

**SEC. 11. WITHDRAWAL OF THE REGULATIONS AND NOTICE.**

The advance notice of proposed rule-making concerning dietary supplements published in the Federal Register of June 18, 1993 (58 FR 33690-33700) is null and void and of no force or effect insofar as it applies to dietary supplements. The Secretary of Health and Human Services shall publish a notice in the Federal Register to revoke the item declared to be null and void and of no force or effect under subsection (a).

**SEC. 12. COMMISSION ON DIETARY SUPPLEMENT LABELS.**

(a) **ESTABLISHMENT.**—There shall be established as an independent agency within the executive branch a commission to be known as the Commission on Dietary Supplement Labels (hereafter in this section referred to as the "Commission").

(b) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The Commission shall be composed of 7 members who shall be appointed by the President.

(2) **EXPERTISE REQUIREMENT.**—The members of the Commission shall consist of individuals with expertise and experience in dietary supplements and in the manufacture, regulation, distribution, and use of such supplements. At least three of the members of the Commission shall be qualified by scientific training and experience to evaluate the benefits to health of the use of dietary supplements and one of such three members shall have experience in pharmacognosy, medical botany, traditional herbal medicine, or other related sciences. Members and staff of the Commission shall be without bias on the issue of dietary supplements.

(c) **FUNCTIONS OF THE COMMISSION.**—The Commission shall conduct a study on, and provide recommendations for, the regulation of label claims and statements for dietary supplements, including the use of literature in connection with the sale of dietary supplements and procedures for the evaluation of such claims. In making such recommendations, the Commission shall evaluate how best to provide truthful, scientifically valid, and not misleading information to consumers so that such consumers may make informed and appropriate health care choices for themselves and their families.

(d) **ADMINISTRATIVE POWERS OF THE COMMISSION.**—

(1) **HEARINGS.**—The Commission may hold hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this section.

(2) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(e) **REPORTS AND RECOMMENDATIONS.**—

(1) **FINAL REPORT REQUIRED.**—Not later than 24 months after the date of enactment of this Act, the Commission shall prepare and submit to the President and to the Congress a final report on the study required by this section.

(2) **RECOMMENDATIONS.**—The report described in paragraph (1) shall contain such recommendations, including recommendations for legislation, as the Commission deems appropriate.

(3) **ACTION ON RECOMMENDATIONS.**—Within 90 days of the issuance of the report under paragraph (1), the Secretary of Health and Human Services shall publish in the Federal Register a notice of any recommendation of Commission for changes in regulations of the

Secretary for the regulation of dietary supplements and shall include in such notice a notice of proposed rulemaking on such changes together with an opportunity to present views on such changes. Such rule-making shall be completed not later than 2 years after the date of the issuance of such report. If such rulemaking is not completed on or before the expiration of such 2 years, regulations of the Secretary published in 59 F.R. 395-426 on January 4, 1994, shall not be in effect.

**SEC. 13. OFFICE OF DIETARY SUPPLEMENTS.**

(a) **IN GENERAL.**—Title IV of the Public Health Service Act is amended by inserting after section 485B (42 U.S.C. 287c-3) the following:

"Subpart 4—Office of Dietary Supplements

**"SEC. 485C. DIETARY SUPPLEMENTS.**

"(a) **ESTABLISHMENT.**—The Secretary shall establish an Office of Dietary Supplements within the National Institutes of Health.

"(b) **PURPOSE.**—The purposes of the Office are—

"(1) to explore more fully the potential role of dietary supplements as a significant part of the efforts of the United States to improve health care; and

"(2) to promote scientific study of the benefits of dietary supplements in maintaining health and preventing chronic disease and other health-related conditions.

"(c) **DUTIES.**—The Director of the Office of Dietary Supplements shall—

"(1) conduct and coordinate scientific research within the National Institutes of Health relating to dietary supplements and the extent to which the use of dietary supplements can limit or reduce the risk of diseases such as heart disease, cancer, birth defects, osteoporosis, cataracts, or prostatism;

"(2) collect and compile the results of scientific research relating to dietary supplements, including scientific data from foreign sources or the Office of Alternative Medicine;

"(3) serve as the principal advisor to the Secretary and to the Assistant Secretary for Health and provide advice to the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of Food and Drugs on issues relating to dietary supplements including—

"(A) dietary intake regulations;

"(B) the safety of dietary supplements;

"(C) claims characterizing the relationship between—

"(i) dietary supplements; and

"(ii)(I) prevention of disease or other health-related conditions; and

"(II) maintenance of health; and

"(D) scientific issues arising in connection with the labeling and composition of dietary supplements;

"(4) compile a database of scientific research on dietary supplements and individual nutrients; and

"(5) coordinate funding relating to dietary supplements for the National Institutes of Health.

"(d) **DEFINITION.**—As used in this section, the term 'dietary supplement' has the meaning given the term in section 201(ff) of the Federal Food, Drug, and Cosmetic Act.

"(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$5,000,000 for fiscal year 1994 and such sums as may be necessary for each subsequent fiscal year."

(b) **CONFORMING AMENDMENT.**—Section 401(b)(2) of the Public Health Service Act (42 U.S.C. 281(b)(2)) is amended by adding at the end the following:

"(E) The Office of Dietary Supplements."

When said bill, as amended, was considered, read twice, ordered to be read

a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill, as amended, was passed was, by unanimous consent, laid on the table.

*Ordered.* That the Clerk request the concurrence of the Senate in said amendment.

## ¶121.55 MESSAGE FROM THE

PRESIDENT—FEDERAL RAILROAD RETIREMENT BOARD

THE SPEAKER pro tempore, Mr. PETERSON of Florida, laid before the House a message from the President, which was read as follows:

*To the Congress of the United States:*

I hereby submit to the Congress the Annual Report of the Railroad Retirement Board for Fiscal Year 1993, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(1) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, Oct. 6, 1994.

By unanimous consent, the message, was referred to the Committee on Energy and Commerce and the Committee on Ways and Means.

## ¶121.56 MESSAGE FROM THE

PRESIDENT—NAFTA MODIFICATIONS

THE SPEAKER pro tempore, Mr. PETERSON of Florida, laid before the House a message from the President, which was read as follows:

*To the Congress of the United States:*

In November 1993, in preparation for the implementation of the North American Free Trade Agreement [NAFTA] on January 1, 1994, I informed the Congress of my intent to modify the moratorium on the issuance of certificates of operating authority to Mexican-owned or -controlled motor carriers that was imposed by the Bus Regulatory Reform Act of 1982 (49 U.S.C. 10922(j)(2)(A)). The modification applied to Mexican charter and tour bus operations. At that time, I also informed the Congress that I would be notifying it of additional modifications to the moratorium with respect to Mexican operations as we continued to implement NAFTA's transportation provisions. In this regard, it is now my intention to further modify the moratorium to allow Mexican small package delivery services to operate in the United States provided that Mexico implements its NAFTA obligation to provide national treatment to U.S. small package delivery companies.

Prior to its implementation of the NAFTA, Mexico limited foreign-owned small package delivery services, such as that offered by United Parcel Service and Federal Express, to trucks approximately the size of a minivan. This made intercity service impractical and effectively limited small-package delivery companies to intracity service only. Mexico has no similar restriction on the size of trucks used by Mexican small package delivery services. Because Mexico did not take a reserva-

tion in this area, the NAFTA obligates Mexico to extend national treatment to U.S. small package and messenger service companies. Mexico must allow U.S. small package delivery services to use the same size trucks that Mexican small package delivery companies are permitted to use.

Mexico, earlier this year, enacted legislation that addresses the small package delivery issue. Amendments to the *Law on Roads, Bridges, and Federal Motor Carriers* authorize parcel delivery and messenger services to operate without restriction so long as they obtain a permit from the Secretariat of Communications and Transportation and direct that such permits be granted in a timely fashion. The law includes no restrictions on the size and weight of parcels nor on the dimensions of the vehicles that small package delivery services will be permitted to use.

At the North American Transportation Summit hosted by the United States on April 29, 1994, Mexico's Secretary of Communications and Transportation Emilio Gamboa reaffirmed his government's commitment to permit unrestricted operations by foreign-owned providers of small package delivery services in Mexico. In return, even though the United States does not have a similar obligation under the NAFTA, Secretary of Transportation Federico Peña stated the United States Government's intention to grant Mexican small package delivery service companies reciprocal operating rights in the United States by modifying the moratorium imposed by the Bus Regulatory Reform Act. Mexico and the United States agreed to establish a joint working group to specify the details of this arrangement by September 1, 1994.

The U.S. small package delivery service industry is supportive of United States Government efforts to eliminate Mexico's restrictions on small package delivery operations. Provided Mexico implements its NAFTA obligation to extend national treatment to U.S. small package delivery companies, the U.S. industry would not object to a modification of the moratorium that would provide Mexican small package delivery companies reciprocal treatment in the United States.

Provided that Mexico meets its NAFTA-imposed national treatment obligation to allow U.S.-owned small package delivery services unrestricted operations, I intend, pursuant to section 6 of the Bus Regulatory Reform Act, to modify the moratorium imposed by that section to permit Mexican small package delivery services to operate in the United States in exactly the same manner and to exactly the same extent that U.S. small package delivery services will be permitted to operate in Mexico. The Bus Regulatory Reform Act requires 60 days' advance notice to the Congress of my intention to modify or remove the moratorium.

With this message, I am providing the advance notice so required.

WILLIAM J. CLINTON.

THE WHITE HOUSE, Oct. 6, 1994.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Public Works and Transportation and ordered to be printed (H. Doc. 103-323).

¶121.57 ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1520. An Act to amend the Petroleum Marketing Practices Act.

H.R. 2826. An Act to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

H.R. 2902. An Act to amend the District of Columbia Self-Government and Governmental Reorganization Act to reauthorize the annual Federal payment to the District of Columbia for fiscal year 1996, and for other purposes.

H.R. 3485. An Act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1995 and 1996.

H.R. 4308. An Act to authorize appropriations to assist in carrying out the North American Wetlands Conservation Act for fiscal years 1995 through 1998, and for other purposes.

H.R. 4653. An Act to settle Indian land claims within the State of Connecticut, and for other purposes.

H.J. Res. 401. Joint resolution designating the months of March 1995 and March 1996 as "Irish-American Heritage Month".

H.J. Res. 417. Joint resolution providing for the temporary extension of the application of the final paragraph of section 10 of the Railway Labor Act with respect to the dispute between the Soo Line Railroad Company and certain of its employees.

¶121.58 SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2170. An Act to provide a more effective, efficient, and responsive Government.

S. 2406. An Act to amend title 17, United States Code, relating to the definition of a local service area of a primary transmitter, and for other purposes.

¶121.59 BILL AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On October 6, 1994:

H.R. 734. An Act to amend the Act entitled "An Act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes."

On October 7, 1994:

H.J. Res. 398. An Act to establish the fourth Sunday of July as "Parents Day".

H.J. Res. 389. An Act to designate the second Sunday in October of 1994 as "National Children's Day".

H.J. Res. 415. An Act designating the week beginning October 16, 1994, as "National Penny Charity Week".

H.R. 810: An Act for the relief of Elizabeth M. Hill.

And then,

¶121.60 ADJOURNMENT

On motion of Mr. RICHARDSON, pursuant to the special order heretofore agreed to, at 3 o'clock and 2 minutes a.m. Friday, October 7 (legislative day of Thursday, October 6), 1994, the House adjourned until 12 o'clock noon today.

¶121.61 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:

Mr. MILLER of California: Committee on Natural Resources. H.R. 3600. A bill to ensure individual and family security through health care coverage for all Americans in a manner that contains the rate of growth in health care costs and promotes responsible health insurance practices, to promote choice in health care, and to ensure and protect the health care of all Americans; with amendments (Rept. No. 103-601 Pt. 6). Ordered to be printed.

Mr. GIBBONS: Committee of Conference. Conference report on H.R. 4278. A bill to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act (Rept. No. 103-842). Ordered to be printed.

Mr. DINGELL: Committee of Conference. Conference report on S. 1569. An Act to amend the Public Health Service Act to revise and extend programs relating to the health of individuals who are members of minority groups, and for other purposes (Rept. No. 103-843). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4522. A bill to amend the Communications Act of 1934 to extend the authorization of appropriations of the Federal Communications Commission, and for other purposes; with an amendment (Rept. No. 103-844). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules, House Resolution 574. Resolution waiving points of order against the conference report to accompany the bill (S. 1569) to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes (Rept. No. 103-845). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules, House Resolution 575. Resolution providing for the consideration of the Senate amendment to the bill (H.R. 1348) to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes (Rept. No. 103-846). Referred to the House Calendar.

Mr. BEILINSON: Committee on Rules, House Resolution 576. Resolution providing for consideration of the bill (H.R. 5231) to provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior (Rept. No. 103-847). Referred to the House Calendar.

¶121.62 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. BROWN of California:

H.R. 5199. A bill to amend the National Institute of Standards and Technology Act to