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, demonstrates the importance of United Nations peacekeeping by calling for an exploration of means to expedite the implementation of peacekeeping operations.

"(2) United Nations peacekeeping contributes to a United States national security interest in maintaining global stability and order.

"(3) The United States has a national security interest in fully funding its assessment for United Nations peacekeeping operations.

"(4) As a national security interest, United Nations peacekeeping should be funded from the defense, rather than international affairs, budget.

"(5) There is a critical need for funding for the newly established United Nations peacekeeping operations in Cambodia, Yugoslavia, and El Salvador. Without the expeditious provision of adequate funding for these peacekeeping missions, the risk of failure is high.

"(6) The collapse of these peacekeeping operations for lack of funding would also virtually assure the unraveling of the peace accords or ceasefires which offer the only hope for restoring peace and stability in these regions.

**"SEC. 602. AUTHORITY FOR THE DEPARTMENT OF STATE.**

"In addition to funds otherwise available before the date of enactment of this title under the 'Contributions to International Peacekeeping Activities' account for the Department of State, the Secretary of State is authorized to use the following sums to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities.

"(1) For fiscal year 1993, $483,323,000.

**"SEC. 603. SOURCE OF FUNDS.**

"(a) IN GENERAL.—To the extent provided in an appropriation Act or joint resolution, there shall be transferred to the 'Contributions to International Peacekeeping Activities' account for the Department of State—

"(1) during fiscal year 1993, $438,323,000, from appropriations made to such Department of Defense accounts as the President may designate under budget function 051 (relating to Department of Defense—Military).

"(b) PURPOSES.—Funds transferred under subsection (a) to the account described in that subsection shall be merged with, and

available for the same purposes as, funds otherwise appropriated to that account.

"(c) RELATIONSHIP TO STATE DEPARTMENT BASIC AUTHORITIES ACT.—Funds transferred under subsection (a) shall not be considered appropriations to the Department of State for purposes of section 15(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680).

**"SEC. 604. EXEMPTION FROM BUDGET SPENDING LIMITATIONS.**

"Funds which are transferred pursuant to this title shall not be counted as new budget authority or outlays for fiscal year 1993 under the spending limitations applicable to the international budget category, as provided for in section 601(a)(2) of the Congressional Budget Act of 1974.".

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By Mr. MITCHELL:

S. 2504. A bill to eliminate restrictions in United States law on the extension of credit and assistance to the successor states of the former Soviet Union; to the Committee on Foreign Relations.

REPEAL OF CERTAIN CREDIT AND ASSISTANCE RESTRICTIONS TO THE SUCCESSOR STATES OF THE FORMER SOVIET UNION

Mr. MITCHELL. Mr. President, today I am introducing legislation to move beyond the legacy of the cold war in several areas of law that pertain to economics. These changes are long overdue. They are important for both their substance and symbolism.

During his last visit here, President Yeltsin noted that many American economic and trade laws retained restrictions on the Soviet Union which penalized the newly independent states in that region. Our laws do not yet reflect reality.

It is time to recognize the dissolution of the Communist Soviet Union and the emergence of newly independent states that are moving toward democracy and a free market. It is time to adjust our legislation accordingly.

Two of the changes in the bill are included in the Foreign Operations continuing resolution, which the Senate will be considering shortly. But they are not yet law, and I believe there is value in introducing a coherent and comprehensive reform package. This bill therefore proposes several changes in current law.

It would repeal the law which limits the availability of credit, loan guarantees, and insurance for the former U.S.S.R.

It would remove the Union of Socialist Republics from the list of countries ineligible for Export-Import Bank credits.

It also would lift the ceilings on eligibility for Exim credits, known as the Stevenson and Shweiker-Church amendments.

This bill would repeal the Foreign Assistance Act prohibition on assistance to the Union of Soviet Socialist Republics. The President already has indefinitely waived these restrictions, but there is no longer a reason for their existence in statutory law.

Finally, the bill waives the Johnson Act, which has the effect of restricting United States private and public credits to some government banks and organizations in the Commonwealth of Independent States because of overdue czarist and interim government debts.

I hope that these changes will do more than simply bring our trade laws up to date with the real world.

I hope that they will assist the new states of the former Soviet Union in their efforts to successfully implement free market reforms and integrate into the international economic community.

Finally, I believe the states of the Commonwealth can take great satisfaction in seeing these legislative remnants of the cold war swept away.

I hope my colleagues will join me in this effort to swiftly remove the barriers of the past, ending the pariah status of the states of the former Soviet Union. It is time to give them their rightful place among the other nations of the world in their economic dealings with the United States.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2504

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REPEAL OF LIMITATION ON CREDIT FOR EXPORTS.**

Section 613 of the Trade Act of 1974 (19 U.S.C. 2487) is hereby repealed.

**SEC. 2. REPEAL OF INELIGIBILITY FOR EXPORT-IMPORT BANK CREDIT.**

Section 2(b)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)) is amended by striking out "Union of Soviet Socialist Republics (including its captive constituent republics)".

**SEC. 3. REPEAL OF LIMITATION ON EXPORT-IMPORT BANK CREDIT.**

Section 7(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(b)) is hereby repealed.

**SEC. 4. REPEAL OF PROHIBITION ON FOREIGN ASSISTANCE.**

Section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) is amended by striking out "Union of Soviet Socialist Republics (including its captive constituent republics)".

**SEC. 5. WAIVER OF JOHNSON ACT.**

Section 955 of title 18, United States Code, shall not apply with respect to any obligations of the former Soviet Union, or any of the successor states of the former Soviet Union, or any political subdivision, organization, or association thereof.

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By Mr. WARNER (for himself, Mr. ROBB, Mr. BROWN, Mr. BUMPERS, Mr. CHAFEE, Mr. COCHRAN, Mr. LUGAR, Mr. METZENBAUM, Mr. STEVENS, and Mr. SYMMS):

S.J. Res. 283. Joint resolution designating January 16, 1993, as "Religious Freedom Day"; to the Committee on the Judiciary.

RELIGIOUS FREEDOM DAY

• Mr. WARNER. Mr. President, I rise today to introduce along with Senator ROBB a joint resolution which would designate January 16, 1993, as "Religious Freedom Day."

The birth of this joint resolution goes back to January 16, 1786—the day the Virginia General Assembly adopted "An Act Establishing Religious Freedom for Virginia." Written by Thomas Jefferson, this statute was the first to institute the separation of church and state and secure for all citizens the freedom of worship. The Virginia statute for religious freedom inspired the first amendment and is regarded by scholars, lawyers, and religious leaders as one of the most influential documents ever created.

On January 16, 1992, the Virginia General Assembly passed a resolution commemorating the Virginia statute for religious freedom as the precursor for the Bill of Rights. A proclamation was then signed by Governor Wilder and Virginia became the first State to establish a day for the appreciation of religious freedom.

The purpose of this joint resolution is to extend to all the States this opportunity to commemorate our religious freedoms. Therefore, I invite my colleagues to join Senator ROBB and myself in designating January 16, 1993, as "Religious Freedom Day."

I will close my remarks by submitting a letter written by A.E. Dick Howard, a professor at the University of Virginia School of Law, who so eloquently addresses the significance of the Virginia statute for religious freedom. I ask unanimous consent that this letter be printed in the RECORD.

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

SCHOOL OF LAW,
UNIVERSITY OF VIRGINIA,
*Charlottesville, VA, December 20, 1991.*

MS. CAROL NEGUS,
*President, Council for America's First Freedom, Richmond, VA.*

DEAR MS. NEGUS: The Virginia Statute for Religious Freedom is a document whose historical significance transcends the place and time which gave it birth.

One who delves into the circumstances surrounding the Statute's drafting and enactment will better understand the origins and meaning of religious freedom in America. In 1776 the Virginia Declaration of Rights had declared free exercise of religion. When, in 1786, the Virginia Statute was enacted, a more complete statement of religious liberty had thereby come into being.

The history of the Virginia Statute is intertwined with that of the First Amendment to the United States Constitution. The Supreme Court of the United States, in interpreting the First Amendment, has often made reference to the Virginia Statute. That enactment remains a seminal document for any enquiry into the application of the First Amendment's religion clauses even two centuries later.

The Statute's significance is not confined to concerns about church and state or religion in the conventional sense. I can think of

no document which more eloquently states Thomas Jefferson's concern for liberating the human mind from any manner of bondage. A splendid emanation of enlightenment thinking at its best, the Statute proclaims that at the heart of our conception of freedom lies freedom to believe what one will.

In an age when many countries are putting a totalitarian past behind them and are laying the foundations for constitutional democracy, the Virginia Statute points the way to aspirations which, if acted upon, would help mute the passions of national and ethnic rivalry. In my own work in Central and Eastern Europe, I have used the Statute as an example of an approach to religious freedom that would be worthy of emulation by constitutional draftsmen in the fledgling democracies.

The Virginia Statute is a document for the ages. I applaud the plans to commemorate its meaning and to undertake public education in its teachings.

Sincerely,

A.E. DICK HOWARD.●

● Mr. ROBB. Mr. President, I rise with my friend and colleague from Virginia as an original cosponsor of legislation to recognize and commemorate January 16, 1993, as "Religious Freedom Day." While many commemoratives pass through this body each year, none to my knowledge celebrates this first and most basic liberty secured in the first amendment. The passage of this resolution will mark an important step in the mission to educate the Nation's public in the significance of Thomas Jefferson's "Statute of Religious Freedom," adopted by the Virginia General Assembly on January 16, 1786. It will also provide Americans with the opportunity to join together in observing the primary liberties secured for the people by the religious clauses of the first amendment.

Mr. Jefferson drafted a bill for religious freedom in 1777, soon after the signing of the Declaration of Independence. Drawing from the ideas of Montesquieu, this charter would be the first in the world to establish the separation of church and state and the freedom of exercise as the complementary components of a secular State. It was defeated by the Virginia General Assembly in 1779, then reintroduced in 1785 by James Madison while Jefferson served as Ambassador to France. Aided by Madison's famous article entitled "Memorial and Remonstrance against Religious Assessments," the "Statute for Religious Freedom" was adopted on January 16, 1786. On that occasion, Jefferson wrote to Madison;

It is honorable for us to have produced the first legislature with the courage to declare that the reason of man may be trusted with the formation of his own opinion.

The contest to secure these religious freedoms, first in the Virginia statute, and later in the Bill of Rights, was remarkable for the ideals at stake and the triumph of the democratic process which transformed these ideals into law. However, the purpose of Religious Freedom Day is not limited to the celebration of historical events, for the principles behind religious freedom are not frozen in history; rather, they remain central to any debate on the relationship between Government and individual conscience. The faithful protection of those rights guaranteed by the first amendment and the Bill of Rights as a whole requires an electorate which will defend the principles behind those rights.

Religious Freedom Day will be an occasion for all Americans to observe those principles of individual conscience and societal tolerance which form the foundation of the first amendment. This will be a day to reflect on these words of the constitution and the effect they have on our lives: "Congress shall make no law respecting an establishment of any religions, or prohibiting the free exercise thereof * * *".●

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By Mr. SPECTER:

S.J. Res. 284. Joint resolution designating August 4, 1992, as "National Neighborhood Crime Watch Day"; to the Committee on the Judiciary.

NATIONAL NEIGHBORHOOD CRIME WATCH DAY

Mr. SPECTER. Mr. President, today I introduce a joint resolution which commends the Nation's neighborhood crime watch groups and designates August 4, 1992, as "National Neighborhood Crime Watch Day."

One such group, the National Association of Town Watch [NATW], has made significant contributions in helping neighborhoods throughout the country in their fight against crime. The association's eighth annual national night out crime prevention project, which was held August 6, 1991, involved citizens and police in 8,370 communities in all 50 States, United States territories, Canadian cities, and military bases around the world. Four years ago, I joined then-Vice President Bush and NATW's executive director, Matt Peskin, for the kick-off ceremony in Philadelphia. Three years ago, the kick-off ceremony was hosted by the Federal Bureau of Investigation [FBI] and its Director, William Sessions, here in Washington, DC.

During national night out, residents in neighborhoods across the Nation will sit on lighted porches, enjoy visits from local police, and participate in a variety of special events such as block parties, cookouts, and parades.

Nationally, 23.4 million Americans participated in national night out in 1991. This unique anticrime effort heightens crime prevention awareness and reunites communities and local law enforcement agencies.

The National Association of Town Watch is a unique organization, serving as liaison among thousands of communities involved in crime prevention programs and representing the entire spectrum of programs concerned with the serious problem of crime in our neighborhoods. As such, it helps coordinate the anticrime efforts of, and provides information and assistance to, the many communities involved in organized crime prevention programs.

Under the leadership of Mr. Matt Peskin, NATW received the prestigious National Constituency Organization Award in 1986 and 1988, presented by the Crime Prevention Council, the Crime Prevention Coalition, and the U.S. Department of Justice, for the association's extraordinary efforts in fighting crime.

In association with other anticrime organizations, NATW works to reduce the neighborhood crime rate and to enhance the police-community relationship. Nearly obsolete in the 1960's and 1970's, the notion of the police and the community cooperating with each other now is being institutionalized. No longer are people as afraid to call the police, and law enforcement organizations now recognize the citizens' role in fighting crime.

In correspondence with my office, the U.S. Department of Justice noted that "NATW has done exemplary work and has made significant contributions to the overall national crime prevention effort." The Department also indicated that "national night out is an excellent program and should be continued."

As a former district attorney, current member of the Senate Judiciary Committee, and cochairman of the Congressional Crime Caucus, I have actively pursued initiatives to fight street crime. Accordingly, I commend the efforts of NATW and all the participants in national night out.

Mr. President, I urge my colleagues to join in supporting this important resolution to recognize the active involvement of neighborhood organizations in the ongoing fight against crime and to designate August 4, 1992, as National Neighborhood Crime Watch Day.

I ask unanimous consent that the joint resolution be printed in the RECORD.

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

S.J. RES. 284

Whereas neighborhood crime is of a continuing concern to the American people;

Whereas the fight against neighborhood crime required people to work together in cooperation with law enforcement officials;

Whereas neighborhood crime watch organizations are effective at promoting awareness about, and the participation of volunteers in, crime prevention activities at the local level;

Whereas neighborhood crime watch groups can contribute to the Nation's war on drugs by helping to prevent their communities from becoming markets for drug dealers; and

Whereas citizens across America will soon take part in "National Night Out", a unique crime prevention event which will demonstrate the importance and effectiveness of community participation in crime prevention efforts by having people spend the pe-

riod from 8 to 10 o'clock post-meridian on August 4, 1992, with their neighbors in front of their homes: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That August 4, 1992, is designated as "National Neighborhood Crime Watch Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs, ceremonies, and activities.

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By Mr. WARNER:

S.J. Res. 285. Joint resolution to designate September 24, 1992, as "National Patrick Sarsfield Gilmore Day"; to the Committee on the Judiciary.

NATIONAL PATRICK SARSFIELD GILMORE DAY

• Mr. WARNER. Mr. President, I rise today to introduce a joint resolution, which I hope my colleagues will support, to make September 24, 1992 P.S. Gilmore Day, honoring America's greatest bandleader.

September 24, 1992, marks 100 years since Patrick Sarsfield Gilmore passed away at the height of his career. Even though the world of music in America has changed in many ways in this past century, the impact of his legacy is still felt by many. Patrick Sarsfield Gilmore is recognized across the country as the father of the American band. The band, whether on the concert stage or the football field, in a parade or the town square, is a great institution which is enjoyed by just about everyone. Unfortunately, the band is rarely recognized for its contributions to American life.

P.S. Gilmore's stature in the history of the band has been expressed by many including John Phillip Sousa, who acknowledged him as "The Father of The American Band" and Victor Herbert who said;

From the old bands to the bands of the present day, which interpret the works of the greatest, it has been a hard but glorious struggle, and to Patrick Sarsfield Gilmore belongs most of the glory.

In addition to honoring this great man, it is our desire to spotlight the 17 million American amateur musicians who play band instruments. In 1992 at least 500 bands from every State in the United States of America will dedicate concerts in Gilmore's honor by taking part in Concerts for P.S. Gilmore. Participants include every kind of band: college, high school, military, and community bands. The program will include music written by Gilmore such as "When Johnny Comes Marching Home."

P.S. Gilmore brought band music of the highest caliber to people across our Nation as music director for many important celebrations. He directed music at both the Republican and Democratic Conventions in 1860 and at the National Peace Celebration in 1869, which commemorated the end of the Civil War. He was also music director for the Independence Day Centennial in Philadelphia in 1876, and the dedication of the Statue of Liberty in 1886. His tour of Europe in 1878 brought respect and prestige to the United States when Europeans, as well as Americans, believed this country to be artistically immature. Equally as important, he established the instrumentation still used in bands today.

When he died in St. Louis in 1892, the Nation was saddened as news of his death was told on the front pages of newspapers across the country. On its front page center column, the New York Times proclaimed: "In the work of his whole life, Patrick Sarsfield Gilmore showed himself the musician of the people."•

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By Mr. GARN (for himself and Mr. HATCH):

S.J. Res. 286. Joint resolution to designate June 6, 1992, through June 10, 1992, as "International Student Awareness Week"; to the Committee on the Judiciary.

INTERNATIONAL STUDENT AWARENESS WEEK

• Mr. GARN. Mr. President, I rise today to introduce a joint resolution, along with my colleague and friend, Senator ORRIN HATCH, to recognize the importance and value of the international student exchange programs operating in this country.

International student exchange programs afford high school students from across our country the opportunity to live and participate in the daily activities of many foreign countries. Students from the United States have the chance to attend foreign schools for up to 10 months and study with students of different races and cultures. Foreign students as well have the opportunity to live and attend school in the United States and learn from our students, our schoolteachers, and the families with which these students live.

International student exchange programs provide a fertile training ground for our future world leaders. Firsthand experience of different societies is extremely valuable to understanding the problems that exist in this world and how to solve them. By living among citizens of foreign countries, students can better understand the barriers that divide many countries and learn how to bridge those barriers.

The International Education Forum plays a vital role in facilitating this exchange of students and cultures. Students who participate in the International Education Forum [IEF] are carefully selected based on maturity, academic qualifications, and English language skills. IEF has reciprocal agreements with 23 countries, and the former U.S.S.R. Many of Utah's high school students have participated in the IEF program and many Utah families have welcomed IEF participants from other countries into their homes.

We have everything to gain from these student exchanges. Learning to understand other societies is extremely valuable in bringing us closer to a common goal, that of world peace. I hope many colleagues will join Senator HATCH and I in our effort to bring increased public attention to this valuable source on understanding and knowledge.•

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## ADDITIONAL COSPONSORS

Due to technical difficulties, the cosponsors for March 31, 1992, will be printed in a subsequent issue of the RECORD.

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## SENATE CONCURRENT RESOLUTION 104—CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 1993, 1994, 1995, 1996, AND 1997

Mr. DOMENICI (for himself, Mr. BOND, Mr. LOTT, Mr. SYMMS and Mr. BROWN) submitted the following concurrent resolution; which was referred to the Committee on the Budget:

S. CON. RES. 104

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1993.**

(a) DECLARATION.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1993, including the appropriate budgetary levels for fiscal years 1994, 1995, 1996, and 1997, as required by section 301 of the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1993.
Sec. 2. Recommended levels and amounts.
Sec. 3. Debt increase as a measure of deficit.
Sec. 4. Social Security.
Sec. 5. Major functional categories.
Sec. 6. Protection of Social Security.
Sec. 7. Reserve fund for achieving mandatory spending savings.
Sec. 8. Deficit neutral reserve fund for high value economic growth programs.
Sec. 9. Compliance with mandatory savings.
Sec. 10. Control in growth of mandatory spending.
Sec. 11. Extension of the Budget Enforcement Act.

**SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.**

The following budgetary levels are appropriate for the fiscal years 1993, 1994, 1995, 1996, and 1997:

(1) FEDERAL REVENUES.—(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1993: $845,300,000,000.
Fiscal year 1994: $911,300,000,000.
Fiscal year 1995: $968,100,000,000.
Fiscal year 1996: $1,017,800,000,000.
Fiscal year 1997: $1,070,400,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1993: $62,000,000,000.
Fiscal year 1994: $66,000,000,000.
Fiscal year 1995: $56,800,000,000.
Fiscal year 1996: $49,700,000,000.
Fiscal year 1997: $52,600,000,000.

(C) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1993: $85,300,000,000.
Fiscal year 1994: $91,200,000,000.
Fiscal year 1995: $96,800,000,000.
Fiscal year 1996: $102,900,000,000.
Fiscal year 1997: $109,200,000,000.

(2) NEW BUDGET AUTHORITY.—The appropriate levels of total new budget authority are as follows:

Fiscal year 1993: $1,251,400,000,000.
Fiscal year 1994: $1,266,900,000,000.
Fiscal year 1995: $1,304,700,000,000.
Fiscal year 1996: $1,353,700,000,000.
Fiscal year 1997: $1,430,500,000,000.

(3) BUDGET OUTLAYS.—The appropriate levels of total budget outlays are as follows:

Fiscal year 1993: $1,243,800,000,000.
Fiscal year 1994: $1,258,500,000,000.
Fiscal year 1995: $1,257,100,000,000.
Fiscal year 1996: $1,282,600,000,000.
Fiscal year 1997: $1,349,400,000,000.

(4) DEFICITS.—The amounts of the deficits are as follows:

Fiscal year 1993: $398,500,000,000.
Fiscal year 1994: $347,200,000,000.
Fiscal year 1995: $289,000,000,000.
Fiscal year 1996: $264,800,000,000.
Fiscal year 1997: $279,000,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1993: $4,467,600,000,000.
Fiscal year 1994: $4,870,300,000,000.
Fiscal year 1995: $5,218,700,000,000.
Fiscal year 1996: $5,540,500,000,000.
Fiscal year 1997: $5,869,500,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1993: $19,700,000,000.
Fiscal year 1994: $19,600,000,000.
Fiscal year 1995: $19,200,000,000.
Fiscal year 1996: $19,000,000,000.
Fiscal year 1997: $19,000,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1993: $113,300,000,000.
Fiscal year 1994: $111,800,000,000.
Fiscal year 1995: $112,300,000,000.
Fiscal year 1996: $112,700,000,000.
Fiscal year 1997: $113,000,000,000.

**SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.**

The amounts of the increase in the public debt subject to limitations are as follows:

Fiscal year 1993: $449,300,000,000.
Fiscal year 1994: $402,700,000,000.
Fiscal year 1995: $348,400,000,000.
Fiscal year 1996: $321,800,000,000.
Fiscal year 1997: $329,000,000,000.

**SEC. 4. SOCIAL SECURITY.**

(a) Social Security Revenues.—The amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1993: $328,100,000,000.
Fiscal year 1994: $350,300,000,000.
Fiscal year 1995: $371,800,000,000.
Fiscal year 1996: $395,300,000,000.
Fiscal year 1997: $419,500,000,000.

(b) SOCIAL SECURITY OUTLAYS.—The amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1993: $260,000,000,000.
Fiscal year 1994: $271,600,000,000.
Fiscal year 1995: $283,000,000,000.
Fiscal year 1996: $294,500,000,000.
Fiscal year 1997: $306,000,000,000.

**SEC. 5. MAJOR FUNCTIONAL CATEGORIES.**

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1993 through 1997 for each major functional category are:

(1) National Defense (050):

Fiscal year 1993:
(A) New budget authority, $281,600,000,000.
(B) Outlays, $292,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:
(A) New budget authority, $282,300,000,000.
(B) Outlays, $284,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, $285,000,000,000.
(B) Outlays, $283,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $286,300,000,000.
(B) Outlays, $286,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $291,200,000,000.
(B) Outlays, $290,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1993:
(A) New budget authority, $18,300,000,000.
(B) Outlays, $16,700,000,000.
(C) New direct loan obligations, $2,900,000,000.
(D) New primary loan guarantee commitments, $8,100,000,000.

Fiscal year 1994:
(A) New budget authority, $18,500,000,000.
(B) Outlays, $16,900,000,000.
(C) New direct loan obligations, $2,900,000,000.
(D) New primary loan guarantee commitments, $8,100,000,000.

Fiscal year 1995:
(A) New budget authority, $18,600,000,000.
(B) Outlays, $17,000,000,000.
(C) New direct loan obligations, $2,900,000,000.
(D) New primary loan guarantee commitments, $8,100,000,000.

Fiscal year 1996:
(A) New budget authority, $18,400,000,000.
(B) Outlays, $17,000,000,000.
(C) New direct loan obligations, $2,900,000,000.
(D) New primary loan guarantee commitments, $8,100,000,000.

Fiscal year 1997:
(A) New budget authority, $18,400,000,000.
(B) Outlays, $17,100,000,000.
(C) New direct loan obligations, $2,900,000,000.
(D) New primary loan guarantee commitments, $8,100,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1993:
(A) New budget authority, $17,700,000,000.
(B) Outlays, $16,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:
(A) New budget authority, $17,500,000,000.
(B) Outlays, $17,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, $17,500,000,000.
(B) Outlays, $17,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $17,400,000,000.
(B) Outlays, $17,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $17,700,000,000.
(B) Outlays, $17,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1993:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $5,400,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $200,000,000.

Fiscal year 1994:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $5,600,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1995:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $5,100,000,000.
(C) New direct loan obligations, $2,200,000,000.
(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1996:
(A) New budget authority, $5,400,000,000.
(B) Outlays, $4,700,000,000.
(C) New direct loan obligations, $2,200,000,000.
(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1997:
(A) New budget authority, $5,400,000,000.
(B) Outlays, $4,100,000,000.
(C) New direct loan obligations, $2,200,000,000.
(D) New primary loan guarantee commitments, $300,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 1993:
(A) New budget authority, $21,300,000,000.
(B) Outlays, $20,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:
(A) New budget authority, $21,700,000,000.
(B) Outlays, $21,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, $21,700,000,000.
(B) Outlays, $21,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $21,400,000,000.
(B) Outlays, $21,300,000,000.
(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $21,400,000,000.
(B) Outlays, $21,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1993:
(A) New budget authority, $16,500,000,000.
(B) Outlays, $16,000,000,000.
(C) New direct loan obligations, $8,800,000,000.
(D) New primary loan guarantee commitments, $6,600,000,000.
Fiscal year 1994:
(A) New budget authority, $16,800,000,000.
(B) Outlays, $14,700,000,000.
(C) New direct loan obligations, $8,700,000,000.
(D) New primary loan guarantee commitments, $6,600,000,000.
Fiscal year 1995:
(A) New budget authority, $14,600,000,000.
(B) Outlays, $12,500,000,000.
(C) New direct loan obligations, $8,200,000,000.
(D) New primary loan guarantee commitments, $6,600,000,000.
Fiscal year 1996:
(A) New budget authority, $14,000,000,000.
(B) Outlays, $12,600,000,000.
(C) New direct loan obligations, $8,000,000,000.
(D) New primary loan guarantee commitments, $6,600,000,000.
Fiscal year 1997:
(A) New budget authority, $14,400,000,000.
(B) Outlays, $12,700,000,000.
(C) New direct loan obligations, $8,000,000,000.
(D) New primary loan guarantee commitments, $6,600,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 1993:
(A) New budget authority, $77,900,000,000.
(B) Outlays, $73,600,000,000.
(C) New direct loan obligations, $3,600,000,000.
(D) New primary loan guarantee commitments, $60,400,000,000.
Fiscal year 1994:
(A) New budget authority, $41,900,000,000.
(B) Outlays, $36,100,000,000.
(C) New direct loan obligations, $3,600,000,000.
(D) New primary loan guarantee commitments, $60,400,000,000.
Fiscal year 1995:
(A) New budget authority, $22,000,000,000.
(B) Outlays, −$13,900,000,000.
(C) New direct loan obligations, $3,600,000,000.
(D) New primary loan guarantee commitments, $60,400,000,000.
Fiscal year 1996:
(A) New budget authority, $6,700,000,000.
(B) Outlays, −$42,600,000,000.
(C) New direct loan obligations, $3,600,000,000.
(D) New primary loan guarantee commitments, $60,400,000,000.
Fiscal year 1997:
(A) New budget authority, $7,200,000,000.
(B) Outlays, −$27,600,000,000.
(C) New direct loan obligations, $3,600,000,000.
(D) New primary loan guarantee commitments, $60,400,000,000.
(8) Transportation (400):
Fiscal year 1993:
(A) New budget authority, $41,200,000,000.
(B) Outlays, $35,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $41,400,000,000.
(B) Outlays, $37,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $41,300,000,000.
(B) Outlays, $37,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $41,500,000,000.
(B) Outlays, $37,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $43,700,000,000.
(B) Outlays, $37,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1993:
(A) New budget authority, $6,400,000,000.
(B) Outlays, $7,000,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
Fiscal year 1994:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $6,400,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
Fiscal year 1995:
(A) New budget authority, $6,100,000,000.
(B) Outlays, $5,900,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
Fiscal year 1996:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $5,500,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
Fiscal year 1997:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $5,600,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1993:
(A) New budget authority, $51,700,000,000.
(B) Outlays, $49,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $15,200,000,000.
Fiscal year 1994:
(A) New budget authority, $51,400,000,000.
(B) Outlays, $50,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $15,700,000,000.
Fiscal year 1995:
(A) New budget authority, $50,300,000,000.
(B) Outlays, $49,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $16,100,000,000.
Fiscal year 1996:
(A) New budget authority, $50,200,000,000.
(B) Outlays, $45,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $16,400,000,000.
Fiscal year 1997:
(A) New budget authority, $50,600,000,000.
(B) Outlays, $49,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $16,600,000,000.
(11) Health (550):
Fiscal year 1993:
(A) New budget authority, $104,500,000,000.
(B) Outlays, $104,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
Fiscal year 1994:
(A) New budget authority, $114,700,000,000.
(B) Outlays, $114,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
Fiscal year 1995:
(A) New budget authority, $126,500,000,000.
(B) Outlays, $125,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
Fiscal year 1996:
(A) New budget authority, $140,200,000,000.
(B) Outlays, $139,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
Fiscal year 1997:
(A) New budget authority, $155,100,000,000.
(B) Outlays, $153,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $300,000,000.
(12) Medicare (570):
Fiscal year 1993:
(A) New budget authority, $132,400,000,000.
(B) Outlays, $130,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $146,300,000,000.
(B) Outlays, $144,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $162,900,000,000.
(B) Outlays, $160,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $183,000,000,000.
(B) Outlays, $180,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $203,600,000,000.
(B) Outlays, $201,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1993:
(A) New budget authority, $201,800,000,000.
(B) Outlays, $196,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $204,900,000,000.
(B) Outlays, $206,000,000,000.

(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $213,800,000,000.
(B) Outlays, $216,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $221,500,000,000.
(B) Outlays, $225,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $232,600,000,000.
(B) Outlays, $236,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1993:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $8,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $6,500,000,000.
(B) Outlays, $9,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $7,200,000,000.
(B) Outlays, $9,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $7,900,000,000.
(B) Outlays, $10,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $8,700,000,000.
(B) Outlays, $11,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1993:
(A) New budget authority, $34,700,000,000.
(B) Outlays, $34,700,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $22,100,000,000.
Fiscal year 1994:
(A) New budget authority, $35,200,000,000.
(B) Outlays, $36,700,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $20,000,000,000.
Fiscal year 1995:
(A) New primary loan authority, $35,700,000,000.
(B) Outlays, $35,800,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $20,100,000,000.
Fiscal year 1996:
(A) New budget authority, $36,100,000,000.
(B) Outlays, $34,700,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $20,200,000,000.
Fiscal year 1997:
(A) New budget authority, $36,500,000,000
(B) Outlays, $36,600,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $20,300,000,000.
(16) Administration of Justice (750):
Fiscal year 1993:
(A) New budget authority, $15,100,000,000.
(B) Outlays, $15,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $15,100,000,000.
(B) Outlays, $15,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $15,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $15,900,000,000.
(B) Outlays, $16,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $16,000,000,000.
(B) Outlays, $16,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1993:
(A) New budget authority, $12,400,000,000.
(B) Outlays, $13,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $11,600,000,000.
(B) Outlays, $12,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $11,600,000,000.
(B) Outlays, $12,100,000,000.
(C) New direct loan oblgations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $11,700,000,000.
(B) Outlays, $11,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $11,600,000,000.
(B) Outlays, $11,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(18) Net Interest (900):
Fiscal year 1993:
(A) New budget authority, $242,100,000,000.
(B) Outlays, $242,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, $264,100,000,000.
(B) Outlays, $264,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $283,700,000,000.
(B) Outlays, $283,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $304,300,000,000.
(B) Outlays, $304,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $326,100,000,000.
(B) Outlays, $326,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(19) Allowances (920):
Fiscal year 1993:
(A) New budget authority, −$2,700,000,000.
(B) Outlays −$2,200,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, −$2,600,000.
(B) Outlays, −$2,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, −$1,600,000,000.
(B) Outlays, −$5,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, −$1,200,000,000.
(B) Outlays, −$11,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, −$1,200,000,000.
(B) Outlays, −$37,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(20) Undistributed Offsetting Receipts (950):
(A) Fiscal year 1993:
(A) New budget authority, −$33,400,000,000.
(B) Outlays, −$33,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1994:
(A) New budget authority, −$32,600,000,000.
(B) Outlays, −$32,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, −$33,200,000,000.
(B) Outlays, −$33,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, −$33,400,000,000.
(B) Outlays, −$33,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary direct loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, −$34,500,000,000.
(B) Outlays, −$35,500,000,000.
(C) New direct loan obligations, $0
(D) New primary loan guarantee commitments, $0

**SEC. 6. PROTECTION OF SOCIAL SECURITY.**

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that reductions in Social Security revenues should not be enacted unless the current actuarial estimates of the Social Security Trust Funds over the next 75 years indicate the Trust Funds are actuarially sound.

(b) ACCOUNTING TREATMENT.—Notwithstanding any other provision of this resolution, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act of 1974, the levels of Social Security outlays and revenues for this resolution shall be the current law baseline levels.

**SEC. 7. RESERVE FUND FOR ACHIEVING MANDATORY SPENDING SAVINGS.**

(a) IN GENERAL.—An increase in budget authority and outlays may be allocated to a committee or committees when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the amount of the increase of such allocation or allocations.

(b) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to subsection (a), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate (after consultation with the Ranking Member) may file with the Senate appropriate revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels to carry out this section provided that the revisions would not lead to an increase in total budget authority or outlay levels for fiscal year 1993 or for the period covered by fiscal years 1993 through 1997. Such revised allocations and functional levels shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this section.

**SEC. 8. DEFICIT NEUTRAL RESERVE FUND FOR HIGH VALUE ECONOMIC GROWTH PROGRAMS.**

(A) IN GENERAL.—A reduction in the revenue aggregates may be made for legislation that would result in a reduction in revenues due to provisions relating to a homebuyers tax credit, investment tax credit, investment tax allowance, individual retirement account (IRA) incentives, passive losses, real estate and pension fund investment, capital gains, extension of expiring tax incentives, or any combination thereof, if such legislation would, if enacted, reduce outlays in an amount that is equal to or exceeds the reduction in the revenue aggregates for fiscal year 1993 and for fiscal years 1993 through 1997.

(b) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to subsection (a), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate (after consultation with the Ranking Member) may file with the Senate appropriate revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this section.

**SEC. 9. COMPLIANCE WITH MANDATORY SAVINGS.**

For the purposes of allocations and points of order under section 302, 311, 601, 602, 604, or 605 of the Congressional Budget and Impoundment Control Act of 1974, if a committee exceeds its section 602(a) allocation, no direct spending reductions shall be scored with respect to the level of budget authority or outlays under section 302, 311, 601, 602, 604, or 605 of that Act for any provision of legislation that would increase direct spending unless such legislation would, if enacted, bring the committee within its section 602(a) allocation.

**SEC. 10. CONTROL IN GROWTH OF MANDATORY SPENDING.**

(1) FINDINGS.—The Congress finds that—

(1) mandatory spending has increased from $32 billion in 1962 to $708 billion in 1992;

(2) mandatory spending now accounts for nearly half of all Federal outlays, up from 30 percent in 1962;

(3) over the next five years, mandatory spending will grow by $190 billion over and above inflation increases and increases for new beneficiaries;

(4) the Federal budget deficit, projected to exceed $400 billion in 2002, will remain too high unless the growth in mandatory spending is brought under control; and

(5) the current budget process does not provide adequate controls on the growth of mandatory spending.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that legislation should be enacted that—

(1) would, beginning with fiscal year 1994, phase in a cap by fiscal year 1997 on the growth in mandatory spending for all programs except Social Security at a level that allows for beneficiary and inflation growth;

(2) requires mandatory funding levels in the President's budget and the congressional budget resolution not to exceed the mandatory cap; and

(3) provides a mechanism to reduce the growth in spending for mandatory programs except Social Security if such mandatory spending exceeds the cap.

**SEC. 11. EXTENSION OF THE BUDGET ENFORCEMENT ACT.**

(a) FINDINGS.—The Congress finds that—

(1) the Budget Enforcement Act of 1990 has reduced discretionary spending, provided an orderly reduction in defense spending, and prevented enactment of legislation expanding existing or creating new mandatory spending authority unless paid for; and

(2) with the expiration of the Budget Enforcement Act in 1995, the American people will lose the major instrument to control the growth in Federal spending, the budget deficit, and the national debt.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Budget Enforcement Act should be extended, including the extension of the—

(1) individual caps on defense and nondefense spending;

(2) pay-as-you-go discipline for mandatory programs;

(3) maximum deficit amounts;

(4) supermajority points of order enforcement mechanisms; and

(5) sequester mechanisms to enforce the discretionary spending caps, pay-as-you-go discipline, and the maximum deficit amounts.

## SENATE RESOLUTION 276—COMMENDING THE LONG AND DISTINGUISHED SERVICE OF VADM RICHARD H. TRULY

Mr. BURNS (for Mr. GARN, for himself, Ms. MIKULSKI, Mr. HOLLINGS, Mr. GORE, Mr. D'AMATO, and Mr. GLENN) submitted the following resolution; which was considered and agreed to:

S. RES. 276

Whereas Vice Admiral Richard H. Truly began his career of service to his Nation in 1959 when he was commissioned as an ensign in the United States Navy;

Whereas, as a naval aviator, Vice Admiral Richard H. Truly served as a fighter pilot, instructor at the United States Air Force Aerospace Research Pilot School, and in 1969, transferred to the National Aeronautics and Space Administration, as an astronaut;

Whereas, during his assignment to the National Aeronautics and Space Administration as an astronaut, Vice Admiral Richard H. Truly was pilot for one of the approach and landing test flights in 1977 of the Space Shuttle Enterprise, and pilot of the Space Shuttle Columbia for the Nation's second shuttle mission in space orbit in 1981;

Whereas Vice Admiral Richard H. Truly returned to naval service in 1983 to become the first commander of the Naval Space Command, but returned to the National Aeronautics and Space Administration in February 1986, to lead the difficult and painstaking rebuilding of the Space Shuttle program following the Challenger tragedy;

Whereas, under Vice Admiral Richard H. Truly's leadership, the National Aeronautics and Space Administration celebrated "return to flight" of the Space Shuttle program in September of 1988, and has subsequently flown twenty additional safe and highly successful shuttle missions;

Whereas Vice Admiral Richard H. Truly became the eighth Administrator of the National Aeronautics and Space Administration on July 1, 1989, and the first astronaut to head the Nation's civilian space agency;

Whereas as Administrator, Vice Admiral Richard H. Truly expanded and emphasized the National Aeronautics and Space Administration's role in improving education programs and stimulating the interest of our Nation's youth in mathematics, science, and engineering; increased the dissemination of aerospace technologies to stimulate domestic economic activity; broadened opportunities to develop new commercial enterprises in space; managed the development of a broad array of new science, technology, and exploratory missions; initiated a continuous improvement program; and promoted a culturally diverse work force; and

Whereas, Vice Admiral Richard H. Truly's leadership of the National Aeronautics and Space Administration has emphasized the operation of a safe and reliable space transportation system and a balance between the scientific research and exploration and more focused Earth, environmental, materials, and life sciences research, aeronautics and high performance computing technology development, and expansion of manned missions through the Space Shuttle and Space Station Freedom programs, leading to future manned exploration of our solar system: Now, therefore, be it

*Resolved,*

**SECTION 1. TRIBUTE.**

The Senate pays tribute to Vice Admiral Richard H. Truly in appreciation for his dedication and commitment to promoting

the goals and objectives of our Nation's civil space program, sustaining America's leadership in space and aeronautics, and inspiring our youth to continue to reach for the stars.

**SEC. 2. COMMENDATION.**

The Senate commends Vice Admiral Richard H. Truly for his outstanding leadership of the National Aeronautics and Space Administration through difficult program and policy debates; and wishes him God speed as he brings to a close an exemplary career in Government service to chart new waters.

**SEC. 3. COPY OF RESOLUTION.**

The Secretary of the Senate shall transmit a copy of this resolution to Vice Admiral Richard H. Truly.

## AMENDMENTS SUBMITTED

## JOB TRAINING AND BASIC SKILLS ACT

### HATFIELD AMENDMENT NO. 1747

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill (S. 2055) to amend the Job Training Partnership Act to strengthen the program of employment and training assistance under the act, and for other purposes, as follows:

At the appropriate place in the Committee amendment, add the following new section:

**SEC. . ENDANGERED SPECIES EMPLOYMENT TRANSITION ASSISTANCE.**

(a) AMENDMENT.—Part B of title III of the Job Training Partnership Act (29 U.S.C. 1662 et seq.) is amended by adding at the end the following:

**"SEC. 327. ENDANGERED SPECIES EMPLOYMENT TRANSITION ASSISTANCE.**

"(a) DETERMINATION OF ELIGIBILITY.—

"(1) DEFINITION.—For purposes of this section, the term 'eligible individual' means an individual who—

"(A) is an eligible dislocated worker; and

"(B) has been terminated or laid off, or has received a notice of termination or layoff, as a consequence of compliance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

"(2) DETERMINATIONS.—The determination of eligibility under paragraph (1)(B) shall be made by the Secretary of Labor, pursuant to criteria established by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Army, the Secretary of Commerce, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Energy.

"(b) GRANTS AUTHORIZED.—The Secretary may make grants to States, substate grantees (as described in section 312(c)), employers, employer association, and representatives of employees—

"(1) to provide training, adjustment assistance, and employment services to eligible individuals adversely affected by compliance with the Endangered Species Act of 1973; and

"(2) to make needs-related payments to such individuals in accordance with subsection (f).

"(c) PRIORITY AND APPROVAL.—

"(1) APPLICATION.—To be eligible to receive a grant under subsection (b), a State, substate grantee, employer, employer association, or representative of an employee shall submit an application to the Secretary at such time, in such manner, and containing such assurance as the Secretary may require.

"(2) PRIORITY.—In reviewing applications for grants under subsection (b), the Secretary shall give priority to applications proposing to provide training, adjustment assistance, and services in areas that have the greatest number of eligible individuals.

"(3) NEEDS-RELATED PAYMENTS REQUIRED.—The Secretary shall not approve an application for a grant under subsection (b) unless the application contains assurances that the applicant will use grant funds to provide needs-related payments in accordance with subsection (f).

"(d) USE OF FUNDS.—Subject to the requirements of subsections (e) and (f), grants under subsection (b) may be used for any purpose to which funds may be used under section 314.

"(e) ADJUSTMENT ASSISTANCE.—

"(1) JOB SEARCH ALLOWANCE.—Grants under subsection (b) for adjustment assistance may be used to provide job search allowances to eligible individuals. Such allowance, if granted, shall provide reimbursement to the individual of not more than 90 percent of the cost of necessary job search expenses, as prescribed by regulations of the Secretary, and may not exceed $800 unless the need for a greater amount is justified in the application and approved by the Secretary.

"(2) CRITERIA FOR GRANTING JOB SEARCH ALLOWANCES.—A job search allowance may be granted only—

"(A) to assist an eligible individual who has been totally separated in securing a job within the United States; and

"(B) if the Secretary determines that such employee cannot reasonably be expected to secure suitable employment in the commuting area in which the worker resides.

"(f) NEEDS-RELATED PAYMENTS.—The Secretary shall prescribe regulations with respect to the use of funds from grants under subsection (b) for needs-related payments in order to enable eligible individuals to complete training or education programs under this section. Such regulations shall—

"(1) require that such payments shall be provided to an eligible individual only if such individual—

"(A) does not qualify or has ceased to qualify for unemployment compensation;

"(B) has been enrolled in training by the later of—

"(i) the end of the 13th week of the individual's initial unemployment compensation benefit period; or

"(ii) the end of the 8th week after an individual is informed that a short-term layoff will in fact exceed 6 months; and

"(C) is participating in training or education programs under this section, except that such regulations shall protect an individual from being disqualified pursuant to this clause for failure to participate that is not the fault of the individual;

"(2) provide that to qualify for such payments the individual currently receives, or is a member of a family that currently receives, a total family income (exclusive of unemployment compensation, child support payments, and welfare payments) that, in relation to family size, is not in excess of the lower living standard income level;

"(3) provide that the levels of such payments shall be equal to the higher of—

"(A) the applicable level of employment compensation; or

"(B) the official poverty line (as defined by the Office of Management and Budget, and revised annually by the Secretary in accordance with section 673(2) of the Community Services Block Grant Act; (42 U.S.C. 9902(2));

"(4) provide for the adjustment of payments to reflect changes in total family income; and

"(5) provide that the grantee shall obtain information with respect to such income, and changes therein, from the eligible individual.

"(g) ADMINISTRATIVE EXPENSES.—The Secretary of Labor may reserve not more than 5 percent of the funds appropriated under this section for the administration of activities authorized under this section, including the provision of technical assistance for the preparation of grant applications.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—In addition to amounts authorized to be appropriated by section 3(b), there are authorized to be appropriated $50,000,000 for fiscal year 1993, and such sums as may be necessary for each of fiscal years 1994, 1995, 1996, and 1997 to carry out this section. The total amount appropriated for all 5 such fiscal years shall not exceed $250,000,000.

"(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

"(i) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section not later than 180 days after the date of enactment of this section.

"(j) GENERAL ACCOUNTING OFFICE ASSESSMENT OF EFFECTS ON EMPLOYMENT OF COMPLIANCE WITH ENDANGERED SPECIES ACT OF 1973.—The Comptroller General of the United States shall—

"(1) identify and assess, to the extent possible, the effects on employment that are attributable to compliance with the provisions of the Endangered Species Act of 1973; and

"(2) submit to the Congress on the date 4 years after the date of the enactment of this section a written report on the assessments required under paragraph (1).".

(b) CONFORMING AMENDMENTS.—

(1) The table of contents of the Job Training Partnership Act is amended by adding at the end of the items pertaining to part B of title III the following:

"Sec. 327. Endangered species employment transition assistance.".

(2) Section 3(b) of the Job Training Partnership Act (29 U.S.C. 1502(c)) is amended by striking "section 326" and inserting "sections 326 and 327".

## NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS

### HATCH AMENDMENT NO. 1748

Mr. HATCH proposed an amendment to the bill (H.R. 2507) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, as follows:

At the appropriate place, insert the following new section:

**SEC. . STUDY OF HIV VACCINES FOR THERAPY AND PREVENTION OF HIV INFECTION IN WOMEN, INFANTS, AND CHILDREN.**

Part G of title IV (42 U.S.C. 289 et seq.) is amended by inserting after section 498 the following new section:

**"SEC. 498B. STUDY OF HIV VACCINES FOR THERAPY AND PREVENTION OF HIV INFECTION IN WOMEN, INFANTS, AND CHILDREN.**

"(a) IN GENERAL.—The Secretary, acting through the National Institutes of Health, shall develop a plan for the appropriate inclusion of HIV-infected women, including pregnant women, HIV-infected infants, and HIV-infected children in studies conducted by or through the National Institutes of Health concerning the safety and efficacy of HIV vaccines for the treatment and prevention of HIV infection. Such plan shall ensure the full participation of other Federal agencies currently conducting HIV vaccine studies and require that such studies conform fully to the requirements of part 46 of title 45, Code of Federal Regulations.

"(b) REPORT.—Not later than 6 months after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report concerning the plan developed under subsection (a).

"(c) IMPLEMENTATION.—Not later than 12 months after the date of enactment of this section, the secretary shall implement the plan developed under subsection (a), including measures for the full participation of other Federal agencies currently conducting HIV vaccine studies.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to enable the secretary to carry out this section, $50,000 for fiscal year 1993, $2,500,000 for fiscal year 1994, and $5,000,000 for fiscal year 1995.".

## HATCH AMENDMENT NO. 1749

Mr. HATCH proposed an amendment to the bill H.R. 2507, supra, as follows:

Beginning on page 28, strike out line 7 and all that follows through line 15 on page 44, and insert in lieu thereof the following new title:

### TITLE II—PROVISIONS CONCERNING FETAL TISSUE

**SEC. 201. FETAL TISSUE REGISTRY, FETAL TISSUE BANK AND FETAL CELL LINES.**

Part G of title IV (42 U.S.C. 289 et seq.) is amended by inserting after section 498 the following new section:

**"SEC. 498A. FETAL TISSUE REGISTRY, FETAL TISSUE BANK AND FETAL CELL LINES.**

"(a) ESTABLISHMENT OF REGISTRY.—The Secretary shall establish a nonprofit registry of physicians and hospitals desiring to participate in and facilitate the creation of a nonprofit human fetal tissue bank, established with tissue obtained from spontaneous abortions and ectopic pregnancies, for use in human fetal tissue transplantation. Such registry shall be funded by the Department of Health and Human services and administered through the National Institutes of Health.

"(b) ESTABLISHMENT OF TISSUE BANK.—The Secretary shall establish a nonprofit human fetal tissue bank, for tissue obtained from ectopic pregnancies and spontaneous abortions, for use in human fetal tissue transplantation. Such registry shall be funded by the Department of Health and Human Services and administered through the National Institutes of Health.

"(c) STUDY.—

"(1) CONTENTS.—The Secretary shall conduct a study that shall include—

"(A) an assessment of the adequacy, in terms of quality, of the human fetal tissue obtained from spontaneous abortions and ectopic pregnancies and with respect to the research use of such fetal tissue in human fetal tissue transplantation for diseases and conditions such as, neurological diseases, endocrine diseases (such as diabetes mellitus), and hematopoietic conditions (such as leukemia or aplastic anemia);

"(B) an assessment of the overall availability and potential supply of tissue from such sources with respect to future research needs described in subparagraph (A); and

"(C) an examination of the methods and approaches of recovering, identifying, and characterizing fetal tissue and fetal cells obtained from such sources.

"(2) REPORT.—Not later than 6 months after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report concerning the results of the study conducted under paragraph (1).

"(3) PARTICIPATION OF INVESTIGATORS.—Nothing in this section shall prohibit investigators who are not affiliated with the National Institutes of Health from participating in the registry and tissue bank established under this section for purposes of conducting human fetal tissue transplantation research.

"(d) HUMAN FETAL CELL LINES.—The Secretary, acting through the National Institutes of Health, shall establish human fetal cell lines using cells obtained from spontaneous abortions and ectopic pregnancies.

"(e) ADDITIONAL STUDIES.—

"(1) PRESERVATION OF FETAL CELLS AND TISSUE.—The Secretary shall conduct a study to assess the various methods available for the optimal preservation of viable human fetal cells and tissues, including an assessment of—

"(A) the transportation and storage conditions involved;

"(B) the intervals between the collection of such cells and tissues and the cryopreservation or utilization of such; and

"(C) the methods and conditions for maintaining the optimal viability and functional integrity of both frozen and unfrozen cells and tissues.

"(2) OUTCOMES MONITORING.—The Secretary shall conduct a study to monitor the outcomes of the transplantation of human fetal cells and tissue in recipients.

"(3) ECTOPIC PREGNANCIES AND SPONTANEOUS ABORTIONS.—The Secretary shall conduct a study to determine the causes, and demographic and epidemiological characteristics, of ectopic pregnancies and spontaneous abortions, for the purpose of developing and evaluating strategies for improved treatment and prevention of such complications of pregnancy and for improved fetal survival.

"(4) REPORTS.—The Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report concerning the results of the—

"(A) study conducted under paragraph (1), not later than 1 year after the date of enactment of this section;

"(B) study conducted under paragraph (2), not later than 1 year after the date of enactment of this section, and biennially thereafter; and

"(C) study conducted under paragraph (3), not later than 1 year after the date of enactment of this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to enable the Secretary to carry out this section, $25,000,000 for fiscal year 1993, to remain available for 5 years.".

On page 115, strike lines 1 through 17.

## DECONCINI AMENDMENT NO. 1750

(Ordered to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to the bill H.R. 2507, supra, as follows:

On page 41, strike lines 11 through 14 and insert the following:

"(c) CRIMINAL PENALTIES FOR VIOLATIONS.—(1) A person who violates subsection (a) or (b) shall be fined in accordance with title 18, United States Code, and imprisoned not less than 2 nor more than 5 years.

"(2) A person who receives valuable consideration in connection with an offense under subsection (a) or (b) shall, notwithstanding section 3571 (c) and (d) of title 18, United States Code, be fined not less than twice the amount of the valuable consideration received.

# NATIONAL GEOLOGICAL MAPPING ACT

## JOHNSTON (AND WALLOP) AMENDMENT NO. 1751

Mr. LAUTENBERG (for Mr. JOHNSTON, for himself and Mr. WALLOP) proposed an amendment to the bill (H.R. 2763) to enhance geological mapping of the United States, and for other purposes, as follows:

On page 2, delete lines 8 through 10 and insert in lieu thereof the following:

"(C) land use evaluation and planning for environmental protection;".

On page 5, line 11, delete "210" and insert in lieu thereof "300".

On page 5, line 17, delete lines 17 through 19 and insert in lieu thereof the following:

"(C) within 210 days after the date of enactment of this Act, submit a report to the Committee on Energy and Natural Resource of the United States Senate and to the Committee on Interior and Insular Affairs of the House of Representatives identifying—".

On page 6, at the end of line 6, delete the period and insert in lieu thereof a semicolon and the following:

"(iv) the degree to which geologic mapping activities traditionally funded by the Survey, including the use of commercially available aerial photography, geodesy, professional land surveying, photogrammetric mapping, cartography, photographic processing, and related services, can be contracted to professional private mapping firms."

On page 6, delete lines 18 through 23 and insert in lieu thereof the following:

"(1) determining the Nation's geologic framework through systematic development of geologic maps at scales appropriate to the geologic setting and the perceived applications, such maps to be contributed to the national geologic map data base;".

On page 7, lines 19 through 20, delete "shall be coordinated through the OMB Circular A-16 (Revised) Process and".

On page 10, line 1, insert a period after "priorities" and delete "established through the OMB Circular A-16 (Revised) process coordinated by the Survey."

On pages 10 and 11, delete subsection (a) and insert in lieu thereof the following:

"(a) ESTABLISHMENT.—There shall be established a sixteen member geologic mapping advisory committee to advise the Director on planning and implementation of the geologic mapping program. The President shall appoint one representative each from the Environmental Protection Agency, the Department of Energy, the Department of Agriculture, and the Office of Science and Technology Policy. Within 90 days and with the advice and consultation of the State Geological Surveys, the Secretary shall appoint to the advisory committee 2 representatives from the Survey (including the Chief Geologist, as Chairman), 4 representatives from the State geological surveys, 3 representatives from academia, and 3 representatives from the private sector.

On page 12, lines 12 and 13, delete "consistent with OMB Circular A-16 (Revised)".

On page 13, delete lines 14 through 20 and insert in lieu thereof the following:

"(4) a description of the degree to which the Survey can acquire, archive, and use Side-Looking Airborne Radar (SLAR) or Interferometric Synthetic Aperture Radar (IFSAR) data in a manner that is technically appropriate for geologic or related mapping studies;".

On page 15, line 11, delete "$11,500,000" and insert in lieu thereof "$12,000,000".

On page 1, line 5, delete "1991" and insert in lieu thereof "1992".

## NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research and General Legislation will hold a hearing on the efforts by the U.S. Government to resolve the trade dispute with the European Community over the application of the third country meat directive to U.S. meat processing plants. The hearing will be held on Thursday, April 9, 1992, at 9:30 a.m. in SR-332. Senator TOM DASCHLE will preside.

For further information please contact Mark Ulven at 224-2321.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that an additional measure, S. 2393, a bill to designate certain lands in the State of California as wilderness, and for other purposes, will be heard at the field hearing scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The field hearing will take place on Saturday, April 4, 1992, beginning at 8:30 a.m. and concluding at approximately 6 p.m. The hearing will be held at the Palm Desert High School gymnasium, 43-570 Phyllis Jackson Lane, in Palm Desert, CA.

For further information regarding the hearing, please contact Erica Rosenberg or David Brooks of the subcommittee staff at (202) 224-7933.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a hearing on Wednesday, April 1, 1992, beginning at 9:30 a.m., in 485 Russell Senate Office Building, on S. 2481, reauthorization of the Indian Health Care Improvement Act.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

SPECIAL COMMITTEE ON AGING

Mr. PRYOR. Mr. President, I would like to announce for the public that the Special Committee on Aging has scheduled a hearing on Medicare charge limits enacted as part of Medicare physician payment reform. The hearing will focus on the problems surrounding the implementation of these limits.

The hearing will take place on Tuesday, April 7, 1992, beginning at 9:30 a.m. in room 628 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact Portia Mittelman, staff director at (202) 224-5364.

## AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, March 31, 1992, at 2 p.m., to hold a markup.

Markup of the following bills:

S. 1569. A bill to implement the recommendations of the Federal Courts Committee, and for other purposes—Heflin. (Subcommittee Substitute).

H.R. 2324. A bill to amend title 28, United States Code, with respect to witness fees—Hughes.

H.R. 2549. A bill to make technical corrections to Chapter 5 of title 5, United States Code—Frank.

H.R. 3237. A bill to extend the terms of office of members of the foreign claims settlement commission from 3 to 6 years—Frank.

H.R. 3379. A bill to amend Section 574 of title 5, United States Code, relating to the authorities of the Administrative Conference—Frank.

H.R. 3686. A bill to amend title 28, United States Code, to make changes in the places of holding court in the Eastern District of North Carolina—Hughes.

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

## ADDITIONAL STATEMENTS

### TRIBUTE TO EAST HIGH SCHOOL

• Mr. WIRTH. Mr. President, I rise today to pay tribute to an excellent teacher and the students at East High School in Denver, CO. For the third year in a row, East High School has won the opportunity to represent the State of Colorado in the national finals of the "We The People Bicentennial Competition on the Constitution and the Bill of Rights" in Washington, DC. I commend the students of the Advanced Placement American Government and Politics Class at East High School, and their teacher, Deanna Morrison for their noteworthy achievement.

Each year, one high school from every State in the country is chosen to participate in this rigorous competition. The winning team must exhibit the ability to advocate a position effectively and reasonably under pressure. In addition, students must combine their knowledge of current issues with their understanding of the Constitution and the Bill of Rights. The students of East High have repeatedly given superior performance in each of these areas.

Although the students of East High have spent 3 months of hard work and study in order to attend the national competition on the Constitution and the Bill of Rights, they always have one final hurdle to clear. Admirably, each year the students and faculty raise the thousands of dollars necessary to cover the cost of their participation in the competition in Washington. I admire the drive and commitment of East High that keeps the teachers and students working to achieve academic excellence as well as ensure that their goals are realized.

Mr. President, in closing I would like to say that on behalf of the State of Colorado, we have great pride in East High School and Ms. Morrison for their three consecutive victories as State bicentennial competition champions. These students, having been enriched by their experience with constitutional studies and civic lessons, may very well be standing in our shoes one day as the future of Government in our Nation. I wish East High School the best of luck in the national competition, and as they further their studies in this vital area of American history.•

### TRIBUTE TO MAKER'S MARK DISTILLERY

• Mr. MCCONNELL. Mr. President, I rise today to recognize an outstanding Kentucky business which has remained both autonomous and prosperous following an acquisition by an international corporation. Maker's Mark Distillery in Bardstown, KY, is a distinctly home-operated company, rich in history, and tradition.

Maker's Mark was acquired by Hiram Walker-Allied Vintners, the world's third-largest liquor company, in the early 1980's. Founder T. William Samuels reluctantly decided to sell when his wife became seriously ill, and his son's efforts to buy the company fell through. However, Mr. Samuels did not completely loosen the apron strings—

part of the deal was keeping his son as president, and a written guarantee of autonomy for the distillery.

A decade after Hiram Walker's acquisition, Maker's Mark remains virtually unchanged. Research and development still consist of three guys drinking shots of the sour mash whiskey. Production lines are comparatively slow; only 36 bottles move down the line per minute because each is hand-sealed with trademark red wax. Quality control is President Bill Samuels, Jr., dipping his finger into a cypress tub of fermenting bourbon and saying, "It's ready."

Even with its 32-year-old methods, Maker's Mark thrives financially. Its premium bourbon's pretax earnings of about $3.5 million last year have been growing by about 20 percent annually since the acquisition; sales have tripled to about $12 million.

The agreement reached with Hiram Walker 10 years ago was truly a profitable compromise for both parties. The Samuels family has protected the old-fashioned methods of distilling, and Hiram Walker-Allied Vintners has enhanced the value of the company. Mr. President, I commend Maker's Mark Distillery for its fine product and ask that the following article from the Wall Street Journal be entered into the RECORD.

The article follows:

[From the Wall Street Journal, June 26, 1991]

AFTER BEING ACQUIRED, A SMALL DISTILLER REMAINS AUTONOMOUS—AND PROSPEROUS

(By Alecia Swasy)

LORETTO, KY.—At Maker's Mark Distillery, research and development is three guys drinking shots of bourbon. Production lines move only 36 bottles a minute, so each one can be hand-sealed with fire-engine-red wax. And quality control is Bill Samuels Jr., the founder's son, dipping a finger into a cypress tub of fermenting bourbon and saying: "It's ready."

So imagine the jolt this sleepy little distiller expected when the Samuels family sold out to an international liquor company. "I thought the company would get real big or move out of here," says Johnny Young, who has rolled oak barrels of bourbon into warehouses for the past dozen years.

But unlike other companies that were swept up in the merger mania of the 1980s, Maker's Mark remains virtually unchanged a decade after the sale to Hiram Walker-Allied Vintners, the world's third-largest liquor company. The 51-year-old Mr. Samuels, who remains president, is considered a rebel, but his corporate bosses leave him alone.

"Bill operates under the theory that if he shouts loud enough, you'll go away," says Mr. Samuels's boss, Jim Murphy, chairman of Hiram Walker's North American operations. Sometimes, Mr. Murphy admits, "you want to strangle him."

But Mr. Murphy hasn't taken drastic action against Mr. Samuels, and the relationship between the two illustrates an important lesson for all managers trying to get the most out of an acquired company. Maker's Mark has been given great autonomy, to the benefit of both parties. Today, Maker's Mark premium bourbon is one of the most profitable in Hiram Walker's liquor cabinet. Its pretax earnings of about $3.5 million last year have been growing about 20 percent annually since the acquisition while sales have tripled to about $12 million.

As a major example of the autonomy granted by Hiram Walker to Maker's Mark, Mr. Samuels has retained the right to develop his own advertising. Each ad, which carries his signature, focuses on odd stories and is seemingly unconcerned with selling more whiskey. One ad describes how the Samuels family is related to the outlaw James gang. Another one explains how to open the distillery's wax-sealed bottles.

"He's very opinionated," says Martin G. Jewett, vice president and creative director at Doe-Anderson Advertising Agency Inc., the Louisville firm that handles the $1,250,000 account. "I'd hate to work with more than one of him."

Other companies see the wisdom in autonomy. Corning Inc., for instance, gives a lot of freedom to such subsidiaries as U.S. Precision Lens in Cincinnati. PPG Industries Inc. keeps local managers in place when it buys an overseas company. And USX Corp. has kept Marathon Oil independent from its steel operations.

Typically, however, acquired companies are merged into the mainstream. Senior management is booted out or left with little power. And the culture of the acquired company is lost. "U.S. managers have an overwhelming need for control," says Jordan D. Lewis, author of the book "Partnerships for Profit." "For every one of these acquisitions that works, there are 10 that go bad."

How much autonomy an acquired company gets depends on many factors, including how healthy it is, management experts say. If it's in good shape, then managers will be more inclined not to mess with success. But even healthy companies can get streamrolled by an acquiring company. Consider International Business Machines Corp.'s acquisition of Rolm Corp., which the computer giant bought in 1984 for $1.5 billion and most of which it sold four years later to Germany's Siemens AG. The marriage ended in divorce, partly because IBM tried to impose its own thinking and culture on Rolm, Mr. Lewis says.

BUREAUCRATS AT THE READY

Companies tend to be more patient when they feel less pressure to recoup the purchase price. But even when things are going relatively well, as was the case at Maker's Mark, patience is difficult to maintain. "Being patient is the most difficult thing," says John Giffen, managing director of Hiram Walker. "There are a tremendous number of bureaucrats in any corporation poised to go in and standardize everything."

Though Maker's Mark wasn't making a lot of money when it was bought out in 1981, Mr. Giffen says Hiram Walker knew the company had great potential—and they had confidence in Mr. Samuels. Besides, Hiram Walker recognized that it was getting a niche brand that enjoys high status among bourbon connoisseurs. Maker's Mark, whose fans most often single out its smoothness, counts Paul Newman, Fidel Castro and Secretary of State James Baker among the brand's devotees. Mr. Baker recently mentioned the brand while delivering a eulogy at a funeral, noting that the departed and he enjoyed the "warm glow" of the bourbon.

The 32-year-old brand is still a tiny player in a market dominated by Jim Beam, Jack Daniel's and Early Times. Even so, demand for Maker's Mark bourbon exceeds supply. That comes amid a lackluster period for bourbon sales and hard liquor generally. Last year U.S. sales of bourbon were 16 million cases, half the level of 1975, according to M. Shanken Communications, publisher of industry newsletters. "People are drinking less, but they're drinking better brands," Mr. Giffen asserts. And foreign demand is growing, especially in Japan.

Before the company sold out, founder T. William Samuels swore he would never let a suitor get beyond the front porch. But that changed when his wife, Margie Mattingly Samuels, became seriously ill in the early 1980s and he decided it was time to step down. After his son's attempt to buy the company fell apart, Maker's Mark was then sold for an undisclosed amount to Hiram Walker, maker of Canadian Club, Kahlua and other big brands.

KEYS TO THE HANDCUFFS

Mrs. Samuels died in 1985. The elder Mr. Samuels, now 81 years old, retired. But part of the deal was keeping the junior Samuels as president, with a written guarantee of autonomy. "I need the keys to the handcuffs," he says. "Conforming is the hardest thing for me to do."

His biggest gripe, he says, is dealing with corporate bureaucracy when he wants to spend money. That is because money is tighter at Hiram Walker's parent company, Allied-Lyons PLC. The British liquor and food company is under pressure after losses in its foreign-currency exchange center, as well as heavy debt from acquisitions.

Mr. Samuels says he still gets little interference. He is only required to submit monthly financial reports to Mr. Murphy. And he attends some corporate meetings. At one budget meeting, he wore a T-shirt emblazoned with a suggestion that he needed more cash and less grief from corporate headquarters. At another meeting, Mr. Samuels wore knee pads, so he could get on his knees to ask for more money. "You wouldn't want all of your companies run this way," Mr. Murphy says. "We'd have total anarchy."

Mr. Samuels describes himself as a lousy manager, but there has been virtually no turnover in his crew of about 50 employees. And he has protected the old-fashioned methods of distilling, which he learned in his youth from the bourbon barons on Whisky Row in nearby Bardstown.

A century-old grist mill is still used to crush the corn and winter wheat. Bottle labels are hand-cut, not mass-produced. The bottling line produces 1,300 cases a day, as compared with the 10,000 cases bottled daily at a Canadian Club plant. And a deep fryer from his mother's kitchen is still used to melt the red wax that seals the bottle. Says Mr. Samuels: "We didn't have anymore french fries after the summer of '57."•

## FLORIDA'S INTERNATIONAL VOLUNTEER CORPS

• Mr. GRAHAM. Mr. President, the vital contributions of volunteers to the well being and progress of this nation are well known. What may not be so well known are the achievements, beyond our borders, of Florida's International Volunteer Corps. My purpose today is to recognize and salute the dedicated citizen-volunteers of this innovative, unique and exciting program.

Floridians believe that in order for trade and democracy to flourish in the region, our State must foster lasting partnerships with the neighboring Car-

ibbean. Indeed, Florida is very much a Caribbean state. Florida's International Volunteer Corps offers this challenge.

The Volunteer Corps provides our overseas partner short-term people-to-people training and technical assistance in health, education and agriculture. Last year 45 volunteer-consultants, serving an average of 10 days overseas, trained more than 1,400 participants. Serving in 13 nations of the Caribbean and Central America, consultants receive only minimal travel and subsistence expenses in exchange for sharing their skills and expertise. Up to $4 in donated supplies, materials and consultant fees is generated for every dollar of State funds invested. State appropriations have been voted by Florida's Legislature since 1986.

The Volunteer Corp is a program of the Florida Association of Voluntary Agencies for Caribbean Action [FAVA/CA], a unique public-private development partnership with the Caribbean. I am pleased to have had a hand in founding FAVA/CA during my years as Governor.

Private corporations and concerned individuals historically have comprised the membership of this association. Support for our initial projects was provided by the Agency for International Development [AID]. AID continues to provide important resources through the Farmer-to-Farmer Program, administered by FAVA/CA's long time good partner, Volunteers in Overseas Cooperative Assistance.

I am proud to continue my service to FAVA/CA as chair of the Executive Advisory Council as this important organization, on May 10 of this year, celebrates its 10th anniversary. It is this occasion that prompts me to bring to your attention and acknowledge the fine work and dedication of the members of the Florida International Volunteer Corps.•

## TRIBUTE TO PEWEE VALLEY

• Mr. McCONNELL. Mr. President, I rise today to recognize the town of Pewee Valley, located in north-central Kentucky.

Pewee Valley, is located in Oldham County, sits on relatively flat ground that is interrupted in places by low-rolling fields. It does not stray far from the traditions of many American small towns. Pewee Valley is remarkably tranquil and serene, and is considered by its citizens to be the perfect place to raise a family.

Pewee Valley has been home to a number of talented journalists, teachers, and artists. W.N. Haldeman, owner of Louisville's Morning Courier and, after the Civil War, founder of the Courier-Journal made the valley his home.

Besides the natural beauty, the real strength of Pewee Valley is its citizens. Residents are willing to lend a helping hand to anyone in need and generously look out for one another.

The railroad has played a major role in Pewee Valley's history. Today, CSX runs through the center of town. Residents enjoy a $13,753 per capita income, $1,756 above the State average. There is no doubt, that Pewee Valley is a confident and viable community.

The town of Pewee Valley is a special place in Kentucky. It should be recognized as one of Kentucky's finest communities. Mr. President, I ask that the following Louisville Courier-Journal article be submitted into the CONGRESSIONAL RECORD.

The article follows:

PEWEE VALLEY—LONG ON HISTORY, SHORT ON BUSTLE, TOWN IS MORE THAN AN AFFLUENT SUBURB

(By Kristi D. Young)

Author Annie Fellows Johnston said wandering Pewee Valley's shady lanes nearly a century ago was like stepping between the covers of an old romance novel.

Despite booming growth elsewhere in Oldham County and bustling commerce in neighboring Crestwood, the same can be said of Pewee Valley today.

"We get the news from the newspapers . . . but also at the post office and the general store," said former mayor and city attorney John Frith Steward. "My wife, Mary, goes to the store to find out if somebody's sick or somebody's married."

It's not unusual for folks to gather at Beard's Grocery in the heart of town in the morning or at lunch time, said Carl Lee Beard, who runs the store with his twin brother, Charles.

"There's six or eight, 10 in here some mornings, aggravating each other . . . lying about lies," Carl Lee Beard said.

Beard's is a typical country store. Country music plays in the background and the Ten Commandments hang on the wall, over a motor oil display. The Beards sell everything from milk to fresh meats and vegetables. But as times changed, the Beards added a couple of gas pumps and a copying machine.

The store also sells T-shirts promoting the "Land of the Little Colonel," a series of nationally known children's books written by Johnston that told the story of a young girl whose adventures revolved around the Locust, her Pewee Valley home.

"Every place tries to find something to hang on to," Carl Lee Beard said of the Little Colonel books. "That's the only thing the city's got, I guess."

But Pewee Valley, which became a city in 1870, hangs on to much, much more, said Vivien Hoskins Reinhardt. That's why she became mayor in 1986.

"They wrote me in," she said. "People said, 'She will keep it as it is.'

"It seems the people who move in here are just as keen on keeping the tradition," Reinhardt said.

The town's six-member council may sometimes disagree on details, but all want to preserve historic Pewee Valley, she said.

The town's charm is a major draw for the affluent in the Louisville area.

"I think they like the atmosphere. It's peaceful and friendly," Reinhardt said.

Majestic houses sit back on tree-shaded lawns along La Grange Road. Some have stone entrance gates, and long, winding drives that make for a peaceful and tranquil setting.

Town historian Virginia Chaudoin, 70, has lived on Tulip Avenue in Pewee Valley all of her life. She has stayed for some of the same reasons that attract new residents to the town.

"Believe me, if you're on vacation the best thing about a vacation is coming home, I had a friend who was a pilot and she said, '. . . Virginia, I'm gonna come and take you off of Tulip Avenue.'

"But I would never leave."

She said one of the things that makes the town special is the closeness of its residents. "Anybody would do anything for anybody," she said.

Chaudoin still doesn't get her mail delivered to her home.

"I want to go to the post office and meet and greet people there," she said.

Pewee Valley has its own volunteer fire department and a three-member, full-time police force. But there is little crime.

"The police can patrol the whole town in no time at all," Reinhardt said.

Police chief Larry Walls measured the city on a recent run and said it's about 1½ square miles. The biggest problem Walls faces is traffic, which "has probably tripled in the city since I've been here."

A main line of the CSX railroad runs through Pewee Valley, paralleling La Grange Road. Reinhardt said the trains rarely disturb the lives of long-time residents, but can be a trial for new folks. So the town got CSX to agree that engineers would not blow their whistles as they passed through town.

Even so, the railroad has played a major role in the town's history. In 1851, the Louisville & Frankfort Railroad put in a stop called Smith's Station.

Development stalled during the Civil War, but picked up when the town's first three congregations—Episcopalians, Catholics and Presbyterians—built churches in the 1860s. In 1866 Henry Smith bought 220 acres for a subdivision and began laying out roads—Ashwood (now Ash), Tulip, Maple and Elm avenues. Their names refer to the trees, many of which residents have preserved, that Smith planted along them.

Some prominent residents paid for a railroad depot that was completed in 1867 at the intersection of Central Avenue and La Grange Road.

The town got its name when community leaders gathered to choose a more suitable name than Smith's Station. They heard a little bird sing "Pe-a-wee, pe-a-wee" and decided to name it after the Eastern Wood Pewee. As a lark, they added "Valley" because, as one man said, the town was really a "valley turned upside down."

It was in the 1960s that the town began to make the transition to one of Louisville's wealthiest suburbs. Lloydsboro, Pewee Valley's first large subdivision, was laid out in 1962. The pace of development picked up in the late 1970s and '80s as more subdivisions were built.

A red caboose sits in the middle of the town square as a tribute to Pewee Valley's railroad days. It is leased on a yearly basis to small businesses that draw traffic from folks visiting Town Hall, the fire department, the Little Colonel Playhouse and the Women's Club across the square.

For entertainment—outside of going to Louisville or attending a church function—Pewee Valley residents might attend amateur theater at the playhouse or play bingo at St. Aloysius Catholic church.

An event residents look forward to each year is the outdoor summer concert. Last year, the band played oldies music.

"They brought in a truck bed and we danced in the street," Reinhardt said. "It was so much fun."

Each year at Christmas time, the town is lighted up for the Yule Log Celebration, when residents gather around a fire and sing carols. Many of the Yule Log decorations, including red and gold ribbons and Christmas lights, stay up across town year round.

In recent years, several historic districts have been created and a number of sites, buildings and homes have been added to the National Register of Historic Places. In 1987, Historic Pewee Valley Inc., a private, nonprofit corporation, saved Edgewood Manor, a two-story brick house, from being torn down. A year later it was moved a short distance to make way for a new subdivision.

Stewart, the former mayor, said the town's residents haven't been too keen on change. He said they resisted an attempt a few years ago to widen La Grange Road, which runs through town as Ky. 148.

"So you had to wait a few minutes to get out on the road . . . It gave you a few minutes to pause," he said.

That's life in Pewee Valley, which seeks to remain slower and simpler than its urban neighbors.

"It is really something that you would think is non-existent in an industrialized society," Stewart said.

A sidewalk, built in 1984, joins the city with Crestwood, and has drawn the two communities closer.

"Pewee and Crestwood work together on many things," Reinhardt said. The two cities recently joined forces to establish a curbside recycling program.

Dorothy Young lives in the more typically suburban Crestwood, but goes to church and shops in Pewee Valley.

"They're together like one big town," Young said.

Nevertheless, Crestwood and Pewee Valley maintain a strong sense of identity, Reinhardt said. "They wanna be Crestwood, and we wanna be Pewee."

While Crestwood and most of the other cities in Oldham County are growing quickly, Pewee Valley doesn't have as much room for development.

"Pewee Valley is mostly built up. We don't have the land left to develop," Reinhardt said. "Real-estate people tell me all the time that they have lots of people who want to live in Pewee Valley who find that they can't afford it or there's no place available."

When most of Pewee Valley's current residents moved in 20 or 30 years ago, land was affordable, Stewart said. Today, the average home is valued at more than $135,000, according to the Urban Studies Center at the University of Louisville.

Stewart also said that Pewee Valley is "probably one of the best integrated communities in the entire country—socially and economically."

"It's not a class- or race-conscious community," he said.

Fewer than 4 percent of Pewee's residents are minorities, according to the 1990 census. William Durham, the city's only black councilman, said folks seem to get along well.

"It's a good little town to be in," he said.

The town's future generations won't be kept out of Pewee Valley by the high living costs, Stewart said, because many residents have set aside some of their own land for their children to use.

Carl Lee Beard's son, Carl Benjamin Beard, a senior pre-med student at the University of Kentucky, was hanging around the store during a recent visit home. He said he plans to come back to Pewee Valley after he graduates.

"Being in the city drives me crazy," he said. "When you're through with the city, you can come back here and get away from everybody."•

## THE ELECTIONS IN ALBANIA

• Mr. DECONCINI. Mr. President, 9 days ago, on Sunday, March 22, the citizens of Albania went to the polls for their country's second multiparty elections for seats in the national assembly. This last Sunday, second-round voting in the 11 of 100 electoral zones where no candidate won a majority the week before has completed these elections. The leading opposition party—the Democratic Party led by Dr. Sali Berisha—won by a large margin and will have 92 of the 140 seats in the assembly. Moreover, the Government of Albania will be run by non-Communist forces for the first time since World War II. The Helsinki Commission, which I cochair along with Representative STENY HOYER, observed these elections and will issue a report on its findings in the near future. In the meantime, I would like briefly to comment on the elections, the results, and what they mean in terms of where Albania will go from here and how we can help.

The elections in Albania marked the end of a very tragic period in Albania's history—four and one-half decades of rule by one of the harshest, cruelest Communist regimes ever to exist. Despite this regime's attempts to isolate the people of Albania from the world, political pluralism swept through this country as it did throughout East-Central Europe in 1989 and 1990. As a result of popular protest, especially from students and some intellectuals, multiparty elections were scheduled and held 1 year ago. These elections were a major step forward for Albania, but they nevertheless could not be considered free and fair. Through media manipulation and intimidation of the population, which had a particularly strong effect in the countryside, the ruling Communist Party of Labor won these elections, beating an opposition that had only organized 3 months before and had few resources with which it could spread its political message across the country.

In the 1 year in between, however, major changes took place in Albania. First, the opposition realized that it had to improve its ability to reach the citizenry and, with outside assistance, obtained vehicles and information equipment necessary to overcome tremendous transportation and communication obstacles. Second, the Party of Labor changed its name to the Socialist Party and undertook some internal reforms, but it was nevertheless unable to distance itself from its legacy of repression and to govern the country which it once ruled. Third, the Albanian media was further opened to permit more balanced reporting of the situation in Albania. Fourth, the economic situation, already bad, worsened dramatically despite substantial foreign aid, replacing fear with frustration in the minds of most Albanian citizens. Finally, international factors—such as Albania's full membership in the CSCE process, the reestablishment of relations with the United States and renewed contacts with Albanians living abroad—opened an isolated Albania to the world. In short, political pluralism began to take root, as demonstrated by such developments as the creation of the Society for Free Elections and Democratic Culture which observed the March 1992 elections as did foreign groups from the United States and Europe.

These elections, as a result, were a great improvement over those of only a year before. There were fewer irregularities and reports of intimidation, and people were more aware that they had a free choice. Most importantly, however, all sides seem willing to respect the results, and, in contrast to the situation last year, there have been no mass outbreaks of violence or other disturbances. In a very real sense, therefore, the biggest winners in these elections were not political parties but the people of Albania themselves, and they, along with the winning candidates, deserve our congratulations.

At the same time, the elections in Albania are as much a beginning of a new era with new challenges as they are the culmination of a difficult period of transition. The Democratic Party has many challenges ahead of it that will need quickly to address as it forms a new government. The new government needs to put into effect an economic reform program that addresses immediate problems, especially with the food supply and employment, and will create greater economic prosperity with less reliance on foreign aid in the future. To do this, it will also need to make some changes in governmental administration and hold local elections soon, both of which will help ensure reforms adopted at the top will be followed below. This, we have seen, has been a major problem in many other countries as they go through the transition from Communist to democratic political and economic systems. A related priority will be quickly to restore public order, which is essential to the enhancement of social stability and the attraction of foreign investment. Random violence and a lack of enforcement have recently increased in Albania and endanger the country's chances for recovery.

The new government will also need to reach out and find accommodation with Albania's Greek minority. The one development which detracted the most from the recent election process was the decision to ban ethnically-based parties from participation, which prevented the Greek organization Omonia from running candidates. A political party called the Union for

Human Rights was subsequently created which did put forward a strong minority-rights platform and ethnic Greek candidates, two of whom won seats. Nevertheless, the negative and unnecessary decision to ban ethnically based groups from participation, in violation of CSCE provisions, created tensions between ethnic Greeks and Albanians in the southern region of Albania which, already further encouraged by extremists, the country can ill afford.

The United States, Mr. President, can play an especially important and substantive role in assisting Albania as it meets these new challenges. While various types of humanitarian aid will be vital in the short term, what Albania desperately needs is the technical assistance in many different fields which will allow Albanians to help themselves and improve their own situation in the future. An increased commitment to this assistance, along with the normalization of bilateral economic relations through such actions as the granting of most-favored-nation status, should constitute the United States response to the democratic developments which are taking place in Albania today. Given the strong feelings of friendship that Albanians have historically had toward our country, which is evident to any American who goes there today, as well as the success of many American efforts already underway, both public and private, I am convinced that such a positive response will go a long way to ensure that democratic developments in Albania will continue.●

## TRIBUTE TO JOHN SALYERS

● Mr. MCCONNELL. Mr. President, I rise today to recognize an outstanding Kentucky citizen who approaches his current occupation as a field representative for Kentucky's Fourth District Congressman, JIM BUNNING, with the same dedication he gave to his previous job as a policeman.

John Salyers spent 16 years as a law enforcement official in Erlanger, KY before becoming a leader in northern Kentucky's Republican Party. He became involved in politics in 1984 when he volunteered to work on Ronald Reagan's reelection campaign. His efforts expanded to Gene Snyder's campaign for reelection as Fourth District Congressman, and to my bid for the U.S. Senate. After the 1984 election, Mr. Salyers was asked to serve on the Kenton County Republican Party's Executive Committee. However, he did not give up police work to pursue a career in politics until 1986 when Congressman BUNNING asked Mr. Salyers to join his campaign full time.

Mr. Salyers often compares his current occupation to his previous job as a police officer. He says working in law enforcement trained him for politics because, "It was constituent services * * * helping people." As Congressman BUNNING'S northern Kentucky liaison, Mr. Salyers deals with constituents on a daily basis. He says he tries to visit each of the 12 counties in the district at least once a month.

According to Mr. Salyers, "There are two things you must have in politics, loyalty and trust." John Salyers certainly has both and is truly an asset to the people of northern Kentucky.

Mr. President, I commend John Salyers for his hard work and dediction, both as a police officer and as leader in Kentucky's Republican Party. Please enter into the RECORD the following article from the Kentucky Post.

The article follows:

FORMER POLICE OFFICER CARRIES BADGE OF GOP

(By Jack Hicks)

He didn't give it much thought at the time but John Salyers recognizes now that police work trained him for politics.

"It was constituent services . . . helping people," Salyers said of his 16 years as an Erlanger policeman.

Helping people who have problems with the federal government is now Salyers' chief vocation. It's one of the two hats he wears as a GOP leader in Northern Kentucky.

Foremost, he is 4th District Congressman Jim Bunning's field representative, keeping in touch with residents of the 12 counties in the district.

But Salyers also has a political side. He serves on the Kenton County Republican Executive Committee and helps GOP candidates win elections. These days, he's concentrating on the gubernatorial campaign of Larry Hopkins.

His involvement ranges from such nuts-and-bolts tasks as putting up signs to offering verbal support. "I let people know I support him, as a good Republican. I believe in him.

Salyers' faith in Ronald Reagan and the conservative tenets of the Republican Party brought him into active politics.

"I was impressed with President Reagan and his philosophy. He had brought pride in America back to the country. As a policeman, I worked with juveniles, and I could see that pride in the kids," Salyers said.

When Reagan ran for re-election in 1984 Salyers decided to help. "I walked into Lawson Walker's office and said. 'I want to get involved in the Reagan campaign.'"

Walker, a state representative, and other Republicans found plenty of work for willing hands. Salyers began putting up campaign signs, making phone calls and knocking on doors.

His efforts expanded to Gene Snyder, seeking re-election as 4th District Congressman, and to Mitch McConnell, who was running for the U.S. Senate.

When the election was over, Reagan, McConnell and Snyder had all won. Ted Smith, then the Kenton County Republican chairman, asked Salyers to serve on the party's executive committee. "I've been there ever since," Salyers said.

In 1986 Bunning ran for Congress for the first time and Salyers again volunteered his services. Bunning asked Salyers to join the campaign full time. Though it meant giving up his career as a policeman, Salyers accepted.

"I really enjoyed politics, the competitiveness of it all. I figured that if I'm going to ride that horse it might as well be a thoroughbred," Salyers said.

When Bunning won, Salyers became his Northern Kentucky field secretary, heading the Ft. Wright office. He deals with constituents and attempts to visit each of the counties in the district at least once a month.

Odds of Salyers holding such a responsible position wouldn't have been good at one point in his life. He dropped out of high school as a sophomore, but overcame the handicap with hard work and good luck.

Salyers enlisted in the Army and served in Vietnam. While home in Grant County on leave, he met a teacher named Connie. She became his wife and the mother of their two children. "She impressed upon me the importance of an education," Salyers said.

He earned his general education diploma (GED) while in the Army. After discharge he became an Erlanger police officer.

Politics has given Salyers his greatest excitement and satisfaction of late. But in a small sense, his involvement dates back to his early teens in Williamstown. Someone payed him a few dollars to pass out flyers for Albert B. "Happy" Chandler, who was running for governor.

Chandler lost. Even though Salyers played a tiny part in the effort, he felt sad.

So far, that emotion hasn't surfaced with Bunning. "He's a fantastic person. I don't think there's an unethical or immoral bone in his body."

Bunning is just as high on Salyers. "He's a people person," the congressman said of his aide. "He has been a real Godsend to me. He has the ability to get along with all kinds of people."

Salyers has thought of running for office. But not now.

"There are two things you must have in politics, loyalty and trust, and it must flow both ways," he said.

That relationship exists with Bunning and other Republicans, including Hopkins.

"It's going to be close," Salyers said of the race between Hopkins and Democrat Brereton Jones.

But Salyers will try to give Hopkins the winning edge.●

## TRUTH IN THE MODERN AGE

● Mr. SIMON. Mr. President, last November, Colby College gave its annual Elijah Parish Lovejoy Award to Robert C. Maynard, publisher of the Oakland, CA, Tribune.

Elijah Lovejoy was an abolitionist who was killed in Alton, IL, in 1837, defending the cause of freedom of the press. His antislavery views were not popular, and even law enforcement officials tried to suppress his freedom.

I read an item in the newspaper about Robert Maynard's address at Colby College, and I wrote for a copy of it. Like many of my colleagues in the Senate perhaps, I then put it aside to read when I had a chance.

The other day I had that chance.

Robert Maynard asks us, in the spirit of Elijah Lovejoy, to do better.

One of the fascinating things he mentions is what ABC News did with two gentlemen in St. Louis, one black, one white. They went through a series of potential business transactions, and ABC showed the different treatment that was given to the two people solely on the basis of race.

Robert Maynard calls on our nobler spirits. Unfortunately, we have had too little of that lately.

I urge my colleagues in the Senate and House to read what he had to say at Colby College, and I ask that his address be inserted in the RECORD at this point.

The address follows:

TRUTH IN THE MODERN AGE

(Address by Robert C. Maynard)

You pay me a great honor by conferring upon me this degree and the privilege to speak this evening in commemoration of the life of Elijah Parish Lovejoy. I must say, before I go any further, that Colby took great care to balance its welcome in appropriate New England tradition. I am here with my beloved bride and partner, Nancy Hicks Maynard. We are also fortunate to have with us this evening our daughter, Dori J. Maynard. She is a graduate of Middlebury College next door. Colby's decisive handling of Middlebury last Saturday (the score, as I recall it, was 31–16) helps give some balance to your otherwise warm welcome to our family.

We come today impressed once again by the commitment and sacrifice of Elijah Lovejoy. I must tell you how deeply it has touched me that you chose to honor me tonight in his name. I have been thinking a great deal of late about the fact that Lovejoy was a martyr to the cause of a new moral order. He, thus, has become a hero to those who believe in freedom of the press, as well as those who believe in freedom from oppression.

Heroes in our nation's past who preceded Lovejoy helped to create a new political order. George Washington, James Madison, and Thomas Jefferson come to mind. They set a new standard of self-governance on the face of the earth, yet they left one great moral scourge untouched. Slavery and freedom could not co-exist for long. It was the indomitable spirit of Elijah Lovejoy that helped to clarify this moral contradiction. In so doing, he helped to change the course of our nation's history.

You probably remember that one of his biographers said of Lovejoy that he had been *"bred and nurtured in the belief that slavery was an institution politically incompatible with the Constitution and religiously incompatible with the laws of God."* Those were precepts he learned in his youth here in Maine, in his formative years in Albion, and later at Waterville.

You probably also are familiar with one of your President Cotter's favorite quotes about Lovejoy that helps to establish his place in the American pantheon of moral ideas. Lovejoy said:

"As long as I am an American citizen, and as long as American blood runs in these veins, I shall hold myself at liberty to speak, to write, and to publish whatever I please on any subject."

And then he said:

"If the civil authorities refuse to protect me, I must look to God, and if I die, I have determined to make my grave in Alton. I have sworn eternal opposition to slavery, and by the blessing of God I will never turn back."

Thus we see in him a pivotal person who exemplified the national need to reconcile our moral practices with our political ideals.

There were many in that day who thought compromise was expedient, but Elijah Lovejoy was not among them. His view of the brotherhood of humanity was implacable. I take from Lovejoy's life, and from his death, a clear and simple message. He felt blessed to have been born an American and to have had many privileges: a fine family and home in Albion, a wonderful education here at Waterville, and a deep love of the liberation that came through the life and death of Jesus Christ. He believed all those blessings beheld him to a great obligation. His soul was bound to the moral truth that bondage and freedom could not co-exist.

It is my thesis tonight that Lovejoy's work is not complete. The ideals for which he stood are still fully to materialize for many Americans. This, even as we commemorate the 154th year since his death. In some larger metaphysical sense, we, as a nation, remain enslaved by race. Not physical bondage anymore, but mental and social enslavement to ancient perceptions.

The very idea of race is itself an artificial one; indeed, ask any number of morticians, and they will tell you that at the end we all look strikingly alike. And we know, as Lovejoy knew, that when we approach the throne of grace in that time when our earthly chores are ended, we will be judged by far more important measures than the color of our skin, the shapes of our eyes, or the texture of our hair. Yet, in all our lives, still today in this nation, we know that our perceptions are shaped by this artificial matter of color: where we go to school, where to work, where to live, whom to love. All of these are powerfully affected by one measure above all: the color of our skin.

Lovejoy had a deep moral hunger for Americans to live together as brothers and sisters. He wrote once:

"I have lived about eight years in a slave state, and excepting one or two instances, I do not recall ever having heard slave holders criticized for neglecting or abusing their slaves. At the same time, I have seen the slaves sitting out in the carriage box through all the service, while their masters and mistresses, whom they drove to church, were worshipping with great devoutness within."

The reason Lovejoy found all this morally offensive is that he took seriously Levitical law and Christian teachings that each of us should treat the other only as we would wish to be treated. To do otherwise, he said so often, was to deny those very principles that made us so fortunate in the first place. We can see the moral richness, and yet the simplicity (one might even say felicity) of such an idea. But if Lovejoy were to return to St. Louis, the city from which he was driven by slaveholders a century and a half ago, he would find his dream had hardly been fulfilled—although, of course, he would see signs of progress. He would find that the bonds of brotherhood had still failed fully to form. I say so because of a remarkable happenstance. It concerns St. Louis, where Lovejoy's journalistic career began in earnest. I told you before that I believe we are prisoners of the perception of race. I find it a striking coincidence that St. Louis turned out to be the city where one of the finest pieces of journalism on the subject of racial perception was done not long ago. I will return to that in a moment.

The point I wish to make first is about the matter of perception. It has something to do with moral truth in the modern age. We are all imprisoned by that which we see when we look at each other across the chasms of race. We see more (and sometimes less) than a whole person. In each encounter, we see the map of social history already implanted in our brains. The physical freeing of peoples of color occurred first with the end of the civil war, and gradually in this century, guaranteed rights evolved through the rule of law. What we have not accomplished through all of this yet is to learn the mastery of the idea of brotherhood for which Elijah Lovejoy, and so many others, have given their lives. These perceptions contribute to the alienation of our society and to its diminishment.

I will tell you that I agree with Elijah Lovejoy, that when we work and live together in a common bond of understanding, we are stronger than when we permit ourselves to retreat to hostile islands. In no place in America today is the hostile island more visible than in our cities. It is alarming to see what has occurred in the once vital centers of so many regions of our nation. Now they are the reserves of the very rich and the very poor. In such a circumstance, there is a constant devaluation of the quality of life. This is a process that has been at work in our nation since the end of World War II.

With the decline of the wartime defense populations, the cities began to lose some of their vitality. Public policy hastened the process. Highways were built through the federal highway trust fund that created cheap and easy transportation out of the cities; housing subsidies helped suburbs to spring up across the landscape; taxation policy and the GI Bill all worked together to create the American suburb; and in most instances, people of color were firmly excluded. The city has been left to founder. You remember that in the 1950s public policy tended to favor tearing down buildings in cities, but replacing them with little. Moreover, the school desegregation decision of 1954 hastened the outflight of the white middle class.

The question that has been asked over and over again—whether by Elijah Lovejoy, or by Harriet Beecher Stowe or more recently by Martin Luther King—has been this: What is it in America that makes it so difficult for Americans to learn to be one people, to view each other mutually through a prism of dignity? For sure, the separation of our society, as visible in many of our cities, is a sign of a social disintegration that would be far less catastrophic if Americans were to find themselves on common ground. But I am here to suggest to you that the single most difficult obstacle to common ground is this issue of ancient misperception and misportrayal.

I mentioned modern-day St. Louis, as a case in point. ABC News did a remarkable piece of journalism in St. Louis not too long ago. It appeared on a Thursday night on "Prime Time Live." The broadcast concerned two young Americans, one whose name was John and the other whose name was Glenn. John and Glenn were of average size, looks and demeanor. They were comparably educated, and from very similar backgrounds. The difference is John was white; Glenn was black. Each was equipped with a concealed camera. Then they went about doing mundane things.

John went to a store; a salesman immediately materialized to wait on him. The salesman was solicitous. After John departed, Glenn arrived at the same store. Was he greeted warmly by the salesperson? No. Was he shunned by the salesperson? Well, not exactly. What the salesman did was to tail Glenn around the store, lurking behind him, waiting to see if he would shoplift, rather than ever approaching him to ask if he could be of service in an actual transaction.

The same sort of outcome occurred when Glenn went to buy a car. Only a few minutes

before, the salesman had offered John a no-money-down deal. When Glenn arrived 10 minutes later, he waited for 10 minutes just to be assisted. Then he was told that he would have to pay $2,000 down; indeed, the price he was quoted for the car was $500 higher.

At a St. Louis apartment house, John was cordially welcomed. Immediately, he was given an opportunity to look at an apartment. Only a few minutes later, Glenn was told the apartment had been rented hours before.

At the end of the broadcast, Glenn would say:

"You walk down with a suit and tie and it doesn't matter. Someone will make determinations about you that affect the quality of your life, and the only basis is the one thing that will not change about you. I am not going to take off black skin. I am going to be black forever."

I tell you about this story for two reasons: first, because it was one of the most remarkable examples of how the function of misperception destroys the dignity of individuals and erodes the fabric of our society. This is the slavery of perception that has not died. I do not mean to suggest to you that these are simple issues. What I do mean to suggest to you is that our nation still suffers from the stereotypes that fed the climate that permitted slavery to exist.

Second, I tell you this story because I am struck by the fact that a group of broadcasters found a way to help the nation see, in one poignant picture, what the corrosive power of stereotyping and misperception has done to the quality of life in our nation. Indeed, the very fact that we celebrate Elijah Lovejoy's heroic defense of a free press compels me to ask a question: Just how well are the present-day custodians of that free press performing? I mean especially concerning the portrayal of peoples of color? Does that poor portrayal contribute to our economic social regression?

I believe we are obligated to shed light on all the moral truths of our time. The fact that ABC News fulfilled that obligation so well in this instance is worthy of special note. But what is also noteworthy—and disturbing—about ABC's effort is the rarity of it. Eventually, all Americans suffer from the persistence of bigotry. I mention St. Louis only as one example. Because of the conditions of our cities, and because of the wasted lives within them, I believe we will persistently lose ground in the global arena.

We incarcerate three times as many young black American men as we graduate from colleges and universities. This is a telling signal. It speaks of a society headed in the wrong direction. It is a direction that does no honor to such heroes as Martin Luther King and Elijah Lovejoy. They gave their lives to this cause because they believed their truth would leave us a better America. Moreover, they believed our salvation as a society depended on the freedom of our institutions. They did not anticipate that we might become indifferent about such important matters. They assumed we custodians already understood that eternal vigilance was the price of freedom. Occasions such as this give us an important opportunity to be reminded.

In 1956, when Arthur Hays Sulzberger received your great honor here at Colby, he said:

"We must demonstrate that freedom is not just a passing phase in the history of mankind, not merely a light that was kindled for a few hundred years only to be blotted out by brute force and tyranny. Knowledge released man from the original yoke of oppression. Knowledge can keep that yoke from pressing him back to bondage."

True, but only if we beget an uncommon vigilance in pursuit of human dignity for all Americans. Yet, we know it is not easy to afflict the comfortable and challenge the status quo. Elijah Parish Lovejoy understood that better than anyone.

In tribute to his courage, John Heiskell said in 1958 here at Colby:

"There is a pantheon that is not built of stone. Yet it exists imperishable in annals and in memory. It honors all those brave souls who have suffered for conscience and conviction. In it are inscribed the names of exemplars of freedom of the press who have, in the words of St. Paul, endured afflictions; who have fought the good fight as long as it was granted to them to follow the course; and in dedication and devotion, even unto death, have kept the faith."

This is why we honor Elijah Parish Lovejoy. He set such an example of enduring and unshakable faith. Our times are all but bereft of such figures of courage. By holding this remarkable torch aloft, year in and year out, Colby College bids us all to raise our voices of moral conviction against a tide of indifference. We owe no less to Lovejoy and to our legacy of free institutions in a still free nation.

Good night, and Godspeed.●

## CONGRESSIONAL CALL TO CONSCIENCE

● Mr. GORE. Mr. President, I rise today to join in the Congressional Call to Conscience's vigil for Jewish refuseniks. Despite all the positive changes we have seen since the collapse of Soviet communism, things remain frustratingly constant for many Jews trapped in Russia. Although Jewish emigration has reached record levels in recent years, thousands of refuseniks are still forced to stay in a country they desperately want to leave.

I want to take a moment to highlight the case of Igor Gopp, a resident of St. Petersburg who has been blocked by authorities from starting a new life. Because of allegations that Mr. Gopp had access to secret information through his job as a computer software designer at the Leningrad Optico-Mechanical Amalgamation, his application to leave Russia for the United States was rejected. Apparently Russian authorities are following a well-worn path, denying an exit visa to a Jew on the vague basis of state secrecy. Mr. Gopp's wife and young child have received permission to emigrate, but they refuse to leave without him. And so the three of them remain in St. Petersburg.

Mr. President, there is still an urgent need for greater freedom of emigration for Jews in Russia and the other republics. As I said before, many Jews have been able to leave already, and a new immigration law will take effect in 1993. There have also been substantial improvements in official religious tolerance. But dark undercurrents of anti-Semitism continue to run through Russian society. And I believe Russia's spiraling economic decline will inevitably lead many people to search for someone to blame for their hardship. In desperate times, people often look for scapegoats. Throughout history, Jews have been victimized by this tendency, with tragic consequences.

An alarming number of groups in Russia are using these uncertain times to play on people's fears. Ultranationalist organizations like Pamyat hope to use blatantly anti-Semitic messages to unleash a flood of hatred that could overwhelm Russia's fragile experiment with democracy. In the same election that elevated Boris Yeltsin to Russia's Presidency, the rabid anti-Semite Vladimir Zhirinovsky received 6 million votes. What this tells me is that the Jews of Russia who want to leave should be able to do so. And I hope that Russian authorities will specifically review Igor Gopp's case and allow him to live his life as he chooses.●

## BYELARUSIAN INDEPENDENCE DAY

● Mr. DECONCINI. Mr. President, on March 29, 1992, Byelarusians all over the world, and for the first time in over 70 years in Byelarusia itself, will openly and triumphantly celebrate the 74th anniversary of the Declaration of Byelarusian Independence in 1918.

For years, Byelarusia appeared to be a loyal Soviet Republic, its freedom denied, its language and culture repressed by the Communists in Moscow and collaborators in Minsk. When the courageous Byelarusian dissident Mikhail Kukobaka raised voice in protest he was sent off to the gulag for several years. He was also one of the last Soviet dissidents to be released by President Gorbachev.

But the Byelarusian people could not be kept down forever. In 1988, as evidence of Stalin's crimes against Byelarusia were dramatically revealed, the Byelarusian people began to take to the streets in public protests against Moscow's dominance and local communist rule. To the world's surprise, massive protests took place in early April 1991 against price increases initiated by President Gorbachev. Indeed, throughout 1991, reformers united under the banner of the Byelarusian Popular Front presented a serious and organized political challenge to the party apparatchiks still trying to cling to power. When the August 1991 coup attempt failed in Moscow, the Byelarusian government, still dominated by old line conservatives, but under growing pressure to listen to the voice of the people, declared independence as the Republic of Byelarusia.

But the restoration of independence is only the beginning of a difficult passage from the repressive legacy of communism to the nation envisioned by its

democratic founders. Byelarusian political reformers are continuing to work for democracy and rule of law. We support them in their efforts, and trust that the principles of the Helsinki accords will guide their efforts.

Mr. President, as cochairman of the Commission on Security and Cooperation in Europe, the Helsinki Commission, I congratulate the people of Byelarusia, and members of our own Byelarusian-American community, on the anniversary of the declaration of the first Byelarusian Republic, and am pleased that their long and tragically interrupted dream for independence has finally come true.•

## AFRICA FINDS REASONS TO HOPE FOR DEMOCRACY'S FUTURE

• Mr. SIMON. Mr. President, one of the images that is still prevalent is that dictatorships continue to dominate all of Africa, and that democracy simply doesn't work there.

It wasn't very many years ago that that was the image of Latin America, and yet in all of South America today, there is not a single dictatorship left.

In Africa things are moving in a very constructive direction. We know that, and we see that in South Africa; but it is not simply South Africa, it is in much of the rest of Africa.

Yes, there are still dictatorships in Sudan and Zaire and some other countries, but the wave of the future clearly is democracy, and where there are democracies in Africa, we ought to be encouraging them.

An example is the free election that took place in Zambia, where President Kaunda, to his great credit, permitted for the first time a multiparty election in which he and his party lost. A trade union leader was elected the new president, Mr. Chiluba. He recently visited in the United States and met with President Bush and paid me the honor of stopping by my office to visit with me also.

His efforts to improve the economy are thwarted by the devastating famine that has hit several countries in deep southern Africa.

Where there are democracies and new governments that are pledged to democracy, whether it is in Zambia or Ethiopia or where it is, the United States should be doing everything it can to provide assistance to those countries.

I hope we will not be shortsighted.

Our colleague, Senator NUNN, has pointed out that to fail to assist the newly emerged countries in Eastern Europe in stabilizing would be shortsighted indeed. The same is true for the new democracies in Africa.

I ask to insert into the RECORD an article by Michael Clough that was in the New York Times titled "Africa Finds Reasons to Hope for Democracy's Future." And I urge my colleagues to do more to help stabilize and bring hope to the new democracies of Africa and the rest of the world.

The article follows:

[From the New York Times, Mar. 22, 1992]

AFRICA FINDS REASONS TO HOPE FOR DEMOCRACY'S FUTURE

(By Michael Clough)

On Tuesday, white South Africans voted to give President F.W. de Klerk a mandate to end white rule. By a surprisingly large 2-to-1 margin, they approved a measure endorsing negotiations already under way to create a nonracial, democratic constitution. This result marks a historic turning point for Africa.

Many South African conservatives and sympathizers abroad have long argued that democracy cannot succeed on the African continent. They point to the dismal results achieved in the first three decades of the independence era: In country after country democratic constitutions were torn up or ignored. Power was concentrated in the hands of dictators of varying degrees of brutality. Corruption flourished. Economies were destroyed. Civil war and famine became endemic. The litany of horror stories cited by conservatives is often exaggerated. As many Africans have argued, the positive side of the African story is seldom told in the West. Many African leaders have struggled against tremendous odds to find ways to help their people survive and develop. Nevertheless, the conservatives have a point: By almost any measure, the first wave of experiments with democracy in Africa—beginning with Ghana's independence in 1957—failed.

Over the last decade, conservatives have repeatedly used the failure of democracy in Africa as an argument against majority rule. They warned that the end of apartheid would cause a rapid deterioration in living standards. Instead of democracy, majority rule would open the way for black domination or, as many white pundits were fond of saying, "One man, one vote, once."

A majority of South African whites undoubtedly share these fears. Yet, on Tuesday, they voted to take a chance that the conservatives were wrong. They did so for two reasons. First, and most importantly, they have been forced to recognize that white rule has failed just as dismally as black rule; and, second, they have been given reason to hope that with the end of East-West competition, the world has changed in ways that will make it possible for democracy to succeed in South Africa and in the rest of Africa.

The defenders of apartheid were always well informed about the latest foibles and misdeeds of every petty black tyrant north of the Limpopo River. Newspapers in South Africa closely followed the career of Africa's worst dictator, Idi Amin of Uganda. And businessmen in Johannesburg could always be counted on to recite the economic disasters that had followed independence in Mozambique, Zaire, Zambia and other countries where they operated. At the same time, most whites seemed strangely uninformed about the failings of their own country.

In fact, one of the most striking things about the history of the first independence era in Africa—1957 to 1990—is how closely developments in South Africa paralleled those in other parts of the continent.

While South African leaders perceived themselves as democrats, they presided over a de facto one-party state. After coming to power in 1948, the National Party quickly rigged the electoral system to insure that other white parties would have great difficulty challenging its political monopoly. As black protests began to mount in the early 1960's, Pretoria banned the African National Congress and other opposition parties and imprisoned many prominent black leaders, including Nelson Mandela.

The consequences of one-party rule by a small minority were the same for South Africa as they were for most other countries on the continent: Political opposition mushroomed. Thousands of blacks went into exile. Banned parties sought out foreign patrons willing to provide the arms necessary for them to launch guerrilla wars. And violence and repression intensified.

Following a resurgence of black protest in the late 1970's and early 1980's, the security establishment usurped many of the normal functions of government. After President P.W. Botha declared a state of emergency in 1985, South Africa became a quasi-police state with tens of thousands of opposition leaders in jail.

Despite white perceptions of their country as a productive free-market economy, South Africa has followed an economic course not all that different from its neighbors to the north. Like other parties in Africa, the National Party used its political power to construct a large centralized state. Large sectors of the economy were nationalized in order to provide jobs for Afrikaner workers.

A mind-boggling array of regulations was passed to protect the privileges of South Africa's white tribe. As in the rest of Africa, the South African Government's attempt to use economic policy to promote the interests of a narrowly based minority produced dismal results. Weighed down by a bloated bureaucracy and education and labor policies that made it difficult for blacks, who constitute about 80 percent of the population, to be productive citizens, the South African economy stopped growing in the 1980's.

These political and economic trends, combined with growing pressure from the international community, caused President de Klerk to make his historic decision on Feb. 9, 1990, to release Nelson Mandela, lift the ban on the A.N.C. and other opposition parties and begin negotiations to end apartheid and white rule. And it was a dawning awareness that any attempt to halt the process of change would accelerate these trends that caused South Africa's whites to vote "yes" in Tuesday's referendum.

Are there grounds for believing that, despite the experience elsewhere in Africa, South Africa's experiment with democracy will succeed? To answer this question, it is important to understand the changes that have occurred since most African countries became independent in the early 1960's.

In many ways, the early 1960's were a uniquely bad time to begin building democracy in Africa. The cold war was just beginning to heat up in the third world. Both the Soviet leader, Nikita Khrushchev, and the American Presidential candidates in 1960—John F. Kennedy and Richard M. Nixon—believed that Africa was a potentially critical battleground in the East-West war. Newly independent African states were pressed hard to choose sides. Neither superpower championed democracy. Instead, both Washington and Moscow rushed to support any leader willing to pay lip service to their cause and vote the right way in the United Nations. African leaders quickly discovered that they could destroy their countries' economies and brutalize their populations and still count on a steady flow of foreign aid and military protection. With the end of the cold war, this is no longer the case.

In all the discussions surrounding the wave of democratization that has swept Africa over the last three years, not enough emphasis has been placed on the importance of the decision by Moscow, Paris and Washington to abandon their old clients. African populations did not suddenly discover that their governments were corrupt and repressive. They had known that for years. And they did not need developments in Eastern Europe to convince them of the need for transitions to democracy. What changed was that the superpowers stopped propping up their oppressors, causing a sudden shift in the internal balances of force in their countries.

Soviet withdrawal from Africa forced the Government in Angola to agree to hold multiparty elections and it prompted President Mengistu Haile Mariam to flee Ethiopia. Changes in American policy precipitated the collapse of dictatorships in Chad, Liberia and Somalia. Both President Daniel Arap Moi of Kenya, who on Friday banned all political meetings, and President Mobutu Sese Seko of Zaire are now fighting for their political life against mounting odds because they can no longer count on Western support. Without the safety net provided by foreign support, African leaders at long last have no choice but to turn to their people for support.

THE BUILDING BLOCKS

At the same time, the essential building blocks for civil society—committed, honest and pragmatic leaders and a healthy civil society—are now much more in evidence in Africa, especially South Africa, than they were in the early 1960's. Despite independent Africa's failures, over the last three decades it has succeeded in producing a multitude of well educated, talented individuals who are able and prepared to guide the continent.

At independence, many African states were dominated by a single leader whose right to lead was established by the fact that he was one of a small handful of people in his country to have an advanced education and international contacts. Such was the case with Kwame Nkrumah in Ghana, Jomo Kenyatta in Kenya and H. Kamuzu Banda in Malawi. Today, the situation is quite different. In South Africa, for example, even Nelson Mandela has had to accommodate himself to the fact that there are a whole host of leaders within his own party who are able and prepared to question his authority.

Just as important is the development of a strong and diverse network of associations and non-governmental organizations that are in a position to check the power of the central government. In the 1960's the few such organizations that existed in Africa were quickly captured by the state. That will not happen again. In South Africa today, the hundreds of organizations—unions, civic associations, self-help groups and others—that have sprung up inside the country to combat the socioeconomic side of apartheid are actively developing strategies to insure that they are not smothered by a post-apartheid state.

Finally, the prospects for democracy in South Africa are better today than for the rest of Africa in the 1960's because of what Africans and others have learned from the failures of the last three decades. As is evidenced by the discussions that have gone on under the sponsorship of groups like the African Leadership Forum, there is a consensus among African leaders that democracy, human rights and government accountability are essential for development.

There is also a surprising degree of consensus on the need for growth-oriented economic policies. The discussions under way in the working groups established by the convention for a Democratic South Africa on a new constitution and the economic policies of a post-apartheid state reflect the new mood of pragmatism that has swept across Africa.

None of this guarantees that democracy will succeed in South Africa or other parts of the continent. Three decades of failed black and white rule have left a bitter legacy. Millions of Africans have died. Bitter wars still rage in Liberia, Mozambique, Somalia and the Sudan. In South Africa, apartheid and the struggle to overthrow it have created immense bitterness and a "lost generation" of black youths who now lack the skills that will be required to take full advantage of a transition to democracy.

But the prospects for democracy in Africa are now unquestionably brighter than they were three decades ago, if for no other reason than that Africans now know all too well the costs of the failure of democracy.•

## REPORT OF GOVERNMENT AFFAIRS SUBCOMMITTEE ON GOVERNMENT INFORMATION AND REGULATION

• Mr. KOHL. Mr. President, I present to the Senate today a report prepared by the Government Affairs Subcommittee on Government Information and Regulation titled "Dividing the Dollars: Issues in Adjusting Decennial Counts and Intercensal Estimates and for Funds Distributions."

During the debate over the Commerce, State, and Justice Appropriations for 1992, Senator HOLLINGS and I discussed the use of adjusted census counts. Due to his concern about the undercount associated with the 1990 census, Senator HOLLINGS wanted statistically adjusted census counts to be used for all purposes other than the reapportionment of congressional seats. I suggested that a thorough investigation into how census data are used was necessary before taking such action. This report is the result of the subcommittee's investigation.

The report demonstrates the complexity of adjusting either the decennial census counts or the intercensal estimates; for example, the annual estimates of the population issued in years between census. In fact, at present time there is no satisfactory methodology for adjusting either of these two data sources used to distribute Federal funds.

In addition, to shift the distribution of Federal funds to either decennial census counts or intercensal estimates is fraught with problems. Decennial census data do not keep up with the shifting geographic distribution of the population, and the intercensal estimates do not contain all of the data used in Federal funding formulas.

If the Congress wishes to change the basis for distributing Federal funds the report presents a number of options to consider. Most options require additional appropriations to fund research to develop the data necessary for the funding formulas. The only option that does not require additional appropriations calls for rewriting the funding formulas in order to use existing data.

My subcommittee staff will be happy to provide each and every one of you a copy. You can call 4-9000 or stop by 605 Hart and pick up a copy. I urge my colleagues to read this report and consider its import. The problems and difficult choices are there for everyone to see.•

## THERAPEUTIC WORK PROGRAM FOR STATE HOME VETERANS

• Mr. GORTON. Mr. President, for more than 90 years, veterans have found a place where they can find quality, long-term health care in Washington State; a place where they can live their lives with meaning and dignity. I am speaking, Mr. President, of the Washington Veterans Home and the Washington Soldiers Colony located in Retsil and Orting, WA. These homes, operated by the State Department of Veterans Affairs, provide long-term health care to veterans who are unable to take care of themselves because of physical or mental disabilities.

An important part of a State home's overall mission is to provide treatment and rehabilitation to veterans who are able to return to the community. As part of the rehabilitation process, veterans are given the opportunity to work for a small hourly wage. The Therapeutic Work Program has been overwhelmingly successful among veterans who are recovering from an illness, coping with a disability, or controlling substance abuse. Eventually, these veterans use the self-confidence and skills gained while participating in the Therapeutic Work Program to help them prepare and adjust to the world outside the home. It has been brought to my attention, however, that this highly successful program is being adversely affected in State veterans homes because of a congressional oversight in the law.

In 1986, the pension laws were amended so that those involved in VA work programs would not have their pensions reduced. It neglected, however, to include veterans in State homes. Many of the State home veterans participating in the TWP receive a small pension but, because of this oversight, are having their pensions reduced by $1 for every dollar earned. By reducing the already small pension received by a veteran who chooses to participate in TWP, the therapeutic process is seriously damaged.

S. 2372 will amend the law to give State home veterans participating in TWP, the same exemption from countable income that other veterans in similar programs are given. This change is necessary, Mr. President, because the primary purpose of this program is to enhance rehabilitation; it is not designed for financial gain.

Mr. President, this piece of legislation affects only a small amount of veterans, but is very important to the overall care provided by veterans State homes. I urge those Senators who have veteran State homes in their own States to support S. 2372.•

## HEALTH CARE FOR SENATORS AND MEMBERS

• Mr. MCCONNELL. Mr. President, my State is not immune from the health care crisis our Nation currently faces. There are some 700,000 Kentuckians who are uninsured or underinsured, and over 60 counties that have health professional shortages. I am keenly aware of the need for reform within our current health care system, and have introduced legislation to make health care more accessible and affordable to all Americans.

I also understand the need for reform within Congress. That is why I decided to cosponsor S. 1830, a bill introduced by Senator WOFFORD of Pennsylvania.

S. 1830 ensures that Senators and Congressmen will not be isolated from our Nation's health care crisis. This legislation requires all Senators and Members to pay full market value for health care services and medications provided by the Office of the Attending Physician. These services are currently provided to Members at no cost.

Many of my colleagues, like me, prefer to go to our own physicians back home, and pay for the care through private insurance, in other words, out of our own pockets, and not the taxpayers. But the mere presence of a free health care facility is something that sets Congress apart, unnecessarily, from the citizens we serve. We cannot allow this to continue. Therefore, Mr. President, this legislation will place Congress on an equal health care footing with the rest of the country.

While the author of S. 1830 advocates nationalized health care as a solution to our current woes, let me make it clear that I do not support such a path to health care reform. In my opinion, we must work with the system currently in place, rather than against it. It may have its flaws, but it provides the highest quality medical care in the world. Nevertheless, I appreciate the efforts of the junior Senator from Pennsylvania to bring this issue forward, and I look forward to the continuing health care debate in Congress in the weeks and months to come.•

## MILITARY CONSTRUCTION AT GOWEN FIELD, ID

• Mr. SYMMS. As the chairman of the Readiness, Sustainability and Support Subcommittee of the Senate Armed Services Committee, the Senator from Illinois, Mr. DIXON and his Republican colleague, Senator LOTT, oversee the authorization for the Department of Defense's military construction programs.

As they know, the fiscal year 1992–93 Defense authorization bill contained a congressional add-on of $2.1 million to build a maintenance complex located at Gowen Field, ID.

Mr. DIXON. The Senator from Idaho is correct. The designation of the project as a maintenance complex, however, is incorrect. The project designation in the conference report should read training school facility.

Mr. SYMMS. Is that the understanding of the Senator from Mississippi?

Mr. LOTT. The senior Senator from Illinois is correct. The maintenance complex is authorized in the base closure account. There was an unfortunate error in the printing of the conference report. The amounts for the two projects are identical, but the conference report should read training school facility.

Mr. SYMMS. In the opinion of the distinguished chairman and ranking member, should construction go forward for the training school facility?

Mr. DIXON. That is my opinion. A clerical error should not delay this important project.

Mr. LOTT. I concur with my Chairman. Otherwise, there would be two authorizations for two maintenance complexes at Gowen Field.

Mr. SYMMS. I thank my distinguished colleagues for their time.

Mr. DIXON. I thank the Senator from Idaho for bringing this important matter to the attention of the subcommittee.

Mr. LOTT. I join the chairman in thanking the senior Senator from Idaho, and I would like to voice my regrets that he has chosen to retire from the Senate.•

## TRIBUTE TO OLIN CORP.

• Mr. DIXON. Mr. President, I rise today to give recognition and pay tribute to Olin Corp., an Illinois company, which is approaching its 100th birthday on April 30, 1992.

Olin Corp. is a Fortune 200 manufacturing corporation that is known worldwide for its expertise in manufacturing chemicals, metals, and ammunition with special emphasis on electronic materials, defense and aerospace products and systems.

Olin began on May 28, 1892, as the Equitable Powder Manufacturing Co., the first Olin company. It was founded by Franklin W. Olin in East Alton, IL. Its growth has provided employment for thousands of Illinois citizens.

Olin's dedication to quality improvement is reflected in comments made by customers, employees, shareholders, and community leaders. In Japan, one of the most difficult markets in the world, Olin's high performance alloys have done well. Olin's rocket research division has been selected as General Dynamics' Manufacturing Supplier of the Year. These are just some of Olin's successes.

At a time when American companies appear to be floundering from foreign competition, Olin has not only held its ground, but moved forward in research, investment, and the development of high-quality products that are respected worldwide.

I have been asked if American companies can survive into the next century. I look to companies like Olin for my answer. A company that continues to invest in itself and its employees, is innovative, and thinks about the future as well as the bottom line will not only survive, but grow into the next century.

Mr. President, I congratulate Olin Corp. on its 100-year history of corporate and community accomplishments, and commend Olin's management and employees for their commitment to excellence.•

## NATIONAL WOMEN'S HISTORY MONTH

• Mr. ADAMS. Mr. President I rise today in recognition of National Women's History Month, and to honor the outstanding women who helped forge the history of Washington State.

Throughout our history, women from Washington have been on the front lines of the battle for women's rights. During the first two decades of the 20th century, women from Washington State were politically active, and were not shy about getting involved in electoral politics. They demanded to stand up and be counted, and they worked to make a difference.

Particularly noteworthy, 1912 was a political year for women of western Washington. It was in 1912 that May Hutton took Baltimore by storm as she became the first woman delegate to a National Democratic Convention. The same year, Nina Jolidon Croake of King County, and Whatcom County's Frances Axtell were the first women to win elections to the State house of representatives. Also in 1912, Walla Walla's Josephine Corliss Preston was elected State superintendent of schools. Two years later, Seattle's Rhea Whitehead stepped into the judicial hierarchy as Washington's first female justice of the peace.

But the women's movement in western Washington was just beginning. Their enthusiasm and commitment spread throughout the State, inspiring women of eastern Washington to become involved in the leadership of our State as well.

In 1922, attorney Reba Hurn from Spokane was elected as the State's pioneer woman senator. While she had some difficulty crossing into the previously male-dominated legislative body, the strong backing of women's groups and populist organizations

earned Hurn the position of chairperson of the State libraries and public morals committees.

Another eastern Washington native, Wenatchee's Belle Culp Reeves, was elected to the House of Representatives in 1922. Reeves entered the House as one of four Democrats. By working diligently and effectively to promote a number of social causes, Reeves earned the respect and admiration of her male peers. In 1938, Reeves was appointed secretary of state, which made her the first and only woman to hold that office in our State.

The women I have just mentioned are only a few of the outstanding women leaders that we in the State of Washington honor during Women's History Month. These women and their courageous sisters nationwide are an inspiration not only to all women, but to all Americans.•

## IN RECOGNITION OF PROJECT GANGS

• Mr. SEYMOUR. Mr. President, I am pleased to take this opportunity to bring to the attention of this body the work of one of my constituents, Mr. Harry Bey of Los Angeles, in combatting gang crime.

Mr. Bey's efforts to deter gang violence have been widely recognized throughout the Los Angeles community. Since he founded Project GANGS [Gang Actors Needing Group Support] in 1968, he has helped the city and county of Los Angeles and the Los Angeles Unified School District by working with inner-city youths, gang members, and other at-risk juveniles and their families.

Mr. Bey employs a unique approach to redirecting youths from gang membership to more productive lives by casting them in the production of his play, "GANGS." This musical antidrug, antigang show has been in production for over 20 years and played to audiences around the country.

The voluntary efforts of Mr. Bey and those like him have helped spare many lives and turn around many more. They deserve our support. Please join me in extending our heartfelt thanks and best wishes to Mr. Harry Bey and all of those who have participated in Project GANGS throughout the years.•

## DICTATORSHIP IN MALAWI

• Mr. SIMON. Mr. President, I rise to call the attention of my colleagues to the situation in the southern African nation of Malawi. Malawi has been ruled since independence by one man, who has given himself the title of "President for Life" and imposed his will on the country by outlawing and repressing all opposition.

A couple of weeks ago, eight Catholic bishops published in a pastoral letter the first criticism of this Government seen in years. The bishops were subsequently interrogated and reports suggest that they were only saved from further harm by the personal intervention of the Pope. The letter was banned and the shop which produced thousands of copies of it for distribution was burned. Hundreds of students then marched in solidarity with the bishops.

All of this led to a conference in Zambia of Malawians who have fled their country, and the launching of a campaign to work for multiparty democracy in Malawi. The growing momentum for democracy in Africa has spread to even the most tightly controlled populations, and I think we ought to recognize and support their efforts.

Mr. President, despite the dictatorial nature of the regime in Malawi and its well-known human rights abuses, Malawi has been a recipient of significant American aid. In fiscal year 1992, Malawi is receiving $30 million in development assistance, and additional amounts for FMF and IMET. The administration's request for fiscal year 1993 is only slightly lower, for a total of $27 million not including Food for Peace deliveries.

There will be a meeting of Malawi's donors in May. We in the Senate should voice our opinion that continued aid to this country, with the exception of emergency funds for the large number of refugees from the war in neighboring Mozambique and for those affected by southern Africa's severe drought, should be dependent on swift movement toward respect for human rights and on the legalization of opposition.

There is no more room in Africa, nor in United States foreign policy, for regimes of this type, which have for so long stifled any protest against their absolute holds on power. I urge my colleagues to reject continued support of them.

### MULTIPARTY DEMOCRACY IN AFRICA

Mr. President, on a much more positive note for Africa, Zambia and several other African countries have recently made the transition to multiparty political systems and have held free elections. They are in the forefront of this growing trend I have mentioned in sub-Saharan Africa, toward the elimination of authoritarian rule in favor of what some have called Africa's second independence. I want to congratulate all of them. African people have fought long and hard for democracy and have made many sacrifices along the way. They still face serious problems, including the worst drought of the 20th century affecting southern Africa, but at last they can begin to deal with these problems under free systems which will put the needs of the people first.

I would like to insert into the RECORD an article on democracy in Africa which was written by Mr. Frederick Chiluba, the newly elected President of Zambia and a former trade union official. Mr. Chiluba recently visited the United States and I was impressed with his commitment to undertake difficult reforms and to improve the standard of living of his people.

The article follows:

### MULTI-PARTY DEMOCRACY IN AFRICA

(By Fred Chiluba)

I would like to begin by stating that Africa did not begin to agitate for pluralism when the revolution started in Eastern Europe. We started much earlier than that. Obviously, the fight may have been a little sporadic, but the fight was on.

It has to be borne in mind that during the struggle for liberation, Africa was first fighting for decolonization from the Western European countries (including Britain, France, Belgium, and Portugal) that had colonized the continent. This move away from colonization meant that Africa therefore befriended and declared total solidarity with East European countries and the Soviet Union. Unless we understand this phenomenon, we will not be able to understand why most of Africa opted for socialism and the one-party dictatorship.

Following the period of decolonization, there were many military and countermilitary coups that tried to agitate for change. I am not justifying the beauty or merit of any military coup, because those that came actually only tended to exacerbate the problems that already existed. But they took place all the same because there was no better avenue for people to express their political wishes.

These coups did not succeed, however, and in the 1980s when the peaceful democratic revolution began in Eastern Europe, Africa saw a chance to begin to work for change in a different way. Africa had been ready for change since the 1960s, but the world was not ready to go along with the coups and countercoups. In the 1980s when this important peaceful movement toward change began to spread, Africa took advantage of the moment. Today the whole of Africa is engulfed in it.

In Zambia, this movement began in late 1989. The state was forced into adopting certain measures toward change, and now, after 17 years of a one-party dictatorship which has controlled the press, the church, and everything you can think of, political parties are being formed. People are legally free to think for themselves. For the first time in 17 years there will be parliamentary and presidential elections based on a pluralist system of government. If we are to succeed in these elections, we must attract such movements as the trade unions, the church, students and grassroots movements—otherwise it will take a very long time for change from a one-party to a multi-party system of government. In Zambia we are lucky because these organizations are working together for change and we are sure that we will succeed.

It is, I think, with some kind of pride that I would share with my friends in Kenya and all other African countries, my belief that change is coming—the only problem being that it may be very violent because of the resistance of those in authority. Here is where the international community will be called upon to ensure that they render every assistance available in order to pursue this matter of passive transition from dictatorship to pluralist political systems on the African continent.

My experiences and the experiences of the Zambian people will tell you it is like the

biblical saying, "All things are possible to those who believe." All things are indeed possible and even dictatorships can be changed. I believe that we simply need the commitment and conviction that the noble course we are about to take is one for which there is no price too high to be paid. Once we are clear that we must pay any price, certainly change cannot be too difficult to bring about.

Democracy, or lack of it anywhere, be it in Latin America, Eastern Europe, the Far East, or Africa—the principle is the same. The moral, material, and financial support for democratic development must be evenly distributed in order to ensure that we live in one world, where all human beings are equal because they were all born equal and must be seen as equals before the law.●

## WOMEN'S HISTORY MONTH

● Mr. PACKWOOD. Mr. President, I rise today in support of Women's History Month.

A joint resolution commemorating women's history was first introduced in 1981, because many of us recognized that although women's contributions to society have been great, for the most part they have gone unrecognized. Since 1981, during the week of March 8, and then in 1987, during the entire month of March, events have been held across the country to recall the achievements of women in all areas: Their contribution to our Nation's prosperity in all fields of business; their service to the country in time of conflict; their education and inspiration of children; and their contributions to our great struggles for political and social reform. There has been an increased awareness nationally about women's history. But the goal should be to recognize women's contributions every day. I believe the trend is changing, especially in my own State of Oregon.

First, I would like to mention some of the great women who helped shape Oregon's history. Six women's names were selected to appear in the State capitol in Salem: Sacajawea, the Native American woman who led the Lewis and Clark Expedition; Marie Dorian, who helped establish the Oregon Trail on her way west; Tabitha Moffet Brown, one of Oregon's earliest successful businesswomen who helped found Pacific University; Frances Fuller, Oregon's foremost historian; Narcissa Whitman, a missionary; and Abigail Scott Duniway, a suffragist, who was the first woman to register for the election of 1914 and the first woman to vote.

Mind you, these women are not the only great women in Oregon's history. There are many others, but because of our reluctance to recognize women's contributions and because women have not always been allowed in high-profile positions such as politics and business, only 6 women's names were inscribed in the capitol as compared to 152 men.

But, as I said, I think this trend is changing nationally as well as in Oregon. Oregon may be a good role model for the rest of the country in changing and recognizing women's position in history. Last month, an article appeared in the Oregonian, the State's largest newspaper, titled "Climbing to the Top: Oregon Provides the Ideal Climate for Career Women To Advance Into Higher Levels of Their Profession." The theme of the article was that Oregon provides a unique climate for women to excel in areas typically dominated by men, such as business and politics. It is a place where many influential women shape the way people think. Fully 38 percent of Oregon's businesses are run by women—compared with the 30 percent nationally. Oregon women generate a larger portion of the State's total revenue than women do anywhere else. Currently, Oregon is one of only three States with a female Governor and several other women in powerful political positions. Nationwide women make up 18 percent of State legislators; in Oregon it is 25 percent.

We are also a leader in enacting legislation favorable to women. Oregon was the first State to protect a woman's right to an abortion, 3 years before the U.S. Supreme Court's Roe versus Wade decision in 1973. In addition, Oregon was one of the States to ratify women's suffrage in 1912 and to support the unratified equal rights amendment in 1973.

It is hard to say why Oregon is unique. Perhaps it is what one Oregon businessman said: "* * * a maverick, independent, individualistic, niche in the world. It's not liberal or conservative, but independent, and for that reason is willing to give opportunities to some who would not have them otherwise."

When historians write about Oregon's history during the 1970's, 1980's, and 1990's, they will be hard pressed to ignore the contributions of women, because women are shaping history in Oregon. Hopefully, the rest of the country can follow Oregon's lead.

Women's History Month gives us a chance to continue to acknowledge the contributions women made in the past, are making in the present, and will continue to make in the future. Again, I am pleased to join in support of Women's History Month.●

## TARGETS OF THE MEDIA

● Mr. GARN. Mr. President, NASA and America's Civil Space Program have become favorite targets of the media and some in Congress during this period of economic hardship and constrained Federal budgets. Yet a recent public opinion survey clearly demonstrates that the American people remain steadfast in their support of a vibrant civil space program.

That support is particularly strong in urging a continued emphasis on a human presence in space and the safe, long-term operation of the space shuttle. One certainly does not see support for the kind of demands voiced by some of our so-called space experts to abandon the shuttle as too risky or for relying almost entirely on unmanned scientific probes. No, instead one sees a refreshing and mature acknowledgement of the benefits that derive from a balanced space program where manned and unmanned elements work in harmony to maximize the advantages of space research and exploration.

Some specific highlights drawn from the survey include the following: 80 percent believe that America's civilian space program should continue to emphasize a human presence in space; 63 percent agree that the United States should spend whatever is necessary to maintain U.S. leadership in space; By a 2-to-1 margin, Americans support increased funding for NASA; 80 percent concur that the space shuttle is an important national asset and that the Government should invest the resources required to make sure it will be available for many years to come; 68 percent strongly support the effort to build a permanently manned space station; and 70 percent endorse the development of new technologies that may lead to the construction of a new manned space vehicle called the National Aerospace Plane.

Mr. President, we in this Chamber will be asked to make a host of tough policy and budget decisions throughout this and forthcoming years. When we do, let us recall the practical wisdom of our constituents who expect America to invest in its future and in the future of generations to come.●

## SEAWOLF ATTACK SUBMARINE

● Mr. D'AMATO. Mr. President, thus far, the debate raging over the termination of the Seawolf attack submarine program has focused exclusively on the impact cancellation will have on Electric Boat and Newport News. The shipyards, however, represent the very tip of the iceberg, and a soft landing for Electric Boat and Newport News must not come at the expense of the overall submarine vendor base or the yards responsible for overhauling and refueling submarines.

For example, the recently released, and suppressed DeMars study recommends procuring additional I688's with funds saved by decommissioning early Los Angeles-class subs ahead of schedule. Accelerating retirement of early 688-class submarines, when we have already adopted an early decommissioning strategy for 637-class subs, would devastate the overhaul and refuel operations at Charleston, Mare Island, Portsmouth, and Pearl Harbor. As for restarting the I688 line, such a plan would not sustain many of the Seawolf technologies vital to the success of the Centurion Program.

Another example of a solution to the industrial base question that offers limited salvation to a chosen few is rejection of the rescission of funds associated with SSN-22 and -23. The work these two submarines represent could keep either Electric Boat or Newport News busy into the late 1990's, but consider this: major forgings for the reactor vessels and steam generators of the SSN-22 and -23 were delivered in early 1989, auxiliary drives were due this June, and wide aperture array hydrophone staves by this September. Rescission or not, the cancellation of SSN-24 and beyond face many long-lead Seawolf vendors with disaster this year.

If we are to save the submarine industrial base and the revolutionary technologies associated with the Seawolf, we must consider the entire vendor stream that flows into the SSN-21. Were we to: First, deny the rescission of SSN-22 and -23; second, artfully fund spares, repairs, modifications, backfits, and stockpiles; and third, begin, using fiscal year 1992 long-lead funds, an extremely modest building program of advanced 688-class subs incorporating Seawolf features where possible, we could generate enough work to preserve the core technologies, facilities, and talent required to design and build the Centurion.

That the executive branch is indifferent to the future ability of this country to produce submarines is painfully obvious. It is up to Congress to build a coalition made up of all interested parties to craft a series of initiatives that will preserve our submarine industrial base. I look forward to working with my colleagues in that endeavor.•

## THE COLORADO GEOGRAPHY EDUCATION FUND

• Mr. BROWN. Mr. President, today I would like to bring to the attention of the Senate a unique and innovative educational program that has come to Colorado, the Colorado Geography Education Fund. Colorado is only the second state in the Nation to participate in this educational program conceived and sponsored by the National Geographic Society Education Foundation in conjunction with the State and the private sector.

An international Gallup survey conducted in 1988 for the National Geographic Society found that over half of those Americans questioned felt that geographic knowledge about a country helps to provide insight into its economy and political system as well as the lifestyle and health of its citizens. The importance of programs such as the Colorado Geography Education Fund cannot be underestimated when one considers the following statistics taken from the same survey: one in seven adult Americans are unable to locate the United States on an unmarked map, and one in four cannot identify the Pacific Ocean. Perhaps even more frightening, however, is the fact that in the 18- to 24-year age range, Americans placed lowest of the 10 nations tested.

While the program is still in its organizational stage, I understand that grants from the Colorado Geography Fund will be available to fund geography for children in kindergarten through their senior year in high school. An advisory committee to be made up of teachers, State and local officials, and other educators will review grant applications and make recommendations to the board of trustees of the National Geographic Society Education Fund. To ensure that all contributions are specifically directed to fund geography programs, all of the program's administrative costs will be borne by the National Geographic Society.

In an effort to improve our children's awareness of geography, the National Geographic Education Foundation committed $500,000 to establish this fund in Colorado. Colorado's business and nonprofit community quickly responded with matching contributions.

It is my hope that the Colorado Geography Education Fund may serve as a model for other educational programs by encouraging the joint participation of the private sector and State and local governments. These types of ventures provide excellent opportunities to develop creative and effective solutions to improve our children's education.•

## DECRYING THE FAILURE TO PROVIDE ISRAEL WITH LOAN GUARANTEES

• Mr. D'AMATO. Mr. President, I rise today to express my dismay at the situation facing us over the Israeli loan guarantees. It is quite regrettable that our Government has taken this position. The United States has done what we have never done before. By linking settlements to the provision of loan guarantees, the United States has gone farther, publicly than even Israel's Arab enemies. This is wrong.

Time after time, Israel has stood by the United States and defended our interests in the region and in the world. During the height of Soviet-American competition in the Middle East, Israel was there, Israel was on our side. Now we have left hers.

As the only democracy and our only true friend in the Middle East, Israel, at our request, endangered her people and her security, withstanding 39 Iraqi Scud attacks, without returning the fire. We have requested much from Israel. She has responded.

Much has been said of the guarantees. The American public has been mislead into believing that Israel is receiving $10 billion directly from the United States Treasury. This is not the case. What is true is that these guarantees will not cost the United States taxpayer a dime. What the United States is giving Israel is only a guarantee for $10 billion it will receive from private financial sources. We are only cosigning for the loans. Israel has never defaulted on a loan.

Moreover, $5 billion of the commercially borrowed money will be spent in the United States, creating or retaining some 100,000 vital American jobs. Israel has also offered to buy most if not all of the needed equipment in the United States. How can we possibly overlook these possibilities?

This policy is amazingly shortsighted. It is based upon the false assumption that Israel is the enemy. She is not. It presumes that Israel is entirely at fault. She is not. In fact, Israel is only protecting herself from repeated and unrelenting threats of annihilation from her hostile neighbors. Would we do no less.

We have put ourselves into the position of pushing Israel into the corner. No nation wishes to be influenced in this manner. If peace is what we seek, then this is not the course to take. We are embarking down a road to danger. If we continue along this path, there may be trouble ahead. If peace in the Middle East is the ultimate United States goal, then we must reward our friends, not treat them like the enemy.•

## COMMEMORATING NATIONAL WOMEN'S HISTORY MONTH

• Mr. BRYAN. Mr. President, to commemorate our recognition of March as National Women's History Month, I would like to share the story of Sarah Winnemucca, a Northern Paiute woman from Nevada. Ms. Georgia Hedrick, a fourth grade teacher at Nancy Gomes School in Reno, NV, became intrigued with Sara Winnemucca, and has worked to educate Nevadans about this remarkable native American woman. Last October 17, 1991 marked the 100th anniversary of Sarah Winnemucca's death. Ms. Hedrick's article about this remarkable native American woman, whose impact reached far beyond Nevada follows:

SUPER SARAH

(By Georgia Hedrick)

"I was born somewhere near 1844, but am not sure of the precise time. I was a very small child when the first white people came into our country.

"They came like a lion, yes, like a roaring lion, and have continued so ever since, and I have never forgotten their first coming."

When Sarah's father heard that there were men in the country with hair on their faces and were white, Sarah says that he jumped up and clapped his hands saying: "My white brothers! My long looked-for white brothers have come at last!"

But the white brothers were not so happy. They kept away. Those that came near tried

to starve and cheat and kill their Indian brothers. They did not know the legend that Sarah's father knew. They did not know that they were long-awaited. They would. In time, they would. Sarah would teach them. Sarah would also teach her own people as well. And no one would ever be the same.

All Sarah Winnemucca ever wanted her whole life was justice and truth and peace for her people. All Sarah, and her people, ever got was something else.

All her life, Sarah was controversial. Her enemies hated her and spread their hatred everywhere; her friends loved her and befriended her and invited her to speak on behalf of her people. Her main enemy was the Department of the Interior with most of its Indian Agents. She would tell how most of them had starved and cheated and tried their utmost to exterminate her people. She named names and places and events. They retaliated by calling her horrid names, such as prostitute, gambler, liar, street woman, and irresponsible and untrustworthy and disreputable.

There were many Indian Agents who hated and mistrusted Sarah, but there was one, more full of hatred and venom and spite than all the others. His name was W.V. Rinehart. (It should have been stonehart for so he was.) He forced the Paiute to work the land and raise the wheat and then took the wheat from them giving them not even enough food to last through the winter. He refused to issue clothing and blankets in the winter—he let them freeze and get sick and die. He refused to give any medical care. He denied them any sort of schooling. He would not pay them for their work even after promising to do so before they worked. Most of all, if they complained, he blamed Sarah for all their problems—as she would report him to the Military and to her friends in the East. Yet, he would not change. He simply grew more spiteful, more cruel, more evil.

And Sarah would not change as well—she began to travel and speak on behalf of her people and their needs. All she ever asked for was that promises made be kept. When she spoke, she spoke without notes, and in English, and from the heart. She spoke to packed houses all along the Eastern seaboard as well as on stages and theatres in San Francisco. Her audiences would listen, spellbound, totally captivated by her words, her dress, her depth of feeling.

Yet, even among civilized society, there were those who wrote for newspapers who found it better for sales to print the reports sent in by Rinehart to discredit her or simply to ridicule her dress and even the truth of what she had to say. One newspaper printed the following Rinehart letter:

"* * * her influence with the Indians has always been to render from licentious, contumacious and profligate. This woman has been several times married, that by reason of her adultrous and drunken habits, neither squawmen nor Indians would live long with her; that in addition to her character of Harlot and drunkard, she merits and possesses that of a notorious liar and malicious schemer."

It was to Rinehart's benefit to say whatever he could of Sarah as she knew enough about his evil ways to get him removed from his money-making post as Indian Agent. After all, whatever he didn't spend on the Indians, but told his Washington superiors that he did, he kept for himself. By assassinating her character, he preserved his job and his income and rid himself slowly of the presence of the Indian in the West. He had long believed in the total extermination of the Indians as a policy.

Sarah, on the other hand, had one simple message. It was not to defend herself, although at times she did. It was, instead, a constant cry for help for her Paiute people:

"I am appealing to you to help my people, to send teachers and books among us. Educate us.

Everyone shuns me, and turns a back on me with contempt. Some say I am a half-breed. My father and mother were pure Indian. I would be ashamed to acknowledge there was white blood in me . . .

I want homes for my people but no one will help me . . ."

Sarah did have one weakness: she was attracted to dependent, dysfunctional men. Her first husband, a military man, was an alcoholic, and her last husband, also a military man, was a compulsive gambler. The two men who were husbands in between these military men, Sarah says little of. We can only assume that they were a serious disappointment to her. She divorced the first three and the last died of tuberculosis after gambling away most of Sarah's funds that she raised through her speaking tours and book sales.

Love her or hate her, no one could ignore her. She spoke too well, too sincerely, too convincingly to be ignored. She was a presence to be acknowledged, and listened to.

And listened to she was—from Virginia City to San Francisco, to cities in New York, Connecticut, Rhode Island, Maryland, Massachusetts, and Pennsylvania, she packed the audiences and hallways and doorways. Thanks to her special patrons—Elizabeth Palmer Peabody and Mary Mann (Mrs. Horace Mann), people such as John Greenleaf Whittier, Ralph Waldo Emerson, Oliver Wendell Holmes and Leland Stanford were well aware of all she stood for. She even spoke at Vassar College as she was invited to speak by its president.

Sarah always dressed for the occasion. She seemed to know what was expected whether it was as a Paiute or as a woman who had to be taken seriously. Her costume was more true to what would make Eastern white people listen to her than it was accurate depiction of her native wear. She knew they wanted to see her in fringed buckskins and beads and leggings and long raven-black hair. She wore whatever would make them pay her the attention and money her people needed.

When she spoke, she spoke with fire and fury in her soul, as well as with heartache and tears. She never failed to touch all those who listened to her plea. Once, when she finally got a private visit with President Hayes, which was set immediately after being given assurance that her people would be given a home and food and clothing, she was asked by the President if she got all she came for. She replied truthfully for that moment: "It would seem so. Yes." The President nodded assent and left. Afterwards, she testified before a Senate Committee as to the Indian problem and condition, and was listened to with great intensity.

The only problem was: the promises made to her by Senators and Cabinet members and the President himself, even in writing, were not kept. Promises were like piecrust—made to be broken. Or so it seemed to Sarah.

Yet, in spite of all the broken promises, all the lies and cheating, all the knavery and thievery and seeming slavery, for all the reasons her people had to never believe her again, still what Sarah achieved over her 47 years can never be denied. The facts remain: over and over, the Army so valued her as to hire her again and again as a scout, guide, and interpreter. After all, she did read and write and speak English fluently, as well as speak Spanish, Paiute, Washoe, and Bannock languages. She was the first Indian woman in the United States to write a book about the history of her people and their treatment, entitled, "Life Among the Paiutes; Their Wrongs and Claims." Her patrons in the East saw to it that it was edited and published as well as documented with character references by well-known and respected persons from across the United States. And, she wrote the book entirely from memory, as most of her family had died by then.

One special achievement of which Sarah was rightly proud was her organization of and teaching in the Peabody Indian School in Lovelock, Nevada, which lasted for almost four years or until the Department of the Interior Indian Agents closed her down, not because the students did not learn, but because it was 'too Indian'. Yet Sarah had taught her pupils to read and write and sing in English as well as to count to numbers in the thousands.

Her school so impressed the local prominent citizens of Lovelock in 1886 that they wrote glowingly of Sarah's school and sent it to Miss Elizabeth Peabody who forwarded it on to The Boston Transcript where it was printed as follows:

"When we neared the school, shouts of merry laughter rang upon our ears, and little dark and sunburnt faces smiled a dim approval of our visitation * * *

"Speaking in her native tongue, the Princess (Sarah) requested the children to name all the visible objects, repeat the days of the week and months of the year, and calculate to thousands, which they did in a most exemplary manner. Then she asked them to give a manifestation of their knowledge upon the blackboard, each in turn printing his name and spelling aloud.

"It is needless to say, Miss Peabody, that we were spellbound * * *"

Yet, the Indian Bureau of the Department of the Interior continued to treat Sarah's school as if it did not exist. No support of any sort was ever given.

Later that year, a Washington official arrived at the school to tell Sarah that if she (Sarah) wanted money, she would have to give up her school and her brother would have to give up the land, his land, upon which the school was built. Sarah, refused.

In the end, the government won: it passed a law requiring Indian children be educated in white English-speaking schools, whether their parents approved or not. Those schools were to be located far away from reservations or their homes and the children were forbidden to speak, do, or act in any way that reflected their Indian Heritage.

One day, a man named Mr. Davis, simply came and took the children that were there away to Colorado to school. Parents were not told and even Lee Winnemucca had his boy stolen in this way. He was told that this was the law and he could do nothing about it.

Sarah, ever the educator, knew what worked to teach her pupils, yet, no one asked her and even though she had written it in her book, no one paid her any attention.

She had once written:

"It seems strange to me that the Government has not found out years ago that education is the key to the Indian problem. Much money and many precious lives would have been saved if the American people had fought my people with Books instead of Powder lead. Education civilized your race and there is no reason why it cannot civilize mine."

"Indian schools are failures at many agencies, but it is not the fault of the children, but of the teacher and interpreter * * * the most necessary thing for the success of an Indian school is a good interpreter, a perfect interpreter, a true interpreter * * * I attribute the success of my school not to my being a scholar and a good teacher but because I am my own interpreter, and my heart is in my work."

The greatness of Sarah is just beginning to be appreciated. Here was an Indian, and a woman, who, more than 100 years ago, spoke five languages, lectured coast to coast, wrote and published a book, started her own Indian school as well as taught in many Reservation Schools, worked for the Army as guide scout and interpreter, and all on 3 weeks of formal private-school education.

Maybe now, exactly 100 years since the day and year she died (Oct. 17, 1891), we can accept her, even praise and honor her, and rejoice that she is one of the special Native Nevadans who has much to enrich and educate us all. Who knows? We might even be wise enough to name a school or a statue or even a day in her honor.•

## IN SUPPORT OF SENATE CONCURRENT RESOLUTION 82, URGING GREATER PROGRESS TOWARD DEMOCRATIZATION IN HONG KONG

• Mr. D'AMATO. Mr. President I rise today to cosponsor Senate Concurrent Resolution 82, the resolution regarding democratization in Hong Kong. It is vital that democracy take root in Hong Kong before the colony's transfer to China in 1997. This act urges that steps be taken to accomplish this.

The 1984 agreement between the Governments of the United Kingdom and the People's Republic of China [PRC] will transfer the sovereignty of Hong Kong to the PRC in 1997. In an age when communism is in retreat all over the world, the transfer of Hong Kong will place some 6 million people under a harsh Communist regime. These people are in real danger of losing their claims to a democratic form of government. Upon transfer of the colony, Hong Kong will be transformed into a special administrative region of the PRC.

A little more than 150 years ago, Hong Kong was an impoverished and ignored section of China. Since the cession of the territory to the British in 1842, Hong Kong has become one of the great success stories of the world. Hong Kong has built one of the richest trade areas in East Asia and has done so on the basis of free trade and free enterprise.

The Hong Kong story is in danger of coming to an abrupt end when the July 1, 1997, deadline arrives. With the long record of human rights abuses by the People's Republic of China, most notably the 1989 Tiananmen Square massacre in Beijing, the people of Hong Kong have much to fear.

The United States, with a great stake in the fate of Hong Kong, is currently tied with Japan in its economic stake in Hong Kong with over 800 companies and investments there totaling close to $6 billion. Hong Kong is also one of America's largest trading partners. In 1990, U.S. imports reached $7 billion and exports to the United States approached $9 billion.

As a champion of freedom and free markets, the United States should take the initiative and support a continuance of democratic government in Hong Kong. By doing so, the United States will express to the PRC the importance of human rights and that it will seek to establish democracy in Hong Kong as a foothold on the future. I urge my colleagues to support this important legislation.•

## TRIBUTE TO WALT DEAR

• Mr. FORD. Mr. President, I rise here today to take a moment to acknowledge and pay tribute to a fellow Kentuckian and friend, Walt Dear.

Walt, from Henderson, KY, was recently named the Henderson Chamber of Commerce's 1992 Citizen of the Year.

Over the years, Walt has demonstrated a deep love and commitment to his community. He has given of his time, energies, and efforts through a number of organizations and opportunities.

He is an active member and fund raiser on the Henderson County School Foundation for Excellence, a member of the Community Methodist Hospital Foundation Board, and a loyal supporter of the hospital. He also serves as a member of the Henderson Community College Foundation and is an active supporter of the HCC auditorium and academic facilities that are nearing construction. He has played a large role in the formation of the Ellis Park Foundation, which provides thousands of dollars annually for local area charity causes.

Teaching kids to swim at the YMCA, visiting the local nursing home, playing piano at local blood drives and senior citizen gatherings, and reading to young children at the Henderson County Public Library are just a few examples of his tireless commitment to the public.

To add to these efforts, a couple years ago Walt became the cochairman of Henderson's Salvation Army's Capital Campaign for Center of Hope, helping them raise over a million dollars. I am very proud of my friend and I applaud him for receiving this year's Distinguished Citizen Award.

I know I join with many in the community to commend Walt for his many years of hard work and dedication to Henderson and its people. I wish him the best of luck for the future and I am sure that many more successes lie ahead.•

## SCHNEERSON-AGUDAS CHABAD

• Mr. GORE. Mr. President, I would like to insert into the RECORD a summary of recent events in the ongoing effort to retrieve the Schneerson-Agudas Chabad Library collection being held in Moscow. I will not ask that the exhibits referred to in the document be reproduced in the RECORD, but my office will make them available to all interested parties.

As my colleagues are aware, the quest to release these books to the custody of the Lubavitch Jewish community has stretched over seven decades. It is my deep hope that the revolutionary changes sweeping Russia will soon lead to the return of these sacred texts to their rightful owners. I will be circulating another letter concerning this important subject to all Members of the Senate shortly.

The partial chronology follows:

A PARTIAL CHRONOLOGY OF THE ATTEMPT TO SECURE THE RETURN OF THE SCHNEERSON LIBRARY

INTRODUCTION

For more than 70 years the sacred 12,000 volume Schneerson, Agudas Chassidei Chabad book collection has been wrongfully kept in the Lenin Library in Moscow—first by the Soviet Government and now by the Russian Government (the legal ruling of iniurcolleguia, the Soviet Association of Lawyers exhibit "1"). This has also been confirmed by Russian court rulings (exhibit "2").

Following the Russian revolution, the collection's rightful owner, Rabbi Y.Y. Schneerson, the Lubavitcher Rebbe, began appealing to Soviet authorities for the return of his property (exhibit "3").

The immediate precursor to the current attempt to retrieve the collection was initiated by Jerry Weintraub and the late Dr. Armand Hammer. Their efforts on behalf of the seventh Lubavitcher Rebbe Shlita, Rabbi M.M. Schneerson occurred during the epoch periods of "glasnost" and "perestroika." The facts relating to those efforts can be found in "a plea for the liberation of the Schneerson-Agudas Chassidei Chabad books in Moscow", published by Agudas Chassidei Chabad, March 1, 1991.

The current phase of the struggle to liberate these books began on November 27, 1990. Rabbis Cunin, Aronov, Kogan and Professor Levinson arrived in Moscow as official representatives of the Lubavitcher Rebbe. To date the rabbis have been here, in Russia, sans their families, and away from their positions as international leaders of Chabad Lubavitch, for over 16 months. What could have been, and should have been, a simple identification and return of the books and manuscripts, has turned into a struggle that has risen to the highest levels of international concern for the concept of justice.

This effort has garnered the support of President Bush, Secretary of State Baker and a majority of the United States Senate. European leaders have also called upon Russia to return the books, including Prime Minister Major, Prime Minister Andreotti and President Kohl (exhibit "4"—Radio Free Europe report). The return of the books has also been requested by many notable personalities including Elie Weisel, Bob Dylan, John Voight, and Peter Max.

We decided to seek justice in court. Under the old Communist regime we would not have dreamt of seeking justice in a court of law. Under the new—democratic—government of President Yeltsin, it seemed possible

to attain a verdict based on facts and truth, not political or monetary considerations.

Granted, the present negotiations have been waged during a difficult period for the country of Russia however, the fact remains that the return of the books is directly related to the depth of Russia's commitment to the principles of justice. Especially now, as the new Russia seeks recognition as a democratic state in the eyes of the world, a positive demonstration of the country's judicial and political good faith is critical.

The return of these books has become the litmus test of the existence of justice, and compliance therewith, in the new democratic Russia.

In Senator Gore's letter the full importance of this is fully revealed:

"* * * but the issue has become larger than that at issue now, is the question of whether there is or is not a judicial system in the Russian Republic which is capable of reaching a decision and having it reliably carried out—either voluntarily or through the application of police power if necessary. If it is impossible for the judgement of the Russian courts to withstand the personal willfulness of Soviet Ministers, then nothing has changed. Any Western business thinking of entering into a financial relationship with any Russian institution must take into account that contracts are not enforceable in the Russian Republic any more than they were in the Soviet Union. The United States Government, in presenting any future agreement involving Russia for the Senate's approval will also find it difficult to explain how disputes are to be legally settled if Russian courts are powerless to enforce their decisions." (exhibit "5").

Even though the Russian federation courts have ruled in favor of returning the collection numerous times, politically motivated actions have made enforcement of those rulings impossible. Indeed, these actions have brought about the purported nullification of all of the court rulings, essentially undoing our extended effort to seek a solution through the Russian court system. The following chronology presents the recent history of the attempt by Chabad Lubavitch to find justice in Russia.

CHRONOLOGY

*September 6, 1991:* Former President Gorbachov's special adviser, Mr. Alexander Yaakovlev, summons us to a meeting to discuss the return of the books.

Afterward, he instructs the director of the Lenin Library, Mr. Volik, to return the collection per order of Mr. Gorbachov, through his special assistant Tchernayov. When we go to the library to collect the books the director, Mr. Volik, refuses to return them.

We remain in the library for the entire Sabbath.

*September 7, 1991:* After Sabbath we set up a 24 hour information station and begin a prayer vigil outside the Lenin Library.

*Week of September 9, 1991:* The Russian media runs numerous stories regarding our vigil. A librarian from the Lenin Library approaches us and tells us he has seen some of the books destroyed and offers fragments as proof. He appears on television incognito, with this revelation.

*September 15, 1991:* We appeal to Mr. Volik to create a "modus operand" to protect the books. He refuses.

*September 21, 1991:* During a television interview, the chief of the Lenin Library manuscript department, Mr. Deragin, says, "rather than returning the Schneerson books, I would first burn myself together with them" (exhibit "6" newspaper article).

*Week of September 23, 1991:* We take the book fragments to Russian authorities and appeal for help. They assure us "there is justice in our country" and that "the local obsheena (congregation) Chabad-Lubavitch, has every right to seek justice in our court system."

*September 26, 1991:* The Russian Republic Court rules in our favor and issues an "order of arrest" to secure the books (exhibit "7"), after 21 days, based on the order, and at the request of the Government, we end the 24 hour vigil outside the library.

*September 27, 1991:* Lenin Library officials refuse to comply with the court order and attempt to get it rescinded. The court refuses, however there is no compliance. Deputies of the Russian Federation, and members of the Supreme Soviet (including the chairman of the committee on human rights, Mr. Kovalov, and the chairman of the committee on freedom of conscience and religion, V. Polosin) express support for the return of the books (exhibit "8").

*Week of September 30, 1991:* Our Russian lawyer, Veronika Irina, petitions the court to try the entire issue of the Schneerson collection. The court agrees.

*October 9, 1991:* A panel of three judges hears the case in open court. Using historical correspondence from the library's own file, our lawyer establishes that the books were never nationalized or abandoned by their rightful owners. The Lenin Library's lawyer cannot substantiate claims to the contrary. Nor, despite great dramatics, could he establish any other legitimate grounds for retaining the books.

The court rules that the books must be returned within 30 days (exhibit "9").

*Week of October 8, 1991:* Parties opposed to the return try to counter the verdict by asserting political pressure to try to get the ruling rescinded.

The Soviet Minister of Culture, Mr. Guebenko, fiercely protests the decision to the attorney general of the Russian Federation, Mr. Turbin, and to Chief Justice Greebeneukoff. Guebenko demands that the implementation of the court order be stopped, and the case closed.

Chief Justice Greebeneukoff calls a press conference to announce that he has received numerous threats since the ruling. He singles out Mr. Guebenko, as the main perpetrator.

*October 10, 1991:* Through his press Secretary Mr. Grachov, President Gorbachov says, "The Soviet Government will comply with the Russian court ruling, regardless of the statements of the Minister of Culture to the contrary. If Ministers are unhappy with the court ruling, that is irrelevant."

*October 14, 1991:* Russian Government officials instruct us to go to the local marshal's office to enlist their aid in gaining compliance with the court order.

*October 15, 1991:* The Moscow marshal's office refuses to cooperate.

We then go to the marshal's office in Chimkee (sight of a second library storage building holding some of the collection). The Chimkee marshals accompany us to the storage facility, but the librarians refuse admittance, claiming the marshals do not have proper jurisdiction since the main library is in Moscow.

*October 16, 1991:* We receive notice that the Lenin Library has appealed the court ruling. We had previously been told, by the court, that there were no grounds for such an appeal.

*November 18, 1991:* After successfully appearing before a panel of judges "the college" whose job it is to review appellate cases, we went to court to appear before Chief Justice Greebeneukoff.

Anti-Semitic demonstrations, orchestrated by library personnel greet us outside the courthouse. We are physically and verbally abused as we barely manage to enter the building.

During the trial library witnesses once again focus on issues of nationalization and abandonment of property. Once again, the claims are found to have no basis in fact.

In spite of ongoing demonstrations outside the courthouse orchestrated by library personnel, *The Chief Justice rules and orders:*

That the books do not belong to the Lenin Library. That the books have always belonged to Schneerson. He orders that the books be transferred to the National Jewish Library immediately, for safekeeping (exhibit "10").

Note: The National Jewish Library had been taken into the case previously by the court, on the 15th of November. At that time the court recognized the National Russian Jewish Library, Maimonides, Agudas Chassidei Chabad, registered as an applicant in the case at the address of Chabad in Moscow, Dom 6, Bolshaya Bronnaya (exhibit "11").

*November 20, 1991:* We arrive at the Lenin Library to claim the books. But the staff informs us that Mr. Volik, the director, has just left for Mongolia, and we must wait until he returns. When we persist, they request a written letter of implementation from the court. We stay behind as our lawyer leaves to procure it. The letter is delivered (exhibit "12"), still no compliance. Feeling that there is no alternative, we inform them that we will not leave until they comply with the court order, and give us our books.

After several hours the staff begins taunting us with Anti-Semitic slurs and threats of violence. At 9 p.m., 30 baton-wielding library police charge our group of approximately 20 people. An elderly chassidic Russian war veteran, Avraham Gennin, is injured, our pleas to be allowed to telephone for medical assistance are ignored by the staff.

Shortly after the beating, our lawyer returns and informs us that Mr. Burbulis, vice president of the Russian federation, is fully aware of the incident at the library, and personally promised that the books will be returned and that there would be immediate compliance with the court order.

At his urging, and on the strength of his pledge, we leave the library.

*November 22, 1991:* After this incident and after a technical inspection of the Lenin Library, the Moscow Federation of Professional Unions closes the facility, claiming that it is physically unsound.

*November 26, 1991:* The Russian Federation Department of Justice agrees to adhere to its responsibility to have the marshals enforce the court order. But still, no compliance.

*November 28, 1991:* Vice President Burbulis' staff advises patience. Claiming the delay is a result of the library still being under control of the old Soviet regime. They assure us it will soon be taken over by the Russian Government, and that compliance will then be immediate. "For in Russia there is justice."

*Week of December 23, 1991:* Despite constant reassurances by Vice President Burbulis' staff, our efforts continue in vain. Their promises include: An official government decree ordering the return of the books; converting the Lenin Library into the Russian National Library and dismissing all staff

who had violated the court orders; and naming a new head librarian whose first duty will be to return the books.

Rabbi Kogan and Professor Levinson, chief librarian of the International Chabad movement, meet with incoming Director of the Library Philipov who assures us that his top priority is to return the books. However, he asks for two weeks time to acclimatize himself to his new position.

*December 29, 1991:* The Government issues a decree, signed by Vice President Burbulis, certifying the National Russian Jewish Library, maimonides, thereby strengthening its standing as the vehicle by which the return the books would occur (exhibit "13").

*January 2, 1992:* The Lenin Library is reopened.

*January 20, 1992:* We receive a letter from the marshal's office in Moscow informing us they cannot enforce our court order because of (1), technical errors in the court order and, (2), the supposed lack of a catalogue detailing the contents of the Schneerson collection. We seek clarification from the marshals office, but receive no assistance (exhibit "14").

Both Mr. Burbulis and Russian Foreign Minister Kozyrev call the letter a "horrible mistake" and tell us not to worry because it is from a low level marshal.

We have been told we will get the books, we have been told not to worry about the above mentioned letter. But our experience tells us something is amiss. We call some of the Senators in Washington who have been strong supporters of our cause, among them Senator Dole, Senator Gore, Senator Lieberman and Senator Mitchell. The Senators will take additional measures to convey their disappointment in the latest turn of events to the Russians. Senator Gore writes a strong letter to President Yeltsin with the support of the majority of the United States Senate. 52 Senators personally signed this letter (exhibit "15").

We appealed to the prestigious commission of senators and congressmen that represent the United States at the commission on security and cooperation in Europe ("Helsinki commission"), who consequently sent a strong letter to President Yeltsin, urging the return of the books (exhibit "16").

"If the Lubavitch community is unable to secure return of its property legally through a court decision, foreign investors or persons considering other activities—educational, charitable, etc.—will not be encouraged to undertake serious, long-term commitments in Russia. This would be a serious blow not only to your country's economic development, but to Russia's legitimate place in the world community."

*January 22, 1992:* President Yeltsin issues a decree nullifying the Lenin Library and creating the new Russian State Library (exhibit "17").

The Lenin Library of the U.S.S.R. no longer exists.

The Russian Government has taken possession of the building and the books. Justice will be done, as the Russian Government has promised, immediate compliance. We will finally get our books.

*January 27, 1992:* Government officials call a flurry of meetings to demonstrate their good intentions as President Yeltsin's scheduled trip to the U.S. nears. Among the more prominent officials seeking to assure us that the return of the books is imminent are: Foreign Minister Kozyrev and Vice President Burbulis.

*January 29, 1992:* Vice President A. Schochin issues a decree ordering the new Russian State Library to transfer the books immediately (exhibit "18").

Later that day, Professor Levinson, goes to the library to inspect the books, he is met by a group of demonstrators carrying red flags and signs with anti-Semitic slogans, Mr. Deragin, director of the manuscript department of the library, is actively inciting the crowd with a bullhorn "we will kill the Jews who are trying to take our books." Copies of "Zemsheena", a newspaper that accuses Jews of ritual killing of small children, and the utilization of their blood in religious rituals, is being openly distributed throughout the crowd (exhibit "4"-Radio Free Europe). The professor is physically forced to leave the premises.

*January 30, 1992:* A larger crowd assembles near the Lenin Library shouting anti-Semitic slogans and carrying signs condemning Rabbi Kogan to death copies of "Zemsheena" are everywhere. After an emergency meeting in Mr. Burbulis department, special emissaries with a KGB escort enter the library through a back door, and Mr. Philipov stated that they will set the books aside immediately for return.

With President Yeltsin about to leave for the United States, we seek the help of President Bush, Secretary of State Baker, and Members of Congress who have been supporting our effort.

*Also on January 30, 1992:* I called supporting Senators in Washington to inform them of what has just transpired. The Senators write additional letters (exhibit "19").

*January 31, 1992:* Foreign Minister Kozyrev, through his representative Mr. Golbev, asserts in a meeting with us that despite the recent problems, "the books will soon be in your hands! After all, there is a court order, and now it is backed up by Schochin's decree".

*Also on January 31, 1992:* Professor Levinson and Rabbi Kogan return to the library, as agreed upon to help library staff in the segregation of our books, where there was yet a larger demonstration taking place. Additional anti-Semitic literature was being distributed. Professor Levinson insists upon being allowed to go to the physical stocks of books, finally he is allowed to do so. He shows them that according to the numerous physical proofs, ex libris, bindings, gold stamping etc. the books are easily identifiable and match the catalogue we had given them months ago.

*February 3, 1992:* Professor Levinson meets with the newly appointed head of the library, Mr. Philipov. The professor notes a copy of "Zemsheena" on Philipov's desk. When Levinson asks how he obtained the leaflet, Philipov responds "We have taken it from the demonstrators outside out of curiosity." However, a member of his staff states "We have a whole crate of these papers in the room above."

*February 4, 1992:* The chief of the Liquidation Commission issues an order to prepare and segregate the Schneerson books for their return to us.

*February 5, 1992:* We receive a letter in the mail dated January 4, 1992, from the Russian Department of Justice, signed by Mrs. Bebeshova. "We are sorry we cannot achieve compliance with the court order to return the books because of numerous technical errors in the implementation letter including but not limited to the absence of a catalogue" (exhibit "20"). In fact, another copy of the catalogue had been handed to Lenin Library officials by Rabbi Yitzchak Kogan at the end of October, 1991. The library acknowledged this in writing (exhibit "21").

Despite further assurances from the Vice President and Foreign Minister, we go back to court to get the order retyped. The court house is in chaos when we arrive. We learn that Chief Justice Greebeneukoff has been removed and the files on our case are now frozen.

*Week of February 12, 1992:* Demonstrators assault an Israeli journalist, Zev Vagner, in the lobby of the Lenin Library. Vagner is arrested by the militia police and jailed for 2 days before being released at the request of the people's deputies.

President Bush raises the issues with President Yeltsin at Camp David. Senator Dole raises the issue was well during his meeting with President Yeltsin at the Russian Embassy in Washington, DC., the Senator hands President Yeltsin a personal letter calling for the return of the books (exhibit "22"). He also provides Yeltsin a letter issued by Senator Gore, and signed by 52 U.S. Senators urging the immediate return of the books (exhibit "15").

*February 17, 1992:* Two weeks have passed no compliance. My colleagues and I go to the library to demand the implementation of the court orders, but are not allowed in past the lobby. The staff starts to physically abuse us. A bloody brawl ensues. The library police are ready to use firearms against us, one of them drew his pistol, only the action of the omon (special police force) stave off bloodshed.

*February 17 & 18, 1992:* Numerous articles appear in the mass media twisting the truth about the incident in the library. Misleading, anti-semitic stories appear in "Sovetskaya Russia", "Russki Vestnik", and "Zemsheena", as well as other newspapers (exhibit "23"). Those newspapers that did not attack us in this fashion still provided slanted coverage of the incident. This information is clearly aimed at spreading anti-Jewish tensions throughout the public sector, attempting to cover the issue with a facade of nationalistic and anti-semitic sentiment.

*February 18, 1992:* We learn from a newspaper article that assistant chief justice of the Russian Federation, Mr. Puginsky, overrules ex-Chief Justice Greenbeneukoff and invalidates all previous court rulings regarding the case (exhibit "24").

Nobody notified us of any renewed court activity. We never had the opportunity to represent our side at the hearing, if in fact there actually was a hearing. We never had the chance to question the legality of this action, or refute statements in the court's case before the verdict was issued.

Our legal advisers, including the well known jurist Professor A. Kabalkin (Dr. of Law, the leading scientist of the institute of State and law of the Russian Academy of sciences), all concur that there is absolutely no legal ground for the Government's latest action (exhibit "25").

"(Puginsky) the assistant of the chief justice has made great violations of legal procedures. According to Russian law he has no right to reconsider the decisions of the Chief Justice, as stated in article No. 88 of 'the rules regulating arguments.' Therefore violation of the demands of the lawful ruling (the return of the books) produced by a competent body (the court) has taken place."

The original court ruling was final, and legally it just cannot be overturned.

*February 19, 1992:* Member of Parliament, Nikolai Baburin, a nationalist with very strong ties to anti-Semitic organizations, lobbies heavily to galvanize support of right wing nationalists against the return of the books. Joint sessions of the House of Par-

liament convene. The liquidation of the Lenin Library is amongst their main topics of discussion. Members do not focus on the poor condition of the library facility. The rotting books, the crumbling building, the water damage, and other conditions, but rather on the February 17th incident and the future of the Schneerson collection. Under the influence of Baburin and his associates, the people's deputies—many of whom were elected during the communist days, before the August coup—vote by majority to recommend nullifying the liquidation of the Lenin Library, and affirm the indivisible nature of all the collections within it, including the Schneerson collection. They create a group of experts to prepare the bills necessary to accomplish the above mentioned goal. These experts include hard core, anti-semitic communists who have been obstructing the returning of the books all along.

Now Vice President Schochin's order to return the books is invalidated. Khasbulatov, the president of the Russian Parliament, is petitioned by United States Senators Dole, Gore, Lieberman, and others (exhibit "26"), and by the U.S. ambassador Robert Strauss, not to allow the parliament to obstruct the return of the books. In disregard of these appeals Khasbulatov signs a statement of the Supreme Soviet of the Russian state federation on the issue of the Russian state library (exhibit "27"). This statement calls for new laws to protect (restrict) the movement, as well as the use of the collections in accordance with new legislation to be enacted by the parliament. We know that Baburin and his associates are working with library personnel to draft legislation making it impossible to return the Schneerson collection. All court orders in our favor have been illegally nullified and our case unjustly closed. The Government decrees of Schochin to return the books have been invalidated under questionable circumstances.

CONCLUSION

How could such a travesty occur within the Russian justice system? Unfortunately, it appears the question becomes the answer.

As it stands now, there is no justice in Russia. We have been informed by Jerry Weintraub, our supporters in the Senate, and the American Embassy in Moscow that on February 17, 1992, in a meeting between President Yeltsin and Secretary of State Baker, in the presence of U.S. Ambassador Robert Strauss, and Russian Foreign Minister Kozyrev.

President Yeltsin promised to return the books. When the books are finally returned, the entire world will note that Russia has passed an important milestone in its struggle for democracy and justice—Rabbi Boruch Shlomo Cunin, Agudas Chassidei Chabad.●

## KENTUCKY BASKETBALL

● Mr. FORD. Mr. President, I could not let another day pass without recognizing one of the most exciting college basketball games that I have ever witnessed. I know that I have never seen a Kentucky team exhibit as much heart, determination, and class as they did in Saturday night's 104–103 overtime loss to the No. 1-ranked Duke Blue Devils. Kentucky Coach Rich Pitino aptly compared it to the movie "Rocky" where an underdog won the hearts of all by putting up a courageous fight against the champion. Kentucky may have lost this fight, but there were no losers in this game.

As long as I can remember, Kentuckians have anxiously awaited spring for the crowning of their champions. This time-honored tradition begins with March madness and the playing of the NCAA basketball tournament and is followed by the proud heritage of the Kentucky Derby. We can credit this rich basketball tradition to the "Baron," Adolph Rupp. Over his 40-year coaching career he brought the University of Kentucky four NCAA championships and this country an Olympic gold medal. This tradition was continued by my good friend and fishing buddy, Joe B. Hall. These two men combined to establish the finest college basketball program in America. One cannot think of UK basketball and the NCAA tournament without the names of former stars coming to mind. These men not only succeeded in college basketball but several went on to distinguished careers in professional basketball, and many are today successful Kentucky businessmen. These include such greats as Frank Ramsey, Cliff Hagan, Johnny Cox, Cotten Nash, Pat Riley, Dan Issel, Keven Grevey, Sam Bowie, Melvin Turpin, Jimmy Dan Conners, Kennie Walker, Jack Givens, Kyle Macy, Rick Robey, and Rex Chapman, who I look forward to following with the Washington Bullets.

It is also important to recognize the retirement of a legend in his own right, Cawood Ledford. Cawood has been the voice of the Wildcats for the past 39 years. Generations of Kentuckians have been raised with turning down the television sound and listening to the call of the game by our own Cawood Ledford. He will be sorely missed and in no disrespect to his replacement, his shoes cannot be filled.

It has not always been such a bed of roses for Kentucky basketball as the university was put on 2-years probation by the NCAA in 1989. But, to not recognize these hardships, diminishes the honor and character shown by these young men who have brought us back to the top ranks of college basketball. This is most notably shown by the four seniors, John Pelphrey, Sean Woods, Richie Farmer, and Deron Feldhaus, who remained at Kentucky through all the hard times. These young men are outstanding role models for Kentucky youngsters as to what hard work, honor, and dedication can do for you. Coach Rick Pitino said it best, "Kentucky did it the right way, with integrity first."

All of Kentucky can take great pride in this year's great finish, but also how far we have come in the past 3 years. From the beginning, there have been many obstacles, but in true Kentucky tradition and fashion, we have risen above them.

The Wildcats are back, and from what I have seen, better than ever.●

## U.N. SANCTIONS AGAINST LIBYA

Mr. LAUTENBERG. Mr. President, today there was a very important vote taken by the United Nations Security Council to impose sanctions against Libya. If Libya wants to be a member of the world community, it has to play by civilized rules. Harboring terrorists is not playing by those rules.

When Pan Am 103 was brought down by terrorists, 270 innocent people died. The vote at the United Nations expresses the revulsion we all feel for this senseless act of violence. Mu'ammar Qadhafi should heed this call, denounce terrorism, and turn the suspected terrorists over to face justice.

Today's actions are yet another painful chapter in the story of the bombing of Pan Am flight 103. As my colleagues know, that flight was brought down by a terrorist bomb on December 21, 1988. Since that time, exhaustive investigations have been carried out throughout the world seeking to bring those responsible to justice.

Mr. President, I am proud to have served as a member of the President's Commission on Aviation Security and Terrorism. During our work, we met with the Scottish authorities leading the investigation into the bombing.

Their task was daunting. Their dedication, perseverance, and professionalism was incredible.

Since they began their work in the minutes and hours after the bombing, they have never given up in their quest for justice.

With the indictment of two Libyan officials in November 1991, it appeared that progress was finally being made. The investigations had produced enough solid evidence to justify bringing the two Libyans to trial. Unfortunately, Libya has been unwilling to comply with overwhelming international sentiment, and allow these men to stand trial.

That is what brought about today's vote in the United Nations. By a 10-to-0 vote, the Security Council voted to impose trade and air service embargoes on Libya until it surrenders these two, along with four other suspects, for trial. The Security Council resolution also holds out the potential use of force if Libya does not comply.

Mr. President, I hope that such force will not be required.

But, as undesirable as it is, it is essential that State sponsors of terrorism understand that the United States and other countries will not tolerate terrorism, and will use that force if necessary. This was a major point stressed in both the report of the Commission on Aviation Security and Terrorism and the Aviation Security Improvement Act of 1990, which I authored.

I would like to cite for my colleagues three passages included in the "Findings" section of the 1990 act. First,

The United States should work with other nations to treat as outlaws state sponsors of

terrorism, isolating such sponsors politically, economically, and militarily;

Second,

The United States must develop a clear understanding that state-sponsored terrorism threatens United States values and interests, and that active measures are needed to counter more effectively the terrorist threat;

And third,

The United States must have the national will to take every feasible action to prevent, counter, and respond to terrorist activities.

Mr. President, those are strong words. Today's actions in the United Nations show that we are finally prepared to start backing up those words with action.

Terrorism is a cowardly, despicable act.

It brings death and tragedy to innocent men, women, and children. It has sadly and permanently changed the lives of wonderful people, people I have gotten to know very well like Bert Ammerman, Paul Hudson, Joan Dater, Aphrodite Tsairis, Bob and Eileen Monetti, and Vicky Cummock, to name just a few. They all lost loved ones in the Pan Am 103 bombing. And, over the last 3-plus years, they have worked to try to prevent others from suffering the same fate.

Mr. President, I visited Lockerbie, Scotland, and the site is one that is impossible to forget—young people's possessions, college students returning home for Christmas vacation from England and other places in Europe. I saw counters and cabinets full of little Mickey Mouse watches, funny hats, and T-shirts and slippers, and souvenirs that they intended to bring home to their families for the Christmas holidays. They must have been bursting with joy at the prospect of relating their experiences to their families. And as that airplane took off for the trip home, it was blown out of the sky by a terrorist's bomb. And we should not ever forget that.

The United States will be victimized by terrorism as long as it allows itself to be.

Action like that taken today in the United Nations is long overdue, and I commend Ambassador Pickering for his continuing efforts.

I hope that this will send a signal to all of those nations that sponsor or harbor terrorists that the civilized world just will not tolerate it anymore.

Mr. President, in today's New York Times A.M. Rosenthal writes about Syria, and says that the PFLP, headed by Ahmed Jabril, was part of the conspiracy that brought that plane down.

We have yet to demand of Syria the price that it should rightfully pay, and that is to denounce terrorists and expel those people from their soil. As we try to cultivate Syria's friendship, we ought to make note of her failure to live up to civilized world standards.

I hope that the civilized world and our country will not tolerate terrorism any longer. This is a chance to assert ourselves against terrorism, by helping to enforce the vote that the United Nations took this very day.

I yield the floor.

Mr. EXON. Mr. President, I ask unanimous consent that I might be allowed to proceed as in morning business.

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

## THE NEED TO REDUCE DEFENSE SPENDING

Mr. EXON. Mr. President, I rise to address the critical and all-encompassing issue of our Nation's future defense spending; more specifically, how much and where the necessary cuts can be made and still maintain a credible and essential national defense posture.

I take second place to none in the Congress over the years in support of a very strong national defense. Reductions, however, are necessary, and they are never easy. They are painful, but necessary. Having reviewed the President's fiscal 1993 proposed defense budget, I am here to make the case that the President's budget can be cut. It can be cut significantly, and it can be cut without pink-slipping troops by the tens of thousands, as many of the administration's witnesses would have Congress believe, if we dare cut a penny below the President's numbers.

There is an artful, emotionally charged, yet inherently dishonest snow job going on as the future of our Nation's military is debated. The Bush defense plan is based on the flawed premise that the administration's proposed 6-year $50 billion cut from defense spending cannot be further reduced without causing harm to our national security.

A $50 billion cut, Mr. President, over 6 years sounds like a significant cut. But, upon closer examination, one finds that $34 billion of the $50 billion, or 68 percent of the total, comes from just two weapons programs—the B-2 bomber and the SSN-1 attack submarine—that are, I might say, only in development and not even part of our Nation's operational forces.

Let us try to put this in perspective. Germany reunifies; Eastern Europe turns to democracy and looks to join NATO; Nicaragua embraces free elections and democratic rule; peace is reached in El Salvador; the autocratic big-men rulers in Africa drop like flies into the dustheap of yesteryear. North Korea and South Korea sign a nonaggression pact, a mutual respect pact, which we hope will lead to reunification. The superpowers have turned away from providing arms to the civil wars in Afghanistan and Yugoslavia, minimizing the risk of escalation. South African whites endorse the end of apartheid.

And, most important, the Soviet Union, for 40 years the boogyman that has driven our defense strategy and spending, collapses and disintegrates, its military partitioned, weak, and in disarray. The CIA confirms that new military production is down 80 percent in the Commonwealth of Independent States. Its navy is tied to the docks; its air force is grounded. In short, the one-time mighty Soviet machine is bankrupt. President Yeltsin knows it; the Republic leaders know it; and, quite frankly, the Pentagon knows it.

All of these developments, coupled with the Russian willingness to drop its nuclear arsenal to one-fourth of the pre-START Treaty levels, make one's head spin.

What is the Bush response to these remarkable, improbable events? Paper savings, Mr. President; illusory cuts of weapons not even yet fielded.

The President says: "This deep, and no deeper." Pentagon officials have come to the Hill and followed up this line in the sand with scare tactics of having to let go career officers if further cuts are taken.

Well, Mr. President, the American public is scared enough as it is. They are scared about the future. They are scared about rising unemployment. They are scared about a $400 billion deficit this year and a $4 trillion debt eating its way through more and more of each person's tax burden. They are scared about making ends meet, and they need the truth about where the defense budget can be cut without compromising our national security.

My analysis of the President's 1993 defense budget convinces me that the Congress can responsibly cut the budget by at least an additional $8.8 billion in budget authority and $4.2 billion in outlays through modest reductions, none of which will come out of the personnel payroll account.

So let us set that aside right now, the issue of pink-slipping servicemen and women. The Exon plan reduces personnel at exactly the same rate as the President's request, no more and no less. Rather, most of my suggested cuts come from large increases in the procurement and research and development accounts of the defense budget.

If my 1993 defense spending plan is open to criticism, it would be that it is too cautious, too conservative. I will outline areas where additional cuts below my figures can be taken if some of my cuts are not adopted, or if additional savings are to be found, or the $8.8 billion cut in budget authority, I am proposing that $5.2 billion come from procurement.

For those of my colleagues who have not had the opportunity to review the President's defense procurement budget, I would like to provide you some background and analysis. The President's defense procurement budget of $54.4 billion—listen carefully to that, Mr. President—is detailed in a document called "Procurement Programs," or "P-1."

The P–1 contains 1,288 separate procurement line items divided among the Army, Navy, Air Force, and the defense agencies. Each of these 1,288 procurement line items contains a brief description of the procurement, as well as the 1991, 1992, and proposed 1993 funding levels.

It is interesting to note that 385 of the 1,288 procurement line items—or 30 percent of the items—have proposed increases over the 1992 spending level. The increases alone in these 385 items total $11.4 billion over the approved 1992 amounts.

Or, to state that another way, in 385 items of all of these line items, they have increased spending, the Pentagon and the President, by $11.4 billion over what they were in the previous year.

This concentrates, I guess, on what many of us have been suggesting for a long time and, that is some kind of a freeze to be put in effect on all spending.

But getting back to the case at hand, if spending in these 385 programs were simply held to the 1992 level, not cut below last year's level, but just not increased, the Bush procurement budget would be reduced by $11.4 billion.

Mr. President, I guess everyone knows that there are high stakes priorities, high-profile programs that the Pentagon says it must have, some programs that the Congress agrees are essential to the modernization of our forces. It may surprise some that if the increases in each service's top 10 most expensive programs, such as the B–2 bomber, the C–17 cargo plane, the new replacement aircraft carrier, and the E/A–6B plane, are protected from any cuts and, therefore, removed from this list, 368 line items remain, totalling $6,7 billion in increases over 1992 spending levels. Let me say this again, because it is important; If you fully protect from any reductions any of the services' top 10 programs, a total of 30 weapons systems, which I do not cut in my proposal, there are still 368 programs in the President's procurement budget that are growing, totaling $6.7 billion. This $6.7 billion growth is over and above the 1992 funding level.

The next question is how much are these programs growing in percentages and dollars?

Of these 368 programs, 157 programs, totaling $3.9 billion, increase over 1992 levels by at least 100 percent.

Of the 368 programs, 214 programs, totaling $5.0 billion in increases, exceed 1992 levels by at least 50 percent.

Of the 368 programs, 296 totaling $5.9 billion, increase over 1992 levels by at least 20 percent.

Mr. President, at this point I ask unanimous consent that the entire list of these 385 programs be printed in the RECORD, and, furthermore, that a list of each service's top 10 most expensive programs, excluded from cuts under the Exon plan, also be printed in the RECORD.

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

*Services' top 10 1993 programs*[1]

[Cost in millions of then-year dollars]

| | |
|---|---|
| Army: | |
| RAH–66 | $443.0 |
| UH–60 | 428.3 |
| ASM | 367.2 |
| FHTV | 315.7 |
| FMTV | 291.1 |
| Longbow Engine | 281.8 |
| HMMWV | 229.5 |
| SINCGARS | 223.2 |
| MLRS Launchers | 217.2 |
| ATACMS | 188.3 |
| Total | 2,985.3 |
| Navy: | |
| DDG–51 | 3,369.6 |
| F/A–18 | 1,808.6 |
| F/A–18E/F | 1,079.7 |
| Trident II | 986.8 |
| Carrier | 832.2 |
| E/A–6B | 530.0 |
| CH/MH–53E | 513.1 |
| Tomahawk | 404.2 |
| FLTSATCOM | 326.0 |
| T–45 | 303.5 |
| Total | 10,153.7 |
| Air Force: | |
| B–2 | 4,028.0 |
| C–17 | 3,142.0 |
| ATF (F–22) | 2,224.0 |
| MILSTAR | 1,552.0 |
| F–16 | 901.0 |
| AMRAAM | 773.0 |
| JSTARS | 744.0 |
| Titan IV | 525.0 |
| NAVSTAR GPS | 509.0 |
| DSP | 413.0 |
| Total | 14,811.0 |

[1] Includes procurement and R&D programs.

PROCUREMENT ACCOUNT

[Dollars in millions]

| No. | Description | Appropriation | 1992 | 1993 | Percent change | Change |
|---|---|---|---|---|---|---|
| | Army | | | | | |
| 8 | Helicopter new training | 2031 | $23.5 | $44.9 | 91 | $21.4 |
| 12 | Guard rail mods | 2031 | 26.0 | 93.0 | 258 | 67.0 |
| 20 | Flight data recorder | 2031 | .5 | 9.7 | 1,840 | 9.2 |
| 26 | Airborne avionics | 2031 | 0 | 1.0 | | 1.0 |
| 30 | Spare and repair parts | 2031 | 0 | 101.0 | | 101.0 |
| 31 | Aircraft surv. equipment | 2031 | 49.1 | 75.2 | 53 | 26.1 |
| 32 | Air comm. and ctrl. consoles | 2031 | 6.0 | 6.8 | 13 | 0.8 |
| 33 | Avionics supp. equip | 2031 | 27.1 | 33.7 | 24 | 6.6 |
| 35 | Air traffic control | 2031 | 2.0 | 5.7 | 185 | 3.7 |
| 3 | Other missile support | 2032 | 0.6 | 1.4 | 133 | .8 |
| 8 | Laser Hellfire sys | 2032 | 19.7 | 103.4 | 425 | 83.7 |
| 13 | MLRS launcher | 2032 | 133.6 | 197.3 | 48 | 63.7 |
| 15 | ATACMS | 2032 | 146.9 | 163.2 | 11 | 16.3 |
| 25 | Spare and repair parts | 2032 | 0 | 42.1 | | 42.1 |
| 28 | Prod. base supp | 2032 | 1.0 | 10.2 | 920 | 9.2 |
| 4 | Armored gun system | 2033 | 0 | 4.7 | | 4.7 |
| 10 | FAASV pip to fleet | 2033 | 0 | 25.8 | | 25.8 |
| 13 | Spare and repair parts | 2033 | 0 | 52.0 | | 52.0 |
| 16 | Reg. maint. train. sites | 2033 | .6 | 2.4 | 300 | 1.8 |
| 17 | Howitzer, 105mm, M119 | 2033 | 36.4 | 47.8 | 31 | 11.4 |
| 18 | Machine gun 5.56mm | 2033 | 5.8 | 9.8 | 69 | 4.0 |
| 23 | 5.56 carbine M4 | 2033 | 5.0 | 9.7 | 94 | 4.7 |
| 27 | SUAD auto. weapon | 2033 | 2.4 | 3.1 | 29 | .7 |
| 28 | M–16 rifle mod | 2033 | 4.6 | 9.3 | 102 | 4.7 |
| 29 | Mods <$2.0m | 2033 | .6 | 2.0 | 233 | 1.4 |
| 30 | Spare and repair parts | 2033 | 0 | .6 | | .6 |
| 31 | Items <$2.0m | 2033 | 3.4 | 4.5 | 32 | 1.1 |
| 32 | Prod. base supp | 2033 | 21.1 | 22.1 | 5 | 1.0 |
| 4 | CTG, 9mm | 2034 | .5 | 2.4 | 380 | 1.9 |
| 5 | CTG, .45 cal | 2034 | .1 | 2.0 | 1,900 | 1.9 |
| 10 | CTG, 40mm | 2034 | 5.3 | 29.5 | 451 | 24.2 |
| 17 | CTG, tank, 35mm | 2034 | 0 | 1.3 | | 1.3 |
| 23 | CTG, tank, 120mm | 2034 | 31.4 | 46.1 | 47 | 14.7 |
| 28 | Proj, arty, 155mm | 2034 | 150.9 | 172.1 | 14 | 21.2 |
| 29 | Proj, arty, 155mm | 2034 | 0 | 35.5 | | 35.5 |
| 47 | Grenades | 2034 | 3.9 | 7.8 | 100 | 3.9 |
| 49 | Simulators | 2034 | 4.7 | 6.1 | 30 | 1.4 |
| 51 | Cad/pad | 2034 | 9.2 | 11.4 | 24 | 2.2 |
| 53 | EOD explosive | 2034 | 2.3 | 2.7 | 17 | .4 |
| 58 | Comp. for proveout | 2034 | 1.8 | 2.3 | 28 | .5 |
| 59 | Layaway of indust. fac. | 2034 | 29.0 | 31.7 | 9 | 2.7 |
| 61 | Maint. of inactive fac. | 2034 | 67.6 | 75.2 | 11 | 7.6 |
| 5 | Family of med. tac. vehicle | 2035 | 171.6 | 291.1 | 70 | 119.5 |
| 8 | Family of heavy tac. vehicle | 2035 | 99.7 | 315.7 | 217 | 216.0 |

PROCUREMENT ACCOUNT—Continued

[Dollars in millions]

| No. | Description | Appropriation | 1992 | 1993 | Percent change | Change |
|---|---|---|---|---|---|---|
| 13 | General purpose veh | 2035 | 4.8 | 6.0 | 25 | 1.2 |
| 14 | Special purpose veh | 2035 | 4.9 | 5.7 | 16 | .8 |
| 17 | Proj. mgmt. supp | 2035 | 3.3 | 3.7 | 12 | .4 |
| 19 | Spare and repair parts | 2035 | 0 | 11.8 | | 11.8 |
| 22 | Def. sat. comm. sys | 2035 | 47.9 | 112.4 | 135 | 64.5 |
| 23 | Sat. term, adv. MPIC | 2035 | 0 | 11.0 | | 11.0 |
| 27 | Scott | 2035 | 17.9 | 38.4 | 115 | 20.5 |
| 32 | STACCS | 2035 | 1.4 | 2.8 | 100 | 1.4 |
| 39 | Eac comm | 2035 | 16.2 | 37.5 | 131 | 21.3 |
| 44 | Tsec-ted | 2035 | 4.2 | 6.8 | 62 | 2.6 |
| 51 | Def. data net | 2035 | 3.0 | 6.1 | 103 | 3.1 |
| 55 | Information sys | 2035 | 48.5 | 66.2 | 36 | 17.7 |
| 56 | Local area net | 2035 | 5.2 | 29.3 | 463 | 24.1 |
| 57 | Pent. telec. ctr | 2035 | 2.9 | 4.1 | 41 | 1.2 |
| 59 | GDIP | 2035 | 3.1 | 26.0 | 739 | 22.9 |
| 65 | Dtss TIARA | 2035 | 7.3 | 10.0 | 37 | 2.7 |
| 73 | Mod of EW | 2035 | 0 | 8.9 | | 8.9 |
| 79 | Mod of tac surv | 2035 | 26.2 | 30.2 | 15 | 4.0 |
| 81 | Imets | 2035 | 0 | 5.9 | | 5.9 |
| 82 | Fire supp. ada | 2035 | 6.9 | 11.7 | 70 | 4.8 |
| 87 | Maneuver ctrl. sys | 2035 | 8.0 | 42.3 | 429 | 34.3 |
| 89 | ADPE | 2035 | 131.6 | 147.8 | 12 | 16.2 |
| 93 | Calib. sets equip | 2035 | 13.5 | 15.3 | 13 | 1.8 |
| 95 | Simp test equip | 2035 | 3.2 | 5.6 | 75 | 2.4 |
| 96 | TMDE mod | 2035 | 9.8 | 15.8 | 61 | 6.0 |
| 97 | Initial spares | 2035 | 0 | 68.9 | | 68.9 |
| 98 | Print and binding equip | 2035 | 0 | 4.2 | | 4.2 |
| 100 | Pecip and qrip | 2035 | 5.7 | 7.5 | 32 | 1.8 |
| 103 | Special programs | 2035 | 14.7 | 47.8 | 225 | 33.1 |
| 104 | Simp. coll prop. equip | 2035 | 1.6 | 2.3 | 44 | .7 |
| 106 | Mask, protective | 2035 | 32.4 | 42.3 | 31 | 9.9 |
| 123 | Firetrucks | 2035 | 0 | 4.2 | | 4.2 |
| 133 | For. area refuel sys | 2035 | 1.0 | 3.4 | 240 | 2.4 |
| 141 | Combat supp. med | 2035 | 19.2 | 24.8 | 29 | 6.6 |
| 145 | CCE | 2035 | 0 | 1.1 | | 1.1 |
| 146 | Crush./screen. plant | 2035 | 0 | 3.2 | | 3.2 |
| 148 | Causeway sys | 2035 | 5.0 | 10.8 | 116 | 5.8 |
| 152 | Forklift | 2035 | 1.0 | 8.5 | 750 | 7.5 |
| 155 | Combat train. ctrs. supp | 2035 | 12.3 | 21.9 | 78 | 9.6 |
| 156 | Training devices | 2035 | 85.9 | 90.7 | 7 | 5.8 |
| 159 | Spare and repair parts | 2035 | 0 | 13.3 | | 13.3 |
| 163 | Arms control comp | 2035 | 0 | 1.5 | | 3.5 |
| 165 | Comb. def. improv. proj | 2035 | 3.0 | 3.9 | 30 | .9 |
| 173 | Oper. proj. stocks | 2035 | 0 | 14.4 | | 14.4 |
| | Navy | | | | | |
| 2 | EA-6B remfg | 1506 | 98.2 | 482.7 | 392 | 384.5 |
| 3 | EA-6B adv. proc | 1506 | 17.0 | 47.3 | 178 | 30.3 |
| 9 | CH/MH-53E proc | 1506 | 338.4 | 464.4 | 37 | 126.0 |
| 10 | CH/MH-53E adv. proc | 1506 | 32.0 | 48.6 | 52 | 16.6 |
| 13 | SH-60B Seahawk AP | 1506 | 38.5 | 45.9 | 19 | 7.4 |
| 14 | SH-60F | 1506 | 201.7 | 221.3 | 10 | 19.6 |
| 20 | HH-60H | 1506 | 0 | 117.4 | | 117.4 |
| 25 | A-6 mods | 1506 | 21.5 | 156.6 | 628 | 135.1 |
| 36 | H-46 mods | 1506 | 68.1 | 131.2 | 93 | 63.1 |
| 37 | H-53 mods | 1506 | 42.3 | 43.8 | 4 | 1.5 |
| 38 | SH-60 mods | 1506 | 29.0 | 35.2 | 21 | 6.2 |
| 43 | EP-3 mods | 1506 | 18.4 | 33.0 | 79 | 14.6 |
| 44 | P-3 mods | 1506 | 18.4 | 49.9 | 171 | 31.5 |
| 46 | E-2 mods | 1506 | 57.4 | 94.1 | 64 | 36.7 |
| 52 | Exec. helo. series | 1506 | 0 | 27.9 | | 27.9 |
| 57 | Common avionics | 1506 | 16.6 | 23.0 | 39 | 6.4 |
| 59 | Common grd. equip | 1506 | 417.5 | 453.4 | 9 | 35.9 |
| 62 | Other prod. charges | 1506 | 35.8 | 83.1 | 132 | 47.3 |
| 11 | Hellfire | 1507 | 0 | 50.5 | | 50.5 |
| 14 | Tow iia | 1507 | 0 | 23.9 | | 23.9 |
| 19 | Sparrow mods | 1507 | 29.8 | 56.9 | 91 | 27.1 |
| 20 | Sidewinder mods | 1507 | 0 | 15.3 | | 15.3 |
| 24 | Standard mods | 1507 | 26.4 | 27.5 | 4 | 1.1 |
| 26 | Flt sat comm | 1507 | [3]283.1 | [1]326.0 | 15 | 42.9 |
| 27 | Arctic sat comm | 1507 | 0 | 17.5 | | 17.5 |
| 32 | ASW targets | 1507 | 18.2 | 26.2 | 44 | 8.0 |
| 34 | VL ASROC | 1507 | 3.1 | 38.0 | 1,126 | 34.9 |
| 35 | MK-46 torpedo mods | 1507 | 9.9 | 48.6 | 391 | 38.7 |
| 45 | CIWS mods | 1507 | 56.6 | 58.5 | 3 | 1.9 |
| 52 | 2.75 inch rockets | 1507 | 12.2 | 15.0 | 23 | 2.8 |
| 55 | Gator | 1507 | 0 | 18.8 | | 18.8 |
| 58 | 5/54 gun ammo | 1507 | 36.3 | 68.5 | 89 | 32.2 |
| 60 | 76mm gun ammo | 1507 | 8.9 | 10.7 | 20 | 1.8 |
| 63 | Pyro and demo | 1507 | 14.7 | 19.9 | 35 | 5.2 |
| 2 | Carrier replacement | 1611 | 0 | 832.2 | | 832.2 |
| 6 | CVN refuel | 1611 | 0 | 6.8 | | 6.8 |
| 7 | CGN refuel | 1611 | 0 | 30.4 | | 30.4 |
| 9 | DDG-51 adv. proc | 1611 | 8.1 | 23.1 | 185 | 15.0 |
| 16 | Ocean ship cov | 1611 | 0 | 19.5 | | 19.5 |
| 18 | Service craft | 1611 | 35.4 | 200.2 | 466 | 164.8 |
| 22 | Outfitting | 1611 | 243.6 | 385.3 | 58 | 141.7 |
| 23 | Post delivery | 1611 | 163.2 | 223.1 | 37 | 59.9 |
| 6 | other pumps | 1810 | 5.5 | 7.3 | 33 | 1.8 |
| 7 | HP air compr | 1810 | .2 | 5.8 | 2,800 | 5.6 |
| 9 | Other props | 1810 | 3.2 | 3.9 | 1,119 | .7 |
| 12 | Underway replen | 1810 | 29.0 | 35.0 | 21 | 6.0 |
| 17 | Pollution ctrl | 1810 | 28.9 | 35.1 | 21 | 6.2 |
| 18 | Sub. silencing | 1810 | 18.3 | 21.6 | 18 | 3.3 |
| 19 | Surf. ship silen | 1810 | 5.5 | 11.7 | 113 | 6.2 |
| 25 | minesweeping | 1810 | 2.4 | 3.1 | 29 | .7 |
| 27 | Surface IMA | 1810 | 7.1 | 11.3 | 59 | 4.2 |
| 30 | Mini/micro elect rep | 1810 | .6 | 1.3 | 117 | .7 |
| 31 | Chem. war. detect | 1810 | 5.9 | 8.4 | 42 | 2.5 |
| 32 | Sub. life supp. sys | 1810 | 10.7 | 17.9 | 67 | 7.2 |
| 34 | Reactor components | 1810 | 247.8 | 285.6 | 15 | 37.8 |
| 35 | Diving and salvage | 1810 | 6.5 | 8.3 | 28 | 1.8 |
| 36 | Naval spec. war | 1810 | 3.4 | 5.4 | 59 | 2.0 |
| 39 | Prod. supp., fac | 1810 | 8.2 | 13.9 | 70 | 5.7 |
| 45 | AN/SPS-49 radar | 1810 | 1.3 | 20.5 | 1,477 | 19.2 |
| 49 | Surf. sonar supp | 1810 | 15.4 | 22.3 | 45 | 6.9 |

PROCUREMENT ACCOUNT—Continued

[Dollars in millions]

| No. | Description | Appropriation | 1992 | 1993 | Percent change | Change |
|---|---|---|---|---|---|---|
| 51 | AN/BQQ-5 | 1810 | 151.8 | 179.9 | 19 | 28.1 |
| 52 | Sonar windows | 1810 | 7.8 | 12.4 | 59 | 4.6 |
| 54 | Switches and trans | 1810 | 28.2 | 33.1 | 17 | 4.9 |
| 57 | SSTD | 1810 | 25.9 | 46.3 | 79 | 20.4 |
| 60 | SOSUS | 1810 | 72.7 | 87.0 | 12 | 9.3 |
| 64 | Surtass | 1810 | 27.7 | 30.2 | 9 | 2.5 |
| 70 | AN/WLR-8 | 1810 | 7.5 | 14.9 | 99 | 7.4 |
| 73 | C-3 countermeas | 1810 | 24.8 | 32.0 | 29 | 7.2 |
| 75 | Outboard | 1810 | 5.5 | 8.6 | 56 | 3.1 |
| 78 | AN/WLQ-4 improv | 1810 | 10.4 | 18.9 | 82 | 8.5 |
| 80 | Sub. supp. equip | 1810 | 3.6 | 4.5 | 25 | .9 |
| 82 | Tac flag command ctr | 1810 | 30.9 | 39.8 | 29 | 8.9 |
| 83 | Link 16 hardware | 1810 | 40.8 | 43.0 | 5 | 2.2 |
| 90 | Other training equip | 1810 | 7.3 | 8.7 | 19 | 1.4 |
| 97 | FACSFAC | 1810 | 1.6 | 12.3 | 669 | 10.7 |
| 101 | Space sys proc | 1810 | 0 | 4.4 | | 4.4 |
| 102 | NCCS ashore | 1810 | 32.8 | 47.2 | 44 | 14.4 |
| 105 | GPETE | 1810 | 21.7 | 22.9 | 6 | 1.2 |
| 109 | HEMS <$2M | 1810 | 7.2 | 10.9 | 51 | 3.7 |
| 110 | Shipbd tac comm | 1810 | 58.7 | 82.7 | 41 | 24.0 |
| 111 | Flight deck comm | 1810 | 0 | 3.4 | | 3.4 |
| 112 | Portable radios | 1810 | 14.9 | 22.6 | 52 | 7.7 |
| 114 | Items <$2M | 1810 | 23.1 | 28.7 | 24 | 5.6 |
| 116 | Verdin | 1810 | 1.3 | 4.7 | 262 | 3.4 |
| 118 | Satcom ship term | 1810 | 144.5 | 193.6 | 34 | 49.1 |
| 122 | Shore HF comm | 1810 | 15.5 | 16.8 | 8 | 1.3 |
| 129 | Secure voice | 1810 | 61.3 | 77.0 | 26 | 15.7 |
| 139 | Key mgmt. syst | 1810 | 4.7 | 9.8 | 109 | 5.1 |
| 145 | Crypto. reserves | 1810 | .7 | 1.5 | 114 | .8 |
| 151 | Sonobuoys | 1810 | 68.3 | 74.0 | 8 | 5.7 |
| 155 | Sus sonbuoys | 1810 | 0 | 1.8 | | 1.8 |
| 156 | Cartridges | 1810 | 15.3 | 21.0 | 37 | 5.7 |
| 158 | AEC | 1810 | 62.0 | 63.8 | 3 | 1.8 |
| 161 | JATOS | 1810 | 7.9 | 9.0 | 14 | 1.1 |
| 163 | Exped. airfields | 1810 | 4.8 | 6.3 | 31 | 1.4 |
| 165 | Catapults | 1810 | 50.5 | 59.9 | 19 | 9.4 |
| 166 | Meteor equip | 1810 | 30.6 | 31.8 | 4 | 1.2 |
| 168 | Aviation life supp | 1810 | 6.1 | 12.5 | 105 | 6.4 |
| 169 | Air. mine c/m | 1810 | 3.1 | 11.0 | 255 | 7.9 |
| 170 | Lamps MKIII | 1810 | 4.2 | 12.6 | 200 | 8.4 |
| 174 | Gun FCE | 1810 | 15.2 | 16.6 | 9 | 1.4 |
| 175 | MK 92 FCS | 1810 | 13.7 | 23.0 | 68 | 9.3 |
| 176 | Harpoon supp | 1810 | 28.4 | 37.6 | 32 | 9.2 |
| 177 | Terrier supp | 1810 | 19.5 | 20.6 | 6 | 1.1 |
| 178 | Tartar supp | 1810 | 26.9 | 33.3 | 24 | 6.4 |
| 181 | Aegis supp | 1810 | 46.4 | 154.3 | 233 | 107.9 |
| 184 | VLS | 1810 | 42.5 | 89.3 | 110 | 46.8 |
| 187 | MK-117 FCS | 1810 | 55.2 | 65.1 | 18 | 9.9 |
| 189 | Surf. ASW supp | 1810 | 13.3 | 15.0 | 13 | 1.7 |
| 190 | ASW range supp | 1810 | 10.3 | 14.5 | 41 | 4.2 |
| 191 | Explos. ord. disp | 1810 | 11.0 | 12.3 | 12 | 1.3 |
| 192 | Unmanned sea targ | 1810 | 5.3 | 8.4 | 58 | 3.4 |
| 195 | Stock survel. equip | 1810 | 1.7 | 2.3 | 35 | .6 |
| 196 | Other ord. equip | 1810 | .8 | 1.2 | 50 | .4 |
| 200 | Ship expend. C/M | 1810 | 25.8 | 45.2 | 75 | 19.4 |
| 207 | Const. and main. equip | 1810 | 5.0 | 7.4 | 48 | 2.4 |
| 211 | Combat const. equip | 1810 | 2.4 | 3.1 | 29 | .7 |
| 215 | Fleet moorings | 1810 | 3.1 | 4.1 | 32 | 1.0 |
| 216 | Poll. ctrl. equip | 1810 | 10.4 | 11.3 | 9 | .9 |
| 218 | Forklift trucks | 1810 | 7.3 | 9.9 | 36 | 2.6 |
| 221 | Other supply supp | 1810 | 2.4 | 3.6 | 50 | 1.2 |
| 225 | Surf. sonar train | 1810 | 1.7 | 9.8 | 476 | 8.1 |
| 228 | Sub. combat train | 1810 | 3.7 | 4.1 | 11 | .4 |
| 235 | Intel. supp. equip | 1810 | 36.7 | 64.3 | 75 | 27.6 |
| 239 | Envir. supp. equip | 1810 | 13.2 | 23.2 | 76 | 10.0 |
| 240 | Physic. sec. equip | 1810 | 25.9 | 33.1 | 28 | 7.2 |
| 242 | Comp. acqu. prog. | 1810 | 75.9 | 133.3 | 76 | 57.4 |
| 245 | Spare and rep. parts | 1810 | 491.3 | 580.5 | 18 | 89.2 |
| | Marines | | | | | |
| 30 | 83MM rocket | 1109 | 10.6 | 29.4 | 177 | 18.8 |
| 38 | Rkt motor | 1109 | 0 | 6.0 | | 6.0 |
| 46 | Art. mod. kits | 1109 | .6 | 5.8 | 867 | 5.2 |
| 47 | Items < $2m | 1109 | .3 | 2.2 | 633 | 1.9 |
| 52 | Hawk mod | 1109 | 2.5 | 24.0 | 860 | 21.5 |
| 54 | Ped. mtd. stinger | 1109 | 4.9 | 23.9 | 388 | 19.0 |
| 58 | Items < $2m | 1109 | 0 | .6 | | .6 |
| 60 | GPS | 1109 | 0 | 12.7 | | 12.7 |
| 62 | AN/GRC | 1109 | 0 | 19.0 | | 19.0 |
| 63 | TSC-96 PIP | 1109 | 0 | 2.0 | | 2.0 |
| 70 | TEL | 1109 | 5.0 | 6.9 | 38 | 1.9 |
| 71 | Single chan. grd | 1109 | 52.4 | 59.8 | 14 | 7.4 |
| 73 | Items < $2m | 1109 | 1.9 | 2.4 | 26 | .5 |
| 76 | Adv. tac air ctr | 1109 | 0 | 6.8 | | 6.8 |
| 77 | Marine tact. C2 | 1109 | 7.3 | 8.3 | 14 | 1.0 |
| 79 | Meteor. sys | 1109 | 0 | 6.0 | | 6.0 |
| 90 | NDNTEL mods | 1109 | 2.8 | 3.7 | 32 | .9 |
| 94 | 5/4 HMMWV | 1109 | 40.3 | 47.3 | 17 | 7.0 |
| 99 | Items < $2m | 1109 | .4 | 1.0 | 150 | .6 |
| 101 | ACE | 1109 | 0 | 28.0 | | 28.0 |
| 103 | TFS equip | 1109 | 4.7 | 14.1 | 200 | 9.4 |
| 104 | TOPD/survey | 1109 | 0 | 1.4 | | 1.4 |
| 106 | Tray heating sys | 1109 | 0 | 3.3 | | 3.3 |
| 122 | Chem. agent monitor | 1109 | .2 | .9 | 350 | .7 |
| | Air Force | | | | | |
| 1 | B-1B | 3010 | 62.5 | 214.9 | 244 | 152.4 |
| 2 | B-2A | 3010 | 1,334.0 | 2,686.9 | 101 | 1,352.9 |
| 3 | C-17 | 3010 | 1,523.5 | 2,513.9 | 65 | 990.4 |
| 4 | C-17(AP) | 3010 | 172.4 | 205.6 | 19 | 33.2 |
| 10 | C-130H | 3010 | 289.8 | 300.4 | 4 | 10.6 |
| 13 | Tanker trainer | 3010 | 156.1 | 158.6 | 2 | 2.4 |
| 14 | MH-60G | 3010 | 23.5 | 30.1 | 28 | 6.6 |
| 16 | E-8B | 3010 | 0 | 310.6 | | 310.6 |
| 21 | B-52 mods | 3010 | 31.1 | 76.7 | 147 | 45.6 |
| 22 | F-117 mods | 3010 | 0 | 24.7 | | 24.7 |

PROCUREMENT ACCOUNT—Continued

[Dollars in millions]

| No. | Description | Appropriation | 1992 | 1993 | Percent change | Change |
|---|---|---|---|---|---|---|
| 23 | A-10 mods | 3010 | .4 | 7.8 | 1,850 | 7.4 |
| 25 | F-15 mods | 3010 | 295.9 | 303.9 | 23 | 8.0 |
| 26 | F-16 mods | 3010 | 246.5 | 274.5 | 11 | 28.0 |
| 27 | EF-111 mods | 3010 | 0 | 9.0 | | 9.0 |
| 32 | C-9 mods | 3010 | 1.4 | 2.0 | 43 | .6 |
| 34 | C-22 mods | 3010 | 0 | 4.7 | | 4.7 |
| 36 | C-137 mods | 3010 | 3.2 | 10.7 | 234 | 7.5 |
| 41 | KC-10A mods | 3010 | 3.6 | 38.6 | 907 | 35.0 |
| 42 | C-12 mods | 3010 | .2 | 5.7 | 29 | 5.5 |
| 48 | E-3 mods | 3010 | 50.9 | 76.4 | 50 | 25.5 |
| 49 | E-4 mods | 3010 | 6.4 | 18.0 | 181 | 11.6 |
| 52 | Other aircraft mods | 3010 | 46.9 | 101.6 | 117 | 54.7 |
| 55 | Spare and repair parts | 3010 | 603.4 | 724.4 | 20 | 121.0 |
| 56 | Common age | 3010 | 330.3 | 442.4 | 34 | 112.1 |
| 57 | Indust. responsive | 3010 | 15.3 | 35.5 | 132 | 20.2 |
| 58 | War consumables | 3010 | 25.4 | 27.9 | 10 | 2.4 |
| 59 | Other prod. charge | 3010 | 547.7 | 686.6 | 25 | 138.9 |
| 8 | Amraam | 3020 | 532.4 | 731.4 | 37 | 199.0 |
| 10 | AGM-130 GBU-15 | 3020 | 69.8 | 76.1 | 9 | 6.3 |
| 12 | AGM-88A harm | 3020 | 112.8 | 218.4 | 94 | 105.6 |
| 13 | Target drones | 3020 | 28.7 | 60.9 | 112 | 32.2 |
| 14 | Indust. facilities | 3020 | 0 | 9.9 | | 9.9 |
| 20 | Sidewinder mods | 3020 | .9 | 11.7 | 1,200 | 10.8 |
| 21 | MMII/III mods | 3020 | 152.0 | 194.6 | 28 | 42.6 |
| 28 | GPS | 3020 | 120.8 | 188.3 | 56 | 67.5 |
| 30 | Space shuttle ops | 3020 | 31.9 | 88.3 | 177 | 56.4 |
| 32 | Space boosters | 3020 | 290.5 | 382.2 | 32 | 91.7 |
| 34 | Med. launch veh. | 3020 | 38.9 | 46.3 | 19 | 7.4 |
| 37 | Def. support prog | 3020 | 64.3 | 139.7 | 117 | 75.4 |
| 38 | DSP AP | 3020 | 0 | 147.0 | | 147.0 |
| 41 | IONDS | 3020 | 28.2 | 38.0 | 35 | 9.8 |
| 42 | IONDS AP | 3020 | 3.9 | 11.4 | 192 | 7.5 |
| 43 | Spec. update prog | 3020 | 78.6 | 154.2 | 112 | 81.6 |
| 44 | Special progs | 3020 | 2,230.3 | 2,330.5 | 4 | 100.2 |
| 1 | 2.75 rocket motor | 3080 | 0 | 13.6 | | 13.6 |
| 4 | 5.56 mm cart | 3080 | 0 | 2.0 | | 13.6 |
| 7 | 30mm cart | 3080 | 44.4 | 66.7 | 50 | 22.3 |
| 9 | Signal MK-4 cart | 3080 | 0 | .6 | | .6 |
| 10 | Cart IMP 3000 | 3080 | 0 | 8.8 | | 8.8 |
| 20 | GBV-15 | 3080 | 0 | 6.6 | | 6.6 |
| 21 | Bomb practice 25 lb | 3080 | 0 | 12.9 | | 12.9 |
| 23 | MK-84 empty | 3080 | 0 | 21.1 | | 21.1 |
| 27 | Items < $2M | 3080 | 0 | 3.6 | | 3.6 |
| 29 | Flare, IRMJU-7B | 3080 | 6.6 | 9.3 | 41 | 2.7 |
| 38 | Items < $2M | 3080 | 7.6 | 8.2 | 8 | .6 |
| 42 | Squad auto. rifle | 3080 | 0 | 2.1 | | 2.1 |
| 46 | M2.50 mach. gun | 3080 | 0 | .4 | | .4 |
| 49 | Bus, 28 pass | 3080 | 0 | 2.7 | | 2.7 |
| 50 | Bus, 44 pass | 3080 | .1 | 3.1 | 3000 | 3.0 |
| 52 | Modular ambul | 3080 | 0 | 7.4 | | 7.4 |
| 53 | 14-23 bus | 3080 | 0 | .5 | | .5 |
| 65 | Truck, cargo 2½T | 3080 | 0 | 4.8 | | 4.8 |
| 66 | Truck tractor | 3080 | 6.2 | 11.4 | 84 | 5.2 |
| 68 | Truck, utility | 3080 | 0 | 3.4 | | 3.4 |
| 70 | Items < $2M | 3080 | 9.9 | 16.6 | 68 | 6.7 |
| 71 | Truck phone line | 3080 | 0 | 3.9 | | 3.9 |
| 77 | Items < $2M | 3080 | 17.6 | 20.2 | 15 | 2.6 |
| 79 | Truck crash P-23 | 3080 | 4.3 | 22.1 | 414 | 17.8 |
| 80 | Truck water P-26 | 3080 | 1.8 | 2.1 | 17 | .3 |
| 81 | Heavy rescue veh | 3080 | 0 | 4.3 | | 4.3 |
| 82 | Truck pumper P-24 | 3080 | 0 | 2.9 | | 2.9 |
| 83 | Truck pumper P-22 | 3080 | 0 | 3.0 | | 3.0 |
| 95 | Spares and repair parts | 3080 | 2.0 | 2.6 | 30 | .6 |
| 97 | Items < $2M | 3080 | 9.8 | 10.8 | 10 | 1.0 |
| 98 | COMSEC equip | 3080 | 49.5 | 57.0 | 15 | 7.5 |
| 99 | Spare and repair parts | 3080 | 1.1 | 1.9 | 73 | .8 |
| 100 | COMSEC mods | 3080 | .5 | .9 | 80 | .4 |
| 103 | Intell comm equip | 3080 | 3.9 | 17.7 | 354 | 13.8 |
| 106 | Tact. air ctl. sys | 3080 | 66.3 | 118.8 | 79 | 52.5 |
| 107 | Weather OBS/FOR | 3080 | 57.0 | 62.9 | 10 | 5.9 |
| 108 | Def. supp. prog | 3080 | 51.3 | 57.1 | 11 | 5.8 |
| 110 | SAC comm and ctrl | 3080 | 37.8 | 63.1 | 67 | 25.3 |
| 112 | BMEWS mod | 3080 | 0 | 1.0 | | 1.0 |
| 113 | Navstar ops | 3080 | 3.4 | 6.1 | 79 | 2.7 |
| 115 | Def. met. sat. prog | 3080 | 7.3 | 15.2 | 108 | 7.9 |
| 121 | Air base oper | 3080 | 0 | 9.5 | | 9.5 |
| 123 | Tact. warn. sys | 3080 | .6 | 1.5 | 150 | .9 |
| 126 | ADP oper. cons | 3080 | 0 | 124.4 | | 124.4 |
| 127 | WWMCCS/WIS | 3080 | 16.6 | 32.3 | 95 | 15.7 |
| 128 | MAC comm and ctrl | 3080 | 19.6 | 28.8 | 47 | 9.2 |
| 129 | AF phys. sec. sys | 3080 | 28.5 | 36.2 | 27 | 7.7 |
| 131 | C3 C/M | 3080 | 2.9 | 4.0 | 38 | 1.1 |
| 133 | Base level data | 3080 | 20.1 | 23.0 | 14 | 2.9 |
| 134 | AF SAT. ctrl. net | 3080 | 25.8 | 36.3 | 41 | 10.5 |
| 137 | ESMC/WSMC I and M | 3080 | 61.2 | 94.0 | 54 | 32.8 |
| 140 | Telephone exchange | 3080 | 59.8 | 80.5 | 35 | 20.7 |
| 141 | JT. tact. comm. prog | 3080 | 46.8 | 54.0 | 15 | 7.2 |
| 142 | USTRANSCOM | 3080 | 3.8 | 4.8 | 26 | 1.0 |
| 143 | USCENTCOM | 3080 | 5.0 | 5.6 | 12 | .6 |
| 144 | Auto. tele. prg | 3080 | 4.3 | 7.8 | 81 | 3.5 |
| 148 | Min. essent. emer | 3080 | 0 | 33.4 | | 33.4 |
| 149 | Tact. C-E equip | 3080 | 17.1 | 37.6 | 120 | 20.5 |
| 150 | Radio equip | 3080 | 2.8 | 14.2 | 407 | 11.4 |
| 151 | TV equip | 3080 | 4.0 | 4.5 | 13 | .5 |
| 152 | CCTV equip | 3080 | 2.7 | 3.7 | 37 | 1.0 |
| 154 | Spares and repair parts | 3080 | 122.7 | 210.4 | 71 | 87.7 |
| 156 | Items < $2m | 3080 | 9.1 | 12.9 | 42 | 3.8 |
| 157 | Comm. elect. mods | 3080 | 25.0 | 26.1 | 4 | 1.1 |
| 159 | Space mods | 3080 | 12.3 | 19.7 | 60 | 7.1 |
| 160 | Bace/ALC calib | 3080 | 8.7 | 14.7 | 69 | 6.0 |
| 161 | Newark AFB calib | 3080 | 2.2 | 2.6 | 18 | .4 |
| 162 | Items < $2m | 3080 | 23.4 | 29.0 | 24 | 5.6 |
| 163 | Night vision goggles | 3080 | 6.2 | 6.6 | 6 | .4 |
| 164 | Breathing appar | 3080 | 6.2 | 8.5 | 37 | 2.3 |
| 166 | Items < $2m | 3080 | 3.3 | 5.0 | 52 | 1.7 |
| 167 | Base mech. equip | 3080 | 9.0 | 12.3 | 37 | 3.3 |

PROCUREMENT ACCOUNT—Continued

[Dollars in millions]

| No. | Description | Appropriation | 1992 | 1993 | Percent change | Change |
|---|---|---|---|---|---|---|
| 168 | Air term. mech. equip | 3080 | 3.9 | 5.0 | 28 | 1.1 |
| 172 | Floodlights | 3080 | 11.2 | 15.3 | 37 | 4.1 |
| 173 | Items < $2m | 3080 | 2.2 | 4.4 | 100 | 2.2 |
| 176 | Air base oper | 3080 | 13.1 | 17.3 | 32 | 4.2 |
| 179 | Photo. equip | 3080 | 3.6 | 6.4 | 78 | 2.8 |
| 183 | Mobility equip | 3080 | .5 | 1.4 | 180 | .9 |
| 186 | Item < $2m | 3080 | 13.2 | 20.1 | 52 | 6.9 |
| 187 | Int. prod. act | 3080 | 34.5 | 72.7 | 111 | 38.2 |
| 190 | Selected activities | 3080 | 5,458.5 | 5,560.1 | 2 | 101.6 |
| 191 | Special update prog | 3080 | 162.1 | 176.9 | 9 | 14.8 |
| | Defense Agencies | | | | | |
| 3 | Major equip | 0300 | 2.0 | 53.2 | 2,560 | 51.2 |
| 4 | RPV | 0300 | 138.4 | 149.0 | 8 | 10.6 |
| 5 | Corp. info. mgmt | 0300 | 56.8 | 64.0 | 13 | 7.2 |
| 13 | Items < $2m | 0300 | 27.2 | 67.5 | 148 | 40.3 |
| 23 | Def. supp. act | 0300 | 0 | 1.9 | | 1.9 |
| 29 | Other capital equip | 0300 | 20.3 | 34.0 | 67 | 13.7 |
| 30 | Geodesy equip | 0300 | .3 | 2.7 | 800 | 2.4 |
| 31 | Vehicles | 0300 | 2.1 | 4.0 | 90 | 1.9 |
| 34 | Items < $2m | 0300 | 3.6 | 5.6 | 56 | 2.0 |
| 35 | Major equip | 0300 | 179.2 | 463.4 | 159 | 284.2 |
| 36 | Major equip | 0300 | 21.7 | 30.7 | 41 | 9.0 |
| 39 | SDIO Patriot | 0300 | 25.0 | 62.5 | 150 | 37.5 |
| 43 | C-130 mods | 0300 | 84.4 | 110.6 | 31 | 26.2 |
| 48 | Aircraft supp | 0300 | 15.1 | 138.4 | 817 | 123.3 |
| 49 | Patrol boat | 0300 | 4.2 | 25.4 | 505 | 21.2 |
| 51 | SOF pyro/demo | 0300 | 20.8 | 25.3 | 22 | 4.5 |
| 53 | SOF indiv. weapons | 0300 | 13.1 | 17.5 | 34 | 4.4 |
| 59 | Comm. equip and elec | 0300 | 78.0 | 81.7 | 5 | 3.7 |
| 60 | SOF intell. sys | 0300 | 0 | 34.3 | | 34.3 |

Mr. EXON. Mr. President, I will not go into more detail about these increases, except to say that before any Senator says that we cannot cut below the President's defense budget he or she should take the time to look closely at this $11.4 billion in increases on this list. I have taken a cut of only $5.2 billion out of these increases, but, again, more savings can be found if the political consensus exists.

Remember, I address here only limiting the hefty increases, not the cancellation of any additional programs, which may be possible. For instance, eliminating the B-2 or new aircraft carrier request alone would cut an additional $2.7 billion and $832 million, respectively.

My 1993 defense spending plan reflects a reduction of $2.1 billion from the Bush research and development budget of nearly $39 billion. This cut assumes a $1 billion cut from SDI from the proposed $5.3 billion to $4.3 billion, higher still than last year's $4.1 billion.

Anyone paying close attention to the sentiment in Congress about the increase in SDI spending realizes that a $4.3 billion funding level is a very high number. Once more, my plan assumes a conservative reduction. Other reductions can be taken in suspect requests in the Anti-Satellite and National Aerospace Plane Programs.

By asking that the Air Force hold its 1993 research and development budget, which is proposed to increase by 6.9 percent, to this year's level, $941 million in savings can be realized. Likewise, $71 million in savings can be found if the Director of Test and Evaluation budget is kept to the 1992 level.

In other budget areas, my plan reduces operations and maintenance, military and construction, and family housing by a paltry 1 percent below the President's request. Senator NUNN, the distinguished chairman of the Armed Services Committee and the acknowledged expert in the Senate on defense issues, has already spoken eloquently about how by reducing operational tempos, training levels, and readiness standards the Pentagon can lower our spending in the operations and maintenance account, so I will not go into further detail on this matter now.

Keeping with my philosophy that we need to hold the line on spending, I have taken a $400 million cut in Department of Energy spending, reducing it to the 1992 funding level. Though it is true that the Energy Department's environmental restoration and waste management account should increase as we continue to clean up the legacy of hazardous waste at our weapons facilities, savings can be found in the weapons complex account to counterbalance this increase.

Mr. President, I have outlined a modest proposal for cutting the defense budget by an additional $8.8 billion below the President's request in 1993.

I ask unanimous consent that a recapitulation of my plan and a comparison of my spending cuts with other relevant positions be printed in the RECORD.

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

DEFENSE SPENDING IN BUDGET AUTHORITY

[In billions of dollars]

| | Fiscal year 1993 cut | Dollar level | Fiscal year 1993-97 cut |
|---|---|---|---|
| Bush | 8.0 | 280.9 | 50.4 |
| Nunn | 8.0 | 280.9 | 85.0 |
| Aspin | 14.0 | 274.9 | 98.0 |
| House budget resolution | 14.0 | 274.9 | (1) |
| Exon | 16.8 | 272.1 | 100-110 |

[1] No action.

DEFENSE SPENDING IN OUTLAYS

[In billions of dollars]

| | Fiscal year 1993 cut | Dollar level |
|---|---|---|
| Bush | 5.2 | 285.9 |
| Nunn | 5.2 | 285.9 |
| Aspin | 9.0 | 282.1 |
| House budget resolution | 9.0 | 282.1 |
| Exon | 9.4 | 281.7 |

ACCOUNT COMPARISON OF BUSH AND EXON PLANS

[In billions of dollars]

| Account | Bush-B.A. | Proposed cuts | Exon-B.A. |
|---|---|---|---|
| Military personnel | 77.1 | | 77.1 |
| Operations/Maintenance | 84.5 | 0.9 | 83.6 |
| Procurement | 54.4 | 5.2 | 49.2 |
| RDT&E | 38.8 | 2.1 | 36.7 |
| Military construction | 6.2 | .1 | 6.1 |
| Family housing | 4.0 | .1 | 3.9 |
| Revoling funds transfer | 2.0 | | 2.0 |
| All Other | 0.6 | | 0.6 |
| DOD total | 267.6 | 8.4 | 259.2 |
| DOE total | 13.3 | .4 | 12.9 |
| National defense total | 280.9 | 8.8 | 272.1 |

Mr. EXON. Mr. President, some Senators have correctly pointed out that the President's $8 billion cut in 1993 and $50 billion cut through 1997 are based on the full approval of a rescission package this year totaling $7.7 billion. While I suspect that most of this package—a large part of it being the canceled SSN-21 *Seawolf* funding—which will likely be approved by Congress, we have only received $2 billion of the defense rescission package so far from the administration. Even if the Congress balks at approving a portion of this $7.7 billion in past year money, I have outlined a number of areas, such as SDI or the 30 most expensive weapons programs, where Congress could turn to make up the shortfall.

Though the challenge before the Congress is to address defense spending for the upcoming year, much of the debate inside and outside Congress has con-

centrated on spending reductions over 5 years, from fiscal year 1993 through fiscal year 1997. Many of the proposals have been short on specifics or fail to tie the reductions in our military force to its ability to meet the security threat, the nature of which is changing for the better, but which is still undergoing a metamorphosis. The spectrum of these 1993 through 1997 budget authority cuts is great.

Between the President's $50 billion cut and Senator ROTH's proposed reduction of $206 billion, you will find Senator NUNN at $85 billion, Representative ASPIN at $98 billion, Senator MCCAIN at $119 billion, and Senators SASSER and SARBANES at $150 billion. I believe a reduction over 5 years in the range of $100 to $110 billion is reasonable assuming that the world threat continues to diminish as we now expect. Such a reduction would take our force structure below the base force concept proposed by the Pentagon. This is a reasonable plan and one that will and should be revisited each year as we learn more about the course of world events and the ongoing results of our downsizing.

Mr. President, I urge all of my colleagues to carefully examine the entire defense budget proposed by the President—all $281 billion of it—before the President's ultimatum of "this deep and no deeper" is accepted. The scare tactics of the Pentagon, as I have just illustrated, do not hold up upon closer scrutiny of the budget. The President's budget cuts can be more than doubled without returning to the hollow Army of the seventies, as the warnings from the Pentagon predict. It's time we manage the Defense Department budget to bring it, kicking and screaming, in line with the post-cold war world.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

## ORDERS FOR TOMORROW

Mr. EXON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Wednesday, April 1; that following the prayer, the Journal of the proceedings be deemed approved to date and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 11 a.m. with Senators permitted to speak therein for up to 5 minutes each; with Senator SANFORD recognized for up to 12 minutes; Senator WALLOP recognized for up to 5 minutes; Senators GRASSLEY and GORTON recognized for up to 10 minutes each and Senators GLENN and WIRTH for up to 15 minutes each.

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

## RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. EXON. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:05 p.m., recessed until Wednesday, April 1, 1992, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate March 31, 1992:

### DEPARTMENT OF STATE

ROMAN POPADIUK, OF NEW YORK, A CAREER MEMBER OF THE FOREIGN SERVICE, CLASS ONE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO UKRAINE.

SIGMUND A. ROGICH, OF NEVADA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ICELAND.

### THE JUDICIARY

LORETTA A. PRESKA, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK VICE ROBERT J. WARD, RETIRED.

### DEPARTMENT OF JUSTICE

JAY D. GARDNER, OF GEORGIA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF 4 YEARS VICE HINTON R. PIERCE, TERM EXPIRED.

CHARLES W. LARSON, OF IOWA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF 4 YEARS. (REAPPOINTMENT)

SCOTT J. POE, OF KENTUCKY, TO BE U.S. MARSHALL FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF 4 YEARS VICE SHERMAN L. HANSFORD, RETIRED.

### EXECUTIVE OFFICE OF THE PRESIDENT

KARL A. ERB, OF VIRGINIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE WILLIAM D. PHILLIPS, RESIGNED.

### COPYRIGHT ROYALTY TRIBUNAL

BRUCE D. GOODMAN, OF PENNSYLVANIA, TO BE A COMMISSIONER OF THE COPYRIGHT ROYALTY TRIBUNAL FOR A TERM OF 7 YEARS, VICE MARIO F. AGUERO, TERM EXPIRED.

### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR TERMS EXPIRING JANUARY 26, 1998:

PAUL A. CANTOR, OF VIRGINIA, VICE ARAM BAKSHIAN, JR., TERM EXPIRED.

BRUCE COLE, OF INDIANA, VICE ALVIN H. BERNSTEIN, TERM EXPIRED.

JOSEPH H. HAGAN, OF MASSACHUSETTS, VICE PAUL J. OLSCAMP, TERM EXPIRED.

THEODORE S. HAMEROW, OF WISCONSIN, VICE JOHN SHELTON REED, JR., TERM EXPIRED.

ALICIA JUARRERO, OF MARYLAND, VICE ROBERT HOLLANDER, TERM EXPIRED.

ALAN CHARLES KORS, OF PENNSYLVANIA, VICE CAROLYNN REID-WALLACE, TERM EXPIRED.

CONDOLEEZZA RICE, OF CALIFORNIA, VICE DAVID LOWENTHAL, TERM EXPIRED.

JOHN R. SEARLE, OF CALIFORNIA, VICE ROBERT B. STEVENS, TERM EXPIRED.

## CONFIRMATION

Executive nomination confirmed by the Senate March 31, 1992:

DANIEL S. GOLDIN, OF CALIFORNIA, TO BE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.