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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 102<sup>d</sup> CONGRESS, SECOND SESSION

## HOUSE OF REPRESENTATIVES—Monday, May 18, 1992

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. DERRICK].

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 18, 1992.

I hereby designate the Honorable BUTLER DERRICK to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,  
Speaker of the House of Representatives.

### PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, that the power of Your Spirit is seen in the lives of people and in our world. We give thanks that former estrangement between individuals can result in understanding and that alienation between nations can come to common purpose. We thank you, O loving God, that the gift of reconciliation and peace can touch the lives of people everywhere and that Your unity to us can be manifest in our daily lives. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentlewoman from Colorado [Mrs. SCHROEDER] will lead us in the Pledge of Allegiance.

Mrs. SCHROEDER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADMINISTRATION'S RECORD ON FAMILY ISSUES

Mrs. SCHROEDER. Mr. Speaker, the President this weekend gave a stirring address at Notre Dame in which he mentioned that the American family is under siege, and he is absolutely right. We have the worst statistics on families of any industrialized nation on the planet.

He also went on to say that the Federal Government cannot do everything, but it should do anything that it can. Let me say that saddened me because I stand here with copies of letters that the women Members of Congress have sent for the last 4 years to the White House to meet with the President on family issues because we have made that one of our No. 1 priorities. Every single request to meet with the President has been turned down. Every single bill that we tried to pass to help the American family he has vetoed.

So I am very saddened that he can say that the Government must do everything it can when the administration has done absolutely nothing.

I hope, I hope the President will now meet with the congressional caucus on women's issues and other Members of this body who have been very concerned about what has happened to the American family, and join us in an agenda that meets those kinds of issues that other countries have dealt with and to try and help. Talk will not do it alone. We all must do our part.

### APPOINTMENT AS MEMBERS OF GLASS CEILING COMMISSION

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, majority leader, and the Honorable BOB MICHEL, minority leader:

HOUSE OF REPRESENTATIVES,  
Washington, DC, May 12, 1992.

Hon. THOMAS S. FOLEY,  
Speaker of the House, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 203(b)(1)(G) of Public Law 102-166, we hereby appoint the following Members of the House of Representatives to serve as members of the Glass Ceiling Commission:

The Honorable Nita M. Lowey of New York; and

The Honorable Susan Molinari of New York.

Sincerely,

RICHARD A. GEPHARDT,  
Majority Leader.  
BOB MICHEL,  
Minority Leader.

### HOOR OF MEETING ON WEDNESDAY, MAY 20, 1992

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, May 19, 1992, it adjourn to meet at 11 a.m. on Wednesday, May 20, 1992.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

### CONFERENCE REPORT ON H.R. 2507, NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS OF 1992

Mr. WAXMAN submitted the following conference report and statement on 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:

CONFERENCE REPORT (H. REPT. 102-525)

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

**SECTION I. SHORT TITLE AND TABLE OF CONTENTS.**

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

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

Sec. 1. Short title and table of contents.

**TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT**

Subtitle A—Research Freedom

**PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH**

Sec. 101. Establishment of certain provisions regarding research conducted or supported by National Institutes of Health.

**PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE**

Sec. 111. Establishment of authorities.  
Sec. 112. Purchase of human fetal tissue; solicitation or acceptance of tissue as directed donation for use in transplantation.

Sec. 113. Nullification of moratorium.  
Sec. 114. Report by General Accounting Office on adequacy of requirements.

**PART III—MISCELLANEOUS REPEALS**

Sec. 121. Repeals.  
Subtitle B—Clinical Research Equity Regarding Women and Minorities

**PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH**

Sec. 131. Requirement of inclusion in research.  
Sec. 132. Peer review.  
Sec. 133. Applicability.

**PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH**

Sec. 141. Establishment.  
Subtitle C—Scientific Integrity  
Sec. 151. Establishment of Office of Scientific Integrity.  
Sec. 152. Commission on Scientific Integrity.  
Sec. 153. Protection of whistleblowers.  
Sec. 154. Requirement of regulations regarding protection against financial conflicts of interest in certain projects of research.  
Sec. 155. Effective dates.

**TITLE II—PROTECTION OF HEALTH FACILITIES**

Sec. 201. Protection of facilities assisted under Public Health Service Act.  
Sec. 202. Conforming amendments.

**TITLE III—NATIONAL INSTITUTES OF HEALTH IN GENERAL**

Sec. 301. Discretionary fund of Director of National Institutes of Health.  
Sec. 302. Health promotion research dissemination.  
Sec. 303. Programs for increased support regarding certain states and researchers.  
Sec. 304. Children's vaccine initiative.  
Sec. 305. Plan for use of animals in research.  
Sec. 306. Increased participation of women and disadvantaged individuals in fields of biomedical and behavioral research.  
Sec. 307. Requirements regarding surveys of sexual behavior.  
Sec. 308. Miscellaneous provisions.

**TITLE IV—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES**

Sec. 401. Appointment and authority of Directors of national research institutes.  
Sec. 402. Program of research on osteoporosis, Paget's disease, and related disorders.  
Sec. 403. Establishment of interagency program for trauma research.

**TITLE V—NATIONAL CANCER INSTITUTE**

Sec. 501. Expansion and intensification of activities regarding breast cancer.  
Sec. 502. Expansion and intensification of activities regarding prostate cancer.  
Sec. 503. Authorization of appropriations.

**TITLE VI—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE**

Sec. 601. Education and training.  
Sec. 602. Centers for the study of pediatric cardiovascular diseases.  
Sec. 603. Authorization of appropriations.

**TITLE VII—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES**

Sec. 701. Provisions regarding nutritional disorders.

**TITLE VIII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES**

Sec. 801. Juvenile arthritis.

**TITLE IX—NATIONAL INSTITUTE ON AGING**

Sec. 901. Alzheimer's disease registry.  
Sec. 902. Aging processes regarding women.  
Sec. 903. Authorization of appropriations.  
Sec. 904. Conforming amendment.

**TITLE X—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES**

Sec. 1001. Tropical diseases.  
Sec. 1002. Chronic fatigue syndrome.

**TITLE XI—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT**

Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility

Sec. 1101. Grants and contracts for research centers.  
Sec. 1102. Loan repayment program for research with respect to contraception and infertility.

Subtitle B—Program Regarding Obstetrics and Gynecology

Sec. 1111. Establishment of program.  
Subtitle C—Child Health Research Centers  
Sec. 1121. Establishment of centers.  
Subtitle D—Study Regarding Adolescent Health.  
Sec. 1131. Prospective longitudinal study.

**TITLE XII—NATIONAL EYE INSTITUTE**

Sec. 1201. Clinical research on diabetes eye care.

**TITLE XIII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE**

Sec. 1301. Research on multiple sclerosis.

**TITLE XIV—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES**

Sec. 1401. Applied Toxicological Research and Testing Program.

**TITLE XV—NATIONAL LIBRARY OF MEDICINE**

Subtitle A—General Provisions  
Sec. 1501. Additional authorities.

Sec. 1502. Authorization of appropriations for general program.

Subtitle B—Financial Assistance

Sec. 1511. Establishment of program of grants for development of education technologies.

Sec. 1512. Authorization of appropriations.  
Subtitle C—National Center for Biotechnology Information

Sec. 1521. Authorization of appropriations.  
Subtitle D—National Information Center on Health Services Research and Health Care Technology

Sec. 1531. Establishment of Center.  
Sec. 1532. Conforming provisions.

**TITLE XVI—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH**

Subtitle A—Division of Research Resources

Sec. 1601. Redesignation of Division as National Center for Research Resources.

Sec. 1602. Biomedical and behavioral research facilities

Sec. 1603. Construction program for national primate research center.

Subtitle B—National Center for Nursing Research

Sec. 1611. Redesignation of National Center for Nursing Research as National Institute of Nursing Research.

Subtitle C—National Center for Human Genome Research

Sec. 1621. Purpose of Center.

**TITLE XVII—AWARDS AND TRAINING**

Subtitle A—National Research Service Awards  
Sec. 1701. Requirement regarding women and individuals from disadvantaged backgrounds.

Subtitle B—Acquired Immune Deficiency Syndrome

Sec. 1711. Loan repayment program.  
Subtitle C—Loan Repayment for Research Generally

Sec. 1721. Establishment of program.  
Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by National Institutes of Health

Sec. 1731. Establishment of programs.  
Sec. 1732. Funding.

Subtitle D—Funding for Awards and Training Generally

Sec. 1741. Authorization of appropriations.

**TITLE XVIII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH**

Sec. 1801. Miscellaneous provisions.

**TITLE XIX—RESTORATION AND RENOVATION OF FACILITIES AND INFRASTRUCTURE**

Sec. 1901. Acquisition of land and facilities.  
Sec. 1902. Warren Grant Magnuson Clinical Center.

**TITLE XX—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME**

Sec. 2001. Revision and extension of various programs.

**TITLE XXI—CERTAIN AUTHORITIES OF CENTERS FOR DISEASE CONTROL**

Sec. 2101. Prevention of prostate cancer.  
Sec. 2102. National program of cancer registries.  
Sec. 2103. Traumatic brain injury.

**TITLE XXII—STUDIES**

Sec. 2201. Acquired immune deficiency syndrome.

- Sec. 2202. Annual report concerning leading causes of death.
- Sec. 2203. Malnutrition in the elderly.
- Sec. 2204. Behavioral factors study.
- Sec. 2205. Relationship between the consumption of legal and illegal drugs.
- Sec. 2206. Research activities on chronic fatigue syndrome.
- Sec. 2207. Report on medical uses of biological agents in development of defenses against biological warfare.
- Sec. 2208. Evaluation of employee-transported contaminant releases.
- Sec. 2209. Personnel study of recruitment, retention and turnover.
- Sec. 2210. Procurement.

**TITLE XXIII—MISCELLANEOUS PROVISIONS**

- Sec. 2301. Designation of Senior Biomedical Research Service in honor of Silvio Conte, and limitation on number of members.
- Sec. 2302. Technical corrections.
- Sec. 2303. Prohibition against SHARP adult sex survey and the American teenage sex survey.
- Sec. 2304. Biennial report on carcinogens.
- Sec. 2305. National commission on sleep disorders research.

**TITLE XXIV—EFFECTIVE DATE**

- Sec. 2401. Effective date.

**TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT**

**Subtitle A—Research Freedom**

**PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH**

**SEC. 101. ESTABLISHMENT OF CERTAIN PROVISIONS REGARDING RESEARCH CONDUCTED OR SUPPORTED BY NATIONAL INSTITUTES OF HEALTH.**

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

“CERTAIN PROVISIONS REGARDING REVIEW AND APPROVAL OF PROPOSALS FOR RESEARCH

“SEC. 492A. (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.

“(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.

“(E) A member of an ethics board shall be subject to removal from the board by the Sec-

retary for neglect of duty or malfeasance or for other good cause shown.

“(F) The Secretary shall designate an individual from among the members of an ethics board to serve as the chair of the board.

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

“(H) 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.

“(I) 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.

“(J) 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.

“(K) 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.”

**PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE**

**SEC. 111. ESTABLISHMENT OF AUTHORITIES.**

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

**“RESEARCH ON TRANSPLANTATION OF FETAL TISSUE**

“SEC. 498A. (a) ESTABLISHMENT OF PROGRAM.—

“(1) IN GENERAL.—The Secretary may conduct or support research on the transplantation of human fetal tissue for therapeutic purposes.

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

“(b) INFORMED CONSENT OF DONOR.—

“(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the woman providing the tissue makes a statement, made in writing and signed by the woman, declaring that—

“(A) the woman donates the fetal tissue for use in research described in subsection (a);

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

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

“(2) ADDITIONAL STATEMENT.—In research carried out under subsection (a), human fetal tissue may be used only if the attending physician with respect to obtaining the tissue from the woman involved makes a statement, made in writing and signed by the physician, declaring that—

“(A) in the case of tissue obtained pursuant to an induced abortion—

“(i) the consent of the woman for the abortion was obtained prior to requesting or obtaining consent for the tissue to be used in such research; and

“(ii) no alteration of the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue;

“(B) the tissue has been donated by the woman in accordance with paragraph (1); and

“(C) full disclosure has been provided to the woman with regard to—

"(i) such physician's interest, if any, in the research to be conducted with the tissue; and

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

"(c) INFORMED CONSENT OF RESEARCHER AND DONEE.—In research carried out under subsection (a), human fetal tissue may be used only if the individual with the principal responsibility for conducting the research involved makes a statement, made in writing and signed by the individual, declaring that the individual—

"(1) is aware that—

"(A) the tissue is human fetal tissue;

"(B) the tissue may have been obtained pursuant 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 recipient; and

"(4) has had no part in any decisions as to the timing, method, or procedures used to terminate the pregnancy made solely for the purposes of the research.

"(d) AVAILABILITY OF STATEMENTS FOR AUDIT.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the head of the agency or other entity conducting the research involved certifies to the Secretary that the statements required under subsections (b)(2) and (c) 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 and entities involved in such research, including such individuals and entities involved in the donation, transfer, receipt, or 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 of 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 and entities 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 support for research under subsection (a) unless the applicant for the financial assistance involved agrees to conduct the research in accordance with applicable State and local law.

"(2) RESEARCH CONDUCTED BY SECRETARY.—The Secretary may conduct research under 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 after a spontaneous or induced abortion, or after a stillbirth."

**SEC. 112. PURCHASE OF HUMAN FETAL TISSUE; SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.**

Part G of title IV of the Public Health Service Act, as amended by section 111 of this Act, is

amended by inserting after section 498A the following new section:

**"PROHIBITIONS REGARDING HUMAN FETAL TISSUE**

**"SEC. 498B. (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 TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.—**It shall be unlawful for any person to solicit or knowingly acquire, receive, or accept a donation of human fetal tissue for the purpose of transplantation of such tissue into another person if the donation affects interstate commerce, the tissue will be or is obtained pursuant 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 who solicits or knowingly acquires, receives, or accepts the donation has provided valuable consideration for the costs associated with such abortion.

**"(c) CRIMINAL PENALTIES FOR VIOLATIONS.—**

"(1) IN GENERAL.—Any person who violates subsection (a) or (b) shall be fined in accordance with title 18, United States Code, subject to paragraph (2), or imprisoned for not more than 10 years, or both.

"(2) PENALTIES APPLICABLE TO PERSONS RECEIVING CONSIDERATION.—With respect to the imposition of a fine under paragraph (1), if the person involved violates subsection (a) or (b)(3), a fine shall be imposed in an amount not less than twice the amount of the valuable consideration received.

"(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. 113. 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 111 of this Act), 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 101 of this Act);

(B) the research will be carried out in accordance with section 498A of such Act (as added by section 111 of this Act); and

(C) there are reasonable assurances that the research will not utilize any human fetal tissue that has been obtained in violation of section 498B(a) of such Act (as added by section 112 of this Act).

(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 101 of this Act); and

(B) finding that there are no ethical grounds for withholding funds for the 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 111 of this Act).

**SEC. 114. REPORT BY GENERAL ACCOUNTING OFFICE ON ADEQUACY OF REQUIREMENTS.**

(a) IN GENERAL.—With respect to research on the transplantation of human fetal tissue for therapeutic purposes, the Comptroller General of the United States shall conduct an audit for the purpose of determining—

(1) whether and to what extent such research conducted or supported by the Secretary of Health and Human Services has been conducted in accordance with section 498A of the Public Health Service Act (as added by section 111 of this Act); and

(2) whether and to what extent there have been violations of section 498B of such Act (as added by section 112 of this Act).

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall complete the audit required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made pursuant to the audit.

**PART III—MISCELLANEOUS REPEALS**

**SEC. 121. REPEALS.**

(a) CERTAIN BIOMEDICAL ETHICS BOARD.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 101(a) of Public Law 101-616, is amended—

(1) by striking part J; and

(2) by redesignating parts K through M as parts J through L, respectively.

(b) OTHER REPEALS.—Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended—

(1) in section 498, by striking subsection (c); and

(2) by striking section 499.

**Subtitle B—Clinical Research Equity Regarding Women and Minorities**

**PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH**

**SEC. 131. REQUIREMENT OF INCLUSION IN RESEARCH.**

Part G of title IV of the Public Health Service Act, as amended by section 101 of this Act, is amended by inserting after section 492A the following new section:

**"INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH**

"SEC. 492B. (a) In conducting or supporting clinical research for purposes of this title, the Director of NIH shall, subject to subsection (b), ensure that—

"(1) women are included as subjects in each project of such research; and

"(2) members of minority groups are included as subjects in such research.

"(b) 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—

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

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

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

"(c) In the case of any project of clinical research in which women or members of minority groups will under subsection (a) be included as subjects in the research, 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)(1) The Director of NIH, in consultation with the Director of the Office of Research on Women's Health, shall establish guidelines regarding—

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

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

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

"(2) The guidelines established under paragraph (1)—

"(A) 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) of such paragraph; and

"(B) 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.

"(3) The guidelines required in paragraph (1) shall be established and published in the Federal Register not later than July 1, 1992.

"(4) For fiscal year 1993 and subsequent fiscal years, the Director of NIH may not approve any proposal of clinical research to be conducted or supported by any agency of the National Institutes of Health unless the proposal specifies the manner in which the research will comply with subsection (a).

"(e) The advisory council of each national research institute shall annually submit to the Director of NIH and the Director of the institute involved a report describing the manner in which the agency has complied with subsection (a)."

#### SEC. 132. PEER REVIEW.

Section 492 of the Public Health Service Act (42 U.S.C. 289a) is amended by adding at the end the following new subsection:

"(c)(1) In technical and scientific peer review under this section of proposals for clinical research, the consideration of any such proposal (including the initial consideration) shall, except as provided in paragraph (2), include an evaluation of the technical and scientific merit of the proposal regarding compliance with section 492B(a).

"(2) Paragraph (1) shall not apply to any proposal for clinical research that, pursuant to subsection (b) of section 492B, 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. 134. APPLICABILITY.

Section 492B of the Public Health Service Act, as added by section 131 of this Act, shall not apply with respect to projects of clinical research for which initial funding was provided prior to the date of the enactment of this Act. With respect to the inclusion of women and minorities as subjects in clinical research conducted or supported by the National Institutes of Health and Human Services regarding such inclusion that are in effect on the day before the date of the enactment of this Act shall continue to apply to the projects referred to in the preceding sentence. Any such policies may apply for fiscal year 1993 and subsequent fiscal years to the extent not inconsistent with such section 492B.

### PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH

#### SEC. 141. ESTABLISHMENT.

(a) IN GENERAL.—Title IV of the Public Health Service Act, as amended by section 2 of Public Law 101-613, is amended—

(1) by redesignating section 486 as section 485A;

(2) by redesignating parts F through H as parts G through I, respectively; and

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

#### "PART F—RESEARCH ON WOMEN'S HEALTH

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

"(a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Women's Health (in this part referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on women's health that should be conducted or supported by the national research institutes;

"(2) identify multidisciplinary research relating to research on women's health that should be so conducted or supported;

"(3) carry out paragraphs (1) and (2) with respect to the aging process in women, with priority given to menopause;

"(4) promote coordination and collaboration among entities conducting research identified under any of paragraphs (1) through (3);

"(5) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(6) recommend an agenda for conducting and supporting such research;

"(7) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research;

"(8) assist in the administration of section 492B with respect to the inclusion of women as subjects in clinical research; and

"(9) prepare the report required in section 486B.

"(c) COORDINATING COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Coordinating Committee').

"(2) The Coordinating Committee shall be composed of the Directors of the national re-

search institutes (or the designees of the Directors).

"(3) The Director of the Office shall serve as the chair of the Coordinating Committee.

"(4) With respect to research on women's health, the Coordinating Committee shall assist the Director of the Office in—

"(A) identifying the need for such research, and making an estimate each fiscal year of the funds needed to adequately support the research;

"(B) identifying needs regarding the coordination of research activities, including intramural and extramural multidisciplinary activities;

"(C) supporting the development of methodologies to determine the circumstances in which obtaining data specific to women (including data relating to the age of women and the membership of women in ethnic or racial groups) is an appropriate function of clinical trials of treatments and therapies;

"(C) supporting the development and expansion of clinical trials of treatments and therapies for which obtaining such data has been determined to be an appropriate function; and

"(D) encouraging the national research institutes to conduct and support such research, including such clinical trials.

"(d) ADVISORY COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish an advisory committee to be known as the Advisory Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Advisory Committee').

"(2) The Advisory Committee shall be composed of no fewer than 12, and not more than 18 individuals, who are not officers or employees of the Federal Government. The Director of the Office shall make appointments to the Advisory Committee from among physicians, practitioners, scientists, and other health professionals, whose clinical practice, research specialization, or professional expertise includes a significant focus on research on women's health. A majority of the members of the Advisory Committee shall be women.

"(3) The Director of the Office shall serve as the chair of the Advisory Committee.

"(4) The Advisory Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—

"(i) research on women's health;

"(ii) research on gender differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on gender differences in disease etiology, course, and treatment;

"(iv) research on obstetrical and gynecological health conditions, diseases, and treatments; and

"(v) research on women's health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on such research;

"(C) provide recommendations to such Director regarding activities of the Office (including recommendations on the development of the methodologies described in subsection (c)(4)(C) and recommendations on priorities in carrying out research described in subparagraph (A)); and

"(D) assist in monitoring compliance with section 492B regarding the inclusion of women in clinical research.

"(5) (A) The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

"(i) compliance with section 492B;

"(ii) the extent of expenditures made for research on women's health by the agencies of the National Institutes of Health; and

"(iii) the level of funding needed for such research.

"(B) The report required in subparagraph (A) shall be submitted to the Director of NIH for inclusion in the report required in section 403.

"(e) REPRESENTATION OF WOMEN AMONG RESEARCHERS.—The Secretary, acting through the Assistant Secretary for Personnel and in collaboration with the Director of the Office, shall determine the extent to which women are represented among senior physicians and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(f) DEFINITIONS.—For purposes of this part:

"(1) The term 'women's health conditions', with respect to women of all age, ethnic, and racial groups, means all diseases, disorders, and conditions (including with respect to mental health)—

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

"(B) for which the factors of medical risk or types of medical intervention are different for women, or for which it is unknown whether such factors or types are different for women; or

"(C) with respect to which there has been insufficient clinical research involving women as subjects or insufficient clinical data on women.

"(2) The term 'research on women's health' means research on women's health conditions, including research on preventing such conditions.

**"SEC. 486A. NATIONAL DATA SYSTEM AND CLEARINGHOUSE ON RESEARCH ON WOMEN'S HEALTH.**

"(a) DATA SYSTEM.—

"(1) The Director of NIH, in consultation with the Director of the Office, shall establish 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 research institutes. 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) The data system established under paragraph (1) shall include a registry of clinical trials of experimental treatments that have been developed for research on women's health. Such registry shall include information on subject eligibility criteria, sex, age, ethnicity or race, and the location of the trial site or sites. Principal investigators of such clinical trials shall provide this information to the registry within 30 days after it is available. Once a trial has been completed, the principal investigator shall provide the registry with information pertaining to the results, including potential toxicities or adverse effects associated with the experimental treatment or treatments evaluated.

"(b) CLEARINGHOUSE.—The Director of NIH, in consultation with the Director of the Office and with the National Library of Medicine, shall establish, maintain, and operate a program to provide information on research and prevention activities of the national research institutes that relate to research on women's health.

**"SEC. 486B. BIENNIAL REPORT.**

"(a) IN GENERAL.—With respect to research on women's health, the Director of the Office shall, not later than February 1, 1994, and biennially thereafter, prepare a report—

"(1) describing and evaluating the progress made during the preceding 2 fiscal years in research and treatment conducted or supported by the National Institutes of Health;

"(2) describing and analyzing the professional status of women physicians and scientists of such Institutes, including the identification of problems and barriers regarding advancements;

"(3) summarizing and analyzing expenditures made by the agencies of such Institutes (and by such Office) during the preceding 2 fiscal years; and

"(4) making such recommendations for legislative and administrative initiatives as the Director of the Office determines to be appropriate.

"(b) INCLUSION IN BIENNIAL REPORT OF DIRECTOR OF NIH.—The Director of the Office shall submit each report prepared under subsection (a) to the Director of NIH for inclusion in the report submitted to the President and the Congress under section 403."

(b) REQUIREMENT OF SUFFICIENT ALLOCATION OF RESOURCES OF INSTITUTES.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (10), by striking "and" after the semicolon at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (11) the following new paragraph:

"(12) after consultation with the Director of the Office of Research on Women's Health, shall ensure that resources of the National Institutes of Health are sufficiently allocated for projects of research on women's health that are identified under section 486(b)."

(c) CONFORMING AMENDMENT.—Section 485(g) of the Public Health Service Act (42 U.S.C. 287c-2(g)) is amended by striking "section 486" and inserting "section 485A".

**Subtitle C—Scientific Integrity**

**SEC. 151. ESTABLISHMENT OF OFFICE OF SCIENTIFIC INTEGRITY.**

(a) IN GENERAL.—Section 493 of the Public Health Service Act (42 U.S.C. 289b) is amended to read as follows:

**"OFFICE OF SCIENTIFIC INTEGRITY**

"(a) SEC. 493. (a) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall establish an office to be known as the Office of Scientific Integrity (hereafter referred to in this section as the 'Office'), which shall be established as an independent entity in the Department of Health and Human Services.

"(2) DIRECTOR.—The Office shall be headed by a Director, who shall be appointed by the Secretary, be experienced and specially trained in the conduct of research, and have experience in the conduct of investigations of scientific misconduct. The Secretary shall carry out this section acting through the Director of the Office. The Director shall report to the Secretary.

"(b) EXISTENCE OF ADMINISTRATIVE PROCESSES AS CONDITION OF FUNDING FOR RESEARCH.—The Secretary shall by regulation 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 biomedical or behavioral research submit in or with its application for such grant, contract, or cooperative agreement assurances satisfactory to the Secretary that such entity—

"(1) has established (in accordance with regulations which the Secretary shall prescribe) an administrative process to review reports of scientific misconduct in connection with biomedical and behavioral research conducted at or sponsored by such entity; and

"(2) will report to the Director any investigation of alleged scientific misconduct in connection with projects for which funds have been made available under this Act that appears substantial.

"(c) PROCESS FOR RESPONSE OF DIRECTOR.—The Secretary shall establish by regulation a process to be followed by the Director for the prompt and appropriate—

"(1) response to information provided to the Director respecting scientific misconduct in connection with projects for which funds have been made available under this Act;

"(2) receipt of reports by the Director of such information from recipients of funds under this Act;

"(3) conduct of investigations, when appropriate; and

"(4) taking of other actions, including appropriate remedies, with respect to such misconduct.

"(d) MONITORING BY DIRECTOR.—The Secretary shall by regulation establish procedures for the Director to monitor administrative processes and investigations that have been established or carried out under this section.

"(e) EFFECT ON PRESENT INVESTIGATIONS.—Nothing in this section shall affect investigations which have been or will be commenced prior to the promulgation of final regulations under this section."

(b) ESTABLISHMENT OF DEFINITION OF SCIENTIFIC MISCONDUCT.—Not later than 90 days after the date on which the report required under section 152(d) is submitted to the Secretary of Health and Human Services, such Secretary shall by regulation establish a definition for the term "scientific misconduct" for purposes of section 493 of the Public Health Service Act, as amended by subsection (a) of this section.

**SEC. 152. COMMISSION ON SCIENTIFIC INTEGRITY.**

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a commission to be known as the Commission on Scientific Integrity (in this section referred to as the "Commission").

(b) DUTIES.—The Commission shall develop recommendations for the Secretary of Health and Human Services on the administration of section 493 of the Public Health Service Act (as amended and added by section 151 of this Act).

(c) COMPOSITION.—The Commission shall be composed of 12 members to be appointed by the Secretary of Health and Human Services from among individuals who are not officers or employees of the United States. Of the members appointed to the Commission—

(1) three shall be scientists with substantial accomplishments in biomedical or behavioral research;

(2) three shall be individuals with experience in investigating allegations of misconduct with respect to scientific research;

(3) three shall be representatives of institutions of higher education at which biomedical or behavioral research is conducted; and

(4) three shall be individuals who are not described in paragraphs (1), (2), or (3), at least one of whom shall be an attorney and at least one of whom shall be an ethicist.

(d) REPORT.—Not later than 120 days after the date of enactment of this section, the Commission shall prepare and submit to the Secretary of Health and Human Services, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report containing the recommendations developed under subsection (b).

**SEC. 153. PROTECTION OF WHISTLEBLOWERS.**

Section 493 of the Public Health Service Act, as amended by section 151 of this Act, is amended by adding at the end the following new subsection:

"(e) PROTECTION OF WHISTLEBLOWERS.—

"(1) IN GENERAL.—In the case of any entity required to establish administrative processes under subsection (b), the Secretary shall by regulation establish standards for preventing, and for responding to the occurrence of retaliation by such entity, its officials or agents, against an employee in the terms and conditions of employment in response to the employee having in good faith—

"(A) made an allegation that the entity, its officials or agents, has engaged in or failed to

adequately respond to an allegation of scientific misconduct; or

"(B) cooperated with an investigation of such an allegation.

"(2) **MONITORING BY SECRETARY.**—The Secretary shall establish by regulation procedures for the Director to monitor the implementation of the standards established by an entity under paragraph (1) for the purpose of determining whether the procedures have been established, and are being utilized, in accordance with the standards established under such paragraph.

"(3) **NONCOMPLIANCE.**—The Secretary shall by regulation establish remedies for noncompliance by an entity, its officials or agents, which has engaged in retaliation in violation of the standards established under paragraph (1). Such remedies may include termination of funding provided by the Secretary for such project or recovery of funding being provided by the Secretary for such project, or other actions as appropriate.

"(4) **FINAL RULE FOR REGULATIONS.**—The Secretary shall issue a final rule for the regulations required in paragraph (1) not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Amendments of 1992.

"(5) **REQUIRED AGREEMENTS.**—For any fiscal year beginning after the date on which the regulations required in paragraph (1) are issued, the Secretary may not provide a grant, cooperative agreement, or contract under this Act for biomedical or behavioral research unless the entity seeking such financial assistance agrees that the entity—

"(A) will maintain the procedures described in the regulations; and

"(B) will otherwise be subject to the regulations."

**SEC. 154. REQUIREMENT OF REGULATIONS REGARDING PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH.**

Part H of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 493 the following new section:

"PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH

"SEC. 493A. (a) **ISSUANCE OF REGULATIONS.**—

"(1) **IN GENERAL.**—The Secretary shall define by regulation, the specific circumstances that constitute the existence of a financial interest in a project on the part of an entity or individual that will, or may be reasonably expected to, create a bias in favor of obtaining results in such project that are consistent with such financial interest. Such definition shall apply uniformly to each entity or individual conducting a research project under this Act. In the case of any entity or individual receiving assistance from the Secretary for a project of research described in paragraph (2), the Secretary shall by regulation establish standards for responding to, including managing, reducing, or eliminating, the existence of such a financial interest. The entity may adopt individualized procedures for implementing the standards.

"(2) **RELEVANT PROJECTS.**—A project of research referred to in paragraph (1) is a project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment and for which such entity is receiving assistance from the Secretary.

"(3) **IDENTIFYING AND REPORTING TO THE DIRECTOR.**—The Secretary shall ensure that the standards established under paragraph (1) specify that as a condition of receiving assistance from the Secretary for the project involved, an entity described in such subsection is required—

"(A) to have in effect at the time the entity applies for the assistance and throughout the

period during which the assistance is received, a process for identifying such financial interests as defined in paragraph (1) that exist regarding the project; and

"(B) to report to the Director such financial interest as defined in paragraph (1) identified by the entity and how any such financial interest identified by the entity will be managed or eliminated such that the project in question will be protected from bias that may stem from such financial interest.

"(4) **MONITORING OF PROCESS.**—The Secretary shall monitor the establishment and conduct of the process established by an entity pursuant to paragraph (1).

"(5) **RESPONSE.**—In any case in which the Secretary determines that an entity has failed to comply with paragraph (3) regarding a project of research described in paragraph (1), the Secretary—

"(A) shall require that, as a condition of receiving assistance, the entity disclose the existence of a financial interest as defined in paragraph (1) in each public presentation of the results of such project; and

"(B) may take such other actions as the Secretary determines to be appropriate.

"(6) **DEFINITION.**—As used in this section:

"(A) The term 'financial interest' includes the receipt of consulting fees or honoraria and the ownership of stock or equity.

"(B) The term 'assistance', with respect to conducting a project of research, means a grant, contract, or cooperative agreement.

"(b) **FINAL RULE FOR REGULATIONS.**—The Secretary shall issue a final rule for the regulations required in subsection (a) not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Amendments of 1992."

**SEC. 155. EFFECTIVE DATES.**

(a) **IN GENERAL.**—The amendments made by this subtitle shall become effective on the date that occurs 180 days after the date on which the final rule required under section 493(e)(4) of the Public Health Service Act, as amended by section 151 and 153, is published in the Federal Register.

(b) **AGREEMENTS AS A CONDITION OF FUNDING.**—The requirements of subsection (e)(5) of section 493 of the Public Health Service Act, as amended by sections 151 and 153, with respect to agreements as a condition of funding shall not be effective in the case of projects of research for which initial funding under the Public Health Service Act was provided prior to the effective date described in subsection (a).

**TITLE II—PROTECTION OF HEALTH FACILITIES**

**SEC. 201. PROTECTION OF FACILITIES ASSISTED UNDER PUBLIC HEALTH SERVICE ACT.**

The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 101 of Public Law 101-381 and section 304 of Public Law 101-509, is amended—

(1) by transferring sections 2701 through 2714 to title II;

(2) by redesignating such sections as sections 231 through 244, respectively;

(3) by inserting such sections, in the appropriate sequence, after section 228;

(4) by inserting before section 201 the following new heading:

"PART A—ADMINISTRATION";

(5) by inserting before section 231 (as redesignated by paragraph (2) of this subsection) the following new heading:

"PART B—MISCELLANEOUS PROVISIONS"; and

(6) by adding at the end of title II (as amended by paragraphs (1) through (5) of this subsection) the following new part:

"PART C—PROTECTION OF HEALTH FACILITIES  
"SEC. 251. ESTABLISHMENT OF PROTECTIONS.

"With respect to any health facility receiving financial assistance under this Act, a person shall not—

"(1) embezzle, steal, purloin, or knowingly engage in conversion of any personal property of the health facility, including, without authorization of the health facility—

"(A) knowingly releasing or otherwise causing the loss from the health facility of any animal held for research purposes by the facility;

"(B) knowingly injuring any animal held for such purposes; or

"(C) knowingly destroying or altering records held by the facility;

"(2) knowingly damage any real property of the health facility;

"(3) knowingly deter, through any degree of physical restraint, any individual from entering or exiting the health facility;

"(4) by force and violence take from the person or presence of an officer or employee of the health facility any personal property of the health facility (including any animal held for research purposes by the facility); or

"(5) break or enter into the health facility with the intent to carry out any of the actions prohibited in any of paragraphs (1) through (4).

"SEC. 252. ENFORCEMENT.

"(a) **CRIMINAL PENALTY.**—

"(1) **IN GENERAL.**—Any person who violates section 251 shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

"(2) **RESTITUTION.**—In sentencing a defendant convicted of a violation of section 251, the court involved may order the defendant to make restitution to the health facility involved. Sections 3663 and 3664 of title 18, United States Code, shall apply to such an order to the same extent and in the same manner as such sections apply to any order of restitution made pursuant to a conviction of any felony under such title 18.

"(3) **LIMITATION ON ACTION.**—Section 3282 of title 18, United States Code, shall apply to proceedings under paragraph (1).

"(b) **PRIVATE CIVIL ACTION.**—

"(1) **IN GENERAL.**—Any health facility aggrieved as a result of a violation of any of paragraphs (1) through (3) of section 251 by any person may, in any court of competent jurisdiction, commence a civil action against such person to obtain appropriate relief, including actual and punitive damages, equitable relief, and a reasonable attorney's fee and costs.

"(2) **STATE OPTION WITH RESPECT TO OFFSET.**—To the extent provided by the law of the State in which the violation of section 251 occurred, any pecuniary relief recovered by a health facility in a civil action under paragraph (1) shall be offset against any pecuniary relief recovered by the health facility in a civil action authorized under the law of such State with respect to activities described in section 251.

"(3) **LIMITATION ON ACTION.**—Proceedings under paragraph (1) may not be commenced against a person after the expiration of the 2-year period beginning on the date on which the person allegedly engaged in the violation of section 251.

"SEC. 253. RULES OF CONSTRUCTION.

"With respect to penalties and remedies established in this part regarding any health facility receiving financial assistance under this Act—

"(1) this part may not be construed to limit or otherwise affect any other penalty or remedy under Federal or State law; and

"(2) this part may not be construed to supersede any law of any State."

**SEC. 202. CONFORMING AMENDMENTS.**

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) in the heading for title II, by inserting "AND MISCELLANEOUS PROVISIONS" after "ADMINISTRATION";

(2) in section 406(a)(2), by striking "2701" and inserting "231";

(3) in section 465(f), by striking "2701" and inserting "231";

(4) in section 480(a)(2), by striking "2701" and inserting "231";

(5) in section 485(a)(2), by striking "2701" and inserting "231";

(6) in section 497, by striking "2701" and inserting "231";

(7) in section 505(a)(2), by striking "2701" and inserting "231";

(8) in section 926(b), by striking "2711" each place such term appears and inserting "241"; and

(9) in title XXVII, by striking the heading for such title.

### TITLE III—NATIONAL INSTITUTES OF HEALTH IN GENERAL

#### SEC. 301. DISCRETIONARY FUND OF DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.

Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by adding at the end the following new subsection:

"(g)(1) There is established a fund, consisting of amounts appropriated under paragraph (3) and made available for the fund, for use by the Director of NIH to carry out the activities authorized in this Act for the National Institutes of Health. The purposes for which such fund may be expended include, but are not limited to—

"(A) providing for research on matters that have not received significant funding relative to other matters, responding to new issues and scientific emergencies, and acting on research opportunities of high priority;

"(B) supporting research that is not exclusively within the authority of any single agency of such Institutes; and

"(C) purchasing or renting equipment and quarters for activities of such Institutes

"(2) The Director of NIH shall provide to the Secretary an annual report describing the activities undertaken and expenditures made under this section. The Secretary shall submit such report, together with such comments regarding this section as the Secretary determines to be appropriate, to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.

"(3) For the purpose of carrying out this subsection, there are authorized to be appropriated \$25,000,000 in fiscal year 1993, and such sums as may be necessary in each of the fiscal years 1994 through 1996."

#### SEC. 302. HEALTH PROMOTION RESEARCH DISSEMINATION.

Section 402(f) of the Public Health Service Act (42 U.S.C. 282(f)) is amended by striking "other public and private entities." and all that follows through the end 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 maximum dissemination, using advanced technologies to the maximum extent practicable, of research results to such entities; and

"(3) annually prepare and submit to the Director of NIH a report concerning the prevention and dissemination activities undertaken by the Associate Director, including—

"(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. 303. PROGRAMS FOR INCREASED SUPPORT REGARDING CERTAIN STATES AND RESEARCHERS.

Section 402 of the Public Health Service Act, as amended by section 301 of this Act, is amended by adding at the end the following new subsection:

"(h)(1)(A) In the case of entities described in subparagraph (B), the Director of NIH, acting through the Director of the National Center for Research Resources, shall establish a program to enhance the competitiveness of such entities in obtaining funds from the national research institutes for conducting biomedical and behavioral research.

"(B) The entities referred to in subparagraph (A) are entities that conduct biomedical and behavioral research and are located in a State in which the aggregate success rate for applications to the national research institutes for assistance for such research by the entities in the State has historically constituted a low success rate of obtaining such funds, relative to such aggregate rate for such entities in other States.

"(C) With respect to enhancing competitiveness for purposes of subparagraph (A), the Director of NIH, in carrying out the program established under such subparagraph, may—

"(i) provide technical assistance to the entities involved, including technical assistance in the preparation of applications for obtaining funds from the national research institutes;

"(ii) assist the entities in developing a plan for biomedical or behavioral research proposals; and

"(iii) assist the entities in implementing such plan.

"(2) The Director of NIH shall establish a program of supporting projects of biomedical or behavioral research whose principal researchers are individuals who have not previously served as the principal researchers of such projects supported by the Director."

#### SEC. 304. CHILDREN'S VACCINE INITIATIVE.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following new section:

##### "CHILDREN'S VACCINE INITIATIVE

"SEC. 404. (a) DEVELOPMENT OF NEW VACCINES.—The Secretary, in consultation with the Director of the National Vaccine Program under title XXI and acting through the Directors of the National Institute for Allergy and Infectious Diseases, the National Institute for Child Health and Human Development, the National Institute for Aging, and other public and private programs, shall carry out activities, which shall be consistent with the global Children's Vaccine Initiative, to develop affordable new and improved vaccines to be used in the United States and in the developing world that will increase the efficacy and efficiency of the prevention of infectious diseases. In carrying out such activities, the Secretary shall, to the extent practicable, develop and make available vaccines that require fewer contacts to deliver, that can be given early in life, that provide long lasting protection, that obviate refrigeration, needles and syringes, and that protect against a larger number of diseases.

"(b) REPORT.—In the report required in section 2104, the Secretary, acting through the Director of the National Vaccine Program under title XXI, shall include information with respect

to activities and the progress made in implementing the provisions of this section and achieving its goals.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated for activities of the type described in this section, there are authorized to be appropriated to carry out this section, \$15,000,000 for fiscal year 1993, \$20,000,000 for fiscal year 1994, \$25,000,000 for fiscal year 1995, and \$30,000,000 for fiscal year 1996."

#### SEC. 305. PLAN FOR USE OF ANIMALS IN RESEARCH.

(a) IN GENERAL.—Part A of title IV of the Public Health Service Act, as amended by section 304 of this Act, is amended by adding at the end the following new section:

##### "PLAN FOR USE OF ANIMALS IN RESEARCH

"SEC. 404A. (a) The Director of NIH, after consultation with the committee established under subsection (e), shall prepare a plan—

"(1) for the National Institutes of Health to conduct or support research into—

"(A) methods of biomedical research and experimentation that do not require the use of animals;

"(B) methods of such research and experimentation that reduce the number of animals used in such research; and

"(C) methods of such research and experimentation that produce less pain and distress in such animals;

"(2) for establishing the validity and reliability of the methods described in paragraph (1);

"(3) for encouraging the acceptance by the scientific community of such methods that have been found to be valid and reliable; and

"(4) for training scientists in the use of such methods that have been found to be valid and reliable.

"(b) Not later than October 1, 1993, the Director of NIH shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, the plan required in subsection (a) and shall begin implementation of the plan.

"(c) The Director of NIH shall periodically review, and as appropriate, make revisions in the plan required under subsection (a). A description of any revision made in the plan shall be included in the first biennial report under section 403 that is submitted after the revision is made.

"(d) The Director of NIH shall take such actions as may be appropriate to convey to scientists and others who use animals in biomedical or behavioral research or experimentation information respecting the methods found to be valid and reliable under subsection (a)(2).

"(e)(1) The Director of NIH shall establish within the National Institutes of Health a committee to be known as the Interagency Coordinating Committee on the Use of Animals in Research (hereafter in this subsection referred to as the 'Committee').

"(2) The Committee shall provide advice to the Director of NIH on the preparation of the plan required in subsection (a).

"(3) The Committee shall be composed of—

"(A) the Directors of each of the national research institutes (or the designees of such Directors); and

"(B) representatives of the Environmental Protection Agency, the Food and Drug Administration, the Consumer Product Safety Commission, the National Science Foundation, and such additional agencies as the Director of NIH determines to be appropriate."

(b) CONFORMING AMENDMENT.—Section 4 of the Health Research Extension Act of 1985 (Public Law 99-158; 99 Stat. 880) is repealed.

**SEC. 306. INCREASED PARTICIPATION OF WOMEN AND DISADVANTAGED INDIVIDUALS IN FIELDS OF BIOMEDICAL AND BEHAVIORAL RESEARCH.**

Section 402 of the Public Health Service Act, as amended by section 303 of this Act, is amended by adding at the end the following new subsection:

"(i) The Secretary, acting through the Director of NIH and the Directors of the agencies of the National Institutes of Health, may conduct and support programs for research, research training, recruitment, and other activities to provide for an increase in the number of women and individuals from disadvantaged backgrounds in the fields of biomedical and behavioral research."

**SEC. 307. REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR.**

Part A of title IV of the Public Health Service Act, as amended by section 305 of this Act, is amended by adding at the end the following new section:

**"REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR"**

"SEC. 404B. With respect to any survey of human sexual behavior proposed to be conducted or supported through the National Institutes of Health, the survey may not be carried out unless—

"(1) the proposal has undergone review in accordance with any applicable requirements of sections 491 and 492; and

"(2) the Secretary, in accordance with section 492A, makes a determination that the information expected to be obtained through the survey will assist—

"(A) in reducing the incidence of sexually transmitted diseases, the incidence of infection with the human immunodeficiency virus, or the incidence of any other infectious disease; or

"(B) in improving reproductive health or other conditions of health."

**SEC. 308. MISCELLANEOUS PROVISIONS.**

(a) **TERM OF OFFICE FOR MEMBERS OF ADVISORY COUNCILS.**—Section 406(c) of the Public Health Service Act (42 U.S.C. 284a(c)) is amended in the second sentence by striking "until a successor has been appointed" and inserting the following: "for 180 days after the date of such expiration".

(b) **LITERACY REQUIREMENTS.**—Section 402(e) of the Public Health Service Act (42 U.S.C. 282(e)) is amended—

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

(2) in paragraph (4), by striking the period and inserting "; 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)."

(c) **DAY CARE REGARDING CHILDREN OF EMPLOYEES.**—Section 402 of the Public Health Service Act, as amended by section 306 of this Act, is amended by adding at the end the following new subsection:

"(j)(1) The Director of NIH may establish a program to provide day care service for the employees of the National Institutes of Health similar to those services provided by other Federal agencies (including the availability of day care service on a 24-hour-a-day basis).

"(2) Any day care provider at the National Institutes of Health shall establish a sliding scale of fees that takes into consideration the income and needs of the employee.

"(3) For purposes regarding the provision of day care service, the Director of NIH may enter into rental or lease purchase agreements."

**TITLE IV—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES**

**SEC. 401. APPOINTMENT AND AUTHORITY OF DIRECTORS OF NATIONAL RESEARCH INSTITUTES.**

(a) **ESTABLISHMENT OF GENERAL AUTHORITY REGARDING DIRECT FUNDING.**—

(1) **IN GENERAL.**—Section 405(b)(2) of the Public Health Service Act (42 U.S.C. 284(b)(2)) is amended—

(A) in subparagraph (A), by striking "and" after the semicolon at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) shall receive from the President and the Office of Management and Budget directly all funds appropriated by the Congress for obligation and expenditure by the Institute."

(2) **CONFORMING AMENDMENT.**—Section 413(b)(9) of the Public Health Service Act (42 U.S.C. 285a-2(b)(9)) is amended—

(A) by striking "(A)" after "(9)"; and

(B) by striking "advisory council," and all that follows and inserting "advisory council."

(b) **APPOINTMENT AND DURATION OF TECHNICAL AND SCIENTIFIC PEER REVIEW GROUPS.**—Section 405(c) of the Public Health Service Act (42 U.S.C. 284(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) may, in consultation with the advisory council for the Institute and with the approval of the Director of NIH—

"(A) establish technical and scientific peer review groups in addition to those appointed under section 402(b)(6); and

"(B) appoint the members of peer review groups established under subparagraph (A); and"; and

(2) by adding after and below paragraph (4) the following:

"The Federal Advisory Committee Act shall not apply to the duration of a peer review group appointed under paragraph (3)."

**SEC. 402. PROGRAM OF RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.**

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following new section:

**"RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS"**

"SEC. 409. (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) **INFORMATION CLEARINGHOUSE.**—

"(1) **IN GENERAL.**—In order to assist in carrying out the purpose described in subsection (a), the Director of NIH shall provide for the establishment of an information clearinghouse on osteoporosis and related bone disorders to facilitate and enhance knowledge and understanding on the part of health professionals, patients, and the public through the effective dissemination of information.

"(2) **ESTABLISHMENT THROUGH GRANT OR CONTRACT.**—For the purpose of carrying out paragraph (1), the Director of NIH shall enter into a

grant, cooperative agreement, or contract with a nonprofit private entity involved in activities regarding the prevention and control of osteoporosis and related bone disorders.

"(d) **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 1996."

**SEC. 403. ESTABLISHMENT OF INTERAGENCY PROGRAM FOR TRAUMA RESEARCH.**

(a) **IN GENERAL.**—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.) is amended by adding at the end the following part:

**"PART E—INTERAGENCY PROGRAM FOR TRAUMA RESEARCH"**

**"SEC. 1251. ESTABLISHMENT OF PROGRAM.**

"(a) **IN GENERAL.**—The Secretary, acting through the Director of the National Institutes of Health (hereafter in this section referred to as the 'Director'), shall establish a comprehensive program of conducting basic and clinical research on trauma (hereafter in this section referred to as the 'Program'). The Program shall include research regarding the diagnosis, treatment, rehabilitation, and general management of trauma.

"(b) **PLAN FOR PROGRAM.**—

"(1) **IN GENERAL.**—The Director, in consultation with the Trauma Research Interagency Coordinating Committee established under subsection (g), shall establish and implement a plan for carrying out the activities of the Program, including the activities described in subsection (d). All such activities shall be carried out in accordance with the plan. The plan shall be periodically reviewed, and revised as appropriate.

"(2) **SUBMISSION TO CONGRESS.**—Not later than April 1, 1993, the Director shall submit the plan required in paragraph (1) to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, together with an estimate of the funds needed for each of the fiscal years 1994 through 1996 to implement the plan.

"(c) **PARTICIPATING AGENCIES; COORDINATION AND COLLABORATION.**—The Director—

"(1) shall provide for the conduct of activities under the Program by the Directors of the 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 such agencies; and

"(3) shall, as appropriate, provide for collaboration among such agencies 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 care;

"(2) basic and clinical 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 and clinical research regarding trauma care for pediatric and geriatric patients.

"(e) **MECHANISMS OF SUPPORT.**—In carrying out the Program, the Director, acting through the Directors of the agencies referred to in the subsection (c)(1), may make grants to public and nonprofit entities, including designated trauma centers.

"(f) **RESOURCES.**—The Director shall assure the availability of appropriate resources to carry out the Program, including the plan established under subsection (b) (including the activities described in subsection (d)).

"(g) **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 agencies that, under subsection (c), have responsibilities under the Program, and any other individuals who are practitioners in the trauma field as designated by the Director of the National Institutes of Health.

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

"(1) The term 'designated trauma center' has the meaning given such term in section 1231(1).

"(2) The term 'Director' means the Director of the National Institutes of Health.

"(3) The term 'trauma' means any serious injury that could result in loss of life or in significant disability and that would meet pre-hospital triage criteria for transport to a designated trauma center."

(b) CONFORMING AMENDMENT.—Section 402 of the Public Health Service Act, as amended by section 308(c) of this Act, is amended by adding at the end the following new subsection:

"(k) The Director of NIH shall carry out the program established in part E of title XII (relating to interagency research on trauma)."

#### TITLE V—NATIONAL CANCER INSTITUTE

##### SEC. 501. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING BREAST CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

###### "BREAST AND GYNECOLOGICAL CANCERS

"SEC. 417. (a) 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 research on breast cancer, ovarian cancer, and other cancers of the reproductive system of women.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar 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.

"(c) PROGRAMS FOR BREAST CANCER.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, breast cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of breast cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of breast cancer;

"(C) control programs with respect to breast cancer in accordance with section 412;

"(D) information and education programs with respect to breast cancer in accordance with section 413; and

"(E) research and demonstration centers with respect to breast cancer in accordance with section 414, including the development and oper-

ation of centers for breast cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and treatment research and related activities on breast cancer.

Not less than six centers shall be operated under subparagraph (E). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. 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). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than February 1, 1993, 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.

"(C) 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.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(d) OTHER CANCERS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research on ovarian cancer and other cancers of the reproductive system of women. Activities under subsection (a) shall provide for 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) 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 centers with respect to ovarian cancer and cancers of the reproductive system in accordance with section 414.

"(e) 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 (a), that shall include—

"(1) a description of the research plan with respect to breast cancer prepared under subsection (c);

"(2) an assessment of the development, revision, and implementation of such plan;

"(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."

##### SEC. 502. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING PROSTATE CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act, as amended by section 501 of this Act, is amended by adding at the end the following new section:

###### "PROSTATE CANCER

"SEC. 417A. (a) 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 research on prostate cancer.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar 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 prostate cancer.

"(c) PROGRAMS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, prostate cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of prostate cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of prostate cancer;

"(C) prevention and control and early detection programs with respect to prostate cancer in accordance with section 412, particularly as it relates to intensifying research on the role of prostate specific antigen for the screening and early detection of prostate cancer;

"(D) an Inter-Institute Task Force, under the direction of the Director of the Institute, to provide coordination between relevant National Institutes of Health components of research efforts on prostate cancer;

"(E) control programs with respect to prostate cancer in accordance with section 412;

"(F) information and education programs with respect to prostate cancer in accordance with section 413; and

"(G) research and demonstration centers with respect to prostate cancer in accordance with section 414, including the development and operation of centers for prostate cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and treatment research and related activities on prostate cancer.

Not less than six centers shall be operated under subparagraph (G). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. 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 accord-

ance with section 413(9). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than February 1, 1993, 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.

"(C) 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.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate."

#### SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

##### "AUTHORIZATION OF APPROPRIATIONS

"SEC. 417B. (a) ACTIVITIES GENERALLY.—For the purpose of carrying out this subpart, there are authorized to be appropriated \$2,200,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(b) BREAST CANCER AND GYNECOLOGICAL CANCERS.—

##### "(1) BREAST CANCER.—

"(A) For the purpose of carrying out subparagraph (A) of section 417(c)(1), there are authorized to be appropriated \$225,000,000 for fiscal year 1993, and such sums as are necessary for each of the fiscal years 1994 through 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) and in section 301 with respect to the Director of the Institute carrying out such purpose.

"(B) For the purpose of carrying out subparagraphs (B) through (E) of section 417(c)(1), there are authorized to be appropriated \$100,000,000 for fiscal year 1993, and such sums as are necessary for each of the fiscal years 1994 through 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) and in section 301 with respect to the Director of the Institute carrying out such purpose.

"(2) OTHER CANCERS.—For the purpose of carrying out subsection (d) of section 417, there are authorized to be appropriated \$75,000,000 for fiscal year 1993, and such sums as are necessary for each of the fiscal years 1994 through 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) and in section 301 with respect to the Director of the Institute carrying out such purpose.

"(c) PROSTATE CANCER.—For the purpose of carrying out section 417A, there are authorized to be appropriated \$72,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) and in section 301 with respect to the Director of the Institute carrying out such purpose.

"(d) ALLOCATION REGARDING CANCER CONTROL.—Of the amounts appropriated for the National Cancer Institute for a fiscal year, the Director of the Institute shall make available not less than 10 percent for carrying out the cancer control activities authorized in section 412 and for which budget estimates are made under section 413(b)(9) for the fiscal year."

(b) SPECIAL RULE REGARDING FUNDS FOR SECTION 412 FOR FISCAL YEAR 1993.—Notwithstand-

ing section 417B(d) of the Public Health Service Act, as added by subsection (a) of this section, the amount made available under such section for fiscal year 1993 for carrying out section 412 of such Act shall be an amount not less than an amount equal to 75 percent of the amount specified for activities under such section 412 in the budget estimate made under section 413(b)(9) of such Act for such fiscal year.

##### (c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 408 of the Public Health Service Act (42 U.S.C. 284c) is amended—

(A) by striking subsection (a);

(B) by redesignating subsection (b) as subsection (a);

(C) by redesignating paragraph (5) of subsection (a) (as so redesignated) as subsection (b); and

(D) by amending the heading for the section to read as follows:

##### "CERTAIN USES OF FUNDS".

(2) CROSS-REFERENCE.—Section 464F of the Public Health Service Act (42 U.S.C. 285m-6) is amended by striking "section 408(b)(1)" and inserting "section 408(a)(1)".

#### TITLE VI—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

##### SEC. 601. EDUCATION AND TRAINING.

Section 421(b) of the Public Health Service Act (42 U.S.C. 285b-3(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

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

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

##### SEC. 602. CENTERS FOR THE STUDY OF PEDIATRIC CARDIOVASCULAR DISEASES.

Section 422(a)(1) of the Public Health Service Act (42 U.S.C. 285b-4(a)(1)) is amended—

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

(2) in subparagraph (C), by striking the period and inserting "; and"; and

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

"(D) three centers for basic and clinical research into, 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. 603. AUTHORIZATION OF APPROPRIATIONS.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by adding at the end the following new section:

##### "AUTHORIZATION OF APPROPRIATIONS

"SEC. 424. (a) IN GENERAL.—For the purpose of carrying out this subpart, there are authorized to be appropriated \$1,400,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(b) ALLOCATION REGARDING PREVENTION AND CONTROL ACTIVITIES.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Director of the Institute shall make available not less than 10 percent for carrying out prevention and control activities authorized in section 419."

#### TITLE VII—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

##### SEC. 701. PROVISIONS REGARDING NUTRITIONAL DISORDERS.

Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is

amended by adding at the end the following new section:

##### "NUTRITIONAL DISORDERS PROGRAM

"SEC. 434. (a) The Director of the Institute shall establish a program of conducting and supporting research, training, health information dissemination, and other activities with respect to nutritional disorders, including obesity.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall conduct and support each of the activities described in such subsection. The Director of NIH shall ensure that, as appropriate, the other national research institutes and agencies of the National Institutes of Health have responsibilities regarding such activities.

"(c) In carrying out the program established under subsection (a), the Director of the Institute shall carry out activities to facilitate and enhance knowledge and understanding of nutritional disorders, including obesity, on the part of health professionals, patients, and the public through the effective dissemination of information."

(b) DEVELOPMENT AND EXPANSION OF RESEARCH AND TRAINING CENTERS.—Section 431 of the Public Health Service Act (42 U.S.C. 285c-5) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) The Director of the Institute shall, subject to the extent of amounts made available in appropriations Act, provide for the development or substantial expansion of centers for research and training regarding nutritional disorders, including obesity.

"(2) The Director of the Institute shall carry out paragraph (1) in collaboration with the Director of the National Cancer Institute and with the Directors of such other agencies of the National Institutes of Health as the Director of NIH determines to be appropriate.

"(3) Each center developed or expanded under paragraph (1) shall—

"(A) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research and training qualifications as may be prescribed by the Director;

"(B) conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control and treatment of nutritional disorders, including obesity and the impact of nutrition and diet on child development;

"(C) conduct training programs for physicians and allied health professionals in current methods of diagnosis and treatment of such diseases and complications, and in research in such disorders; and

"(D) conduct information programs for physicians and allied health professionals who provide primary care for patients with such disorders or complications."

#### TITLE VIII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

##### SEC. 801. JUVENILE ARTHRITIS.

(a) PURPOSE.—Section 435 (42 U.S.C. 285d) is amended by striking "including sports-related disorders" and inserting "with particular attention to the effect of these diseases on children".

(b) PROGRAMS.—Section 436 (42 U.S.C. 285d-1) is amended—

(1) in subsection (a), by inserting after the second sentence, the following: "The plan shall place particular emphasis upon expanding research into better understanding the causes and the development of effective treatments for arthritis affecting children."; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(5) research into the causes of arthritis affecting children and the development, trial, and evaluation of techniques, drugs and devices used in the diagnosis, treatment (including medical rehabilitation), and prevention of arthritis in children."

(c) **CENTERS.**—Section 441 of the Public Health Service Act (42 U.S.C. 286d-6) is amended by adding at the end thereof the following new subsection:

"(f) Not later than April 1, 1993, the Director shall establish a multipurpose arthritis and musculoskeletal disease center for the purpose of expanding the level of research into the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases."

(d) **ADVISORY BOARD.**—Section 442 of the Public Health Service Act (42 U.S.C. 285d-7) is amended—

(1) in subsection (b)(1)(B)—

(A) by striking "six" and inserting "seven"; and

(B) by striking "one member" the second place such term appears and all that follows and inserting the following: "two members who are parents of children with arthritis."; and

(2) in subsection (j)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(5) contains recommendations for expanding the Institute's funding of research directly applicable to the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases."

#### TITLE IX—NATIONAL INSTITUTE ON AGING

##### SEC. 901. ALZHEIMER'S DISEASE REGISTRY.

(a) **IN GENERAL.**—Section 12 of Public Law 99-158 (99 Stat. 885) 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 of such Act.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 445G of the Public Health Service Act, as transferred and inserted by subsection (a) of this section, is amended—

(1) by striking the section heading and all that follows through "may make a grant" in subsection (a) and inserting the following:

"ALZHEIMER'S DISEASE REGISTRY

"SEC. 445G. (a) **IN GENERAL.**—The Director of the Institute may make a grant"; and

(2) by striking subsection (c).

##### SEC. 902. AGING PROCESSES REGARDING WOMEN.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 901 of this Act, is amended by adding at the end the following new section:

"AGING PROCESSES REGARDING WOMEN

"SEC. 445H. The Director of the Institute, in addition to other special functions specified in section 444 and in cooperation with the Directors of the 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."

##### SEC. 903. AUTHORIZATION OF APPROPRIATIONS.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 902 of this Act, is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 445I. For the purpose of carrying out this subpart, there are authorized to be appropriated \$500,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996."

##### SEC. 904. CONFORMING AMENDMENT.

Section 445C of the Public Health Service Act (42 U.S.C. 285e-5(b)) is amended—

(1) in subsection (b)(1), in the first sentence, by inserting after "Council" the following: "on Alzheimer's Disease (hereafter in this section referred to as the 'Council')"; and

(2) by adding at the end the following new subsection:

"(d) For purposes of this section, the term 'Council on Alzheimer's Disease' means the council established in section 911(a) of Public Law 99-660."

#### TITLE X—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

##### SEC. 1001. TROPICAL DISEASES.

Section 446 of the Public Health Service Act (42 U.S.C. 285(f)) is amended by inserting before the period the following: ", including tropical diseases".

##### SEC. 1002. CHRONIC FATIGUE SYNDROME.

(a) **RESEARCH CENTERS.**—Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285(f)) is amended by adding at the end the following new section:

"RESEARCH CENTERS REGARDING CHRONIC FATIGUE SYNDROME

"SEC. 447. (a) The Director of the Institute, after consultation with the advisory council for the Institute, may make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct basic and clinical research on chronic fatigue syndrome.

"(b) 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 Director of the Institute."

(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 syndrome 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.

#### TITLE XI—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

##### Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility

##### SEC. 1101. GRANTS AND CONTRACTS FOR RESEARCH CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 3 of Public Law 101-613, is amended by adding at the end the following new section:

"RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 452A. (a) 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 improving methods of diagnosis and treatment of infertility.

"(b) 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)(1) 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 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 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 and the public.

"(2) 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) The Director of the Institute shall, as appropriate, provide for the coordination of information among the centers assisted under this section.

"(e) Each center assisted under subsection (a) 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 Director of the Institute.

"(f) Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years 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.

"(g) For the purpose of carrying out this section, 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 1996."

##### SEC. 1102. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 487A the following new section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 487B. (a) The Secretary, in consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program of entering into agreements with qualified health professionals (including graduate students) under which such health professionals agree to conduct research with respect to contraception, or with respect to infertility, in consideration of the Federal Govern-

ment agreeing to repay, for each year of such service, not more than \$20,000 of the principal and interest of the educational loans of such health professionals.

"(b) The provisions of sections 338B, 338C, and 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

"(c) Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated."

#### Subtitle B—Program Regarding Obstetrics and Gynecology

##### SEC. 1111. ESTABLISHMENT OF PROGRAM.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1101 of this Act, is amended by adding at the end the following new section:

#### "PROGRAM REGARDING OBSTETRICS AND GYNECOLOGY

"SEC. 452B. The Director of the Institute shall establish and maintain within the Institute an intramural laboratory and clinical research program in obstetrics and gynecology."

#### Subtitle C—Child Health Research Centers

##### SEC. 1121. ESTABLISHMENT OF CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1111 of this Act, is amended by adding at the end the following new section:

#### "CHILD HEALTH RESEARCH CENTERS

"SEC. 452C. The Director of the Institute shall develop and support centers for conducting research with respect to child health. Such centers shall give priority to the expeditious transfer of advances from basic science to clinical applications and improving the care of infants and children."

#### Subtitle D—Study Regarding Adolescent Health

##### SEC. 1139. PROSPECTIVE LONGITUDINAL STUDY.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1121 of this Act, is amended by adding at the end the following new section:

#### "PROSPECTIVE LONGITUDINAL STUDY ON ADOLESCENT HEALTH

"SEC. 452D. (a) IN GENERAL.—The Director of the Institute shall conduct a study for the purpose of providing information on the general health and well-being of adolescents in the United States, including, with respect to such adolescents, information on—

"(1) the behaviors that promote health and the behaviors that are detrimental to health; and

"(2) the influence on health of factors particular to the communities in which the adolescents reside.

#### "(b) DESIGN OF STUDY.—

"(1) IN GENERAL.—The study required in subsection (a) shall be a longitudinal study in which a substantial number of adolescents participate as subjects. With respect to the purpose described in such subsection, the study shall monitor the subjects throughout the period of the study to determine the health status of the subjects and any change in such status over time.

"(2) POPULATION-SPECIFIC ANALYSES.—The study required in subsection (a) shall be conducted with respect to the population of adolescents who are female, the population of adolescents who are male, various socioeconomic populations of adolescents, and various racial and ethnic populations of adolescents. The study shall be designed and conducted in a manner

sufficient to provide for a valid analysis of whether there are significant differences among such populations in health status and whether and to what extent any such differences are due to factors particular to the populations involved.

"(c) COORDINATION WITH WOMEN'S HEALTH INITIATIVE.—With respect to the national study of women being conducted by the Secretary and known as the Women's Health Initiative, the Secretary shall ensure that such study is coordinated with the component of the study required in subsection (a) that concerns adolescent females, including coordination in the design of the 2 studies.

"(d) ALLOCATION OF FUNDS FOR STUDY.—Of the amounts appropriated for each of the fiscal years 1993 through 1996 for the National Institute of Child Health and Human Development, the Secretary of Health and Human Services, acting through the Director of such Institute, shall reserve \$3,000,000 to conduct the study required in subsection (a). The amounts so reserved shall remain available until expended."

#### TITLE XII—NATIONAL EYE INSTITUTE

##### SEC. 1201. CLINICAL RESEARCH ON DIABETES EYE CARE.

Subpart 9 of part C of title IV of the Public Health Service Act (42 U.S.C. 285i) is amended by adding at the end the following new section:

#### "CLINICAL RESEARCH ON EYE CARE AND DIABETES

"SEC. 456. (a) PROGRAM OF GRANTS.—The Director of the Institute, in consultation with the advisory council for the Institute, may award not more than three grants for the establishment and support of centers for clinical research on eye care for individuals with diabetes.

"(b) AUTHORIZED EXPENDITURES.—The purposes for which a grant under subsection (a) may be expended include equipment for the research described in such subsection and the construction and modernization of facilities for such research."

#### TITLE XIII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

##### SEC. 1301. RESEARCH ON MULTIPLE SCLEROSIS.

Subpart 10 of part C of title IV of the Public Health Service Act (42 U.S.C. 285j et seq.) is amended by adding at the end the following new section:

#### "RESEARCH ON MULTIPLE SCLEROSIS

"SEC. 460. The Director of the Institute shall conduct and support research on multiple sclerosis, especially research on effects of genetics and hormonal changes on the progress of the disease."

#### TITLE XIV—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

##### SEC. 1401. APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM.

(a) IN GENERAL.—Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285l) is amended by adding at the end the following new section:

#### "APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM

"SEC. 463A. (a) There is established within the Institute a program for conducting applied research and testing regarding toxicology, which program shall be known as the Applied Toxicological Research and Testing Program.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall, with respect to toxicology, carry out activities—

"(1) to expand knowledge of the health effects of environmental agents;

"(2) to broaden the spectrum of toxicology information that is obtained on selected chemicals;

"(3) to develop and validate assays and protocols, including alternative methods that can reduce or eliminate the use of animals in acute or chronic safety testing;

"(4) to establish criteria for the validation and regulatory acceptance of alternative testing and to recommend a process through which scientifically validated alternative methods can be accepted for regulatory use;

"(5) to communicate the results of research to government agencies, to medical, scientific, and regulatory communities, and to the public; and

"(6) to integrate related activities of the Department of Health and Human Services."

(b) TECHNICAL AMENDMENT.—Section 463 of the Public Health Service Act (42 U.S.C. 285l) is amended by inserting after "Sciences" the following: "(hereafter in this subpart referred to as the 'Institute')".

#### TITLE XV—NATIONAL LIBRARY OF MEDICINE

##### Subtitle A—General Provisions

##### SEC. 1501. ADDITIONAL AUTHORITIES.

(a) IN GENERAL.—Section 465(b) of the Public Health Service Act (42 U.S.C. 286(b)) is amended—

(1) by striking "and" after the semicolon at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (8); and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6) publicize the availability from the Library of the products and services described in any of paragraphs (1) through (5);

"(7) promote the use of computers and telecommunications by health professionals (including health professionals in rural areas) for the purpose of improving access to biomedical information for health care delivery and medical research; and"

(b) LIMITATION REGARDING GRANTS.—Section 474(b)(2) of the Public Health Service Act (42 U.S.C. 286b-5(b)(2)) is amended by striking "\$750,000" and inserting "\$1,000,000".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL OF CERTAIN AUTHORITY.—Section 215 of the Department of Health and Human Services Appropriations Act, 1988, as contained in section 101(h) of Public Law 100-202 (101 Stat. 1329-275), is repealed.

(2) APPLICABILITY OF CERTAIN NEW AUTHORITY.—With respect to the authority established for the National Library of Medicine in section 465(b)(6) of the Public Health Service Act, as added by subsection (a) of this section, such authority shall be effective as if the authority had been established on December 22, 1987.

##### SEC. 1502. AUTHORIZATION OF APPROPRIATIONS FOR GENERAL PROGRAM.

Subpart 1 of part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following new section:

#### "AUTHORIZATION OF APPROPRIATIONS

"SEC. 468. (a) For the purpose of carrying out this subpart, there are authorized to be appropriated \$100,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996. Such authorizations of appropriations are in addition to any other authorization of appropriations that is available for such purpose.

"(b) Amounts appropriated under subsection (a) and made available for grants or contracts under any of sections 472 through 476 shall remain available until the end of the fiscal year following the fiscal year for which the amounts were appropriated."

#### Subtitle B—Financial Assistance

##### SEC. 1511. ESTABLISHMENT OF PROGRAM OF GRANTS FOR DEVELOPMENT OF EDUCATION TECHNOLOGIES.

Section 473 of the Public Health Service Act (42 U.S.C. 286b-4) is amended by adding at the end the following new subsection:

"(c)(1) The Secretary shall make grants to public or nonprofit private institutions for the purpose of carrying out projects of research on, and development and demonstration of, new education technologies.

"(2) The purposes for which a grant under paragraph (1) may be made include projects concerning—

"(A) computer-assisted teaching and testing of clinical competence at health professions and research institutions;

"(B) the effective transfer of new information from research laboratories to appropriate clinical applications;

"(C) the expansion of the laboratory and clinical uses of computer-stored research databases; and

"(D) the testing of new technologies for training health care professionals.

"(3) The Secretary may not make a grant under paragraph (1) unless the applicant for the grant agrees to make the projects available with respect to—

"(A) assisting in the training of health professions students; and

"(B) enhancing and improving the capabilities of health professionals regarding research and teaching."

#### SEC. 1512. AUTHORIZATION OF APPROPRIATIONS.

Section 469 of the Public Health Service Act (42 U.S.C. 286b) is amended in the first sentence by striking "there are authorized" and all that follows and inserting the following: "there are authorized to be appropriated \$30,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996."

#### Subtitle C—National Center for Biotechnology Information

#### SEC. 1521. AUTHORIZATION OF APPROPRIATIONS.

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

(1) by inserting after "appropriated" the following: ", in addition to the authorization of appropriations provided in section 468,";

(2) by striking "there are authorized" and all that follows and inserting the following: "there are authorized to be appropriated \$18,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996."

#### Subtitle D—National Information Center on Health Services Research and Health Care Technology

#### SEC. 1531. ESTABLISHMENT OF CENTER.

Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following new subpart:

"Subpart 4—National Information Center on Health Services Research and Health Care Technology

#### "NATIONAL INFORMATION CENTER

"SEC. 478A. (a) There is established within the Library 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) 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) The Secretary, acting through the Center, shall coordinate the activities carried out under this section through the Center with related activities of the Administrator for Health Care Policy and Research.

"(d) For the purpose of carrying out this section, there are authorized to be appropriated

\$6,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996."

#### SEC. 1532. CONFORMING PROVISIONS.

(a) IN GENERAL.—Section 904(c) of the Public Health Service Act (42 U.S.C. 299a-2(c)) is amended to read as follows:

"(c) REQUIRED INTERAGENCY AGREEMENT.—The Administrator and the Director of the National Library of Medicine shall enter into an agreement providing for the implementation of section 478A."

(b) RULE OF CONSTRUCTION.—The amendments made by section 1531 and by subsection

(a) of this section may not be construed to terminate the information center on health care technologies and health care technology assessment 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 shall be considered to be the center established in section 478A of the Public Health Service Act, as added by section 1431 of this Act, and shall be subject to the provisions of such section 478A.

#### TITLE XVI—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH

#### Subtitle A—Division of Research Resources

#### SEC. 1601. REDESIGNATION OF DIVISION AS NATIONAL CENTER FOR RESEARCH RESOURCES.

Title IV of the Public Health Service Act (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".

#### SEC. 1602. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following new section:

#### "BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES

"SEC. 481A. (a) MODERNIZATION AND CONSTRUCTION OF FACILITIES.—

"(1) IN GENERAL.—The Director of NIH, acting through the Director of the Center, may make grants to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, subject to the provisions of this section.

"(2) CONSTRUCTION AND COST OF CONSTRUCTION.—For purposes of this section, 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 do not include the cost of acquisition of land or off-site improvements.

"(b) SCIENTIFIC AND TECHNICAL REVIEW BOARDS FOR MERIT-BASED REVIEW OF PROPOSALS.—

"(1) IN GENERAL; APPROVAL AS PRECONDITION TO GRANTS.—

"(A) There is established within the Center a Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities (hereafter referred to in this section as the 'Board').

"(B) The Director of the Center may approve an application for a grant under subsection (a) only if the Board has under paragraph (2) recommended the application for approval.

"(2) DUTIES.—

"(A) The Board shall provide advice to the Director of the Center and the advisory council established under section 480 (hereafter in this section referred to as the 'Advisory Council') on carrying out this section.

"(B) In carrying out subparagraph (A), the Board shall make a determination of the merit of each application submitted for a grant under subsection (a), after consideration of the requirements established in subsection (c), and shall report the results of the determination to the Director of the Center and the Advisory Council. Such determinations shall be conducted in a manner consistent with procedures established under section 492.

"(C) In carrying out subparagraph (A), the Board shall, in the case of applications recommended for approval, make recommendations to the Director and the Advisory Council on the amount that should be provided in the grant.

"(D) In carrying out subparagraph (A), the Board shall prepare an annual report for Director of the Center and the Advisory Council describing the activities of the Board in the fiscal year for which the report is made. Each such report shall be available to the public, and shall—

"(i) summarize and analyze expenditures made under this section;

"(ii) provide a summary of the types, numbers, and amounts of applications that were recommended for grants under subsection (a) but that were not approved by the Director of the Center; and

"(iii) contain the recommendations of the Board for any changes in the administration of this section.

"(3) MEMBERSHIP.—

"(A) Subject to subparagraph (B), the Board shall be composed of such appointed and ex officio members as the Director of the Center may determine.

"(B) Not more than 3 individuals who are officers or employees of the Federal Government may serve as members of the Board.

"(C) Of the members of the Board—

"(i) 12 shall be appointed by the Director of the Center (without regard to the civil service laws); and

"(ii) 1 shall be an official of the National Science Foundation designated by the National Science Board.

"(4) CERTAIN REQUIREMENTS REGARDING MEMBERSHIP.—In selecting individuals for membership on the Board, the Director of the Center shall ensure that the members are individuals who, by the virtue of their training or experience, are eminently qualified to perform peer review functions. In selecting such individuals for such membership, the Director of the Center shall ensure that the members of the Board collectively—

"(A) are experienced in the planning, construction, financing, and administration of entities that conduct biomedical or behavioral research sciences;

"(B) are knowledgeable in making determinations of the need of entities for biomedical or behavioral research facilities, including such facilities for the dentistry, nursing, pharmacy, and allied health professions;

"(C) are knowledgeable in evaluating the relative priorities for applications for grants under subsection (a) in view of the overall research needs of the United States; and

"(D) are experienced with emerging centers of excellence, as described in subsection (\*).

"(4) CERTAIN AUTHORITIES.—

"(A) In carrying out paragraph (2), the Board may establish subcommittees, convene workshops and conferences, and collect data as the Board considers appropriate.

"(B) In carrying out paragraph (2), the Board may establish subcommittees within the Board. Such subcommittees may hold meetings as determined necessary to enable the subcommittee to carry out its duties.

"(5) TERMS.—

"(A) Except as provided in subparagraph (B), each appointed member of the Board shall hold office for a term of 4 years. 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 the term of the predecessor.

"(B) Of the initial members appointed to the Board (as specified by the Director of the Center when making the appointments)—

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

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

"(iii) 3 shall hold office for a term of 1 year.

"(C) No member is eligible for reappointment to the Board until 1 year has elapsed after the end of the most recent term of the member.

"(6) 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.

"(C) REQUIREMENTS FOR GRANTS.—

"(1) IN GENERAL.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

"(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

"(B) The applicant provides assurances satisfactory to the Director that—

"(i) 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;

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

"(iii) 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

"(iv) 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.

"(C) The applicant meets reasonable qualifications established by the Director with respect to—

"(i) 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;

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

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

"(iv) 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

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

"(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

"(2) CONSIDERATION OF CERTAIN FACTORS.—In making grants under subsection (a), the Director of the Center may, in addition to the requirements established in paragraph (1), consider the following factors:

"(A) To what extent the applicant has the capacity to broaden the scope of research and research training programs of the applicant by promoting—

"(i) interdisciplinary research;

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

"(iii) other novel research mechanisms or programs.

"(B) To what extent the applicant has broadened 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.

"(3) INSTITUTIONS OF EMERGING EXCELLENCE.—Of the amounts appropriated under subsection (i) for a fiscal year, the Director of the Center shall make available 25 percent for grants under subsection (a) to applicants that, in addition to meeting the requirements established in paragraph (1), have demonstrated emerging excellence in biomedical or behavioral research, as follows:

"(A) The applicant has a plan for research or training advancement and possesses the ability to carry out the plan.

"(B) The applicant carries out research and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

"(C) The applicant has been productive in research or research development and training.

"(D) The applicant—

"(i) has been designated as a center of excellence under section 782;

"(ii) is located in a geographic area a significant percentage of whose population has a health-status deficit, and the applicant provides health services to such population; or

"(iii) is located in a geographic area in which a deficit in health care technology, services, or research resources may adversely affect health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

"(d) REQUIREMENT OF APPLICATION.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(e) AMOUNT OF GRANT; PAYMENTS.—

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

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

"(B) 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.

"(2) RESERVATION OF AMOUNTS.—On approval of any application for a grant under subsection (a), the Director of the Center 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 paragraph 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.

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

"(A) 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

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

"(4) WAIVER OF LIMITATIONS.—The limitations imposed by subsection (a) may be waived at the discretion of the Director for applicants meeting the conditions described in paragraphs (1) and (2) of subsections (c).

"(f) RECAPTURE OF PAYMENTS.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

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

"(g) NONINTERFERENCE WITH ADMINISTRATION OF ENTITIES.—Except as otherwise specifically provided in this section, 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 entity funded under this part.

"(h) GUIDELINES.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

"(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$100,000,000 for fiscal year 1993, \$125,000,000 for fiscal year 1994, \$150,000,000 for fiscal year 1995, and \$175,000,000 for fiscal year 1996.

**SEC. 1603. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTER.**

Subpart 1 of part E of title IV of the Public Health Service Act, as amended by section 1602 of this Act, is amended by adding at the end the following new section:

**"CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES**

"SEC. 481B. (a) 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 shall, for each of the fiscal years 1993 through 1996, reserve from the amounts appropriated under section 481A(i) \$7,000,000 for the purpose of making awards of grants and contracts to public or nonprofit private entities to construct, renovate, or otherwise improve such regional centers. The reservation of such amounts for any fiscal year is subject to the availability of qualified applicants for such awards.

"(b) 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."

**Subtitle B—National Center for Nursing Research**

**SEC. 1611. REDESIGNATION OF NATIONAL CENTER FOR NURSING RESEARCH AS NATIONAL INSTITUTE OF NURSING RESEARCH.**

(a) IN GENERAL.—Subpart 3 of part E of title IV of the Public Health Service Act (42 U.S.C. 287c et seq.) is amended—

(1) 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";

(2) in section 484, by striking "Center" each place such term appears and inserting "Institute";

(3) in section 485—

(A) in subsection (a), in each of paragraph (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"; and

(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"; and

(4) in section 485A (as redesignated by section 141(a)(1) of this Act), by striking "Center" each place such term appears and inserting "Institute".

(b) CONFORMING AMENDMENTS.—

(1) ORGANIZATION OF NATIONAL INSTITUTE OF HEALTH.—Section 401(b) of the Public Health Service Act (42 U.S.C. 281(b)) is amended—

(A) in paragraph (1), by adding at the end the following new subparagraph:

"(Q) The National Institute of Nursing Research."; and

(B) in paragraph (2), by striking subparagraph (D).

(2) TRANSFER OF STATUTORY PROVISIONS.—Sections 483 through 485A of the Public Health Service Act, 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 464V through 464O of such part; and

(C) are inserted, in the appropriate sequence, after section 464U of such part.

(3) HEADING FOR NEW SUBPART.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended—

(A) in part C, by inserting before section 464V the following new heading:

"Subpart 17—National Institute of Nursing Research"; and

(B) by striking the heading for subpart 3 of part E.

(4) CROSS-REFERENCES.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended in subpart 17 of part C—

(A) in section 464W, by striking "section 483" and inserting "section 464V";

(B) in section 464X(g), by striking "section 486" and inserting "section 464Y"; and

(C) in section 464Y, in the last sentence, by striking "section 485(g)" and inserting "section 464X(g)".

**Subtitle C—National Center for Human Genome Research**

**SEC. 1621. PURPOSE OF CENTER.**

Title IV of the Public Health Service Act, as amended by section 141 and 1611(b)(1)(B) of this Act, is amended—

(1) in section 401(b)(2), by adding at the end the following new subparagraph:

"(D) 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

**"PURPOSE OF THE CENTER**

"SEC. 485B. (a) The general purpose of the National Center for Human Genome Research (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.

"(b)(1) Except as provided in paragraph (2), of the amounts appropriated to carry out subsection (a) for a fiscal year, the Director of the Center shall make available not less than 5 percent for carrying out paragraph (6) of such subsection.

"(2) With respect to providing funds under subsection (a)(6) for proposals to address the ethical issues associated with the genome project, paragraph (1) shall not apply for a fiscal year if the Director of the Center certifies to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, that the Director has determined that an insufficient number of such proposals meet the applicable requirements of sections 491 and 492."

**TITLE XVII—AWARDS AND TRAINING**

**Subtitle A—National Research Service Awards**

**SEC. 1701. REQUIREMENT REGARDING WOMEN AND INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.**

Section 487(a) of the Public Health Service Act (42 U.S.C. 288(a)(4)) is amended by adding at the end the following paragraph:

"(4) The Secretary shall carry out paragraph (1) in a manner that will result in the recruitment of women, and individuals from disadvantaged backgrounds, into fields of biomedical or behavioral research and in the provision of research training to women and such individuals."

**Subtitle B—Acquired Immune Deficiency Syndrome**

**SEC. 1711. LOAN REPAYMENT PROGRAM.**

Section 487A of the Public Health Service Act (42 U.S.C. 2881-1) is amended to read as follows:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

"SEC. 487A. (a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct, as employees of the National Institutes of Health, research with respect to acquired immune deficiency syndrome in consideration of the Federal Government agreeing to repay, for each year of such service, not more than \$20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B)(i) was not employed at the National Institutes of Health during the 1-year period preceding the date of the enactment of the Health Professions Reauthorization Act of 1988; or

"(ii) agrees to serve as an employee of such Institutes for purposes of paragraph (1) for a period of not less than 3 years."

"(b) APPLICABILITY OF CERTAIN 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) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) FUNDING; REIMBURSABLE TRANSFERS.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1993 through 1996.

"(2) TRANSFERS FOR RELATED PROGRAM.—The Commissioner of Food and Drugs may carry out for the Food and Drug Administration a program similar to the program established in subsection (a), which program shall be carried out with respect to the review of applications concerning acquired immune deficiency syndrome that are submitted to such Commissioner. From the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary may transfer amounts to the Commissioner for the purpose of carrying out such program. The Commissioner shall provide a reimbursement to the Secretary for the amount so transferred, and the reimbursement shall be available only for the program established in subsection (a). Any transfer and reimbursement made for purposes of this paragraph for a fiscal year shall be completed by April 1 of such year."

**Subtitle C—Loan Repayment for Research Generally**

**SEC. 1721. ESTABLISHMENT OF PROGRAM.**

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1102 of this Act, is amended by inserting after section 487B the following new section:

**"LOAN REPAYMENT PROGRAM FOR RESEARCH GENERALLY**

"SEC. 487C. (a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct research, as employees of the National Institutes of Health, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than \$20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health profes-

sional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B)(i) was not employed at the National Institutes of Health during the 1-year period preceding the date of the enactment of the Health Professions Reauthorization Act of 1988; or

"(ii) agrees to serve as an employee of such Institutes for purposes of paragraph (1) for a period of not less than 3 years."

"(b) **APPLICABILITY OF CERTAIN 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) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section other than with respect to acquired immune deficiency syndrome, there are authorized to be appropriated \$3,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996."

**Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by Certain Agencies**

**SEC. 1731. ESTABLISHMENT OF PROGRAMS FOR NATIONAL INSTITUTES OF HEALTH.**

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1721 of this Act, is amended by inserting after section 487C the following new sections:

"**UNDERGRADUATE SCHOLARSHIP PROGRAM REGARDING PROFESSIONS NEEDED BY NATIONAL RESEARCH INSTITUTES**

"**SEC. 487D. (a) ESTABLISHMENT OF PROGRAM.**—

"(1) **IN GENERAL.**—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH, may carry out a program of entering into contracts with individuals described in paragraph (2) under which—

"(A) the Director of NIH agrees to provide to the individuals scholarships for pursuing, as undergraduates at accredited institutions of higher education, academic programs appropriate for careers in professions needed by the National Institutes of Health; and

"(B) the individuals agree to serve as employees of the National Institutes of Health, for the period described in subsection (c), in positions that are needed by the National Institutes of Health and for which the individuals are qualified.

"(2) **INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.**—The individuals referred to in paragraph (1) are individuals who—

"(A) are enrolled or accepted for enrollment as full-time undergraduates at accredited institutions of higher education; and

"(B) are from disadvantaged backgrounds.

"(b) **FACILITATION OF INTEREST OF STUDENTS IN CAREERS AT NATIONAL INSTITUTES OF HEALTH.**—In providing employment to individuals pursuant to contracts under subsection (a)(1), the Director of NIH shall carry out activities to facilitate the interest of the individuals in pursuing careers as employees of the National Institutes of Health.

"(c) **PERIOD OF OBLIGATED SERVICE.**—

"(1) **DURATION OF SERVICE.**—For purposes of subparagraph (B) of subsection (a)(1), the period of service for which an individual is obligated to serve as an employee of the National Institutes of Health is 12 months for each academic year for which the scholarship under such subsection is provided.

"(2) **SCHEDULE FOR SERVICE.**—

"(A) Subject to subparagraph (B), the Director of NIH may not provide a scholarship under subsection (a) unless the individual applying for the scholarship agrees that—

"(i) the individual will serve as an employee of the National Institutes of Health full-time for not less than 10 consecutive weeks of each year during which the individual is attending the educational institution involved and receiving such a scholarship;

"(ii) the period of service as such an employee that the individual is obligated to provide under clause (i) is in addition to the period of service as such an employee that the individual is obligated to provide under subsection (a)(1)(B); and

"(iii) not later than 60 days after obtaining the educational degree involved, the individual will begin serving full-time as such an employee in satisfaction of the period of service that the individual is obligated to provide under subsection (a)(1)(B).

"(B) The Director of NIH may defer the obligation of an individual to provide a period of service under subsection (a)(1)(B), if the Director determines that such a deferral is appropriate.

"(3) **APPLICABILITY OF CERTAIN PROVISIONS RELATING TO APPOINTMENT AND COMPENSATION.**—For any period in which an individual provides service as an employee of the National Institutes of Health in satisfaction of the obligation of the individual under subsection (a)(1)(B) or paragraph (2)(A)(i), the individual may be appointed as such an employee without regard to the provisions of title 5, United States Code, relating to appointment and compensation.

"(d) **PROVISIONS REGARDING SCHOLARSHIP.**—

"(1) **APPROVAL OF ACADEMIC PROGRAM.**—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless—

"(A) the individual applying for the scholarship has submitted to the Director a proposed academic program for the year and the Director has approved the program; and

"(B) the individual agrees that the program will not be altered without the approval of the Director.

"(2) **ACADEMIC STANDING.**—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless the individual applying for the scholarship agrees to maintain an acceptable level of academic standing, as determined by the educational institution involved in accordance with regulations issued by the Secretary.

"(3) **LIMITATION ON AMOUNT.**—The Director of NIH may not provide a scholarship under subsection (a) for an academic year in an amount exceeding \$20,000.

"(4) **AUTHORIZED USES.**—A scholarship provided under subsection (a) may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attending the school involved.

"(5) **CONTRACT REGARDING DIRECT PAYMENTS TO INSTITUTION.**—In the case of an institution of higher education with respect to which a scholarship under subsection (a) is provided, the Director of NIH may enter into a contract with the institution under which the amounts provided in the scholarship for tuition and other educational expenses are paid directly to the institution. Payments to the institution under the contract may be made without regard to section 3324 of title 31, United States Code.

"(e) **PENALTIES FOR BREACH OF SCHOLARSHIP CONTRACT.**—The provisions of section 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(f) **REQUIREMENT OF APPLICATION.**—The Director of NIH may not provide a scholarship under subsection (a) unless an application for the scholarship is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(g) **AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.**—Amounts appropriated for a fiscal year for scholarships under this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.

"**LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS**

"**SEC. 487E. (a) IMPLEMENTATION OF PROGRAM.**—

"(1) **IN GENERAL.**—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH may, subject to paragraph (2), carry out a program of entering into contracts with appropriately qualified health professionals who are from disadvantaged backgrounds under which such health professionals agree to conduct clinical research as employees of the National Institutes of Health in consideration of the Federal Government agreeing to pay, for each year of such service, not more than \$20,000 of the principal and interest of the educational loans of the health professionals.

"(2) **LIMITATION.**—The Director of NIH may not enter into a contract with a health professional pursuant to paragraph (1) unless such professional has a substantial amount of educational loans relative to income.

"(3) **APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.**—Except to the extent inconsistent with this section, the provisions of sections 338C and 338E shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(b) **AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.**—Amounts appropriated for a fiscal year for contracts under subsection (a) shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated."

**SEC. 1732. FUNDING.**

Section 487(a)(1) of the Public Health Services Act (42 U.S.C. 288(a)(1)) is amended—

(1) in subparagraph (A), by striking "and" after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

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

"(C) provide contracts for scholarships and loan repayments in accordance with sections 487D and 487E, subject to providing not more than an aggregate 50 such contracts during the fiscal years 1993 through 1996."

**Subtitle D—Funding**

**SEC. 1741. AUTHORIZATION OF APPROPRIATIONS.**

Section 487(d) of the Public Health Services Act (42 U.S.C. 288(d)) is amended—

(1) in the first sentence, by amending the sentence to read as follows: "For the purpose of carrying out this section, there are authorized to be appropriated \$375,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996."; and

(2) in paragraph (3)—

(A) by striking "one-half of one percent" each place such term appears and inserting "1 percent"; and

(B) by inserting "785," after "784."

**TITLE XVIII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH**

**SEC. 1801. MISCELLANEOUS PROVISIONS.**

Section 499A of the Public Health Service Act (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 “1995” and inserting “1996”.

**TITLE XIX—RESTORATION AND RENOVATION OF FACILITIES AND INFRASTRUCTURE**

**SEC. 1901. ACQUISITION OF LAND AND FACILITIES.**

Title IV of the Public Health Service Act, as amended by section 141(a)(2) of this Act, is amended by adding at the end the following new part:

**“PART J—RESTORATION AND RENOVATION OF FACILITIES AND INFRASTRUCTURE**

**“SEC. 499N. PHYSICAL INFRASTRUCTURE FOR RESEARCH.**

“(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary, acting through the Director of NIH, may carry out a comprehensive program 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 Institutes 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 the purposes of the program.

“(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. 499O. 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 to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, the Committee on Government Operations of the House of Representatives, and the Committee on Government Operations of the Senate.”.

**SEC. 1902. WARREN GRANT MAGNUSON CLINICAL CENTER.**

(a) **ESTABLISHMENT.**—For the purpose of improving the program of the Warren Grant Magnuson Clinical Center of the National Institutes of Health (hereafter in this section referred to as the ‘Clinical Center’), the Director of such Institutes may establish and implement a program for the renovation of the facilities of the Clinical Center or the construction of a replacement facilities. Such 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 of Health and Human Services, acting through the Director of the National Institutes of Health, is authorized to accept the transfer to such Institutes 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 of Health and Human Services, acting through the Director of the National Institutes of Health, may enter into a Use Agreement and a Memorandum of Understanding with the appropriate Federal officials 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 current facilities of the 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 constructed under this section for the Clinical Center, the Secretary of Health and Human Services may expend amounts necessary to transfer the personnel and administration of the current facility to the new facility.

(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.**—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 1993 and subsequent fiscal years. Amounts appropriated under the preceding sentence shall remain available until expended.

**TITLE XX—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME**

**SEC. 2001. REVISION AND EXTENSION OF VARIOUS PROGRAMS.**

Title XXIII of the Public Health Service Act (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 may provide advice to 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 with respect to diagnosing immune deficiency and with respect to predicting, diagnosing, preventing, and treating opportunistic cancers and infectious diseases”;

(2) in section 2311(a)(1), by inserting before the semicolon the following: “, including evaluations of methods of diagnosing immune deficiency and evaluations of methods of predicting, diagnosing, preventing, and treating opportunistic cancers and infectious diseases”;

(3) in section 2315—

(A) in subsection (a)(2), by striking “international research” and all that follows and inserting “international research and training concerning the natural history and pathogenesis of the human immunodeficiency virus and the development and evaluation of vaccines and treatments for acquired immune deficiency syndrome and opportunistic infections.”; and

(B) in subsection (f), by striking “and 1991” and inserting “through 1996”;

(4) in section 2318—

(A) in subsection (a)(1)—

(i) by inserting after “The Secretary” the following: “, acting through the Director of the National Institutes of Health and after consultation with the Administrator for Health Care Policy and Research.”; and

(ii) by striking “syndrome” and inserting “syndrome, including treatment and prevention of HIV infection and related conditions among women”;

(B) in subsection (e), by striking “1991.” and inserting the following: “1991, and \$25,000,000 for each of the fiscal years 1993 through 1996.”;

(5) in section 2320(b)(1)(A), by striking “syndrome” and inserting “syndrome and the natural history of such infection”;

(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 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;”;

(B) in section 2301(b)(6), by inserting before the semicolon the following: “, including evaluations conducted under section 2351(a)(2)(B)”;

(7) in section 2361, by striking “For purposes” and all that follows and inserting the following: “For purposes of this title:

“(1) The term ‘infection’, with respect to the etiologic agent for acquired immune deficiency syndrome, includes opportunistic cancers and infectious diseases and any other conditions arising from infection with such etiologic agent.

“(2) The term ‘treatment’, with respect to the etiologic agent for acquired immune deficiency syndrome, includes primary and secondary prophylaxis.”;

(8) in section 2315(f), by striking “there are authorized” and all that follows and inserting “there are authorized to be appropriated such sums as may be necessary for each fiscal year.”;

(9) in section 2320(e)(1), by striking “there are authorized” and all that follows and inserting “there are authorized to be appropriated such sums as may be necessary for each fiscal year.”;

(10) in section 2341(d), by striking “there are authorized” and all that follows and inserting “there are authorized to be appropriated such sums as may be necessary for each fiscal year.”.

**TITLE XXI—CERTAIN AUTHORITIES OF CENTERS FOR DISEASE CONTROL**

**SEC. 2101. PREVENTION OF PROSTATE CANCER.**

Part B of title III of the Public Health Service Act is amended by inserting after section 317A (42 U.S.C. 247b-1) the following new section:

**“PROSTATE CANCER MORTALITY PREVENTION**

“SEC. 317B. (a) **GRANTS.**—The Secretary, acting through the Director of the Centers for Dis-

local health departments for the purpose of enabling such States and departments to carrying out programs to—

"(1) screen men for prostate cancer as a preventive health measure;

"(2) provide appropriate referrals for medical treatment of men screened pursuant to paragraph (1) and to ensure, to the extent practicable, the provision of appropriate follow-up services;

"(3) develop and disseminate public information and education programs for the detection and control of prostate cancer;

"(4) improve the education, training, and skills of health professionals (including appropriate allied health professionals) in the detection and control of prostate cancer;

"(5) establish mechanisms through which the States can monitor the quality of screening procedures for prostate cancer, including the interpretation of such procedures; and

"(6) evaluate activities conducted under paragraphs (1) through (5) through appropriate surveillance or program monitoring activities.

"(b) GRANT APPLICATIONS.—

"(1) REQUIREMENT.—No grant may be awarded under subsection (a), unless an application for such grant has been submitted to, and approved by, the Secretary. Such an application shall be in such form and submitted in such manner as the Secretary shall prescribe, and shall include—

"(A) a complete description of the program which is to be provided by or through the applicant;

"(B) assurances satisfactory to the Secretary that the program to be provided under the grant will include education programs designed to communicate to men, and local health officials the significance of the early detection of prostate cancer;

"(C) assurances satisfactory to the Secretary that the applicant will report, on a quarterly basis, the number of men screened for prostate cancer and the number of men who were found to have prostate cancer, the number and type of medical referral made with respect to such men, the outcome of such referrals, and other information to measure program effectiveness as required under paragraph (2);

"(D) assurances satisfactory to the Secretary that the applicant will make such reports respecting the program involved as the Secretary may require; and

"(E) such other information as the Secretary may prescribe.

"(2) TECHNICAL ASSISTANCE.—The Secretary may provide training and technical assistance with respect to the planning, development, and operation of any program or service carried out pursuant to this section.

"(c) MAINTENANCE OF EFFORT.—No grant may be awarded under subsection (a) unless the Secretary determines that there is satisfactory assurance that Federal funds made available under such a grant for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds that would, in the absence of such Federal funds, be made available for the program for which the grant is to be made, and will in no event supplant such State, local, and other non-Federal funds.

"(d) METHOD AND AMOUNT OF PAYMENT.—The Secretary shall determine the amount of a grant made under subsection (a). Payments under such grants may be made in advance on the basis of estimates or by way of reimbursement, with necessary adjustments on account of the underpayments or overpayments, and in such installments and on such terms and conditions as the Secretary finds necessary to carry out the purposes of such grants. Not more than 10 per-

cent of any grant may be obligated for administrative costs.

"(e) SUPPLIES, EQUIPMENT, AND EMPLOYEE DETAIL.—The Secretary, at the request of a recipient of a grant under subsection (a), may reduce the amount of such grant by—

"(1) the fair market value of any supplies or equipment furnished the grant recipient; and

"(2) the amount of the pay, allowances, and travel expenses of any officer or employee of the Government when detailed to the grant recipient and the amount of any other costs incurred in connection with the detail of such officer or employee;

when the furnishing of such supplies or equipment or the detail of such an officer or employee is for the convenience of and at the request of such grant recipient and for the purpose of carrying out a program with respect to which any such grant is so reduced. Such amount shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment, or in detailing the personnel, on which the reduction of such grant is based, and such amount shall be deemed as part of the grant and shall be deemed to have been paid to the grant recipient.

"(f) RECORDS.—Each recipient of a grant under subsection (a) shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the undertaking in connection with which such grant was made, and the amount of that portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(g) AUDIT AND EXAMINATION OF RECORDS.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of a grant under subsection (a), that are pertinent to such grant.

"(h) INDIAN TRIBES.—For purposes of this section, the term 'units of local government' includes Indian tribes.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section not more than \$20,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(2) SET-ASIDE FOR TECHNICAL ASSISTANCE.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not more than 20 percent for carrying out activities under this section at the national level."

#### SEC. 2102. NATIONAL PROGRAM OF CANCER REGISTRIES.

Title III of the Public Health Service Act, as amended by section 121(a)(2) of this Act, is amended by adding at the end the following new part:

##### "PART M—NATIONAL PROGRAM OF CANCER REGISTRIES

#### "SEC. 399H. NATIONAL PROGRAM OF CANCER REGISTRIES.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to States, or may make grants or enter into contracts with academic or non-profit organizations designated by the State to operate the State's cancer registry in lieu of making a grant directly to the State, to support the operation of population-based, statewide cancer registries in order to collect, for each form of in-situ and invasive cancer (with the exception of basal cell and squamous cell carcinoma of the skin), data concerning—

"(1) demographic information about each case of cancer;

"(2) information on the industrial or occupational history of the individuals with the cancers, to the extent such information is available from the same record;

"(3) administrative information, including date of diagnosis and source of information;

"(4) pathological data characterizing the cancer, including the cancer site, stage of disease (pursuant to Staging Guide), incidence, and type of treatment; and

"(5) other elements determined appropriate by the Secretary.

"(b) MATCHING FUNDS.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State, or the academic or nonprofit private organization designated by the State to operate the cancer registry of the State, involved agrees, with respect to the costs of the program, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs or \$1 for every \$3 of Federal funds provided in the grant.

"(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION; MAINTENANCE OF EFFORT.—

"(A) Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(B) With respect to a State in which the purpose described in subsection (a) is to be carried out, the Secretary, in making a determination of the amount of non-Federal contributions provided under paragraph (1), may include only such contributions as are in excess of the amount of such contributions made by the State toward the collection of data on cancer for the fiscal year preceding the first year for which a grant under subsection (a) is made with respect to the State. The Secretary may decrease the amount of non-Federal contributions that otherwise would have been required by this subsection in those cases in which the State can demonstrate that decreasing such amount is appropriate because of financial hardship.

"(c) ELIGIBILITY FOR GRANTS.—

"(1) IN GENERAL.—No grant shall be made by the Secretary under subsection (a) unless an application has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such a manner, and be accompanied by such information, as the Secretary may specify. No such application may be approved unless it contains assurances that the applicant will use the funds provided only for the purposes specified in the approved application and in accordance with the requirements of this section, that the application will establish such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting of Federal funds paid to the applicant under subsection (a) of this section, and that the applicant will comply with the peer review requirements under sections 491 and 492.

"(2) ASSURANCES.—Each applicant, prior to receiving Federal funds under subsection (a), shall provide assurances satisfactory to the Secretary that the applicant will—

"(A) provide for the establishment of a registry in accordance with subsection (a);

"(B) comply with appropriate standards of completeness, timeliness, and quality of population-based cancer registry data;

"(C) provide for the annual publication of reports of cancer data under subsection (a); and

"(D) provide for the authorization under State law of the statewide cancer registry, including promulgation of regulations providing—

"(i) a means to assure complete reporting of cancer cases (as described in subsection (a)) to the statewide cancer registry by hospitals or other facilities providing screening, diagnostic or therapeutic services to patients with respect to cancer;

"(ii) a means to assure the complete reporting of cancer cases (as defined in subsection (a)) to the statewide cancer registry by physicians, surgeons, and all other health care practitioners diagnosing or providing treatment for cancer patients, except for cases directly referred to or previously admitted to a hospital or other facility providing screening, diagnostic or therapeutic services to patients in that State and reported by those facilities;

"(iii) a means for the statewide cancer registry to access all records of physicians and surgeons, hospitals, outpatient clinics, nursing homes, and all other facilities, individuals, or agencies providing such services to patients which would identify cases of cancer or would establish characteristics of the cancer, treatment of the cancer, or medical status of any identified patient;

"(iv) for the reporting of cancer case data to the statewide cancer registry in such a format, with such data elements, and in accordance with such standards of quality, timeliness and completeness, as may be established by the Secretary;

"(v) for the protection of the confidentiality of all cancer case data reported to the statewide cancer registry, including a prohibition on disclosure to any person of information reported to the statewide cancer registry that identifies, or could lead to the identification of, an individual cancer patient, except for disclosure to other States cancer registries and local and State health officers;

"(vi) for a means by which confidential case data may in accordance with State law be disclosed to cancer researchers for the purposes of cancer prevention, control and research;

"(vii) for the authorization or the conduct, by the statewide cancer registry or other persons and organizations, of studies utilizing statewide cancer registry data, including studies of the sources and causes of cancer, evaluations of the cost, quality, efficacy, and appropriateness of diagnostic, therapeutic, rehabilitative, and preventative services and programs relating to cancer, and any other clinical, epidemiological, or other cancer research; and

"(viii) for protection for individuals complying with the law, including provisions specifying that no person shall be held liable in any civil action with respect to a cancer case report provided to the statewide cancer registry, or with respect to access to cancer case information provided to the statewide cancer registry.

"(d) RELATIONSHIP TO CERTAIN PROGRAMS.—

"(1) IN GENERAL.—This section may not be construed to act as a replacement for or diminishment of the program carried out by the Director of the National Cancer Institute and designated by such Director as the Surveillance, Epidemiology, and End Results Program (SEER).

"(2) SUPPLANTING OF ACTIVITIES.—In areas where both such programs exist, the Secretary shall ensure that SEER support is not supplanted and that any additional activities are consistent with the guidelines provided for in subsection (c)(2)(C) and (D) and are appropriately coordinated with the existing SEER program.

"(3) TRANSFER OF RESPONSIBILITY.—The Secretary may not transfer administration responsibility for such SEER program from such Director.

"(4) COORDINATION.—To encourage the greatest possible efficiency and effectiveness of Federally supported efforts with respect to the ac-

tivities described in this subsection, the Secretary shall take steps to assure the appropriate coordination of programs supported under this part with existing Federally supported cancer registry programs.

"(e) REQUIREMENT REGARDING CERTAIN STUDY ON BREAST CANCER.—In the case of a grant under subsection (a) to any State specified in section 399K(b), the Secretary may establish such conditions regarding the receipt of the grant as the Secretary determines are necessary to facilitate the collection of data for the study carried out under section 399C.

"SEC. 399I. PLANNING GRANTS REGARDING REGISTRIES.

"(a) IN GENERAL.—

"(1) STATES.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to States for the purpose of developing plans that meet the assurances required by the Secretary under section 399B(c)(2).

"(2) OTHER ENTITIES.—For the purpose described in paragraph (1), the Secretary may make grants to public entities other than States and to nonprofit private entities. Such a grant may be made to an entity only if the State in which the purpose is to be carried out has certified that the State approves the entity as qualified to carry out the purpose.

"(b) APPLICATION.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary, the application contains the certification required in subsection (a)(2) (if the application is for a grant under such subsection), and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"SEC. 399J. TECHNICAL ASSISTANCE IN OPERATIONS OF STATEWIDE CANCER REGISTRIES.

"The Secretary, acting through the Director of the Institute involved, may, directly or through grants and contracts, or both, provide technical assistance to the States in the establishment and operation of statewide registries, including assistance in the development of model legislation for statewide cancer registries and assistance in establishing a computerized reporting and data processing system.

"SEC. 399K. STUDY IN CERTAIN STATES TO DETERMINE THE FACTORS CONTRIBUTING TO THE ELEVATED BREAST CANCER MORTALITY RATES.

"(a) IN GENERAL.—Subject to subsections (c) and (d), the Secretary, acting through the Director of the Centers for Disease Control, shall conduct a study for the purpose of determining the factors contributing to the fact that breast cancer mortality rates in the States specified in subsection (b) are elevated compared to rates in other States.

(b) RELEVANT STATES.—The States referred to in subsection (a) are Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia.

(c) COOPERATION OF STATE.—The Secretary may conduct the study required in subsection (a) in a State only if the State agrees to cooperate with the Secretary in the conduct of the study, including providing information from any registry operated by the State pursuant to section 399B(a).

"(d) PLANNING, COMMENCEMENT, AND DURATION.—The Secretary shall, during each of the fiscal years 1993 and 1994, develop a plan for conducting the study required in subsection (a). The study shall be initiated by the Secretary not later than fiscal year 1994, and the collection of data under the study may continue through fiscal year 1998.

(e) REPORT.—Not later than September 30, 1999, the Secretary shall complete the study re-

quired in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings and recommendations made as a result of the study.

"SEC. 399L. AUTHORIZATION OF APPROPRIATIONS.

"(a) REGISTRIES.—For the purpose of carrying out this part, there are authorized to be appropriated \$30,000,000 for each of the fiscal years 1993 through 1996. Out of any amounts appropriated for any such fiscal year, the Secretary may obligate not more than 25 percent for carrying out section 399I, and not more than 10 percent may be expended for assessing the accuracy, completeness and quality of data collected, and not more than 10 percent of which is to be expended under subsection 399J.

"(b) BREAST CANCER STUDY.—Of the amounts appropriated under subsection (a) for any fiscal year in which the study required in section 399K is being carried out, the Secretary shall expend not less than \$1,000,000 for the study."

SEC. 2103. TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—The Secretary of Health and Human Services, 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.—For the purposes of carrying out subsection (a), 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 1996.

TITLE XXII—STUDIES

SEC. 2201. ACQUIRED IMMUNE DEFICIENCY SYNDROME.

(a) CERTAIN DRUG-RELEASE MECHANISMS.—

(1) 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) 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 payors 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.

(d) **VACCINES FOR HUMAN IMMUNODEFICIENCY VIRUS.**

(1) **IN GENERAL.**—The Secretary of Health and Human Services, 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.

(2) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services 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 paragraph (1).

(3) **IMPLEMENTATION.**—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall implement the plan developed under paragraph (1), including measures for the full participation of other Federal agencies currently conducting HIV vaccine studies.

(4) For the purpose of carrying out this subsection, there are authorized to be appropriated \$500,000 for fiscal year 1992, \$2,500,000 for fiscal year 1993, \$5,000,000 for fiscal year 1994, and such sums as may be necessary of fiscal year 1995.

**SEC. 2202. ANNUAL REPORT CONCERNING LEADING CAUSES OF DEATH.**

(a) **REPORT.**—The Secretary of Health and Human Services shall, not later than September 1, 1992, and not later than March 31 of each year thereafter, prepare a report that lists—

(1) the 20 illnesses that, in terms of mortality, number of years of expected life lost, and of number of preventable years of life lost, are the leading causes of death in the United States and the number of deaths from each such cause, the age-specific and age-adjusted death rates for each such cause, the death rate per 100,000 population for each such cause, the percentage of change in cause specific death rates for each age group, and the percentage of total deaths for each such cause;

(2) the amount expended by the Department of Health and Human Services for research, prevention, and education with respect to each of the 20 illnesses described in paragraph (1) for the most recent year for which the actual expenditures are known;

(3) an estimate by the Secretary of the amount to be expended on research, prevention, and education with respect to each of the 20 illnesses described in paragraph (1) for the year for which the report is prepared; and

(4) with respect to the years specified in paragraphs (2) and (3), the percentage of the total of the annual expenditures for research, prevention, and education on the 20 illnesses described in paragraph (1) that are attributable to each illness.

(b) **SUBMISSION TO CONGRESS.**—The Secretary of Health and Human Services shall submit the report required under subsection (a), together with relevant budget information, to the Com-

mittee on Energy and Commerce and the Committee on Appropriations of the House of Representatives and the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate.

**SEC. 2203. 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, in consultation 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 of the elderly.

(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 elderly individuals who receive routine nutritional screening and treatment;

(B) if federally subsidized home or institutional care is reduced because of increased independence of elderly individuals resulting from improved nutritional status;

(C) if a multidisciplinary approach to nutritional care is effective in addressing the nutritional needs of elderly individuals; and

(D) if reimbursement for nutrition screening and intervention activities is a cost-effective approach to improving the health status of elderly individuals.

(3) **POPULATIONS.**—The populations of elderly individuals in which the study will be conducted shall include populations of elderly individuals who are—

(A) living independently, including—

(i) individuals who receive home and community-based services or family support;

(ii) individuals who do not receive additional services and support;

(iii) individuals with low incomes; and

(iv) individuals who are minorities;

(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 determine the extent of malnutrition in elderly individuals in hospitals and long-term care facilities and in elderly 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 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, the American Academy of Family Physicians, and such other agencies or organizations as the Secretary determines to be appropriate.

(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 1 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.

**SEC. 2204. BEHAVIORAL FACTORS STUDY.**

The Director of the National Institutes of Health shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report on the feasibility of developing a plan for the conduct of research at such Institutes on the prevention of traumatic injuries.

**SEC. 2205. RELATIONSHIP BETWEEN THE CONSUMPTION OF LEGAL AND ILLEGAL DRUGS.**

(a) **IN GENERAL.**—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, 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.

(b) **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 con-

taining 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).

(c) **LIMITATION.**—For purposes of this section, the terms "legal drugs" and "illegal drugs" do not include beverage alcohol or tobacco products.

**SEC. 2206. RESEARCH ACTIVITIES ON CHRONIC FATIGUE SYNDROME.**

The Secretary of Health and Human Services shall, not later than April 1, 1993, 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. 2207. REPORT ON MEDICAL USES OF BIOLOGICAL AGENTS IN DEVELOPMENT OF DEFENSES AGAINST BIOLOGICAL WARFARE.**

The Secretary of Health and Human Services, in consultation with other appropriate executive agencies, shall report to the House Energy and Commerce Committee and the Senate Labor and Human Resources Committee on the appropriateness and impact of the National Institutes of Health assuming responsibility for the conduct of all Federal research, development, testing, and evaluation functions relating to medical countermeasures against biowarfare threat agents. In preparing the report, the Secretary shall identify the extent to which such activities are carried out by agencies other than the National Institutes of Health, and assess the impact (positive and negative) of the National Institutes of Health assuming responsibility for such activities, including the impact under the Budget Enforcement Act and the Omnibus Budget Reconciliation Act of 1990 on existing National Institutes of Health research programs as well as other programs within the category of domestic discretionary spending. The Secretary shall submit the report not later than 12 months after the date of the enactment of this Act.

**SEC. 2208. EVALUATION OF EMPLOYEE-TRANSPORTED CONTAMINANT RELEASES.**

(a) **IN GENERAL.**—Not later than 18 months after the date on which amounts are first appropriated under subsection (f), the Director of the National Institute for Occupational Safety and Health (hereafter in this section referred to as the "Director"), in cooperation with the Secretary of Labor, the Administrator of the Environmental Protection Agency, the Administrator of the Agency for Toxic Substances and Disease Registry, and the heads of other Federal Government agencies (such as the National Institutes of Health) as determined to be appropriate by the Director, shall conduct a study to evaluate the potential for, the prevalence of, and the issues related to the contamination of workers' homes with hazardous chemicals and substances, including infectious agents, transported from the workplaces of such workers.

(b) **MATTERS TO BE EVALUATED.**—In conducting the study and evaluation under subsection (a), the Director shall—

(1) conduct a review of past incidents of home contamination through the utilization of literature and of records concerning past inves-

tigations and enforcement actions undertaken by—

(A) the National Institute for Occupational Safety and Health;

(B) the Secretary of Labor to enforce the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(C) States to enforce occupational safety and health standards in accordance with section 18 of such Act (29 U.S.C. 667); and

(D) other government agencies (including the Department of Energy and the Environmental Protection Agency), as the Director may determine to be appropriate;

(2) evaluate current statutory, regulatory, and voluntary industrial hygiene or other measures used by small, medium and large employers to prevent or remediate home contamination;

(3) compile a summary of the existing research and case histories conducted on incidents of employee transported contaminant releases, including—

(A) the effectiveness of workplace house-keeping practices and personal protective equipment in preventing such incidents;

(B) the health effects, if any, of the resulting exposure on workers and their families;

(C) the effectiveness of normal house cleaning and laundry procedures for removing hazardous materials and agents from workers' homes and personal clothing;

(D) indoor air quality, as the research concerning such pertains to the fate of chemicals transported from a workplace into the home environment; and

(E) methods for differentiating exposure health effects and relative risks associated with specific agents from other sources of exposure inside and outside the home;

(4) identify the role of Federal and State agencies in responding to incidents of home contamination;

(5) prepare and submit to the Task Force established under subsection (c), 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 matters studied or evaluated under paragraphs (1) through (4); and

(6) study home contamination incidents and issues and worker and family protection policies and practices related to the special circumstances of firefighters and prepare and submit to the committees specified in paragraph (5) a report concerning the findings with respect to such study.

(c) **DEVELOPMENT OF INVESTIGATIVE STRATEGY.**—

(1) **TASK FORCE.**—Not later than 12 months after the date on which amounts are first appropriated under subsection (f), the Director shall establish a working group, to be known as the Workers' Family Protection Task Force. The Task Force shall—

(A) be composed of not more than 15 individuals to be appointed by the Director from among individuals who are representative of workers, industry, scientists, industrial hygienists, the National Research Council, and government agencies, except that not more than one such individual shall be from each appropriate government agency and the number of individuals appointed to represent industry and workers shall be equal in number;

(B) review the report submitted under subsection (b)(5);

(C) determine, with respect to such report, the additional data needs, if any, and the need for additional evaluation of the scientific issues related to and the feasibility of developing such additional data; and

(D) if additional data are determined by the Task Force to be needed, develop a rec-

ommended investigative strategy for use in obtaining such information.

(2) **INVESTIGATIVE STRATEGY.**—

(A) **CONTENT.**—The investigative strategy developed under paragraph (1)(D) shall identify gaps in data that can and cannot be filled, assumptions and uncertainties associated with various components of such strategy, a timetable for the implementation of such strategy, and methodologies used to gather any required data.

(B) **PEER REVIEW.**—The Director shall publish the proposed investigative strategy under paragraph (1)(D) for public comment and utilize other methods, including technical conferences or seminars for the purpose of obtaining comments concerning the proposed strategy.

(C) **FINAL STRATEGY.**—After peer review and public comment is conducted under subparagraph (B), the Director, in consultation with the heads of other government agencies, shall propose a final strategy for investigating issues related to home contamination that shall be implemented by the National Institute for Occupational Safety and Health and other Federal agencies for the period of time necessary to enable such agencies to obtain the information identified under paragraph (1)(C).

(D) **CONSTRUCTION.**—Nothing in this section shall be construed as precluding any government agency from investigating issues related to home contamination using existing procedures until such time as a final strategy is developed or from taking actions in addition to those proposed in the strategy after its completion.

(d) **IMPLEMENTATION OF INVESTIGATIVE STRATEGY.**—Upon completion of the investigative strategy under subsection (c)(2)(C), each Federal agency or department shall fulfill the role assigned to it by the strategy.

(e) **REGULATIONS.**—

(1) **IN GENERAL.**—Not later than 4 years after the date on which amounts are first appropriated under subsection (f), and periodically thereafter, the Secretary of Labor, based on the information developed under this section and on other information available to the Secretary, shall—

(A) determine if additional education about, emphasis on, or enforcement of existing regulations or standards is needed and will be sufficient, or if additional regulations or standards are needed to protect workers and their families from employee transported releases of hazardous materials; and

(B) prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report concerning the results of such determination.

(2) **ADDITIONAL REGULATIONS OR STANDARDS.**—If the Secretary of Labor determines that additional regulations or standards are needed under paragraph (1), the Secretary shall promulgate such regulations or standards as determined to be appropriate not later than 3 years after such determination.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—If the amounts appropriated for a fiscal year for carrying out the activities of the National Institute of Occupational Safety and Health equal or exceed 105 percent of the amount appropriated for such activities for fiscal year 1992 (as such amount relating to fiscal year 1992 is adjusted to offset the effects of inflation occurring since fiscal year 1992), the Director of such Institute may expend such amounts for carrying out this section.

**SEC. 2209. PERSONNEL STUDY OF RECRUITMENT, RETENTION AND TURNOVER.**

(a) **STUDY OF PERSONNEL SYSTEM.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a

study to review the retention, recruitment, vacancy and turnover rates of support staff, including firefighters, law enforcement, procurement officers, technicians, nurses and clerical employees, to ensure that the National Institutes of Health is adequately supporting the conduct of efficient, effective and high quality research for the American public. The Director of NIH shall work in conjunction with appropriate employee organizations and representatives in developing such a study.

(b) **SUBMISSION TO CONGRESS.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report containing the study conducted under subsection (a) together with the recommendations of the Secretary concerning the enactment of legislation to implement the results of such study.

#### SEC. 2210. PROCUREMENT.

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.

#### TITLE XXIII—MISCELLANEOUS PROVISIONS

#### SEC. 2301. DESIGNATION OF SENIOR BIOMEDICAL RESEARCH SERVICE IN HONOR OF SILVIO CONTE, AND LIMITATION ON NUMBER OF MEMBERS.

(a) **IN GENERAL.**—Section 228(a) of the Public Health Service Act (42 U.S.C. 237(a)), 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')."

(b) **CONFORMING AMENDMENT.**—Section 228 of the Public Health Service Act (42 U.S.C. 237), as added by section 304 of Public Law 101-509, is amended in the heading for the section by amending the heading to read as follows:

"SILVIO CONTE SENIOR BIOMEDICAL RESEARCH SERVICE".

#### SEC. 2302. TECHNICAL CORRECTIONS.

(a) **TITLE IV.**—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 406—

(A) in subsection (b)(2)(A), by striking "Veterans' Administration" each place such term appears and inserting "Department of Veterans Affairs"; and

(B) in subsection (h)(2)(A)(v), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(2) in section 408, in subsection (b) (as redesignated by section 501(c)(1)(C) of this Act), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(3) in section 421(b)(1), by inserting a comma after "may";

(4) in section 428(b), in the matter preceding paragraph (1), by striking "the the" and inserting "the";

(5) in section 430(b)(2)(A)(i), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(6) in section 439(b), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(7) in section 442(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(8) in section 464D(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(9) in section 464E—

(A) in subsection (d), in the first sentence, by inserting "Coordinating" before "Committee"; and

(B) in subsection (e), by inserting "Coordinating" before "Committee" the first place such term appears;

(10) in section 466(a)(1)(B), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(11) in section 480(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(12) in section 485(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(13) in section 487(d)(3), by striking "section 304(a)(3)" and inserting "section 304(a)";

(14) in section 487A(a)(2), in the matter preceding subparagraph (A), by striking "in" and inserting "into"; and

(15) in section 496(a), by striking "Such appropriations," and inserting the following: "Appropriations to carry out the purposes of this title."

(b) **TITLE XXIII.**—Part A of title XXIII of the Public Health Service Act (42 U.S.C. 300cc et seq.) is amended—

(1) in section 2304—

(A) in the heading for the section, by striking "CLINICAL RESEARCH REVIEW COMMITTEE" and inserting "RESEARCH ADVISORY COMMITTEE"; and

(B) in subsection (a), by striking "AIDS Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(2) in section 2312(a)(2)(A), by striking "AIDS Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(3) in section 2314(a)(1), in the matter preceding subparagraph (A), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(4) in section 2317(d)(1), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee established under section 2304"; and

(5) in section 2318(b)(3), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee".

#### SEC. 2303. PROHIBITION AGAINST SHARP ADULT SEX SURVEY AND THE AMERICAN TEENAGE SEX SURVEY.

The Secretary of Health and Human Services may not during fiscal year 1992 or any subsequent fiscal year conduct or support the SHARP survey of adult sexual behavior or the American Teenage Study of adolescent sexual behavior. This section becomes effective April 15, 1992.

#### SEC. 2304. BIENNIAL REPORT ON CARCINOGENS.

Section 301(b)(4) (42 U.S.C. 241(b)(4)) is amended by striking "an annual" and inserting in lieu thereof "a biennial".

#### SEC. 2305. 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.

(c) **TECHNICAL AMENDMENT.**—Section 445G(a) of such Act (as so redesignated) is amended by striking "and its incidence in the United States".

#### TITLE XXIV—EFFECTIVE DATE

##### SEC. 2401. EFFECTIVE DATE.

Subject to section 1955, this Act and the amendments made by this Act shall take effect October 1, 1992, or upon the date of the enactment of this Act, whichever occurs later.

And the Senate agree to the same.

From the Committee on Energy and Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,  
HENRY A. WAXMAN,  
RON WYDEN,

As additional conferees, from the Committee on Education and Labor, for consideration of section 1114 of the Senate amendment, and modifications committed to conference:

WILLIAM D. FORD,  
JOSEPH M. GAYDOS,  
CASS BALLENGER,

Managers on the Part of the House.

EDWARD M. KENNEDY,  
TOM HARKIN,  
BROCK ADAMS,

Managers on the Part of the Senate.

#### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate 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, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

#### RESEARCH FREEDOM

##### Part I—Review of Proposals for Biomedical and Behavioral Research.

The Senate recedes to the House provisions regarding the review of biomedical and behavioral research with an amendment to make technical and clarifying changes. In addition, the Senate amendment makes clear that the Secretary may remove a member of the ethics board for neglect of duty, malfeasance, or other good cause.

##### Part II—Research on Transplantation Of Fetal Tissue

The Senate recedes to the House provisions regarding research on transplantation of fetal tissue with an amendment to strengthen safeguards against abuse and to make technical and clarifying changes. Together

these provisions will ensure that the decision by a woman to have an abortion is separate and independent from the decision to donate fetal tissue pursuant to such a procedure.

The House bill provides safeguards against abuse in such research, as recommended by the Human Fetal Tissue Transplantation Review Panel appointed by the Reagan Administration. These procedural safeguards and ethical guidelines include:

a prohibition of the sale of human fetal tissue;

a prohibition of donation of such tissue for a specific individual (a so-called "directed donation");

a prohibition against payment for the abortion for the purpose of obtaining such tissue;

a requirement of written informed consent from the woman donating the tissue;

in the case of an induced abortion, a requirement of a written statement from the physician attending the woman that the consent for the abortion was obtained prior to requesting or obtaining consent for the tissue donation; and

a requirement of a written statement from the researcher that disclosure has been made to the researchers involved and to any potential recipient of the tissue.

The Senate amendment adds additional safeguards to strengthen protection against abuse. These additional provisions include:

in the case of an induced abortion, a requirement of a written statement from the physician attending the woman that no alteration in the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue;

a requirement of a written statement from the researcher that he or she has had no part in any decision as to the timing, method, or procedures used to terminate the pregnancy made solely for the purposes of the research; and

a prohibition against transplantation of tissue into a relative of the donating individual.

In addition, the Senate amendment greatly strengthens penalties for violations of the prohibitions against sale of tissue, directed donations, or payment for the abortion from which such tissue is derived. The Senate amendment increases maximum prison penalties from five years to ten years. In the case of sale of tissue or payment for abortions, the Senate amendment further provides for a minimum fine of not less than twice the valuable consideration received.

Finally, the Senate amendment requires a report by the General Accounting Office on whether and to what extent research on human fetal tissue transplantation has been conducted in accordance with the safeguards and guidelines established by the legislation and on whether and to what extent there have been violations of the prohibition against sale of tissue, directed donations, or payment for the abortion.

**Women as subjects in clinical research.**—The Senate recedes to the House provisions regarding the inclusion of women and minorities in clinical research with an amendment to make technical and clarifying changes.

With respect to the provisions regarding women as subjects in clinical research, the conferees expect that the NIH Director and the NIH Office of Research on Women's Health will, in accordance with the discretion provided to the NIH Director under Section 492B(b), take into account the special circumstances of the Department of Veterans Affairs (VA). Accordingly, the conferees

direct the NIH Director and the Office of Research on Women's Health to provide flexibility to the VA with regard to the gender requirement established under Section 492B.

In the view of the conferees, imposing this requirement on the VA would be inappropriate. The VA is unique among NIH grantees: It is a separately regulated Federal agency with its own mandate and guidelines on research and care. It includes a health care system in which 95% of the patients treated are male. And, in most instances, it cannot practically collaborate with other hospitals that serve women patients. For these and other reasons, the conferees believe that imposition of the requirements of Section 492B regarding women would be inappropriate.

The conferees note that it is not the intent of Section 492B to divert dollars away from VA activities that are of high quality. The conferees recognize that the VA has taken deliberate steps to pursue research relevant to women, such as its recent study of the prevalence of post-traumatic stress disorder in women Vietnam veterans. The conferees would expect that the VA will also include women veterans in its general health research, as appropriate and feasible.

To the extent that the VA's available study population is predominantly male, the conferees understand that the requirements of Section 492B with respect to women cannot necessarily be met within the VA; to the extent that the VA's available study population includes women, the conferees expect that the VA will make every effort, consistent with its patient population, to accomplish the goals of Section 492B with respect to women. The conferees underscore that the provisions authorizing the NIH Director not to apply the gender requirement of that section in situations where it would be "inappropriate under such other circumstances as the Director of NIH may designate" contemplates just such a situation as is presented by the research program of the Department of Veterans Affairs, and the conferees direct NIH to the VA research accordingly.

**Scientific integrity.**—The Conferees recognize that there is a need for articulated Federal policies regarding scientific misconduct, conflicts of interest, and retaliation against whistleblowers in connection with research supported by the NIH. There is a clear need for formal procedures for handling allegations of scientific misconduct, for avoiding bias in research due to conflicts of interest, and for protecting the rights of whistleblowers. The Conferees believe that all interested parties would benefit from establishment of standards in these areas.

The Conferees also recognize that the handling of cases of alleged misconduct, conflicts of interest, or retaliation against whistleblowers should be fair and balanced. It is critical to uncover abuses and to protect the rights of complainants, including the prevention of retaliation against those who have made allegations in good faith. It is equally important to protect the privacy rights and rights to due process of researchers and institutions and to minimize the damage that may result from groundless allegations. Resolution of allegations in a timely, fair, and equitable manner will lend support to and improve the research process.

The Conferees have assured that formulation of Federal policy in this area will be open, responsive, and fully debated. Anything less would threaten not only the rights of those involved, but also public confidence in Federal health policies and actions.

**National Institute of Health infrastructure renovation.**—The Senate amendment, but not

the House bill, proposes the restoration and renovation of the facilities and infrastructure at the NIH. It is the conferees' intent that this restoration and renovation program be implemented in a manner that strengthens the NIH effort with respect to basic and clinical research, and health services through the renovation of existing facilities or acquiring land for new facilities. The amendment authorizes the Director of the NIH to carry out a comprehensive program to provide for the replacement or renovation of inadequate facilities, conduct a study on the expansion needs of the NIH and the purpose for which the land is to be purchased. The House recedes.

**Trauma research.**—The House bill and Senate amendment contained provisions establishing a comprehensive, interagency program of basic and clinical research on trauma. The Senate recedes with an amendment requiring that the program be carried out by the NIH Director through the individual national research institutes. The conferees intend that the NIH Director establish a comprehensive program to study all phases of trauma care from pre-hospital, resuscitation, surgical intervention, critical care, infection control, wound healing, nutritional support and medical rehabilitation. Through the support of basic science and clinical research, it is the intent of the conferees to promote the development of new and innovative models of trauma care which might prevent death or permanent disability.

**Osteoporosis.**—The House bill and Senate amendment provided for establishment of an expanded program of research into osteoporosis, Paget's disease, and related disorders. The House recedes with an amendment to include establishment of a Clearinghouse and to make technical and clarifying changes.

**Nutritional disorders.**—The House bill, but not the Senate amendment, establishes a program of research, training, health information, dissemination and other activities with respect to nutritional disorders, including obesity. The Senate recedes with a technical amendment.

**Dissemination of health promotion research.**—The Senate amendment, but not the House bill, contained a provision strengthening the authority of the NIH Associate Director for Prevention. The House recedes.

**National Heart, Lung and Blood Institute (NHLBI).**—The House bill and Senate amendment extended the authorization of appropriations for the NHLBI research and control programs. The House bill consolidated the separate authorization of appropriations for prevention and control programs with the Institute's general research authority. The Senate amendment provided, consistent with current law, a separate authorization of appropriations for control programs. The conference agreement deletes the separate authorization for prevention and control programs and instead requires that the Institute allocate not less than 10% of its annual appropriations in support of control programs authorized by Section 419 of the Public Health Service Act. Prevention and control programs are a vital part of the Institute's mission and the conferees intend that the set-aside increase, relative to fiscal year 1992, the level of funding available for these important activities. The Conferees believe NHLBI should continue and expand its research program on the effectiveness of various cardiopulmonary disease prevention and control activities. Moreover, the results of this research must be disseminated rapidly to health professionals, health educators,

and the general public. In addition, the NHLBI should share its research results with the Centers for Disease Control (CDC) and coordinate prevention activities with the CDC to assure the greatest possible efficiency and effectiveness of efforts in this important area. \$1.4 billion is authorized for NHLBI activities in FY 1993 and such funds as may be necessary in Fiscal years 1994-1996.

**Pediatric research.**—The Senate amendment, but not the House bill, provides for the establishment of three centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment for cardiovascular diseases in children. The House recedes with an amendment clarifying the responsibility of the National Institute on Arthritis and Musculoskeletal and Skin Diseases to significantly expand its research commitment into arthritis affecting young children. The conferees are concerned that despite passage of P.L. 99-158 and the establishment of an independent Arthritis Institute, insufficient resources have been allocated to understanding the causes and developing affective treatments for juvenile arthritis. The conference agreement revises the statutory authority of the Institute to make research in this area an integral part of the Institute's statutory mission. Further, the agreement requires that the Institute's research plan place particular emphasis upon expanding research into better understanding the causes and development of effective treatments for arthritis affecting children. In addition, the conference agreement requires the establishment, in fiscal year 1993, of at least one, multipurpose arthritis and musculoskeletal disease research center to expand research into the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children suffering from arthritis and musculoskeletal diseases.

**National Institute of Child Health and Human Development.**—Both the House bill and the Senate amendment proposed to create new programs to strengthen the activities of the Institute. The House bill proposes establishment of child health research centers, a loan repayment program for researchers working at the NIH in the area of contraception and infertility, a program in obstetrics and gynecology, and an adolescent health study. The Senate amendment proposes establishment of child health research centers, and a loan repayment program. The House recedes on the contraception and infertility research centers, loan repayment program and the child health research centers. The Senate recedes on the obstetrics and gynecology program and the adolescent health study. The conferees provide specific authorization for the establishment of five applied research centers under the National Institute of Child Health and Human Development, three for research into new and improved methods of contraception, and two devoted to new treatments of infertility. A new loan repayment program is established to attract and train scientists specializing in these areas of research to work at the NIH. The NICHD has been without an intramural research program in obstetrics and gynecology for many years. This has limited the NIH's ability to conduct research and limit access for women to clinical trials such as new drug treatments for ovarian cancer.

**National Institute on Aging.**—The House bill, but not the Senate amendment, provided an authorization of appropriations for the vital research activities carried on by the National Institute on Aging. The Senate re-

cedes with an amendment including a provision from the Senate amendment that special efforts be made to support research into better understanding the aging process in women. The conferees intend that particular emphasis be placed upon the efforts of menopause. Under the agreement, funding for NIA research is authorized at \$500 million in Fiscal year 1993 and such funds as may be necessary in FY 1994-1996.

**Chronic Fatigue Syndrome.**—The House bill authorized the National Institute of Allergy and Infectious Diseases to establish centers to conduct basic and clinical research on chronic fatigue syndrome. The Senate amendment required the establishment of a separate, extramural study section to review proposals to conduct research into better understanding chronic fatigue syndrome. The conferee agreement includes both House and Senate provisions.

**Tropical diseases.**—The Senate amendment, but not the House bill, clarified the responsibility of the National Institute of Allergy and Infectious Diseases to support research on tropical diseases. The House recedes.

**Multiple sclerosis research.**—The House bill, but not the Senate amendment, required the National Institute of Neurological Disorders and Stroke to expand the level of research committed to better understanding the causes and development of treatments for multiple sclerosis. The Senate recedes.

**Applied toxicological research and testing.**—The House bill, but not the Senate amendment, codified the responsibility of the National Institute of Environment Health Sciences to conduct applied research and testing into toxicology. The Senate recedes.

**Awards and training.**—The House bill established a loan repayment program for clinical researchers and an undergraduate scholarship program for individuals disadvantaged backgrounds, and permits the FDA authority to provide assistance for a loan forgiveness program. The Senate amendment contained provisions that expanded the existing AIDS loan repayment program to include other areas of research that are of critical importance in recruiting researchers. The Senate recedes with an amendment to expand the loan repayment program to other disciplines and authorizes \$3 million for this expansion effort. The conferees expressed concern about the ability of the NIH to recruit and retain scientists. Recent post-doctoral graduates are deciding against pursuing careers in biomedical, behavioral or clinical research because of their educational loan burdens. The conferees believe that a loan repayment program for scientists, particularly physician-scientists, in areas of demonstrated need at the NIH will help remove a major barrier to attracting outstanding investigators to the NIH.

**National Research Service Awards (NRSA).**—The House bill and the Senate amendment increase for 1 percent to 2 percent the required set-aside of NRSA appropriations for awards administered by the Health Resources and Services Administration and the Agency for Health Care Policy and Research. The House bill extended the authorization of appropriations for NRSA through fiscal year 1994. The Senate amendment extended the authorization through FY 1997. The House recedes with an amendment reducing the authorization in FY 1993 to \$375 million and such funds as may be necessary through FY 1996.

The conferees urge that the Director of the National Institute of General Medical Sciences establish a program in predoctoral research training in neuroscience in light of

the Decade of the Brain initiatives and the recent evolution of the field of neuroscience. The conferees believe this is an important and appropriate area for predoctoral research training at the Institute.

**NIH in general.**—The House bill, but not the Senate amendment, contained provisions for the preparation of a plan for the use of animals in research and authorizing a special program of assistance to researchers who had not previously received NIH funding. The Senate recedes.

The Senate amendment, but not the House bill, provided for establishment of a discretionary fund for the NIH Director, a children's vaccine initiative, a program to disseminate health promotion research results, a program of day care services for NIH employees, and readability requirements for publications disseminated to the general public. The House recedes with an amendment requiring that an annual report on the use of funds in the NIH Director's discretionary account be prepared and submitted to the Secretary, the Committee on Energy and Commerce of the House and the Senate Labor and Human Resources Committee.

**Extramural construction of research facilities.**—The Senate amendment, but not the House bill, authorized a new program of assistance for the construction of biomedical and behavioral research facilities. The House recedes with an amendment providing that in any fiscal year, the first \$7 million in appropriations will be made available for the purpose of construction grants for improvements at the national primate research centers. Additional funds will be available for other construction grants with 25% reserved for "research centers of emerging excellence." The conferees intend that these provisions will assist in making more universities competitive in obtaining research funding from the NIH.

The conferees believe a new program of construction grants is necessary to replace outmoded facilities, relieve overcrowding, and accommodate changing research requirements. Furthermore, historically black colleges and universities and other centers of emerging excellence can make important contributions to progress in biomedical and behavioral research if infrastructure deficiencies can be corrected. In this respect, centers of emerging excellence can be looked upon by the NIH as centers of opportunity. The conference agreement requires that all proposals for assistance be subjected to review by an independent board and that fundamental principle of NIH awards, that the primary criterion be scientific and technical merit, will be observed.

The conferees believe appropriations made available for this purpose should be in addition to appropriations that would otherwise be made available to support individual investigator grants, particularly grants to first-time investigators.

**National Cancer Institute (NCI).**—Both the House bill and the Senate amendment extend the authorization of appropriations for the national cancer program. The House recedes with an amendment reducing the authorization of appropriations for fiscal year 1993 to \$2.2 billion and such sums as may be necessary for fiscal year 1994-1996. The conferees express their serious concern about the growing epidemic of breast and prostate cancer in the United States. The conferees expect the NCI to make prevention of breast and prostate cancer its top priorities.

**Breast cancer program.**—The House recedes with a clarifying amendment. The conferees agree that breast cancer research

must be a top priority for the National Cancer Institute. The Conference agreement authorizes \$400 million for a new program on breast cancer and cancers of the female reproductive system. The NCI Director is authorized to expand, intensify, and coordinate efforts on breast cancer, ovarian cancer, and other gynecologic cancers. The conferees are particularly concerned that emphasis be placed on research efforts focused on understanding the causes of these cancers with the goal of finding better treatments and cures.

**Prostate Cancer Program.**—The House recedes with a clarifying amendment. The conferees recognize the need to expand and intensify research efforts to determine the etiology of prostate cancer, to prevent the disease, to detect the disease at the earliest stage possible and to establish prostate cancer research centers.

**Cancer control.**—The House bill, but not the Senate amendment, required that 10% of funds annually appropriated for the activities of the National Cancer Institute be allocated in support of cancer control programs authorized by section 412 of the Public Health Service Act. The Senate recedes with a technical amendment clarifying that funds available through the cancer control set-aside are those programs authorized by section 412 and described in the Institute's annual bypass budget as cancer control programs. The conference agreement includes a provision for the House bill providing a phase-in of the 10% requirement. Under this transition requirement, the Institute would be required to allocate in FY 1993 an amount equal to 75 percent of the amount recommended for cancer control activities in the Institute's 1993 By-Pass budget. The conferees encourage the NCI to intensify and expand support for programs that target special high-risk populations which experience excessive cancer rates and are underserved in terms of cancer control programs such as NCI's Chemopreventive program, Appalachia, Black and Hispanic Leadership Initiatives, COMMIT, ASSIST, Community Clinical Oncology Program and Working Well.

**National Library of Medicine (NLM).**—The House bill contained provisions to authorize appropriations for general programs at the NLM, to establish a program for the development of education technologies, to authorize appropriations for the National Center for Biotechnology Information, and to establish a national information center on health services research and health care technology. The Senate amendment contained provisions to establish a program for development of education technologies, to establish a national information center on health services research, and to exempt, from the Paperwork Reduction Act, licensing arrangements that provide for quality control and full recovery of access costs. The Senate recedes with an amendment. The conference agreement provides discrete authorizations of appropriations for the Medical Library Assistance Act (MLAA), general NLM programs, and NLM programs in biotechnology and health services research. The conference agreement also lifts from \$750,000 to \$1,000,000 the ceiling on grant assistance to medical libraries and related instrumentalities under the MLAA. On the basis of proven successes, the conferees support expansion of the Library's capacity for rapid transfer of the most current information on diagnosis and treatment to the offices of individual physicians throughout the country. This new capability will enable any physician's office in which there is a personal computer to re-

ceive the same information that is now available only through medical libraries.

**Centers for Disease Control authority.**—The Senate amendment, but not the House bill, proposes to establish a prostate prevention program at the CDC, to establish a national program of cancer registries and to determine the factors for the disproportionate breast cancer mortality rates in certain states. The house recedes with a clarifying amendment. The Director of the Center for Disease Control will be responsible for establishing the national program of cancer registries, the prostate cancer prevention program and for conducting the study on excess breast cancer mortality rates.

**Leading causes of death.**—The Senate amendment, but not the House bill, requires the Secretary to prepare a report on the leading causes of death among Americans. The conferees expect that in preparing this report, the Secretary will include a detailed explanation of the policy justifications for the resource allocations for each of the 20 leading causes of death.

**Study of injury prevention.**—The Senate proposal, but not the House bill, proposed as part of the NIH trauma injury. The Senate receded with an amendment to conduct a study on the need for preventive trauma research at the NIH. Ultimately prevention is key to reducing deaths and disabilities from traumatic injury. The conferees recognize the need to assess the status of research on the prevention of traumatic injuries and the need to determine the role of behavior and psychological factors in preventing traumatic injuries. The Director of NIH, in collaboration with the Director of the Centers for Disease Control and a panel of experts in the fields of trauma care, trauma prevention and behavioral prevention of traumatic injury should report to the Secretary and Congress the need for research in this area.

From the Committee on Energy and Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,  
HENRY A. WAXMAN,  
RON WYDEN,

As additional conferees, from the Committee on Education and Labor, for consideration of section 1114 of the Senate amendment, and modifications committed to conference:

WILLIAM D. FORD,  
JOSEPH M. GAYDOS,  
CASS BALLENGER,

*Managers on the Part of the House.*

EDWARD M. KENNEDY,  
TOM HARKIN,  
BROCK ADAMS,

*Managers on the Part of the Senate.*

#### EXCESSIVE REGULATION ON SMALL BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS of Wyoming. Mr. Speaker, I want to take this opportunity to talk for a few minutes about what I consider to be one of the most pressing problems that we have in this country, one that we need to address in the Congress, and that is the executive regulation on small business.

It has seemed to me for a good long time that the most difficult problem

that we have to address as a Congress is that of the economy and developing jobs. Then many of the related problems would be much simpler, and indeed many would disappear if people who had a desire to work would have the opportunity for good, quality jobs. Until all people who want to work have access to quality jobs, such problems as health care and the deficit are not going to be solved. If things are ever going to look up, I believe we have to acknowledge the fact that the only true economic recovery comes from the private sector.

But our private sector is hamstrung by Federal mandates, and that is true also of local governments. I do not go back to Wyoming one weekend that I do not hear from local governments, "Look, we are being required to do lots of things that are not accompanied by money, and we simply do not have the dough to do it." They have been hamstrung by excessive Federal regulations that have stolen the initiative and the profit factor from those very same small businesses that we look to to provide the jobs that are needed in this country, and particularly of current interest, of course, are inside the major cities.

Excessive regulation in this country costs small businesses about \$450 billion a year. That is broken down to \$115 billion in environmental regulations. This is the fastest growing area for regulatory cost. Water pollution control and air pollution control amount to about 50 percent of the total cost.

Twenty-eight billion dollars in safety regulations, a comprehensive number of Federal regulations to improve the safety of workers and consumers. We need to protect workers and consumers, of course, but it is impossible to eliminate all risks.

Two hundred thirty billion dollars in economic regulation, and two separate components comprise this cost; efficiency costs required through lost output due to regulation, and transfers, the value of wealth taken from those harmed by regulations and passed on to someone else.

One hundred billion dollars in paperwork burden, the cost of compliance with Federal edicts which imposes a drag on the economy, regardless of the fact it is off budget. I recall seeing a television news program a couple of years ago, and one of the Senators down the hall indicated that he had a way to take care of health care by putting it on the small businesses and it would not cost the Government a dime. That is ridiculous. Of course it costs the Government a dime. It costs jobs and it costs small businesses \$100 billion for the paperwork burden.

□ 1210

There is an appropriate role for Congress in regulating business. We do need a referee if we are to have a cap-

italist society and operate in a private enterprise system. But often the very people that regulations are provided to benefit, the consumer, the underprivileged, the sick, the unemployed, the small business becomes a helpless victim.

In an effort to jump in and do something, because Congress does not have a well-developed concept of how it is supposed to help, we write a one-size-fits-all kind of a law, and they translated it into horrific regulations by the bureaucrats who interpret them. Once the laws are passed, agencies go even further than the law had implied, and the spirit of the law, in writing the regulations.

We do not have a mechanism for dealing with that. Even in our Wyoming Legislature, one of the most volunteer legislatures in this country, we had a legislative council that reviewed legislation written by agencies to see if, indeed, it was consistent with the spirit of the law. We do not have that here.

People from cities and small towns are here every day to tell us how they are not able to provide services because of the cost of regulation. Small businessmen come and say they cannot create jobs because of excessive regulation, and I will wager that everyone in this House has had a conversation with either a small businessman or local governments talking about regulations, and we cluck a little bit and are sympathetic and come back here and absolutely do nothing other than to provide more regulation.

Every time there is a problem, we have a new set of regulations to weigh on everyone.

The impressive gains on reducing regulation in the Reagan administration are in jeopardy of reversal in the 1990's. I know it is a very crude measurement, but every regulation proposed and finalized is printed in the Federal Register. So its size gives you some indication of where we are. In 1980, the Federal Register pages reached a historic high of 88,000 pages a year. Under the Reagan administration, it dropped to a mere 47,000. Since that time, it has crept back up to 67,000 last year.

#### CONTINUING SAGA OF ATTEMPTS TO THWART BNL INVESTIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, today I will talk about the White House's refusal to reply to the request of the Committee on Banking, Finance and Urban Affairs for BNL, that is, the Italian bank, information, and the continuing saga of the Justice Department's attempt to obstruct or thwart the BNL investigation.

First, I will talk about an amazing fact. Eleven Cabinet officers and Cab-

net-level officials, including the Secretary of State, James Baker III, had to obtain a Presidential waiver of conflict-of-interest rules so they could participate in United States policy-making discussions, decisions and actions in response to the Iraqi invasion of Kuwait in August 1990.

Now, this is a strange alchemy, or let us say wave of a magic Presidential wand that takes 11 Cabinet-level Members and says, "Thou herefore are not in conflict of interest, though the facts may show otherwise, and that is the reason I am waving this wand and saying you are now licensed to do the duty which, to begin with, you have taken an oath to uphold." And obviously if there was no need to issue this rather unprecedented waiver of conflict of interest to 11 Cabinet-level Members, then why issue it?

So I thought that was rather strange, if not one begging for some questions. I will show that the White House conspired to conceal the President's waiver of conflict-of-interest rules from the public domain for a year and a half after Iraq invaded Kuwait.

I am introducing into the RECORD an internal State Department memo dated August 8, 1990. The memo is addressed to Mr. Robert Kimmitt, the former Under Secretary for Political Affairs at the State Department. Mr. Kimmitt is currently the United States Ambassador to Germany, and he was one of the primary architects of the United States policy toward Iraq. This State Department memorandum indicates that President Bush had to waive conflict-of-interest rules for 11 Cabinet officers and Cabinet-level officials so that they could participate in the formulation of the United States response to the Iraqi invasion of Kuwait in August of 1990.

I think it should be proper for me to read for my colleagues who may be listening in the closed-circuit TV, as many are, and it is dated Washington, DC, August 8, 1990: "Mr. Kimmitt, to Legal Counsel," and it says, "Bob: Amy Schwartz of Boyden's office," and that is Boyden Gray, the Legal Counsel or Special Assistant, "informed me the President signed the waiver this afternoon for 11 Cabinet officers and Cabinet-level officials including Secretary Baker that authorized them to participate in current United States policy-making discussions, decisions, and actions in response to the Iraqi invasion of Kuwait. Schwartz indicates that this will allow Secretary Baker to participate in all foreign policy questions related to the Kuwait crisis, even those directly involving oil production and prices.

In addition, OLC is expected to issue an opinion in the next day or so narrowing from previous interpretations the definition of particular matter, the touchstone for potential conflict analy-

Here is the last paragraph, and I am quoting:

Because of the breadth and sensitivity of the waiver, the White House is currently unwilling to distribute copies to affected individuals. We are working to reverse this position so that we can provide a copy to the Secretary.

That is the end of the memo.

Now, it was a couple of months later after this crisis had begun to incrementally deepen and the President was hinting, and later confirming the first week in November, or, rather, November 8, that he was going to double the size of the expeditionary force to the Middle East, that Secretary Baker was reported in the press as saying that this conflict was all about jobs, not the invasion of Kuwait or anything, jobs.

So I immediately then under the purview of the jurisdiction of the Committee on Banking, Finance and Urban Affairs, called a hearing of the committee in order to study the economic impact of the developments thus far and the moneys invested thus far or diverted for the purposes announced around August 3 by the President in response to the invasion of Kuwait.

The hearing was called in order to ascertain the economic and financial impact of this involvement on not only our economy but, more specifically, our financial system and the safety and soundness of it. In response to our invitation, we had Chairman Greenspan of the Federal Reserve Board who was very responsive, and came, and answered to our summons and testified that the ongoing difficult recession which was quite apparent by then, and of which he could not testify for sure that it could be defined as such, because there was a chance that a corner could be turned before the end of the year, and that then it would turn out to be one more in a series of recession cycles.

□ 1220

But actually, he also expressed, the statistics showing, that there was a continuing problem and that there was a question about whether it would level out or not; but he categorically stated, and mind you, the press coverage of that was almost nil, he made a very startling statement. He said that because of this involvement and because of the diversion of America's assets and other investments that it had a direct adverse impact, he said 70 percent to the low economic period at that time, that is, the recession.

It is on the record. We have got it in our printed committee hearings.

So all the while, though, the United States is being told about the national interest imperiled because of the fear that an overweening power, such as Iraq in control of Middle East oil resources, would be and certainly should

be considered as dangerous to the national interest; but the Secretary is saying, "Hey, it's very simple. The reason is jobs, economic."

So what about all this other fol de rol?

In the meanwhile, why should he be specifically targeted for exemption from conflict of interest? Frankly, it was not until I saw that waiver that I realized there was that inherent power in the office of the Presidency. My gosh, if the President has that power, he could have the controlling power of waving a wand and converting fish into fowl, flora into fauna, and an otherwise deeply involved conflict of interest, no conflict of interest.

So I think it demands answers. The breadth of the President's waiver is staggering.

Congress and the public—after all, what are we here for? What are we supposed to be here for, representing who? Those in power in the executive branch, or the people who elected us?

It seems that constantly this is forgotten.

Sitting on the Banking Committee for 30 years and 6 months, I have been absolutely devastated by the continuing and the sustained belief prevalent among many that we are here for the benefit of and at the service and disposition of banking, S&L's, credit unions, or other special segments of our financial industry that this committee has jurisdiction over.

In 1986-87, I was telling these powerful industrial spokesmen for the then S&L industry, "Hey, look, you guys are coming in now and asking for this? I don't know of one instance where this committee and the Congress has not given you everything you have asked for, and look where you are."

Then I added, "We are not here for your benefit or your aid. We are here for the people's interest."

I mean, that is what I thought it was. That is what I have always read in my history books that the men who wrote the Constitution and set this very special apparatus and institution known as the U.S. House of Representatives is very individual. I would never dream that I would have to go to court in order to defend the constitutional privileges and immunities of the U.S. House of Representatives.

I still say and I will continue to battle the cause that no matter what overwhelming vote on the part of my colleagues, 434, cannot waive my right to my constitutional powers and immunities and privileges invested in this House, because they do not belong to me. I am here transitorily, but they belong to the office; that is, to the people who elected me from the 20th District of Texas. That is the issue, and it pains me to see the unawareness of it.

We will still go before the court and insist that we be heard on the merits. We have not up to now on any level,

district, appellate, or Supreme Court level, but the day will come that inevitably we will be heard on the merits of the issue; not the procedural, which is the way they have decided it up to now, the fact that an overwhelming majority of the House voted to dispense with the independence and equality and separateness of this body. If that is not working, forget about our Constitution and our system.

So it goes here in the executive branch where it is an upstart, considered as an upstart if a Member of Congress dare say this.

But wait, by what right do you in the executive branch do this? What is the constitutional authority? There is no answer to that question; rather, just the brute force of power, political power.

Well, we have seen all through history that that may not suffice.

I will send a letter to the President. In fact, I am in the process of doing that today, asking for more specific information:

No. 1, who were the 11 Cabinet officials for whom the President waived conflict of interest rules, and are they still covered by that waiver?

No. 2, what were the conflicts of interest that precluded them from engaging in aspects of Iraqi policy in the first place?

No. 3, why was this information withheld from the public?

There are many additional questions that need to be answered regarding the conflict of interest waivers and how they related to the administration's policy prior to the Iraqi invasion of Kuwait.

Some of the more important questions that need to be addressed as well are:

No. 1, which policymakers had primary responsibility for the United States policy toward Iraq, United States policy toward the Middle East?

No. 2, when the United States Senate voted to confirm these Cabinet officials, did the Senators know that the candidate would have a limited or no role in setting Iraqi policy?

No. 3, did the Senators know that these officials had serious conflicts of interest related to the Middle East?

By asking these questions, I do not maintain that the President did the wrong thing by granting the waivers, if such is inherently his power, as it seems to be and which is a surprise to me, as I said before; but I am startled by the breadth of the waivers.

There is a problem of perception when the President surrounds himself with Cabinet officials who have serious conflicts of interest regarding one of the most important areas of the U.S. foreign policy.

In addition, it is disturbing that the Secretary of State has to recuse himself from participating in important areas of United States policy toward Iraq and the Middle East.

Mr. Baker and the other Cabinet officials are supposed to be the President's best and brightest advisors, yet many apparently were not directly involved in setting important policies prior to the invasion of Kuwait.

My floor statements on the BNL, the Banca Nazionale del Lavoro, have helped to reveal many of the flaws in United States policy toward Iraq.

I would be interested to know how Mr. Baker's recusal affected our policy and whether or not the President received the best advice on how to deal with an increasingly belligerent Saddam Hussein.

I also think the President has an obligation to explain why he thought it was in the best interests of our Nation to conceal the waivers from the public.

The effort to conceal the waivers is captured in a passage from that State Department memo which I just read, that last paragraph, and I am going to repeat it:

Because of the breadth and sensitivity of the waiver, the White House is currently unwilling to distribute copies to affected individuals. We—

Meaning the State Department—are working to reverse this position so that we can provide a copy to the Secretary of State—

Or Secretary Baker is the word they use.

This passage makes it obvious that the White House did not want anyone to find out about the waivers. The White House did not even want the Secretary of State himself to receive a copy of his own waiver for fear someone would leak the information to the public.

In fact, the memo was kept secret until January of this year, almost a year-and-a-half after the Iraqi invasion of Kuwait.

Whatever the President's motivation for not informing the public in August of 1990 about the waivers, the BNL investigation have taught us that the administration will go to great lengths to conceal the details of the United States-Iraq policy. The conflict of interest waivers are another example in a long list of similar incidents.

The Secretary of State James Baker is not new to this question of conflict of interest. His ethical problems go back to his days as Secretary of the Treasury and they relate to the plan he was credited with creating to handle the lesser developed countries' debt crisis.

In 1985, the Treasury Department devised a plan to deal with the lesser developed countries and their debt crisis, which observers coined "the Baker plan."

□ 1230

One of the main pillars of the Baker plan called on the debtor LDC's to remain current on their commercial bank loans. Well, of course. These are

all what they call sovereign debts. That is countries owing our private bankers. This has been the name of the game.

I first reported that in August 1979 when I reported in this well of the House to my colleagues that in one year and a half the principal banks in the United States, the first eight or nine, but particularly the first six, top six at that time, have loaned to countries that I knew would not be able to pay and had increased that overhang in a year and a half's time from about 3 billion to over \$47 billion. Unfortunately at that time the only one man that took heed of my words was the then Chairman of the Federal Reserve Board, Arthur Burns, who asked me to have breakfast with him, and then, when he told me there was not anything he could do, then I really feared for the country because I knew.

I had been chairman and was chairman of the International Finance Subcommittee, as it was called then, for 10 years, and I was intimately aware of the specific countries, particularly Latin America and their inability to pay the huge sums that these banks were lending out willy-nilly in a manner that a local bank board of directors would not think of doing. These are the biggest bankers at the time.

Well, the rest is history. It is still out there, and of course the U.S. taxpayer has tried for years to unload that, and they have in a way, in a manner of speaking, but that is another subject matter.

I just to point out that at that time the Secretary of the Treasury then, now the Secretary of State, revealed the so-called Baker plan. It was predicated on these debtor nations keeping their U.S. banks, commercial banks. However even those countries could not, and so they have not paid on the principal. They had to roll over, and in many cases they could not even pay the interest. So, they just rolled over interest payments. In return for doing that, they were eligible for financial aid from the IMF, the International Monetary Fund, and the multilateral development banks, like the Inter-American Development Bank and the like.

Well, the Baker plan may not have solved the LDC crisis. It did help U.S. commercial banks collect billions of dollars from cash-strapped debtor nations. Several years after the plan became the main thrust of U.S. policy on the debt crisis, it was revealed that Mr. Baker had a large block of stock in a bank that had over \$4 billion in loans to the same LDC's that were most heavily affected by the Baker plan. These revelations occurred about the time Mr. Baker was nominated to be Secretary of State. The adverse publicity came from the fact that Mr. Baker had wanted to keep his bank stock even though some of the decisions he

would make as Secretary of State could affect bank loans to the LDC's. The bad publicity eventually forced Mr. Baker to agree to sell the bank stock, and the storm about that specific conflict of interest blew over. It was generally considered that Mr. Baker had rid himself of this serious conflict.

Today's revelation about Mr. Baker should raise new questions about whether or not he can do his job unencumbered about conflicts of interest. Questions about his effectiveness and suitability are legitimate, given that he is required to rescue himself from important foreign policy decisions. Clearly decisions about oil have everything to do with Middle East policy. It is clear that for more than two decades leaders have been shipping oil all over the Middle East. White House spokesman Marlin Fitzwater tried to explain away Mr. Baker's ethical problems in February of 1989, when he was quoted in a Reuters story as saying, and I quote, "These men have conflicts, financial arrangements, that require complex legal solutions to try to meet the perceptual standard of clean ethics," end of quote.

Perceptual standard of clean ethics? Why someone either has them or they do not. One cannot be a little pregnant here.

What is interesting to note is that the President originally won high praise for his position on ethics in government. The Reuters story that I just referred to also states, and I quote, "Mr. Bush won praises for stressing ethics in this first week as President indicating that he meant to steer clear of the sleaze factor problem that had plagued the Reagan administration," end of quote. The story quotes President Bush as saying, and again I quote, "Our actions must always be of the highest integrity. It's not really very complicated. It's a question of knowing right from wrong, avoiding conflicts of interest, bending over backwards to see there is not even a perception of conflict of interest," end of quote.

That was the first week of the President in August, but look at what Fitzwater has just said. There is certainly a perception of conflict of interest when the President has to waive conflict of interest rules so that eleven Cabinet officers and Cabinet-level officials can participate in making crucial foreign policy decisions.

This issue certainly deserves more study, but now I will turn to the committee's request for BNL related information from the White House. In the past I have expressed my concerns to President Bush about potential conflicts involving National Security Adviser General Brent Scowcroft and Deputy Secretary of State Lawrence Eagleburger. In a May 2, 1991, letter to the President I detailed my concerns about links between BNL, Mr. Kissinger;

Henry Kissinger that is; Scowcroft and Mr. Eagleburger. In previous floor statements I revealed that BNL was a client of Kissinger Associates at the time that BNL's employees in Atlanta were granting billions in unreported loans to Iraq.

In addition, Mr. Kissinger was a paid member of the BNL international advisory board from 1985 until June 1991. Mr. Scowcroft worked on the BNL account while at Kissinger Associates, and he briefed the BNL board on three occasions.

Remember this board sits in Rome. This is an Italian Government-owned bank. This is still to filter through the minds of most of our officials.

There are more BNL-Kissinger Associates links. Several prominent Kissinger Associates clients were doing business with Iraq as a direct result of BNL loans. For example, a Volvo project in Iraq was a beneficiary of millions in BNL loans. The chairman of Volvo serves on Kissinger Associates board of directors.

I have also reported in past floor statements that Mr. Eagleburger had ties to BNL before becoming Deputy Secretary of State. While he was serving as president of Kissinger Associates, Mr. Eagleburger was on the board of LBS, a Yugoslavian bank that had a substantial and even what I would say was an incestuous relationship with the Italian bank.

□ 1240

BNL was a main engine in the growth of this Yugoslavian LBS operation in the United States. The former head of BNL's U.S. operations, Renato Guadagnini, who took Mr. Eagleburger's slot on the LBS board in 1989, stated that there is no way Mr. Eagleburger could have been unaware of BNL's role in helping LBS get started in the United States.

In addition, BNL had over \$6 million in loans to the New York office of a Yugoslavian firm called Impex, that was helping to bring the Yugo automobile into the United States. Mr. Eagleburger assisted in bringing the Yugo into the United States. It is clear that BNL was an important source of funding for several ventures with ties to Mr. Eagleburger, and that his knowledge of BNL would have gone beyond that of BNL being a client of Kissinger Associates.

The many interlocks between BNL, Kissinger Associates, Mr. Scowcroft, and Mr. Eagleburger raise the question of why neither recused himself from the administration's handling of the BNL scandal. I wonder if either were among the Cabinet-level officials that required conflict-of-interest waivers in order for them to participate in making decisions on Middle East policy. If the President cooperates with my request, we should know the facts in the near future.

During the investigation of BNL the Banking Committee has uncovered numerous documents that indicate that the President's staff and the staff of the National Security Council were involved in the National Advisory Council's decision to approve the \$1 billion fiscal year 1990 Commodity Credit Corporation Program for Iraq, which has been so costly to the American taxpayers.

BNL was the largest participant in the CCC Program for Iraq. When the BNL offices were raided in Atlanta in August 1989, investigators uncovered massive fraud, placing the entire CCC Program for Iraq in jeopardy. So the White House and NSC, armed with National Security Directive 26, sprang into action in order to save the CCC Program for Iraq.

The committee has documents indicating that many White House and NSC staff were involved in the National Advisory Council's—or NAC—consideration of the fiscal year 1990 CCC Program between the time of the BNL raid in August 1989 and the NAC decision in November 1990. NSC and White House staff were also involved in the U.S. Department of Agriculture's administrative review of the BNL scandal which was released to the public in May 1990. The committee will have a hearing on these topics this May 21, 1992.

The current and former White House and National Security Council staff involved in the decision to win approval for the CCC Program for Iraq and/or the administrative review of the BNL scandal include the following:

Gen. Brent Scowcroft, national security adviser;

C. Boyden Gray, Counsel to the President;

John P. Schmitz, Deputy Counsel to the President;

Richard N. Haass, Senior Director, North East and South Asian Affairs, NSC;

Clayton Yeutter, special assistant to the President and former Secretary of Agriculture;

Stephen I. Danzansky, director, Office of Cabinet Affairs;

C. Nicholas Rostow, legal advisor, NSC;

Ms. Sandra Charles, Director, North East and South Asian Affairs, NSC;

Edith E. Holiday, former General Counsel, Treasury Department and the current Secretary of the Cabinet; and

Timothy E. Deal, Senior Director, International Economic Affairs, NSC.

I have written to the President asking that he make some of these staff persons available for interview, but I have received no reply. I have also asked that several of these staff persons be made available for testimony to the committee. Again, I have received no reply.

I have asked for White House and NSC documents related to the BNL

scandal, the CCC program for Iraq, and the U.S. Department of Agriculture administrative review, but again I have received not a word from the President.

The Banking Committee has a legitimate right to know the role the White House and the National Security Council played in the handling of the BNL scandal. That is a bank that cost the taxpayers two billion-plus dollars. Should the committee not be concerned?

We have a right to know the decision to approve the CCC program for Iraq and the USDA administrative review of the BNL scandal.

Some of the questions the Banking Committee would like to have answered are these:

First, did White House staff place undue pressure on the USDA to approve the CCC program for Iraq?

Did the White House staff intervene to stop the BNL indictment in early 1990?

Did White House staff influence in any way the USDA administrative review of the BNL scandal?

This is just a small sample of the critical questions that need to be answered. To date, the committee has received absolutely no cooperation from the White House. In fact, just recently the NSC told the Treasury Department to withhold a document from the committee. That memo in question contains notes taken by a Treasury Department employee at a crucial inter-agency meeting in April, 1990, related to Iraq. Given no other choice, today the committee must subpoena the memo from the Treasury Department. And that is the majority of the committee, under the rules.

On May 15, 1992, I received a letter from Attorney General William P. Barr—that was last Friday, late in the afternoon—threatening to withhold classified documents related to the Banking Committee's investigation of BNL. I am disappointed at the Justice Department's tactics. But that is not the first time. The Justice Department has tried to obstruct the Banking Committee's investigation of BNL ad initio, as they say in law, from the beginning. In fact, the attorney general predecessor, Thornburgh, was incensed when I insisted on going on with the first hearings in 1990 and did everything he could to try to keep me from having those hearings. That is all a matter of record. I put that in the record, so I need not repeat it. This is nothing new. What is new is the amazing chutzpah of this clone of Thornburgh's.

The Justice Department has tried to thwart the committee's investigation because the BNL scandal is closely linked to the embarrassing policy toward Iraq, and also because as more details of the scandal are released, it is apparent that the Justice Department's handling of the BNL investigation and subsequent prosecution is suspect at the very least.

Before I get into more detail about the Justice Department's handling of the BNL case, I would like to set the record straight about my floor statements and the spurious claims made by the attorney general.

First, the statements that I have made on the floor of the House of Representatives and the supporting documents I have placed in the RECORD all relate to past policies, not ongoing policies or operations, and have nothing to do with so-called national security. The statements and documents are meant to reveal important details about the past implications of the Italian bank's scandal and the past United States policy toward Iraq, and our extreme concern is that until we address the required legislative reforms among our regulatory agencies to oversee this huge amount of money still in the United States, unregulated, unrecorded, and with such vast implications, what I say in fact is that the BNL and the BCCI just happen to be symptoms and are just two cases that through happenstance happened to get some publicity, but I can assure my colleagues there is nobody in or out of the regulatory agency who can tell us—and I certainly will not—that there are not many more BNL's and BCCI's right now as I am talking to you.

□ 1250

That is what we are seeking to do, to perfect our laws. We are the only country that does not have screening boards for the acquisition of assets in our country. Even Canada has. But that is for us to get there, and that is what we are trying to do. Our purpose is legislative, and these other things that will come up. We are referring them to the proper committees.

Second, none of the statements that I have made and none of the documents I have placed in the CONGRESSIONAL RECORD compromise, in any fashion whatsoever, the national security of the United States or Intelligence sources and methods. The Banking Committee has a good working relationship with the U.S. intelligence community and the Attorney General's claim that I have harmed the national interest by placing classified documents in the CONGRESSIONAL RECORD is ludicrous. I have challenged him to show otherwise.

As a matter of fact, for the first time in its history, the Banking Committee had the Director of the CIA testify before us just Friday before last as a witness, for the first time. The Director himself commented that this was the first time that the Director came to the Banking Committee. I certainly heard nothing at any time directly or indirectly to indicate that any susceptibility on my part to the revelation of really security information would be the case.

The Banking Committee's BNL investigation, including my floor state-

ments and Banking Committee hearings, are clearly within the oversight and legislative responsibilities assigned to this committee by the House of Representatives and its rules.

I had hoped that the seriousness of the BNL issue and the far reaching implications of the failed policy toward Iraq would have generated bipartisan support to lay out the facts for the American people. The Attorney General's letter indicates otherwise.

The threat to withhold documents from the committee has all the earmarks of a classic effort to obstruct a proper and legitimate investigation by the legislative branch and to withhold facts needed by the Congress and the public to evaluate critical executive branch decisions. The Attorney General's letter suggests that the Bush administration has moved from foot dragging to outright obstruction of the committee's BNL investigation.

From the start, as I said earlier, the administration has been reluctant to cooperate with the committee. In fact, even former Attorney General Richard Thornburgh lobbied, as I said in the case referring to me, but he went further and even lobbied members of the committee to compel me to drop the BNL investigation, which, of course, I have not.

The Justice Department has played a major role in delaying and obstructing the committee's access to key BNL documents. On numerous occasions the Justice Department actually took physical control of documents that the committee has requested from other agencies. This delayed the committee's access to these documents for weeks and sometimes months as was the case in the committee's request for documents from the Federal Reserve and the Customs Service.

The Justice Department has redacted or withheld hundreds of third agency documents requested by the Banking Committee. Often times the redactions hide embarrassing information and have no bearing whatsoever on the prosecution of the BNL case.

For example, a confidential source provided the committee with a document that had been redacted at the request of the Justice Department. The Justice Department claimed that the document contained information, that if it were released, would be harmful to its efforts to prosecute the BNL case in Atlanta. In fact, the redactions concealed the fact that the Justice Department had planned to make a BNL indictment in early 1990. That information had nothing to do with the prosecution of the BNL case.

It concealed the embarrassing fact that the BNL indictments were delayed on orders, as the case in Miami, where now the then Federal district attorney says that William Barr, at that time the Deputy Attorney General, now the Attorney General, ordered him to cease

and desist from pursuing or prosecuting BCCI. He comments and says that was very strange and unprecedented. Of course it was.

But this is a man that is now the Attorney General. His big failure, as revealed in the letter he delivered to me Friday, is to confuse me with a poorly low echelon district attorney that he can order and intimidate. He forgets that I am a Member of the Congress, and not a lower echelon official of the administration that he can willy-nilly intimidate or compel to submit to his orders. His letter is just the agency's latest attempt to thwart the committee's investigation.

Clearly the Justice Department would like the BNL investigation to go away so as to minimize attention to its handling of the BNL scandal and the former Attorney General's role in misleading the Congress.

In September 1990 former Attorney General Richard Thornburgh joined the effort to mislead the Congress and the American public about the administration's Iraq policy.

Thornburgh repeatedly tried to have the Banking Committee investigation curtailed under the false pretense that it would harm—what? The prosecution. As soon as I announced that the Banking Committee would hold hearings, the former Attorney General tried to dissuade me, as I said earlier, with the results that you know of today.

I am going to read through part of that letter he sent to me in that year. In the pertinent part of the September 26, 1990, Thornburgh letter, he states:

The purpose of this letter is to express my profound disappointment in your decision to ignore the strong objections of this department in the Banca Nazionale del Lavoro matter. As you should be aware, this is a sensitive case with national security concerns.

Of course the BNL case did not involve national security concerns. To prove this point, I will introduce into the RECORD a December 18, 1990, State Department letter to the Justice Department which states:

With respect to the national security aspects of the [BNL] investigation, we have determined that the State Department does not have any concerns it wishes to raise at this juncture.

So the State Department, the Agency primarily responsible for national security matters, did not think that the BNL case involved national security concerns, yet Mr. Thornburgh, the top political appointee of the Justice Department, apparently failed to get the signal. Mr. Thornburgh's efforts fit perfectly into the pattern of administration efforts aimed at thwarting congressional investigations of Iran policy and the preinvasion pattern of obstructing justice insofar as the BNL case is concerned.

In fact, the Justice Department continues to refuse the Banking Committee access to thousands of BNL related

documents claiming that they are subject to grand jury secrecy rules. Just as Mr. Thornburgh tried to falsely use national security to thwart the committee's investigation of BNL, I have to wonder if the Justice Department is not abusing the grand jury secrecy rules to hide embarrassing documents that reveal additional details of the Bush administration's close alliance with Saddam Hussein.

It is bad enough that the State and Agriculture Departments repeatedly misled the Congress and the American public about the United States policy toward Iraq. The Justice Department role in obstructing the Banking Committee's investigation of BNL is the ultimate hypocrisy. One would think that the Justice Department has a special obligation to protect the integrity of our Government. In the matter of the failed United States policy toward Iraq and in the BNL case, I think a more appropriate name for the Thornburgh-led Department was the "Obstruction of Justice" Department.

The prime motivation for the Justice Department's actions may be that they are hiding improprieties in the handling of the BNL case. I will now show that the BNL indictment, expected in early 1990, was delayed for over a year. If that is not obstruction, I would like to know what it is.

Recent stories in the Los Angeles Times and the New York Times indicate that the State Department intervened to stop the planned BNL indictment in early 1990. Previous press reports in 1990 had indicated that the State Department intervened to delay the indictment of BNL because of the further damage the indictment would have caused to rapidly deteriorating United States-Iraq relations.

The committee has over a dozen documents indicating that the U.S. Attorney's office in Atlanta—USA-Atlanta—was prepared to bring the BNL indictments in early 1990, yet the indictments did not occur until over a year later, on February 28, 1991, just hours after the President ordered a cease fire in the Persian Gulf war. In other words the indictment was announced when it was more politically palatable to do so.

□ 1300

Following are quotes from documents that indicate the BNL indictment was expected in early 1990:

A January 9, 1990, letter from the USA-Atlanta to the Federal Reserve stated:

\*\*\* anticipated indictments early next month \*\*\*

A January 25, 1990, USDA inspector general memo on BNL states:

Our investigation and a related grand jury investigation (in Atlanta) is likely to result in criminal indictments in the near future.

A January 28, 1990, Treasury Department memo states:

The Assistant U.S. Attorney [AUSA] now expects to bring initial indictments in the

case in February, 1990. USDA understands that USA-Atlanta has requested but not yet received permission from the Justice Department to ask Iraqi officials for information.

A February 1990 State Department cable to the Embassy in Baghdad states:

We would prefer to decide on the second tranche. —

That is, the second half of that \$1,500,000,000 of the CCC guarantees.

after the Atlanta indictments have been announced, which is expected to happen some time this month.

Additional Federal Reserve, State, Agriculture, and Treasury Department memos indicate that indictments were ready in early 1990. But by April 1990 it was apparent the BNL indictment was being delayed. A USDA memo dated April 2, 1990 states:

USDA has withheld approval of the second allocation for the past several weeks pending announcement of indictments by an Atlanta grand jury. It is expected that indictments will be announced in the near future. However, this has been an expectation for the past four weeks.

Many of the criminal investigators assigned to the BNL case in Atlanta felt that the Justice Department in Washington, DC stopped the BNL indictment. A recent New York Times article stated:

In a series of interviews, law enforcement officials and lawyers \* \* \* said that in late 1989 and early 1990 the Government actually wrote an indictment, though it was not presented to a grand jury. These officials said the indictment passed along to Justice Department officials in Washington, and that they did not know what became of it.

Got lost here in the Potomac somewhere.

A Federal Reserve memorandum echoes those allegations. The April 5, 1990 memo states:

The resignation of the United States Attorney in Atlanta had led to a number of difficulties in that investigation. These difficulties have been compounded by what is perceived as interference from the Justice Department in Washington.

Let me repeat that: interference from the Justice Department in Washington. Another Federal Reserve memo states that the Justice Department in Washington was taking control of the BNL case because "Attorney General Thornburgh did not want to be criticized for another BCCI." The Justice Department had been severely criticized for its maladroit handling of the BCCI settlement and apparently did not want the same to occur with BNL.

But remember we now have the Federal attorney in Miami clearly stating that William Barr, at that time the second man in Justice, ordering him to cease and desist and not to proceed with not only the investigation, but the prosecution of BCCI.

Could it have been that the BNL indictment was delayed to ensure cozy relations with Iraq? A Justice Department spokesperson denied that foreign

policy considerations played a role in delaying the BNL indictment. Based on the committee's investigation of the CCC and Eximbank Programs, it is likely that foreign policy consideration played a key role in the delay of the BNL indictment.

The fact that the President had to issue conflict of interest waivers to permit 11 Cabinet officials to participate in setting policy after Iraq invaded Kuwait raised serious questions about the effectiveness of the Cabinet encumbered by a myriad of conflicts of interests, apparently.

The Justice Department has again attempted to obstruct the Banking Committee's investigation of BNL. This time they chose to threaten to withhold information from the Banking Committee.

I will not give into political pressures any more than I have in the past. I will continue to fight to report to my colleagues and to tell the whole Iraq and BNL stories, as I committed myself to doing the moment I was elected chairman of this committee and as I had done before in the various subcommittees that I chaired.

The Congress and the public have the right to know the truth about the failed United States policy toward Iraq and how the BNL scandal affected that policy.

I will tell my colleagues why it is necessary: because I cannot assure my colleagues that these same mistakes are not occurring in other areas, such as Iran and China, for one or two. That is just two where I fear we have a repetition of the same basic errors in judgment, policy judgment.

The Justice Department will not intimidate. We still have untrammelled one of the three basic constitutional powers inherent in a body like the U.S. House of Representatives, and that is the right to know, the right to investigate within the rules that our House has very carefully contained after having experiences that have sort of cast such aspersions on the procedures then extant and which I have, as chairman, followed rigorously at all times.

We have adhered strictly to the rules. We have not proceeded under rules X and XI, investigatory in this case, as yet. Up to now we have invited witnesses. They have been forthcoming, like the Director of the CIA. In fact, on the 21st, 3 days, we have received acceptance by Deputy Secretary Eagleburger to come before the committee, which I think is great because it will be the best chance we have. We are not swearing them in. We are not exercising and resorting to rule XI in which, when we have an investigatory effort under X and XI, we do swear in and provide all the manifold, multiple protections afforded witnesses appearing.

We respect the rights of witnesses as well as the rights of the Congress and

the committee. So the record is there, and I do not have to offer any kind of apology or an explanation. I think that I would have to have a lot of nerve not to continue, and that is not an act of heroism or anything like that. It is just an act of doing the duty that when I took the oath of office I assumed I would do and have attempted to the best of my ability to do. That duty, under oath, is to defend and protect the Constitution against all enemies, foreign and domestic and without any mental reservation and to well and faithfully serve.

I have attempted to do that by being here when the House is in session. In the 30 years and 7 months since my election to this body, my record of presence is 99.9 percent. In the last several Congresses, it has been 100 percent in all recorded voting instances. That is what I think is necessary.

I have rejected Presidential invitations of several Presidents in the past to accompany them because the House is in session, votes were expected, and as I said, that is my primary duty. I was elected to be a Member of a legislative body.

I am very proud of my legislative record. It is something that gives me satisfaction of an oath subscribed and adhered to. And that is all. I think that is the only real reward one should expect.

It is my hope that the White House will abandon its tired strategy of attempting to escape accountability by hiding behind the privileges of some of these offices. Those privileges were not created to allow the President or his staff to escape accountability for actions any more than in our case, in our respective jurisdictions, as limited by the Constitution. We do not have unrestrained and untrammelled jurisdiction, either, as well as the courts.

The committee's requests for White House information are legitimate requests. There does not appear to be anything stopping the President from complying with these requests unless there is something to hide.

Mr. Speaker, I include for the RECORD copies of correspondence to which I referred:

DEPARTMENT OF STATE,  
Washington, DC, August 8, 1990.

Mr. KIMMITT,  
Legal Counsel.

BOB: Amy Schwartz of Boyden's office informed me that the President signed a waiver this afternoon for eleven Cabinet officers and cabinet level officials, including Secretary Baker, that authorized them to participate in "current United States policy-making, discussions, decisions, and actions in response to the Iraqi invasion of Kuwait." Schwartz indicates that this will allow the Secretary Baker to participate in all foreign policy questions related to the Kuwait crisis, even those directly involving oil production and prices. In addition, OLC is expected to issue an opinion in the next day or so narrowing from previous interpretations the definition of "particular matter", the touchstone for potential conflict analysis.

Because of the breadth and sensitivity of the waiver, the White House is currently unwilling to distribute copies to affected individuals. We are working to reverse this position so that we can provide a copy to the Secretary.

WASHINGTON, DC,  
January 13, 1989.

Judge ABRAHAM D. SOFAER,  
Legal Adviser, Department of State, Washington, DC.

DEAR JUDGE SOFAER: This is to advise you that, if I am nominated, confirmed and appointed as Secretary of State, I will either recuse myself from participation in, or seek a waiver under 18 U.S.C. 208(b) allowing my participation in, any particular matter involving a company or other entity (or any of its parents or subsidiaries) in which I, my spouse or minor child has a financial interest.

If I am nominated, confirmed and appointed, I will provide the Deputy Secretary, the Executive Secretary and other appropriate officials with a list of entities subject to my recusal commitment and instruct them in writing to handle all official matters concerning such entities. I will update this list each year at the time that I complete my annual Executive Personnel Financial Disclosure Report, and more frequently if changes in my financial holdings so warrant.

Sincerely,

JAMES A. BAKER III

THE SECRETARY OF STATE,  
Washington, January 25, 1989.

Memorandum for: Under Secretary for Political Affairs, Under Secretary for Management, Legal Adviser, Assistant Secretary for Economic and Business Affairs, Executive Secretary.

From: Secretary Baker.

Subject: Recusal from participation.

This is to notify each of you that I am recusing myself, and will decline to participate in, any particular matter in which my former firm, Andrews & Kurth, is a formal party or in which it has a direct and specific financial interest, such as representing a party in such a particular matter. No such matter should be presented to me for decision, approval or disapproval, recommendation, advice, or other official action. All such matters should be directed to the Under Secretary for Political Affairs, or his delegate, who has full authority to act without referring the matter to me.

In addition, I will recuse myself from any particular matter in which I, my wife, or my dependent daughter has a financial interest. I have attached a list of companies and other entities in which one of us currently holds a financial interest. Again, all such matters should be directed to the Under Secretary for Political Affairs or his delegate.

Finally, I will recuse myself from participation, on a case by case basis, in any particular matter in which, in my judgment, it is desirable for me to do so in order to avoid the possible appearance of impropriety, despite the lack of any actual conflict of interest.

Once a Deputy Secretary has taken office, all matters on which I am recused shall thereafter be directed to the Deputy Secretary or his delegate.

I believe that this general policy, to which I am committed, will avoid not only the occurrence of any actual conflict of interest, but even the appearance of any conflict between my duties as an officer of the United

States Government and my personal financial interests.

Attachment: as stated.

HOLDINGS OF JAMES A. BAKER III, AND HIS IMMEDIATE FAMILY, JANUARY 25, 1989  
CORPORATIONS, INCLUDING AFFILIATES AND SUBSIDIARIES

Amoco.  
Chemical New York Corporation and National Loan Bank.  
Commonwealth Edison.  
Exxon Corporation.  
Houston Industries, Inc.  
MCorp.  
Salomon, Inc.  
Schlumberger, Ltd.  
Texaco, Inc.  
Texas American Bancshares, Inc.  
Time, Inc.  
United Technologies Corp.  
Wainoco.

LIMITED PARTNERSHIPS, CLOSELY HELD CORPORATIONS, OTHER ENTITIES

Frio County Ranch.  
Garrett Ranch, Inc.  
Property Capital Trust SBI.  
Residential Resources Mortgage Investments Corp.  
Trinity Petroleum Trust.  
Sublette County Ranch.  
Wilson Industries.  
Bonnie Sue (Texas and Louisiana Limited Partnership).  
Lady Thelma (Texas and Louisiana Limited Partnership).  
Alice Jean (Texas and Louisiana Limited Partnership).  
Hollywood 1004-7, 3009-14, 3003-6, 3007-8, 1008-14 and 3015 (Texas and Louisiana Limited Partnerships).  
Hollywood Chem. 107 and 108 (Texas and Louisiana Limited Partnership).  
Hollywood LPG No. 2 (Texas and Louisiana Limited Partnership).  
Lana Louise (Texas and Louisiana Limited Partnership).  
Petro-Quest Associates 1980-1 (Pennsylvania Limited Partnership).  
Hope Nos. 1, 2, 3 and 4 wells, Lewis County, West Virginia.  
Claude Owens lease, Pecos County, Texas.

COMMITTEE ON BANKING,  
FINANCE AND URBAN AFFAIRS,  
Washington, DC, May 15, 1992.

Hon. WILLIAM P. BARR,  
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL BARR: I am surprised and disappointed by your letter of May 15, 1992, threatening to withhold documents related to the Bush Administration's policy toward Saddam Hussein which aided the military buildup of Iraq. I had hoped that the seriousness of this issue and the far reaching implications of the failed policy towards Iraq would have generated bi-partisan support to lay out the facts for the American people. Your letter indicates otherwise.

Let me restate the obvious facts:

1. The statements that I have made on the floor of the House of Representatives and the supporting documents I have placed in the Congressional Record all discuss past policies, not ongoing policies or operations;
2. None of the statements and none of the documents compromise, in any fashion whatsoever, the national security of intelligence sources and methods;
3. The Banking Committee's investigation, including my floor oversight and legislative responsibilities assigned to this Committee by the House of Representatives.

With all due respect, Mr. Attorney General, your threat to withhold documents from the Committee has all the earmarks of a classic effort to obstruct a proper and legitimate investigation by the Legislative branch and to withhold facts needed by the Congress and the public to evaluate critical Executive branch policy decisions. From the start, the Administration has been reluctant to cooperate with the Committee. In fact, even former Attorney General Thornburgh lobbied to have the Committee drop its BNL investigation. Now your letter suggests that the Bush Administration plans to move from foot dragging to outright obstruction.

Your letter makes a vague and unsubstantiated statement about "harm to the national security." Such a claim requires specifics. I demand to know which documents and statements have harmed the national security. I also want specifics on your rationale for withholding future information from the Congress and the American people. You should not hide behind generalities about "national security."

Rest assured that I am not discouraged and will not give up the fight to bring to light the Bush Administration's policy towards Iraq—a flawed and tragic policy that ignored applicable laws and ultimately led to the loss of countless human lives and serious economic consequences. Clearly, there is justification to review the Administration's policy toward Iraq.

I look forward to your reply.

Sincerely,

HENRY B. GONZALEZ,  
Chairman.

OFFICE OF THE  
ATTORNEY GENERAL,  
Washington, DC, May 15, 1992.

Hon. HENRY B. GONZALEZ,  
Chairman, Committee on Banking, Finance, and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Administration has been providing you significant quantities of classified information that you have requested. We would like to continue to respond positively to your requests. However, your recent disclosures of classified information on the floor of the House of Representatives and in the CONGRESSIONAL RECORD have raised serious concerns.

Public disclosure of classified information harms the national security. The departments and agencies are precluded by executive order from disseminating classified information "outside the executive branch except under conditions that ensure that the information will be given protection equivalent to that afforded within the executive branch." (E.O. 12356, Section 4.1(c), 47 Fed. Reg. 14874, 14881 (1982).) Therefore, in light of your recent disclosures, the executive branch will not provide any more classified information to you until specific assurances are received from you that classified information provided to you and the Committee will receive the same security protection provided by the executive branch; that is, protection from unauthorized disclosure, with access provided only to persons with appropriate security clearances.

If you wish to receive further classified information on the basis of such assurances it will be provided expeditiously as in the past. With those assurances, we remain committed to providing your committee with the information it needs to perform its legislative responsibilities. Please let us know your wishes in this regard.

Sincerely,

WILLIAM P. BARR,  
Attorney General.

DEPARTMENT OF JUSTICE,  
FEDERAL BUREAU OF INVESTIGATION,  
Washington, DC, October 5, 1990.

Hon. HENRY B. GONZALEZ,  
Chairman, Committee on Banking, Finance,  
and Urban Affairs, House of Representa-  
tives, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to express my concern with the Banca Nazionale del Lavoro (BNL) matter. I have been informed that your Committee plans to hold an open meeting on Tuesday, October 9, 1990, on the BNL investigation with the intention of voting on issuing subpoenas for documents and individuals. I also understand that you intend to hold a hearing on these matters on October 16, 1990.

Mr. Chairman, you should be aware of the existence of an ongoing criminal investigation into these matters and the likely negative impact that the Committee's actions could have on this investigation. Among my concerns are the possibility of grand jury information being inadvertently disclosed in your proceedings or other statements or evidence being disclosed prior to the anticipated trial. I am similarly concerned that the Committee's actions may prevent both further cooperation by witnesses and in fact may pose a serious threat to witness security or jeopardize successful prosecution.

I regret that we did not have the opportunity to discuss these matters today. I hope that we can work together to prevent serious damage to a very sensitive and important case.

Sincerely,

WILLIAM S. SESSIONS,  
Director.

COMMITTEE ON BANKING,  
FINANCE AND URBAN AFFAIRS,  
Washington, DC, September 28, 1990.

Hon. RICHARD L. THORNBURG,  
Attorney General,  
Washington, DC.

DEAR MR. ATTORNEY GENERAL: The purpose of this letter is to respond to your letter of September 26, 1990, and to express my distress over your apparent lack of understanding of the investigative and legislative functions of the Congress.

On September 21, 1990, I agreed to allow my staff to meet with your staff to discuss the Justice Department's concerns related to the Banking Committee's investigation of the Atlanta Agency of Banca Nazionale Del Lavoro (BNL). During, and subsequent to this meeting, your staff was unable to comply with my request for specific justification for suspending this most important inquiry.

Specifically, the Justice Department failed to reveal how interviewing employees from the Federal Reserve Board, the Federal Reserve Bank of Atlanta, the Department of Banking and Finance of the State of Georgia, and current and former employees of BNL would, as your letter states, "significantly diminish the Justice Department's ability to successfully prosecute this matter." In addition, the Justice Department failed to demonstrate how the Banking Committee's investigation would jeopardize the personal security of witnesses or inhibit their cooperating with the Justice Department's investigation of BNL.

As Chairman of the Banking Committee, I am concerned that the regulation and examination of the U.S. branches and agencies of foreign banks (see the International Banking Act 92 Stat. 607) is inadequate. These entities command over \$500 billion in assets in the U.S., and a significant portion of their liabilities are guaranteed by the Federal Deposit

Insurance Corporation (FDIC). The magnitude of the BNL fiasco (i.e., \$2.8 billion in unauthorized loans to Iraq), while not directly posing a risk to the FDIC, certainly raises the question of the adequacy of state and federal regulation and oversight of these entities. Rest assured, in order to ensure the U.S. branches and agencies of foreign banks do not pose an undue risk to the already beleaguered FDIC, the Banking Committee will continue to investigate the adequacy of the regulation and examination of these entities. The BNL case provides a clear case of a regulatory breakdown that needs to be understood and addressed.

With regard to the Banking Committee's legislative interest in BNL, the Federal Reserve has notified me that the BNL investigation uncovered a loophole in the criminal code that will probably allow former employees of BNL to escape Federal prosecution for fraud, theft, embezzlement, misapplication of funds, and bribery. You can be sure that I will continue to work to correct this over decade long Justice Department oversight. I have been given permission by the Rules Committee, and I intend to offer, a Floor amendment to the crime bill that will close this loophole in the criminal code.

I hope this letter has served to properly inform you as to the Banking Committee's legislative and investigative interests in BNL. I trust the Justice Department will provide its full cooperation.

Sincerely,

HENRY B. GONZALEZ,  
Chairman.

OFFICE OF THE  
ATTORNEY GENERAL,  
Washington, DC, September 26, 1990.

Hon. HENRY B. GONZALEZ,  
Chairman, Committee on Banking, Finance,  
and Urban Affairs, House of Representa-  
tives, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to express my profound disappointment in your decision to ignore the strong objections of this Department in the Banca Nazionale del Lavoro (BNL) matter. I am similarly distressed by your refusal last evening to discuss the matter with me.

Your intention to schedule a hearing for October 9th on the investigation of unauthorized loans to Iraq by BNL and the request to interview both the Assistant United States Attorney and the government witnesses in the case raises the prospect that culpable parties will elude prosecution. Your staff is fully aware of the existence of our ongoing criminal investigation and the likely impact that these actions will produce on our efforts.

As you should be aware, this is a sensitive case with national security concerns. The United States Attorney in Atlanta advises me that both witness security and the willingness of witnesses to continue to cooperate with the investigation and prosecutions will be jeopardized by your Congressional staff interviews and hearing.

Mr. Chairman, a decision to proceed with these interviews and the hearing at this time significantly diminishes the Department's ability to successfully prosecute this matter. Accordingly, we again request that your staff work with the Department to find alternatives that allow both the legislative and the law enforcement processes to function.

Sincerely,

DICK THORNBURG,  
Attorney General.

COMMITTEE ON BANKING,  
FINANCE AND URBAN AFFAIRS,  
Washington, DC, October 1, 1991.

Gen. BRENT SCOWCROFT, USAF, (Ret.),  
Assistant to the President for National Security,  
Washington, DC.

DEAR GENERAL SCOWCROFT: On November 5, 1990, the President signed into law the "Iraq Sanctions Act of 1990," as part of Public Law 101-513. The Iraq Sanctions Act contained a provision requiring the President to conduct a study and report on the sale, export, and third party transfer or development of nuclear, biological, chemical and ballistic missile technology to or with Iraq. I understand that a finished report is now available and I would like to obtain a copy of the classified and unclassified versions of the report.

This report will be helpful in completing the Committee's investigation of the over \$4 billion in unauthorized loans to Iraq granted by the Atlanta agency of Banca Nazionale del Lavoro (BNL).

Thank you for your time and consideration of this request. I look forward to receiving the classified and unclassified versions of this report.

With best wishes.

Sincerely,

HENRY B. GONZALEZ,  
Chairman.

THE WHITE HOUSE,  
Washington, November 1, 1991.

Hon. HENRY B. GONZALEZ,  
Chairman, Committee on Banking, Finance and  
Urban Affairs, House of Representatives,  
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of October 1, 1991, regarding the President's report to the Congress on the international export to Iraq of nuclear, biological, chemical, and ballistic missile technology, submitted last month to Congress under P.L. 101-513.

While the normal procedure would be for you to obtain these reports from the cognizant Committee chairs, as a courtesy we will transmit a copy of the report to facilitate your investigation. As most of the report is classified, please have your staff contact Nancy Menan of my staff to make the appropriate arrangements for the transmittal of the report.

Sincerely,

Brent Scowcroft.

COMMITTEE ON BANKING,  
FINANCE AND URBAN AFFAIRS,  
Washington, DC, January 31, 1992.

Hon. GEORGE BUSH,  
The President of the United States,  
Washington, DC.

DEAR MR. PRESIDENT: On November 5, 1990, you signed into law the "Iraq Sanctions Act of 1990" as part of Public Law 101-513. The Iraq Sanctions Act contained a provision requiring you to conduct a study and report on the sale, export, and third party transfer or development of nuclear, biological, chemical and ballistic missile technology to or with Iraq. Pursuant to that Act, you issued a report to Congress in the Fall of 1991 concluding that U.S. firms did not contribute directly to Iraq's conventional and nonconventional weapons capabilities. The report to Congress is clearly inaccurate. In fact, numerous U.S. companies provided critical support to Iraqi weapons programs, including missiles.

Over the past year, the Committee on Banking, Finance and Urban Affairs has been conducting an extensive investigation of the activities of the Atlanta branch of the Ital-

ian government-owned Banca Nazionale del Lavoro (BNL). The Atlanta branch of BNL loaned over \$2 billion to an Iraqi military technology procurement network that was operating in the U.S. and Europe. The Committee has clear evidence showing that dozens of U.S. firms played a critical role in Iraqi weapons programs. The Committee has learned that responsible agencies have not thoroughly reviewed thousands of relevant documents because of inadequate resources.

For example, documents I am transmitting with this letter indicate that numerous BNL-financed U.S. firms were directly involved in the development of a ballistic missile known as the Condor II. The code name that the Iraqi government assigned to the Condor II missile program was "Project 395." The Committee has evidence revealing that over a dozen U.S. firms were directly involved in Project 395. The equipment and technology supplied by U.S. firms involved in Project 395 were used to construct part of the infrastructure (e.g. buildings, utilities, fortifications, etc.) necessary for Iraq to mass produce the Condor II missile.

The Committee also has evidence indicating that U.S. firms were involved in several other Iraqi missile programs code named Project 144 and Project 1728. These programs both involved the production of a modified Scud missile. Several U.S. companies supplied materials for these projects. These are the same Scud missiles used during the Gulf War to attack both American troops stationed in Saudi Arabia and civilians living in Israel.

The Iraqi organization responsible for Project 395 and the Scud modification projects is called the Technical Corps for Special Projects (TECO). The Commerce Department approved numerous export licenses for U.S. and foreign firms even though TECO was listed as the end-user. Moreover, these licenses were issued despite the fact that the Commerce and State Departments had ample knowledge of TECO and its activities at the time these licenses were approved. The Committee has grave concerns about the export licensing process and is investigating how the Commerce Department could have approved such licenses to Iraq.

Various agencies within the Administration unfortunately have hampered the Committee's investigation of BNL and its role in funding Iraqi weapons of mass destruction. On November 13, 1991, I wrote to the Secretary of State, the Honorable James Baker, asking him to provide the Committee with information on American companies involved in Iraqi weapons programs which was compiled by the United Nations (U.N.) and the International Atomic Energy Agency (IAEA) after the cease fire with Iraq. To date, the Secretary of State has refused to supply the Committee with this data. In fact, Secretary Baker has refused to ask these organizations for this information.

In addition, the Iraqi technology procurement network in the United States has not been fully identified by the Treasury Department. At least one U.S. company, Tigris Trading, Inc., located in Pittsburgh, Pennsylvania, is owned by an Iraqi national, Safa Al-Habobi, who has been indicted for his role in financing the Iraqi war machine with the use of BNL loans. It is common knowledge that Al-Habobi was a major figure in the Iraqi military technology procurement network.

The Committee also has evidence indicating that there may be at least a half dozen additional Iraqi-controlled companies that have not been properly identified. These

companies may still be operating as part of the secret Iraqi procurement network. At a minimum, these companies either wittingly, or unwittingly, offered the Iraqi government an ownership interest in their business.

Mr. President, in light of the findings of the Banking Committee, and the ever growing threat of countries like Iraq who are seeking to covertly develop weapons of mass destruction, I trust that you will do everything within your power to learn the full truth about the U.S. role in helping Iraq develop conventional and nonconventional weapons capability. The American people have a right to know the truth.

I also respectfully request that you instruct the appropriate agencies to be forthcoming in assisting the Committee with its investigation.

I feel certain that you will want to submit a new report to Congress that reflects the true role played by U.S. companies and Federal agencies in permitting the transfer of technology and know-how to Saddam Hussein's war machine.

Thank you for your time and consideration. I look forward to working with you to curb the international proliferation of technology and know-how necessary to build weapons of mass destruction.

With best wishes.

Sincerely,

HENRY B. GONZALEZ,  
Chairman.

DEPARTMENT OF STATE,  
Washington, DC, March 20, 1992.

Hon. HENRY B. GONZALEZ,  
Chairman, Committee on Banking, Finance,  
and Urban Affairs, House of Representatives.

DEAR MR. CHAIRMAN: This letter is in response to your letter to the President of January 31, 1992 outlining the Banking Committee's investigation of the activities of the Atlanta branch of Banca Nazionale del Lavoro with respect to Iraq.

The Department of State has been very concerned that goods and services of Western companies may have been used in Iraqi production of weapons of mass destruction (WMD). Following an interim reply on December 11, 1991 to your letter of November 13, 1991, the State Department notified you on February 5 that it had requested from the UN Special Commission on Iraq (UNSCOM) and the International Atomic Energy Agency (IAEA) the lists of U.S. company names they compiled from their inspection activities in Iraq.

On February 26, 1992, the Department of State transmitted to you a confidential preliminary list of U.S. company names released by UNSCOM. We assured you then that as more comprehensive lists are received they would be forwarded to the Committee. As we informed you earlier, the IAEA has no list of U.S. company names beyond the one name they released (along with 12 foreign company names) in December.

I want to emphasize that a company's inclusion on the list provided by UNSCOM does not imply that it conducted illegal trade in support of Iraq. Such judgments can only be reached following thorough investigations conducted by appropriate agencies.

The State Department has also shared the UNSCOM list of names with the Departments of Justice and Commerce and the U.S. Customs Service, who may conduct such investigations as they deem appropriate into the possibilities of U.S. companies conducting illegal trade in support of Iraq. The U.S. government would, of course, seek, if war-

ranted, to prosecute any such companies or individuals.

Sincerely,

JANET G. MULLINS,  
Assistant Secretary, Legislative Affairs.

COMMITTEE ON BANKING,  
FINANCE AND URBAN AFFAIRS,  
Washington, DC, April 16, 1992.

STEPHEN I. DANZANSKY,  
Chief of Staff/Counselor to the Secretary, Department of Education, Washington, DC.

DEAR MR. DANZANSKY: The Committee on Banking, Finance and Urban Affairs will hold a hearing on the National Advisory Council on International Monetary and Financial Policy (NAC) and its role in approving the \$1 billion FY 1990 U.S. Department of Agriculture (USDA) Commodity Credit Corporation (CCC) program for Iraq.

As the former Director, Office of Cabinet Affairs, and as a former Deputy Assistant to the President, the Committee respectfully requests that you testify at this hearing on May 21, 1992, at 9:30 a.m. in Room 2128, Rayburn House Office Building.

The Committee would like you to address the following questions in your written testimony:

1. Please explain why the White House was involved in the NAC's consideration of the \$1 billion FY 1990 CCC program for Iraq.
2. Pursuant to what authority did the White House become involved in the decision to grant Iraq \$1 billion in CCC credits for FY 1990?
3. Please explain the White House's role in the USDA's internal consideration of the FY 1990 CCC program for Iraq.
4. How did foreign policy concerns affect the White House's position concerning the FY 1990 CCC program for Iraq?
5. Please explain how Iraq's creditworthiness and human rights record affected the White House's position concerning the FY 1990 CCC program for Iraq.
6. What influence did the BNL scandal have on the White House's position concerning the FY 1990 \$1 billion CCC program for Iraq?

Please feel free to submit any further comments that you may have on the above topics. Banking Committee rules require that your written testimony be made available to Members of the Committee twenty-four hours in advance of a hearing. Accordingly, please deliver 200 copies of your written testimony to Room 2129 Rayburn House Office Building by 9:30 a.m., May 20, 1992.

Thank you for your time and consideration of this request. The Committee looks forward to your testimony.

With best wishes.

Sincerely,

HENRY B. GONZALEZ,  
Chairman.

COMMITTEE ON BANKING,  
FINANCE AND URBAN AFFAIRS,  
Washington, DC, April 29, 1992.

Gen. BRENT SCOWCROFT, USAF (Ret.),  
Assistant to the President for National Security Affairs, National Security Council, Washington, DC.

DEAR GENERAL SCOWCROFT: The Committee on Banking, Finance and Urban Affairs is conducting an investigation of the Atlanta branch of Banca Nazionale del Lavoro (BNL) and its role in funding Iraq's acquisition of weapons of mass destruction. The Committee respectfully asks for your assistance with this investigation.

Specifically, the Committee is investigating BNL's role in funding the Iraq-related activities of Mr. Carlos Cardoen and Mr. Gerald

Bull and their associated companies. Accordingly, please provide the Committee with all information in the possession of the National Security Council concerning Mr. Cardoen, Mr. Bull and their associated companies.

Please have your staff contact Mr. Dennis Kane or Mr. Abiud Amaro, of my staff, to discuss this request. They can be reached during business hours at (202) 225-4247.

Thank you for your time and consideration. The Committee looks forward to your cooperation.

With best wishes.

Sincerely,

HENRY B. GONZALEZ,  
Chairman.

COMMITTEE ON BANKING,  
FINANCE AND URBAN AFFAIRS,  
Washington, DC, April 29, 1992.

Hon. GEORGE BUSH,  
President of the United States,  
Washington, DC.

DEAR MR. PRESIDENT: The Committee on Banking, Finance and Urban Affairs is conducting an investigation of over \$4 billion in unauthorized loans to Iraq granted by the Atlanta office of the Banca Nazionale del Lavoro (BNL). The Committee respectfully asks for your assistance with this investigation.

During its BNL investigation, the Committee has obtained documents indicating that various White House and National Security Council staff including National Security Advisor, General Brent Scowcroft; Mr. C. Boyden Gray, Counsel to the President; Mr. John P. Schmitz, Deputy Counsel to the President; Mr. Richard N. Haass, Senior Director, North East and South Asian Affairs, NSC; Mr. Clayton Yeutter, Special Assistant to the President; Mr. Stephen I. Danzansky, Director, Office of Cabinet Affairs; Mr. C. Nicholas Rostow, Legal Advisor, NSC; Ms. Sandra Charles, Director, North East and South Asian Affairs, NSC; Ms. Edith E. Holiday, Secretary of the Cabinet; and Mr. Timothy E. Deal, Senior Director, International Economic Affairs were involved in the decision to grant \$1 billion in Commodity Credit Corporation (CCC) credits to Iraq for FY 1990 and/or the handling of the U.S. Department of Agriculture's (USDA's) administrative review of the CCC program and BNL loans to Iraq.

The Committee would like to better understand the role the White House and NSC played in the USDA administrative review of the BNL scandal and the decision to approve CCC credits for Iraq.

Accordingly, the Committee respectfully requests the following:

1. All documents in the possession of the White House and NSC, including memorandums, letters, cable traffic, telexes, facsimiles, computer print-outs, executive agency documents, classified documents, etc., related to the USDA's administrative review of BNL loans to Iraq;

2. All documents in the possession of the White House and NSC, including memorandums, letters, cable traffic, telexes, facsimiles, executive agency documents, computer print-outs, classified documents, etc., related to the \$1 billion FY 1990 CCC program for Iraq;

3. All documents in the possession of the White House and NSC, including memorandums, letters, cable traffic, telexes, facsimiles, executive agency documents, computer print-outs, classified documents, etc., related to BNL.

In addition, the Banking Committee would appreciate your assistance in making certain

of the above named individuals, currently with the White House and NSC staffs, available for interview by Committee investigators.

Thank you for your time and consideration of this request. The Committee looks forward to your cooperation.

With best wishes.

Sincerely,

HENRY B. GONZALEZ,  
Chairman.

WASHINGTON, DC, April 30, 1992.

Hon. HENRY B. GONZALEZ,  
Chairman, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This will acknowledge receipt of your letter dated April 16, 1992, requesting that I testify before the Committee on May 21, 1992, concerning the National Advisory Council on International Monetary and Financial Policy and its role in approving a FY 1990 USDA Commodity Credit Corporation program for Iraq.

Despite my somewhat limited knowledge of and involvement in this matter, I am obliged to consult with White House officials concerning my appearance before your committee because the events to which your letter referred occurred while I was serving as a member of the White House staff as a commissioned officer and Deputy Assistant to the President.

Immediately upon receipt thereof, I forwarded a copy of your letter-request to the White House, and I expect that the appropriate office will soon be in touch with you or your staff.

Respectfully,

STEPHEN I. DANZANSKY.

COMMITTEE ON BANKING,  
FINANCE AND URBAN AFFAIRS,  
Washington, DC, May 1, 1992.

Mr. RICHARD N. HAASS,  
Senior Director for Near East and South Asian Affairs, National Security Council, Washington, DC.

DEAR MR. HAASS: The Committee on Banking, Finance and Urban Affairs will hold a hearing on the National Advisory Council on International Monetary and Financial Policy (NAC) and its role in approving the FY 1990 \$1 billion U.S. Department of Agriculture (USDA) Commodity Credit Corporation (CCC) program for Iraq.

The Committee has documents showing that the Near East and South Asian Affairs section of the National Security Council (NSC) was involved in the decision to approve the FY 1990 \$1 billion CCC program for Iraq as well as the Department of Agriculture's administrative review of the BNL scandal. The Committee respectfully requests that you testify regarding these topics on May 21, 1992, at 9:30 a.m. in Room 2128, Rayburn House Office Building.

The Committee would like you to address the following questions in your written testimony:

1. Under what authority did the NSC staff become involved in the decision to grant CCC credits to Iraq?

2. Under what authority did the NSC staff become involved in the decision to grant CCC credits to Iraq?

3. Please explain the NSC's rationale for supporting a \$1 billion FY 1990 CCC program for Iraq.

4. What role did National Security Directive 26 (NSD-26) play in the NSC's decision to support the FY 1990 CCC program for Iraq?

5. How did creditworthiness concerns affect the NSC's decision to support the FY 1990 CCC program for Iraq?

6. How did Iraq's human rights record affect the NSC's decision to support the FY 1990 CCC program for Iraq?

7. What influence did the Banca Nazionale del Lavoro (BNL) scandal have on the NSC's position related to the FY 1990 CCC program for Iraq?

8. Please explain the NSC's involvement in the USDA administrative review of the BNL scandal.

Please feel free to add any additional comments that you may have on the above topics.

Banking Committee rules require your written testimony to be made available to Members of the Committee twenty-four hours in advance of a hearing. Accordingly, please deliver 200 copies of your written testimony to Room 2129, Rayburn House Office Building by 9:30 a.m., May 20, 1992.

Thank you for your time and consideration of this request. The Committee looks forward to your testimony.

With best wishes.

Sincerely,

HENRY B. GONZALEZ,  
Chairman.

COMMITTEE ON BANKING,  
FINANCE AND URBAN AFFAIRS,  
Washington, DC, May 4, 1992.

Hon. C. NICHOLAS ROSTOW,  
Special Assistant to the President, National Security Affairs, National Security Council, Washington, DC.

DEAR MR. ROSTOW: The Committee on Banking, Finance and Urban Affairs will hold a hearing on the need for and function of the lawyers group established by the White House related to the congressional investigations of pre-invasion Iraq policy. As a member of that group (see attached memo), you are invited to testify on May 29, 1992, at 9:30 a.m. in Room 2128, Rayburn House Office Building.

Please address the following questions in your testimony.

1. Why did the NSC join this group? Who at the NSC authorized such participation?

2. Please provide a list of all meetings held by the lawyers group referred to in the attached April 8, 1991 National Security Council (NSC) memo that you or any NSC representative attended. Please include the topic on each meeting and those persons attending each meeting. In addition, please provide the Committee with all notes, memorandums, meeting minutes, letters, etc., originated as a result of each meeting.

3. Has the NSC ever received any communication from the White House, the State Department, or any other department asking the NSC to withhold information from Congressional Committees investigating the Administration's Iraq policy? If so, please explain and provide documents, if available.

4. Did the State Department or White House ever review and/or clear information that was submitted by the NSC to Congressional Committees in response to information requests concerning Iraq or BNL? Please explain.

Banking Committee rules require your written testimony to be made available to Members of the Committee forty-eight hours in advance of a hearing. Accordingly, please deliver 200 copies of your written testimony to Room 2129, Rayburn House Office Building by 9:30 a.m., May 27, 1992.

Thank you for your time and consideration of this request. The Committee looks forward to your testimony.

With best wishes,

Sincerely,

HENRY B. GONZALEZ,  
Chairman.

COMMITTEE ON BANKING,  
FINANCE AND URBAN AFFAIRS,  
Washington, DC, May 4, 1992.

Hon. C. BOYDEN GRAY,  
Counsel to the President, Executive Office of the  
President, Washington, DC.

DEAR MR. GRAY: The Committee on Banking, Finance and Urban Affairs will hold a hearing on the need for and function of the lawyers group established by the White House related to the congressional investigations of pre-invasion Iraq policy. As a member of that group (see attached memo), you are invited to testify on May 29, 1992, at 9:30 a.m. in Room 2128, Rayburn House Office Building.

Please address the following questions in your testimony:

1. Why did the Executive Office of the President join this group? Who at the Executive Office of the President authorized such participation?

2. Please provide a list of all meetings held by the lawyers group referred to in the attached April 8, 1991 National Security Council (NSC) memo that you or any Executive Office of the President representative attended. Please include the topic of each meeting and those persons attending each meeting. In addition, please provide the Committee with all notes, memorandums, meeting minutes, letters, etc., originated as a result of each meeting.

3. Has the Executive Office of the President ever received any communication from the White House, the State Department, the NSC or any other department asking the Executive Office of the President to withhold information from Congressional Committees investigating the Administration's Iraq policy? If so, please explain and provide documents, if available.

4. Did the State Department, White House or NSC ever review and/or clear information that was submitted by the Executive Office of the President to Congressional Committees in response to information requests concerning Iraq or BNL? Please explain.

Banking Committee rules require your written testimony to be made available to Members of the Committee forty-eight hours in advance of a hearing. Accordingly, please deliver 200 copies of your written testimony to Room 2129, Rayburn House Office Building by 9:30 a.m., May 27, 1992.

Thank you for your time and consideration of this request. The Committee looks forward to your testimony.

With best wishes,

Sincerely,

HENRY B. GONZALEZ,  
Chairman.

THE WHITE HOUSE,  
Washington, DC, May 4, 1992.

Hon. HENRY B. GONZALEZ,  
Chairman, Committee on Banking, Finance and  
Urban Affairs, House of Representatives,  
Washington, DC.

DEAR MR. CHAIRMAN: I am writing in connection with your recent letter to Stephen Danzansky, Chief of Staff to the Secretary of Education, requesting that he testify before your committee on May 21, 1992.

In your letter, you request that Mr. Danzansky testify about matters occurring during his tenure as Deputy Assistant to the President and Director of the Office of Cabinet Affairs. Due to longstanding tradition, and in accordance with the doctrine of separation of powers, members of the President's personal staff, who participate in the deliberative process through which Executive policy is developed, traditionally have not testified before Congress.

Thank you for your understanding in this matter.

With best regards,

Sincerely,

NICHOLAS E. CALIO,  
Assistant to the President  
for Legislative Affairs.

COMMITTEE ON BANKING,  
FINANCE AND URBAN AFFAIRS,  
Washington, DC, May 15, 1992.

Mr. STEPHEN I. DANZANSKY,  
Chief of Staff/Counselor to the Secretary, Department of Education, Washington, DC.

DEAR MR. DANZANSKY: I am in receipt of your letter of April 30, 1992 and the White House letter of May 4, 1992 related to the Banking Committee's request that you testify at a hearing on May 21, 1992. I am writing to inform you that the Banking Committee expects you to appear at the May 21 hearing.

The purpose of the May 21, 1992 hearing is to determine the role that various persons in the executive branch played in the decision to approve the \$1 billion FY 1990 Commodity Credit Corporation (CCC) program for Iraq. The Banking Committee has obtained numerous documents indicating that you were involved in the Department of Agriculture's (USDA) decision to approve the \$1 billion FY 1990 CCC program for Iraq. Now that Iraq has defaulted on its CCC debts, the decision to approve the FY 1990 CCC program for Iraq will cost U.S. taxpayers approximately \$500 million.

The fact that the President's personal staff was directly involved in making program decisions at an executive branch agency raises a myriad of policy questions. For example, was pressure inappropriately applied on the USDA by you or others acting in the name of the President in order to win approval for the CCC program for Iraq? These and other questions will be addressed at the May 21, 1992 hearing.

The May 4, 1992 White House letter states that longstanding tradition and the doctrine of separation of powers have traditionally precluded persons such as yourself, a former Deputy Assistant to the President and Director of the Office of Cabinet Affairs, from testifying before the Congress. These attempts to block our inquiry by raising a form of executive privilege does not absolve you from your responsibility to testify before the Banking Committee.

There is ample precedent of Congressional rejection of a claim of executive privilege resulting in the testimony of a White House aide before Congress. In April of 1972, Peter M. Flanigan, a Presidential assistant, testified before the Senate Judiciary Committee related to the ITT antitrust scandal. His appearance was required by the Committee in spite of claims of executive privilege raised on Mr. Flanigan's behalf by Presidential counsel, John W. Dean III. More recently, Robert McFarlane testified before the House Intelligence Committee in 1985 regarding the Administration's violations of the Boland amendment. Mr. McFarlane's claim of executive privilege also was rejected by the Committee.

Clearly the White House attempt to block your appearance before the Banking Committee is an effort to conceal from the American public the Administration's faulty policy towards Iraq. Spurious claims of executive privilege should not deny the American people a public examination of that failed and tragic policy.

Accordingly, the Banking Committee insists that you appear at the May 21, 1992

hearing on the USDA's decision to approve the \$1 billion FY 1990 CCC program for Iraq. Your input is essential in order to understand the U.S. policy towards Iraq and the reasons behind the Administration's decision to approve the FY 1990 CCC program for Iraq.

Sincerely,

HENRY B. GONZALEZ,  
Chairman.

□ 1310

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. THOMAS of Wyoming) to revise and extend their remarks and include extraneous material:)

Mr. THOMAS of Wyoming, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. THOMAS of Wyoming) and to include extraneous matter:)

Mr. BROOMFIELD.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. KANJORSKI.

Mr. VENTO.

Mr. LAFALCE.

Mr. TRAFICANT.

Mr. ASPIN.

Mr. FALEOMAVAEGA in five instances.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 10 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 19, 1992, at 12 noon.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3524. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Rural Electrification Act of 1936; to the Committee on Agriculture.

3525. A letter from the Acting General Counsel, Department of Defense, transmit-

ting a draft of proposed legislation to amend title 10, United States Code, to modify the reenlistment eligibility of certain former Reserve officers; to the Committee on Armed Services.

3526. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed technical assistance agreement between Nikon Precision, Inc., of California and Nikon Corp. of Japan (Transmittal No. OTC-14-92), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

3527. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed authorization for the export of certain defense equipment and a proposed manufacturing license agreement, both with Taiwan, pursuant to 22 U.S.C. 2776(c) and 2776(d); to the Committee on Foreign Affairs.

3528. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of intent to exercise authority under section 506(b)(2) of the Foreign Assistance Act of 1961, as amended, in order to provide military assistance to Turkey, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

3529. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Canada (Transmittal No. 12-92), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

3530. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to the Dominican Republic (Transmittal No. 13-92), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

3531. A communication from the President of the United States, transmitting a report on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102-1, section 3 (105 Stat. 4) (H. Doc. No. 102-335); to the Committee on Foreign Affairs and ordered to be printed.

3532. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Alexander Fletcher Watson, of Massachusetts, to be Ambassador to the Republic of Brazil; of William Graham Walker, of California, to be Ambassador to Argentina, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3533. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Marilyn McAfee, of Florida, to be Ambassador to the Republic of Guatemala; of David J. Dunford, of Arizona, to be Ambassador to the Sultanate of Oman; of Robert F. Goodwin, of Maryland, to be Ambassador to New Zealand and to service concurrently as Ambassador to Western Samoa, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3534. A letter from the Agency FOI Officer, Environmental Protection Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3535. A letter from the Director, Office of Management and Budget, transmitting the annual report on the financial management by State and local governments of Federal

financial assistance programs for the period ending January 31, 1992, pursuant to 31 U.S.C. 7507(b); to the Committee on Government Operations.

3536. A letter from the Secretary, Smithsonian Institution, transmitting a copy of the semiannual report on activities of the inspector general for the period October 1, 1991, through March 31, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3537. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting a copy of the 1991 activities report to the President and Congress, pursuant to 16 U.S.C. 470(b); to the Committee on Interior and Insular Affairs.

3538. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the 1991 annual report of the Director of the Administrative Office of the U.S. Courts together with the March and September proceedings of the Judicial Conference of the United States held during 1991, pursuant to 28 U.S.C. 604(a)(4), (h)(2), 2412(d)(5); 28 U.S.C. 331; to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[Omitted from the Record of May 14, 1992]*

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 4073. A bill to provide necessary emergency community development and housing assistance to stimulate economic growth in the United States, and for other purposes; with an amendment (Rept. 102-524). Referred to the Committee of the Whole House on the State of the Union.

*[Submitted May 18, 1992]*

Mr. WAXMAN: Committee of Conference. Conference report on H.R. 2507 (Rept. 102-525). Ordered to be printed.

Mr. BENNETT: Committee on Armed Services. H.R. 4880. A bill to reduce the stockpile requirement for, and authorize the disposal of, cobalt from the National Defense Stockpile. (Rept. 102-526). Referred to the Committee of the Whole House on the State of the Union.

#### SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

*[Submitted May 15, 1992]*

The Committees on Government Operations and Rules discharged from further consideration of H.R. 3304; H.R. 3304 referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LAFALCE:

H.R. 5191. A bill to encourage private concerns to provide equity capital to small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. MONTGOMERY (for himself, Mr. STUMP, and Mr. HAMMERSCHMIDT):

H.R. 5192. A bill to amend title 38, United States Code, to make improvements to veterans health programs; to the Committee on Veterans' Affairs.

By Mr. MONTGOMERY (for himself, Mr. HAMMERSCHMIDT, and Mr. STUMP):

H.R. 5193. A bill to improve the delivery of health-care services to eligible veterans and to clarify the authority of the Secretary of Veterans Affairs; jointly, to the Committees on Veterans' Affairs and Armed Services.

By Mr. MARTINEZ (for himself and Mr. FORD of Michigan):

H.R. 5194. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1993, 1994, 1995, and 1996, and for other purposes; to the Committee on Education and Labor.

By Mr. HORTON:

H.R. 5195. A bill relating to the tariff treatment of electric toothbrushes and parts thereof; to the Committee on Ways and Means.

By Mr. MURTHA:

H.R. 5196. A bill to extend the influenza vaccination demonstration project currently conducted under the Medicare Program, to establish a program to award grants for hospital-based influenza vaccine delivery programs, and for other purposes; to the Committee on Energy and Commerce.

#### MEMORIALS

Under clause 4 of rule XXII,

432. The SPEAKER presented a memorial of the Senate of the State of Connecticut, relative to the accounting of all POW/MIAs from the war in Indochina; to the Committee on Foreign Affairs.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DAVIS introduced a bill (H.R. 5197) to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; which was referred to the Committee on Merchant Marine and Fisheries.

#### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to Public bills and resolutions as follows:

H.R. 1414: Mr. WILLIAMS.

H.R. 2410: Mr. HUCKABY and Mr. HAYES of Louisiana.

H.R. 3441: Mr. CAMPBELL of California.

H.R. 3442: Mr. CAMPBELL of California.

H.R. 3943: Mr. SWETT, Mr. PETRI, and Mr. BURTON of Indiana.

H.R. 4022: Mr. LEHMAN of Florida, Mr. BLACKWELL, Mr. COLORADO, Mr. MARTINEZ, Mr. STOKES, Ms. NORTON, Mrs. KENNELLY, Mrs. BOXER, and Mr. ALEXANDER.

H.R. 4104: Mr. FRANKS of Connecticut.

H.R. 4222: Mr. TORRES, Mrs. MEYERS of Kansas, Mr. BROWN, and Mr. GUARINI.

H.R. 4507: Mr. LEWIS of California, Mr. DORNAN of California, Mr. GREEN of New York, Mr. CHANDLER, Mr. PAXON, and Mr. GEREN of Texas.

H.R. 4599: Mr. LEHMAN of Florida, Ms. NORTON, Mr. LEWIS of Florida, Mr. ATKINS, and Mr. NEAL of Massachusetts.



## EXTENSIONS OF REMARKS

A TRIBUTE TO DR. S. CHARLES  
SCHULZ

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. STOKES. Mr. Speaker, I rise today to salute Dr. S. Charles Schulz for his research in the area of adolescent psychiatry. Dr. Schulz has been recognized throughout the medical profession as a pioneer in adolescent psychiatry specifically in the area of psychosis, manic depressive illnesses and schizophrenia.

Dr. Schulz, who serves as chairman of the department of psychiatry at Case Western Reserve University, began his research career as a clinical associate in the National Institute of Mental Health [NIMH] intramural program. It was through the experience gained from the NIMH program, which allowed Dr. Schulz to thrust forward successfully into the medical research arena.

Mr. Speaker, NIMH has the finest intramural brain research program in the world. In addition, NIMH funds an extensive range of both biomedical and behavioral research activities related to the prevention and treatment of mental illnesses through grant and contracts made to professionals affiliated with hospitals, academic and research institutions.

Mr. Speaker, as a member of the Labor-HHS-Education Subcommittee on House Appropriations, I applaud with pride Dr. Schulz' research on schizophrenia. As a recipient of the Stanley Foundation Award and the 1989 Public Health Service Medal of Commendation, Dr. Schulz is indeed worthy of this praise.

Conducting research as chairman is only one of Dr. Schulz' many fulfilling duties. He also works closely with the Metropolitan Cleveland Alliance for the Mentally Ill, whose goal is to fight to overcome the mental illness stigma and to promote adequate funding for services.

Mr. Speaker, at this time, I would like to share with you a column from the "Spotlight" section of The Decade of the Brain where Dr. Schulz spoke about teenagers with schizophrenia:

STANLEY FOUNDATION AWARD WINNER  
EXAMINES TEENAGERS WITH SCHIZOPHRENIA  
(By Dr. S. Charles Schulz)

In 1980, initial reports of enlarged ventricles measured on computerized tomography (CT) scans focused attention on schizophrenia as a brain disease. The exciting early work of Tim Crow, Daniel Weinberger, and Nancy Andreasen demonstrated that ventricular size in schizophrenic patients was larger than that measured in control subjects. These investigators also demonstrated correlations with neuropsychological testing, response to neuroleptic treatment, and negative symptoms with this new measurement. However, all of the early effort in this arena was performed with patients who were

in adulthood, many of whom had been ill for decades. Thus, the question arose whether enlarged ventricles were secondary to long term medication or institutional treatment.

"Our group's work at the Medical College of Virginia focused on adolescents suffering from schizophreniform or schizophrenic illness," notes S. Charles Schulz, M.D. "We felt that by studying teenagers, most of whom had never received antipsychotic medications and none of whom had been institutionalized, that we could answer some of the questions about the timing of the onset of enlarged ventricles."

Dr. Schulz and his colleagues demonstrated that teenagers had ventricle size larger than control groups and also larger than teenagers with borderline personality disorder. They went on to note that teenagers with enlarged ventricles had a statistically poor early response to antipsychotic medication compared to those schizophrenic teenagers whose ventricles were within the normal range. Further, the teenagers with larger ventricles, despite having a poorer response to neuroleptic medication, ended up with larger doses of antipsychotic drugs by the end of the one month trial.

"Our group concluded from these early studies involving a small number of teenagers that there was evidence that ventricular enlargement was present at the outset of the illness schizophrenia. Also, because of the correlation between ventricular size and treatment outcome, the group posits that adolescent schizophrenia was on a continuum with the adult illness," Dr. Schulz recounted.

Performing these studies in teenagers allowed Dr. Schulz and his colleagues the opportunity to observe a number of the assumptions about schizophrenia held by the majority of clinicians. "It appeared that clinicians working with teenagers who suffered from a psychotic illness were reluctant to diagnose schizophrenia for fear of applying a bad label," observed Dr. Schulz. "Further, our group observed that many hoped that the psychotic illness was a reaction to a stressful event and that it would go away after short term treatment. Therefore we have attempted to disseminate the results of our study to encourage those working with teenagers to note the seriousness of schizophrenia even in the younger age group."

Dr. Schulz moved to Case Western Reserve University School of Medicine where he is Professor and Chairman of the Department of Psychiatry. There the opportunity arose to reexamine issues in adolescent psychiatry—especially those issues focusing on psychosis and serious psychiatric disease such as manic depressive disease. A number of recent symposia have pointed to the controversy around the timing of enlargement of ventricles in psychotic patients. Some investigators now feel that there are instances in which there is rapid increase in ventricular size, while other groups have not demonstrated such a phenomena. Dr. Schulz and his colleagues feel that the study of teenagers may offer a unique opportunity to resolve this question. Dr. Lee Friedman, working with Dr. Schulz and Dr. Herbert Meltzer, reported at the 1992 Winter Workshop on

Schizophrenia that larger ventricles are seen in those patients with an earlier onset of schizophrenia. His poster on this subject confirms earlier work performed in Britain.

With generous support from the Stanley Foundation, Dr. Schulz, along with Dr. Lee Friedman and Dr. John Kenny, a neuropsychologist, are assessing teenagers with schizophrenia, schizophreniform disorder, bipolar illness, and major depression with psychotic features. Their plan includes assessment utilizing MRI brain imaging, smooth pursuit eye movement assessments, and a battery of neuropsychological tests. In the few subjects seen to date, the team has observed a number of patients with abnormal eye tracking. This finding would indicate that abnormal eye tracking is present at the onset of schizophrenia and it not the result of prolonged neuroleptic treatment. Also of interest is the finding by Dr. Kenny, that a number of the teenagers examined have results on neuropsychological testing similar to that seen in adults. The group plans statistical evaluation of their data base as their study progresses to explore relationships between these variables.

"At our biweekly research meetings, we review each case studied and are also hopeful that we can provide clinically meaningful information to clinicians in our region," offers Dr. Schulz.

Dr. Schulz began his research career as a Clinical Associate at the National Institute of Mental Health (NIMH) Intramural Research Program in the late 1970s following his psychiatry residency at UCLA. His initial CT scan work with teenagers was done at the Medical College of Virginia in collaboration with Drs. Mariam Koller and Robert Friedel. Dr. Schulz notes that the Medical College of Virginia provided a unique opportunity to study teenagers with psychiatric illness because it served as a central referral hospital for the state.

In 1986, Dr. Schulz went back to the NIMH where he was pleased to have the opportunity to work with Dr. Samuel Keith (previously featured in The Decade of the Brain) on the National Plan for Schizophrenia Research. During this time of increased focus on schizophrenia, Dr. Schulz was able to start the biennial International Congress on Schizophrenia Research now headed for its fourth meeting. This Congress now provides a forum for discussion of schizophrenia research for active investigators from around the world. In 1989 he was awarded the Public Health Service Medal of Commendation for the development of the Public Academic Liaison (PAL) Program.

As Chairman of the Department of Psychiatry at Case Western, Dr. Schulz is happy to work closely with the Metropolitan Cleveland Alliance for the Mentally Ill. This regional group has been a strong supporter of schizophrenia research at Case Western, thus illustrating the progress that can be made by close affiliation. In addition, a community mental health liaison with the University has been started with the goal of having residents and faculty serve in the community. The Department of Psychiatry at Case Western has been fortunate to attract four young full time psychiatric faculty to provide teaching in this community project.

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"Cleveland is an outstanding community for an investigator interested in clinical and research work in schizophrenia," noted Dr. Schulz, "especially as it combines partnership with families, Dr. Herbert Meltzer's NIMH Clinical Research Center, and a University and Hospital dedicated to teaching."

**JOHN CHWALEK HONORED FOR ACADEMIC CAREER**

**HON. PAUL E. KANJORSKI**  
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES  
*Monday, May 18, 1992*

Mr. KANJORSKI. Mr. Speaker, I am pleased to recognize today Mr. John Chwalek. He is an esteemed educator and administrator at Wilkes University in Wilkes-Barre, a personal friend and a trusted adviser.

Following distinguished military service during World War II, Mr. Chwalek pursued his education at Bucknell University, which was at that time a junior college, and Wilkes College, now Wilkes University. He began working at Bucknell in 1946 as a vocational counselor for veterans and as assistant dean of admissions. John also taught sociology until 1950. At that time, he established the placement center at Wilkes and served as its director for more than 30 years. While Director of the placement center, John helped countless students choose careers and facilitate their transition from academia to the working world.

Mr. Chwalek has become known as a great innovator. The programs he created to assist many students plan their future careers are only a few of the projects with which he has been involved. He helped establish the Luzerne County Guidance Association, brought "Town Meeting of the Air" and the "Today Show" broadcast to the Wilkes campus. He also established prelaw day and the high school editors conference. John has coordinated the inaugurations of two of the college's presidents and its 50th anniversary celebration.

He was instrumental in establishing the renowned Wilkes-Hahneman Recruiting Program in which premed students begin the studies at Wilkes and then go on to Hahneman Medical School. This innovative program was one of the first of its kind in the country. This year, John was honored once again as he accepted a seat on the board of directors of the distinguished Kosciuszko Foundation.

John has not only had an effect on the careers of thousands of people in my district, he had a direct impact on my own career. He was a personal friend of my father and I have known him all of my life. John has a high respect for public service and that respect stimulated my interest in public life. He taught me that an individual can have an impact on the future—his own, his community's and the Nation's. I have no doubt that our future has been shaped by countless individuals whose lives John Chwalek has touched.

John Chwalek was a great influence in my life and I can never repay him for the sage advice he often extended to me. But, I have tried to repay him by learning from that advice and carrying it out as best I can.

Mr. Speaker, for more than 40 years, Mr. John Chwalek has been a valuable member of

the academic team at Wilkes University. I am pleased to join with his many friends and colleagues as they gather to honor his distinguished career and pay tribute to a warm and caring man.

**LAURENCE LATTMAN TRIBUTE**

**HON. BILL RICHARDSON**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1992*

Mr. RICHARDSON. Mr. Speaker, a dedicated administrator and educator at New Mexico Institute of Mining and Technology in Socorro will be retiring next year after 10 years at the helm. President Laurence Lattman recently announced he will step down in June 1993.

President Lattman is widely recognized as having made the Socorro school one of the Nation's best technical colleges. Last year, the school was rated as the Nation's 15th best college buy by Money magazine. The president has also attracted more students to the school during his tenure—enrollment reached a record 1,500 this year.

A geologist by training, President Lattman arrived in Socorro from the University of Utah where he served as dean. During his stay in New Mexico, he has broadened the school's educational base and recruited students by offering new courses such as environmental engineering.

Later this month, Gov. Bruce King will present President Lattman with a Distinguished Public Service Award for his outstanding contributions to the community. He is one of 10 New Mexicans who will receive this year's prestigious award.

It has been a great pleasure to have worked with President Lattman during this past decade. He is a greatly committed educator who has always placed his students' interests above all else. I urge my colleagues to join me in honoring this outstanding American and to wish him well in this, his last year as president of the New Mexico Institute of Mining and Technology.

**THE SAN FRANCISCO ZOOLOGICAL GARDENS: ON THE FRONT LINE OF CONSERVATION**

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1992*

Mr. LANTOS. Mr. Speaker, I would like to call to the attention of this body an organization that diligently seeks to protect this planet's vital natural resources, particularly the rain forests of the world. The San Francisco Zoological Gardens, one of the bay area's finest treasures, has led the fight to educate the public about the inviolability of these lands and continues to set the standard for conservation in this country.

It should come as no surprise that the San Francisco Zoo has taken the lead on this critical front. The zoo has long been a progressive

force behind the animal welfare and resource conservation movement. As a highly respected cultural, educational, and conservation institute, its influence in the field of conservation is formidable.

Under the influence of Zoo Director David Anderson, the San Francisco Zoological Gardens developed and implemented the Nation's most ethical zoo animal welfare policy in which the zoo takes responsibility for the quality of life and reproductive management of its animals.

This progressive policy was established with the participation of the San Francisco Society for the Prevention of Cruelty to Animals, Friends of Animals, and other organizations sharing the common goal of animal welfare.

Another example of the San Francisco Zoological Gardens' dynamic and enterprising activism in the field of conservation is a program called the ecosystem survival plan. Developed by Mr. Norman Gershenz and Leslie Saul, both curators with the zoo, the ecosystem survival plan combines the concept of the conservation parking meter with the adopt an acre program. The result? For every quarter fed into the meter by the general public, 90 square feet of rain forest can be saved.

Mr. Speaker, the danger posed by the rapid depletion of the world's vital natural resources requires steadfast and positive action on the part of concerned citizens and institutions alike. The San Francisco Zoological Gardens is a model for such action. Their investment in time, talent and energy will pay dividends well into the future; the importance of their mission cannot be overstated. I ask my colleagues to join me in recognizing the San Francisco Zoological Gardens for their important contribution in the field of conservation.

**TRIBUTE TO MEL MADERO**

**HON. DUNCAN HUNTER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1992*

Mr. HUNTER. Mr. Speaker, Mel Madero, former national commander of American POW's, died May 13 at the Veterans Hospital in San Diego. A graduate of Salinas High School, Mr. Madero enlisted in the 40th Tank Company, California National Guard, in October 1940. The tank company was activated as Company C, 194th Tank Battalion at Fort Lewis, Washington in February 1941, and embarked for Manila on September 1941.

A survivor of the initial Japanese attacks on the Philippines beginning December 8, 1941, Mr. Madero was among those who were surrendered to the Japanese in the fall of Bataan on April 9, 1942. He made the Bataan Death March, endured imprisonment in O'Donnell, Cabanatuan, and Bilibid in the Philippines, and was shipped to Fukuoka No. 23 in Japan. While there, he worked in Japanese coal mines.

Official U.S. Army reports state that less than half the Americans who surrendered to the Japanese in 1942 survived and were released after the surrender of Japan in 1945. Some 53 percent of American POW's in Japanese hands were executed or died from star-

vation and disease—the worst record of barbaric treatment of prisoners ever recorded among so-called civilized nations.

Mr. Madero is survived by his wife Gloria and a son, Mark. He was a commander of the Bataan Veterans Association, a director of the Pacific Memorial Freedom Foundation, and a member of the National Veterans Council. Prior to his death, he worked at the VA Regional Office, San Diego.

Mr. Madero's decorations include the Army Distinguished Unit Badge with two clusters; American Defense, Asiatic; Philippine Defense; Philippine Liberation; Philippine Independence; Bronze Star; and POW Medal. Mr. Madero interment will be conducted Wednesday, May 20 at Fort Rosecrans in San Diego.

RONALD K. MACHTLEY WINNER

### HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Michelle McWeeney, of Middletown, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Middletown High School in Middletown, RI.

This award is presented to the student chosen by Middletown High School, who demonstrates a mature blend of academic achievement, community development and leadership qualities.

Michelle McWeeney has more than fulfilled this criteria. She is a member of the National Honor and National Hispanic Honor Societies. She is also very active in student government. She is the president of the student council and a member of the spirit week committee. Winner of the Hoby and Smith College Book Awards, Michelle has a grade GPA of 3.918 out of a possible 4.00.

I commend Michelle McWeeney for her outstanding achievements and wish her all the best in her future endeavors.

### HONORING GUADALCANAL VETERANS

### HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. WILSON. Mr. Speaker, I would like to take this opportunity to honor the brave men who fought at Guadalcanal. Among the most bitterly contested campaigns in American history, the Guadalcanal confrontations marked a changeover from defense to offense in the Pacific theater of war in World War II.

The invasion of Guadalcanal was the first amphibious operation undertaken by U.S. forces in the war. On August 7, 1942, three carrier groups, built around the carriers *Enterprise*, *Saratoga*, and *Wasp*, with transports and escorts and covered by land-based air support from Port Moresby, moved on Guadalcanal. The prelanding bombardment lasted only 3 hours.

U.S. marines stormed ashore and by evening 11,000 were on the island. The next morning they captured the almost completed airfield renamed it Henderson Field. The Japanese garrison of 2,200, mostly construction workers, fled into the jungle. There was stiffer resistance on the satellite islands of Tulagi, Florida, and Gavatu.

The fighting on Guadalcanal went on for another 6 months. Japanese troops, regularly reinforced from their bases at Rabaul and Truk continued to oppose American forces. A series of sharp naval engagements, almost daily air battles and ground combat actions ensured. It was not until February 9, 1943, that the last Japanese forces were hastily evacuated from the island. In the course of the campaign, the Japanese had lost approximately 25,000 men and 24 ships. The Americans had incurred 1,044 Marine and 446 Army casualties and lost 24 ships. At the end of the campaign, the myth of the invincible Japanese fighter was laid to rest, America's foothold in the South Pacific was secured and her successful offensive campaign of island-hopping had begun.

For young men like Brady Wadsworth and Sam Barnes, Guadalcanal marked the first time American servicemen saw hand-to-hand combat with the Japanese. Wadsworth and Barnes not only survived Guadalcanal, but plan to mark the 50th anniversary of the battle of August 7 by visiting Guadalcanal this year.

Some 50 years since the battle, memories of Guadalcanal are still vivid.

"This was America's first attempt to take something away from the Japanese," Wadsworth said. "They were running through us like a dose of salts."

Like so many other Americans, Wadsworth joined the Marines as soon as possible after the bombing of Pearl Harbor. On January 9, 1942 he enlisted, went overseas in June and landed on Guadalcanal on August 7. An automatic rifleman with the 1st Marine Division, he went ashore at 9:05 a.m. in the first wave.

"We went to take a mountain—Tenaru River Battle—that's where I was wounded at a place called Hell Point," Wadsworth said.

Wadsworth was firing from a foxhole on Hell Point when the Japanese made their all-out effort to cross the Tenaru sandbar and penetrate the lines. He fired at them with his automatic rifle, killing several, until his gun jammed. Then he picked up a Springfield rifle and fired with that, and finally, when the Japanese had come close, he jumped up and ran to meet them with his bayonet. He was then struck by a bullet which knocked him down. But he refused to be evacuated until the more seriously wounded had been cared for. He was then evacuated to a French hospital where he spent several months recuperating.

While Sam Barnes didn't see the hand-to-hand combat that Brady Wadsworth endured, he did see the pain and suffering that the fighting caused. As a physician with the 1st Marine Aircraft, Barnes was responsible for seeing that the wounded and sick were evacuated to the hospital in New Caledonia.

"We would load up the wounded on a DC-3, all the time watching for a Japanese attack," he said. "I was issued a Springfield rifle and a .45 automatic and told not to wear any insignia. We were on constant alert."

Barnes spent 3 months on Guadalcanal and suffered from malaria and dysentery the entire time.

"We all had it," Barnes said. "I didn't get rid of malaria until 1945. It was something a modern doctor in this country had never seen before."

After his hitch at Guadalcanal ended, Barnes went to New Caledonia where doctors treated his diseases. In the 3 months on the island, Barnes had lost 60 pounds. He later went on to participate in the invasion of Okinawa and was the executive medical officer of the 2d Marine Division in Okinawa.

Barnes said his training as a rural physician in Trinity County helped him cope with the field operation of Guadalcanal.

"Guadalcanal really turned the war around," he said. "We learned a lot from that invasion. We learned how to organize. We learned how to prepare for disease. Most of our casualties were from illness, not wounds on Guadalcanal."

### OUR DOMESTIC AGENDA HAS UNMET NEEDS

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. ASPIN. Mr. Speaker, approximately 6 weeks ago I addressed my colleagues on the state of the debate over national security. At that time, I said I would be reporting later about the content of the defense authorization bill I would ask them to pass this summer. I said in the strongest terms that I would demonstrate to them that we could spend less on defense than the Bush administration requested and still have the security we need for this new era.

Today I am making such a report, and the urgency of our mission to get the defense budget right has become even greater. The events in Los Angeles have demonstrated anew that our domestic agenda has unmet needs.

Spending more than we need to on defense today is as grave an error as spending too little. That is why I will depart from my usual practice and discuss domestic as well as defense issues.

First, I want to report to you on the fiscal year 1993 defense authorization bill the Committee on Armed Services completed this week. You will recall that we recommended a defense number of \$274 billion in budget authority to the House Budget Committee, and it was accepted.

That figure represents a cut of twice what President Bush wanted. In addition, we made plain that it was the downpayment on a 5-year program we call Option C that also represented a cumulative 5-year cut of about twice what the President wanted.

The defense number for fiscal year 1993 prompted outrageous predictions from the Pentagon. Well, we did mark to that number, and none of the outrageous predictions are coming to pass. We haven't cut one service man or woman beyond the cuts planned by the administration. In fact, we added \$200 million to the personnel account over the administration request.

We haven't cut real readiness although we've cut considerable sums from overhead

and support infrastructure, bloated inventories, and excess cash in revolving funds.

And while we were doing that, we did recommend funding on ground-based missile defenses and authorized up to a total of 20 B-2 stealth bombers, although only if questions about the bomber's stealthiness are answered and its costs are straightened out.

We did these things and still came out with a defense program nearly \$7 billion lower than the Bush administration. National security is intact, and we've saved billions.

Mr. Speaker, the key question is what happens now. We know that the terrible events in Los Angeles speak to a need to address the problems of our cities. We know we are going to respond to this need. Where do we get the resources? There are three ways to generate resources for urban relief, and all of them have their difficulties.

First, the budget agreement provides that an emergency could be declared and the money provided. The difficulty is, however, that this would add to the deficit.

Second, we could fund the urban relief package in defense. I would note here that our colleagues in the other body have a defense number that is \$6 billion higher than the House. The House and Senate Budget Committees are in conference now.

Many anticipate that the conferees will split the difference, forcing a \$3 billion add-on to the House defense authorization bill. We could aim this money at the cities, but the difficulty is that it would have to be defense related if it is to be counted against the defense budget in congressional budget bookkeeping. This would sharply limit what might be done with the funds.

Third, we could shift money from defense to domestic needs without looking for a defense angle, making it available for any legitimate purpose. But the difficulty is that this approach would require that we revisit the question of removing firewalls between international, domestic and defense spending that were created in the Budget Enforcement Act. We recently declined to remove the walls, preferring that defense savings go to deficit reduction rather than domestic programs.

Mr. Speaker, I know which option I'd pick. Today I call on my colleague to reconsider the question of bringing the firewalls down. Two things have happened since we voted in March to maintain the walls that make this reconsideration appropriate.

First, we have been tragically reminded by the events in Los Angeles that our cities need attention now.

Second, the Committee on Armed Services has produced a defense authorization bill for fiscal year 1993 that protects the security of this country while saving billions. And I want to underline the point that is not only billions less than the Bush administration would spend; it is \$6 billion less than the Senate budget conferees want to spend on defense.

So today, I want to issue a challenge to the Senate budget conferees and to the Bush Administration to give new consideration to what we have done on defense in the House.

I challenge the Senate conferees to forgo the usual split-the-difference solution and accept a budget resolution with defense at the House number. That will preserve our \$6 bil-

lion in savings. The Committee on Armed Services of the House has demonstrated that the security of the Nation does not require a higher level of spending in fiscal year 1993.

And I challenge the administration to accept this reduction. The Pentagon charges that greeted the House number have been proved unfounded. We don't need to spend on defense next year.

Our victory in the Cold War should mean that we can wage a more vigorous effort for a just and prosperous peace at home. Now is the time to start.

TRIBUTE TO SHERIFF DEPUTY  
DOUGLAS GENE NANNEY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. DUNCAN. Mr. Speaker, I rise today to acknowledge the sacrifice of those peace officers who lost their lives during 1991, and to pay respects to the families and loved ones they left behind.

As I am sure you know, this past week has been National Police Week 1992. During this time, not only are the lives that were lost remembered and memorialized, but also the survivors of those officers are counseled on how to deal with their grief.

One of these families is from Jackson, TN, in our congressional district. The officer who lost his life on May 24, 1991, was Madison County Sheriff Deputy Douglas Gene Nanney. Members of his family in town this week for the ceremonies are his widow, Christy Nanney, and his parents, Betty and Bobby Nanney. Nanney was the first Madison County sheriff's deputy killed in the line of duty in more than 20 years.

Nanney had been on the force since March 1990. He graduated from Memphis State University and served in the Army from August 1984 to February 1988.

All too often we take for granted those men and women who go out every day and put their lives on the line to protect us. Being a law enforcement officer has always been a dangerous profession but these days, unfortunately, it gets more so daily. We must honor these officers who serve us and who are willing to make the ultimate sacrifice in the effort to maintain peace and harmony in our communities.

I salute the peace officers of our country, both those that have lost their lives and those who continue to serve us. In particular, I honor Officer Douglas Gene Nanney and the members of his family who miss him dearly each day.

BEST WISHES TO THE REPUBLIC  
OF CHINA OF TAIWAN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. ENGEL. Mr. Speaker, it is a great honor for me to join my colleagues in the House of

Representatives in wishing President Lee Teng-Hui of the Republic of China a happy second anniversary in office, on May 20, 1992.

Despite her small physical size and lack of natural resources, Taiwan has emerged in recent years as an economic powerhouse, with one of the world's largest foreign reserves and banking deposits, amounting to \$80 billion and \$303 billion respectively. At a time of economic interdependence among nations, Taiwan has a great deal to offer to the world and to the United States.

On President Lee's second anniversary, I would like to see the economic ties between Taiwan and the United States become stronger. I also hope that U.S. companies will play a large role in Taiwan's recently announced multibillion national development plan and other projects that may be beneficial to the United States.

Congratulations, President Lee.

INTRODUCTION OF INFLUENZA  
IMMUNIZATION AWARENESS ACT

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. MURTHA. Mr. Speaker, this year's flu epidemic began earlier and ended later than any other in recent history. The final death toll may be well over the 20,000 flu-related deaths which normally accompany flu season. Those hardest hit by this illness are our older Americans over the age of 65, with 80 to 90 percent of the excess deaths occurring in this age group.

This tragedy does not have to occur. Influenza is a vaccine-preventable disease, however only 32 percent of those who are at highest risk are immunized every year. During the 1980's the Surgeon General set a goal of vaccinating 60 percent of elderly and other high risk persons, however it is obvious we have made little progress toward this goal. The same goal has been set for the year 2000, but in order to reach this goal we have to develop a more effective means of delivering the vaccine. For this reason I am today introducing the Influenza Immunization Awareness Act which will help us reach our goal before the year 2000.

This bill has three goals—to eliminate the gap year in Medicare funding for influenza vaccine; to improve the delivery of the vaccine to those most at risk; and to set up a system which will enable us to prevent any future vaccine shortages.

The first goal is to eliminate the gap in funding for the HCFA Medicare Demonstration Project. The Omnibus Budget Reconciliation Act of 1987 mandated a 4-year, October 1, 1988—September 30, 1992, cost benefit demonstration on including influenza vaccine as a covered Medicare benefit. The report to Congress on this project is due by April 1, 1993 and it is widely assumed that this project will indeed prove the cost-effectiveness of the vaccine. In the meantime, however, there is a gap year which means that those who are currently receiving Medicare coverage for the

vaccine will have that coverage stopped for 1 year and possibly started once again the following year. This type of yo-yoing will only undermine confidence in the Medicare program. My bill will sustain funding for the vaccine itself and for ongoing education and outreach programs started with the demonstration project.

The second purpose is to reach those individuals who are most at risk. To do this, my bill proposes a hospital-based delivery system modeled after successful programs at the Minneapolis and Pittsburgh Veterans Affairs Medical Centers run respectively by Dr. Kristen L. Nichol, M.D., M.P.H. and Dr. Richard Lofgren, M.D., M.P.H. In Minneapolis the flu shot program has increased vaccination rates for high-risk outpatients from 32 percent before the program began to almost 70 percent. This has been achieved by instituting administrative and organizational strategies rather than physician initiative.

My bill will establish a grant program to encourage other hospitals to institute this type of policy. To increase immunization rates this program will include standing order policies, automatic reminders to patients, and reliance on nurses and other health care professionals to actually ensure that the vaccine is offered and administered to the patients.

The third purpose is to prevent the occurrence of vaccine shortages like those that took place during the recent flu season. To do this my bill establishes within the Centers for Disease Control a national vaccine clearinghouse which will utilize its resources to track the vaccine supply and be a source of information to health care professionals to report shortages or surpluses. The clearinghouse will also conduct a study to explore the feasibility of future Government purchase of influenza vaccine.

I have worked with the American Lung Association, the National Vaccine Board, and numerous physicians who have worked in this area for years to develop this comprehensive approach to better vaccine delivery. This bill provides a vehicle for encouraging other innovative approaches in order to protect our senior citizens from the consequences of this, too often preventable illness. We cannot allow the death toll to grow higher, so I call on my colleagues to join me today in this fight for the health and well-being of thousands of Americans.

#### TRIBUTE TO DR. DON WALKER

### HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. HUNTER. Mr. Speaker, Dr. Don Walker was honored last Friday by the East County Exchange Club for his years of service as chancellor of the Grossmont-Cuyamaca College District which I have the pleasure of representing in Congress. Dr. Walker is retiring from this position which he's held for almost 10 years. To list his many achievements and honors would take up several pages of the CONGRESSIONAL RECORD, suffice it to say that he's been an active and important part of California, particularly San Diego, higher edu-

cation since the 1940's. I know the residents of east San Diego County are most appreciative of his service as chancellor of the Grossmont-Cuyamaca College District, as am I, and he will certainly be missed.

#### RONALD K. MACHTLEY AWARD

### HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Kerry McGinn, of Cumberland, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Cumberland High School in Cumberland, RI.

This award is presented to the student, chosen by Cumberland High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Kerry McGinn has more than fulfilled this criteria. She is a member of the national and Rhode Island honor societies. She is ranked in the top 1 percent of her class and carries a 3.82 GPA out of a possible 4.00. She also is very active in extracurricular activities. She tutors many high school students and also teaches a first grade CCD class on a weekly basis. Kerry is a co-captain for both the indoor and outdoor track teams.

I commend Kerry McGinn for her outstanding achievements and wish her all the best in her future endeavors.

#### LEGISLATION TO REAUTHORIZE THE OVERSEAS PRIVATE INVESTMENT CORPORATION

### HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. BROOMFIELD. Mr. Speaker, today I am introducing legislation to reauthorize the programs of the Overseas Private Investment Corporation [OPIC].

By extending OPIC's authority for 5 more years, this legislation will send a clear signal to the private sector that the terms and conditions of the agency's insurance and financial assistance programs will remain unchanged long enough to accommodate long-range corporate planning.

The legislation also contains two new initiatives: the removal of current geographic limitations on OPIC's equity financing program; and the imposition of criminal penalties against borrowers who knowingly make false statements in the course of applying for assistance. These proposed changes are needed to increase the agency's small business participation in international trade and investment and maintain its record of conservative financial management.

OPIC's programs have operated since the Marshall plan was launched, providing loans and political risk insurance to U.S. companies expanding into new markets throughout the

developing world. Operating on a self-sustaining basis, OPIC is an important component of U.S. trade and foreign policy.

In light of the fact that OPIC's programs and authority expire on September 30 this year, I urge my colleagues to give this legislation the prompt attention it deserves.

#### TRIBUTE TO ELIZABETH C. CLARK

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Elizabeth C. Clark, who was recently appointed to the Association of Science-Technology Centers Honor Roll of Teachers.

Mrs. Clark was honored on May 14, 1992, by the Cleveland Health Education Museum due to her outstanding performance as a health teacher in the Howland Public School District in Warren. Mrs. Clark is responsible, in large part, to the health-related curriculum in the schools. Such programming includes sex respect and making the grade, focusing on awareness for youth.

I take my hat off not only to Mrs. Clark's innovative ideas, but also to her 25-year commitment to the field. She is truly a trooper for health education. I know that the Cleveland Health Museum's honor is justly awarded to Mrs. Clark.

Mr. Speaker, I grasp this opportunity to congratulate Mrs. Elizabeth Clark with great pleasure and wish her well in all her future endeavors. I know such endeavors will be of great benefit to others.

#### SMALL BUSINESS EQUITY ENHANCEMENT ACT OF 1992

### HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. LaFALCE. Mr. Speaker, 30 years ago Congress passed the Small Business Investment Act of 1958, to encourage private companies to provide venture capital to small businesses. Under this program, the SBA licenses firms, small business investment companies [SBIC's], and provides them with Government money under a formula based on the amount of private money invested in the company. Generally the Government has provided an equal amount of money, but in some instances it has provided three or four times as much funding as the private company.

Over the years, the SBIC program proved to be an extremely valuable tool in helping small, entrepreneurial firms get off the ground. Indeed, such household names as Apple Computer, Federal Express, Cray Research, and Nike received SBIC assistance. However, over the past few years, a faltering economy accelerated the demise of some SBIC's which had severe cash-flow problems. The SBIC program structure had encouraged firms to borrow money through the SBA and then to make

equity investments which would not provide any significant income to the investor for a number of years.

Unfortunately, this mismatch of expenses and income over the short term doomed too many SBIC companies to failure when interest payments had to be made on the loans. It was a concern which I have voiced over a decade ago; I believe it is now time to restructure the SBIC program so that it can meet its very important objective in a new economic environment.

Therefore, I was pleased last year when the SBA appointed a blue ribbon private sector commission to examine the program and its failures. That commission made a number of worthwhile suggestions, including one which would allow the Federal Government to make some debt service payments on SBIC loans in return for a share of the SBIC profits at a later date.

I believe that the commission's recommendations, which have been endorsed by the SBA, constitute a viable solution to the SBIC industry's current problems. My staff has worked with the concepts and scrubbed the numbers, and we believe that such a restructured program will cost the Government less over the long run, and will result in the availability of substantially more equity capital to the small business community.

Accordingly, I am introducing today the Small Business Equity Enhancement Act of 1992 to reform and modernize the Small Business Investment Company Program.

The Small Business Committee will hold hearings on it early next month and I anticipate committee approval of the proposal very soon.

Mr. Speaker, I urge my colleagues to examine this important legislation very closely. A summary of the bill follows:

**SMALL BUSINESS EQUITY ENHANCEMENT ACT OF 1992**

**BACKGROUND**

SBICs or Small Business Investment Companies are licensed by the Small Business Administration to provide venture capital to small businesses. Certain SBICs restrict their operations to financing minority small businesses, and these companies are called Specialized Small Business Investment Companies or Minority Enterprise Small Business Investment Companies or MESBICs.

Both types of SBICs receive financial assistance from or through the SBA based on the amount of the company's private capital or the amount of money the owners have invested in the company. These Federal matching funds are termed "leverage". SBICs can now obtain up to 4 tiers of leverage, with each tier being equal to 100% of the amount of the company's private capital.

Except for a very small amount of preferred stock purchases by SBA in MESBICs, the leverage provided is government guarantees of debentures, or long term notes, issued by the companies and sold to private investors.

**BILL SUMMARY**

1. A new participating security would be authorized—(preferred stock, preferred partnership interest or debentures with interest payable from earnings) with interest on the security being based on the full cost of money to the Government. Multiple securities would be issued by Small Business Investment Companies (SBICs), pooled and

sold to private investors under the current pooling provisions.

2. Regular SBICs would be limited to 3 tiers of leverage (of which not more than 2 tiers could be the new security) based on the following amounts of private capital: on first \$15 million, 3 to 1; on second \$15 million 2 to 1; on third \$15 million, 1 to 1.

The internal levels and the new \$90 million cap would be subject to an inflation adjustment commencing 12-15-94 based on changes in the Consumer Price Index.

3. Specialized or Minority Enterprise Small Business Investment Companies (MESBICs) could continue under the current leverage structure and under the current \$35 million cap, but they would be allowed to participate under the new formula for amounts above \$35 million.

4. Current SBIC debenture subsidy rate would be reduced by almost one-third (15 percent now to estimated 10 percent) by setting the participation by the Government at 9 percent on first tier and 12 percent if two tiers.

5. Companies licensed as of 3-31-93 could elect to exclude from participation all investments held on that date (both good and bad) and SBA would be directed to determine a method of overhead allocation to reflect the exclusion.

6. A company using participating securities essentially could use the proceeds solely for pure equity or a similar instrument with interest payable solely from earnings.

7. A company with outstanding participating securities could distribute profits from realized earnings if it does not have more than 2 tiers of leverage outstanding.

8. A limited partnership in the last one-half of its stated life or any company which has received SBA approval of a plan to wind up its affairs may return capital to investors providing all dividends are current and the company does not have more than one tier of leverage outstanding.

9. Pension funds, both public and private, could invest in SBICs and institutional investors could issue commitments, subject to SBA approval, but they must fully fund them before any leverage could be obtained.

10. Companies without any leverage would be statutorily exempted from the limitation on the amount they could invest in any one small business and from restrictions on temporary investment of funds. SBA would be directed to review regulations based on safety and soundness and to exempt or separately regulate those companies without leverage.

11. Each company would be clearly made responsible for the determination of portfolio value at least semiannually. SBA would be directed to closely examine the ability of an SBIC to service debt based on its contemplated investments.

12. The participating securities would be limited to a separate and specific authorization. Amounts would be authorized through fiscal year 1997 and regular debentures and MESBIC programs would be extended for a similar time:

[In millions of dollars]

|      | Participating securities | Debentures | MESBIC debentures | MESBIC stock |
|------|--------------------------|------------|-------------------|--------------|
| 1993 | 100                      | 181        | 40                | 21           |
| 1994 | 250                      | 190        | 42                | 22           |
| 1995 | 400                      | 200        | 44                | 23           |
| 1996 | 550                      | 210        | 46                | 24           |
| 1997 | 700                      | 220        | 48                | 25           |

13. In addition, there would be other provisions codifying the existing minimum pri-

vate capital requirements, authorizing an interest rate ceiling based on a company's cost of money, re-transferring the examination function from the inspector general to the investment division, and restricting the expenses which an SBIC could pay and thereby reduce the profits which would be subject to participation.

**TRIBUTE TO LT. COMDR. HAROLD F. BISHOP III**

**HON. PATRICIA SCHROEDER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mrs. SCHROEDER. Mr. Speaker, today I have the privilege of honoring the accomplishments of a naval airman, Denver resident, and 1977 nominee of mine to the U.S. Merchant Marine Academy.

Lt. Comdr. Harold F. Bishop III, "Bud," to all who know him, will receive the Aviation Achievement Award for Valor at the Association of Naval Aviation annual symposium tomorrow in Norfolk, VA.

Lieutenant Commander Bishop graduated from the Academy, joined the active Navy, and entered the naval aviation program. His duty took him into harm's way when war broke out with Iraq last year.

He is receiving his award for the dangerous mission he accomplished at the outbreak of the war.

Mr. Speaker, we in Washington, when reflecting on that conflict, get caught up analyzing our tactics, hardware, and technology. We must stop to remember what really counted: the dedication and skill of all the men and women who did their duty and the training they received to prepare them for that duty.

My hat's off to Bud Bishop.

**RTC'S ESTIMATES OF BAILOUT COSTS**

**HON. BRUCE F. VENTO**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. VENTO. Mr. Speaker, Last week Al Casey came to Capitol Hill and predicted that the savings and loan bailout is going to cost taxpayers only \$130 billion, down from \$160 billion that his predecessors and the Treasury had estimated last year. Mr. Casey has also advised that his work is nearly completed. I have been skeptical of this administration's estimates, based on dollars costs and of deadlines to complete. Importantly, the Congressional Budget Office has not revised its estimate of the cost of this bailout, and that estimate remains much higher.

The simple fact is that the RTC has so little reliable information in a useable, accessible form, that these latest predictions of Mr. Casey are highly questionable.

Last week I received yet another communication from the GAO, an analysis that advises that Al Casey has decided to abandon any comprehensive, nationwide information management system. He will " \* \* accept

current operational inefficiencies . . . " in order to concentrate on shutting down the RTC. Regional offices are being closed and field offices are being consolidated. Each field office will improvise an information system for asset disposal from the assortment of manual and computerized systems previously operated by the failed institutions.

Last year I asked the GAO to review the RTC's information management procedures and plans. At that time, RTC officials agreed that they would take steps to solve these problems. When they reported in March 1992, they identified problems in data collection, data review, information planning and business strategies. Mr. Casey's rosy scenario about the S&L, is a circular logic which will dismantle the existing RTC management structure and dismiss efforts to correct deficiencies.

Three weeks ago, the GAO reported on the RTC's monitoring of mortgage servicing contractors. According to the GAO, the RTC does not monitor and it does not audit the work of hundreds of mortgage servicers who collectively hold one-third of the RTC's loan assets amounting to \$7.5 billion in loans. In fact, the RTC, on a nationwide basis, does not know what loans are serviced by which servicers. Some of their information is incomplete or inaccurate.

The bulk sale/cash-flow mortgage procedure was intended to move massive amounts of hard-to-sell assets. The settlement of the one transaction which was proceeded beyond the initial contract agreement has been delayed for well over a year because neither the RTC nor the purchaser, Patriot American Investors, can accurately identify properties that meet the terms of the contract.

The RTC has repeatedly made pledges that it will take steps to cure these problems, but Congress has heard this refrain time and time again from the RTC. One of these promises—to plan its information system in view of its business plans—has already fallen victim to expediency.

Today, by proclaiming the patient cured, the S&L problem is defined as solved in the 1992 election year. The RTC is dismissing its serious deficiencies as irrelevant. This represents a convenient placebo for the near future—but when reality rears its head in 1993 we will be faced with the same deficiencies, not to mention lost time and billions of taxpayer dollars. This will all be due to RTC CEO Casey's folly.

Until the RTC begins to manage its task, the American public will be cheated of the knowledge of how much the S&L bailout will cost and of whether an honest job is being done for the money being spent.

I insert the letter from the GAO dated May 12, 1992, in the RECORD, and recommend it to my colleagues who may be talking with Mr. Casey about his reduced estimate of taxpayer cost.

GENERAL ACCOUNTING OFFICE,  
Washington, DC, May 12, 1992.

HON. BRUCE VENTO,  
House of Representatives.

DEAR MR. VENTO: This letter responds to your January 16, 1992, request that we expand our review of corporatewide information systems being implemented by the Resolution Trust Corporation (RTC) to include a review of RTC's data collection inadequacies

at failed thrift institutions. As you know, our March 1992 report to you addressed fundamental systems problems facing RTC's management and sale of assets.<sup>1</sup> Specifically, we noted that RTC has not adequately defined its business strategies for managing and selling assets; matched information needs to these strategies; and developed systems to provide timely, accurate, and complete information to manage its asset disposal programs. These problems also worsen RTC's data collection inadequacies.

In meetings with your office, we explained that there is no viable technical solution to correct many of the data collection problems facing RTC managers at failed thrift institutions. This explanation is based on our past reviews of RTC's major asset systems and our assessment of different imaging technologies, such as those being studied by the Internal Revenue Service. It is also based on subsequent decisions made by top RTC managers, which your office asked that we address in this letter.

RTC managers initially agreed with our recommendation that they strengthen system development practices by (1) defining business strategies for assets and contractors; (2) matching information needs to meet these strategies; and (3) developing systems to provide timely, accurate, and complete asset information. In this regard, we were encouraged when RTC managers and officials representing industry and other government agencies met for the purposes of exploring business strategies and discussing the system support needed for managing and selling loan assets. However, subsequent top-management actions appear to be putting little or no emphasis on the need to adopt our recommendations.

During discussions with RTC's Chief Executive Officer and other senior Corporation officials, we were told that RTC had erred in prematurely introducing corporatewide automated asset systems. We were told that they were in fundamental agreement with our report findings, but that they were changing RTC's systems development and implementation approach. First, we were told that RTC no longer plans to develop a corporatewide automated system capability to capture and update asset management and sales information. Its corporatewide loans and furniture, fixtures, and equipment systems were to be discontinued and its real estate system significantly truncated. Second, it was explained to us that the Corporation will continue to operate with the inefficient processes in place because RTC management believes these processes are getting the job done. In this regard, RTC will continue to rely on manual data collection and ad hoc automated systems at field locations.

We were told that by accepting current operational inefficiencies, management can better focus on downsizing from 19 to 6 field offices and completing RTC's mission by September 1993, when FDIC's Savings Association Insurance Fund is scheduled to assume responsibility for new failed thrift institutions. For the most part, asset management and sales will be decentralized to field offices with each individual office deciding on its manual and automated systems requirements.

In summary, RTC has decided to rely on a decentralized approach at its field office level to manage and sell assets. This approach will place less emphasis on the need

<sup>1</sup>Resolution Trust Corporation: Corporate Strategy Needed to Improve Information Management (GAO/IMTEC-92-38, Mar. 5, 1992).

for timely, accurate, and complete asset information that corporatewide systems could provide and more emphasis on completing its mission. In March 1992, we reported that timely, accurate, and complete information is essential to support RTC's mission of managing and selling the assets of failed thrift institutions. We continue to support this position.

Should you have any questions or require additional information, please contact me at (202) 512-6418.

Sincerely yours,  
HOWARD G. RHILE,  
DIRECTOR,  
General Government Information Systems.

STRONG ACTION IS NEEDED TO PROTECT BOSNIA AND OTHER FORMER YUGOSLAV REPUBLICS AGAINST SERBIAN BRUTALITY AND VIOLATIONS OF INTERNATIONAL LAW

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. LANTOS. Mr. Speaker, the unmitigated violence and lawlessness of Serbian militia forces and of the Serb-controlled Yugoslav Army has reached a new level of outrage, as these Serbian forces have begun the systemic and premeditated dismemberment of the Republic of Bosnia-Herzegovina. These acts of violence have taken place in the face of heroic efforts to stop the bloodshed and destruction by the United Nations, the European Community, and others.

Mr. Speaker, it is essential that a clear and unequivocal message be sent to the Communist-dominated Serbian Government and the Serbian military forces that such action must cease immediately.

I have introduced a resolution identical with one adopted by the Senate which emphatically declares that the United States holds the Government of Serbia accountable for the attacks upon and the occupation of the Republics of Bosnia-Herzegovina and Croatia, and for the extensive and systematic abuse of human rights in Kosova. It further declares that the United States should withhold diplomatic recognition of Serbia and its ally Montenegro, which proclaimed themselves the "Federal Republic of Yugoslavia" on April 28, 1992, until Serbia ceases its aggression against the independent States of Bosnia-Herzegovina and Croatia and until it halts its brutal repression of the Albanian people in Kosova and until it no longer continues to deny them the right to self-determination.

Joining me in introducing this resolution in the House are Mr. BROOMFIELD of Michigan, the distinguished ranking Republican member of the Foreign Affairs Committee, Mr. GILMAN and Ms. MOLINARI of New York, Mr. SENSENBRENNER of Wisconsin, Mr. SWETT of New Hampshire, Mr. TOWNS of New York, and Mr. VANDER JAGT of Michigan.

This same resolution, Mr. Speaker, was introduced in the Senate by the distinguished minority leader, Senator DOLE of Kansas, and he was joined by a number of other distinguished Senators, including Senator CLAI-

BORNE PELL, Chairman of the Foreign Relations Committee, and Senator ALBERT GORE of Tennessee.

Mr. Speaker, it is important that we give a clear and unequivocal message to the Communist Serbian Government that we will not sit by while the Communist-dominated Yugoslav military forces and Serbian irregular troops continue to wreak havoc and depredation upon their neighbors. Observance of the norms of international law, resolution of disputes through peaceful means without resort to the use of military force, and respect for human rights and for the right of self-determination for populations such as the Albanian ethnic population of Kosovo are the qualifications for recognition and normal interaction among civilized states.

Unless and until Serbia, Montenegro, and/or their proposed reconstitution of a Yugoslav Republic are willing to abide by these principles of international law and practice, the United States must refuse to extend diplomatic recognition to any of these states.

Mr. Speaker, I urge my colleagues to join me in sponsoring and supporting this legislation, and I ask that the text of the resolution be printed in the RECORD.

H. RES. 448

Whereas from February 29-March 1, 1992, the Republic of Bosnia-Herzegovina held a referendum in which 99.7% of the citizens who participated voted for independence from the former Yugoslavia;

Whereas on April 6, 1992, the Republic of Bosnia-Herzegovina was granted diplomatic recognition by the European Community and on April 7, 1992, was recognized by the United States;

Whereas since April of 1992 the Serb-led Yugoslav Army and Serbian militants have been engaged in brutal military action against the government and people of the Republic of Bosnia-Herzegovina resulting in the death of innocent civilians, the displacement of tens of thousands of persons, and the destruction of homes, schools, mosques, synagogues and churches;

Whereas the attack on Bosnia-Herzegovina follows aggression against the newly independent Republic of Croatia which resulted in the death of more than 10,000 people, the displacement of more than 700,000 persons, and the occupation of a significant portion of Croatia's territory;

Whereas the attacks on Bosnia-Herzegovina and Croatia by the Yugoslav Army and Serb militants constitute an attempt by the Government of the Republic of Serbia to alter borders by the use of force;

Whereas, according to an official with the United Nations High Commissioner on Refugees, Serbian-led forces are delaying, diverting, and stealing humanitarian relief supplies donated to Bosnia-Herzegovina by the United States and other countries;

Whereas the Serbian government has maintained a brutal and repressive regime of martial law in Kosovo and deprived the two million Albanians of Kosovo of their political and human rights, including their right to self-determination;

Whereas Serbia's repressive policies in Kosovo and the aggression of the Serb-led Yugoslav Army in Bosnia-Herzegovina and Croatia constitute serious violations of the Helsinki Accords and the Helsinki Final Act;

Whereas the United States, the European Community and the Conference on Security and Cooperation in Europe have condemned

the aggression of the Serbian-led Yugoslav Army and Serbian irregulars, as well as the martial law regime in Kosovo;

Whereas, on April 23, 1992, 25,000 Serbian citizens in Belgrade participated in an antiwar protest;

Whereas, extensive international diplomatic efforts and the deployment of United Nations monitors and peacekeeping forces have failed to achieve the withdrawal of Serbian-led forces and the restoration of peace in the Republics of Bosnia-Herzegovina and Croatia;

Whereas, the Socialist Federal Republic of Yugoslavia has ceased to exist: Now, therefore, be it

*Resolved by the House of Representatives,*

(1) The United States should hold accountable the Government of Serbia for the attacks on the occupation of the Republics of Bosnia-Herzegovina and Croatia, and for the extensive and systematic abuse of human rights, in Kosovo.

(2) The United States should withhold diplomatic recognition of Serbia and its ally Montenegro, who proclaimed themselves the "Federal Republic of Yugoslavia" on April 28, 1992, until Serbia ceases its aggression against the independent states of Bosnia-Herzegovina and Croatia; and halts its brutal repression of the Albanian people in Kosovo and denial of the right to self-determination.

(3) The United States should actively encourage its allies to follow the same course.

#### OIL IMPORTS—THE BANKRUPTING OF AMERICA

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. RICHARDSON. Mr. Speaker, as we continue the debate on the direction of our Nation's energy policy and with the scheduled floor consideration of the energy bill this week, I felt it was appropriate to bring to my colleagues attention a recent article published in the February edition of the *Petroleum Independent* discussing oil imports.

This article was sent to me by one of my constituents, Jack Cole, a petroleum geologist in Farmington, NM. Mr. Cole has worked in the oil and gas field for more than 30 years. Because of his knowledge and expertise in this area, he has often met with key energy policy leaders in both the administration and Congress to discuss America's energy policy and its future. Over the years, I have come to value his opinion and appreciate his insight.

I encourage my colleagues to take time to read this article before we begin floor consideration of H.R. 776, the Comprehensive National Energy Policy Act this week.

[From the *Petroleum Independent*, February 1992]

#### OIL IMPORTS—THE BANKRUPTING OF AMERICA

(By Louis W. Powers, president, Powers Petroleum Consultants Inc.)

[Figures not reproducible in the Record]

EDITOR'S NOTE.—Last October the Office of Technology Assessment (OTA), a research arm of Congress, released a study examining the changes that have taken place in world oil markets and the U.S. economy since 1984. The report, U.S. Oil Import Vulnerability, The Technical Replacement Capacity, is the

latest federal estimate of the nation's oil replacement potential in the event of another major cutoff of imported oil.

(Petroleum consultant Lou Powers of Houston has analyzed the OTA report and is publicizing its alarming conclusions. Powers gave a presentation at the IPAA Executive Committee meeting held Feb. 3-5 in Washington. Copies of his complete report or a computer-aided presentation can be purchased by contacting him at (713) 493-4077. We asked Lou to summarize his report for this article.)

Failure of the federal government to enact a new, practical national energy strategy is sending the American economy speeding toward bankruptcy.

This was the warning Congress has been handed by the Office of Technology Assessment, an agency it created in 1972. The purpose of OTA is to help policy makers anticipate and plan for the consequences of technological changes and how they affect the lives of the people. This recent study, U.S. Oil Import Vulnerability, is an example of the agency's work. Copies may be ordered from the U.S. Government Printing Office, Superintendent of Documents, Dept. 33, Washington, D.C. 20402-9325.

My staff and I have completed an independent analysis of the 26-page OTA report. The message is clear. The authors plainly tell Congress that only a new national energy strategy will stabilize the domestic production of oil and natural gas, curtail the growth of petroleum demand and lessen the appetite of Americans for foreign oil.

These objectives are desirable, the OTA study says. But it stops short of revealing the true impact on the U.S. economy if Congress and the administration fail to act on these and other problems related to the production and delivery of energy.

Foreign oil imports are a case in point. A careful analysis of the OTA report reveals that if this nation continues to bring in oil (primarily from the Middle East) at the levels forecast, America's financial well-being almost surely will collapse. National bankruptcy and runaway inflation will be the consequence.

In 1990, the U.S. imported \$52 billion worth of foreign oil—more than 52 percent of our total merchandise trade deficit. By 1995, oil import costs will reach \$96 billion and climb to \$139 billion by 2000. But they won't stop there. In 2010 imports will reach \$384 billion and then almost triple to \$926 billion by 2020 (see figures 2 and 3).

By 2020, the cumulative trade deficit resulting from oil imports alone will be \$10 trillion—more than three times the national debt today and 100 times the total 1990 deficit for all foreign trade. U.S. banks will be empty and the Treasury broke.

These figures are based on the government's own estimates. Prices are based on the 1991 Department of Energy Annual Energy Outlook Through 2010 and then using the 2005 to 2010 trend to estimate 2010 to 2020 prices. They also reflect inflation as forecast by DOE. OTA also used the DOE production and demand curves in its study.

While the OTA study implies that increasing dependence on foreign oil can create havoc with the national economy, it does not point out that the impact on the environment could be equally disastrous. To get this much oil—17.8 million barrels per day (b/d)—into U.S. refineries by year 2020 (see figure 1), 36 giant ocean-going tankers, each loaded with 500,000 barrels of crude oil, would have to dock each day at U.S. ports. To put it another way, 13,140 such ships would be unload-

ing in our harbors every year. Each poses the possibility of an oil spill with potential damage to the environment.

The OTA study fails to point out that this tanker traffic will create several times more environmental risk than developing our own resources and producing our own oil, including offshore drilling and the Alaskan National Wildlife Refuge (ANWR).

Our analysis of the OTA study indicates positively that this need not happen if Congress and the administration act quickly and effectively to stabilize the domestic oil and gas industry and demand growth. Surely, lawmakers will realize that the economy and the national security of the United States should not be put at risk for the importation of 17.8 million barrels of oil the OTA study says the nation will require by 2020 if we don't enact a strong national energy strategy.

As yet, however, the federal government and the various regulatory agencies have shown little interest in encouraging the domestic oil and gas industry for avoiding both a major energy shortage and potential fiscal disaster. Our independent analysis of the OTA study underscores the fact that governmental restrictions have effectively destroyed the infrastructure of the industry that offers the best hope for the nation's future.

To stabilize and revitalize domestic oil and gas production, Congress and the administration first must face the facts as they are and reevaluate the overly optimistic figures in the OTA study. Our analysis indicates that the OTA's forecast of U.S. oil production in the coming years is not credible, based on the experiences of the industry since 1986.

OTA predicts U.S. production in 2020 will be 6.5 million b/d. Our analysis shows it will be little more than half that—3.4 million barrels (figure 1). We believe our estimate is more accurate in view of the decline in domestic exploration over the past several years. In fact, this may be optimistic unless the national energy strategy changes rapidly.

#### WHERE WILL OUR FUTURE OIL COME FROM?

With the domestic oil and natural gas industry already dangerously ill and unlikely to recover quickly even with the emergency nostrums Congress has been recalcitrant to prescribe, the American people should have grave concerns about the future of their energy supply. The solution suggested in the OTA study is intimidating to a country that is still the third largest producer of petroleum in the world.

The OTA report emphasizes the rising dependence of the U.S. on the great oil cartel, the Organization of Petroleum Exporting Countries (OPEC), for its petroleum through 2020. It neglects, however, to target which countries will be the principal suppliers.

Currently, 60 percent of our imports (figures 4 and 4A) come from OPEC with a third (2.2 million b/d) coming from Gulf countries and other Arab members of OPEC. This causes no concern about interruption in supplies so long as the kings and sheiks plan ahead and continue to develop and retain the political capability to make these decisions.

Nevertheless, U.S. dependence on these sources can cause both economic and national defense anxieties. Since 1950, political turmoil in the Middle East has caused six crises affecting petroleum supplies to the U.S. It is reason for concern when one realizes that only two or three accurate Scud missile shots could have dismantled the ability of Saudi Arabia to replace oil supplies lost because of the Iraq-Kuwait shut-down.

This is not a comforting thought since in only eight years the U.S. expects to get 72 percent of its oil imports from OPEC. The Arab-Gulf OPEC members will be supplying 5.4 million barrels—more than one-half—of our imports.

Our analysis assumes that there will be no decline in production by other suppliers—a statement that we know is optimistic. For example, Mexico (which delivered to the United States 690,000 barrels daily in 1990) has become a questionable source for the future. News sources quote a former PEMEX official as saying that the Mexican government has seriously overstated reserves. If this is true, Mexico may not be able to export any oil because of rising internal demand.

And OPEC? Beyond the year 2000, it is doubtful this huge cartel will be able to supply the United States with its escalating needs. The free world's requirements are projected to be up to 61 million b/d as we enter the new century.

#### IS REDUCING DEMAND THE ANSWER?

The OTA study stresses this as one approach. It suggests that legislation is needed to encourage the substitution of other fuels for oil and to reduce use by requiring manufacturers to produce automobiles that use less gasoline.

Momentum already is increasing to substitute natural gas and other fuels to power engines heretofore dependent on gasoline. Canada has been a leader in this effort. Our survey indicates that the U.S. government should follow suit by switching its huge vehicular fleet to natural gas (of which there is an abundance domestically).

The OTA report's program to reduce demand is new fleet efficiency standards (including trucks) that would raise miles per gallon from 28 to 50. This alone would save 5.5 million barrels of oil per day. Fuel substitution by the year 2020 would save another 0.5 million barrels.

Thus far the public has been slow to react to the substitution of natural gas for gasoline and efforts to improve gasoline mileage. Another alternative—higher taxes on liquid hydrocarbon gasoline—has almost no public support. However, it has been most effective in reducing consumption in other selected industrial countries and almost certainly will get consideration here in the future. Although gasoline in this country remains one of the world's greatest bargains, prices in other industrialized countries range from \$3.36 per gallon to Italy's high of \$4.73. In November 1991, as we were completing our survey, the average U.S. price was \$1.14 (figure 9).

Taxes are the difference. In other countries, they range from \$1.60 per gallon to as high as \$3.55. Americans pay a federal tax of only 32 cents per gallon.

#### THE GOVERNMENT MUST RECTIFY ITS MISTAKES

Nowhere in the OTA study is mention made of how past government actions have resulted in the disincentives that have all but killed the domestic petroleum industry.

A good example is the shortage of natural gas supplies in the 1970s that occurred when the nation had a surplus of this fuel. There was, and is, an abundance of natural gas. Early on, federal policy encouraged the exploration and production of gas by allowing tax credits and other incentives—including price increases where warranted. However, the dynamics of supply were all but destroyed when the government took control of natural gas prices at an artificially low level. When these disincentives forced pro-

ducers to sell at prices below their production costs, supplies declined and shortages resulted.

This is only one example of how, throughout the history of the petroleum industry, production has been stabilized and increased, or virtually halted, by governmental changes in regulations and the extension or withdrawal of economic incentives.

Another case in point in the OTA study concerns exploration and development in ANWR. In its report to Congress, the agency generally discounted the benefit of allowing ANWR activity for a totally unsupported reason: the reserve is too small compared with those in the Middle East and other potential areas already found within the United States.

The OTA also implies that frontier areas have only a minor role in our energy strategy. These same arguments were used in delaying the building of the Alaskan North Slope Pipeline for 10 years. In the decade since its completion, 2 million barrels of oil per day have been added to U.S. production from this source. Not exactly a "minor" player in the world's energy source.

Industry experts disagree with the OTA assessment of reserves. Whereas, the OTA estimates that ANWR has a potential of only 3.6 billion barrels of oil, geologists estimate that the reserves there are almost five times that number. One—Robert D. Gunn, former president of the American Association of Petroleum Geologists—says there are at least 15 billion barrels in the ANWR reserves and there could be as many as 30 billion barrels.

Even if Gunn's lowest estimate is accurate, the administration and Congress need to be told in exact terms what this would mean to America's future economy. Assuming that start-up in ANWR begins in 1998 and production of 2 million barrels reached by 1999, this activity alone would reduce this nation's trade deficit by \$900 billion through the year 2020. The OTA assessment suggests much longer delays in startup from ANWR. This additional delay would only be because of governmental red tape, according to Jerry D. Bullock, former executive vice-president of BP Alaska, who coordinated BP's extensive Alaskan operations.

Even without ANWR development, the OTA recognizes in its report to Congress that the domestic oil and gas industry can be stabilized. It has been done successfully before as shown in figure 6 and the same revitalization can be repeated now. As OTA points out, however, accomplishing this will require some legislation options that are politically controversial.

#### COULD U.S. RESERVES MEET THE DEMAND?

Can these options be achieved? If the government acts to stabilize the domestic petroleum industry, are the resources still available to meet the nation's energy needs? Yes, according to Dr. William L. Fisher, the internationally-known geologist at the University of Texas in Austin. In a report to the American Association for the Advancement of Science, Dr. Fisher said:

"If, as a matter of national policy, relatively stable levels of domestic production are desirable or necessary, the remaining resource base can provide these levels if aggressive drilling practices are used."

Many Americans think the country is running out of oil because of the continuing increase in imports and the decline of exploration and production in this country. It is true that activity in the oil patch has come to a virtual standstill.

As figure 6 shows, rig counts that once exceeded 4,000 have been on an almost steady

decline since 1981. U.S. production trends were stabilized between 1978 and 1985 when the rig count averaged 2,726 over this period and production actually climbed. Since 1986, however, the industry has faced continually worsening times. More than 300,000 persons who once depended on petroleum for their livelihood now are jobless. As we were working on this analysis late in 1991, the rig count was at all-time low of under 800 (see figure 10).

Under these conditions, it's understandable that Americans think their domestic oil industry is no longer in business.

The American people also have a problem understanding why their country is importing more than 7.2 million barrels of oil each day if we still have a large resource potential. And we do. While it's true that our proved reserves by U.S. government measurement are only 27 billion barrels, geologist Fisher says that there is another 65 billion barrels that can be developed from our existing resource base (see figure 5). This does not include an additional 60 billion barrels yet to be discovered in areas like ANWAR, off-shore and onshore in the lower 48. It also does not include an even larger resource base of 238 billion barrels equivalent of natural gas.

OTA and Congress are aware of these reserves. They also are aware that by revitalizing and rebuilding the infrastructure of the domestic petroleum industry, the U.S. can provide a majority of its oil and gas for years to come. In so doing, it can stop the growth in imports, reduce our trade deficit and save the government from bankruptcy.

OTA OFFERS LEGISLATIVE SOLUTIONS

How can America revitalize the infrastructure of its petroleum industry, lower the national trade deficit, and become less dependent on imports? By an administration and Congress brave enough to tackle issues the Office of Technology Assessment report frankly says are "politically controversial." OTA's report recommends several legislative options intended to encourage domestic exploration and production:

Provide the industry with tax incentives for exploration and production such a deductions, credits and a realistic depletion allowance.

Adopt measures that raise prices at the wellhead, such as import fees or price floors.

Use technical assistance and technology transfer programs.

Make changes in the SPR program to favor certain classes of domestic producers or to include preservation of domestic production potential.

Open more federal on-shore and off-shore lands to leasing and adopt more favorable lease terms and royalties.

Resolve specific regulatory or environmental controversies that are delaying exploration, development or production.

Remove intangible drilling costs and depletion as preference items under the alternative minimum tax since there is historical evidence that the removal of these disincentives stimulate drilling and thereby help to stabilize domestic production.

According to Houston petroleum consultant Lou Powers, these options provide a blueprint for a national energy strategy that will revitalize and stabilize the domestic oil and gas industry, restore more than 300,000 jobs and save the nation from total financial collapse.

If Congress today addresses the real problems of our growing oil imports, there is hope yet for America's energy future.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 19, 1992, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 20

9:00 a.m.  
Governmental Affairs  
To hold hearings to examine the integrity and effectiveness of the Offices of Inspector General. SD-342

9:30 a.m.  
Environment and Public Works  
Business meeting, to resume markup of S. 976, authorizing funds for through fiscal year 1996 for programs of the Solid Waste Disposal Act. SD-406

Veterans' Affairs  
To hold oversight hearings on the implementation of Court of Veterans Appeals decisions. SR-418

9:45 a.m.  
Agriculture, Nutrition, and Forestry  
To hold hearings on the nominations of James B. Huff, Sr., of Mississippi, to be Administrator of the Rural Electrification Administration, Betty Jo Nelsen, of Wisconsin, to be Assistant Secretary for Food and Consumer Services and a Member of the Board of Directors of the Commodity Credit Corporation, Duane Acker, of Virginia, to be Assistant Secretary for Science and Education, and Daniel A. Sumner, of North Carolina, to be Assistant Secretary for Economics and a Member of the Board of Directors of the Commodity Credit Corporation, all of the Department of Agriculture. SR-332

10:00 a.m.  
Appropriations  
District of Columbia Subcommittee  
To continue joint hearings with the House Committee on Appropriations' Subcommittee on the District of Columbia on proposed budget estimates for fiscal year 1993 for the certain programs of the government of the District of Columbia. H-301, Capitol

Appropriations  
Labor, Health and Human Services, Education Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Education. SD-192

Appropriations  
Transportation Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1993 for the Federal Aviation Administration, Department of Transportation. SD-138

Banking, Housing, and Urban Affairs  
International Finance and Monetary Policy Subcommittee  
To hold oversight hearings to examine U.S. export promotion programs. SD-538

Commerce, Science, and Transportation  
Foreign Commerce and Tourism Subcommittee  
To hold oversight hearings on the activities of U.S. and Foreign Commercial Service, Department of Commerce. SR-253

Foreign Relations  
To hold hearings on the Treaty with Nigeria on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 102-26). SD-419

Judiciary  
To hold hearings to examine the recent increase in children carrying weapons. SD-226

Labor and Human Resources  
To resume hearings on S. 1790, to stimulate cooperation by business, labor, schools and colleges, and State and local governments to improve the education and training of the United States workforce, and to develop new systems and strategies for meeting the economic needs of business and workers. SD-430

2:00 p.m.  
Armed Services  
Strategic Forces and Nuclear Deterrence Subcommittee  
To hold hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on programs and architectures for ballistic missile defense. SH-216

Commerce, Science, and Transportation  
To hold hearings on global change research, focusing on global warming and the oceans. SR-253

Foreign Relations  
To hold hearings on the nominations of Marc Allen Baas, of Florida, to be Ambassador to Ethiopia, Hume Alexander Horan, of the District of Columbia, to be Ambassador to the Republic of Cote d' Ivoire, Lauralee M. Peters, of Virginia, to be Ambassador to the Republic of Sierra Leone, and Donald K. Petterson, of California, to be Ambassador to the Republic of the Sudan. SD-419

Select on Intelligence  
To hold closed hearings on intelligence matters. SH-219

2:30 p.m.  
Energy and Natural Resources  
To hold hearings on S. 2631, to promote energy production from used oil. SD-366

- MAY 21
- 9:30 a.m.  
Agriculture, Nutrition, and Forestry  
Conservation and Forestry Subcommittee  
To hold oversight hearings on the Forest Service's proposed changes in the administrative appeals process. SD-332
- Appropriations  
VA, HUD, and Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1993 for the National Community Service, and the Points of Light Foundation. SD-116
- Armed Services  
To hold hearings on S. 2629, to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the use of advanced simulation technology. SD-G50
- Commerce, Science, and Transportation  
To hold hearings on the nomination of Karl A. Erb, of Virginia, to be Associate Director of the Office of Science and Technology Policy. SR-253
- Energy and Natural Resources  
To hold hearings on the Department of Energy's program for environmental restoration and waste management. SD-366
- Governmental Affairs  
To hold hearings to examine ways of developing a more energy efficient world. SD-342
- 10:00 a.m.  
Appropriations  
Defense Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Defense. SD-192
- Appropriations  
Transportation Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Transportation. SD-138
- Banking, Housing, and Urban Affairs  
Business meeting, to mark up S. 1423, to revise proxy solicitation rules with respect to partnership rollup transactions and specify certain dissenters' rights for which such transactions must provide, and S. 2266, to provide for recovery of costs of supervision and regulation of investment advisers and their activities. SD-538
- Judiciary  
Business meeting, to consider pending calendar business. SD-226
- 2:00 p.m.  
Energy and Natural Resources  
Public Lands, National Parks and Forests Subcommittee  
To hold hearings on S. 1893, to adjust the boundaries of the Targhee National Forest, to authorize a land exchange involving the Kaniksu National Forest, S. 2101, to designate the Lower Salmon River in Idaho as a component of the National Wild and Scenic Rivers System, S. 2572, to authorize an exchange of land in the States of Arkansas and Idaho, and H.R. 2141, to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho. SD-366
- Finance  
Medicare and Long-Term Care Subcommittee  
To hold hearings to examine ways of reducing inappropriate Medicare spending, focusing on stricter oversight of waste, fraud and abuse in the Medicare program. SD-215
- Governmental Affairs  
General Services, Federalism, and the District of Columbia Subcommittee  
To hold hearings on the General Services Administration's management of Federal civilian aircraft. SD-342
- Judiciary  
Patents, Copyrights and Trademarks Subcommittee  
Business meeting, to mark up S. 1165, to extend the term of a patent covering the active ingredient of an antiinflammatory drug bearing the brand name Ansaid, S. 1506, to extend the term of patent protection of a fat substitute given the brand name Olestra, and S. 526, to extend the term of patent covering an active ingredient of the antiradiation drug known as Ethiofos and its oral analog. SD-226
- 2:30 p.m.  
Armed Services  
Defense Industry and Technology Subcommittee  
To hold hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the National Defense Stockpile. SR-222
- 3:00 p.m.  
Labor and Human Resources  
Employment and Productivity Subcommittee  
To hold hearings on S. 2373, to revise the Job Training Partnership Act to establish a community works progress program, a national youth community corps program, and other programs. SD-430
- MAY 22
- 9:30 a.m.  
Appropriations  
VA, HUD, and Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Housing and Urban Development and certain related agencies. SD-138
- Armed Services  
Projection Forces and Regional Defense Subcommittee  
To hold hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on near- and long-term outlook for the United States Navy. SR-222
- JUNE 3
- 9:00 a.m.  
Appropriations  
Defense Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Defense, focusing on medical programs. SD-192
- JUNE 4
- 9:30 a.m.  
Energy and Natural Resources  
To hold hearings on S. 2527, to restore Olympic National Park and the Elwha River ecosystem and fisheries in the State of Washington. SD-366
- 10:00 a.m.  
Commerce, Science, and Transportation  
Merchant Marine Subcommittee  
To hold hearings to examine issues relating to maritime reform. SR-253
- Veterans' Affairs  
To hold oversight hearings on proposed legislation relating to veterans health issues. SR-418
- JUNE 8
- 10:00 a.m.  
Appropriations  
Military Construction Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1993 for military construction programs, focusing on base closures. SD-192
- JUNE 9
- 9:30 a.m.  
Finance  
To resume hearings to examine comprehensive health care reform, focusing on proposals for expanding employment-based health insurance coverage. SD-215
- 10:00 a.m.  
Agriculture, Nutrition, and Forestry  
Agricultural Research and General Legislation Subcommittee  
To hold hearings on the utility of expanded lamb reporting services by the Department of Agriculture. SR-332
- Appropriations  
Interior Subcommittee  
To hold hearings on proposed budget estimates for the Department of the Interior. S-128, Capitol
- 2:30 p.m.  
Appropriations  
Interior Subcommittee  
To continue hearings on proposed budget estimates for fiscal year 1993 for the Department of the Interior. S-128, Capitol
- JUNE 10
- 9:30 a.m.  
Commerce, Science, and Transportation  
Aviation Subcommittee  
To hold hearings to examine competition in the airline industry, and on S. 2312, to revise the Federal Aviation Act of 1958 to enhance competition at, and the provision of essential air service with respect to high density airports. SR-253
- JUNE 17
- 9:30 a.m.  
Finance  
To resume hearings to examine comprehensive health care reform, focusing on proposals for instituting universal

