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PROCEEDINGS AND DEBATES OF THE 99th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Monday, June 17, 1985*

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 13, 1985.

I hereby designate the Honorable Jim Wright to act as Speaker pro tempore on Monday, June 17, 1985.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The SPEAKER pro tempore. Our guest chaplain today is an old friend, the Reverend Edward L.R. Elson, the former Chaplain of the U.S. Senate.

The Reverend Edward L.R. Elson, S.T.D., former Chaplain, U.S. Senate, offered the following prayer:

O God of justice and mercy, come upon the people of this land and encompass them in Thy sovereign love. In the maelstrom of these agonizing days teach us the truth of the psalmist:

Thou shalt not be afraid for the terror by night; nor for the arrow that flyeth by day; nor for the pestilence that walketh in darkness; nor for the destruction that wasteth at noonday.—Psalm 91:5-6.

In these painful hours, suffer not our trust in Thee to fail. Invest us with a deeper compassion, sympathy and tenderness. Heal the sick and the wounded in spirit. Comfort the sorrowing and grant courage to those in peril.

Give Thy higher wisdom to the President, to the Members of Congress, to the judiciary and all whom we have placed in authority that freedom may be assured and peace and justice prevail. Brace us and strengthen us for the days yet to come. And may goodness and mercy attend us unto life eternal.

In Thy holy name we pray. 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following titles:

H.J. Res. 211. Joint resolution to recognize the pause for the Pledge of Allegiance as part of National Flag Day activities.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2068. An act to authorize appropriations for fiscal years 1986 and 1987 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2068) "An Act to authorize appropriations for fiscal years 1986 and 1987 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LUGAR, Mr. HELMS,Mr. MATHIAS, Mr. EVANS (for the portion of the conference dealing with Iran claims legislation), Mr. PELL, and Mr. BIDEN to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 895. An act to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes; and

S. Con. Res. 50. Concurrent resolution welcoming the President of Tunisia on his official visit to the United States.

HOW TO PREVENT HIJACKINGS IN THE FUTURE

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, there are several things the U.S. Government can and should immediately do to prevent future hijackings around the world which jeopardize the lives of American citizens.

First, our Government should provide financial assistance to U.S. air carriers operating overseas to enable these carriers to properly protect their passengers. Funds for such assistance could come out of the self-financing airport and airways trust fund. I have asked the FAA to determine if it has this authority. If not, I will introduce legislation to give them that authority, and I would urge my colleagues to join me. The world should know that the U.S. Government is helping to make our air carriers free from international terrorism.

Second, the United States should initiate as quickly as possible a meeting of the International Civil Aviation Organization and encourage world airlines to convene the International Air Transport Association to discuss ways to strengthen and standardize security at airports around the world.

Finally, U.S. air carriers should publicly acknowledge that they will not fly into commercial airports which do not meet adequate standards of passenger protection. Protecting U.S. citizens abroad is one of the highest priorities of our Government. As long as terrorists operate to threaten U.S. citizens, these steps will be needed.

THE TERRORIST INCIDENT

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute.)

Mr. BROOMFIELD. Mr. Speaker, once again, the ugly specter of terrorism has raised its head. It should be clear to all of us that the hijacking of the TWA flight is not an isolated incident. It is part of a war directed against Americans and at our interests around the world.

International cooperation among the nations of the world is essential, to stop this growing threat.

We all know and appreciate our Government's policy of not negotiating with—or giving in to terrorists.

Meeting the terrrorists' demands may lead to a rapid increase in terrorist incidents followed by long lists of demands which our Government will be forced to meet.

While the use of military force is an option that any President has to consider, the use of such force at this time would appear to be unlikely.

If this incident is any indication of what the future will bring, I believe that all of us must accept the fact that terrorism is low-level warfare which our country must learn to fight.

The time to begin the fight is now.

I know that the Members will join me in wishing the President courage and determination during this time of crisis.

JOINT CHIEFS OF STAFF REFORM MEASURES IN THE MILITARY COMMAND REORGANIZATION ACT OF 1985

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, a few weeks ago President Reagan, while addressing the graduating class of the U.S. Naval Academy, made an oblique reference to the recent scandals in defense procurement. He said, "We've moved forward to ferret out waste and inefficiency, moreover, we are finding the waste and cutting it out."

Mr. Speaker, it is along these lines, that we, here in the Congress, must continue our initiatives to eliminate inefficiency in the Defense Department as well. The initiative that I mentioned last week illustrates my concern over this important subject—I'm referring to the reform of the Joint Chiefs of Staff. It is here, Mr. Speaker, that we can make a significant step in making our Nation's highest military command structure more efficient and effective.

Last week, in referring to the flaws in the JCS structure, I identified the problem of the inherent conflict of interest in the JCS, caused by the dual-hatting of the service chiefs. This week I will address another fundamental flaw—the inability of the JCS to provide clear, concise, timely and responsive military advice. Conclusively, it is this flaw that adversely affects the efficient operation of the JCS.

"The most general indictment against the JCS * * * is that the advice provided by the Joint Chiefs is frequently poor." This was part of the observations of Admiral Holloway, a former JCS member, and chairman of the Iran Committee that investigated that abortive, 1980 Iranian hostage rescue. The recommendations made after this investigation are indicative of the severity of this problem. I will mention only a few:

"The JCS must improve the quality of their military advice.

"The JCS are unable to set-aside their parochial biases and deliver objective military advice.

"The JCS have consistently failed to address contentious issues because of their Service biases.

"The JCS positions are characteristically wedded to the status quo.

"JCS have not become involved in resource allocation among defense programs." The list goes on.

My bill to reorganize the JCS includes a section that addresses these problems specifically. The result of such a reorganization will be a more efficient and effective national military command structure, one that can provide concise, timely and responsive military advice. The groundwork completed in the 98th Congress on this bill will allow these changes to be enacted this session.

Mr. Speaker, in the words of General Meyer, a distinguished, former Army Chief of Staff, "the reforms (of the JCS) are necessary to develop the smooth-running machinery required to see our Nation through to the 21st century with our freedom and national values."

BETTER SECURITY, MORE PRECAUTIONS NEEDED TO COMBAT TERRORISM

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, at this moment, American citizens are being held captive in Beirut, and are enduring terror and suffering at the hands of our Nation's enemies.

This tragedy began in Athens, where a notoriously lax airport security system allowed the hijackers to board with handgrenades and machineguns. Apparently, lax security is a policy of the Greek Government, which is afraid of offending the Arabs. Already one American has died as a result of this policy.

The State Department should strongly urge American air carriers and civilians to avoid Athens airport.

Also, we should redouble our intelligence efforts in the Middle East. With greater resources and effort, we can have a better chance of learning about terrorist plans in time to stop them.

And when we fail to stop terrorist attacks on American citizens, our intelligence services should be given the resources to learn precisely which groups are responsible, and who needs to be brought to justice.

It's a dangerous world in many places outside of American borders, and we dare not be complacent.

□ 1210

THE NEW WELFARE QUEENS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, the President of the United States when he was running for office pointed out there was an awful lot of waste in some of our social programs and really made one of his major platform speeches and many of his radio speeches about what he called Welfare Queens.

Well, his administration has come up with their own version of Welfare Queens. They are the defense contractors of America.

The Office of the Inspector General of the Department of Defense tells us that now 45 of the top 100 American defense contractors are under criminal investigation of some sort. I find that shocking.

We also have got a whole investigation done by his very own Grace Commission a couple years ago and the primary thing that they pointed out is that less than 5 percent of the contracts of the Department of Defense were competitively bid. The other 95 percent were all being done by sole source, which gave all sorts of opportunity for inefficiency, graft, $400 this's and $700 that's.

Well, today the President is starting one more blue ribbon commission to go after this waste and abuse. I certainly hope that it works, but I think it is very important to point out that if the Justice Department were really prosecuting these cases of criminal wrong-doing, if they had followed the Grace Commission recommendations of many years ago and if they were doing many other things, one more commission would not be necessary.

I think people would like to see action rather than commissions at this time on this incredible problem that is costing the taxpayers so much money and only means that we are getting much less defense for our dollar.

TAXPAYERS' BILL OF RIGHTS

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, for several months, I've been speaking about the taxpayers' bill of rights—a bill I introduced earlier this session that would inject "equity" into Internal Revenue Service practices and policies.

I'm referring specifically to creating rights and remedies for taxpayers against abuses that arise from IRS auditing and collecting procedures.

To do this * * * however * * * I need the active support of my fellow Congressmen * * * both in terms of cosponsoring my bill and of voting for it when it comes to the floor.

This bill protects American taxpayers at a time when they have virtually lost faith in the system. We have this opportunity to end ongoing violations of citizens' rights. But * * * it will take all of us * * * working together * * * to pass a law that works for American taxpayers.

This bill will do just that * * * by addressing such problem areas as: Questionable tax enforcement practices * * * disclosure of rights and obligations of taxpayers * * * the awarding of costs to prevailing taxpayers * * * procedures involving taxpayer interviews * * * provisions for an ombudsman * * * GAO oversight of the IRS * * * and an appeals process for adverse IRS decisions.

This bill provides remedies that are long overdue. Let's work together to return equity to our tax system.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
June 14, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 4:15 p.m. on Friday, June 14, 1985 and said to contain a message from the President concerning findings and determinations to permit the export of non-Alaskan North Slope crude oil to Canada.

With kind regards, I am
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

FINDINGS AND DETERMINATIONS TO PERMIT EXPORT OF NON-ALASKAN NORTH SLOPE CRUDE OIL TO CANADA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-78)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read, and together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs, the Committee on Energy and Commerce, and the Committee on Foreign Affairs, and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, June 17, 1985.)

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
June 12, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that I have received a subpoena *duces tecum* from the United States District Court for the District of Columbia. After consultation with my General Counsel, I will notify you of my determinations as required by the House rule.

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. This is the day for the consideration of bills under motions to suspend the rules.

Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken up on Tuesday, June 18, 1985.

WELCOMING THE PRIME MINISTER OF TUNISIA ON HIS OFFICIAL VISIT TO THE UNITED STATES

Mr. BONKER. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 50) welcoming the Prime Minister of Tunisia on his official visit to the United States.

The Clerk read as follows:

S. CON. RES. 50

Whereas the United States and the Republic of Tunisia share a common bond of friendship in the pursuit of democratic values;

Whereas the President and the people of Tunisia share with the Government and the people of the United States the ideals of liberty, peace, democracy, and progress;

Whereas the United States recognizes the achievements under President Bourguiba which include continued emphasis on progress in economic growth and political democratization resulting in sustained economic and social benefits for its people;

Whereas the people of the United States admire and applaud President Bourguiba since Tunisia was the first Arab country to give women the right to vote;

Whereas the United States commends the Tunisian Government and its people for recognizing the value and the power of formal education by allocating one-third of its budget to instruction as an investment in democracy in the future;

Whereas the United States values and respects Tunisia's role as a leader in the Arab world and its moderating influence in the Maghreb which has had significant benefits for our mutual and shared strategic interests;

Whereas Habib Bourguiba has always stood for peaceful settlement of regional conflicts and it was President Bourguiba, who, in 1965, called for peaceful coexistence between the Arabs and Israelis; and

Whereas the United States recognizes the importance of a strong and independent Tunisia: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress extends its warm greetings and respect to his excellency, Habib Bourguiba, the President of the Republic of Tunisia, on the occasion of his third official visit to the United States, with the hope that this visit will mark the continued close and friendly ties between our two great nations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President for transmittal to the Government of Tunisia.

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Washington [Mr. BONKER] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. BONKER].

Mr. BONKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate Concurrent Resolution 50, welcoming the President of Tunisia, Habib Bourguiba, on the occasion of his official visit to the United States. This resolution was passed by the Senate last Thursday and is identical to House Concurrent Resolution 165, which has been cleared unanimously by the House Foreign Affairs Committee.

I am sure that the Members of the House are well aware of the longstand-

ing close relationship that we have enjoyed with the Republic of Tunisia. We welcome this visit in the spirit that our friendship and close ties will continue and grow.

Since its independence in 1956, Tunisia has dedicated its resources to progress in economic growth and political democratization in order to sustain the real economic and social benefits for its people. He has also never deviated from its commitment to formal education which is a continued investment in its future and freedom.

All of this has been realized under the leadership of President Bourguiba who has sought to preserve the traditional values of his country while moving it into the technological age. He is to be commended for his commitment to women, for it was President Bourguiba who gave them the right to vote and to fully participate in the affairs of their country.

It is a great honor and a distinct privilege to welcome, on behalf of the House of Representatives, the President of Tunisia who is a distinguished leader and a staunch supporter of democratic ideals.

I urge the passage of Senate Concurrent Resolution 50.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support this resolution which welcomes the President of the Republic of Tunisia, Habib Bourguiba, to the United States.

All of us hope that this visit will serve to highlight and strengthen the close ties between our two nations.

There are indeed many reasons why our relationship with Tunisia is a special one. Our two nations share the ideals of liberty, peace and the pursuit of democratic values. We admire the progress which Tunisia has made in economic and political growth. Many social benefits have been made available to the Tunisia people, especially in the area of formal education.

President Bourguiba has also given much to the cause, of peace by being a respected force of moderation in the region.

Given this special friendship between our great nations, and our support for a strong Tunisia, I urge my colleagues to join me in extending a warm welcome to President Habib Bourguiba.

Mr. BONKER. Mr. Speaker, I have no further requests for time.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Washington [Mr. BONKER] that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 50.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concerned in.

A motion to reconsider was laid on the table.

□ 1220

GENERAL LEAVE

Mr. BONKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate concurrent resolution just adopted.

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

There was no objection.

SAFE DRINKING WATER ACT AMENDMENTS OF 1985

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1650) to amend the Safe Drinking Water Act, as amended.

The Clerk read as follows:

H.R. 1650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe Drinking Water Act Amendments of 1985".

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TITLE II—PROTECTION OF UNDERGROUND SOURCES OF DRINKING WATER

Sec. 201. Restrictions on underground injection of hazardous waste and regulation of State programs.
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TITLE III—GENERAL PROVISIONS

Sec. 301. Authorization of appropriations.
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TITLE I—PUBLIC WATER SYSTEMS

SEC. 101. NATIONAL PRIMARY DRINKING WATER REGULATIONS.

(a) SIMPLIFICATION OF STATUTORY SYSTEM.—Section 1412(a) of the Safe Drinking Water Act is amended to read as follows:

"(a) Effective on the date of the enactment of the Safe Drinking Water Act Amendments of 1985, each national interim primary drinking water regulation promulgated under this section before such date of enactment shall be deemed to be a national primary drinking water regulation under subsection (b). No such regulation shall be required to comply with the standards set forth in subsection (b)(2) unless such regulation is amended to establish a different maximum contaminant level after the date of the enactment of such amendments.".

(b) EXPEDITED PROCEDURE FOR PROMULGATION.—(1) Section 1412(b) of the Safe Drinking Water Act is amended by striking out paragraphs (1) and (2), and so much of paragraph (3) as precedes the last sentence thereof and substituting:

"(1)(A) In the case of each of the 14 contaminants listed in the Advance Notice of Proposed Rulemaking published in volume 47, Federal Register, page 9352, not later than 12 months after the enactment of the Safe Drinking Water Act Amendments of 1985, the Administrator shall—

"(i) simultaneously propose a maximum contaminant level goal and a national primary drinking water regulation, and after opportunity for public comment, simultaneously publish a maximum contaminant level goal and a national primary drinking water regulation for those contaminants for which there is a rational basis, based on a weighing of all available health evidence, to believe that there may be any adverse effect on the health of persons; or

"(ii) publish in the Federal Register a determination that there is not sufficient evidence to constitute a rational basis, based on a weighing of all available health evidence, to believe that the contaminant may have any adverse effect on the health of persons.

"(B) In the case of each of the contaminants listed in the Advance Notice of Proposed Rulemaking published in volume 48, Federal Register, page 45502, not later than 36 months after the enactment of the Safe Drinking Water Act Amendments of 1985, the Administrator shall—

"(i) simultaneously propose a maximum contaminant level goal and a national primary drinking water regulation, and after opportunity for public comment, simultaneously publish a maximum contaminant level goal and national primary drinking water regulation for those contaminants for which there is a rational basis, based on a weighing of all available health evidence, to believe that there may be any adverse effect on the health of persons; or

"(ii) publish in the Federal Register a determination that there is not sufficient evidence to constitute a rational basis, based on a weighing of all available health evidence, to believe that the contaminant may have any adverse effect on the health of persons.

"(C)(i) The Administrator shall publish maximum contaminant level goals and simultaneously promulgate national primary drinking water regulations for each substance (other than a substance referred to in subparagraph (A) or (B) for which a national primary drinking water regulation was promulgated) which, in the judgment of the Administrator, may have any adverse effect on the health of persons. On January 1, 1988, and at annual intervals thereafter, the Administrator shall publish a list establishing priorities for the review of substances (other than substances referred to in subparagraph (A) or (B) for which a national primary drinking water regulation was promulgated) which may require regulation under this Act in order to prevent

known or anticipated adverse effects on the health of persons. Such priorities shall be based upon the extent to which such contaminant occurs in public water systems throughout the United States or on the known or anticipated adverse effects of such substance on the health of persons. In establishing such priorities the Administrator's consideration shall include, but not be limited to, substances regulated as toxic water pollutants under section 307 of the Clean Water Act and substances registered as pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act.

"(ii) In the case of each contaminant listed on the priority list, not later than 3 years after such listing, the Administrator shall—

"(I) simultaneously propose a maximum contaminant level goal and a national primary drinking water regulation, and after opportunity for public comment, simultaneously publish a maximum contaminant level goal and a national primary drinking water regulation for those contaminants for which there is a rational basis, based on a weighing of all available health evidence, to believe that there may be any adverse effect on the health of persons; or

"(II) publish in the Federal Register a determination that there is not sufficient evidence to constitute a rational basis, based on a weighing of all available health evidence, to believe that the contaminant may have any adverse effect on the health of persons.

"(2) Each maximum contaminant level goal established under this subsection shall be set at the level at which, in the Administrator's judgment, no known or anticipated adverse effects on the health of persons occur and which allows an adequate margin of safety. Each national primary drinking water regulation for a contaminant for which a maximum contaminant level goal is established under this subsection shall specify a maximum level for such contaminant which is as close to the maximum contaminant level goal as is feasible.

"(3)(A) In the case of any contaminant the level of which cannot be accurately enough measured in drinking water to establish a maximum contaminant level goal and which may have an adverse effect on the health of persons, the Administrator shall list such contaminant under this paragraph in lieu of establishing a maximum contaminant level goal under paragraph (1) of this subsection. In lieu of establishing a maximum contaminant level for such contaminant under this subsection, the Administrator shall promulgate treatment techniques for such contaminant which requires treatment necessary in the Administrator's judgment to prevent known or anticipated adverse effects on the health of persons to the extent feasible.

"(B) If any contaminant referred to in subparagraph (A) or (B) of subsection (b)(1) is listed under this paragraph (and a national primary drinking water regulation requiring the use of treatment techniques is simultaneously promul- gated under this paragraph for such contaminant), the listing and promulgation under this paragraph shall be made on the date referred to in subparagraph (A) or (B) of subsection (b)(1) for the establishment of primary drinking water regulations.

"(C)(i) Not later than 18 months after the enactment of the Safe Drinking Water Act Amendments of 1985, the Administrator shall propose and promulgate national primary drinking water regulations specifying criteria under which filtration (including coagulation and sedimentation, as appropriate) is required as a treatment technique for public water systems supplied by surface water sources. In promulgating such rules, the Administrator shall consider the quality of source waters, protection afforded by watershed management, treatment practices (such as disinfection and length of water storage) and other factors relevant to protection of health.

"(ii) In lieu of the provisions of section 1415 the Administrator shall specify procedures by which the State determines which public water systems within its jurisdiction shall adopt filtration under the criteria of clause (i). The State may require the public water system to provide studies or other information, to assist in this determination. The procedures shall provide notice and opportunity for public hearing on this determination. If the State determines that filtration is required, the State shall prescribe a schedule for compliance by the public water system with the filtration requirement. A schedule shall require compliance within 18 months of a determination made under clause (iii).

"(iii) Within 18 months from the time that the Administrator establishes the criteria and procedures in this subparagraph, a State with primary enforcement responsibility shall adopt any necessary regulations to implement this subparagraph. Within 12 months of adoption of such regulations the State shall make determinations regarding filtration for all the public water systems within its jurisdiction supplied by surface waters.

"(iv) If a State does not have primary enforcement responsibility for public water systems, the Administrator shall have the same authority to make the determination in clause (ii) in such State as the State would have under that clause. Any filtration requirement or schedule under this subparagraph shall be treated as if it were a requirement of a national primary drinking water regulation.

"(D) Each national primary drinking water regulation which establishes a maximum contaminant level shall list the technology, treatment techniques, and other means which the Administrator finds to be feasible for purposes of meeting such maximum contaminant level, but a regulation under this paragraph shall not require that any specified technology, treatment technique, or other means be used for purposes of meeting such maximum contaminant level.

"(E) The Administrator shall propose and promulgate regulations requiring disinfection as a treatment technique for all public water systems. The Administrator is authorized to grant variances from this requirement according to the provisions under sections 1415(a)(1)(B) and 1415(a)(3).

"(4) The Administrator may, after opportunity for public comment, change maximum contaminant level goals, or the list established under paragraph (3), and shall simultaneously with such change, amend the national primary drinking water regulations concerned accordingly.".

(2) Redesignate the last sentence of paragraph (3) of section 1412(b) of such Act as paragraph (5) of such section, delete "generally" in such sentence, delete "paragraph" and substitute "subsection", after "finds" insert ", after examination for efficacy under field conditions and not solely under research laboratory conditions," and add the following at the end thereof: "For purposes of paragraph (2) of this subsection, the best available technology which is feasible for the control of synthetic organic chemicals includes the use of adsorption techniques such as the the use of granular activated carbon and other comparably effective techniques.".

(c) CONFORMING CHANGES.—(1) Paragraphs (4) and (5) of section 1412(b) of the Safe Drinking Water Act are each amended by striking "Revised national" in each place where it appears and substituting "National". Paragraphs (4), (5), and (6) of such section 1412(b) are redesignated as paragraphs (6), (7), and (8).

(2) Paragraph (1) of section 1413(a) of such Act is amended by striking out subparagraph (A) and (B) and substituting "are no less stringent than the national primary drinking water regulations in effect under section 1412(a) and 1412(b);".

(3) Section 1444(d) of such Act is amended by striking out "(including interim regulations)".

(d) SCIENTIFIC PEER REVIEW.—Section 1412(e) of the Safe Drinking Water Act is amended to read as follows:

"(e) The Administrator shall request comments from the Science Advisory Board (established under the Environmental Research, Development, and Demonstration Act of 1978) prior to proposal of a maximum contaminant level goal and national primary drinking water regulation. The Board shall respond, as it deems appropriate, within the time period applicable for promulgation of the national primary drinking water standard concerned. This subsection shall, under no circumstances, be used to delay final promulgation of any national primary drinking water standard.".

SEC. 102. MONITORING FOR UNREGULATED CONTAMINANTS.

(a) SIZE OF SYSTEM.—Section 1445(a) of the Safe Drinking Water Act is amended by adding at the end thereof the following: "In requiring a public water system to monitor under this subsection, the Administrator may take into consideration the system size and the contaminants likely to be found in the system's drinking water.".

(b) MONITORING REQUIREMENTS.—Section 1445(a) of the Safe Drinking Water Act is amended by adding "(1)" after "(a)" and by adding the following at the end thereof:

"(2) Not later than 18 months after the date of the enactment of the Safe Drinking Water Act Amendments of 1985, the Administrator shall promulgate regulations requiring every public water system to conduct a monitoring program for unregulated contaminants. The Administrator's regulations shall require monitoring of drinking water supplied by the system and shall vary the frequency and schedule of monitoring requirements for systems based on the number of persons served by the system and the contaminants likely to be found. Each system shall be required to monitor at least once every 5 years after the effective date of the Administrator's regulations unless the Administrator requires more frequent monitoring.

"(3) The Administrator's regulations under paragraph (2) shall list unregulated contaminants for which systems may be required to monitor, but each State which has primary enforcement responsibility may add or delete contaminants, for individual systems, based on an approved assessment of the contaminants likely to be found in the system. Each such State shall submit an assessment to the Administrator. Such assess-

ment shall be treated as approved on the date 30 days after its submission unless the Administrator disapproves the assessment within such 30-day period.

"(4) Notification of the availability of the results of the monitoring programs required under paragraph (2), and notification of the availability of the results of the monitoring program referred to in paragraph (5), shall be given to the persons served by the system and the Administrator.

"(5) The Administrator may waive the monitoring requirement under paragraph (2) for a system which has conducted a monitoring program after January 1, 1983, if the Administrator determines the program to have been consistent with the regulations promulgated under this section.

"(6) Any system supplying less than 150 service connections shall be treated as complying with this subsection if such system supplies appropriate water samples to the Administrator. The Administrator shall arrange for the analysis of such samples.".

SEC. 103. ENFORCEMENT OF REGULATIONS.

(a) NOTICE TO SYSTEMS.—Section 1414(a)(1)(A) of the Safe Drinking Water Act is amended by inserting "and such public water system" after the words "notify the State".

(b) PROMPT FEDERAL ENFORCEMENT.—(1) Section 1414(a)(1)(B) of the Safe Drinking Water Act is amended to read as follows:

"(B) If, beyond the thirtieth day after the Administrator's notification, the State has not commenced appropriate enforcement action, the Administrator shall issue an order under subsection (g) requiring the public water system to comply with such regulation or requirement or shall commence a civil action under subsection (b).".

(2) Section 1414(a)(2) of the Safe Drinking Water Act is amended by striking the words "he may commence a civil action under subsection (b)" and adding the following: "he shall issue an order under subsection (g) requiring the public water system to comply with such regulation or requirement or shall commence a civil action under subsection (b)".

(c) ADMINISTRATIVE ORDERS.—(1) Section 1414 of the Safe Drinking Water Act is amended by adding at the end thereof the following new subsection (g):

"(g)(1) In any case in which the Administrator is authorized to bring a civil action under this section with respect to any regulation, schedule, or other requirement, the Administrator also may issue an order to require compliance with such regulation, schedule, or other requirement.

"(2) An order issued under this subsection shall not take effect until after notice and opportunity for public hearing and, in the case of a State having primary enforcement responsibility, until after the Administrator has provided the State with an opportunity to confer with the Administrator regarding the proposed order. A copy of any order proposed to be issued under this subsection shall be sent to the appropriate State agency of the State involved if the State has primary enforcement responsibility for public water systems in that State. Any order issued under this subsection shall state with reasonable specificity the nature of the violation. In any case in which an order under this subsection is issued to a corporation, a copy of such order shall be issued to appropriate corporate officers.

"(3)(A) Any person who violates, or fails or refuses to comply with, an order under paragraph (2) shall be liable to the United States for a civil penalty of not more than $25,000 per day of violation.

"(B) Whenever any civil penalty sought by the Administrator under this paragraph does not exceed a total of $5,000, the penalty shall be assessed by the Administrator after notice and opportunity for a hearing on the record in accordance with section 554 of title 5 of the United States Code.

"(C) Whenever any civil penalty sought by the Administrator under this paragraph exceeds $5,000, the penalty shall be assessed by a civil action brought by the Administrator in the appropriate United States district court (as determined under the provisions of title 28 of the United States Code).

"(D) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Administrator, the Attorney General shall recover the amount for which such person is liable in any appropriate district court of the United States. In any such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.".

(2) Section 1414 of the Safe Drinking Water Act is amended by striking the words "FAILURE BY STATE TO ASSURE" from the section heading.

SEC. 104. PUBLIC NOTIFICATION.

Section 1414(c) of the Safe Drinking Water Act is amended by striking out the third and fourth sentences thereof and substituting: "Within 12 months after the date of the enactment of the Safe Drinking Water Act Amendments of 1985, the Administrator shall amend such regulations to provide for different types and frequencies of notice based on the differences between violations which are intermittent or infrequent and violations which are continuous or frequent. Such regulations shall also take into account the seriousness of any potential adverse health effects which may be involved. In no case shall notices be given less frequently than annually. Notice of any violation of a maximum contaminant level and any other notice of a violation designated by the Administrator as continuous or posing a serious potential adverse health effect shall be given no less frequently than every three months and shall include notice in a newspaper of general circulation serving the area served by the public water system (as determined by the Administrator). Notice under this subsection shall provide a clear and readily understandable explanation of the violation, the steps that the system is taking to correct such violation, and the consumers which should seek alternative water supplies until the violation is corrected if it is necessary for consumers to seek alternative water supplies. Until such amendments are promulgated, the regulations in effect on the date of the enactment of the Safe Drinking Water Act Amendments of 1985 shall remain in effect.".

SEC. 105. VARIANCES.

Section 1415(a)(1)(A) of the Safe Drinking Water Act is amended by—

(1) striking the word "despite" and substituting a period and the following: "A variance may only be issued to a system after the system's";

(2) striking the word "generally" before the word "available" and by adding after "(taking costs into consideration)." the following: "The Administrator shall propose and promulgate his finding of the best available technology, treatment techniques or other means available for each contaminant at the time he proposes and promulgates a maximum contaminant level for each such contaminant. The Administrator's finding of best available technology, treatment techniques or other means may vary depending on the number of persons served by the system or for other physical conditions related to engineering feasibility and costs of compliance with maximum contaminant levels as considered appropriate by the Administrator.";

(3) striking the words "within one year of the date" and adding "at the time"; and

(4) adding in clause (ii) after the words "water system of such" the word "additional".

SEC. 106. EXEMPTIONS.

(a) Section 1416 of the Safe Drinking Water Act is amended—

(1) in subsection (b)(1) by striking the words "within one year of the date" and adding "at the time".

(2) in subsection (b)(2)(A)(i) by striking the word "interim" and striking the words "not later than January 1, 1984" and adding "not later than twelve months after the date of the enactment of the Safe Drinking Water Act Amendments of 1985".

(b) Section 1416(b)(2)(A)(ii) of the Safe Drinking Water Act is amended by striking the word "revised" and the words "not later than seven years after the date such requirement takes effect" and adding "other than a regulation referred to in section 1412(a), 12 months after the date of the issuance of the exemption".

(c) Section 1416(b)(2)(B) is amended to read as follows:

"(B) The final date for compliance provided in any schedule in the case of any exemption may be extended by the State (in the case of a State which has primary enforcement responsibility) or by the Administrator (in any other case) for a period not to exceed three years after the date of the issuance of the exemption if the public water system establishes that—

"(i) the system cannot meet the standard without capital improvements which cannot be completed within the period of such exemption;

"(ii) in the case of a system which needs financial assistance for the necessary improvements, the system has entered into an agreement to obtain such financial assistance; or

"(iii) the system has entered into an enforceable agreement to become a part of a regional public water system.

In the case of a system which does not serve more than 500 service connections and which needs financial assistance for the necessary improvements, an exemption extended under the preceding sentence may be renewed for one or more additional 2-year periods if the system establishes that it is taking all practicable steps to meet the standard.".

SEC. 107. TAMPERING WITH PUBLIC WATER SYSTEMS.

Part D of the Safe Drinking Water Act is amended by adding the following new section at the end thereof:

"SEC. 1432. TAMPERING WITH PUBLIC WATER SYSTEMS.

"(a) TAMPERING.—Any person who tampers with a public water system shall be fined not more than $50,000, or imprisoned for not more than 5 years, or both.

"(b) ATTEMPT OR THREAT.—Any person who attempts to tamper, or makes a threat to tamper, with a public drinking water system be fined not more than $20,000, or imprisoned for not more than 3 years, or both.

"(c) CIVIL PENALTY.—The Administrator may bring a civil action in the appropriate United States district court (as determined under the provisions of title 28 of the United States Code) against any person who tampers, attempts to tamper, or makes a threat to tamper with a public water system. The court may impose on such person a civil penalty of not more than $50,000 for such tampering or not more than $20,000 for such attempt or threat.

"(d) DEFINITION OF 'TAMPER'.—For purposes of this section, the term 'tamper' means—

"(1) to introduce a contaminant into a public water system with the intention of harming persons; or

"(2) to otherwise interfere with the operation of a public water system with the intention of harming persons.".

SEC. 108. TECHNICAL ASSISTANCE FOR SMALL SYSTEMS.

Section 1442 of the Safe Drinking Water Act is amended by adding the following new subsection:

"(g) The Administrator is authorized to provide technical assistance to small public water systems to enable such systems to achieve and maintain compliance with national drinking water regulations. Such assistance may include 'circuit-rider' programs, training, and preliminary engineering studies. There are authorized to be appropriated to carry out this subsection, $10,000,000 for each of the fiscal years 1986 through 1989.".

TITLE II—PROTECTION OF UNDERGROUND SOURCES OF DRINKING WATER

SEC. 201. RESTRICTIONS ON UNDERGROUND INJECTION OF HAZARDOUS WASTE AND REGULATION OF STATE PROGRAMS.

(a) NATURAL GAS STORAGE.—Section 1421(b)(2)(A), section 1422(c)(1), and section 1425(a)(1) of the Safe Drinking Water Act are each amended by inserting "or natural gas storage operations" after "production".

(b) INJECTION RESTRICTION.—Part C of the Safe Drinking Water Act is amended by adding the following new sections at the end thereof:

"SEC. 1426. RESTRICTIONS ON HAZARDOUS WASTE INJECTION.

"No hazardous waste may be disposed of by underground injection above or into a formation which contains (within one-quarter mile of the injection well bore) a drinking water source except that injection of contaminated ground water into the aquifer from which it was withdrawn may be allowed if the Administrator determines, pursuant to procedures approved under this Act, the Solid Waste Disposal Act, or the Comprehensive Environmental Response, Compensation and Liability Act of 1980, that such injection is an appropriate and environmentally acceptable aspect of a cleanup, removal or remedial action for the contaminated aquifer. The prohibition established under this subsection shall take effect six months after the enactment of this section except in the case of any State in which identical prohibitions are in effect before such date. The term 'hazardous waste', as used in this section, means any hazardous waste, (as defined in the Solid Waste Disposal Act) which is listed or identified under section 3001 of that Act. The prohibition established by this section shall be treated for purposes of this Act as a prohibition established pursuant to an applicable underground injection program.

"SEC. 1427. REGULATION OF STATE PROGRAMS.

"(a) REVISED MONITORING REGULATIONS.—Not later than 18 months after enactment of the Safe Drinking Water Act Amendments of 1985 the Administrator shall revise regulations issued under this part to require monitoring of underground injection wells in such manner and in such locations as deemed appropriate by the Administrator so as to provide the earliest possible detection of fluid migration into, or in the direction of, an underground source of drinking water.

"(b) INVENTORY.—The Administrator, in cooperation with the State, shall conduct an inventory of all wells in the United States which inject hazardous wastes. The inventory shall include such information as the Administrator may, in his discretion, deem necessary to define the scope and nature of hazardous waste disposal in the United States through underground injection. A report summarizing the results of such inventory and making recommendations, if necessary, to protect underground sources of drinking water from hazardous waste migration from underground injection wells shall be submitted to the Congress not later than 9 months after the date of the enactment of the Safe Drinking Water Act Amendments of 1985.

"(c) INFORMATION.—The States shall make available to the Administrator such information as he deems necessary to accomplish the objectives of this section. The Administrator need not be limited to such information in conducting the inventory referred to in subsection (b).".

SEC. 202. ENFORCEMENT OF UIC PROGRAM.

(a) MANDATORY ENFORCEMENT.—(1) Section 1423(a)(1) of the Safe Drinking Water Act is amended by striking out all after the first sentence and substituting the following: "If beyond the thirtieth day after the Administrator's notification the State has not commenced appropriate enforcement action, the Administrator shall issue an order under subsection (d) requiring the person to comply with such requirement or shall commence a civil action under subsection (b)(1).".

(2) Section 1423(a)(2) of the Safe Drinking Water Act is amended by striking the words "he may commence a civil action under subsection (b)(1)" and substituting the following: "he shall issue an order under subsection (d) requiring the person to comply with such requirement or shall commence a civil action under subsection (b)(1)".

(3) Section 1423(b)(1) of the Safe Drinking Water Act is amended by striking out the first sentence thereof and substituting the following: "Civil actions referred to in paragraphs (1) and (2) of subsection (a) shall be brought in the appropriate United States district court and such court shall have jurisdiction to require compliance with any requirement of an applicable underground injection program.".

(b) PENALTIES.—Section 1423(b)(1) of the Safe Drinking Water Act is amended by striking in the last sentence "$5,000" and substituting "$25,000" and by striking "60" and substituting "30".

(c) CIVIL ACTION.—Section 1423 of the Safe Drinking Water Act is amended by adding the following new subsection at the end thereof:

"(d)(1) In any case in which the Administrator is authorized to bring a civil action under this section with respect to any requirement of an applicable underground injection control program, the Administrator may also issue an order to require compliance with such requirement.

"(2) An order issued under this subsection shall not take effect until after notice and opportunity for public hearing and, in the case of a State having primary enforcement responsibility for underground water sources (within the meaning of section 1422(b)(3) or 1425(c)) until after the Administrator has provided the State with an opportunity to confer with the Administrator regarding the proposed order. A copy of any order proposed to be issued under this subsection shall be sent to the appropriate State agency involved if the State has primary enforcement responsibility. Any order issued under this subsection shall state with reasonable specificity the nature of the violation. In any case in which an order under this subsection is issued to a corporation, a copy of such order shall be issued to appropriate corporate officers.

"(3)(A) Any person who violates, or fails or refuses to comply with an order under paragraph (2) shall be liable to the United States for a civil penalty of not more than $25,000 per day of violation.

"(B) Whenever the civil penalty sought by the Administrator under this paragraph does not exceed $5,000, the penalty shall be assessed by the Administrator after notice and opportunity for a hearing on the record in accordance with section 554 of title 5 of the United States Code.

"(C) Whenever the civil penalty sought by the Administrator exceeds $5,000, the penalty shall be assessed by a civil action brought by the Administrator in the appropriate United States district court (as determined under the provisions of title 28 of the United States Code).

"(D) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Administrator, the Attorney General shall recover the amount for which such person is liable in any appropriate district court of the United States. In any such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.".

(d) CONFORMING AMENDMENT.—Section 1423 of the Safe Drinking Water Act is amended by striking the words "FAILURE OF STATE TO ASSURE" from the section heading.

SEC. 203. STATE PLANS TO PROTECT UNDERGROUND SOURCES OF DRINKING WATER.

The Safe Drinking Water Act is amended by adding the following new section after section 1443:

"SEC. 1443A. STATE PLANS TO PROTECT UNDERGROUND SOURCES OF DRINKING WATER.

"(a) STATE PLANS.—After notice and opportunity for public hearing and within 36 months after the date of the enactment of this section, each State shall adopt and submit to the Administrator a comprehensive State plan to protect underground sources of drinking water from contamination that may adversely affect the health of persons. Each State plan under this section shall, at a minimum—

"(1) specify the lead agency which has responsibility for implementing the plan and demonstrate that this agency has adequate legal authority and financial resources to perform this function;

"(2) identify each underground source of drinking water in the State and perform an assessment which describes, for each such

source, the quality and quantity of water which it contains, its flow patterns and critical recharge zones, and its known and potential sources of contamination;

"(3) describe for each underground source of drinking water identified pursuant to paragraph (2) the location and types of human development which affect the source and the types of such development which can occur without resulting in the degradation of such sources;

"(4) set out the regulations and other measures which the State will implement under the plan, including the establishment of best management practices (BPMs) for categories or subcategories of activities that may contaminate underground drinking water sources; and

"(5) guarantee or provide for an alternative drinking water supply when an underground source of drinking water is contaminated so as to adversely affect the health of persons.

In developing the State plan, the State may categorize aquifers and, assuring the protection of public health, afford different levels of protection to different aquifers, based on quality and uses of the aquifer concerned. Nothing in this section shall require the Administrator to promulgate regulations under this section.

"(b) PUBLIC PARTICIPATION.—To the maximum extent possible, each State shall establish procedures, including but not limited to the establishment of technical and citizens' advisory committees to encourage the public to participate in developing the ground water protection plan.

"(c) APPROVAL OR DISAPPROVAL.—

"(1) IN GENERAL.—Within 9 months after receipt of a proposed plan submitted as specified in subsection (a), the Administrator shall approve the plan unless he determines that the plan or any portion thereof is inadequate to meet the requirements of this section. If the Administrator determines that a proposed State plan or any portion thereof is inadequate, he shall submit a written statement of the reasons for his determination to the Governor of the State within 30 days from the date of such determination of inadequacy.

"(2) MODIFICATION AND RESUBMISSION.—Within 6 months after receipt of the Administrator's written notice under paragraph (1) that any proposed State plan, or portion thereof, is inadequate, the State shall modify the plan based upon the recommendations of the Administrator and resubmit the modified plan to the Administrator. The Administrator shall approve or disapprove the modified plan within 90 days of his receipt thereof. If the Administrator disapproves the modification within such period, the State shall submit a second modification within 45 days. The Administrator shall approve or disapprove the second modification within 45 days of his receipt of the second modification.

"(d) ENFORCEMENT.—

"(1) SECTION 1449.—The duties of States and the Administrator set forth in this section shall be treated as 'requirements prescribed under this title' for purposes of section 1449.

"(2) ASSISTANCE UNDER SECTION 1422.—No State exercising primary enforcement responsibility under section 1422 for a State underground injection control program may receive any assistance under this Act for purposes of such program if the State has not complied with the requirements of subsections (a), (b), and (c) of this subsection or if any portion of a State plan has not been approved by the Administrator before the expiration of the periods specified in subsection (c).

"(e) BRINE CONTAMINATION.—In the case of each State in which oil or natural gas exploration occurs, the State plan under this section, consistent with the underground injection requirements of part C, the requirements of the Solid Waste Disposal Act, and the requirements of the Federal Water Pollution Control Act shall protect underground sources of drinking water from brine contamination which may adversely affect public health and which is associated with the production or recovery of oil and natural gas.

"(f) DEFINITION OF UNDERGROUND SOURCE OF DRINKING WATER.—As used in this section, the term 'underground source of drinking water' means underground water which—

"(1) supplies drinking water for any public water system;

"(2) is reasonably capable of supplying drinking water for any public water system; or

"(3) may be capable of supplying drinking water for a public water system if such system utilized technologically advanced treatment which has been commercially demonstrated to be economically feasible.

"(g) PROHIBITIONS.—

"(1) ACTIVITIES UNDER OTHER LAW.—No funds authorized to be appropriated under this section may be used to support activities authorized by the Federal Water Pollution Control Act, the Solid Waste Disposal Act, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, or other sections of this Act.

"(2) INDIVIDUAL SOURCES.—No funds authorized to be appropriated under this section may be used to bring individual sources of contamination into compliance.

"(h) DEADLINES.—Each State shall make every reasonable effort to implement the State plan under this section within 2 years of its adoption. Within two years after the approval of each State plan under this section, each State shall submit to the Administrator a status report describing the State's progress in implementing the plan.

"(i) FEDERAL AGENCIES.—Each Federal agency conducting or supporting an activity affecting a critical recharge area identified in a ground water protection plan approved under this section shall conduct or support those activities in a manner which is consistent with the approved plan.".

SEC. 204. PROTECTION OF SOLE OR PRINCIPAL SOURCE GROUND WATER RECHARGE AREAS.

(a) NEW SECTION 1428.—Part C of the Safe Drinking Water Act is amended by adding the following new section at the end thereof:

"SEC. 1428. PROTECTION OF SOLE OR PRINCIPAL SOURCE GROUND WATER RECHARGE AREAS.

"(a) DESIGNATION OF SPA.—

"(1) PETITION.—Upon designation of a sole or principal source area pursuant to section 1424(e), any one or several municipalities (or State chartered entities charged with sole source aquifer maintenance and protection) within such area may initiate proceedings for the designation of a 'special protection area' within the sole or principal source area by petitioning the Governor of the State in which the proposed 'special protection area' is located to apply to the Administrator for the designation of 'special protection area' within the sole or principal source area.

"(2) CONTENTS.—A petition under this subsection shall propose boundaries for the special protection area and further shall evaluate whether—

"(A) the proposed special protection area is a recharge zone for significant volumes of ground water with drinking water supply potential;

"(B) the ground water which is recharged through the proposed special protection area is of high quality;

"(C) portions of the proposed special protection area within the sole or principal source area are already contaminated with toxic organics, nutrients, salts, or other pollutants;

"(D) maintenance of high quality in the sole or principal source aquifer or in the ground water recharged through the proposed special protection area would have significant economic, social, and ecological benefits for the sole or principal source area; and

"(E) degradation of ground water in the proposed special protection area would have significant economic, social, and ecological costs for the area.

"(b) APPROVAL OR DISAPPROVAL.—Within 180 days following receipt of a petition under this section, the Governor, taking into consideration the criteria set forth in subsection (a)(2), shall approve or disapprove the petition. If the Governor approves such petition, he shall—

"(1) propose the boundaries of the special protection area;

"(2) designate or, if necessary, establish a planning entity (which may be a public agency and which may include representatives of local and State governments or planning entities with a State charter) to develop a comprehensive management plan (hereinafter in this section referred to as the 'plan') for the special protection area; and

"(3) establish procedures for public participation in the development of the plan, for review, approval, and adoption of the plan, and for assistance to municipalities and other public agencies with authority under State law to implement the plan.

Where a local government planning agency exists with adequate authority to carry out this section with respect to any proposed special protection area, the Governor shall designate such agency as the planning entity under paragraph (2).

"(c) EPA.—

"(1) SUBMISSION.—Following approval of the petition the Governor shall submit such petition to the Administrator together with the summary of the action taken by the Governor under subsection (b).

"(2) APPROVAL OR DISAPPROVAL.—Within 120 days after the Administrator's receipt of the petition the Administrator shall approve or disapprove the petition. The Administrator shall approve the petition if he finds that—

"(A) the boundaries of the area concerned are based on the criteria set forth in subsection (a)(2); and

"(B) the planning entity has the authority, pursuant to State law, and the technical expertise to prepare the plan.

"(3) MATCHING GRANTS.—If the Administrator approves the petition, he may provide to the State, on a matching basis, a grant of 50 per centum of the costs incurred in preparing the petition and developing the plan, except that in the case of a municipality with a population of 10,000 or less, the Ad-

ministrator may provide to the State a grant of 60 per centum of such costs.

"(4) PRELIMINARY PLANNING FUNDS.—The designated planning entity, through the Governor, shall be eligible for preliminary planning funds for a period not to exceed two years.

"(d) COMPREHENSIVE MANAGEMENT PLAN.—

"(1) CONTENTS.—A planning entity designated under this section shall be authorized and directed to prepare a comprehensive management plan for the special protection area. Such plan shall be designed to maintain the quality of the ground water in the special protection area through maintenance, to the maximum extent possible, of the natural vegetative and hydrogeological conditions. Such plan shall include but not be limited to—

"(A) a determination of the quality of the existing ground water recharged through said special protection area and the natural recharge capabilities of the special protection area watershed;

"(B) an identification of existing and potential point and nonpoint sources of ground water degradation, ground water flow patterns, and the relationship between surface water management and ground water quality and recharge;

"(C) requirements designed to maintain existing underground drinking water quality or improve underground drinking water quality if prevailing conditions fail to meet drinking water standards, pursuant to this Act and State law;

"(D) a map showing the detailed boundary of the special protection area;

"(E) a resource assessment of the amount, location, and type of human development and activity which the ecosystem can sustain while still maintaining existing ground and surface water quality and protecting unique ecological features related to maintenance of water quality;

"(F) limits on Federal, State, and local government, financially assisted activities and projects which may contribute to degradation of such ground water or any loss of natural surface and subsurface infiltration or purification capability of the special protection area watershed;

"(G) a comprehensive statement of land use management including emergency contingency planning as it pertains to the maintenance of the quality of underground sources of drinking water or to the improvement of such sources if necessary to meet drinking water standards pursuant to this Act and State law;

"(H) actions in the special protection area which would avoid adverse impacts on water quality, recharge capabilities, or both;

"(I) consideration of specific techniques, which may include clustering, transfer of development rights, and other innovative measures sufficient to achieve the objectives of this section;

"(J) consideration of the establishment of a State institution to facilitate and assist in funding a development transfer credit system;

"(K) a program for State and local implementation of the plan described in this subsection in a manner that will insure the continued, uniform, consistent protection of the special protection area in accord with the purposes of this section;

"(L) pollution abatement measures, if appropriate; and

"(M) adequate personnel, funding, and authority to carry out the plan.

"(2) CONSULTATION AND HEARINGS.—During the development of the comprehensive management plan, the planning entity shall consult with, and consider the comments of, appropriate officials of any municipality and State or Federal agency which has jurisdiction over lands and waters within the special protection area, other concerned organizations and technical and citizen advisory committees which shall be established by the Governor. The planning entity shall conduct public hearings at places within the special protection area for the purpose of providing an opportunity to comment on any aspect of the plan.

"(e) FINAL PLAN.—The planning entity shall submit a final plan to the Governor for review. The Governor shall approve or disapprove the plan based upon a determination that such plan protects underground sources of drinking water covered therein from contamination that may adversely affect the health of persons. An approved plan shall be submitted by the Governor to the Administrator for review. Within 120 days, the Administrator shall approve the plan or submit in writing to the Governor his reasons for not approving it. The Governor may resubmit any plan which is not approved. The Administrator shall approve any plan which satisfies the requirements of this section.

"(f) MATCHING GRANTS.—If the Administrator approves the plan, he may provide to the State on a matching basis a grant of 50 per centum of the costs of implementing the plan (or 60 per centum of such costs in the case of an aquifer serving a population of 10,000 or less).

"(g) ORDER TO PROVIDE DRINKING WATER.—

"(1) ISSUANCE.—If the Administrator (or any State which has primary enforcement responsibility, within the meaning of section 1413, for public water systems under part B of this title) determines that—

"(A) any person has caused or contributed to the presence of any contaminant in any sole or principal source aquifer designated under section 1424(e) which supplies, or can reasonably be expected to supply, any public water system, and

"(B) the presence of such contaminant in such water system may adversely affect the health of persons unless such water is treated or alternative water supplies are provided,

he may issue an order requiring such person to provide adequate supplies of potable drinking water to the persons served by such public water system.

"(2) REVIEW.—Any interested person may obtain review of an order issued by the Administrator (or the State) under this section in the appropriate United States district court within thirty days after the issuance of the order.

"(3) ENFORCEMENT.—Any person who violates, or fails or refuses to comply with, an order under this subsection shall be liable to the United States (or to the State in the case of an action brought by the State) for a civil penalty of not more than $5,000 per day of violation. If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Administrator (or the State), the Attorney General shall recover the amount for which such person is liable in any appropriate district court of the United States. In any such action, the validity and appropriateness of the final order under this section or the assessment of a civil penalty shall not be subject to review.

"(4) OTHER RIGHTS.—Nothing in this section shall be construed to restrict or preempt any right which any public water system or any other person (or class of persons) may have under any statute or common law to seek enforcement in any Federal, State, or local court, or in any administrative proceeding, of any provision of this Act or any other relief regarding the contamination of any drinking water supply.

"(5) ROUTINE AGRICULTURAL ACTIVITIES.—Paragraph (1) shall not apply to any contamination which results from routine agricultural activities.

"(h) CRITERIA FOR AREAS DESIGNATED UNDER SECTION 1424(e).—Within 12 months after the date of the enactment of this section, the Administrator shall, by rule, establish criteria for the areas to be designated under section 1424(e) and eligible for special protections under this section. Such criteria shall include aquifer use, vulnerability, water quality, and unavailability of alternative supplies of drinking water. Designations made under section 1424(e) before the enactment of this section shall be reviewed and reevaluated in accordance with the criteria promulgated pursuant to this subsection.".

(b) PROHIBITION OF SOLID WASTE DISPOSAL OVER CERTAIN SOLE SOURCE AQUIFER.—Section 1424(e) of the Safe Drinking Water Act is amended by inserting "(1)" after "(e)" and by adding at the end thereof the following new paragraph:

"(2) Notwithstanding any other provision of law, no person may place solid waste (as defined in the Solid Waste Disposal Act) in a landfill, surface impoundment, waste pile, injection well, or land treatment facility (as those terms are defined in regulations under the Solid Waste Disposal Act) located over the Unconsolidated Quarternary Aquifer, or the recharge zone or streamflow source zone of such aquifer, in the Rockaway River Basin, New Jersey (as such aquifer and zones are described in the Federal Register, January 24, 1984, pages 2946-2948). This paragraph may be enforced by a civil action under section 1449.".

TITLE III—GENERAL PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 1442(f) of the Safe Drinking Water Act is amended by inserting the following at the end thereof: "There are authorized to be appropriated to carry out subsection (a)(2)(B), $4,000,000 for the fiscal year 1986, $4,000,000 for the fiscal year 1987, $4,800,000 for the fiscal year 1988, and $4,800,000 for the fiscal year 1989. There are authorized to be appropriated to carry out the provisions of this section (other than subsection (g), subsection (a)(2)(B), and provisions relating to research), $29,200,000 for the fiscal year 1986, $29,200,000 for the fiscal year 1987, $29,040,000 for the fiscal year 1988, and $29,040,000 for the fiscal year 1989.".

(b) STATE SUPERVISION PROGRAMS.—Section 1443(a)(7) of the Safe Drinking Water Act is amended by adding the following at the end thereof: "For the purposes of making grants under paragraph (1) there are authorized to be appropriated $29,400,000 for the fiscal year 1986, $29,400,000 for the fiscal year 1987, $35,300,000 for the fiscal year 1988, and $35,300,000 for the fiscal year 1989.".

(c) UNDERGROUND WATER SOURCE PROTECTION PROGRAM.—Section 1443(b)(5) of the Safe Drinking Water Act is amended by adding the following at the end thereof: "For the purpose of making grants under

paragraph (1) there are authorized to be appropriated $11,400,000 for the fiscal year 1986, $11,400,000 for the fiscal year 1987, $13,700,000 for the fiscal year 1988, and $13,700,000 for the fiscal year 1989.".

(d) EXTENSION OF AUTHORITY.—Section 1441(f) of the Safe Drinking Water Act is amended by striking out "in effect" and all that follows and substituting "in effect for more than one year.".

(e) PROTECTION OF UNDERGROUND SOURCES OF DRINKING WATER.—Section 1443A of the Safe Drinking Water Act, as added by this Act, is amended by adding the following new subsection at the end thereof:

"(j) AUTHORIZATION OF APPROPRIATIONS.—Upon the approval of any State plan under this section, the Administrator shall make grants to the State for 50 percent of the costs incurred by a State (as determined by the Administrator) in developing and implementing a State plan under this section. For purposes of making such grants there is authorized to be appropriated not more than $20,000,000 for each of the fiscal years 1986 and 1987 and $35,000,000 for each of the fiscal years 1988 and 1989.".

(f) PROTECTION OF SOLE OR PRINCIPAL SOURCE GROUND WATER RECHARGE AREAS.—Section 1428 of the Safe Drinking Water Act, as added by this Act, is amended by adding the following new subsection at the end thereof:

"(i) AUTHORIZATION.—

"(1) DEVELOPMENT.—There are authorized to be appropriated for grants for development of plans under this section, $3,000,000 for each of the fiscal years 1986 and 1987 and $5,000,000 for each of the fiscal years 1988 and 1989.

"(2) IMPLEMENTATION.—There are authorized to be appropriated for grants to implement plans under this section $7,000,000 for each of the fiscal years 1986 and 1987 and $10,000,000 for each of the fiscal years 1988 and 1989. Matching grants under this section may also be used to implement or update any water quality management plan for a sole or principal source aquifer approved (before the date of the enactment of this section) by the Administrator under section 208 of the Federal Water Pollution Control Act.".

SEC. 302. MISCELLANEOUS PROVISIONS.

(a) REPEAL.—Section 1442(e) of the Safe Drinking Water Act is repealed.

(b) COMPARATIVE HEALTH EFFECTS ASSESSMENT.—The Administrator of the Environmental Protection Agency shall conduct a comparative health effects assessment, using available data, to compare the relative effects on public health associated with water treatment chemicals and their by-products to the effects on public health associated with contaminants found in public water supplies. Not later than 18 months after the date of the enactment of this Act, the Administrator shall submit a report to the Congress setting forth the results of such assessment.

SEC. 303. INDIAN TRIBES.

(a) IN GENERAL.—Part E of the Safe Drinking Water Act is amended by adding the following new section after section 1450:

"SEC. 1451. INDIAN TRIBES.

"(a) IN GENERAL.—Subject to the provisions of subsection (b), the Administrator is authorized to treat Indian Tribes as States under this title, may delegate to such Tribes primary enforcement responsibility for public water systems and for underground injection control, and may provide such Tribes grant and contract assistance to carry out functions provided by this Act.

"(b) EPA REGULATIONS.—

"(1) SPECIFIC PROVISIONS.—The Administrator shall, within 18 months after the enactment of this section, promulgate final regulations specifying those provisions of this title for which it is appropriate to treat Indian Tribes as States. Such treatment shall be authorized only if:

"(A) the Indian Tribe is recognized by the Secretary of the Interior and has a governing body carrying out substantial governmental duties and powers;

"(B) the functions to be exercised by the Indian Tribe are within the area of the Tribal Government's jurisdiction; and

"(C) the Indian Tribe is reasonably expected to be capable, in the Administrator's judgment, of carrying out the functions to be exercised in a manner consistent with the terms and purposes of this title and of all applicable regulations.

"(2) PROVISIONS WHERE TREATMENT AS STATE INAPPROPRIATE.—For any provision of this title where treatment of Indian Tribes as identical to States is inappropriate, administratively infeasible or otherwise inconsistent with the purposes of this title, the Administrator may include in the regulations promulgated under this section, other means for administering such provision in a manner that will achieve the purpose of the provision. Nothing in this section shall be construed to allow Indian Tribes to assume or maintain primary enforcement responsibility for public water systems or for underground injection control in a manner less protective of the health of persons than such responsibility may be assumed or maintained by a State. An Indian tribe shall not be required to exercise criminal enforcement jurisdiction for purposes of complying with the preceding sentence.".

(b) DEFINITIONS.—

(1) INDIAN TRIBE.—Section 1401 of such Act is amended by inserting the following at the end thereof:

"(14) The term 'Indian Tribe' means any Indian tribe having a Federally recognized governing body carrying out substantial governmental duties and powers over any area.".

(2) MUNICIPALITY.—Section 1401 of such Act is amended by striking out from paragraph (10) the words "Indian tribal organization authorized by law" and substituting "Indian Tribe."

(c) PRIMARY ENFORCEMENT RESPONSIBILITY.—Section 1422 of such Act is amended by adding the following new subsection at the end thereof:

"(e) An Indian Tribe may assume primary enforcement responsibility for underground injection control under this section consistent with such regulations as the Administrator has prescribed pursuant to Part C and section 1451 of this Act. The area over which such Indian Tribe exercises governmental jurisdiction need not have been listed under subsection (a) of this section, and such Tribe need not submit an application to assume primary enforcement responsibility within the 270-day deadline noted in subsection (b)(1)(A) of this section. Until an Indian Tribe assumes primary enforcement responsibility, the currently applicable underground injection control program shall continue to apply. If an applicable underground injection control program does not exist for an Indian Tribe, the Administrator shall prescribe such a program pursuant to subsection (c) of this section, and consistent with section 1421(b), within 270 days of the enactment of this Act, unless an Indian Tribe first obtains approval to assume primary enforcement responsibility for underground injection control.".

(d) GRANTS.—(1) Section 1443(a)(2) of the Safe Drinking Water Act is amended by adding a new sentence after the final sentence in that paragraph stating: "The prohibitions contained in the preceding two sentences shall not apply to such grants when made to Indian Tribes."

(2) Section 1443(b) of such Act is amended by adding the following new sentence after the final sentence in paragraph (2) thereof: "The prohibition contained in the preceding sentence shall not apply to such grants when made to Indian Tribes.".

(e) STUDY.—The Administrator of the Environmental Protection Agency, in consultation with Indian tribes, shall carry out a study to inventory the program needs of Indian tribes under the Safe Drinking Water Act. The Administrator shall prepare a report detailing the results of such study. The report shall be submitted to the Congress together with the President's Budget Request for fiscal year 1987.

The SPEAKER pro tempore. Is a second demanded?

Mr. MADIGAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. MADIGAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1650.

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

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Safe Drinking Water Act is one of the most important public health measures protecting the American people. It directly addresses one of this Nation's most serious environmental health threats, the growing contamination of our drinking water with chemical poisons.

The bill, as reported, contains three titles. Title I requires the Environmental Protection Agency to finally get on with the vitally important job of establishing standards for health-threatening contaminants found in drinking water, and upgrades the monitoring and enforcement of these limits. Requirements for public notice of violations are streamlined, and variances and exemptions are extended for public water systems that cannot comply with the standards. Tampering with public water systems is made a Federal crime. And technical assist-

ance is provided for small water systems.

Title II tightens restrictions on the underground injection of hazardous wastes, a practice which threatens our drinking water supplies, and upgrades the enforcement of this program. This title also expands the existing program for the protection of "sole source aquifers"—especially important underground drinking water supplies—and provides for State plans to protect other underground sources of drinking water.

Title III renews the authorization of appropriations to carry out the Safe Drinking Water Act.

More and more evidence suggests that our drinking water supplies are contaminated by dangerous chemicals. Our Nation's ground water, which supplies half of the U.S. population with tap water, is becoming increasingly polluted. According to a report by the OTA, 29 percent of the ground water drinking water supplies of the U.S. cities with populations over 10,000 are contaminated. EPA reports that 45 percent of these public water systems contain organic chemicals.

Even though the Congress has worked hard to control much of this contamination through adoption of the Superfund and RCRA laws, I am not confident that these programs will be implemented swiftly and effectively enough to protect our Nation's drinking water supplies.

Every day there are reports of dangerous chemicals appearing in drinking water. For instance a recent health survey carried out in Woburn, MA concluded that tap water laced with heavy metals and organic chemicals had caused perinatal deaths, ear and eye birth defects, kidney and urinary disorders, and leukemia in children in the area.

EDB, one of the most potent cancer-causing substances ever tested by EPA, has been found in tap water in Florida, California, and other States as well.

Unfortunately, EPA has chosen to ignore, rather than respond to these concerns. The Agency has set few standards and has not yet regulated the many chemicals increasingly found in drinking water supplies. Moreover, enforcement of the few standards already on the books has been lax, with over 146,000 violations recorded in 1980.

H.R. 1650 does not have all of the elements that I would like to see in our Safe Drinking Water Act. It has no provisions to allow citizens afflicted by poisons in drinking water to seek redress in court. It still allows the agency to consider costs in the setting of standards which should be governed solely by the protection of public health. And its public notice requirements do not go far enough in requiring that consumers be notified when poisons are discovered in their drinking water.

But H.R. 1650, is a compromise vehicle with broad support. It would allow us to make significant progress in the crucially important effort to keep pace with today's understanding of the threat to our drinking water, and to utilize today's technologies for assuring that our water is safe.

The bill will require EPA to get on with the vitally important job of setting standards for the regulation of organic chemicals and other toxic contaminants in tap water. H.R. 1650 will also bring better monitoring and enforcement programs to millions of Americans. Also, this bill provides for the establishment of State plans to protect the ground water resources which supply half of the U.S. population with drinking water. Finally, H.R. 1650 establishes a special program for protecting drinking water in areas, such as Long Island, NY, where hundreds of thousands, or even millions of Americans rely on a single underground aquifer as their tap water supply.

Mr. Speaker, this bill is the result of the hard work by many Members on the sole source aquifer provision; for instance, NORM LENT, TOM FOLEY, and BILL CARNEY have all made important contributions to the drafting of H.R. 1650.

But I would be remiss if I did not recognize and commend the outstanding efforts of Representative TOM DOWNEY.

Representative DOWNEY's bill, H.R. 1038, was the basis for our sole source provision in H.R. 1650.

He has done a remarkable job of working with and educating the House on this issue. I think the direct result of his work will be safe drinking water for millions of Americans that rely on sole source aquifers.

As Mr. DOWNEY has argued so persuasively, the reason protection is needed is that many aquifers lie beneath pristine and undisturbed lands. These areas are critical to the preservation of their aquifer's recharge zone—the water reaching the aquifer depends on the nature of these lands and the degree of contamination of inflowing water. Once contaminated, there is no practical means to cleanse an aquifer system.

He has pointed out that on Long Island, there are 100,000 undeveloped acres of pine and scrub pine that lie above the recharge area and several more areas of forested land elsewhere on the Island. This land, like other recharge areas around the country, has been left in its natural condition and remains relatively free from landfill or septic tank seepage, leaks from underground storage tanks, or runoff from fertilizers, pesticides, and household products such as cleaners, solvents, disinfectants, and paint removers.

But, he has also noted that on the east end of Long Island, 1,500 private wells were closed because of contamination that occurred from just one accident. More contamination is likely if we don't take strong action.

I know that Representative DOWNEY is especially pleased with section 1428(d)(1)(h) of H.R. 1650. This provision will allow State and local governments to assess their contamination problems and take whatever actions are necessary to protect their aquifers, including obtaining natural undisturbed lands critical to protect the water quality and recharge capability of sole-source aquifers. This ability to prevent harm will be important not only to Long Island, but to many other sole-source aquifers as well.

As a final note, I want to thank ED MADIGAN and DENNIS ECKART, whose commitment and concern have made this legislation possible, and JOHN DINGELL for expeditiously moving this legislation through the Energy and Commerce Committee.

I urge all my colleagues to join with me in supporting this important bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1650, the Safe Drinking Water Act Amendments of 1985. I introduced this bill on March 21 with solid bipartisan support, and I am pleased that even with this very recent introduction, H.R. 1650 has attracted 66 cosponsors. I wish to commend Congressman WAXMAN, the distinguished chairman of the Subcommittee on Health and the Environment, and Congressman DINGELL, the distinguished full committee chairman, for their strong support for this legislation which has resulted in its expeditious consideration by this body.

Mr. Speaker, this bill is almost identical to one I introduced last Congress, H.R. 5959, which passed the House last September by a vote of 366 to 27. Unfortunately, the other body failed to consider that legislation, but I am pleased to see that it has already passed a similar bill this year.

The need for this legislation, Mr. Speaker, is obvious. Our surface water supplies are polluted by over 700 synthetic organic chemicals, heavy metals and other pollutants. The condition of our ground water supplies, which account for 50 percent of our drinking water, is also threatened. It is clear that we cannot solely rely on cleanup which is often technically or economically infeasible. Prevention of contamination is the only viable, long-term remedy for the problem.

Mr. Speaker, H.R. 1650 amends the Safe Drinking Water Act to provide for fast promulgation of national standards for drinking water contami-

nants, stricter enforcement of violations of the act, monitoring for unregulated contaminants, assistance to very small water systems, special protection for sole source aquifers, and State planning requirements for underground sources of drinking water. It maintains the crucial requirement of taking costs into consideration when setting national standards.

H.R. 1650 is a fiscally responsible bill. An amendment I offered which was adopted in subcommittee reduced the authorization levels in this bill by an average of 46 percent over the next 4 years. Overall, the bill before us today will save over $100 million per year over the next 4 years when compared with the bill which passed the House overwhelmingly last Congress.

There has been some discussion surrounding the standard setting language of this bill. We provide that EPA must regulate a list of contaminants which the agency has already identified as potentially hazardous, if there is a rational basis to do so, based on a weighing of all the available health evidence. This, Mr. Speaker, gives EPA flexibility to regulate those contaminants which are health-threatening.

On the other hand, the other body in its bill has absolutely required EPA to set national standards for some 85 contaminants, regardless of the health risk. I believe that the reason for this is OMB's recent refusal to allow the agency to publish final standards for some 30 drinking water contaminants. This decision has forced the other body to take these regulatory decisions into its own hands. I strongly support the maintenance of administrative flexibility in standard setting which is found in this bill, and I also join our country's water utilities in support of Federal, rather than State, drinking water standards. All of our citizens deserve equal protection from drinking water contamination.

I believe that this legislation strikes a sound balance between the flexibility required to regulate the Nation's 69,000 different public water systems and the active direction needed too provide consisently high quality drinking water throughout the country. I urge my colleagues to support this bill.

Mr. Speaker, our colleague from Illinois [Mr. GROTBERG], has brought a situation to my attention which needs to be addressed in the context of this reauthorization. He is concerned about the need for significant local community input into the rulemaking by the U.S. EPA relating to final safe drinking water standards. There are several communities in Illinois, including Geneva, Aurora, and Batavia, which now exceed the recommended maximum contaminant level [RMCL] for radium in drinking water supplies. These communities are attempting to work with EPA to develop acceptable radium standards.

It is my intent and understanding that EPA should work closely with local governments in finalizing contaminant levels in their community drinking water supplies, where it is appropriate. Clearly, a situation where only a few water supplies are affected by a given contaminant is especially suited to such input. H.R. 1650 also provides for independent scientific input where appropriate. Both local and independent scientific input must not unnecessarily delay the final promulgation of standards.

I thank Mr. GROTBERG for bringing this issue to my attention.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield to our colleaue on the Energy and Commerce Committee, formerly of our subcommittee, who authored the original legislation which has been the basis for much of what is in the bill today, the gentleman from Ohio [Mr. DENNIS ECKART].

Mr. ECKART of Ohio. I thank the chairman for yielding this time to me.

I wish to congratulate the gentleman from California [Mr. WAXMAN] and the gentleman from Illinois [Mr. MADIGAN] and their staffs for working diligently on the creation of a piece of legislation which I think will close the gap between the good intentions of the Congress and the rather ignoble performance of the EPA relative to protecting our Nation's ground water.

Nearly 11 years ago when we originally embarked on the course of regulation and improvement of the Nation's drinking water, we gave EPA a broad regulatory mandate, a mandate that frankly they have never exactly lived up to. Bitter experiences have been developed in numerous States all across the United States, from Massachusetts to Denver, Colorado, and from Washington down to Florida, all of which underline the fact that the Nation's drinking water is rapidly becoming a cesspool filled with organic contaminants, natural contaminants, the net result of which is that chemical contamination in ground water supplies has now been found in each of our 50 United States.

Bitter Experiences have resulted:

In Woburn, MA, chemical contaminants in drinking water wells appear to have contributed to statistically significant numbers of cases of leukemia and birth defects.

At least half a million rural families are drinking water that doesn't even meet standards generally acceptable as safe for public bathing beaches.

Today, we use 1960's technology to address 1980's problems.

The litany of statistics goes on, and they have become so familiar to those of us working on this legislation that they've become almost mundane. And that's the most frightening of all, because it certainly appears they've become mundane over at EPA.

Over 200 contaminants—both organic and synthetic—have been detected in our ground water supplies. Yet EPA has set only 22 mandatory drinking water standards.

Result is a lack of clear and consistent program of protection of drinking water and ground water. Mr. Speaker, it is a disgrace to allow statistics like those I just cited to continue to multiply. We need a specific and concise set of standards and regulations, and we need to make sure that EPA enforces them. We can no longer tolerate the failure to regulate effectively even the 14 most commonly found chemical contaminants in our water supplies, many of which are known human carcinogens.

Safe Drinking Water Act Amendments of 1985 add an essential piece to the solution of the hazardous waste puzzle. Last year, we enacted fundamental reform of the Resource Conservation and Recovery Act. This year we must reform the Safe Drinking Water Act of 1974, and move quickly to reauthorize a strong Superfund. We must take positive action to stop the inexorable degradation of our fragile environment.

Safe drinking water is a fundamental right of every human being. This year, we, in this Congress, must take the steps necessary to win back that right for the citizens of this Nation.

The litany of statistics can go on in this regard, but clearly the net result is that we are using the technology of the 1960's to deal with a problem of the 1980's.

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There are two additional provisions of this legislation which I think need to be underscored. Our colleagues, Congressmen DOWNEY, CARNEY, and FOLEY, have worked very hard to enact and enable this committee to present the proposal to have States have plans to protect underground sources of drinking water. Clearly what we must need to focus on is not only on the remedial action that plagues each and every single State in the United States, but the prevention of the spreading of these contaminants into other areas. We must acknowledge clearly the contamination of ground water does not respect municipal, county, or State boundaries. In fact, in this case, an ounce of prevention is very worth a pound of cure.

Only recently have States attempted to monitor and prevent ground water contamination, and these efforts still receive less attention and fewer resources than surface water programs.

Many State regulations for ground water protection do not recognize the connection between surface water and ground water and between land use

and ground water. Given the variation in the natural quality of ground water and the regional characteristics of the major sources of the contamination of ground water, there is much diversity in State regulatory mechanisms and organizational structures.

The one-quarter of the States have adopted ground water quality standards, and where they have, these often conflict with the few standards EPA has already set. This means there is no comprehensive strategy for the protection ground water.

As of 1982, 10 States has developed a system for classifying and protecting acquifers, and even fewer were able to successfully enforce their policy.

That is why we need a national ground water protection strategy like the one under section 203 to be implemented by the States. EPA's current ground water protection strategy is cosmetic. It's time for a strong national guidance to unify the states and encourage them in their effort to prevent poisioning of our ground water.

The particular provisions of section 203 supported by Congressmen DOWNEY, FOLEY, CARNEY, MADIGAN, WAXMAN, and myself are reflective not only of the peculiar needs of securing safe drinking water for future generations but, given the fiscal constraints of the United States and local governments, I think are appropriate and in order as well.

Of peculiar interest to the constituents of my State is the contamination of our ground water supplies by brine. It is estimated that over 525 billion gallons a year of brine are produced. Yet almost 460 billion gallons are accounted for. That means almost 65 billion gallons of brine unaccounted for, some of which are illegally disposed of into waterways, ground water tables, ponds, rivers, and streams of the United States. In recent years, we have discovered that 17 States, a growing number of States have reported brine contamination in ground water. The consequences of which, to a farmer or to a person living off their own well, is the fact that they do not have any water; their investment in their farm, their land becomes useless.

According to an OTA report on protecting the Nation's ground water (October 1984), we have discovered:

Sixty thousand brine injection wells in operation in the 1970's nationwide.

Four hundred and sixty billion gallons of brine per year are reinjected into wells (1980).

OTA estimate that, currently, 525 billion gallons/year of brine are produced, most of which is reinjected.

Brine pits and basins in use in 1980 yield a potential leachate volume for ground water contamination of 43 billion gallons/year.

Eight percent of the brine impoundments have high potenial to contaminate ground water, 17 percent have potential to contaminate water wells, and 68 percent have potential to contaminate surface wells.

Michigan Department of Natural Resources brine study (August 1984): Recent released report of the Michigan Department of Natural Resources, "Analysis of Aromatic Hydrocarbons in Oil Field Brines," indicated significant levels of known or suspected human carcinogens (benzene, ethylbenzene, toluene, and xylene) were found in a wide range of brine samples from 25 locations throughout Michigan.

Benzene (a proven human carcinogen) was found at levels up to 6.9 parts per million in at least two different samples and EPA has proposed a recommended maximum contaminant level for benzene at zero parts per million in their noticed of proposed rulemaking.

For those constituents, bad water is the same as no water at all. The provisions of this legislation will require States to establish ground water protection plans that include, the prevention of ground water contamination from the disposal of brine.

Ground water protection plans, an effective regulatory program for the preclusion of brine into our ground water supplies, updated standards, and regulations to put the EPA on an appropriate road to regulation I think make the Safe Drinking Water Act Amendments of 1985 an imperative and important part of our environmental retinue.

Mr. Speaker, this legislation has been a long time coming. In fact, it was just 4 years ago when another former colleague of ours, now a Member of the other body, then-Congressman GRAMM launched a serious attack on the integrity of the Safe Drinking Water Act which was repelled by the adroit handling of my colleague from California [Mr. WAXMAN]. Times have changed, and hopefully for the better.

Notwithstanding that we have dramatically upgraded the Safe Drinking Water Act with the provisions of law being suggested by Mr. MADIGAN supported by Mr. WAXMAN and myself, our time is long overdue. The reauthorization and the improvement of the Safe Drinking Water Act are important steps needed by this Nation for ourselves and for our children. I thank the chairman.

The SPEAKER pro tempore. Does the gentleman from Illinois desire to yield additional time?

Mr. MADIGAN. Mr. Speaker, I desire at the moment to reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield as much time as he may consume to the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. I thank the distinguished gentleman from California.

I rise in strong support of H.R. 1650, the reauthorization of the Safe Drinking Water Act. However, I object to its being brought up on the suspension calendar. I have an important amendment to this legislation which I will not be afforded an opportunity to offer because we are considering this bill under suspension of the rules.

My amendment would prohibit the addition of chemicals to the public water supplies for any purpose other than to render such water safe for human consumption, to test the water for contamination, or to improve the taste or clarity of the water. Why such an amendment?

Let me give an example:

Many communities add fluorides to the water supplies for the sole purpose of preventing tooth decay. The practice of adding chemicals to the water supplies which do not serve the purposes I just stated is wrong as a matter of principle. The only legitimate justification for the Government to force people to ingest chemicals such as fluorides against their will would be a finding that there is no other feasible way of protecting the health of the public. Clearly the addition of fluorides to the public water supplies fails that test.

Worse yet, there is substantial evidence that ingestion of fluorides can result in disfigurement and even impairment of health for many people. The National Academy of Sciences and the World Health Organization confirm that fluoride can cause mottling of the teeth and possibly other health risks. In these circumstances, it is an abuse of the powers of government to force people to ingest these chemicals against their will.

For many people, the risks of fluorosis and changes in bone density which can be caused by the ingestion of fluoride outweigh the supposed benefits of this chemical. Moreover, fluoride is available in many other forms such as dental fluoride treatments and fluoride toothpaste. Indeed it is hard to find toothpastes today that do not contain fluoride. The arguments originally advanced to justify this particular form of big brotherism have been overtaken by events. The principle behind the practice of fluoridating water supplies is bad.

We should be especially concerned about the precedent created by adding chemicals to the public water supply in order to treat a small segment of the public or to give people what someone has decided is good for them, whether they want it or not. If it can be done with one chemical in the name of combating tooth decay in some people, why not add iodides to combat goiter, aspirin to combat headaches, tranquilizers to combat tension, and so on? The possibilities are endless. The dangers are obvious. Fluori-

dation of public water supplies should be stopped. Certainly the House should have an opportunity to vote on this issue, as it will not have under suspension of the rules.

I regret having to make this statement against the suspension calendar treatment of this bill because I think in all other respects it is an outstanding bill and I commend the committee for its work in bringing it forth.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. Yes; I would be happy to yield to the gentleman.

Mr. WAXMAN. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the fact the gentleman will not have an opportunity to offer this amendment, which I regret. I do point out the fact that this bill has taken us a good number of years to finally work out. It has a number of controversial features which we think we have made less controversial. It is what we call a finely tuned compromise and only in the spirit of trying to get a bill through have we taken it to the suspension calendar. It is a bill that the House passed overwhelmingly last year and we hope will pass again so that we can deal with the outstanding issues on drinking water which should not mean that the gentleman would be precluded in the future from pursuing the substance of his proposal.

Mr. SEIBERLING. Well, I thank the chairman.

I would say further this bill addresses many, many dangers that need to be addressed in our drinking water supply and I would not want to see that course blocked as a result of desire to make this bill better. But I would hope that at some reasonable time the gentleman would consider my bill to deal with the problem of adding poisonous chemicals to the drinking water supply, including fluorides and possibly others.

Mr. WAXMAN. I appreciate the gentleman's statment and I certainly look forward to working with him on the issue.

Mr. SEIBERLING. I thank the gentleman.

Mr. WAXMAN. Mr. Speaker, we have no further requests for time and I yield back the balance of my time.

Mr. MADIGAN. Mr. Speaker, I yield myself 1 minute, for the purpose of expressing my appreciation to the gentleman from California [Mr. WAXMAN] for the diligent way in which he has brought this legislation to the floor of the House but also to thank him for the constructive participation of he and his staff throughout the entire process. And I would also like to say to the gentleman from Ohio [Mr. ECKART] that I sincerely appreciate all the hard work he has done on this bill, the contribution that he has made.

● Mr. McGRATH. I would like to take this opportunity to express my support for the Safe Drinking Water Act (H.R. 1650), which is being considered today in the House of Representatives. I am a cosponsor of this bill which directs the Environmental Protection Agency [EPA] to set limits on certain drinking water contaminants.

Our ground water is a vast national resource, and particularly important to those of us on Long Island. The U.S. Environmental Protection Agency has estimated that the amount of ground water is 50 times that of our annual flow of surface water. More than 90 percent of rural America, and millions in our urban and suburban areas, are dependent on underground water for drinking supplies. Nearly one-half of all Americans depend on ground water for drinking water.

A great deal of evidence has surfaced in recent years indicating that contamination of our Nation's ground water supplies is increasing at a dangerous pace. This legislation would simultaneously propose a minimum purity level goal and a national primary drinking water regulation, which would insure that drinking water would not adversely affect the health of our citizens. H.R. 1650 would increase the protection of public health by tightening requirements on EPA to set improvement standards.

Under the provisions of H.R. 1650, notification of violations will be made public in order to prevent potential adverse health effects. A major section of the bill that would be particularly important for Long Island residents is the restriction on hazardous waste injection. This restriction would prohibit injection of any hazardous waste into a formation which contains a drinking water source. Not only does the bill provide for protection of public drinking water, but also it provides grants to States on a matching basis to offset the costs incurred in preparing the petition and developing the improvement plan.

Access to safe drinking water is a vital concern of all of our citizens, and H.R. 1650 would help to insure that the public receives the safest drinking water available. As a cosponsor of this legislation, I urge my colleagues to lend their full support to ensure passage of this measure.●

● Mr. LENT. Mr. Speaker, I join my colleagues in urging support for H.R. 1650, the Safe Drinking Water Act Amendments.

A glass of water, at first glance seems harmless enough—but is it? Indeed, who would ever guess that the water we brush our teeth in, bathe in, and drink every day could be poisoning us. And yet, there is mounting evidence that our water supplies are contaminated by dangerous chemicals. Despite the progress made in purifying our drinking water since the passage of the 1974 Safe Drinking Water Act we are still faced with an alarming percentage of contaminated drinking water supplies across the country.

Over half the country relies on ground water supplies for their drinking water. A report issued by the Office of Technology Assessment determined that 29 percent of the ground water drinking water supplies of the 954 U.S. cities with populations over 10,000 are contaminated. Fortunately, a provision of H.R. 1650, the Safe Drinking Water Act Amendments, would effectively address this problem by ensuring the protection of our sole-source ground water recharge areas. This provision is critical to areas like Long Island which depends solely on underground acquifers for its drinking water. If these valuable resources are lost, our citizens will have no other supply to turn to.

Reports of drinking water contamination across the country have contributed to growing public concern over this grave national problem. In fact, public opinion polls indicate that an overwhelming majority of American people believe that drinking water contamination is a serious problem which merits immediate attention.

I believe H.R. 1650 effectively addresses our citizens legitimate concerns over the purity of our drinking water supplies. This legislation is vital to ensure safe, healthy drinking water for our generation, as well as for future generations.

I urge my colleagues to join me in supporting this much needed legislation. The health and well-being of our citizens depends upon our swift and favorable action on H.R. 1650.●

● Mrs. BOXER. Mr. Speaker, I would like to take this opportunity to commend Representatives MADIGAN, WAXMAN, ECKART, and LENT for the introduction of H.R. 1650, the Safe Drinking Water Act Amendments of 1985. This bill passed the House last year by an overwhelming margin, but was unfortunately not considered in the Senate.

Discoveries of chemical contaminants in California's surface and underground water supplies have been increasing in frequency since the late 1970's. Reports of these discoveries are regularly carried in a news media. Hardly a week goes by that does not give rise to a new report of a chemical threat to a community water supply or other water resource somewhere in the state.

Half of California's drinking water is taken from underground porous formations called aquifers. Despite the importance of these underground supplies, surface water has attracted most of the attention in the struggle to maintain water quality. State and Federal programs have focused on surface water quality for a simple reason; it is

there, easy to see and monitor. Although contamination of underground water can be traced to a number of sources, including septic tanks, agricultural pesticides and acid rain, there is increasing evidence that drinking water, particularly well water, is threatened by inadequate methods of storing dangerous chemicals and by improper disposal of hazardous wastes. Our current inability to prevent and detect leaks in underground storage facilities or to enforce requirements for hazardous waste disposal requires elaborate subsurface testing and eventually results in expensive cleanup procedures. Out dated water quality standards and inconsistent, inadequate detection programs often mean that entire drinking water supplies are contaminated before anything can be done about it.

We cannot afford to wait any longer to enact these Safe Drinking Water Act amendments. This legislation will regulate public water supplies and also provide for the protection of underground sources of water. It greatly strengthens the Environmental Protection Agency's authority to enforce the drinking water standards by issuing administrative orders and taking actions to address violations in States that are not diligently pursuing an enforcement action. Also, stringent criminal sanctions are instituted for those who may tamper with a public water system.

Additionally, the bill requires each State to develop and adopt a plan to protect underground sources of drinking water from contamination which may adversely affect the health of persons. Each plan must be approved by the EPA.

This legislation is crucial if we are to ensure that drinking water supplies in this country are kept safe for human consumption. Our present law is ineffective and we need to push EPA to do its job, promote efforts by States to plan for the protection of underground sources of drinking water, and protect the health of the people of this country. I am proud to be a cosponsor of this vitally needed legislation and am hopeful that this year Congress will pass this bill so that we may put it on the President's desk and launch a long overdue program to protect our Nation's underground water resources.●

Mr. MADIGAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1240

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 1650, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 124) entitled the "Safe Drinking Water Amendment Act of 1985," and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Safe Drinking Water Act Amendments of 1985".

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PUBLIC WATER SYSTEMS

NATIONAL PRIMARY DRINKING WATER REGULATIONS

SEC. 2. (a) Section 1412(a) of the Safe Drinking Water Act is amended to read as follows:

"(a) Effective on the date of enactment of the Safe Drinking Water Act Amendments of 1985, each national interim primary drinking water regulation promulgated under this section before such date of enactment shall be deemed to be a national primary drinking water regulation under subsection (b). No such regulation shall be required to comply with the standards set forth in subsection (b)(2) unless such regulation is amended to establish a different maximum contaminant level after the date of enactment of such amendments.".

(b) Section 1412(b) of the Safe Drinking Water Act is amended by striking paragraphs (1), (2), and (3), and inserting in lieu thereof the following:

"(b)(1) In the case of those contaminants listed in the Advance Notice of Proposed Rulemaking published in volume 47, Federal Register, page 9352, and in volume 48, Federal Register, page 45502, the Administrator shall simultaneously publish maximum contaminant level goals and promulgate national primary drinking water regulations—

"(A) not later than 12 months after the date of enactment of the Safe Drinking Water Act Amendments of 1985 for not less than 9 of those listed contaminants;

"(B) not later than 24 months after the date of enactment for not less than 40 of those listed contaminants; and

"(C) not later than 36 months after the date of enactment for the remainder of such listed contaminants.

"(2)(A) Not later than January 1, 1988, and at three year intervals thereafter, the Administrator shall publish a list of contaminants which, in the judgment of the Administrator, may have an adverse effect on the health of persons and are known or anticipated to occur in public water systems.

"(B) For the purpose of establishing such list, the Administrator shall form an advisory working group including members from the National Toxicology Program and the Environmental Protection Agency's Offices of Drinking Water, Pesticides, Toxic Substances, Ground Water, Solid Waste and Emergency Response and any others the Administrator deems appropriate. The Administrator's consideration of priorities shall include, but not be limited to, substances referred to in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act, and substances registered as pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act.

"(C) Not later than 24 months after listing, the Administrator shall simultaneously propose a maximum contaminant level goal and a national primary drinking water regulation for not less than 25 contaminants from the priority list established under paragraph (2).

"(D) Not later than 36 months after listing, the Administrator shall simultaneously publish a maximum contaminant goal and promulgate a national primary drinking water regulation for those contaminants identified under subparagraph (C).

"(3) Each maximum contaminant level goal established under this subsection shall be set at the level at which no known or anticipated adverse effects on the health of persons occur and which allows an adequate margin of safety. Each national primary drinking water regulation for a contaminant for which a maximum contaminant level goal is established under this subsection shall specify a maximum level for such contaminant which is as close to the maximum contaminant level goal as is feasible.

"(4) For the purposes of this subsection, the term 'feasible' means feasible with the use of the best technology, treatment techniques and other means which the Administrator finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available (taking cost into consideration). For the purpose of paragraph (2), the use of granular activated carbon is available (taking costs into consideration) for the control of synthetic organic chemicals, and any technology, treatment technique, or other means found to be the best available for the control of synthetic organic chemicals must be at least as effective in controlling synthetic organic chemicals as the use of granular activated carbon.

"(5) Each national primary drinking water regulation which establishes a maximum

contaminant level shall list the technology, treatment techniques, and other means which the Administrator finds to be feasible for purposes of meeting such maximum contaminant level, but a primary drinking water regulation under this paragraph shall not require that a specified technology, treatment technique, or other means be used for purposes of meeting such maximum contaminant level.

"(6)(A) The Administrator is authorized to promulgate a national primary drinking water regulation that requires the use of a treatment technique in lieu of establishing a maximum contaminant level, if the Administrator makes a finding that it is not economically or technologically feasible to ascertain the level of the contaminant. In such case, the Administrator shall identify those treatment techniques which, in the Administrator's judgment, would prevent known or anticipated adverse effects on the health of persons to the extent feasible. Such regulations shall specify each treatment technique known to the Administrator which meets the requirements of this paragraph, but the Administrator may grant a variance from any such specified treatment technique in accordance with section 1415(a)(3).

"(B) If any contaminant referred to in paragraphs (b)(1) (A) or (B) is listed under this paragraph (and a national primary drinking water regulation requiring the use of treatment techniques is simultaneously promulgated under this paragraph for such contaminant), the listing and promulgation under this paragraph shall be made on the date referred to in paragraphs (b)(1) (A) or (B) for the establishment of primary drinking water regulations.

"(C)(i) Not later than 18 months after the enactment of the Safe Drinking Water Act Amendments of 1985, the Administrator shall propose and promulgate national primary drinking water regulations specifying criteria under which filtration (including coagulation and sedimentation, as appropriate) is required as a treatment technique for public water systems supplied by surface water sources. In promulgating such rules, the Administrator shall consider the quality of source waters, protection afforded by watershed management, treatment practices (such as disinfection and length of water storage) and other factors relevant to protection of health.

"(ii) In lieu of the provisions of section 1415 the Administrator shall specify procedures by which the State determines which public water systems within its jurisdiction shall adopt filtration under the criteria of clause (i). The State may require the public water system to provide studies or other information, to assist in this determination. The procedures shall provide notice and opportunity for public hearing on this determination. If the State determines that filtration is required, the State shall prescribe a schedule for compliance by the public water system with the filtration requirement. A schedule shall require compliance within 18 months of a determination made under clause (iii).

"(iii) Within 18 months from the time that the Administrator establishes the criteria and procedures in this subparagraph, a State with primary enforcement responsibility shall adopt any necessary regulations to implement this subparagraph. Within 12 months of adoption of such regulations the State shall make determinations regarding filtration for all the public water systems within its jurisdiction supplied by surface waters.

"(iv) If a State does not have primary enforcement responsibility for public water systems, the Administrator shall have the same authority to make the determination in clause (ii) in such State as the State would have under that clause.

"(v) Any filtration requirement or schedule under this subparagraph shall be treated as if it were a requirement of a national primary drinking water regulation.

"(D) Not later than 36 months after the enactment of the Safe Drinking Water Act Amendments of 1985, the Administrator shall propose and promulgate regulations requiring disinfection as a treatment technique for all public water systems and the Administrator shall simultaneously promulgate a rule specifying criteria that will be used by the Administrator or delegated State authorities to grant variances from this requirement according to the provisions of sections 1415(a)(1)(B) and 1415(a)(3). The Administrator or the delegated State authority shall, to the extent feasible, provide technical assistance to small public water systems in complying with this subparagraph.".

(c) Paragraphs (4) and (5) of section 1412(b) of the Safe Drinking Water Act are amended by striking "Revised national" both times the words occur and inserting both times in lieu thereof "National". Paragraphs (4), (5), and (6) of section 1412(b) of the Safe Drinking Water Act are redesignated as paragraph (7), (8), and (9) respectively.

(d) Paragraph (7) of the Safe Drinking Water Act as redesignated by subsection (c), is amended by adding at the end thereof the following: "Such review shall include an analysis of innovations or changes in technology, treatment techniques or other activities that have occurred over the previous three-year period and that may provide for greater protection of the health of persons and the findings of such review shall be published in the Federal Register. If, after opportunity for public comment, the Administrator concludes that changes in technology, treatment techniques or other means are not available to permit greater protection of the health of persons than that afforded by the existing regulations, an explanation of such conclusion, shall be published in the Federal Register.".

(e) Section 1412(e) of the Safe Drinking Water Act is amended to read as follows:

"(e) The Administrator shall provide the Science Advisory Board, established under the Environmental Research, Development and Demonstration Act of 1978, an opportunity to comment prior to proposal or during the public comment period on a maximum contaminant level goal and national primary drinking water regulation.".

ENFORCEMENT

SEC. 3. (a) Section 1414(a)(1)(A) of the Safe Drinking Water Act is amended by inserting "and such public water system" after the words "notify the State".

(b) Section 1414(a)(1)(B) of the Safe Drinking Water Act is amended to read as follows:

"(B) If beyond the thirtieth day after the Administrator's notification the State has not commenced appropriate enforcement action, the Administrator shall issue an order under subsection (g) requiring the public water system to comply with such regulation or requirement or shall commence a civil action under subsection (b).".

(c) Section 1414(a)(2) of the Safe Drinking Water Act is amended by striking the words "he may commence a civil action under subsection (b)" and inserting the following: "the Administrator shall issue an order under subsection (g) requiring the public water system to comply with such regulation or requirement or shall commence a civil action under subsection (b)".

(d) Section 1414(b) of the Safe Drinking Water Act is amended by—

(1) adding "or with an order issued under subsection (g)" after "drinking water regulation" in the first sentence;

(2) deleting "willful" immediately after "there has been a" in the second sentence; and

(3) striking "$5,000" and substituting "$25,000".

(e) Section 1414 of the Safe Drinking Water Act is amended by adding at the end thereof the following new subsection:

"(g)(1) In any case in which the Administrator is authorized to bring a civil action under this section with respect to any regulation, schedule, or other requirement, the Administrator also may issue an order to require compliance with such regulation, schedule, or other requirement.

"(2) An order issued under this subsection shall not take effect until after notice and opportunity for public hearing and, in the case of a State having primary enforcement responsibility, until after the Administrator has provided the State with an opportunity to confer with the Administrator regarding the proposed order. A copy of any order proposed to be issued under this subsection shall be sent to the appropriate State agency of the State involved if the State has primary enforcement responsibility for public water systems in that State. Any order issued under this subsection shall state with reasonable specificity the nature of the violation. In any case in which an order under this subsection is issued to a corporation, a copy of such order shall be issued to appropriate corporate officers.

"(3)(A) Any person who violates, fails, or refuses to comply with an order under paragraph (2) shall be liable to the United States for a civil penalty of not more than $25,000 per day of violation.

"(B) Whenever any civil penalty sought by the Administrator under this paragraph does not exceed a total of $5,000, the penalty shall be assessed by the Administrator after notice and opportunity for a hearing on the record in accordance with section 554 of title 5 of the United States Code.

"(C) Whenever a civil penalty sought by the Administrator exceeds $5,000, the penalty shall be assessed by a civil action brought by the Administrator in the appropriate United States district court (as determined under the provisions of title 28 of the United States Code).

"(D) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Administrator, the Attorney General shall recover the amount for which such person is liable in any appropriate district court of the United States. In any such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.".

(e) Section 1414 of the Safe Drinking Water Act is amended by striking the words "Failure by State to Assure" from the title.

PUBLIC NOTIFICATION

SEC. 4. (a) Section 1414(c) of the Safe Drinking Water Act is amended by striking everything after the sentence "The Administrator shall by regulation prescribe the

form, manner, and frequency for giving notice under this subsection." to the sentence beginning "The Administrator may also require" and inserting the following: "Within 18 months after the date of enactment of the Safe Drinking Water Act Amendments of 1985, the Administrator shall amend such regulations to provide for different types and frequencies of notice based on the differences between violations which are intermittent or infrequent and violations which are continuous or frequent. Such regulations shall also take into account the seriousness of any potential adverse health effects which may be involved. Notice of any violation of a maximum contaminant level or any other violation designated by the Administrator as posing a serious potential adverse health effect shall be given as soon as possible, but in no case later than 14 days after the violation. Notice of a continuous violation of a regulation other than a maximum contaminant level shall be given no less frequently than every three months. Notice of violations judged to be less serious shall be given no less frequently than annually. Notification of such violations to affected persons shall be as prompt as possible and shall include notification by newspaper and shall include, unless inappropriate, a press release to electronic media and individual mailings. Notice under this subsection shall provide a clear and readily understandable explanation of the violation, any potential adverse health effects, the steps that the system is taking to correct such violation, and the necessity for seeking alternative water supplies, if any, until the violation is corrected. Until such amended regulations are promulgated, the regulations in effect on the date of the enactment of the Safe Drinking Water Act Amendments of 1985 shall remain in effect.".

VARIANCES

SEC. 5. (a) Section 1415(a)(1)(A) of the Safe Drinking Water Act is amended by striking the word "despite" and inserting in lieu thereof the following: ". A variance may only be issued to a system after the system's".

(b) Section 1415(a)(1)(A) of the Safe Drinking Water Act is amended by striking the word "best" before technology; by striking the word "generally" before the word "available" and inserting in lieu thereof the words "the best"; and by adding after "(taking costs into consideration)." the following: "The Administrator shall propose and promulgate his finding of the best available technology, treatment techniques or other means available for each contaminant for purposes of this subsection at the time he proposes and promulgates a maximum contaminant level for each such contaminant. The Administrator's finding of best available technology, treatment techniques or other means for purposes of this subsection may vary depending on the number of persons served by the system or for other physical conditions related to engineering feasibility and costs of compliance with maximum contaminant levels as considered appropriate by the Administrator.".

(c) Section 1415(a)(1)(A) of the Safe Drinking Water Act is amended by striking the words "within one year of the date" and inserting in lieu thereof "at the time".

(d) Section 1415(a)(1)(A)(ii) of the Safe Drinking Water Act is amended by adding after the words "water system of such" the word "additional".

EXEMPTIONS

SEC. 6. (a) Section 1416(b)(1) of the Safe Drinking Water Act is amended by striking the words "within one year of the date" and inserting in lieu thereof "at the time".

(b) Section 1416(b)(2)(A)(i) of the Safe Drinking Water Act is amended by striking the word "interim" and striking the words "not later than January 1, 1984" and inserting in lieu thereof "not later than 12 months after the date of enactment of the Safe Drinking Water Act Amendments of 1985".

(c) Section 1416(b)(2)(A)(ii) of the Safe Drinking Water Act is amended by striking the word "revised"; and by striking the words "not later than seven years after the date such requirement takes effect" and inserting in lieu thereof "other than a regulation referred to in section 1412(a), 12 months after the date of the issuance of the exemption".

(d) Section 1416(b)(2)(B) of the Safe Drinking Water Act is amended to read as follows:

"(B) The final date for compliance provided in any schedule in the case of any exemption may be extended by the State (in the case of a State which has primary enforcement responsibility) or by the Administrator (in any other case) for a period not to exceed 3 years after the date of the issuance of the exemption if the public water system establishes that—

"(i) the system cannot meet the standard without capital improvements which cannot be completed within the period of such exemption;

"(ii) in the case of a system which needs financial assistance for the necessary improvements, the system has entered into an agreement to obtain such financial assistance; or

"(iii) the system has entered into an enforceable agreement to become a part of a regional public water system; and

the system is taking all practicable steps to meet the standard.

"(C) In the case of a system which does not serve more than 500 service connections and which needs financial assistance for the necessary improvements, an exemption granted under subsection (b)(2)(A) (i) or (ii) may be renewed for one or more additional 2-year periods if the system establishes that it continues to meet the requirements of subsection (B).".

MONITORING FOR UNREGULATED CONTAMINANTS

SEC. 7. (a) Section 1445(a) of the Safe Drinking Water Act is amended by adding at the end thereof the following: "In requiring a public water system to monitor under this subsection, the Administrator may take into consideration the system size and the contaminants likely to be found in the system's drinking water.".

(b) Section 1445(a) of the Safe Drinking Water Act is amended by adding "(1)" after "(a)" and adding the following at the end thereof:

"(2) Not later than 18 months after date of enactment of the Safe Drinking Water Act Amendments of 1985, the Administrator shall promulgate regulations for every public water system to conduct a monitoring program for unregulated contaminants. Such regulations shall require monitoring of drinking water supplied by the system, and shall vary the frequency and schedule of monitoring requirements for systems based on the number of persons served by the system, the source of supply, and the contaminants likely to be found. Each system shall be required to monitor at least once within 5 years of the effective date of such regulations unless the Administrator requires more frequent monitoring.

"(3) Regulations under paragraph (2) shall list unregulated contaminants for which systems may be required to monitor, and shall include criteria by which the primary enforcement authority in each State could show cause for deletion of a contaminant from the designated list. The primary State enforcement authority may delete contaminants for an individual system, in accordance with these criteria, with an approved assessment of the contaminants potentially to be found in the system. The Administrator shall approve or disapprove such an assessment submitted by a State within 90 days.

"(4) Public water systems conducting monitoring of unregulated contaminants pursuant to this section shall provide the results of such monitoring to the primary enforcement authority.

"(5) Notification of the availability of the results of such monitoring program required under paragraph (2), and notification of the availability of the results of the monitoring program referred to in paragraph (5), shall be given to the persons served by the system and the Administrator.

"(6) The Administrator may waive the monitoring requirement of this subsection for a system which has conducted a monitoring program after January 1, 1983, if the Administrator determines the program to have been consistent with the regulations promulgated under this section.

"(7) Any system supplying less than 150 service connections shall be regarded as complying with this subsection if such system provides water samples or the opportunity for sampling according to the rules established by the Administrator. There are authorized to be appropriated $30,000,000 in the fiscal year ending September 30, 1986 to remain available until expended to carry out the provisions of this subsection.".

TECHNICAL ASSISTANCE

SEC. 8. (a) Section 1442 of the Safe Drinking Water Act is amended by adding the following new subsection:

"(g) The Administrator is authorized to provide technical assistance to small public water systems or water systems of Indian tribal organizations to enable such systems to achieve and maintain compliance with national drinking water regulations. Such assistance may include 'circuit-rider' programs, training, and preliminary engineering studies. There are authorized to be appropriated to carry out this subsection $10,000,000 for each of the fiscal years 1986 through 1990. Of this sum, at least 5 per centum shall be utilized for technical assistance to Indian tribal organizations.".

TAMPERING WITH PUBLIC WATER SYSTEMS

SEC. 9. Part D of the Safe Drinking Water Act is amended by adding the following new section at the end thereof:

"TAMPERING WITH PUBLIC WATER SYSTEMS

"SEC. 1432. (a) Any person who tampers with a public water system shall be fined not more than $50,000, or imprisoned for not more than 5 years, or both.

"(b) Any person who attempts to tamper, or makes a threat to tamper, with a public drinking water system shall be fined not more than $20,000, or imprisoned for not more than 3 years, or both.

"(c) The Administrator may bring a civil action in the appropriate United States dis-

trict court (as determined under the provisions of title 28 of the United States Code) against any person who tampers, attempts to tamper, or makes a threat to tamper with a public water system. The court may impose on such person a civil penalty of not more than $50,000 for such tampering or not more than $20,000 for such attempt or threat.

"(d) For the purposes of this section, the term 'tamper' means—

"(1) to introduce a contaminant into a public water system with the intention of harming persons; or

"(2) to otherwise interfere with the operation of a public water system with the intention of harming persons.".

PROTECTION OF UNDERGROUND SOURCES OF DRINKING WATER

RESTRICTIONS ON UNDERGROUND INJECTION OF HAZARDOUS WASTE AND REGULATION OF STATE PROGRAMS

SEC. 10. (a) Section 1421(b)(2)(A), section 1422(c)(1), and section 1425(a)(1) of the Safe Drinking Water Act are each amended by inserting "or natural gas storage operations" after "production".

(b) Part C of the Safe Drinking Water Act is amended by adding at the end thereof the following new section:

"REGULATION OF STATE PROGRAMS

"SEC. 1426. (a) No later than 18 months after enactment of the Safe Drinking Water Act Amendments of 1985, the Administrator shall revise regulations issued under this Act to require ground water monitoring at locations and in such a way that would provide the earliest possible detection of fluid migration into, or in the direction of, underground drinking water sources from a class I injection well unless the Administrator or delegated State authority concludes, on the basis of the applicant's demonstration, that such monitoring is not necessary because no potential exists for migration from the injection zone that may be harmful to human health or the environment.

"(b) The Administrator shall submit a report to Congress no later than September 1987, summarizing the results of State surveys, currently required by the Administrator, 3 years after the delegation of the program, under this section to a primary State enforcement authority. The report shall include the following information:

"(1) the numbers and categories of class V wells which discharge nonhazardous waste into or above an underground source of drinking water,

"(2) the primary contamination problems associated with different categories of these disposal wells, and

"(3) recommendations for minimum design, construction, installation, and siting requirements that should be applied to protect underground sources of drinking water from such contamination wherever necessary.".

(c)(1) Section 7010(c) of the Solid Waste Disposal Act is amended by striking "sections 7002 and 7003 of this Act" and inserting in lieu thereof "the provisions of this Act".

(2) Section 7010 of the Solid Waste Disposal Act is renumbered as section 3020 and inserted after section 3019 of such Act.

ENFORCEMENT

SEC. 11. (a)(1) Section 1423(a)(1) of the Safe Drinking Water Act is amended by striking out all after the first sentence and substituting the following: "If beyond the thirtieth day after the Administrator's notification the State has not commenced appropriate enforcement action, the Administrator shall issue an order under subsection (d) requiring the person to comply with such requirement or shall commence a civil action under subsection (b).".

(2) Section 1423(a)(2) of the Safe Drinking Water Act is amended by striking the words "he may commence a civil action under subsection (b)(1)" and substituting the following: the Administrator shall issue an order under subsection (d) requiring the person to comply with such requirement or shall commence a civil action under subsection (b).".

(b) Section 1423(b) of the Safe Drinking Water Act is amended to read as follows:

"(b) Civil actions referred to in paragraphs (1) and (2) of subsection (a) shall be brought in the appropriate United States district court and such court shall have jurisdiction to require compliance with any requirement of an applicable underground injection program or an order issued under subsection (c). The court may enter such judgment as protection of public health may require. Any person who violates any requirement of an applicable underground injection control program (A) shall be subject to a civil penalty of not more than $25,000 for each day of such violation, and (B) if such violation is willful, such person may, in addition to or in lieu of the civil penalty authorized by clause (A), be fined not more than $25,000 for each day of such violation, or imprisoned for not more than three years, or both.".

(c) Section 1423 of the Safe Drinking Water Act is amended by inserting the following new subsection immediately after subsection (b) and redesignating the succeeding subsection accordingly:

"(c)(1) ADMINISTRATIVE ORDERS FOR OTHER THAN OIL OR NATURAL GAS INJECTION WELL OPERATORS.—In any case in which the Administrator is authorized to bring a civil action under this section with respect to any regulation or other requirement of this part other than those relating to (A) the underground injection of brine or other fluids which are brought to the surface in connection with oil or natural gas production, or (B) any underground injection for the secondary or tertiary recovery of oil or natural gas, the Administrator may also issue an order under this subsection either assessing a civil penalty of not more than $25,000 per day for each violation for any past or current violation, up to a maximum administrative penalty of $125,000, or requiring compliance with such regulation or other requirement, or both.

"(2) ADMINISTRATIVE ORDERS FOR OIL OR NATURAL GAS INJECTION WELL OPERATORS.—In any case in which the Administrator is authorized to bring a civil action under this section with respect to any regulation, or other requirement of this part relating to (A) the underground injection of brine or other fluids which are brought to the surface in connection with oil or natural gas production, or (B) any underground injection for the secondary or tertiary recovery of oil or natural gas, the Administrator may also issue an order under this subsection either assessing a civil penalty of not more than $5,000 per day for each violation for any past or current violation, up to a maximum administrative penalty of $125,000, or requiring compliance with such regulation or other requirement, or both.

"(3) PROCEDURE.—(A) An order under this subsection shall be issued by the Administrator after opportunity (provided in accordance with this subparagraph) for a hearing. Before issuing the order, the Administrator shall give to the person to whom it is directed written notice of the Administrator's proposal to issue such order and the opportunity to request, within 30 days of the date the notice is received by such person, a hearing on the order. Such hearing shall not be subject to sections 554 or 556 of title 5, United States Code, but shall provide a reasonable opportunity to be heard and to present evidence.

"(B) The Administrator shall provide public notice of, and reasonable opportunity to comment on, any proposed order.

"(C) Any citizen who comments on any proposed order under subparagraph (B) shall be given notice of any hearing held under this subsection and of any order. In any hearing held under subparagraph (A), such citizen shall have a reasonable opportunity to be heard and to present evidence. If no hearing is held prior to issuance of the order, then upon presentation by such citizen, within 30 days of issuance of the order, of evidence that such order was inadequate or improper, the Administrator shall set aside such order immediately and provide a hearing in accordance with subparagraph (A) on the proposed order.

"(D) Any order issued under this subsection shall become effective 30 days following its issuance unless an appeal is taken pursuant to paragraph (6) or the order is set aside pursuant to subparagraph (C). If a hearing request made pursuant to subparagraph (C) is denied, an order issued under this subsection shall become effective thirty days following such denial.

"(4) CONTENT OF ORDER.—(A) Any order issued under this subsection shall state with reasonable specificity the nature of the violation and may specify a reasonable time for compliance.

"(B) In assessing any civil penalty under this subsection, the Administrator shall take into account appropriate factors, including (i) the seriousness of the violation; (ii) the economic benefit (if any) resulting from the violation; (iii) any history of such violations; (iv) any good-faith efforts to comply with the applicable requirements; (v) the economic impact of the penalty on the violator; and (vi) such other matters as justice may require.

"(5) EFFECT OF ORDER.—Any violation with respect to which the Administrator has commenced and is diligently prosecuting an action, or has issued an order, under this subsection shall not be subject to an action under subsection (b) of this section or section 1424(c) or 1449 of this Act: *Provided,* That the foregoing limitation on civil actions under section 1449 of this Act shall not apply with respect to any violation for which (i) a civil action under section 1449(a)(1) of this Act has been filed prior to commencement of an action under this subsection or, (ii) a notice of violation under section 1449(b)(1) of this Act has been given prior to commencement of an action under this subsection and an action under section 1449(a)(1) of this Act is filed prior to 120 days after such notice is given.

"(6) JUDICIAL REVIEW.—Any person against whom an order is issued or who commented on a proposed order pursuant to paragraph (3) may file an appeal of such order with the United States District Court for the District of Columbia or the district in which the violation is alleged to have occurred. Such an appeal may only be filed within the 30 day period beginning on the date the order is issued. Appellant shall simultaneously send a copy of the appeal by

certified mail to the Administrator and to the Attorney General. The Administrator shall promptly file in such court a certified copy of the record on which such order was imposed. The district court shall not set aside or remand such order unless there is not substantial evidence on the record, taken as a whole, to support the finding of a violation or, unless the Administrator's assessment of penalty or requirement for compliance constitutes an abuse of discretion. The district court shall not impose additional civil penalties for the same violation unless the Administrator's assessment of a penalty constitutes an abuse of discretion.

"(7) COLLECTION.—If any person fails to pay an assessment of a civil penalty—

"(A) after the order becomes effective under paragraph (3), or

"(B) after a court, in an action brought under paragraph (6), has entered a final judgment in favor of the Administrator, the Administrator may request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed (plus costs, attorneys' fees, and interest at currently prevailing rates from the date the order is effective or the date of such final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

"(8) SUBPOENA.—The Administrator may, in connection with administrative proceedings under this subsection, issue subpoenas compelling the attendance and testimony of witnesses and subpoenas duces tecum, and may request the Attorney General to bring an action to enforce any subpoena under this section. The district courts shall have jurisdiction to enforce such subpoenas and impose sanction.".

(d) Section 1423 of the Safe Drinking Water Act is amended by striking the words "FAILURE OF STATE TO ASSURE" from the title.

SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM

SEC. 12. Part C of the Safe Drinking Water Act is amended by adding the following new section:

"SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM

"SEC. 1427. (a) The purpose of this section is to establish procedures for development, implementation, and assessment of demonstration programs designed to protect critical aquifer protection areas located within areas designated as sole or principal source aquifers under section 1424(e) of the Safe Drinking Water Act.

"(b) For purposes of this section, critical aquifer protection area means all or part of an area located within an area for which an application for designation as a sole or principal source aquifer pursuant to section 1424(e) has been submitted to or approved by the Administrator as of the date of enactment of this section and which satisfies the criteria established by the Administrator under subsection (d).

"(c)(1) Any State, municipal, or local government or political subdivision thereof or any planning entity (including any interstate regional planning entity) that identifies a critical aquifer protection area over which it has authority or jurisdiction may apply to the Administrator for the selection of such area for a demonstration program under subsection (e). Any applicant shall consult with other government or planning entities with authority or jurisdiction in such area prior to application. The application shall include a certification by the Governor that the plan is consistent with State laws, regulations, and policies.

"(2) Applicants, other than the Governor, in any State in which any Federal funds under section 208 of the Clean Water Act have been expended prior to the date of enactment of this section for planning to protect a sole source aquifer designated under section 1424(e) of this Act shall: (A) submit the application for a demonstration program jointly with the Governor and (B) shall obtain the approval of any plan developed or implemented under subsection (g) of this section from the Governor prior to submission to the Administrator.

"(d) Within 16 months of the date of enactment of this section, the Administrator shall, by rule, establish criteria for identifying critical aquifer protection areas under this section. In establishing such criteria, the Administrator shall consider the following:

"(1) the vulnerability of the aquifer to contamination due to hydrogeologic characteristics;

"(2) the number of persons or the proportion of population using the ground water as a drinking water source;

"(3) the economic, social and environmental benefits that would result to the area from maintenance of ground water of high quality; and

"(4) the economic, social, and environmental costs that would result from degradation of the quality of the ground water.

"(e) An application submitted to the Administrator by any applicant shall propose boundaries for the critical aquifer protection area within their jurisdiction and shall include a plan proposal or a comprehensive management plan for the proposed protection area. A plan approved prior to the date of enactment under section 208 of the Clean Water Act to protect a sole source aquifer designated under section 1424(e) of this Act shall be considered a comprehensive management plan for the purposes of this section. The objectives of such plan shall be to maintain the quality of the ground water in the critical aquifer protection area in a manner reasonably expected to protect human health, the environment, and the ground water resources. The following elements shall be included in such a protection plan:

"(A) a map showing the detailed boundary of the critical protection area;

"(B) a hydrogeologic assessment of surface and ground water resources within the critical protection area;

"(C) an identification of existing and potential point and nonpoint sources of ground water degradation;

"(D) an assessment of the relationship between activities on the land surface and ground water quality;

"(E) specific actions and management practices to be implemented in the critical protection area to prevent adverse impacts on ground water quality;

"(F) identification of authority adequate to implement the plan, estimates of program costs, and sources of State matching funds.

"(f) Within 120 days after receipt of an application under this section, the Administrator must approve or disapprove the application based on a determination that the critical protection area satisfies the criteria established under subsection (d) and that a demonstration program for the area would provide protection for ground water quality consistent with the objectives stated in subsection (e). Any petitioner may modify and resubmit any application which is not approved. Upon approval of an application, the Administrator may enter into a cooperative agreement with the applicant to establish a demonstration program. Such program shall include the development and implementation of a plan for the protection of the ground water recharged through the critical aquifer protection area.

"(g) Upon entering a cooperative agreement under subsection (e), the Administrator may provide to the applicant, on a matching basis, a grant of 50 per centum of the costs of developing and implementing the plan established under this section. The total amount of grants under this section for any one aquifer, designated under section 1424(e), shall not exceed $4,000,000 in any fiscal year.

"(h) No funds authorized under this subsection may be used to fund activities funded under other sections of this Act or the Clean Water Act, the Solid Waste Disposal Act, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, or other Federal statutes.

"(i) No funds authorized to be appropriated under this section may be used to clean up any source of contamination or to bring any source of contamination into compliance with Federal, State, or local statutes.

"(j) No later than December 31, 1989, each State shall submit to the Administrator a report assessing the impact of the program on ground water quality and identifying those measures found to be effective in protecting ground water resources. No later than September 30, 1990, the Administrator shall submit to Congress a report summarizing the State reports, and assessing the accomplishments of the sole source aquifer demonstration program including an identification of protection methods found to be most effective and recommendations for their application to protect ground water resources from contamination wherever necessary.

"(k) Nothing under this section shall be construed to amend, supersede or abrogate rights to quantities of water which have been established by interstate water compacts, Supreme Court decrees, or State water laws; or any requirement imposed or right provided under any Federal or State environmental or public health statute.

"(l) There are authorized to be appropriated for the purposes of this section $20,000,000 for each of the fiscal years 1987 through 1990.".

GENERAL PROVISIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 13. (a) Section 1442(f) of the Safe Drinking Water Act is amended by inserting the following at the end thereof: "There are authorized to be appropriated to carry out subsection (a)(2)(B), $11,300,000 for the fiscal year 1986, $11,300,000 for the fiscal year 1987, $11,300,000 for the fiscal year 1988, and $11,300,000 for the fiscal year 1989, and $11,300,000 for the fiscal year 1990. There are authorized to be appropriated to carry out the provisions of this section (other than subsection (g), subsection (a)(2)(B), and provisions relating to research), $47,000,000 for the fiscal year 1986, $47,000,000 for the fiscal year 1987, $47,000,000 for the fiscal year 1988, $47,000,000 for the fiscal year 1989, and $47,000,000 for the fiscal year 1990.".

(b) Section 1443(a)(7) of the Safe Drinking Water Act is amended by adding the following at the end thereof: "For the purposes of making grants under paragraph (1)

there are authorized to be appropriated $45,000,000 for the fiscal year 1986, $45,000,000 for the fiscal year 1987, $45,000,000 for the fiscal year 1988, $45,000,000 for the fiscal year 1989, and $45,000,000 for the fiscal year 1990.".

(c) Section 1443(b)(5) of the Safe Drinking Water Act is amended by adding the following at the end thereof: "For the purpose of making grants under paragraph (1) there are authorized to be appropriated $28,000,000 for the fiscal year 1986, $28,000,000 for the fiscal year 1987, $28,000,000 for the fiscal year 1988, $28,000,000 for the fiscal year 1989, and $28,000,000 for the fiscal year 1990.".

(d) Section 1441(f) of the Safe Drinking Water Act is amended by striking out "in effect" and all that follows and substituting "in effect for more than one year.".

INDIAN TRIBAL ORGANIZATION

SEC. 14. (a) Section 1401 of the Safe Drinking Water Act is amended by inserting the following after subsection 13:

"(14) The term 'Indian tribal organization' means any Indian tribe, band, nation, or other organized group or community (including any Alaska Native village, but not including any Alaska Native regional or village corporation) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.".

(b) The Administrator, in cooperation with the Director of the Indian Health Service, shall, within 12 months of enactment, conduct a survey of drinking water on Indian reservations, identifying drinking water problems and the need, if any, for alternative drinking water supplies.

(c) The Administrator is authorized to make special provision for the treatment of Indian tribes under this Act, including the treatment of Indian tribes as States to the degree necessary to carry out the purposes of this Act. Such special provision may include the direct provision of funds to the governing bodies of Indian tribes, and the determination of priorities by Indian tribes, where not determined by the Administrator in cooperation with the Director of the Indian Health Service. The Administrator is authorized to reduce the non-Federal share otherwise required under section 1443 with respect to Indian tribes, as determined by the Administrator in cooperation with the Director of the Indian Health Service.

JUDICIAL REVIEW

SEC. 15. (a) Section 1448(a) of the Safe Drinking Water Act is amended to read as follows:

"JUDICIAL REVIEW

"SEC. 1448. (a)(1) A petition for review of—

"(A) action of the Administrator in promulgating any national primary drinking water regulation under section 1412, any regulation under section 1413(b), any regulation under section 1414(c), any regulation for State underground injection control programs under section 1421, or any general regulation for the administration of this title may be filed in the United States Court of Appeals for the District of Columbia, or in any United States court of appeals for a circuit in which the petitioner resides or transacts business which is directly affected by such action; and

"(B) action of the Administrator in promulgating any other regulation under this title, issuing any order under this title, or making any determination under this title may be filed only in the United States court of appeals for a circuit in which the petitioners resides or transacts business which is directly affected by such action.

Any such petition shall be filed within the 120-day period beginning on the date of the promulgation of the regulation or issuance of the order with respect to which review is sought or on the date of the determination with respect to which review is sought, or after such date only if the petition is based solely on grounds which arose after such one hundred and twentieth day. Action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement or in any civil action to enjoin enforcement.

"(2)(A) If petitions for review of the same agency action have been filed in two or more United States courts of appeals and the Administrator has received written notice of the filing of the first such petition more than 30 days before receiving written notice of the filing of the second petition, then the record shall be filed in that court in which the first petition was filed. If petitions for review of the same agency action have been filed in two or more United States courts of appeals and the Administrator has received written notice of the filing of one or more petitions within 30 days or less after receiving written notice of the filing of the first petition, then the Administrator shall promptly advise in writing the Administrative Office of the United States Courts that petitions have been filed in two or more United States courts of appeals, and shall identify each court for which he has written notice that such petitions have been filed within 30 days or less of receiving written notice of the filing of the first such petition. Pursuant to a system of random selection devised for this purpose, and within three business days after receiving such notice from the Administrator the Administrative Office thereupon shall select the court in which the record shall be filed from among those identified by the Administrator. Upon notification of such selection, the Administrator shall promptly file the record in such court. For the purpose of review of agency action which has previously been remanded to the Administrator, the record shall be filed in the court of appeals which remanded such action.

"(B) Where petitions have been filed in two or more United States courts of appeals with respect to the same agency action and the record has been filed in one of such courts pursuant to paragraph (1), the other courts in which such petitions have been filed shall promptly transfer such petitions to the United States court of appeals in which the record has been filed. Pending selection of a court pursuant to subsection (1), any court in which a petition has been filed may postpone the effective date of the agency action until 15 days after the Administrative Office has selected the court in which the record shall be filed.

"(C) Any court in which a petition with respect to any agency action has been filed, including any court selected pursuant to subparagraph (A), may transfer such petition to any other United States court of appeals for the convenience of the parties or otherwise in the interest of justice.".

(b) Section 1448(b) of the Safe Drinking Water Act is amended by deleting "45-day" in both places where it appears and inserting "120-days" in lieu thereof.

MOTION OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WAXMAN moves to strike out all after the enacting clause of the Senate bill, S. 124, and to insert in lieu thereof the provisions contained in H.R. 1650, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "To amend the Safe Drinking Water Act."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 1650) was laid on the table.

EXTENSION OF TITLE X OF PUBLIC HEALTH SERVICE ACT

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2369) to revise and extend the programs of assistance under title X of the Public Health Service Act.

The Clerk read as follows:

H.R. 2369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REFERENCE TO ACT.

Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SEC. 2. PROJECT GRANTS AND CONTRACTS.

Section 1001(d) (42 U.S.C. 300(d)) is amended to read as follows:

"(d) For grants and contracts under subsection (a) there are authorized to be appropriated $138,800,000 for fiscal year 1986; $147,000,000 for fiscal year 1987; and $156,200,000 for fiscal year 1988.".

SEC. 3. TRAINING.

(a) PROGRAM REVISION.—Subsection (a) of section 1003 (42 U.S.C. 300a-1) is amended by striking out "to provide the training for personnel to carry out family planning service programs described in section 1001 or 1002" and inserting in lieu thereof "to provide clinical training for personnel (including obstetric-gynecologic nurse practitioners), training for educators and counsellors, and training of other personnel to carry out family planning service programs described in sections 1001 and 1005".

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (b) of section 1003 is amended to read as follows:

"(b) For grants and contracts under subsection (a) there are authorized to be appropriated $3,200,000 for fiscal year 1986; $3,400,000 for fiscal year 1987; and $3,600,000 for fiscal year 1988.".

SEC. 4. CONTRACEPTION.

(a) NEW AUTHORITY.—Section 1002 is repealed, section 1003 is redesignated as section 1002, and the following section is inserted before section 1004:

"CONTRACEPTIVE DEVELOPMENT AND EVALUATION

"SEC. 1003. (a) The Secretary may—

"(1) conduct, and

"(2) make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for,

research into the development of new or improved contraceptive devices, drugs, and techniques and evaluations of the acceptance, convenience, safety, efficacy, and cost of contraceptive devices, drugs, and techniques.

"(b) To carry out subsection (a), there are authorized to be appropriated such sums as may be necessary.".

(b) CONFORMING AMENDMENT.—Section 1006(c) (42 U.S.C. 300a-4(c)) is amended by striking out "or 1002".

SEC. 5. RESEARCH.

Section 1004 (42 U.S.C. 300a-2) is amended (1) by inserting "and evaluation" after "development", and (2) by inserting before the period the following: "and research to improve the clinical management and direct delivery of family planning services".

SEC. 6. INFORMATION AND EDUCATION.

Section 1005 (42 U.S.C. 300a-3) is amended to read as follows:

"INFORMATION AND EDUCATION

"SEC. 1005. (a) The Secretary may make grants to public and nonprofit private entities and enter into contracts with public and private entities to assist in making available information and education to enable persons to make responsible choices concerning human sexuality, pregnancy, and parenthood. Such information and education shall be made available to all persons desiring it, either through appropriate community organizations or through facilities of the Department of Health and Human Services, with special emphasis on adolescents and parents, and shall include information about the availability of family planning methods and services.

"(b) For grants and contracts under subsection (a), there are authorized to be appropriated $500,000 for fiscal year 1986; $530,000 for fiscal year 1987; and $560,000 for fiscal year 1988.".

SEC. 7. DATA COLLECTION.

(a) DATA COLLECTION.—Title X is amended by adding at the end the following:

"DATA COLLECTION

"SEC. 1010. The Secretary shall collect on an annual basis data on—

"(1) the number of individuals who receive family planning services from entities that receive grants under section 1001 and the age, sex, race, and family income of such individual;

"(2) the types of family planning services chosen by people who receive services from entities which receive grants under section 1001;

"(3) the number of low-income individuals and the number of teenagers at risk of unintended pregnancies; and

"(4) the sources of funding for subsidized family planning services in the United States.

The Secretary may make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the collection of such data. The Secretary shall make available to the public data collected under this section.".

(b) CONFORMING AMENDMENT.—Section 1009(a) (42 U.S.C. 300a-6a) is amended by adding after paragraph (4) the following: "Such plan shall be based upon data collected under section 1010.".

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1985.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes and the gentleman from Illinois [Mr. MADIGAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2369, the bill presently under consideration.

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

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2369 extends for 3 fiscal years the authorization of appropriations for the Federal Family Planning Program, title 10 of the Public Health Service Act. Authorizations would be "frozen" in fiscal year 1986 at the current funding levels and then would grow only by the rate of inflation in both fiscal years 1987 and 1988.

The legislation also makes some minor, noncontroversial clarifications and changes in the current law regarding the training, research, and information and education activities supported through title 10. In addition, the bill creates a new authority for the development and evaluation of new contraceptive technologies, although no new funds are authorized for this purpose.

H.R. 2369 is supported by both the ranking member of the Subcommittee on Health and the Environment, Mr. MADIGAN, as well as the ranking member of the Energy and Commerce Committee, Mr. BROYHILL. The bill has enjoiyed strong bipartisan support throughout the markup process and was reported out of the Energy and Commerce Committee without amendment.

In considering H.R. 2369 today, Mr. Speaker, Members will have the opportunity to vote "pro-family". "Family" is what the Family Planning Program is all about. Its mission makes that very clear: The purpose of title 10 is to provide services to those who want to—and need to—plan for the children and families they wish to have, but who cannot afford to get help.

Family planning clinics offer such assistance by providing a broad range of family planning services, including natural family planning methods, infertility services, and services for adolescents. In most cases, these services are provided through State and local governments and through hospital outpatient clinics.

Over its 15-year history, the Family Planning Program has been most successful in meeting its mandate:

Each year, hundreds of thousands of unintended pregnancies—and in turn, hundreds of thousands of abortions—are averted as a direct result of the Family Planning Program.

Title 10 infertility services are responsible for giving childless couples the real chance to have children of their own.

And because of the title 10 program, millions of pregnant women have access to prenatal care services that lead to the delivery of healthy babies.

These achievements have lead to stronger, happier, and healthier families. It is in this sense, Mr. Speaker, that title 10 has become among the most "pro-family" programs supported by the Federal Government.

Despite this good work, Mr. Speaker, much more needs to be done. Millions of low-income women and sexually active adolescents are still without services. The rates for unintended pregnancy are still too high. And the number of abortions that occur as a result of unintended pregnancy is still of great concern.

H.R. 2369 can help alleviate these problems. And it can help ensure the continuation of the progress that has already been made.

I, therefore, urge my colleagues to demonstrate again their strong bipartisan support for the Family Planning Program by voting in favor of H.R. 2369.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join my colleagues in supporting H.R. 2369 as reported by the Committee on Energy and Commerce last month. This bipartisan legislation includes a simple funding reauthorization of the family planning programs at noninflationary levels.

Although there is opposition to House consideration of H.R. 2369 under suspension of the rules, I believe that it is important that the legislation move forward in this manner, since its enactment in 1970, the Family Planning Program, authorized in Title X of the Public Health Service Act, has provided preventive health, medical and educational services to low-income women and teenagers who

are unable to secure such services through the private sector.

Because questions are often raised about the use of funds authorized by this title, I would like to stress that explicit language in this title specifically prohibits the use of any appropriated funds for the provision of abortion services. This language remains intact with the passage of H.R. 2369.

I understand that several of my colleagues are opposed to taking up H.R. 2369 under suspension of the rules because they would like to offer an amendment to this legislation which would require family planning programs receiving Federal grants to notify parents or guardians that their unemancipated children or wards had sought family planning services. A similar amendment was defeated in the Energy and Commerce Committee, while I recognize my colleagues' concern about the Government taking on the role of parenting, I believe that many young women would not seek family planning services if they knew their parents were going to be notified.

I would like to point out that the current family planning statute requires that "to the extent practicable, entities which receive grants and contracts shall encourage family participation." This provision is clearly an integral section of the family planning law. This provision also remains intact with the passage of H.R. 2369.

I urge my colleagues to adopt H.R. 2369 under suspension of the rules. This bipartisan legislation deserves your support.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MADIGAN. Mr. Speaker, I yield back the balance of my time.

● Mr. WEISS. Mr. Speaker, again today we in the House find ourselves seeking to reauthorize, with the strong support of the American public, a program slated annually for annihilation by the Reagan administration. So again today, I rise in strong favor of the reauthorization of family planning services provided under title X of the Public Health Services Act and urge its overwhelming passage by my colleagues.

For the fifth year in a row, President Reagan has proposed wiping out our Nation's primary Federal program aimed at family planning for low-income women and teenagers, and folding it, with several other categorical programs, into a primary health care block grant.

Last year, this House overwhelmingly approved title X twice. But the Senate was able to hold the reauthorization hostage for almost the entire year. We face a similar confrontation this year, as no action on the reauthorization has yet been scheduled by the Senate Committee on Labor and Human Resources.

Title X does not favor one form of family planning over another, nor does it diminish the role of the family in important health-related decisions. What it does however—and what it does well—is provide for more informed choices by women and their families.

More than half of all pregnancies in this country are unintended. This figure for poor women is much higher. We must work to turn the tide on unwanted pregnancy and the subsequent poverty among women and children. Continued funding for title X is only one small step in what must become a much larger Federal effort to fight this problem.

Moral platitudes will not end the problem of unplanned and unwanted pregnancy. We need to provide for a well-informed public on the issues of sexuality and birth control.

This latest 3-year reauthorization request for title X is hardly extravagant. Funding for fiscal year 1986 is frozen at fiscal year 1985 levels. For 1987 and 1988 adjustments are made only for inflation.

Each Federal dollar invested in family planning in 1 year yields a minimum saving of $2 in health and welfare costs associated with unintended births in the following year alone.

I urge my colleagues in the House to demonstrate once again that we are very serious about our commitment to essential and cost-effective public health funding. Vote in favor of H.R. 2369 today under suspension of the rules.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2369.

The question was taken.

Mr. COBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

HEALTH RESEARCH EXTENSION ACT OF 1985

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill H.R. 2409, to amend the Public Health Service Act to revise and extend the authorities under that Act relating to the National Institutes of Health and National Research Institutes, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE TO ACT; AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Health Research Extension Act of 1985".

(b) REFERENCE TO ACT.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be a reference to a section or other provision of the Public Health Service Act.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; reference to Act; and table of contents.
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SEC. 2. REVISION OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT.

SEC. 2. Title IV of the Public Health Service Act is amended to read as follows:

"TITLE IV—NATIONAL RESEARCH INSTITUTES

"PART A—NATIONAL INSTITUTES OF HEALTH

"ORGANIZATION OF THE NATIONAL INSTITUTES OF HEALTH

"SEC. 401. (a) The National Institutes of Health is an agency of the Service.

"(b)(1) The following national research institutes are agencies of the National Institutes of Health:

"(A) The National Cancer Institute.

"(B) The National Heart, Lung, and Blood Institute.

"(C) The National Institute of Diabetes and Digestive and Kidney Diseases.

"(D) The National Institute of Arthritis and Musculoskeletal and Skin Diseases.

"(E) The National Institute on Aging.

"(F) The National Institute of Allergy and Infectious Diseases.

"(G) The National Institute of Child Health and Human Development.

"(H) The National Institute of Dental Research.

"(I) The National Eye Institute.

"(J) The National Institute of Neurological and Communicative Disorders and Stroke.

"(K) The National Institute of General Medical Sciences.

"(L) The National Institute of Environmental Health Sciences.

"(M) The National Institute of Nursing.

"(2) The following entities are agencies of the National Institutes of Health:

"(A) The National Library of Medicine.

"(B) The Division of Research Resources.

"(C) The John E. Fogarty International Center for Advanced Study in the Health Sciences.

"(c)(1) The Secretary may establish in the National Institutes of Health one or more additional national research institutes to conduct and support research, training, health information, and related programs with respect to any particular disease or groups of diseases or any other aspect of human health if—

"(A) the Secretary determines that an additional institute is necessary to carry out such activities; and

"(B) the additional institute is not established before the expiration of 180 days after the Secretary has provided the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate written notice of the determination made under clause (i) with respect to the institute.

"(2) The Secretary may reorganize the functions of any national research institute and may abolish any national research institute if the Secretary determines that the institute is no longer required. A reorganization or abolition may not take effect under this subparagraph before the expiration of 180 days after the Secretary has provided the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate written notice of the reorganization or abolition.

"(d) For purposes of this title, the term 'national research institute' means a national research institute listed in subsection (b) or established under subsection (c). A reference to the National Institutes of Health includes its agencies.

"APPOINTMENT AND AUTHORITY OF DIRECTOR OF NIH

"SEC. 402. (a) The National Institutes of Health shall be headed by the Director of the National Institutes of Health (hereafter in this title referred to as the 'Director of NIH') who shall be appointed by the President by and with the advice and consent of the Senate. The Director of NIH shall perform functions as provided under subsection (b) and as the Secretary may otherwise prescribe.

"(b) In carrying out the purposes of section 301, the Secretary, acting through the Director of NIH—

"(1) shall be responsible for the overall direction of the National Institutes of Health and for the establishment and implementation of general policies respecting the management and operation of programs and activities within the National Institutes of Health;

"(2) shall coordinate and oversee the operation of the national research institutes and administrative entities within the National Institutes of Health;

"(3) shall assure that research at the National Institutes of Health is subject to review in accordance with section 490(b);

"(4) for the national research institutes and administrative entities within the National Institutes of Health—

"(A) may acquire, construct, improve, repair, operate, and maintain, at the site of such institutes and entities, laboratories, and other research facilities, other facilities, equipment, and other real or personal property, and

"(B) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for use for a period not to exceed ten years;

"(5) may secure resources for research conducted by or through the National Institutes of Health;

"(6) may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific peer review groups as are needed to carry out the requirements of this title and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service as members of such groups;

"(7) may secure for the National Institutes of Health consultation services and advice of persons from the United States or abroad;

"(8) may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

"(9) may, for purposes of study, admit and treat at facilities of the National Institutes of Health individuals not otherwise eligible for such treatment;

"(10) may accept voluntary and uncompensated services; and

"(11) may perform such other administrative functions as the Secretary determines are needed to effectively carry out this title.

The Federal Advisory Committee Act shall not apply to the duration of a peer review group appointed under paragraph (6). The members of such a group shall be individuals who by virtue of their training or experience are eminently qualified to perform the review functions of such group. Not more than one-fourth of the members of any such group shall be officers or employees of the United States.

"(c) The Director of NIH may make available to individuals and entities, for biomedical and behavioral research, substances and living organisms. Such substances and organisms shall be made available under such terms and conditions (including payment for them) as the Secretary determines appropriate.

"(d)(1) The Director of NIH may obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation on the period of service) the services of not more than two hundred experts or consultants, with scientific or other professional qualifications, for the National Institutes of Health.

"(2)(A) Except as provided in subparagraph (B), experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed, in accordance with title 5, United States Code, for their travel and other expenses associated with their assignment.

"(B) Expenses specified in subparagraph (A) shall not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1) unless the expert or consultant has agreed in writing to complete the entire period of the assignment or one year of the assignment, whichever is shorter, unless separated or reassigned for reasons which are beyond the control of the expert or consultant and which are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for such expenses is recoverable from the expert or consultant as a debt due the United States. The Secretary may waive in whole or in part a right of recovery under this subparagraph.

"(e) The Director of NIH shall—

"(1) advise the agencies of the National Institutes of Health on medical applications of research;

"(2) coordinate, review, and facilitate the systematic identification and evaluation of, clinically relevant information from research conducted by or through the national research institutes;

"(3) promote the effective transfer of the information described in paragraph (2) to the health care community and to entities that require such information; and

"(4) monitor the effectiveness of the activities described in paragraph (3).

"(f) There shall be in the National Institutes of Health an Associate Director for Prevention. The Director of NIH shall delegate to the Associate Director for Prevention the functions of the Director relating to the promotion of the disease prevention research programs of the national research institutes and the coordination of such programs among the national research institutes and between the national research institutes and other public and private entities. The Associate Director shall annually report to the Director of NIH on the prevention activities undertaken by the Associate Director. The report shall include a detailed statement of the expenditures made for the activities reported on and the personnel used in connection with such activities.

"REPORT OF DIRECTOR OF NIH

"SEC. 403. The Secretary shall transmit to the President and to the Congress a biennial report which shall be prepared by the Director of NIH and which shall consist of—

"(1) a description of the activities carried out by and through the National Institutes of Health and the policies respecting the programs of the National Institutes of Health and such recommendations respecting such policies as the Secretary considers appropriate;

"(2) a description of the activities undertaken to improve grants and contracting accountability and peer review procedures of the National Institutes of Health and the national research institutes;

"(3) the reports made by the Associate Director for Prevention under section 402(f) during the period for which the biennial report is prepared; and

"(4) the biennial reports of the Directors of each of the national research institutes.

The first report under this section shall be submitted not later than April 1, 1986, and shall relate to the fiscal year ending on the preceding September 30. The next report shall be submitted not later than December 30, 1988, and shall relate to the two-fiscal year period ending on the preceding September 30. Each subsequent report shall be submitted not later than 90 days after the two-fiscal-year period for which the report is to be submitted.

"PART B—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

"APPOINTMENT AND AUTHORITY OF THE DIRECTORS OF THE NATIONAL RESEARCH INSTITUTES

"SEC. 405. (a) The Director of the National Cancer Institute shall be appointed by the President and the Directors of the other national research institutes shall be appointed by the Secretary. Each Director shall report directly to the Director of NIH.

"(b)(1) In carrying out the purposes of section 301 with respect to the human diseases or disorders or other aspects of human health for which the national research institutes were established, the Secretary, acting through the Director of each national research institute—

"(A) shall encourage and support research, investigations, experiments, demonstrations, and studies in the health sciences related to—

"(i) the maintenance of health,

"(ii) the detection, diagnosis, treatment, and prevention of human diseases and disorders,

"(iii) the rehabilitation of individuals with human diseases, disorders, and disabilities, and

"(iv) the expansion of knowledge of the processes underlying human diseases, disorders, and disabilities, the processes underlying the normal and pathological functioning of the body and its organ systems, and the processes underlying the interactions between the human organism and the environment;

"(B) may, subject to the review prescribed under section 490(b) and any advisory council review under section 406(a)(3)(A)(i), conduct the research, investigations, experiments, demonstrations, and studies referred to in subparagraph (A);

"(C) may conduct and support research training (i) for which fellowship support is not provided under section 485, and (ii) which is not residency training of physicians or other health professionals;

"(D) may develop, implement, and support demonstrations and programs for the application of the results of the activities of the institute to clinical practice and disease prevention activities;

"(E) may develop, conduct, and support public and professional education and information programs;

"(F) may secure, develop and maintain, distribute, and support the development and maintenance of resources needed for research;

"(G) may make available the facilities of the institute to appropriate entities and individuals engaged in research activities and cooperate with and assist Federal and State agencies charged with protecting the public health;

"(H) may accept unconditional gifts made to the institute for their activities, and, in the case of gifts of a value in excess of $50,000, establish suitable memorials to the donor;

"(I) may secure for the institute consultation services and advice of persons from the United States or abroad;

"(J) may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

"(K) may accept voluntary and uncompensated services; and

"(L) may perform such other functions as the Secretary determines are needed to

carry out effectively the purposes of the institute.

The indemnification provisions of section 2354, title 10, United States Code, shall apply with respect to contracts entered into under this subsection and section 402(b).

"(2) Support for an activity or program under this subsection may be provided through grants, contracts, and cooperative agreements. The Secretary, acting through the Director of each national research institute—

"(A) may enter into a contract for research, training, or demonstrations only if the contract has been recommended after peer review required by regulations under section 490; and

"(B) may make grants and cooperative agreements under paragraph (1) for research, training, or demonstrations, except that—

"(i) if the direct cost of the grant or cooperative agreement to be approved does not exceed $50,000, such grant or cooperative agreement may be approved only after appropriate technical and scientific review in accordance with section 490, and

"(ii) if the direct cost of the grant or cooperative agreement to be approved exceeds $50,000, such grant or cooperative agreement may be approved only after appropriate technical and scientific review in accordance with section 490 and recommendation by the advisory council under section 406(a)(3)(A)(ii) to the national research institute involved.

"(c) In carrying out subsection (b), each Director of a national research institute—

"(1) shall coordinate, as appropriate, the activities of the institute with similar programs of other public and private entities;

"(2) shall cooperate with the Directors of the other national research institutes in the development and support of multidisciplinary research and research that involves more than one institute; and

"(3) may, with the approval of the advisory council for the institute and the Director of NIH, appoint peer review groups in addition to those appointed under section 402(b)(6).

"ADVISORY COUNCILS

"SEC. 406. (a)(1) Except as provided in subsection (h), the Secretary shall appoint an advisory council for each national research institute which (A) shall advise, assist, consult with, and make recommendations to the Secretary and the Director of such institute on matters related to the activities carried out through the institute and the policies respecting such activities, and (B) shall carry out the special functions prescribed by part C.

"(2) Each advisory council for a national research institute may recommend to the Secretary acceptance, in accordance with section 2101, of conditional gifts for study, investigation, or research respecting the disease, disorders, or other aspect of human health with respect to which the institute was established, for the acquisition of grounds, or for the construction, equipping, or maintenance of facilities for the institute.

"(3) Each advisory council for a national research institute—

"(A)(i) may on the basis of the materials provided under section 490(b)(2) respecting research conducted at the institute, make recommendations to the Director of the institute respecting such research,

"(ii) may review applications for grants and cooperative agreements for research or training and for which advisory council approval is required under section 405(b)(2) and recommend for approval applications for projects which show promise of making valuable contributions to human knowledge, and

"(iii) may review any grant, contract, or cooperative agreement proposed to be made or entered into by the institute;

"(B) may collect, by correspondence or by personal investigation, information as to studies which are being carried on in the United States or any other country as to the disease, disorders, or other aspect of human health with respect to which the institute was established and with the approval of the Director of the institute make available such information through appropriate publications for the benefit of public and private health entities and health professions personnel and scientists and for the information of the general public; and

"(C) may appoint subcommittees and convene workshops and conferences.

"(b)(1) Each advisory council shall consist of ex officio members and not more than eighteen members appointed by the Secretary. The ex officio members of an advisory council shall consist of the Secretary, the Director of NIH, the Director of the national research institute for which the council is established, the Chief Medical Director of the Veterans' Administration, the Assistant Secretary of Defense for Health Affairs, and such additional officers or employees of the United States as the Secretary determines necessary for the advisory council to effectively carry out its functions. The members of an advisory council who are not ex officio members shall be appointed as follows:

"(A) Two thirds of the members shall be appointed by the Secretary from among the leading representatives of the health and scientific disciplines (including public health and the behavioral or social sciences) relevant to the activities of the institute for which the advisory council is established.

"(B) One third of the members shall be appointed by the Secretary from the general public and shall include leaders in fields of public policy, law, health policy, economics, and management.

"(2) Members of an advisory council who are officers or employees of the United States shall not receive any compensation for service on the advisory council. The other members of an advisory council shall receive, for each day (including traveltime) they are engaged in the performance of the functions of the advisory council, compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule.

"(c) The term of office of an appointed member of an advisory council is four years, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term and the Secretary shall make appointments to an advisory council in such a manner as to ensure that the terms of the members do not all expire in the same year. A member may serve after the expiration of the member's term until a successor has taken office. A member who has been appointed for a term of four years may not be reappointed to an advisory council before two years from the date of expiration of such term of office. If a vacancy occurs in the advisory council among the appointed members, the Secretary shall make an appointment to fill the vacancy within 90 days from the date the vacancy occurs.

"(d) The chairman of an advisory council shall be selected by the Secretary from among the appointed members, except that the Secretary may select the Director of the national research institute for which the advisory council is established to be the chairman of the advisory council. The term of office of the chairman shall be two years.

"(e) The advisory council shall meet at the call of the chairman or upon the request of the Director of the national research institute for which it was established, but at least three times each fiscal year. The location of the meetings of each advisory council is subject to the approval of the Director of the national research institute for which the advisory council was established.

"(f) The Director of the national research institute for which an advisory council is established shall designate a member of the staff of the institute to serve as the executive secretary of the advisory council. The Director of such institute shall make available to the advisory council such staff, information, and other assistance as it may require to carry out its functions. The Director of such institute shall provide orientation and training for new members of the advisory council to provide them with such information and training as may be appropriate for their effective participation in the functions of the advisory council.

"(g) Each advisory council may prepare, for inclusion in the biennial report made under section 407, (1) comments respecting the activities of the advisory council in the fiscal years respecting which the report is prepared, (2) comments on the progress of the national research institute for which it was established in meeting its objectives, and (3) recommendations respecting the future directions and program and policy emphasis of the institute. Each advisory council may prepare such additional reports as it may deem appropriate.

"(h)(1) Except as provided in paragraph (2), this section does not terminate the membership of any advisory council to a national research institute which was in existence on the effective date of the Health Research Extension Act of 1985. After such date—

"(A) the Secretary shall make appointments to each such advisory council in such a manner as to bring about as soon as practicable the composition for such council prescribed by this section;

"(B) each advisory council shall organize itself in accordance with this section and exercise the functions prescribed by this section; and

"(C) the Director of each national research institute shall perform for such advisory council the functions prescribed by this section.

"(2)(A) The National Cancer Advisory Board shall be the advisory council for the National Cancer Institute. This section applies to the National Cancer Advisory Board, except that—

"(i) appointments to such Board shall be made by the President;

"(ii) the term of office of an appointed member shall be 6 years;

"(iii) of the members appointed to the Board not less than five members shall be individuals knowledgeable in environmental carcinogenesis (including carcinogenesis involving occupational and dietary factors);

"(iv) the chairman of the Board shall be selected by the President from the appointed members and shall serve as chairman for a term of two years;

"(v) the ex officio members of the Board shall be the Secretary, the Director of the

Office of Science and Technology Policy, the Director of NIH, the Chief Medical Director of the Veterans' Administration, the Director of the National Institute for Occupational Safety and Health, the Director of the National Institute of Environmental Health Sciences, the Secretary of Labor, the Commissioner of the Food and Drug Administration, the Administrator of the Environmental Protection Agency, the Chairman of the Consumer Product Safety Commission and the Assistant Secretary of Defense for Health Affairs; and

"(vi) the Board shall meet at least four times each fiscal year.

"(B) This section applies to the advisory council to the National Heart, Lung, and Blood Institute, except that the advisory council shall meet at least four times each fiscal year.

"(C) This section applies to the advisory council to the National Institute of Nursing, except that the Chief Nursing Officer of the Veterans' Administration and the Director of the Division of Nursing of the Health Resources and Services Administration shall be ex officio members of the advisory council to the National Institute of Nursing. Of the members appointed to the advisory council under subsection (b)(1)(A), seven shall be professional nurses who are recognized experts in the area of clinical practice, education, or research.

"BIENNIAL REPORT

"SEC. 407. The Director of each national research institute, after consultation with the advisory council for the institute, shall prepare for inclusion in the biennial report made under section 403 a biennial report which shall consist of a description of the activities of the institute and program policies of the Director of the institute in the fiscal years respecting which the report is prepared. Each Director may prepare such additional reports as the Director determines appropriate. The Director of each institute shall provide the advisory council of the institute an opportunity for the submission of the written comments referred to in section 406(g).

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 408. (a) In addition to amounts otherwise authorized to be appropriated under this title for the National Institutes of Health, the following amounts are authorized to be appropriated:

"(1)(A) For the National Cancer Institute (other than its programs under section 412), there is authorized to be appropriated $1,270,000,000 for fiscal year 1986.

"(B) For the programs under section 412, there is authorized to be appropriated $75,000,000 for fiscal year 1986.

"(2)(A) For the National Heart, Lung, and Blood Institute (other than its programs under section 419), there is authorized to be appropriated $788,000,000 for fiscal year 1986. Of the amount appropriated under this subsection for such fiscal year, not less than 15 percent of such amount shall be reserved for programs respecting diseases of the lung and not less than 15 percent of such amount shall be reserved for programs respecting blood diseases and blood resources.

"(B) For the programs under section 419, there is authorized to be appropriated $82,000,000 for fiscal year 1986.

"(b)(1) Except as provided in paragraph (2), the sum of the amounts obligated in any fiscal year for administrative expenses of the National Institutes of Health may not exceed an amount which is 5.5 percent of the total amount appropriated for such fiscal year for the National Institutes of Health.

"(2) Paragraph (1) does not apply to the National Library of Medicine, the John E. Fogarty International Center for Advanced Study in the Health Sciences, and the Office of Medical Applications of Research.

"(3) For purposes of paragraph (1), the term 'administrative expenses' means expenses incurred for the support of activities relevant to the award of grants, contracts, and cooperative agreements and expenses incurred for general administration of the scientific programs and activities of the National Institutes of Health. In identifying expenses incurred for such support and administration the Secretary shall consult with the Comptroller General.

"(4) Not later than December 31, 1987, and December 31 of each succeeding year, the Secretary shall report to the Congress the amount obligated in the fiscal year preceding such date for administrative expenses of the National Institutes of Health and the total amount appropriated for the National Institutes of Health for such fiscal year. The Secretary shall consult with the Comptroller General in preparing each report.

"PART C—SPECIFIC PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

"Subpart 1—National Cancer Institute

"PURPOSE OF INSTITUTE

"SEC. 410. The general purpose of the National Cancer Institute (hereafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and other programs with respect to the cause, diagnosis, prevention, and treatment of cancer and the continuing care of cancer patients and the families of cancer patients.

"NATIONAL CANCER PROGRAM

"SEC. 411. The National Cancer Program shall consist of (1) an expanded, intensified, and coordinated cancer research program encompassing the research programs conducted and supported by the Institute and the related research programs of the other national research institutes, including an expanded and intensified research program for the prevention of cancer caused by occupational or environmental exposure to carcinogens, and (2) the other programs and activities of the Institute.

"CANCER CONTROL PROGRAMS

"SEC. 412. The Director of the Institute shall establish and support demonstration, education, and other programs for the detection, diagnosis, prevention, and treatment of cancer and for rehabilitation and counseling respecting cancer. Programs established and supported under this section shall include—

"(1) locally initiated education and demonstration programs (and regional networks of such programs) to transmit research results and to disseminate information respecting—

"(A) the detection, diagnosis, prevention, and treatment of cancer,

"(B) the continuing care of cancer patients and the families of cancer patients, and

"(C) rehabilitation and counseling respecting cancer,

to physicians and other health professionals who provide care to individuals who have cancer;

"(2) the demonstration of and the education of students of the health professions and health professionals in—

"(A) effective methods for the prevention and early detection of cancer and the identification of individuals with a high risk of developing cancer, and

"(B) improved methods of patient referral to appropriate centers for early diagnosis and treatment of cancer; and

"(3) the demonstration of new methods for the dissemination of information to the general public concerning the prevention, early detection, diagnosis, and treatment and control of cancer and information concerning unapproved and ineffective methods, drugs, and devices for the diagnosis, prevention, treatment, and control of cancer.

"SPECIAL AUTHORITIES OF THE DIRECTOR

"SEC. 413. (a) The Director of the Institute shall establish an information and education center to collect, identify, analyze, and disseminate on a timely basis, through publications and other appropriate means, to cancer patients and their families, physicians and other health professionals, and the general public, information on cancer research, diagnosis, prevention, and treatment (including information respecting nutrition programs for cancer patients and the relationship between nutrition and cancer). The Director of the Institute may take such action as may be necessary to insure that all channels for the dissemination and exchange of scientific knowledge and information are maintained between the Institute and other scientific, medical, and biomedical disciplines and organizations nationally and internationally.

"(b) The Director of the Institute in carrying out the National Cancer Program—

"(1) shall establish or support the large-scale production or distribution of specialized biological materials and other therapeutic substances for cancer research and set standards of safety and care for persons using such materials;

"(2) shall, in consultation with the advisory council for the Institute, support (A) research in the cancer field outside the United States by highly qualified foreign nationals which can be expected to benefit the American people, (B) collaborative research involving American and foreign participants, and (C) the training of American scientists abroad and foreign scientists in the United States;

"(3) shall, in consultation with the advisory council for the Institute, support appropriate programs of education (including continuing education) and training;

"(4) shall encourage and coordinate cancer research by industrial concerns where such concerns evidence a particular capability for such research;

"(5) may obtain (with the approval of the advisory council for the Institute and in accordance with section 3109 of title 5, United States Code, but without regard to the limitation on the period of service) the services of not more than one hundred and fifty-one experts or consultants who have scientific or professional qualifications;

"(6)(A) may, in consultation with the advisory council for the Institute, acquire, construct, improve, repair, operate, and maintain laboratories, other research facilities, equipment, and such other real or personal property as the Director determines necessary;

"(B) may, in consultation with the advisory council for the Institute, make grants for new construction or renovation of facilities; and

"(C) may, in consultation with the advisory council for the Institute, acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years;

"(7) may, in consultation with the advisory council for the Institute, appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments to advise the Director with respect to the Director's functions;

"(8) may, subject to section 405(b)(2) and without regard to section 3324 of title 31 of the United States Code and section 3709 of the Revised Statutes (41 U.S.C. 5), enter into such contracts, leases, cooperative agreements, as may be necessary in the conduct of functions of the Director, with any public agency, or with any person, firm, association, corporation, or educational institution;

"(9) shall maintain and operate the International Cancer Research Data Bank, which shall collect, catalog, store, and disseminate insofar as feasible through the use of information systems accessible to the public, general practitioners, and oncologic investigators, the results of cancer research and treatment undertaken in any country for the use of any person involved in cancer research and treatment in any country; and

"(10)(A) shall, notwithstanding section 405(a), prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate (including an estimate of the number and type of personnel needs for the Institute) for the National Cancer Program, after reasonable opportunity for comment (but without change) by the Secretary, the Director of NIH, and the Institute's advisory council; and (B) may receive from the President and the Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the Institute.

Except as otherwise provided, experts and consultants whose services are obtained under paragraph (5) shall be paid or reimbursed, in accordance with title 5, United States Code, for their travel and other expenses associated with their assignment. Such expenses shall not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (5) unless the expert or consultant has agreed in writing to complete the entire period of the assignment or one year of the assignment, whichever is shorter, unless separated or reassigned for reasons which are beyond the control of the expert or consultant and which are acceptable to the Director of the Institute. If the expert or consultant violates the agreement, the money spent by the United States for such expenses is recoverable from the expert or consultant as a debt due the United States. The Secretary may waiver in whole or in part a right of recovery under this subparagraph.

"NATIONAL CANCER RESEARCH AND DEMONSTRATION CENTERS

"SEC. 414. (a)(1) The Director of the Institute may enter into cooperative agreements with and make grants to public or private nonprofit entities to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support during fiscal year 1986 for centers for basic and clinical research into, training in, and demonstration of advanced diagnostic, prevention, and treatment methods for cancer.

"(2) A cooperative agreement or grant under paragraph (1) shall be entered into in accordance with policies established by the Director of NIH and after consultation with the Institute's advisory council.

"(b) Federal payments made under a cooperative agreement or grant under subsection (a) may be used for—

"(1) construction (notwithstanding any limitation under section 494);

"(2) staffing and other basic operating costs, including such patient care costs as are required for research;

"(3) clinical training, including training for allied health professionals, continuing education for health professionals and allied health professions personnel, and information programs for the public respecting cancer; and

"(4) demonstration purposes.

As used in this subsection, the term 'construction' does not include the acquisition of land, and the term 'training' does not include research training for which National Research Service Awards may be provided under section 485.

"(c) Support of a center under subsection (a) may be for a period of not to exceed five years. Such period may be extended by the Director for additional periods of not more than five years each if the operations of such center have been reviewed by an appropriate scientific review group established by the Director and if such group has recommended to the Director that such period should be extended.

"PRESIDENT'S CANCER PANEL

"SEC. 415. (a)(1) The President's Cancer Panel (hereafter in this section referred to as the 'Panel') shall be composed of three persons appointed by the President who by virtue of their training, experience, and background are exceptionally qualified to appraise the National Cancer Program. At least two members of the Panel shall be distinguished scientists or physicians.

"(2)(A) Members of the Panel shall be appointed for three-year terms, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term, and (ii) a member may serve until the member's successor has taken office. If a vacancy occurs in the Panel, the President shall make an appointment to fill the vacancy not later than 90 days after the date the vacancy occurred.

"(B) The President shall designate one of the members to serve as the chairman of the Panel for a term of one year.

"(C) Members of the Panel shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties as members of the Panel and shall be allowed travel expenses (including a per diem allowance) under section 5703 of title 5, United States Code.

"(3) The Panel shall meet at the call of the chairman, but not less often than four times a year. A transcript shall be kept of the proceedings of each meeting of the Panel, and the chairman shall make such transcript available to the public.

"(b) The Panel shall monitor the development and execution of the activities of the National Cancer Program, and shall report directly to the President. Any delays or blockages in rapid execution of the program shall immediately be brought to the attention of the President. The Panel shall submit to the President periodic progress reports on the program and shall submit to the President, the Secretary, and the Congress an annual evaluation of the efficacy of the program and suggestions for improvements, and shall submit such other reports as the President shall direct.

"ASSOCIATE DIRECTOR FOR PREVENTION

"SEC. 416. (a) There shall be in the Institute an Associate Director for Prevention to coordinate and promote the programs in the Institute in the prevention of cancer. The Associate Director shall be appointed by the Director of the Institute from individuals who because of their professional training or experience are experts in public health or preventive medicine.

"(b) The Associate Director for Prevention shall prepare for inclusion in the biennial report made under section 407 a description of the prevention activities of the Institute, including a description of the staff and resources allocated to those activities.

"Subpart 2—National Heart, Lung, and Blood Institute

"PURPOSE OF THE INSTITUTE

"SEC. 418. The general purpose of the National Heart, Lung, and Blood Institute (hereafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and other programs with respect to heart, blood vessel, lung, and blood diseases and with respect to the use of blood and blood products and the management of blood resources.

"HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PREVENTION AND CONTROL PROGRAMS

"SEC. 419. The Director of the Institute, under policies established by the Director of NIH and after consultation with the advisory council for the Institute, shall establish programs as necessary for cooperation with other Federal health agencies, State, local, and regional public health agencies, and nonprofit private health agencies in the diagnosis, prevention, and treatment (including the provision of emergency medical services) of heart, blood vessel, lung, and blood diseases, appropriately emphasizing the prevention, diagnosis, and treatment of such diseases of children.

"INFORMATION AND EDUCATION

"SEC. 420. The Director of the Institute shall collect, identify, analyze, and disseminate on a timely basis, through publications and other appropriate means, to patients, families of patients, physicians and other health professionals, and the general public, information on research, prevention, diagnosis, and treatment of heart, blood vessel, lung, and blood diseases, the maintenance of health to reduce the incidence of such diseases, and on the use of blood and blood products and the management of blood resources. In carrying out this section the Director of the Institute shall place special emphasis upon—

"(1) the dissemination of information regarding diet and nutrition, environmental pollutants, exercise, stress, hypertension, cigarette smoking, weight control, and other factors affecting the prevention of arteriosclerosis and other cardiovascular diseases and of pulmonary and blood diseases; and

"(2) the dissemination of information designed to encourage children to adopt healthful habits respecting the risk factors related to the prevention of such diseases.

"NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES AND BLOOD RESOURCES PROGRAM

"SEC. 421. (a) The National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program (hereinafter referred to as the 'Program') may provide for—

"(1) investigation into the epidemiology, etiology, and prevention of all forms and aspects of heart, blood vessel, lung, and blood diseases, including investigations into the social, environmental, behavioral, nutritional, biological, and genetic determinants and influences involved in the epidemiology, etiology, and prevention of such diseases;

"(2) studies and research into the basic biological processes and mechanisms involved in the underlying normal and abnormal heart, blood vessel, lung, and blood phenomena;

"(3) research into the development, trial, and evaluation of techniques, drugs, and devices (including computers) used in, and approaches to, the diagnosis, treatment (including the provision of emergency medical services), and prevention of heart, blood vessel, lung, and blood diseases and the rehabilitation of patients suffering from such diseases;

"(4) establishment of programs that will focus and apply scientific and technological efforts involving the biological, physical, and engineering sciences to all facets of heart, blood vessel, lung, and blood diseases with emphasis on the refinement, development, and evaluation of technological devices that will assist, replace, or monitor vital organs and improve instrumentation for detection, diagnosis, and treatment of such diseases;

"(5) establishment of programs for the conduct and direction of field studies, large-scale testing and evaluation, and demonstration of preventive, diagnostic, therapeutic, and rehabilitative approaches to, and emergency medical services for, such diseases;

"(6) studies and research into blood diseases and blood, and into the use of blood for clinical purposes and all aspects of the management of blood resources in this country, including the collection, preservation, fractionation, and distribution of blood and blood products;

"(7) the education (including continuing education) and training of scientists, clinical investigators, and educators, in fields and specialties (including computer sciences) requisite to the conduct of clinical programs respecting heart, blood vessel, lung, and blood diseases and blood resources;

"(8) public and professional education relating to all aspects of such diseases, including the prevention of such diseases, and the use of blood and blood products and the management of blood resources;

"(9) establishment of programs for study and research into heart, blood vessel, lung, and blood diseases of children (including cystic fibrosis, hyaline membrane, hemolytic diseases such as sickle cell anemia and Cooley's anemia, and hemophilic diseases) and for the development and demonstration of diagnostic, treatment, and preventive approaches to such diseases; and

"(10) establishment of programs for study, research, development, demonstrations and evaluation of emergency medical services for people who become critically ill in connection with heart, blood vessel, lung, or blood diseases.

The Program shall be coordinated with other national research institutes to the extent that they have responsibilities respecting such diseases and shall give special emphasis to the continued development in the Institute of programs related to the causes of stroke and to effective coordination of such programs with related stroke programs in the National Institute of Neurological and Communicative Disorders and Stroke. The Director of the Institute, with the advice of the advisory council for the Institute, shall revise annually the plan for the Program and shall carry out the Program in accordance with such plan.

"(b) In carrying out the Program, the Director of the Institute, under policies established by the Director of NIH—

"(1) may, after approval of the advisory council for the Institute, obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation on the period of such service) the services of not more than one hundred experts or consultants who have scientific or professional qualifications;

"(2)(A) may, in consultation with the advisory council for the Institute, acquire and construct, improve, repair, operate, alter, renovate, and maintain, heart, blood vessel, lung, and blood disease and blood resource laboratory, research, training, and other facilities, equipment, and such other real or personal property as the Director determines necessary;

"(B) may, in consultation with the advisory council for the Institute, make grants for construction or renovation of facilities; and

"(C) may, in consultation with the advisory council for the Institute, acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years;

"(3) subject to section 405(b)(2) and without regard to section 3324 of title 31 of the United States Code and section 3709 of the Revised Statutes (41 U.S.C. 5), may enter into such contracts, leases, cooperative agreements, or other transactions, as may be necessary in the conduct of the Director's functions, with any public agency, or with any person, firm, association, corporation, or educational institutions; and

"(4) may make grants to public and nonprofit private entities to assist in meeting the cost of the care of patients in hospitals, clinics, and related facilities who are participating in research projects.

Except as otherwise provided, experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed, in accordance with title 5, United States Code, for their travel and other expenses associated with their assignment. Such expenses shall not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1) unless the expert or consultant has agreed in writing to complete the entire period of the assignment or one year of the assignment, whichever is shorter, unless separated or reassigned for reasons which are beyond the control of the expert or consultant and which are acceptable to the Director of the Institute. If the expert or consultant violates the agreement, the money spent by the United States for such expenses is recoverable from the expert or consultant as a debt due the United States. The Secretary may waive in whole or in part a right of recovery under this subparagraph.

"NATIONAL RESEARCH AND DEMONSTRATION CENTERS FOR HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES, SICKLE CELL ANEMIA, AND BLOOD RESOURCES

"SEC. 422. (a)(1) The Director of the Institute may provide, in accordance with subsection (c), for the development of—

"(A) ten centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for heart and blood vessel diseases;

"(B) ten centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for lung diseases (including bronchitis, emphysema, asthma, cystic fibrosis, and other lung diseases of children); and

"(C) ten centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for blood diseases and research into blood, in the use of blood products and in the management of blood resources.

"(2) The centers developed under paragraph (1) shall, in addition to being utilized for research, training, and demonstrations, be utilized for the following prevention programs for cardiovascular, pulmonary, and blood diseases:

"(A) Programs to develop improved methods of detecting individuals with a high risk of developing cardiovascular, pulmonary, and blood diseases.

"(B) Programs to develop improved methods of intervention against those factors which cause individuals to have a high risk of developing such diseases.

"(C) Programs to develop health professions and allied health professions personnel highly skilled in the prevention of such diseases.

"(D) Programs to develop improved methods of providing emergency medical services for persons with such diseases.

"(E) Programs of continuing education for health and allied health professionals in the diagnosis, prevention, and treatment of such diseases and the maintenance of health to reduce the incidence of such diseases and information programs for the public respecting the prevention and early diagnosis and treatment of such diseases and the maintenance of health.

"(3) The research, training, and demonstration activities carried out through any such center may relate to any one or more of the diseases referred to in paragraph (1) of this subsection.

"(b) The Director of the Institute shall provide, in accordance with subsection (c), for the development of ten centers for basic and clinical research into the diagnosis, treatment, and control of sickle cell anemia.

"(c)(1) The Director of the Institute may enter into cooperative agreements with and make grants to public or private nonprofit entities to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for centers for basic and clinical research into, training in, and demonstration of the management of blood resources and advanced diagnostic, prevention, and treatment meth-

ods for heart, blood vessel, lung, or blood diseases.

"(2) A cooperative agreement or grant under paragraph (1) shall be entered into in accordance with policies established by the Director of NIH and after consultation with the Institute's advisory council.

"(3) Federal payments made under a cooperative agreement or grant under paragraph (1) may be used for—

"(A) construction (notwithstanding any limitation under section 494);

"(B) staffing and other basic operating costs, including such patient care costs as are required for research;

"(C) training, including training for allied health professionals; and

"(D) demonstration purposes.

As used in this subsection, the term 'construction' does not include the acquisition of land, and the term 'training' does not include research training for which National Research Service Awards may be provided under section 485.

"(4) Support of a center under paragraph (1) may be for a period of not to exceed five years. Such period may be extended by the Director for additional periods of not more than five years each if the operations of such center have been reviewed by an appropriate scientific review group established by the Director and if such group has recommended to the Director that such period should be extended.

"INTERAGENCY TECHNICAL COMMITTEE

"SEC. 423. (a) The Secretary shall establish an Interagency Technical Committee on Heart, Blood Vessel, Lung and Blood Diseases and Blood Resources which shall be responsible for coordinating those aspects of all Federal health programs and activities relating to heart, blood vessel, lung, and blood diseases and blood resources to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

"(b) The Director of the Institute shall serve as chairman of the Committee and the Committee shall include representation from all Federal departments and agencies whose programs involve health functions or responsibilities relevant to the functions of the Committee, as determined by the Secretary.

"ASSOCIATE DIRECTOR FOR PREVENTION

"SEC. 424. (a) There shall be in the Institute an Associate Director for Prevention to coordinate and promote the programs in the Institute in the prevention of heart, blood vessel, lung, and blood diseases. The Associate Director shall be appointed by the Director of the Institute from individuals who because of their professional training or experience are experts in public health or preventive medicine.

"(b) The Associate Director for Prevention shall prepare for inclusion in the biennial report made under section 407 a description of the prevention activities of the Institute, including a description of the staff and resources allocated to those activities.

"Subpart 3—National Institute of Diabetes and Digestive and Kidney Diseases

"PURPOSE OF THE INSTITUTE

"SEC. 426. The general purpose of the National Institute of Diabetes and Digestive and Kidney Diseases (hereafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and other programs with respect to diabetes mellitus and endocrine and metabolic diseases, digestive diseases and nutritional disorders, and kidney, urologic, and hematologic diseases.

"DATA SYSTEMS AND INFORMATION CLEARINGHOUSES

"SEC. 427. (a) The Director of the Institute shall (1) establish the National Diabetes Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with diabetes, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing diabetes, and (2) establish the National Diabetes Information Clearinghouse to facilitate and enhance knowledge and understanding of diabetes on the part of health professionals, patients, and the public through the effective dissemination of information.

"(b) The Director of the Institute shall (1) establish the National Digestive Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with digestive diseases, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing digestive diseases, and (2) establish the National Digestive Diseases Information Clearinghouse to facilitate and enhance knowledge and understanding of digestive diseases on the part of health professionals, patients, and the public through the effective dissemination of information.

"(c) The Director of the Institute shall (1) estabish the National Kidney and Urologic Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with kidney and urologic diseases, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing kidney and urologic diseases and (2) establish the National Kidney and Urologic Diseases Information Clearinghouse to facilitate and enhance knowledge and understanding of kidney and urologic diseases on the part of health professionals, patients, and the public through the effective dissemination of information.

"DIVISION DIRECTORS FOR DIABETES, ENDOCRINOLOGY, AND METABOLIC DISEASES, DIGESTIVE DISEASES AND NUTRITION, AND KIDNEY, UROLOGIC, AND HEMATOLOGIC DISEASES

"SEC. 428. (a) In the Institute there shall be a Division Director for Diabetes, Endocrinology, and Metabolic Diseases, a Division Director for Digestive Diseases and Nutrition, and a Division Director for Kidney, Urologic, and Hematologic Diseases. Such Division Directors, under the supervision of the Director of the Institute, shall be responsible for—

"(1) developing a coordinated plan (including recommendations for expenditures) for each of the national research institutes within the National Institutes of Health with respect to research and training concerning diabetes, endocrine and metabolic diseases, digestive diseases and nutrition, and kidney, urologic, and hematologic diseases;

"(2) assessing the adequacy of management approaches for the activities within such institutes concerning such diseases and nutrition and developing improved approaches if needed;

"(3) monitoring and reviewing expenditures by such institutes concerning such diseases and nutrition; and

"(4) identifying research opportunities concerning such diseases and nutrition and recommending ways to utilize such opportunities.

The Director of the Institute shall transmit to the Director of NIH the plans, recommendations, and reviews of the Division Directors under paragraphs (1) through (4) together with such comments and recommendations as the Director of the Institute determines appropriate.

"(b) The Director of the Institute, acting through the Division Director for Kidney, Urologic, and Hematologic Diseases, the Division Director for Digestive Diseases and Nutrition, and the Division Director for Diabetes, Endocrinology, and Metabolic Diseases shall—

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 485) in the diagnosis, prevention, and treatment of diabetes mellitus and endocrine and metabolic diseases, digestive diseases and nutritional disorders, kidney, urologic, and hematologic diseases, including support for training in medical schools, graduate clinical training, graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs; and

"(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training.

"INTERAGENCY COORDINATING COMMITTEES

"SEC. 429. (a) For the purpose of—

"(1) better coordination of the research activities of all the national research institutes relating to diabetes mellitus, digestive diseases, and kidney, urologic, and hematologic diseases; and

"(2) coordinating those aspects of all Federal health programs and activities relating to such diseases to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities;

the Secretary shall establish a Diabetes Mellitus Interagency Coordinating Committee, a Digestive Diseases Interagency Coordinating Committee, and a Kidney, Urologic, and Hematologic Diseases Coordinating Committee (hereafter in this section individually referred to as a 'Committee').

"(b) Each committee shall be composed of the Directors of each of the national research institutes and divisions involved in research with respect to the diseases with respect to which the committee is established, the Division Director of the Institute for the diseases for which the committee is established, the Chief Medical Director of the Veterans' Administration, and the Assistant Secretary of Defense for Health Affairs and shall include representation from all other Federal departments and agencies whose programs involve health functions or responsibilities relevant to such diseases, as determined by the Secretary. Each committee shall be chaired by the Director of NIH. Each committee shall meet at the call of the chairman, but not less often than four times a year.

"(c) Each committee shall prepare an annual report for—

"(1) the Secretary;

"(2) the Director of NIH; and

"(3) the Advisory Board established under section 430 for the diseases for which the committee was established,

detailing the work of the committee in carrying out paragraphs (1) and (2) of subsection (a) in the fiscal year for which the report was prepared. Such report shall be submitted not later than the one hundred and twentieth day after the end of each fiscal year.

"ADVISORY BOARDS

"SEC. 430. (a) The Secretary shall establish in the Institute the National Diabetes Advisory Board, the National Digestive Diseases Advisory Board, and the National Kidney and Urologic Diseases Advisory Board (hereafter in this section individually referred to as an 'Advisory Board').

"(b) Each Advisory Board shall be composed of eighteen appointed members and nonvoting ex officio members as follows:

"(1) The Secretary shall appoint—

"(A) twelve members from individuals who are scientists, physicians, and other health professionals, who are not officers or employees of the United States, and who represent the specialties and disciplines relevant to the diseases with respect to which the Advisory Board is established; and

"(B) six members from the general public who are knowledgeable with respect to such diseases, including at least one member who is a person who suffers from such a disease and one member who is a parent of a person who suffers from such a disease.

Of the appointed members at least five shall by virtue of training or experience be knowledgeable in the fields of health education, nursing, data systems, public information, and community program development.

"(2) The following shall be ex officio members of each Advisory Board: The Assistant Secretary for Health, the Director of NIH, the Director of the National Institute of Diabetes and Digestive and Kidney Diseases, the Director of the Centers for Disease Control, the Chief Medical Director of the Veterans' Administration, the Assistant Secretary of Defense for Health Affairs, the Division Director of the National Institute of Diabetes and Digestive and Kidney Diseases for the diseases for which the Board is established, and such other officers and employees of the United States as the Secretary determines necessary for the Advisory Board to carry out its functions. In the case of the National Diabetes Advisory Board, the following shall also be ex officio members: The Director of the National Heart, Lung, and Blood Institute, the Director of the National Eye Institute, the Director of the National Institute of Child Health and Human Development, and the Administrator of the Health Resources and Services Administration.

"(c) Members of an Advisory Board who are officers or employees of the Federal Government shall serve as members of the Advisory Board without compensation in addition to that received in their regular public employment. Other members of the Board shall receive compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the Board.

"(d) The term of office of an appointed member of an Advisory Board is four years, except that no term of office may extend beyond the expiration of the Advisory Board. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. If a vacancy occurs in an Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than 90 days from the date the vacancy occurred.

"(e) The members of each Advisory Board shall select a chairman from among the appointed members.

"(f) The Secretary shall, after consultation with and consideration of the recommendations of an Advisory Board, provide the Advisory Board with an executive director and one other professional staff member. In addition, the Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with such additional professional staff members, such clerical staff members, (through contracts or other arrangements) such administrative support services and facilities, such information, and such services of consultants, as the Secretary determines are necessary for the Advisory Board to carry out its functions.

"(g) Each Advisory Board shall meet at the call of the chairman or upon request of the Director of the Institute, but not less often than four times a year.

"(h) The Advisory Board for diabetes and digestive diseases shall—

"(1) review and evaluate the implementation of the plan (referred to in section 433) respecting the diseases with respect to which the Advisory Board was established and periodically update the plan to ensure its continuing relevance;

"(2) for the purpose of assuring the most effective use and organization of resources respecting such diseases, advise and make recommendations to the Congress, the Secretary, the Director of NIH, the Director of the Institute, and the heads of other appropriate Federal agencies for the implementation and revision of such plan; and

"(3) maintain liaison with other advisory bodies related to Federal agencies involved in the implementation of such plan, the coordinating committee for such diseases, and with key non-Federal entities involved in activities affecting the control of such diseases.

"(i) In carrying out its functions, each Advisory Board may establish subcommittees, convene workshops and conferences, and collect data. Such subcommittees may be composed of Advisory Board members and nonmember consultants with expertise in the particular area addressed by such subcommittees. The subcommittees may hold such meetings as are necessary to enable them to carry out their activities.

"(j) Each Advisory Board shall prepare an annual report for the Secretary which—

"(1) describes the Advisory Board's activities in the fiscal year for which the report is made;

"(2) describes and evaluates the progress made in such fiscal year in research, treatment, education, and training with respect to the diseases with respect to which the Advisory Board was established;

"(3) summarizes and analyzes expenditures made by the Federal Government for activities respecting such diseases in such fiscal year; and

"(4) contains the Advisory Board's recommendations (if any) for changes in the plan referred to in section 433.

"(k) Each Advisory Board shall expire on September 30, 1986.

"(l) The National Diabetes Advisory Board and the National Digestive Diseases Advisory Board in existence on the effective date of the Health Research Extension Act of 1985 shall terminate upon the appointment of a successor Board under subsection (a). The Secretary shall make appointments to the Advisory Boards established under subsection (a) before the expiration of 90 days after such effective date. The members of the Boards in existence on such date may be appointed, in accordance with subsections (b) and (d), to the Boards established under subsection (a) for diabetes and digestive diseases except that at least one-half of the members of the National Diabetes Advisory Board in existence on the effective date of the Health Research Extension Act of 1985 shall be appointed to the National Diabetes Advisory Board first established under subsection (a).

"RESEARCH AND TRAINING CENTERS

"SEC. 431. (a) Consistent with applicable recommendations of the National Commission on Diabetes, the Director of the Institute shall provide for the development or substantial expansion of centers for research and training in diabetes mellitus and related endocrine and metabolic diseases. Each center developed or expanded under this subsection shall—

"(1) 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 Secretary; and

"(2) conduct—

"(A) research in the diagnosis and treatment of diabetes mellitus and related endocrine and metabolic diseases and the complications resulting from such diseases;

"(B) training programs for physicians and allied health personnel in current methods of diagnosis and treatment of such diseases and complications, and in research in diabetes; and

"(C) information programs for physicians and allied health personnel who provide primary care for patients with such diseases or complications.

A center may use funds provided under this subsection to provide stipends for nurses and allied health professionals enrolled in research training programs described in paragraph (2)(B).

"(b) Consistent with applicable recommendations of the National Digestive Diseases Advisory Board, the Director shall provide for the development or substantial expansion of centers for research in digestive diseases and related functional, congenital, metabolic disorders, and normal development of the digestive tract. Each center developed or expanded under this subsection—

"(1) shall utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research qualifications as may be prescribed by the Secretary;

"(2) shall develop and conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of digestive diseases and nutritional disorders and related functional, congenital, or metabolic complications resulting from such diseases or disorders;

"(3) shall encourage research into and programs for—

"(A) providing information for physicians and others who care for patients with such diseases, disorders, and complications; pa-

tients and their families; and the general public;

"(B) model programs for cost effective and preventive patient care; and

"(C) training physicians and scientists in research on such diseases, disorders, and complications; and

"(4) may perform research and participate in epidemiological studies and gathering data relevant to digestive diseases and disorders to disseminate to the health care profession and to the public.

"(c) The Director shall provide for the development or substantial expansion of centers for research in kidney and urologic diseases. Each center developed or expanded under this subsection—

"(1) shall utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research qualifications as may be prescribed by the Secretary;

"(2) shall develop and conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of kidney and urologic diseases;

"(3) shall encourage research into and programs for—

"(A) providing information for physicians and others who care for patients with such disease; patients and their families; and the general public;

"(B) model programs for cost effective and preventive patient care; and

"(C) training physicians and scientists in research on such diseases; and

"(4) may perform research and participate in epidemiological studies and data collection relevant to kidney and urologic diseases in order to disseminate such research, studies, and data to the health care profession and to the public.

"(d) Insofar as practicable, centers developed or expanded under this section should be geographically dispersed throughout the United States and in environments with proven research capabilities. Support of a center under this section may be for a period of not to exceed five years and such period may be extended by the Director of the Institute for additional periods of not more than five years each if the operations of such center have been reviewed by an appropriate scientific review group established by the Director and if such group has recommended to the Director that such period should be extended.

"ADVISORY COUNCIL SUBCOMMITTEES

"SEC. 432. There are established within the advisory council for the Institute appointed under section 406 a subcommittee on diabetes and endocrine and metabolic diseases, a subcommittee on digestive diseases and nutrition, and a subcommittee on kidney, urologic, and hematologic diseases. The subcommittees shall be composed of members of the advisory council who are outstanding in the diagnosis, prevention, and treatment of the diseases for which the subcommittees are established and members of the advisory council who are leaders in the fields of education and public affairs. The subcommittees are authorized to review applications made to the Director of the Institute for grants for research and training projects relating to the diagnosis, prevention, and treatment of the diseases for which the subcommittees are established and shall recommend to the advisory council those applications and contracts that the subcommittees determine will best carry out the purposes of the Institute. The subcommittees shall also review and evaluate the diabetes and endocrine and metabolic diseases, digestive diseases and nutrition, and kidney, urologic, and hematologic diseases programs of the Institute and recommend to the advisory council such changes in the administration of such programs as the subcommittees determine are necessary.

"BIENNIAL REPORT

"SEC. 433. The Director of the Institute shall prepare for inclusion in the biennial report made under section 407 a description of the Institute's activities—

"(1) under the current diabetes plan under the National Diabetes Mellitus Research and Education Act; and

"(2) under the current digestive diseases plan formulated under the Arthritis, Diabetes, and Digestive Diseases Amendments of 1976.

The description submitted by the Director shall include an evaluation of the activities of the centers supported under section 431.

"Subpart 4—National Institute of Arthritis and Musculoskeletal and Skin Diseases

"PURPOSE OF THE INSTITUTE

"SEC. 435. The general purpose of the National Institute of Arthritis and Musculoskeletal and Skin Diseases (hereafter in this subpart referred to as the 'Institute') is the conduct and support of research and training, the dissemination of health information, and other programs with respect to arthritis and musculoskeletal and skin diseases, including sports-related disorders.

"NATIONAL ARTHRITIS AND MUSCULOSKELETAL DISEASES PROGRAM

"SEC. 436. (a) The Director of the Institute, with the advice of the Institute's advisory council, shall prepare and transmit to the Director of NIH a plan for a national arthritis and musculoskeletal diseases program to expand, intensify, and coordinate the activities of the Institute respecting arthritis and musculoskeletal diseases. The plan shall include such comments and recommendations as the Director of the Institutes determines appropriate. The Director of the Institute shall periodically review and revise such plan, shall transmit any revisions of such plan to the Director of NIH, and shall carry out the national arthritis and musculoskeletal diseases program in accordance with such revisions.

"(b) Activities under the national arthritis and musculoskeletal diseases program shall be coordinated with the other national research institutes to the extent that such institutes have responsibilities respecting arthritis and musculoskeletal diseases, and shall, at least, provide for—

"(1) investigation into the epidemiology, etiology, and prevention of all forms of arthritis and musculoskeletal diseases, including sports-related disorders, primarily through the support of basic research in such areas as immunology, genetics, biochemistry, microbiology, physiology, bioengineering, and any other scientific discipline which can contribute important knowledge to the treatment and understanding of arthritis and musculoskeletal diseases;

"(2) research into the development, trial, and evaluation of techniques, drugs, and devices used in the diagnosis, treatment, including medical rehabilitation and prevention of arthritis and musculoskeletal diseases;

"(3) research on the refinement, development, and evaluation of technological devices that will replace or be a substitute for damaged bone, muscle, and joints and other supporting structures; and

"(4) the establishment of mechanisms to monitor the causes of athletic injuries and identify ways of preventing such injuries on scholastic athletic fields.

"(c) The Director of the Institute shall carry out the national arthritis and musculoskeletal diseases program in accordance with the plan prepared under subsection (a).

"RESEARCH AND TRAINING

"SEC. 437. The Director of the Institute shall—

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 485) in the diagnosis, prevention, and treatment of arthritis and musculoskeletal and skin diseases, including support for training in medical schools, graduate clinical training, graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs; and

"(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training.

"DATA SYSTEM AND INFORMATION CLEARINGHOUSE

"SEC. 438. (a) The Director of the Institute shall establish the National Arthritis and Musculoskeletal and Skin Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with arthritis and musculoskeletal and skin diseases, including where possible, data involving general populations for the purpose of detection of individuals with a risk of developing arthritis and musculoskeletal and skin diseases.

"(b) The Director of the Institute shall establish the National Arthritis and Musculoskeletal and Skin Diseases Information Clearinghouse to facilitate and enhance, through the effective dissemination of information, knowledge and understanding of arthritis and musculoskeletal and skin diseases by health professionals, patients, and the public.

"INTERAGENCY COORDINATING COMMITTEES

"SEC. 439. (a) For the purpose of—

"(1) better coordination of the research activities of all the national research institutes relating to arthritis, musculoskeletal diseases, and skin diseases, including sports-related disorders; and

"(2) coordinating the aspects of all Federal health programs and activities relating to arthritis, musculoskeletal diseases, and skin diseases in order to assure the adequacy and technical soundness of such programs and activities and in order to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities,

the Secretary shall establish an Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and a Skin Diseases Interagency Coordinating Committee (hereafter in this section individually referred to as a 'Committee').

"(b) Each Committee shall be composed of the Directors of each of the national research institutes and divisions involved in research regarding the diseases with respect to which the Committee is established, the Chief Medical Director of the Veterans' Administration, the Assistant Secretary of Defense for Health Affairs, and representatives of all other Federal departments and agencies (as determined by the Secretary) whose programs involve health functions or responsibilities relevant to arthritis and musculoskeletal diseases or skin diseases, as the case may be. Each Committee shall be chaired by the Director of NIH. Each Com-

mittee shall meet at the call of the Chairman, but not less often than four times a year.

"(c) Not later than 120 days after the end of each fiscal year, each Committee shall prepare and transmit to the Secretary, the Director of NIH, the Director of the Institute, and the advisory council for the Institute a report detailing the activities of the Committee in such fiscal year in carrying out paragraphs (1) and (2) of subsection (a).

"ARTHRITIS AND MUSCULOSKELETAL DISEASES DEMONSTRATION PROJECTS

"SEC. 440. (a) The Director of the Institute may make grants to public and private nonprofit entities to establish and support projects for the development and demonstration of methods for screening, detection, and referral for treatment of arthritis and musculoskeletal diseases and for the dissemination of information on such methods to the health and allied health professions. Activities under such projects shall be coordinated with Federal, State, local, and regional health agencies, centers assisted under section 441, and the data system established under subsection (c).

"(b) Projects supported under this section shall include—

"(1) programs which emphasize the development and demonstration of new and improved methods of screening and early detection, referral for treatment, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases;

"(2) programs which emphasize the development and demonstration of new and improved methods for patient referral from local hospitals and physicians to appropriate centers for early diagnosis and treatment;

"(3) programs which emphasize the development and demonstration of new and improved means of standardizing patient data and recordkeeping;

"(4) programs which emphasize the development and demonstration of new and improved methods of dissemination of knowledge about the programs, methods, and means referred to in paragraphs (1), (2), and (3) of this subsection to health and allied health professionals;

"(5) programs which emphasize the development and demonstration of new and improved methods for the dissemination to the general public of information—

"(A) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regimen; and

"(B) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive treatment, and control methods for arthritis and unapproved and ineffective drugs and devices for arthritis and musculoskeletal diseases; and

"(6) projects for investigation into the epidemiology of all forms and aspects of arthritis and musculoskeletal diseases, including investigations into the social, environmental, behavioral, nutritional, and genetic determinants and influences involved in the epidemiology of arthritis and musculoskeletal diseases.

"(c) The Director shall provide for the standardization of patient data and recordkeeping for the collection, storage, analysis, retrieval, and dissemination of such data in cooperation with projects assisted under this section, centers assisted under section 441, and other persons engaged in arthritis and musculoskeletal disease programs.

"MULTIPURPOSE ARTHRITIS AND MUSCULOSKELETAL DISEASES CENTERS

"SEC. 441. (a) The Director of the Institute shall, after consultation with the advisory council for the Institute, provide for the development, modernization, and operation (including staffing and other operating costs such as the costs of patient care required for research) of new and existing centers for arthritis and musculoskeletal diseases. For purposes of this section, the term 'modernization' means the alteration, remodeling, improvement, expansion, and repair of existing buildings and the provision of equipment for such buildings to the extent necessary to make them suitable for use as centers described in the preceding sentence.

"(b) Each center assisted under this section shall—

"(1)(A) use the facilities of a single institution or a consortium of cooperating institutions, and (B) meet such qualifications as may be prescribed by the Secretary; and

"(2) conduct—

"(A) basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of arthritis and musculoskeletal diseases and complications resulting from arthritis and musculoskeletal diseases, including research into implantable biomaterials and biomechanical and other orthopedic procedures;

"(B) training programs for physicians, scientists, and other health and allied health professionals;

"(C) information and continuing education programs for physicians and other health and allied health professionals who provide care for patients with arthritis and musculoskeletal diseases; and

"(D) programs for the dissemination to the general public of information—

"(i) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regimen; and

"(ii) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive, treatment, and control methods and unapproved and ineffective drugs and devices.

A center may use funds provided under subsection (a) to provide stipends for health professionals enrolled in training programs described in paragraph (2)(B).

"(c) Each center assisted under this section may conduct programs to—

"(1) establish the effectiveness of new and improved methods of detection, referral, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases;

"(2) disseminate the results of research, screening, and other activities, and develop means of standardizing patient data and recordkeeping; and

"(3) develop community consultative services to facilitate the referral of patients to centers for treatment.

"(d) The Director of the Institute shall, insofar as practicable, provide for an equitable geographical distribution of centers assisted under this section. The Director shall give appropriate consideration to the need for centers especially suited to meeting the needs of children affected by arthritis and musculoskeletal diseases.

"(e) Support of a center under this section may be for a period of not to exceed five years. Such period may be extended by the Director of the Institute for one or more additional periods of not more than five years if the operations of such center have been reviewed by an appropriate scientific review group established by the Director and if such group has recommended to the Director that such period should be extended.

"ADVISORY BOARD

"SEC. 442. (a) The Secretary shall establish in the Institute the National Arthritis Advisory Board (hereafter in this section referred to as the 'Advisory Board').

"(b) The Advisory Board shall be composed of eighteen appointed members and nonvoting, ex officio members, as follows:

"(1) The Secretary shall appoint—

"(A) twelve members from individuals who are scientists, physicians, and other health professionals, who are not officers or employees of the United States, and who represent the specialties and disciplines relevant to arthritis, musculoskeletal diseases, and skin diseases; and

"(B) six members from the general public who are knowledgeable with respect to such diseases, including at least one member who is a person who suffers from such a disease and one member who is a parent of a person who suffers from such a disease.

Of the appointed members at least five shall by virtue of training or experience be knowledgeable in health education, nursing, data systems, public information, or community program development.

"(2) The following shall be ex officio members of the Advisory Board: The Assistant Secretary for Health, the Director of NIH, the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the Director of the Centers for Disease Control, the Chief Medical Director of the Veterans' Administration, the Assistant Secretary of Defense for Health Affairs, and such other officers and employees of the United States as the Secretary determines necessary for the Advisory Board to carry out its functions.

"(c) Members of the Advisory Board who are officers or employees of the Federal Government shall serve as members of the Advisory Board without compensation in addition to that received in their regular public employment. Other members of the Advisory Board shall receive compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the Advisory Board.

"(d) The term of office of an appointed member of the Advisory Board is four years. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. If a vacancy occurs in the Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than 90 days after the date the vacancy occurred.

"(e) The members of the Advisory Board shall select a chairman from among the appointed members.

"(f) The Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with an executive director and one other professional staff member. In addition, the Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with such additional professional staff members, such clerical staff members, and (through contracts or other arrangements) with such

administrative support services and facilities, such information, and such services of consultants, as the Secretary determines are necessary for the Advisory Board to carry out its functions.

"(g) The Advisory Board shall meet at the call of the chairman or upon request of the Director of the Institute, but not less often than four times a year.

"(h) The Advisory Board shall—

"(1) review and evaluate the implementation of the plan prepared under section 436(a) and periodically update the plan to ensure its continuing relevance;

"(2) for the purpose of assuring the most effective use and organization of resources respecting arthritis, musculoskeletal diseases and skin diseases, advise and make recommendations to the Congress, the Secretary, the Director of NIH, the Director of the Institute, and the heads of other appropriate Federal agencies for the implementation and revision of such plan; and

"(3) maintain liaison with other advisory bodies for Federal agencies involved in the implementation of such plan, the interagency coordinating committees for such diseases established under section 439, and with key non-Federal entities involved in activities affecting the control of such diseases.

"(i) In carrying out its functions, the Advisory Board may establish subcommittees, convene workshops and conferences, and collect data. Such subcommittees may be composed of Advisory Board members and nonmember consultants with expertise in the particular area addressed by such subcommittees. The subcommittees may hold such meetings as are necessary to enable them to carry out their activities.

"(j) The Advisory Board shall prepare an annual report for the Secretary which—

"(1) describes the Advisory Board's activities in the fiscal year for which the report is made;

"(2) describes and evaluates the progress made in such fiscal year in research, treatment, education, and training with respect to arthritis, musculoskeletal diseases, and skin diseases;

"(3) summarizes and analyzes expenditures made by the Federal Government for activities respecting such diseases in such fiscal year for which the report is made; and

"(4) contains the Advisory Board's recommendations (if any) for changes in the plan prepared under section 436(a).

"(k) The National Arthritis Advisory Board in existence on the effective date of the Health Research Extension Act of 1985 shall terminate upon the appointment of a successor Board under subsection (a). The Secretary shall make appointments to the Advisory Board established under subsection (a) before the expiration of 90 days after such effective date. The member of the Board in existence on such date may be appointed, in accordance with subsections (b) and (d), to the Advisory Board established under subsection (a).

"Subpart 5—National Institute on Aging

"PURPOSE OF THE INSTITUTE

"SEC. 443. The general purpose of the National Institute on Aging (hereafter in this subpart referred to as the 'Institute') is the conduct and support of biomedical, social, and behavioral research, training, health information dissemination, and other programs with respect to the aging process and the diseases and other special problems and needs of the aged.

"SPECIAL FUNCTIONS

"SEC. 444. (a) In carrying out the training responsibilities under this Act or any other Act for health and allied health professions personnel, the Secretary shall take appropriate steps to insure the education and training of adequate numbers of allied health, nursing, and paramedical personnel in the field of health care for the aged.

"(b) The Director of the Institute shall conduct scientific studies to measure the impact on the biological, medical, and psychological aspects of aging of programs and activities assisted or conducted by the Department of Health and Human Services.

"(c) The Director of the Institute shall carry out public information and education programs designed to disseminate as widely as possible the findings of research sponsored by the Institute, other relevant aging research and studies, and other information about the process of aging which may assist elderly and near-elderly persons in dealing with, and all Americans in understanding, the problems and processes associated with growing older.

"(d) The Director of the Institute shall make grants to public and private nonprofit institutions to conduct research relating to Alzheimer's Disease.

"ALZHEIMER'S DISEASE CENTERS

"SEC. 445. (a)(1) The Director of the Institute may enter into cooperative agreements with and make grants to public or private nonprofit entities to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for centers for basic and clinical research into, training in, and demonstration of advanced diagnostic, prevention, and treatment methods for Alzheimer's Disease.

"(2) A cooperative agreement or grant under paragraph (1) shall be entered into in accordance with policies established by the Director of NIH and after consultation with the Institute's advisory council.

"(b) Federal payments made under a cooperative agreement or grant under subsection (a) may be used for—

"(1) construction (notwithstanding any limitation under section 494);

"(2) staffing and other basic operating costs, including such patient care costs as are required for research;

"(3) training, including training for allied health professionals; and

"(4) demonstration purposes.

As used in this subsection, the term 'construction' does not include the acquisition of land, and the term 'training' does not include research training for which National Research Service Awards may be provided under section 485.

"(c) Support of a center under subsection (a) may be for a period of not to exceed five years. Such period may be extended by the Director for additional periods of not more than five years each if the operations of such center have been reviewed by an appropriate scientific review group established by the Director and if such group has recommended to the Director that such period should be extended.

"Subpart 6—National Institute of Allergy and Infectious Diseases

"PURPOSE OF THE INSTITUTE

"SEC. 446. The general purpose of the National Institute of Allergy and Infectious Diseases is the conduct and support of research, training, health information dissemination, and other programs with respect to allergic and immunologic diseases and disorders and infectious diseases.

"Subpart 7—National Institute of Child Health and Human Development

"PURPOSE OF THE INSTITUTE

"SEC. 448. The general purpose of the National Institute of Child Health and Human Development (hereafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and other programs with respect to maternal health, child health, mental retardation, human growth and development, including prenatal development, population research, and special health problems and requirements of mothers and children.

"SUDDEN INFANT DEATH SYNDROME

"SEC. 449. The Director of the Institute shall conduct and support research which specifically relates to sudden infant death syndrome.

"MENTAL RETARDATION RESEARCH

"SEC. 450. The Director of the Institute shall conduct and support research and related activities into the causes, prevention, and treatment of mental retardation.

"ASSOCIATE DIRECTOR FOR PREVENTION

"SEC. 451. (a) There shall be in the Institute an Associate Director for Prevention to coordinate and promote the programs in the Institute in the prevention of health problems of mothers and children. The Associate Director shall be appointed by the Director of the Institute from individuals who because of their professional training or experience are experts in public health or preventive medicine.

"(b) The Associate Director for Prevention shall prepare for inclusion in the biennial report made under section 407 a description of the prevention activities of the Institute, including a description of the staff and resources allocated to those activities.

"Subpart 8—National Institute of Dental Research

"PURPOSE OF THE INSTITUTE

"SEC. 453. The general purpose of the National Institute of Dental Research is the conduct and support of research, training, health information dissemination, and other programs with respect to the cause, prevention, and methods of diagnosis and treatment of dental and oral diseases and conditions.

"Subpart 9—National Eye Institute

"PURPOSE OF THE INSTITUTE

"SEC. 455. The general purpose of the National Eye Institute (hereafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and other programs with respect to blinding eye diseases, visual disorders, mechanisms of visual function, preservation of sight, and the special health problems and requirements of the blind. The Secretary may, through the Director of the Institute, carry out a program of grants for public and private nonprofit vision research facilities.

"Subpart 10—National Institute of Neurological and Communicative Disorders and Stroke

"PURPOSE OF THE INSTITUTE

"SEC. 457. The general purpose of the National Institute of Neurological and Communicative Disorders and Stroke (hereafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and

other programs with respect to neurological disease and disorder, stroke, and disorders of human communication.

"SPINAL CORD REGENERATION RESEARCH

"SEC. 458. The Director of the Institute shall conduct and support research into spinal cord regeneration.

"BIOENGINEERING RESEARCH

"SEC. 459. The Director of the Institute shall make grants or enter into contracts for research on the means to overcome paralysis of the extremities through electrical stimulation and the use of computers.

"Subpart 11—National Institute of General Medical Sciences

"PURPOSE OF THE INSTITUTE

"SEC. 461. The general purpose of the National Institute of General Medical Sciences is the conduct and support of research, training, and, as appropriate, health information dissemination, and other programs with respect to general or basic medical sciences and related natural or behavioral sciences which have significance for two or more other national research institutes or are outside the general area of responsibility of any other national research institute.

"Subpart 12—National Institute of Environmental Health Sciences

"PURPOSE OF THE INSTITUTE

"SEC. 463. The general purpose of the National Institute of Environmental Health Sciences is the conduct and support of research, training, health information dissemination, and other programs with respect to factors in the environment that affect human health, directly or indirectly.

"Subpart 13—National Institute of Nursing

"PURPOSE OF THE INSTITUTE

"SEC. 465. The general purpose of the National Institute of Nursing (hereafter in this subpart referred to as the 'Institute') is the conduct and support of, and dissemination of information respecting, basic and clinical research, training, and other programs in nursing.

"SPECIFIC AUTHORITIES

"SEC. 466. To carry out section 465, the Director of the Institute, may provide research training and instruction and establish research traineeships and fellowships, in the Institute and other nonprofit institutions, in the study and investigation of the prevention of disease, health promotion, and the nursing care of individuals with and the families of individuals with acute and chronic illnesses. The Director of the Institute may provide individuals receiving such training and instruction or such traineeships or fellowships with such stipends and allowances (including amounts for travel and subsistence and dependency allowances) as the Director determines necessary. The Director may make grants to nonprofit institutions to provide such training and instruction and traineeships and fellowships.

"PART D—NATIONAL LIBRARY OF MEDICINE

"Subpart 1—General Provisions

"FUNCTIONS OF THE NATIONAL LIBRARY OF MEDICINE

"SEC. 468. (a) The Secretary, through the National Library of Medicine (hereafter referred to in this part as the 'Library') and subject to subsection (c), shall—

"(1) acquire and preserve books, periodicals, prints, films, recordings, and other library materials pertinent to medicine;

"(2) organize the materials specified in paragraph (1) by appropriate cataloging, indexing, and bibliographical listings;

"(3) publish and disseminate the catalogs, indexes, and bibliographies referred to in paragraph (2);

"(4) make available, through loans, photographic or other copying procedures, or otherwise, such materials in the Library as the Secretary determines appropriate;

"(5) provide reference and research assistance; and

"(6) engage in such other activities as the Secretary determines appropriate and as the Library's resources permit.

"(b) The Secretary may exchange, destroy, or otherwise dispose of any books, periodicals, films, and other library materials not needed for the permanent use of the Library.

"(c)(1) The Secretary may, after obtaining the advice and recommendations of the Board of Regents, prescribe rules under which the Library will—

"(A) provide copies of its publications or materials,

"(B) will make available its facilities for research, or

"(C) will make available its bibliographic, reference, or other services,

to public and private entities and individuals.

"(2) Rules prescribed under paragraph (1) may provide for making available such publications, materials, facilities, or services—

"(A) without charge as a public service,

"(B) upon a loan, exchange, or charge basis, or

"(C) in appropriate circumstances, under contract arrangements made with a public or other nonprofit entity.

"(d) Whenever the Secretary, with the advice of the Board of Regents, determines that—

"(1) in any geographic area of the United States there is no regional medical library adequate to serve such area;

"(2) under criteria prescribed for the administration of section 478, there is a need for a regional medical library to serve such area; and

"(3) because there is no medical library located in such area which, with financial assistance under section 478, can feasibly be developed into a regional medical library adequate to serve such area,

the Secretary may establish, as a branch of the Library, a regional medical library to serve the needs of such area.

"(e) Section 2101 shall be applicable to the acceptance and administration of gifts made for the benefit of the Library or for carrying out any of its functions, and the Board of Regents shall make recommendations to the Secretary relating to establishment within the Library of suitable memorials to the donors.

"(f) For purposes of this part the terms 'medicine' and 'medical', except when used in section 469, include preventive and therapeutic medicine, dentistry, pharmacy, hospitalization, nursing, public health, and the fundamental sciences related thereto, and other related fields of study, research, or activity.

"BOARD OF REGENTS

"SEC. 469. (a)(1) The Board of Regents of the National Library of Medicine consists of the Surgeons General of the Public Health Service, the Army, the Navy, and the Air Force, the Chief Medical Director of the Veterans' Administration, the Dean of the Uniformed Services University of the Health Sciences, the Assistant Director for Biological, Behavioral, and Social Sciences of the National Science Foundation, the Director of the National Agricultural Library, and the Librarian of Congress, all of whom shall be ex officio members, and ten members appointed by the Secretary. The ten appointed members shall be selected from among leaders in the various fields of the fundamental sciences, medicine, dentistry, public health, hospital administration, pharmacology, health communications technology, or scientific or medical library work, or in public affairs. At least six of the appointed members shall be selected from among leaders in the fields of medical, dental, or public health research or education.

"(2) The Board shall annually elect one of the appointed members to serve as Chairman until the next election. The Secretary shall designate a member of the Library staff to act as executive secretary of the Board.

"(b) The Board shall advise, consult with, and make recommendations to the Secretary on matters of policy in regard to the Library, including such matters as the acquisition of materials for the Library, the scope, content, and organization of the Library's services, and the rules under which its materials, publications, facilities, and services shall be made available to various kinds of users. The Secretary shall include in the annual report of the Secretary to the Congress a statement covering the recommendations made by the Board and the disposition thereof. The Secretary may use the services of any member of the Board in connection with matters related to the work of the Library, for such periods, in addition to conference periods, as the Secretary may determine.

"(c) Each appointed member of the Board shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor of such member was appointed shall be appointed for the remainder of such term. None of the appointed members shall be eligible for reappointment within one year after the end of the preceding term of such member.

"LIBRARY FACILITIES

"SEC. 470. There are authorized to be appropriated amounts sufficient for the erection and equipment of suitable and adequate buildings and facilities for use of the Library. The Administrator of General Services may acquire, by purchase, condemnation, donation, or otherwise, a suitable site or sites, selected by the Secretary in accordance with the direction of the Board, for such buildings and facilities and to erect thereon, furnish, and equip such buildings and facilities. The amounts authorized to be appropriated by this section include the cost of preparation of drawings and specifications, supervision of construction, and other administrative expenses incident to the work. The Administrator of General Services shall prepare the plans and specifications, make all necessary contracts, and supervise construction.

"Subpart 2—Financial Assistance

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 472. For the purpose of grants and contracts under sections 475, 476, 477, 478, and 479, there are authorized to be appropriated $12,000,000 for fiscal year 1986. Funds appropriated under this section shall remain available for such purposes until the end of the fiscal year immediately following the fiscal year for which they were appropriated.

"DEFINITIONS

"SEC. 473. As used in this subpart—

"(1) the term 'medical library' means a library related to the sciences related to health; and

"(2) the term 'sciences related to health' includes medicine, osteopathy, dentistry, and public health, and fundamental and applied sciences when related thereto.

"NATIONAL MEDICAL LIBRARIES ASSISTANCE ADVISORY BOARD

"SEC. 474. (a) The Board of Regents of the National Library of Medicine shall also serve as the National Medical Libraries Assistance Advisory Board (hereafter in this subpart referred to as the 'Board').

"(b) The Board shall advise and assist the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this subpart.

"(c) The Secretary may use the services of any member of the Board, in connection with matters related to the administration of this part for such periods, in addition to conference periods, as the Secretary may determine.

"(d) Appointed members of the Board who are not otherwise in the employ of the United States, while attending conferences of the Board or otherwise serving at the request of the Secretary in connection with the administration of this subpart, shall be entitled to receive compensation, per diem in lieu of subsistence, and travel expenses in the same manner and under the same conditions as that prescribed under section 208(c) when attending conferences, traveling, or serving at the request of the Secretary in connection with the Board's function under this section.

"GRANTS FOR TRAINING IN MEDICAL LIBRARY SCIENCES

"SEC. 475. The Secretary shall make grants—

"(1) to individuals to enable them to accept traineeships and fellowships leading to postbaccalaureate academic degrees in the field of medical library science, in related fields pertaining to sciences related to health, or in the field of the communication of information;

"(2) to individuals who are librarians or specialists in information on sciences relating to health, to enable them to undergo intensive training or retraining so as to attain greater competence in their occupations (including competence in the fields of automatic data processing and retrieval);

"(3) to assist appropriate public and private nonprofit institutions in developing, expanding, and improving training programs in library science and the field of communications of information pertaining to sciences relating to health; and

"(4) to assist in the establishment of internship programs in established medical libraries meeting standards which the Secretary shall prescribe.

"ASSISTANCE FOR SPECIAL SCIENTIFIC PROJECTS, AND FOR RESEARCH AND DEVELOPMENT IN MEDICAL LIBRARY SCIENCE AND RELATED FIELDS

"SEC. 476. (a) The Secretary shall make grants to physicians and other practitioners in the sciences related to health, to scientists, and to public or nonprofit private institutions on behalf of such physicians, other practitioners, and scientists for the compilation of existing, or writing of original, contributions relating to scientific, social, or cultural advancements in sciences related to health. In making such grants, the Secretary shall make appropriate arrangements under which the facilities of the Library and the facilities of libraries of public and private nonprofit institutions of higher learning may be made available in connection with the projects for which such grants are made.

"(b) The Secretary shall make grants to appropriate public or private nonprofit institutions and enter into contracts with appropriate persons, for purposes of carrying out projects of research, investigations, and demonstrations in the field of medical library science and related activities and for the development of new techniques, systems, and equipment, for processing, storing, retrieving, and distributing information pertaining to sciences related to health.

"GRANTS FOR ESTABLISHING, EXPANDING, AND IMPROVING THE BASIC RESOURCES OF MEDICAL LIBRARIES AND RELATED INSTRUMENTALITIES

"SEC. 477. (a) The Secretary shall make grants of money, materials, or both, to public or private nonprofit medical libraries and related scientific communication instrumentalities for the purpose of establishing, expanding, and improving their basic medical library or related resources. A grant under this subsection may be used for—

"(1) the acquisition of books, journals, photographs, motion picture and other films, and other similar materials;

"(2) cataloging, binding, and other services and procedures for processing library resource materials for use by those who are served by the library or related instrumentality;

"(3) the acquisition of duplication devices, facsimile equipment, film projectors, recording equipment, and other equipment to facilitate the use of the resources of the library or related instrumentality by those who are served by it; and

"(4) the introduction of new technologies in medical librarianship.

"(b)(1) The amount of any grant under this section to any medical library or related instrumentality shall be determined by the Secretary on the basis of the scope of library or related services provided by such library or instrumentality in relation to the population and purposes served by it. In making a determination of the scope of services served by any medical library or related instrumentality, the Secretary shall take into account—

"(A) the number of graduate and undergraduate students making use of the resources of such library or instrumentality;

"(B) the number of physicians and other practitioners in the sciences related to health utilizing the resources of such library or instrumentality;

"(C) the type of supportive staffs, if any, available to such library or instrumentality;

"(D) the type, size, and qualifications of the faculty of any school with which such library or instrumentality is affiliated;

"(E) the staff of any hospital or hospitals or of any clinic or clinics with which such library or instrumentality is affiliated; and

"(F) the geographic area served by such library or instrumentality and the availability within such area of medical library or related services provided by other libraries or related instrumentalities.

"(2) In no case shall any grant under this section to a medical library or related instrumentality for any fiscal year exceed $200,000. Grants to such medical libraries or related instrumentalities shall be in such amounts as the Secretary may by regulation prescribe with a view to assuring adequate continuing financial support for such libraries or instrumentalities from other sources during and after the period for which grants are provided.

"GRANTS AND CONTRACTS FOR ESTABLISHMENT OF REGIONAL MEDICAL LIBRARIES

"SEC. 478. (a) The Secretary, with the advice of the Board, shall make grants to and enter into contracts with existing public or private nonprofit medical libraries so as to enable each of them to serve as the regional medical library for the geographical area in which it is located.

"(b) The uses for which grants and contracts under this section may be employed include the—

"(1) acquisition of books, journals, and other similar materials;

"(2) cataloging, binding, and other procedures for processing library resource materials for use by those who are served by the library;

"(3) acquisition of duplicating devices and other equipment to facilitate the use of the resources of the library by those who are served by it;

"(4) acquisition of mechanisms and employment of personnel for the speedy transmission of materials from the regional library to local libraries in the geographic area served by the regional library; and

"(5) planning for services and activities under this section.

"(c)(1) Grants and contracts under this section shall only be made to or entered into with medical libraries which agree—

"(A) to modify and increase their library resources, and to supplement the resources of cooperating libraries in the region, so as to be able to provide adequate supportive services to all libraries in the region as well as to individual users of library services; and

"(B) to provide free loan services to qualified users and make available photoduplicated or facsimile copies of biomedical materials which qualified requesters may retain.

"(2) The Secretary, in awarding grants and contracts under this section, shall give priority to medical libraries having the greatest potential of fulfilling the needs for regional medical libraries. In determining the priority to be assigned to any medical library, the Secretary shall consider—

"(A) the adequacy of the library (in terms of collections, personnel, equipment, and other facilities) as a basis for a regional medical library; and

"(B) the size and nature of the population to be served in the region in which the library is located.

"(d) Grants and contracts under this section for basic resource materials to a library may not exceed—

"(1) 50 percent of the library's annual operating expense (exclusive of Federal financial assistance under this part) for the preceding year; or

"(2) in case of the first year in which the library receives a grant under this section for basic resource materials, 50 percent of its average annual operating expenses over the past three years (or if it had been in operation for less than three years, its annual operating expenses determined by the Secretary in accordance with regulations).

"FINANCIAL SUPPORT OF BIOMEDICAL SCIENTIFIC PUBLICATIONS

"SEC. 479. (a) The Secretary, with the advice of the Board, shall make grants to, and enter into appropriate contracts with, public or private nonprofit institutions of higher education and individual scientists for the purpose of supporting biomedical scientific publications of a nonprofit nature and to procure the compilation, writing, ed-

iting, and publication of reviews, abstracts, indices, handbooks, bibliographies, and related matter pertaining to scientific works and scientific developments.

"(b) Grants under this section in support of any single periodical publication may not be made for more than three years, except in those cases in which the Secretary determines that further support is necessary to carry out the purposes of this section.

"GRANTS AND RECORDS AND AUDIT

"SEC. 480. (a) Payments under grants made under sections 475, 476, 477, 478, and 479 may be made in advance or by way of reimbursement and in such installments as the Secretary shall prescribe by regulation after consultation with the Board.

"(b)(1) Each recipient of a grant under this subpart 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 project or undertaking in connection with which such grant is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) 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 such recipients that are pertinent to any grant received under this subpart.

"PART E—OTHER AGENCIES OF NIH

"DIVISION OF RESEARCH RESOURCES

"SEC. 482. The general purpose of the Division of Research Resources is to strengthen and enhance the research environments of entities engaged in health-related research by developing and supporting essential research resources.

"JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES

"SEC. 483. The general purpose of the John E. Fogarty International Center for Advanced Study in the Health Sciences is to—

"(1) facilitate the assembly of scientists and others in the biomedical, behavioral, and related fields for discussion, study, and research relating to the development of health science internationally;

"(2) provide research programs, conferences, and seminars to further international cooperation and collaboration in the life sciences;

"(3) provide postdoctorate fellowships for research training in the United States and abroad and promote exchanges of senior scientists between the United States and other countries;

"(4) coordinate the activities of the National Institutes of Health concerned with the health sciences internationally; and

"(5) receive foreign visitors to the National Institutes of Health.

"PART F—AWARDS AND TRAINING

"NATIONAL RESEARCH SERVICE AWARDS

"SEC. 485. (a)(1) The Secretary shall—

"(A) provide National Research Service Awards for—

"(i) biomedical and behavioral research at the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration in matters relating to the cause, diagnosis, prevention, and treatment of the diseases or other health problems to which the activities of the National Institutes of Health and Administration are directed;

"(ii) training at the National Institutes of Health and at the Administration of individuals to undertake such research;

"(iii) biomedical and behavioral research and health services research (including research in primary medical care) at public and nonprofit private entities; and

"(iv) pre-doctoral and post-doctoral training at public and private institutions of individuals to undertake biomedical and behavioral research; and

"(B) make grants to public and nonprofit private institutions to enable such institutions to make National Research Service Awards for research (and training to undertake biomedical and behavioral research) in the matters described in subparagraph (A)(i) to individuals selected by such institutions.

A reference in this subsection to the National Institutes of Health or the Alcohol, Drug Abuse, and Mental Health Administration shall be considered to include the institutes, agencies, divisions, and bureaus included in the National Institutes of Health or under the Administration, as the case may be.

"(2) National Research Service Awards may not be used to support residency training of physicians and other health professionals.

"(3) In awarding National Research Service Awards under this section, the Secretary shall take account of the Nation's overall need for biomedical research personnel by giving special consideration to physicians who agree to undertake a minimum of two years of biomedical research.

"(b)(1) No National Research Service Award may be made by the Secretary to any individual unless—

"(A) the individual has submitted to the Secretary an application therefor and the Secretary has approved the application;

"(B) the individual provides, in such form and manner as the Secretary shall by regulation prescribe, assurances satisfactory to the Secretary that the individual will meet the service requirement of subsection (c); and

"(C) in the case of a National Research Service Award for a purpose described in subsection (a)(1)(A)(iii), the individual has been sponsored (in such manner as the Secretary may by regulation require) by the institution at which the research or training under the award will be conducted.

An application for an award shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe.

"(2) The making of grants under subsection (a)(1)(B) for National Research Service Awards shall be subject to review and approval by the appropriate advisory councils within the Department of Health and Human Services (A) whose activities relate to the research or training under the awards, or (B) for the entity at which such research or training will be conducted.

"(3) No grant may be made under subsection (a)(1)(B) unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe. Subject to the provisions of this section (other than paragraph (1)), National Research Service Awards made under a grant under subsection (a)(1)(B) shall be made in accordance with such regulations as the Secretary shall prescribe.

"(4) The period of any National Research Service Award made to any individual under subsection (a) may not exceed—

"(A) five years in the aggregate for pre-doctoral training; and

"(B) three years in the aggregate for post-doctoral training;

unless the Secretary for good cause shown waives the application of such limit to such individual.

"(5) National Research Service Awards shall provide for such stipends, tuition, fees, and allowances (including travel and subsistence expenses and dependency allowances), adjusted periodically to reflect increases in the cost of living, for the recipients of the awards as the Secretary may deem necessary. A National Research Service Award made to an individual for research or research training at a non-Federal public or nonprofit private institution shall also provide for payments to be made to the institution for the cost of support services (including the cost of faculty salaries, supplies, equipment, general research support, and related items) provided such individual by such institution. The amount of any such payments to any institution shall be determined by the Secretary and shall bear a direct relationship to the reasonable costs of the institution for establishing and maintaining the quality of its biomedical and behavioral research and training programs.

"(c)(1) Each individual who is awarded a National Research Service Award (other than an individual who is a pre-baccalaureate student who is awarded a National Research Service Award for research training) shall, in accordance with paragraph (3), engage in health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment, for a period computed in accordance with paragraph (2).

"(2) For each month for which an individual receives a National Research Service Award which is made for a period in excess of twelve months, such individual shall engage in one month of health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment.

"(3) The requirement of paragraph (1) shall be complied with by any individual to whom it applies within such reasonable period of time, after the completion of such individual's award, as the Secretary shall by regulation prescribe. The Secretary shall by regulation prescribe the type of research and teaching in which an individual may engage to comply with such requirement and such other requirements respecting research and teaching as the Secretary considers appropriate.

"(4)(A) If any individual to whom the requirement of paragraph (1) is applicable fails, within the period prescribed by paragraph (3), to comply with such requirements, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula—

$$A=\phi\left(\frac{t-s}{t}\right)$$

in which 'A' is the amount the United States is entitled to recover; "ϕ" is the sum of the total amount paid under one or more

National Research Service Awards to such individual; 't' is the total number of months in such individual's service obligation; and 's' is the number of months of such obligation served by such individual in accordance with paragraphs (1) and (2) of this subsection.

"(B) Any amount which the United States is entitled to recover under subparagraph (A) shall, within the three-year period beginning on the date the United States becomes entitled to recover such amount, be paid to the United States. Until any amount due the United States under subparagraph (A) on account of any National Research Service Award is paid, there shall accrue to the United States interest on such amount at a rate fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date the United States becomes entitled to such amount.

"(5)(A) Any obligation of an individual under paragraph (3) shall be canceled upon the death of such individual.

"(B) The Secretary shall by regulation provide for the waiver or suspension of any such obligation applicable to any individual whenever compliance by such individual is impossible or would involve substantial hardship to such individual or would be against equity and good conscience.

"(d) There are authorized to be appropriated to make payments under National Research Service Awards and under grants for such awards $238,000,000 for fiscal year 1986. Of the amounts appropriated under this subsection—

"(1) not less than 15 percent shall be made available for payments under National Research Service Awards provided by the Secretary under subsection (a)(1)(A);

"(2) not less than 50 percent shall be made available for grants under subsection (a)(1)(B) for National Research Service Awards;

"(3) one-half of one percent shall be made available for payments under National Research Service Awards which (A) are made to individuals affiliated with entities which have received grants or contracts under section 780, 784, or 786, and (B) are for research in primary medical care; and one-half of one percent shall be made available for payments under National Research Service Awards made for health services research by the National Center for Health Services Research and Health Care Technology Assessment under section 304(a)(3); and

"(4) not more than 4 percent may be obligated for National Research Service Awards for periods of three months or less.

"VISITING SCIENTIST AWARDS

"SEC. 486. (a) The Secretary may make awards (hereafter in this section referred to as 'Visiting Scientist Awards') to outstanding scientists who agree to serve as visiting scientists at institutions of postsecondary education which have significant enrollments of disadvantaged students. Visiting Scientist Awards shall be made by the Secretary to enable the faculty and students of such institutions to draw upon the special talents of scientists from other institutions for the purpose of receiving guidance, advice, and instruction with regard to research, teaching, and curriculum development in the biomedical and behavioral sciences and such other aspects of these sciences as the Secretary shall deem appropriate.

"(b) The amount of each Visiting Scientist Award shall include such sum as shall be commensurate with the salary or remuneration which the individual receiving the award would have been entitled to receive from the institution with which the individual has, or had, a permanent or immediately prior affiliation. Eligibility for and terms of Visiting Scientist Awards shall be determined in accordance with regulations the Secretary shall prescribe.

"STUDIES RESPECTING BIOMEDICAL AND BEHAVIORAL RESEARCH PERSONNEL

"SEC. 487. (a) The Secretary shall, in accordance with subsection (b), arrange for the conduct of a continuing study to—

"(1) establish (A) the Nation's overall need for biomedical and behavioral research personnel, (B) the subject areas in which such personnel are needed and the number of such personnel needed in each such area, and (C) the kinds and extent of training which should be provided such personnel;

"(2) assess (A) current training programs available for the training of biomedical and behavioral research personnel which are conducted under this Act, at or through national research institutes under the National Institutes of Health and institutes under the Alcohol, Drug Abuse, and Mental Health Administration, and (B) other current training programs available for the training of such personnel;

"(3) identify the kinds of research positions available to and held by individuals completing such programs;

"(4) determine, to the extent feasible, whether the programs referred to in clause (B) of paragraph (2) would be adequate to meet the needs established under paragraph (1) if the programs referred to in clause (A) of paragraph (2) were terminated; and

"(5) determine what modifications in the programs referred to in paragraph (2) are required to meet the needs established under paragraph (1).

"(b)(1) The Secretary shall request the National Academy of Science to conduct the study required by subsection (a) under an arrangement under which the actual expenses incurred by such Academy in conducting such study will be paid by the Secretary. If the National Academy of Science is willing to do so, the Secretary shall enter into such an arrangement with such Academy for the conduct of such study.

"(2) If the National Academy of Science is unwilling to conduct such study under such an arrangement, then the Secretary shall enter into a similar arrangement with other appropriate nonprofit private groups or associations under which such groups or associations will conduct such study and prepare and submit the reports thereon as provided in subsection (c).

"(3) The National Academy of Science or other group or association conducting the study required by subsection (a) shall conduct such study in consultation with the Director of NIH.

"(c) A report on the results of such study shall be submitted by the Secretary to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate at least once every two years.

"PART G—GENERAL PROVISIONS

"INSTITUTIONAL REVIEW BOARDS; ETHICS GUIDANCE PROGRAM

"SEC. 489. (a) The Secretary shall by regulation require that each entity which applies for a grant, contract, or cooperative agreement under this Act for any project or program which involves the conduct of biomedical or behavioral research involving human subjects submit in or with its application for such grant, contract, or cooperative agreement assurances satisfactory to the Secretary that it has established (in accordance with regulations which the Secretary shall prescribe) a board (to be known as an 'Institutional Review Board') to review biomedical and behavioral research involving human subjects conducted at or supported by such entity in order to protect the rights of the human subjects of such research.

"(b)(1) The Secretary shall establish a program within the Department of Health and Human Services under which requests for clarification and guidance with respect to ethical issues raised in connection with biomedical or behavioral research involving human subjects are responded to promptly and appropriately.

"(2) The Secretary shall establish a process for the prompt and appropriate response to information provided to the Director of NIH respecting incidences of violations of the rights of human subjects of research for which funds have been made available under this Act. The process shall include procedures for the receiving of reports of such information from recipients of funds under this Act and taking appropriate action with respect to such violations.

"PEER REVIEW REQUIREMENTS

"SEC. 490. (a)(1) The Secretary, acting through the Director of NIH, shall by regulation require appropriate technical and scientific peer review of—

"(A) applications made for grants and cooperative agreements under this Act for biomedical and behavioral research; and

"(B) applications made for biomedical and behavioral research and development contracts to be administered through the National Institutes of Health.

"(2) Regulations promulgated under paragraph (1) shall require that the review of applications made for grants, contracts, and cooperative agreements required by the regulations be conducted—

"(A) in a manner consistent with the system for scientific peer review applicable on the date of the effective date of the Health Research Extension Act of 1985 to grants under this Act for biomedical and behavioral research; and

"(B) to the extent practical, by peer review groups performing such review on or before such date.

"(b) The Director of NIH shall establish procedures for periodic, technical, and scientific peer review of research at the National Institutes of Health. Such procedures shall require that—

"(1) the reviewing entity be provided a written description of the research to be reviewed; and

"(2) the reviewing entity provide the advisory council of the national research institute involved with such description and the results of the review by the entity.

"PROTECTION AGAINST SCIENTIFIC FRAUD

"SEC. 491. (a) The Secretary shall by regulation require that each entity which applies for a grant, contract, or cooperative agreement under this Act for any project or program which 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 fraud in connection

with biomedical and behavioral research conducted at or sponsored by such entity; and

"(2) will report to the Secretary any investigation of alleged scientific fraud which appears substantial.

"(b) The Director of NIH shall establish a process for the prompt and appropriate response to information provided the Director of NIH respecting scientific fraud in connection with projects for which funds have been made available under this Act. The process shall include procedures for the receiving of reports of such information from recipients of funds under this Act and taking appropriate action with respect to such fraud.

"RESEARCH ON PUBLIC HEALTH EMERGENCIES

"SEC. 492. (a) If the Secretary determines, after consultation with the Director of NIH, the Commissioner of the Food and Drug Administration, or the Director of the Centers for Disease Control, that a disease or disorder constitutes a public health emergency, the Secretary, acting through the Director of NIH—

"(1) shall expedite the review by advisory councils under section 406 and by peer review groups under section 490 of applications for grants for research on such disease or disorder or proposals for contracts for such research;

"(2) shall exercise the authority in section 3709 of the Revised Statutes (41 U.S.C. 5) respecting public exigencies to waive the advertising requirements of such section in the case of proposals for contracts for such research;

"(3) may provide administrative supplemental increases in existing grants and contracts to support new research relevant to such disease or disorder; and

"(4) shall disseminate, to health professionals and the public, information on the cause, prevention, and treatment of such disease or disorder that has been developed in research assisted under this section.

The amount of an increase in a grant or contract provided under paragraph (3) may not exceed one-half the original amount of the grant or contract.

"(b) Not later than 90 days after the end of a fiscal year, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on actions taken under subsection (a) in such fiscal year.

"ANIMALS IN RESEARCH

"SEC. 493. (a) The Secretary, acting through the Director of NIH, shall establish guidelines for the following:

"(1) The proper care of animals to be used in biomedical and behavioral research.

"(2) The proper treatment of animals while being used in such research. Guidelines under this paragraph shall require—

"(A) the appropriate use of tranquilizers, analgesics, anesthetics, paralytics, and euthanasia for animals in such research; and

"(B) appropriate pre-surgical and post-surgical veterinary medical and nursing care for animals in such research.

Such guidelines shall not be construed to prescribe methods of research.

"(3) The organization and operation of animal care committees in accordance with subsection (b).

"(b)(1) Guidelines of the Secretary under subsection (a)(3) shall require animal care committees at each entity which conducts biomedical and behavioral research with funds provided under this Act (including the National Institutes of Health and the national research institutes) to assure compliance with the guidelines established under subsection (a).

"(2) Each animal care committee shall be appointed by the chief executive officer of the entity for which the committee is established, shall be composed of not fewer than three members, and shall include at least one individual who has no association with such entity and at least one doctor of veterinary medicine.

"(3) Each animal care committee of a research entity shall—

"(A) review the care and treatment of animals in all animal study areas and facilities of the research entity at least semi-annually to evaluate compliance with applicable guidelines established under subsection (a) for appropriate animal care and treatment;

"(B) keep appropriate records of reviews conducted under subparagraph (A); and

"(C) for each review conducted under subparagraph (A), file with the Director of NIH at least annually (i) a certification that the review has been conducted, and (ii) reports of any violations of guidelines established under subsection (a) or assurances required under paragraph (1) which were observed in such review and which have continued after notice by the committee to the research entity involved of the violations.

Reports filed under subparagraph (C) shall include any minority views filed by members of the committee.

"(c) The Director of NIH shall require each applicant for a grant, contract, or cooperative agreement involving, research on animals, administered by the National Institutes of Health or any national research institute to include in its application or contract proposal, submitted after the expiration of the twelve-month period beginning on the date of the effective date of this section—

"(1) assurances satisfactory to the Director of NIH that—

"(A) the applicant meets the requirements of the guidelines established under paragraphs (1) and (2) of subsection (a) and has an animal care committee which meets the requirements of subsection (b); and

"(B) scientists, animal technicians, and other personnel involved with animal care, treatment, and use by the applicant have available to them instruction or training in the humane practice of animal maintenance and experimentation, and the concept, availability, and use of research or testing methods that limit the use of animals or limit animal distress; and

"(2) a statement of the reasons for the use of animals in the research to be conducted with funds provided under such grant or contract.

Notwithstanding subsection (a)(2) of section 553 of title 5, United States Code, regulations under this subsection shall be promulgated in accordance with the notice and comment requirements of such section.

"(d) If the Director of NIH determines that—

"(1) the conditions of animal care, treatment, or use in an entity which is receiving a grant, contract, or cooperative agreement involving research on animals under this title do not meet applicable guidelines established under subsection (a);

"(2) the entity has been notified by the Director of NIH of such determination and has been given a reasonable opportunity to take corrective action; and

"(3) no action has been taken by the entity to correct such conditions;

the Director of NIH shall suspend or revoke such grant or contract under such conditions as the Director determines appropriate.

"(e) No guideline or regulation promulgated under subsection (a) or (c) may require a research entity to disclose trade secrets or commercial or financial information which is privileged or confidential.

"USE OF APPROPRIATIONS UNDER THIS TITLE

"SEC. 494. Appropriations to carry out the purposes of this title shall be available for the acquisition of land or the erection of buildings only if so specified. Such appropriations, unless otherwise expressly provided, may be expended in the District of Columbia for—

"(1) personal services;

"(2) stenographic recording and translating services;

"(3) travel expenses (including the expenses of attendance at meetings when specifically authorized by the Secretary);

"(4) rental;

"(5) supplies and equipment;

"(6) purchase and exchange of medical books, books of reference, directories, periodicals, newspapers, and press clippings;

"(7) purchase, operation, and maintenance of passenger motor vehicles;

"(8) printing and binding (in addition to that otherwise provided by law); and

"(9) all other necessary expenses in carrying out this title.

Such appropriations may be expended by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

"GIFTS

"SEC. 495. The Secretary may, in accordance with section 2101, accept conditional gifts for the National Institutes of Health or a national research institute or for the acquisition of grounds or for the erection, equipment, or maintenance of facilities for the National Institutes of Health or a national research institute. Donations of $50,000 or over for the National Institutes of Health or a national research institute for carrying out the purposes of this title may be acknowledged by the establishment within the National Institutes of Health or national research institute of suitable memorials to the donors.

"FETAL RESEARCH

"SEC. 496. (a) The Secretary may not conduct or support any research or experimentation, in the United States or in any other country, on a nonviable living human fetus ex utero or a living human fetus ex utero for whom viability has not been ascertained unless the research or experimentation—

"(1) may enhance the well-being or meet the health needs of the fetus or enhance the probability of its survival to viability; or

"(2) will pose no added risk of suffering, injury, or death to the fetus and the purpose of the research or experimentation is the development of important biomedical knowledge which cannot be obtained by other means.

"(b) In administering the regulations for the protection of human research subjects which—

"(1) apply to research conducted or supported by the Secretary;

"(2) involve living human fetuses in utero; and

"(3) are published in section 46.208 of part 46 of title 45 of the Code of Federal Regulations;

or any successor to such regulations, the Secretary shall require that the risk standard (published in section 46.102(g) of such part 46 or any successor to such regulations) be the same for fetuses which are intended to be aborted and fetuses which are intended to be carried to term.

"(c)(1) The Biomedical Ethics Advisory Committee appointed under section 381 shall conduct a study of the nature, advisability, and biomedical and ethical implications of exercising any waiver of the risk standard published in section 46.102(g) of such part 46 (or any successor to such regulations). The Committee shall complete the study and report its findings to the Biomedical Ethics Board established under section 381 not later than the expiration of thirty months after the effective date of this Act. The report shall include the recommendations, if any, of the Committee on the advisability of the authority for such a waiver and the circumstances under which such a waiver might be granted. The Biomedical Ethics Board shall transmit the report to the Secretary, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate.

"(2) During the thirty-six-month period beginning on the effective date of this section, the Secretary may not grant (under section 46.211 of part 45 of title 46 of the Code of Federal Regulations or any successor to such section) a modification or waiver for fetal research.

"(3) Effective October 31, 1988, paragraph (2) is repealed.

"CONSTRUCTION OF TITLE

"SEC. 497. This title shall not be construed as limiting (1) the functions or authority of the Secretary under section 301 or of any officer or agency of the United States, relating to the study, prevention, diagnosis, and treatment of any disease for which a separate national research institute is established under this title, or (2) the expenditure of any funds therefor.".

SEC. 3. CONFORMING AMENDMENTS.

(a) ADVISORY COUNCILS.—(1) The National Advisory Health Council established under section 217 is terminated.

(2) Section 217(a) (42 U.S.C. 218(a)) is amended—

(A) in the first sentence—

(i) by striking out "National Advisory Health Council, the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, and the National Advisory Dental Research Council" and inserting in lieu thereof "National Advisory Mental Health Council and the National Advisory Council on Alcohol Abuse and Alcoholism"; and

(ii) by striking out "by the Surgeon General with the approval of the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "by the Secretary";

(B) in the second sentence—

(i) by striking out "in the case of the National Advisory Health Council, are skilled in the sciences related to health; and"

(ii) by striking out "the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, the National Advisory Heart Council, and the National Advisory Dental Research Council" and inserting in lieu thereof "the National Advisory Mental Health Council and the National Advisory Council on Alcohol Abuse and Alcoholism"; and

(iii) by striking out ", alcohol abuse and alcoholism, and dental diseases and conditions" and inserting in lieu thereof "and alcohol abuse and alcoholism"; and

(C) by striking out the third sentence.

(3) Subsection (b) of section 217 is repealed and subsections (c) through (e) and subsection (g) are redesignated as subsections (b) through (e), respectively.

(4) Section 222(c) (42 U.S.C. 217a(c)) is amended to read as follows:

"(c) Upon appointment of any such council or committee, the Secretary may delegate to such council or committee such advisory functions relating to grants-in-aid for research or training projects or programs, in the areas or fields with which such council or committee is concerned, as the Secretary determines to be appropriate.".

(5) Section 301(a) (42 U.S.C. 241(a)) is amended—

(A) in paragraph (3), by striking out "as are recommended" through "for such fiscal year" and inserting in lieu thereof "as are recommended by the advisory council to the entity of the department supporting such projects or, in the case of mental health projects, by the National Advisory Mental Health Council; and make, upon recommendation of the advisory council to the entity of the department involved or the National Advisory Mental Health Council, grants-in-aid to public or nonprofit universities, hospitals, laboratories, and other institutions for the general support of their research"; and

(B) in paragraph (8), by striking out "recommendations of the National Advisory Health Council" through "such additional means" and inserting in lieu thereof "recommendations of the advisory councils to the entities of the department involved or, with respect to mental health, the National Advisory Mental Health Council, such additional means".

(6) Section 1122(a) (42 U.S.C. 300c-12(a)) is amended by striking out "under section 441".

(b) NATIONAL LIBRARY OF MEDICINE.—Parts I and J of title III are repealed.

(c) ORPHAN DRUG ACT.—Section 8(w) of the Orphan Drug Act (Public Law 97-414) is repealed.

SEC. 4. PLAN FOR RESEARCH AND ANIMALS.

(a) ESTABLISHMENT OF PLAN.—The Director of the National Institutes of Health shall establish a plan for—

(1) research to be conducted by or through the National Institutes of Health and the national research institutes into methods of biomedical research and experimentation—

(A) which do not require the use of animals;

(B) which reduce the number of animals used in such research; or

(C) which produce less pain and distress in such animals than methods currently in use;

(2) establishing the validity and reliability of the methods described in subparagraph (A);

(3) the development of such methods which have been found to be valid and reliable; and

(4) the training of scientists in the use of such methods.

The plan required by this paragraph shall be prepared not later than October 1, 1986.

(b) DISSEMINATION OF INFORMATION.—The Director of the National Institutes of Health shall take such actions as may be appropriate to convey to scientists and others involved with research or experimentation involving animals information respecting the methods found to be valid and reliable under subsection (a)(2).

(c) INTERAGENCY COORDINATING COMMITTEE.—The Director of the National Institutes of Health shall establish within the National Institutes of Health an Interagency Coordinating Committee to assist the Director of the National Institutes of Health in the development of the plan required by subsection (a). The Director of each national research institute shall serve on the Committee.

SEC. 5. RESEARCH ON LUPUS ERYTHEMATOSUS.

(a) ESTABLISHMENT OF COMMITTEE.—The Secretary shall establish a Lupus Erythematosus Coordinating Committee to plan, develop, coordinate, and implement comprehensive Federal initiatives in research on Lupus Erythematosus.

(b) COMMITTEE COMPOSITION AND MEETINGS.—(1) The committee shall be composed of—

(A) the Director of the National Institute of Neurological and Communicative Disorders and Stroke;

(B) the Director of the National Institute of Allergy and Infectious Diseases;

(C) the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases;

(D) the Director of the National Institute of Child Health and Human Development;

(E) the Director of the National Institute of General Medical Sciences;

(F) the Director of the National Heart, Lung, and Blood Institute;

(G) the Director of the National Institute of Diabetes and Digestive and Kidney Diseases; and

(H) the Director of the Centers for Disease Control.

(2) The Committee shall meet at least four times a year. The Secretary shall designate as chairman of the Committee the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases.

(c) REPORT.—The Committee shall prepare a report for Congress on its activities. The report shall include a description of research projects on Lupus Erythematosus conducted or supported by Federal agencies in the fiscal year for which the report is made, the nature and purpose of each such project, the amounts expended for each such project, and an identification of the entity which conducted the research under each such project. Such report shall be submitted not later than 18 months after the date of the effective date of this Act. The Committee shall terminate one month after the report is submitted.

SEC. 6. NATIONAL RESEARCH SERVICE AWARD STUDY.

The Secretary of Health and Human Services shall conduct a study of—

(1) the effect of the service obligation requirement of section 485(c) of the Public Health Service Act on the number and quality of individuals who apply for National Research Service Awards;

(2) the effect of section 485(c)(4) of such Act on the number of persons who engage in health research or training as a career;

(3) the number of persons who receive National Research Service Awards and who engage in health research or training as a career; and

(4) the effectiveness of the grant authority under section 485(a)(1)(B) of such Act in encouraging individuals to engage in health research and training as a career.

The Secretary shall complete the study within one year after the effective date of this Act and shall report the results of the study to the Committee on Energy and

Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

SEC. 7. INTERAGENCY COMMITTEE ON SPINAL CORD INJURY.

(a) ESTABLISHMENT.—Within 90 days after the effective date of this Act, the Secretary of Health and Human Services shall establish in the National Institute of Neurological and Communicative Diseases and Stroke an Interagency Committee on Spinal Cord Injury (hereafter in this section referred to as the "Interagency Committee"). The Interagency Committee shall plan, develop, coordinate, and implement comprehensive Federal initiatives in research on spinal cord injury and regeneration.

(b) COMMITTEE COMPOSITION AND MEETINGS.—(1) The Interagency Committee shall consist of representatives from—

(A) the National Institute on Neurological and Communicative Disorders and Stroke;

(B) the Department of Defense;

(C) the Department of Education;

(D) the Veterans' Administration;

(E) the Office of Science and Technology Policy; and

(F) the National Science Foundation;

designated by the heads of such entities.

(2) The Interagency Committee shall meet at least four times. The Secretary of Health and Human Services shall select the Chairman of the Interagency Committee from the members of the Interagency Committee.

(c) REPORT.—Within the 18 months after the effective date of this Act, the Interagency Committee shall prepare and transmit to the Congress a report concerning its activities under this section. The report shall include a description of research projects on spinal cord injury and regeneration conducted or supported by Federal agencies during such 18-month period, the nature and purpose of each such project, the amounts expended for each such project, and an identification of the entity which conducted the research under each such project.

(d) TERMINATION.—The Interagency Committee shall terminate 90 days after the date on which the Interagency Committee transmits the report required by subsection (c) to the Congress.

SEC. 8. STUDY OF PERSONNEL FOR HEALTH NEEDS OF THE ELDERLY.

(a) STUDY.—The Secretary shall conduct a study on the adequacy and availability of personnel to meet the current and projected health needs (including needs for home and community-based care) of elderly Americans through the year 2020.

(b) REPORT.—The Secretary shall report the results of the study to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate by March 1, 1987. The report on the study shall contain recommendations on—

(1) the number of primary care physicians and other health personnel needed to provide adequate care for the elderly;

(2) the training needs of physicians (including specialists) and other health personnel to provide care responsive to the particular needs of the elderly;

(3) necessary changes in medicare and other third party reimbursement necessary to support training of primary care and other physicians to meet the needs of the elderly; and

(4) necessary program changes in third party reimbursement programs (including changes in medicare programs) to support training of other health personnel in the care of the elderly.

SEC. 9. INTERAGENCY COMMITTEE ON LEARNING DISABILITIES.

(a) ESTABLISHMENT.—Not later than 90 days after the effective date of this Act, the Director of the National Institutes of Health shall establish an Interagency Committee on Learning Disabilities to review and assess Federal research priorities, activities, and findings regarding learning disabilities (including central nervous system dysfunction in children).

(b) COMPOSITION.—The Committee shall be composed of such representatives as the Director may designate, but shall include representatives from the National Institute of Neurological and Communicative Disorders and Stroke, the National Institute of Child Health and Human Development, the National Institute of Allergy and Infectious Diseases, the National Eye Institute, the National Institute of Environmental Health Sciences, the Division of Research Resources of the National Institutes of Health, and the National Institute of Mental Health.

(c) REPORT.—Not later than 18 months after the effective date of this Act, the Committee shall report to the Congress on its activities under subsection (a) and shall include in the report—

(1) the number of persons affected by learning disabilities and the demographic data which describes such persons;

(2) a description of the current research findings on the cause, diagnosis, treatment, and prevention of learning disabilities; and

(3) recommendations for legislation and administrative actions—

(A) to increase the effectiveness of research on learning disabilities and to improve the dissemination of the findings of such research; and

(B) respecting specific priorities for research in the cause, diagnosis, treatment, and prevention of learning disabilities.

(d) TERMINATION.—The Committee shall terminate 90 days after the date of the submission of the report under subsection (c).

SEC. 10. REVIEW OF DISEASE RESEARCH PROGRAMS OF THE NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES.

The Secretary of Health and Human Services shall conduct an administrative review of the disease research programs of the National Institute of Diabetes and Digestive and Kidney Diseases to determine if any of such programs could be more effectively and efficiently managed by other national research institutes. The Secretary shall complete such review within the one-year period beginning on the effective date of this section.

SEC. 11. BIOMEDICAL ETHICS.

Title III (as amended by section 3) is amended by adding at the end the following:

"PART I—BIOMEDICAL ETHICS

"SEC. 381. (a) There is established in the legislative branch of the Government the Biomedical Ethics Board (hereinafter referred to as the 'Board').

"(b)(1) The Board shall consist of twelve members as follows:

"(A) Six Members of the Senate appointed as follows: Three members appointed by the Majority Leader of the Senate from the majority party and three members appointed by the Minority Leader from the minority party.

"(B) Six Members of the House of Representatives appointed by the Speaker of the House of Representatives, three from the majority party and three from the minority party.

"(2) The term of office of a member of the Board shall expire when the member leaves the office of Senator or Representative, as the case may be, or upon the expiration of eight years after the date of the member's appointment to the Board, whichever occurs first.

"(3) Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of the original appointment.

"(4) The Board shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act as chairman in the absence of the chairman or in the event of the incapacity of the chairman. The chairmanship and vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Board from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

"(5) The Board shall meet once every three months unless such meeting is dispensed with by the chairman, and may meet at any time upon the request of four or more members of the Board or upon the call of the chairman.

"(c)(1) The Board shall study and report to the Congress on a continuing basis on the ethical issues arising from the delivery of health care and biomedical and behavioral research, including the protection of human subjects of such research and developments in genetic engineering (including activities in recombinant DNA technology) which have implications for human genetic engineering.

"(2)(A) Except as provided in subparagraph (B), an annual report shall be transmitted to the Congress identifying the issues which were the subject of the study conducted under paragraph (1) and identifying areas, programs, and practices of medicine and biomedical and behavioral research which have significant ethical implications and which would be appropriate subjects for study.

"(B) A report on research and developments in genetic engineering (including activities in recombinant DNA technology) which have implications for human genetic engineering shall be transmitted to the Congress not later than eighteen months after the appointment of the Committee under subsection (d).

"(d)(1) To conduct the studies and make the reports required by subsection (c), the Board shall appoint a Biomedical Ethics Advisory Committee (hereinafter referred to as the 'Committee'). The Committee shall consist of fourteen members as follows:

"(A) Four of the members shall be appointed by the Board from individuals who are distinguished in biomedical or behavioral research.

"(B) Three of the members shall be appointed by the Board from individuals who are distinguished in the practice of medicine or otherwise distinguished in the provision of health care.

"(C) Five of the members shall be appointed by the Board from individuals who

are distinguished in one or more of the fields of ethics, theology, law, the natural sciences (other than the biomedical or behavioral sciences), the social sciences, the humanities, health administration, government, and public affairs.

"(D) Two of the members shall be appointed by the Board from individuals who are representatives of citizens with an interest in biomedical ethics but who possess no specific expertise.

"(2)(A) The Committee, by majority vote, shall elect from its members a chairman and a vice chairman and appoint an executive director who shall serve for such time and under such conditions as the Committee may prescribe. In the absence of the chairman, or in the event of the incapacity of the Chairman, the vice chairman shall act as chairman.

"(B) The term of office of each member of the Committee shall be four years, except that any such member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term. Terms of the members shall be staggered so as to establish a rotating membership.

"(C) The members of the Committee shall receive no pay for their services as members of the Committee, but shall be allowed necessary travel expenses (or, in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence at not to exceed the rate prescribed in sections 5702 and 5704 of title 5, United States Code) and other necessary expenses incurred by them in the performance of duties as a member of the Committee, without regard to the provisions of subchapter 1 of chapter 57 and section 5731 of title 5, United States Code, and regulations promulgated thereunder.

"(D) The executive director of the Committee, with the approval of the Committee, may employ such staff and consultants as necessary to prepare studies and reports for the Committee.

"(3)(A) The Committee may, for the purpose of carrying out its functions, hold such public hearings, sit and act at such times and places, and take such testimony, as the Committee considers appropriate.

"(B) Upon request of the Committee, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Committee to assist the Committee in carrying out its functions.

"(C) The Committee may secure directly from any department or agency of the United States information necessary to enable it to carry out its functions. Upon request of the chairman of the Committee, the head of such department or agency shall furnish such information to the Committee.

"(D) The Committee may accept, use, and dispose of gifts or donations or services or property.

"(E) The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

"(e) To enable the Board and the Committee to carry out their functions there are authorized to be appropriated $2,000,000 for fiscal year 1986.".

SEC. 12. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect October 1, 1985.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. MADIGAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 2409, the bill presently under consideration.

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

There was no objection.

Mr. WAXMAN. Mr. Speaker, I am pleased to present H.R. 2409, the Health Research Extension Act of 1985 to the House.

The Committee on Energy and Commerce and its subcommittee on Health and the Environment are committed to an effective national effort to prevent and cure cancer, heart disease, arthritis, diabetes, and many other fearsome diseases.

The National Institutes of Health are at the vanguard of our commitment to these goals. Through the NIH, our Nation's biomedical research effort is second to none in its scope and accomplishments. NIH has done more to expand human knowledge about the cause, treatment, and prevention of disease than any other research institution in the world.

The discoveries resulting from NIH activities have enabled dramatic improvements in the quality and effectiveness of health care services. The benefits of these activities in reducing human suffering and prolonging life are clear.

With the Congress' continued support, America's investment in health research will continue to produce generous dividends. The opportunities for major breakthroughs have never been better.

H.R. 2409 is similar to S. 540, legislation which was overwhelming approved by the House and Senate last year. Unfortunately that legislation was pocket-vetoed by the President.

Since the start of the 99th Congress Senator HATCH and I have worked to reintroduce this legislation and hopefully convince the President that the National Institutes of Health deserves the stature and affirmation of public support that is embodied by this legislation.

The legislation will go far to restore and maintain American's preminence in medical research. H.R. 2409 represents a necessary and forceful statement of support for the biomedical research programs of the NIH.

It was the result of extensive subcommittee and committee consideration during the 97th and 98th Congresses. The legislation has broad support within the Congress and the scientific community.

Mr. Speaker, H.R. 2409 contains a number of important provisions which I would like to describe for the benefit of our colleagues.

The statutory responsibilities of NIH under title IV of the Public Health Service Act have not been revised since 1944. These provisions have been in need of revision for many years in order to provide a consistent, comprehensive, and coordinated authority for the National Institutes of Health and each of the individual National Research Institutes. The legislation adequately defines the responsibilities of the NIH and streamlines redundant or inconsistent authorities.

In addition, the legislation extends the authorization of appropriations for expiring research authorities through fiscal year 1986. These authorities include: One, the National Cancer Institute; two, the National Health, Lung and Blood Institute; three, the National Library of Medicine's Medical Library Assistance Act; and four, the National Research Service Awards Program.

The legislation also makes a number of important changes to promote the more effective and efficient management of the NIH. These changes include procedures for peer review of intramural research and research contracts, as well as establishment of a system for investigating reports of scientific misconduct.

Mr. Speaker, a major concern of the House has been NIH resistance to placing serious emphasis upon the support of research related to the prevention of disease. Yet research on prevention holds the greatest promise of one day reducing the incidence of a wide range of illnesses and warrants high priority within this Nation's research agenda.

As a preliminary step toward encouraging the National Research Institutes to place greater emphasis on this aspect of the research spectrum, the legislation establishes new positions of Associate Director for Prevention Research within the National Cancer Institute, the National Institute of Child Health and Human Development and the Office of the NIH Director. A similar position is already in existence within the National Heart, Lung and Blood Institute.

The new Associate Directors for Prevention should be selected from among the Nation's most outstanding prevention and public health professionals. They should not be appointed from those current NIH officials who

have little or no background in the prevention field. Each Associate Director should devote full-time to prevention related activities and not have significant responsibilities for other nonprevention activities. The principal responsibility of the Associate Directors should be to ensure that research regarding the prevention of disease is a high priority of their respective institutes. With respect to the Associate Director for Prevention within the Office of the NIH Director, this responsibility includes the activities of the entire NIH.

The Associate Directors are to assure that the research plans of each institute include sections dealing with such prevention-related research as investigations into the epidemiology of disease, studies of the etiology of diseases—including the effect of diet and other personal habits on the development of disease, and the effect of environmental factors including air, water, radiation, and toxic substances, on the development of disease. Research into immunizations against disease, studies of the means to preclude the development of disease through changes in personal habits and environmental factors, and studies of methods for, and the cost-effectiveness of population screening programs. Each Associate Director should submit recommendations annually to the Director for the specific activities and resources required to carry out the institute's prevention-related activities.

Mr. Speaker, two of the most important provisions of H.R. 2409 establishes new research institutes.

One is the National Institute of Arthritis and Musculoskeletal and Skin Diseases. Creation of an arthritis institute has been a special interest of the distinguished chairman of the House Rules Committee, Mr. PEPPER. Over many years of public service Congressman PEPPER has carefully studied the progress of arthritis research in this country and at his urging the Energy and Commerce Committee voted last year to expand the Federal commitment to arthritis research through establishment of a separate national research institute.

The legislation also would establish a new National Institute on Nursing which has been a special interest of the gentleman from Illinois, Mr. MADIGAN.

The legislation also includes provisions to define the circumstances under which research involving living human fetuses may be conducted. These provisions have been worked out with Senators HATCH and DENTON. It provides clarification that fetuses outside the womb may be exposed to no added risk and that fetuses that are to be aborted may be exposed to only the same type of risk to which fetuses that would be carried to term may be exposed. That has been the standard for almost 10 years at NIH. And the bill clarifies what some groups have maintained is unclear in the regulations. The legislation also provides for a 3-year moratorium on the Secretary's ability to grant a waiver of risk standards and for a study of such waivers.

This issue has been a controversial one for a number of years in the Congress. Some groups have alleged that NIH has misused its funds and is conducting unethical research. Others have suggested that unscrupulous doctors urge abortions on unwilling patients just to have more research subjects. Still others have said fetal research is unnecessary.

There is no evidence to support any of these allegations.

In 1974 the Congress adopted a moratorium on research involving fetuses and commissioned a panel of ethicists and scientists to study the same issue. That study resulted in the present regulations on protection of human subjects, under which NIH has been operating for almost 10 years.

During that time, NIH has done much to improve the lives and chances for life of fetuses and low-birth-weight babies, and much of that improvement has been the direct result of fetal research. During the same period, those who oppose fetal research have been unable to document any charges of abuse or misuse of funds. The reports of strange experiments or objectionable practices have been of research conducted without Government support or outside of the United States or of research that was never conducted at all.

The research that has gone on has brought hope of life and health to millions who might never have lived or breathed without the medical advances that have resulted from research on pregnancy and fetal growth. Prematurity, fetal lung distress, Rh factors—all have killed infants in years past, and all are under investigation by scientists whose only tool to save lives is research involving fetuses.

I would like to insert at this point, the statement of policy on fetal research from the American Academy of Pediatrics, as illustrative of the importance of the issue.

The statement follows:

[From Pediatrics, Vol. 74, No. 3, September 1984]

FETAL RESEARCH

In the past several decades, we have witnessed astounding improvements in the health of infants and children as a result of successes in translating knowledge derived from laboratory and clinical research into effective therapies for the fetus and newborn. Improvements in the survival and reduction in newborn suffering would not have been possible without direct evaluation of the safety and efficacy of these therapies in the pregnant woman and fetus. For example, work done with pregnant women and their fetuses has led directly to the current Rh screening programs and the use of Rhogam, and has resulted in a marked decrease in pregnancy wastage and newborn morbidity due to erythroblastosis.

The outcome of thousands of pregnancies has been improved as a result of the evaluation of fetal lung maturity by lecithinsphingomyelin ratio (L/S ratio) and the administration of glucocorticosteroids to enhance lung maturity in infants at risk for hyaline membrane disease. Again, in these studies validation of normal developmental profiles and evaluation of safety and efficacy were required.

Our current success in monitoring pregnancy outcome is based on the safe evaluation of normal growth and our ability to detect adverse genetic and environmental influences in the developing fetus. We now can recognize fetal hypoxia during pregnancy and at delivery by knowledge of fetal heart rate profiles obtained by fetal research. Even the effects of noninvasive measures such as maternal bed rest and improved nutrition on fetal outcome in the pregnancy complicated by maternal hypertension must be assessed by continued fetal research.

Modern ultrasound has brought another dimension to the early diagnosis of major malformations. Defects such as diaphragmatic hernia can now be dignosed prenatally to prepare physicians for early postnatal intervention. There is the promise that ultrasound will permit definition of defects amenable to surgical correction or therapy in utero. Fetuses with heart failure and hydrops secondary to congenital heart block have been treated with maternal digoxin administration. Progress likely will be made in the intrauterine correction of anatomic defects such as genitourinary obstruction and hydrocephalus.

Advances in genetics made possible by fetal research permit the early diagnosis of a wide range of genetic disorders and the more fundamental promise of treatment and even cure of genetic diseases that currently result in death and disability. The diagnosis of sickle cell disease and thalassemia by DNA hybridization techniques is routine. α-Feto-protein is available for prenatal diagnosis of anencephaly and spinal bifida. Fetal research, however, is essential if further advances are to occur in diagnosis, early detection, and treatment.

Although we have seen significant progress, major problems remain. Low birth weight remains a leading cause of mortality and long-term morbidity in infants and children. Affected families may suffer great financial expenses and long-term emotional burdens. The development of safe methods to evaluate and prevent low birth weight requires the investigation of safe and effective interventions during pregnancy. Although we endorse the use of every available means of testing these therapies in the laboratory and in experimental animals, safety and efficacy in the human must ultimately be defined in the human.

Obstetrics and pediatrics are on the brink of a therapeutic and technologic explosion—new technologies such as nuclear magnetic resonance (NMR) and refinements in ultrasound will permit the noninvasive study of fetal metabolism and anatomy in health and disease. Gene therapy will offer the possibility of cure of disorders such as the hemoglobinopathies and phenylketonuria. The ultimate beneficiaries of fetal research will be the mothers, fetuses, and infants of the future.

The American Academy of Pediatrics emphasizes the need for continued improvements in maternal and infant health through the safe and effective introduction of new therapies and methods of assessing risk. We endorse the recommendations in "Research on the Fetus," a report by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.[1] These recommendations amplify and supplement the original 1975 Code of Ethics for the Use of Fetuses and Fetal Material for Research.[2]

Research may be defined as the careful, systematic, patient study and investigation to discover or establish facts or principles. Nowhere in medicine will the discovery of new facts or principles have more relevance to the prevention of disability and disease than in fetal and newborn medicine. The American Academy of Pediatrics supports the need for research to increase knowledge and improve care of the fetus and newborn infant.

Committee on Research, 1983-84:
MOSES GROSSMAN, MD, *Chairman,*
ROBERT L. BRENT, MD,
ROBERT A. HOEKELMAN, MD,
ROBERT C. NEERHOUT, MD,
ROBERT W. MILLER, MD,
ROBERT H. PARROTT, MD,
JAMES M. SUTHERLAND, MD,
Liaison Representatives:
LAWRENCE M. GARTNER, MD,
ROBERT P. KELCH, MD,
PAUL MCCARTHY, MD,
JOSEPH B. WARSHAW, MD.

I believe that the regulations under which NIH has been operating since the 1974-75 study have been appropriate and effective. If anything, the regulations have been too proscriptive, have limited research too severely, and have driven valuable scientists out of the NIH.

The legislation before us does not create new barriers to research: Indeed, in large part, the legislation places in statute the practices of the NIH and the regulations that have guided those practices. I do not believe that any of the language adopted here will have an effect on research that is ongoing at the NIH; nor do I believe that researchers need fear that the NIH will be forced by political considerations to turn away from valuable research programs.

In one particular area, however, this language does make a substantive—if temporary—change in the status quo. Under present regulations, the Secretary is allowed to waive restrictions if the applicant's Institutional Review Board, the Advisory Council of the appropriate NIH institute, and a specially convened Ethics Advisory Board deem it necessary to do so. Under this legislation, the Secretary will be unable to grant such waivers for a period of 3 years. During that time, the IRB review and the Advisory Council review, and the Ethics Advisory review may certainly go on, but the Secretary may not actually grant a waiver before October 31, 1988.

This moratorium comes at the request of the Members of the Senate during the 98th Congress. It was not contained in the original House-passed bill, and I do not believe it was necessary then and do not believe it is necessary now. The Senate, however did insist on the provision and, given the time-limited nature of the moratorium, I believe that it is a restriction that can be endured while tempers cool and rhetoric dies down. It is clear from the statutory language and committee report that the Secretary will be able to exercise her authority to waive the regulations again in 1988 without further congressional action.

I am concerned, however, by the policy behind this restriction. The 1974-75 study considered the issues of waivers in detail, and I find its examples compelling. Let me quote from one part of the study:

In the case of congenital rubella syndrome, descriptions of the condition (which comprises congenital heart disease, cataracts, deafness, and mental retardation) and its etiology (maternal rubella infection during pregnancy) were drawn from research on the living child and material from dead fetuses. Attenuation of the rubella virus for vaccine purposes was accomplished in tissue culture using nonhuman cells. Vaccine Trials were conducted on adults and children. The vaccine was found safe and effective and it was licensed in 1969, 28 years after the congenital rubella syndrome was first described.

No research on the living human fetus was required to develop the vaccine. A question remained, however, as to the safety of administering the vaccine during pregnancy or to women in child-bearing years. Should a pregnant woman, without immunity to rubella, be vaccinated to prevent the risk to the fetus that would ensue if she contracted natural rubella? Some experimental animal models for the rubella condition has been developed, the rhesus monkey being the closest one to the human. Accordingly, pregnant monkeys were inoculated with either rubella virus or the vaccine virus. Subsequent studies showed that five of six monkey fetuses whose mothers received slightly attenuated rubella virus were infected, but none of the six monkey fetuses whose mothers received vaccine virus was infected. Thus, the animal model suggested that the vaccine virus did not cross the placenta and was safe to administer during pregnancy, although other vaccine viruses were known to cross the human placenta.

Human studies were then undertaken. Because of the potential risk to the fetus, women requesting therapeutic abortion were employed as subjects. These volunteers received the vaccine and underwent the abortion 11 to 30 days later. Examination of tissues from the dead aborted fetuses showed that, *in contrast to the results in monkeys, the vaccine virus did cross the human placenta and infect the fetus. On the basis of this research* involving the fetus in anticipation of abortion, as well as subsequent reports of damage to the fetus following accidental rubella vaccination during pregnancy, *Administration of rubella vaccine to pregnant women or women who might become pregnant within 60 days of vaccination is proscribed.* [Emphasis added.]

This research was carried on in 1969, before the present regulations were in place. If this research were now to come to the NIH for funding, I believe it would require a secretarial waiver of risk standards, since the risk to the fetus is unknown. If this research were to come to the NIH for funding during the proposed moratorium on the Secretary's authority to grant waivers, it could not be approved.

Such restrictions are dangerous. Without the 1969 study, we might have had an epidemic of blind, deaf, and retarded rubella-syndrome babies, babies whose well-intentioned mothers were only going by the best—if mistaken—advice of their doctors on how to protect their pregnancy.

During the next 3 years there will be a multitude of new drugs and therapies introduced in American medicine, many of them to be used by pregnant women. Without secretarial waiver authority, NIH will be unable to fund research on the effects of such drugs and therapies on fetuses or pregnant women. I trust that the medical community will be cautious in its approaches during the time when we must remain ignorant of new products' effects on pregnancy. I hope that no new epidemics of birth defects will come to haunt those who insist that we halt testing.

Moreover, a number of new therapies—for diabetes, for spinal cord damage, for prematurity, for Alzheimer's Disease and for retarding conditions—are on the horizon. During the 3 years of the moratorium, many of them may be left unfunded and unresearched as we explore a subject already studied and resolved by a Government panel on ethics.

Such restrictions are also unnecessary. The waiver authority that is now in place has been used only once—to produce the diagnostic device for sickle cell anemia that is now the leading method for detecting the disease and other in-born genetic defects. Such detection leads not just to the ability for parents to elect to end a pregnancy that might result in pain, suffering, and death for the child. Such detection also leads to further research on the disease, its treatment, and its eventual prevention.

During the 3-year moratorium on the Secretary's waiver authority. The newly devised Biomedical Ethics Advisory Committee of the Biomedical Ethics Board is to study the "nature, advisability, and biomedical and ethi-

[1] National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research: Research on the Fetus. Dept. of Health, Education and Welfare Publication No. (OS) 76-127, 1975.

[2] AAP Task Force on Pediatric Research, Informed Consent, and Medical Ethics: AAP Code of Ethics for the Use of Fetuses and Fetal Material for Research. Pediatrics 1975; 56:304.

cal implications" of the waiver of risk standards. I would emphasize that the charge to this committee is not to redo the entirety of the 1974-75 study. The question before this committee is not fetal research at large, but the very specific issues of research that involve unknown or greater-than-minimal risk to the fetus.

This subject was considered extensively by the previous study. I trust that the committee will not consider this congressional request for a second look to be the equivalent of a remand in search of a different result. The legislation before us does not imply dissatisfaction with the 1974-75 study or the regulations that have grown out of it. Indeed, the waiver regulations are intended to be automatically reinstated in 3 years, whether the committee has completed its review and made recommendations or not. I believe that the regulations have functioned well and that the primary failings of the Secretary's administration of them has been an unwillingness to appoint an Ethics Advisory Board to implement them fully. In 3 years' time, after full and even-handed review, perhaps; the Secretary will be willing to proceed with the responsibilities to pursue research ethnically and without regard to purely political pressures.

Finally, let me add that, although this moratorium is temporary, I believe that the Congress' heavy-handed intrusion into this area is not just dangerous and unnecessary, but also a precedent that we should carefully avoid in all future legislation to fund research. We, as politicans, are not medical doctors or ethicists. Few of us have disabled children or life-threatening diseases. To tell scientists to turn away from their studies in this instance is not far removed from censorship, from intrusions into academic freedom, from burning a book. It is sometimes politically dangerous to be in favor of free investigation. It is always scientific dangerous to be opposed to it.

Mr. Speaker, support of H.R. 2409 will establish health research as among the highest priorities of 99th Congress. An effective biomedical research program will lead to a healthier, more productive population.

I urge each Member's support for this important legislation.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2409, a bill which provides for a 1-year extension of the expiring authorities of the National Institutes of Health. This legislation received bipartisan support from the Committee on Energy and Commerce and was reported by voice vote on May 15, 1985.

H.R. 2409 reauthorizes, for 1 year only, the research authorities of the National Cancer Institute and the National Heart, Lung, and Blood Institute, the National Research Service Awards and the Medical Library Assistance Act. This legislation is virtually identical to S. 540, the conference agreement which received unanimous support of both the House and Senate during the final days of the 98th Congress.

Many of the management directives and line-item authorizations contained in previous NIH bills have been removed from this bill and the authority of the Secretary of Health and Human Services contained in section 301 of the Public Health Service Act to conduct biomedical research has been strengthened. In addition, consensus language from last year's conference report dealing with the sensitive issues of fetal research and the use and care of animals in research is maintained in this bill.

I am also very supportive of the establishment of the National Institute of Nursing within H.R. 2409, which will complement the basic biomedical research conducted by NIH and the establishment of a National Institute of Arthritis and Musculoskeletal and Skin Disease, a proposal which has been a part of NIH reauthorizing legislation for the past 4 years.

In conclusion, I support and urge my colleagues to support this legislation which provides for the continuation and improvements to the legislative authority for the National Institutes of Health, the foundation of our Nation's biomedical research activities.

● Mr. WEISS. Mr. Speaker, I rise in support of H.R. 2409, the Health Research Extension Act of 1985.

The National Institutes of Health represent our Nation's greatest contribution to health related research. This support is an investment in the intellectual, medical, and economic future of our country, and there is no doubt that this investment is cost effective and absolutely essential. For example, the United States has an overwhelming technical and economic edge over all the nations of the world in the area of biotechnology. The men and women who have done the fundamental research and developed the resulting biotechnology products have, almost without exception, been trained through the programs of NIH.

The 14 institutes of NIH touch almost all aspect of the health and well-being of Americans, from infancy to old age. By encouraging research in a wide range of health issues. NIH grants are directly and indirectly responsible for the increased life expectancy that Americans now enjoy, as well as an improved quality of life for Americans with health problems.

Last year, Congress approved an NIH appropriations bill that included enough money to fund over 6,500 new and competing grants. President Reagan signed that bill, but in a surprise move in December, OMB directed NIH to decrease the number of new and competing grants by 23 percent, to only 5,000. On June 10 of this year, the Subcommittee on Intergovernmental Relations and Human Resources, which I chair, conducted a field hearing in Birmingham, AL on the impact of the OMB forward funding directive. The researchers, administrators, and corporate leaders there, like their colleagues across the country, have expressed very serious concerns about the OMB actions. Let me take this opportunity to share some of their observations with you.

Witnesses included researchers and administrators at the University of Alabama at Birmingham [UAB] and the Southern Research Institute, as well as corporate leaders from the Birmingham community. Their testimony described the importance of federally funded scientific research and the devastating impact of the OMB forward funding directive on individual research projects in the field of mental retardation and cancer chemotherapy, as well as established programs at the UAB's Comprehensive Cancer Center, Hypertension Research Center, and other health programs.

Current NIH recipients also spoke of their concern about future funding, and the long-term effects of the OMB action on current graduate students and junior faculty in a variety of biomedical fields. In some cases, these scientists have decided to leave the field. According to Dr. Norman Bray, an associate professor of psychology at UAB:

> If graduate students with training related to the problems of the mentally retarded and other developmentally disabled children leave the area, progress in understanding and actualizing the potential of these children will simply stop. It is not a simple matter of hoping for increased funding the next year to make up for losses such as these. The human potential lost could never be regained.

Of course, his observations are also applicable to a wide range of scientific endeavors funded by NIH.

Our witnesses expressed their gratitude for the support that Congress has shown NIH, but they remain concerned that time is running out. According to Dr. Claude Bennett, chair of the Department of Medicine at the UAB:

> If a clear decision is not made soon with specific instructions to NIH, the sheer amount of paperwork involved in getting the fiscal year 1985 budget appropriation spent may be impossible to accomplish by midnight September 30. If that occurs, the administration will have achieved its end regardless of the best intentions of the Congress.

UAB and the Southern Research Institute are representative of the many research institutions whose important work depends on NIH funding. The

testimony illustrated how NIH research touches all our lives, and how inadequate support for NIH will be felt by research efforts across the country. The Health Research Extension Act of 1985 authorizes the appropriation of adequate funding for NIH research efforts for fiscal year 1986 and strengthens the national research institutes. I applaud the efforts of my distinguished colleagues, Mr. DINGELL and Mr. WAXMAN, for their excellent work on this bill, and I want to urge my colleagues in the House to support their efforts to undo the damage that was done by the OMB forward funding directive.●

● Mr. WALGREN. Mr. Speaker, I am pleased to support today H.R. 2409, the bill reauthorizing the National Institute of Health.

The President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research has helped put health research in some perspective with these words:

Since all human beings are vulnerable to disease and all die, health care has a special interpersonal significance: it expresses and nurtures bonds of empathy and compassion. The depth of a society's concern about health care can be seen as a measure of its sense of solidarity in the face of suffering and death. Moreover, health care takes on a special meaning because of its role in the beginning of a human being's life as well as the end. In spite of all the advances in the scientific understanding of birth, disease, and death, these profound and universal experiences remain shared mysteries that touch the spiritual side of human nature. For these reasons a society's commitment to health care reflects some of its most basic attitudes about what it is to be a member of the human community.

Since 1982, we have attempted to develop a bill to reauthorize the National Institutes of Health and for 5 years it has been a struggle. Last year, the struggle culminated in a late October veto by President Reagan—a veto overshadowed in the news media by Presidential campaign events. This year the struggle opened with the administration's refusal to award 1,500 grants as Congress directed and funded—a number that translates into $200 million. The Office of Management and Budget defended the failure to award the grants as efforts to stabilize funding, to deal with the hills and valleys in health research funding that we have had during the last 5 years.

It is striking to me to compare NIH's $5 billion funding level to other aspects of the Federal budget:

The Department of Defense's research budget request is $39 billion, a 25-percent increase over last year or $7.8 billion over 1985. The increase alone for military research is almost $8 billion, larger than the whole health research budget of the NIH. While NIH got −6 percent, research Governmentwide received a 12-percent boost.

The Department of Defense notified the Senate Armed Services Committee on May 14 that it had just found $4 billion in unspent or extra money.

The cost of half the additions the President wants for our stock of 37,000 nuclear warheads will cost $4 billion.

The MX—which the President calls a peacekeeper—will cost $25 billion.

We will pay $1.4 billion for the Army's chemical-bacteriological weapons and research program and for rebuilding 48 CH-47 heavy-lift helicopters.

Three nuclear-powered aircraft carriers with their airplanes and support ships and the Navy's antisubmarine-airplane—P-3C—program will cost $18 billion.

The toilet on the space shuttle cost $12 million to design.

The budget for the National Institutes of Health is six-tenths of 1 percent—(0.6 percent)—the total Federal budget. Their first year in office, the Reagan administration requested a 5.4-percent increase over 1981; this request was then revised, ending in a 7.2-percent decrease below 1981. Fiscal 1983 saw a 3-percent increase in their request, followed by an increase of 1.8 percent in 1984. But 1985 saw a 6-percent decrease in administration support coupled with their refusal to award 1,500 grants mandated by Congress.

The National Institutes of Health have helped us achieve a cancer cure rate that is approaching 50 percent. NIH work led us to the virtual elimination of polio by a vaccination, saving suffering—and incidentally $1 billion a year. The work of NIH researchers helped reduce the maternal death rate from pregnancy and childbirth by 80 percent between 1962 and 1980. NIH research has meant that paraplegics—who before World War II died of kidney failure, pneumonia, blood poisoning and other complications—can now survive. Even functional regeneration of the central nervous system is no longer viewed as an impossibility. Every $1 invested in research is estimated to produce $13 in cost-benefit savings. Clearly, this Nation should be extremely proud of its advances in medicine.

The National Institutes of Health are among our most valuable assets; they should not be a battleground. The question is not how to hold down spending, but whether our values do not require us to spend more?

The stranglehold over our Federal commitment to health research is, in part, the $200 billion Federal deficit. When Congress—without my support—adopted President Reagan's tax and spending proposals in 1981, the basic balance between revenue and spending was upended. The deficit exploded from $27 billion in 1979 to $59 billion in 1980, $58 billion in 1981, $110 billion in 1982, $195 billion in 1983, and $185 billion in 1984. In 1985, it is estimated to be a staggering $222 billion. We must now spend $70 billion every year in increased interest costs just to pay for the increase in the deficit since 1980—14 times what we are spending on health research. As long as this deficit hovers over the Federal budget, health research will be in the back seat scrambling for its small share of taxpayer dollars.

It is unfortunate—and in my view unnecessary—for the NIH to be a budget battleground year after year. The question should not be how to hold down spending or even it out, as OMB seems to want, the question ought to be how can we put more resources into health research?

About 855,000 Americans are diagnosed each year as having cancer; one of three babies born in 1985 will develop cancer in its lifetime; 3.5 million Americans are disabled by stroke; 60 million people suffer from cardiovascular disease; 100,000 Americans will die this year from allergic and infectious diseases; 62,000 people become blind each year. These startling numbers ought to tell us something.

There are several significant provisions in this bill. It directs the National Institute on Aging to support basic and clinical research into advanced diagnostic, prevention, and treatment methods for Alzheimer's disease through a program of regional centers. The bill requires HHS to conduct a study of the availability of physicians and other health professionals to meet the health needs of the elderly through the year 2020. The bill also establishes an Interagency Committee on Spinal Cord Injury to plan, coordinate and implement comprehensive Federal initiatives on research on spinal cord injury and regeneration, an initiative I sponsored.

I am also pleased the committee adopted my suggestions on animal care and treatment. Under the bill, NIH would be required to establish standards for the care and treatment of animals used in research. Each organization receiving NIH funds would be required to have an animal care committee to monitor the care and treatment of animals used. One member of the committee would have to have no formal association with the institution. These requirements are very similar to NIH's recently revised guidelines. I believe that an internal monitoring mechanism like this is far preferable to outside inspections and could go a long way toward developing a dialog on proper animal care and treatment. I am also grateful for the committee's acceptance of my suggestion that NIH develop a plan for research methods that do not use animals and reduce the number of animals used.

These provisions were developed carefully over a period of several years and try to achieve a balance between the interests of good research and appropriate animal care. They are not in any way intended to mandate or interfere with a particular research methodology.

It is my understanding that the Office of Management and Budget will recommend that the President veto this bill. I hope that is not the case. When we are funding only one-third of the research proposals received at NIH, we are clearly not doing enough. Health research is a wise public investment. I hope the President will join me in support of this important bill.●

● Mr. GREEN. Mr. Speaker, I rise to express my support for H.R. 2409, the Health Research Extension Act of 1985. This legislation is designed to revise and extend the authorities of the National Institutes of Health [NIH], so that we can continue to improve the health care of our citizens through progress in medical research. I urge my colleagues to support this bill, and should like to bring to their attention several provisions which are particularly important to me.

As medical science advances, it enables us to learn more and learn with greater speed about disease and how to prevent, treat, and cure it. Nonetheless, much remains to be discovered about many diseases which have afflicted people for years, from the common cold to cancer. One of these illnesses is arthritis, which affects the very young as well as the very old. H.R. 2409 creates a new National Institute of Arthritis and Musculoskeletal and Skin Diseases to focus and expand research in these areas. There are over 100 known forms of arthritis, a disease which affects an estimated 35 million Americans. The resulting costs to the Nation are staggering and increasing numbers of individuals must bear the pain and discomfort inherent in arthritis. To place greater emphasis and resources into arthritis research through the creation of this Institute is a significant step toward eventually finding a cure.

I hear frequently from many senior citizens in my district about another disease which afflicts older people—Alzheimer's disease. Unfortunately, this illness still remains a mystery. We know little more than that it afflicts an estimated 750,000 to 1 million Americans, costs the United States approximately $20 billion annually in heath care costs, and places a tremendous burden on victim's families, who have primary responsibility for the victims' care. Substantial research continues at NIH through four agencies. We have emphasized the need for continued support for Alzheimer's research in the Appropriations Committee, and have increased funding. I should like to express my appreciation to the authorizing committee for making specific reference to Alzheimer's disease in this legislation.

When we think about health care, we often tend to stereotype nurses as nice people in white uniforms who take patients' temperatures. Clearly, this perception is both dated and highly inappropriate, as the role of nurses in the health care delivery system has expanded dramatically. The Institute of Medicine issued a report which stressed the need to give greater visibility to nursing research, and to bring such study into the mainstream of health care research. The committee has acknowledged this gap in the research community, and has acted to close it by creating in this bill a National Institute of Nursing. This research will focus on health promotion and preventive and health as it relates to nursing care, with emphasis on the specific problems and issues faced by nurses, who play an integral role in our health care system.

An area of biomedical research that is of great interest to me is immunology. Immune system disorders are responsible for or related to, many illnesses, including allergies, juvenile diabetes, and rheumatoid arthritis. In the last few years, a substantial amount of Federal resources have been devoted to immunological research on a most devastating and fatal disease: Acquired Immunodeficiency Syndrome (AIDS). This is a disease we knew nothing about 5 years ago, and now NIH researchers are testing drugs in efforts to develop treatment for AIDS victims, and eventually a vaccine. However, until then, preventive health measures are the only means of minimizing the risk of contracting AIDS for those in groups considered to be at risk. This necessitates continued resources for AIDS research, and equally as important, greater resources for public education activities. I am glad to see that this bill acknowledges the importance of continued efforts to combat AIDS.

While significant attention has been given to the AIDS epidemic, scientists at NIH continue to conduct research into other immune system disorders. Unlike AIDS and such illnesses which stem from infection by viruses or other foreign bodies, there are "autoimmune" diseases, those caused by malfunction of the immune system itself. Sytemic Lupus Erythematosus is an autoimmune disease which affects over half a million Americans, 90 percent of whom are women, usually in their childbearing years. Lupus is a chronic inflammatory disease affecting connective tissue. The body's immune system breaks down and allows antibodies to attack normal tissue. Its severity varies, affecting only the skin in some people, but destroying major body organs in others. Sometimes it is fatal. At this time, there is no known cause or cure for Lupus, which claims 50,000 new victims every year. H.R. 2409 creates a temporary Lupus Erythematosus Coordinating Committee to plan, develop, coordinate, and implement comprehensive Federal initiatives on Lupus research. I believe this committee is urgently needed and is a critical component of this bill.

Mr. Speaker, the work conducted by the National Institutes of Health is far too extensive to discuss all aspects in the limited time we have today. I have highlighted these provisions because they are, in my view, of particular importance. This is not to minimize the fine work which continues in research on cancer, heart, lung and kidney disease, neurology, oral health, opthamology, maternal and child health, and environmental health sciences. I should like to express my overall support for biomedical research and urge my colleagues to support this vital public health legislation.●

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Mr. MADIGAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2409, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HEALTH MAINTENANCE ORGANIZATION AMENDMENTS OF 1985

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2417) to amend the Public Health Service Act to revise and extend the program of assistance for health maintenance organizations.

The Clerk read as follows:

H.R. 2417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE TO ACT.

(a) SHORT TITLE.—This Act may be cited as the "Health Maintenance Organization Amendments of 1985".

(b) REFERENCE TO ACT.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SEC. 2. ELIMINATION OF AUTHORIZATION OF SUPPORT FOR FEASIBILITY SURVEYS, PLANNING, AND INITIAL DEVELOPMENT COSTS.

(a) IN GENERAL.—Sections 1303, 1304, and 1307(c) 42 U.S.C. 300e-2, 300e-3, and 300e-6(c)) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 1306 (42 U.S.C. 300e-5) is amended—

(A) by striking out "grant, contract, loan," each place it appears (except in subsection (b)(6)) and inserting in lieu thereof "loan",

(B) by striking out "in the case of an application for assistance under section 1303 or 1304, such application meets the application requirements of such section and in the case of an application for a loan or loan guarantee," in subsection (b)(1),

(C) by striking out "1304," in subsection (b)(2), and

(D) by striking out "grants, contracts, loans," in subsection (c) and inserting in lieu thereof "loans".

(2) Section 1307 (42 U.S.C. 300e-6) is amended—

(A) by striking out "grant, contract, loan," each place it appears and inserting in lieu thereof "loan",

(B) by striking out "grant, contract, or" in subsection (a)(1), and

(C) by striking out "such assistance" in subsection (a)(1) and inserting in lieu thereof "the loan".

(3) Section 1309(a) (42 U.S.C. 300e-8(a)) is amended—

(A) by striking out paragraph (1), and

(B) by striking out "(2)".

(4) The first sentence of section 1317(b) (42 U.S.C. 300e-16(b)) is amended—

(A) by striking out clause (1), and

(B) by redesignating clauses (2) and (3) as clauses (1) and (2), respectively.

(c) APPLICATION.—The amendments made by this section do not apply to any grant made or contract entered into under title XIII of the Public Health Service Act before October 1, 1985.

SEC. 3. LIMITATION ON LOANS AND LOAN GUARANTEES FOR INITIAL COSTS OF OPERATION.

(a) IN GENERAL.—The last sentence of section 1305(a) (42 U.S.C. 300-4(a)) is amended by inserting before the period ", and unless the Secretary has made a grant or loan to, entered into a contract with, or guaranteed a loan for, the organization in fiscal year 1981, 1982, 1983, 1984, or 1985 under this section or section 1304(b) (as in effect before October 1, 1985)".

(b) APPLICATION.—The amendment made by subsection (a) does not apply to any loan or loan guarantee for the initial costs of operation of a health maintenance organization made under title XIII of the Public Health Service Act before October 1, 1985.

SEC. 4. ELIMINATION OF LOANS AND LOAN GUARANTEES FOR ACQUISITION AND CONSTRUCTION OF AMBULATORY CARE FACILITIES.

(a) IN GENERAL.—Section 1305A (42 U.S.C. 300e-4a) is repealed.

(b) CONFORMING AMENDMENT.—Section 1306(b)(2) (42 U.S.C. 300e-5(b)(2)) is amended by striking out "or 1305A,".

(C) APPLICATION.—The amendments made by this section do not apply to any loan or loan guarantee made under section 1305A of the Public Health Service Act before October 1, 1985.

SEC. 5. REPEAL OF REQUIREMENT FOR HEALTH SYSTEMS AGENCY REVIEW.

Section 1306(b) (42 U.S.C. 300e-5(b)) is amended by striking out paragraph (5) and by redesignating paragraphs (6), (7), and (8) as paragraphs (5), (6), and (7), respectively.

SEC. 6. LIMITATION ON BORROWING BY LOAN GUARANTEE FUND.

The first sentence of section 1308(d))(2) (42 U.S.C. 300e-7 (d)(2)) is amended by inserting "before October 1, 1985," after "guarantees issued by him".

SEC. 7. REPEAL OF REQUIREMENT FOR PERIODIC DEMONSTRATION OF COMPLIANCE.

Section 1310(d) (42 U.S.C. 300e-9(d)) is amended by striking out the last sentence.

SEC. 8. ANNUAL UPDATE OF STATE LAW DIGEST.

The first sentence of section 1311(c) (42 U.S.C. 300e-10(c)) is amended by striking out "quarterly" and inserting in lieu thereof "annually".

SEC. 9 ELIMINATION OF UNNECESSARY REPORT.

Section 1318(e) (42 U.S.C. 300e-17(e)) is repealed.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 1309(b) (42 U.S.C. 300e-8(b)) is amended to read as follows:

"(b) To meet the obligations of the loan fund established under section 1308(e) resulting from defaults on loans made from the fund and to meet the other obligations of the fund, there is authorized to be appropriated to the loan fund for fiscal years 1986, 1987, 1988, and 1989, such sums as may be necessary.".

SEC. 11. ORGAN TRANSPLANTS AS PART OF BASIC COVERAGE.

Section 1302(1) (42 U.S.C. 300e-1(1)) is amended by inserting before the last sentence the following new sentence: "Such term includes a health service directly associated with an organ transplant only if such organ transplant was required to be included in basic health services on April 15, 1985.".

SEC. 12. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1985.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. MADIGAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the the bill, H.R. 2417.

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

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2417 makes a number of revisions in the HMO Act, which is title 13 of the Public Health Service Act.

The bill repeals the old grant and loan provisions, which have not been used since 1981 and are no longer needed. It also removes the current requirement that HMO's must cover any organ transplant as sooon as the Secretary of Health and Human Services determines that the procedure is no longer experimental.

Mr. Speaker, the only authorizations in the bill are those required to meet the obligations of the current loan fund resulting from defaults on outstanding loans. No new loans could be made.

The provisions of this bill are noncontroversial and I urge all Members to support it.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2417 which makes several changes in title XIII of the Public Health Service Act. H.R. 2417 repeals the authority to make grants and loans to health maintenance organizations. The only authorizations in the bill are those required to meet the current obligations of the loan fund for outstanding loans. The Congressional Budget Office estimates that $2.5 million will be required to meet these obligations in fiscal year 1986 and $1.5 million in each of fiscal years 1987 and 1988.

The bill also removes the current requirement that health maintenance organizations must cover any organ transplant procedure as soon as the Secretary of Health and Human Services determines that the procedure is no longer experimental.

The administration has indicated that it does not have any objection to this legislation.

I urge my colleagues to join in supporting H.R. 2417.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2417.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ORPHAN DRUG AMENDMENTS OF 1985

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2290) to amend the orphan drug provisions of the Federal Food, Drug, and Cosmetic Act and related laws, as amended.

The Clerk read as follows:

H.R. 2290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Orphan Drug Admendments of 1985".

SEC. 2. MARKET PROTECTION.

Section 527 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360cc) is amended—

(1) by striking out "and for which a United States Letter of Patent may not be issued" in subsection (a);

(2) by striking out "and if a United States Letter of Patent may not be issued for the drug" in subsection (b); and

(3) by striking out "UNPATENTED" in the title of the section.

SEC. 3. ANTIBIOTIC DRUGS.

(a) DESIGNATION.—

(1) Section 525(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360aa(a)) is amended—

(A) by striking out "or" at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following:

"(2) if the drug is an antibiotic, it may be certified for such disease or condition under section 507, or";

(B) by striking out "before" in paragraph (3) (as so redesignated);

(C) by inserting after "505" in the last sentence a comma and the following: "certification of such drug for such disease or condition under section 507,"; and

(D) by striking out "licensing under section 351 of the Public Health Service Act for such disease or condition" and inserting in lieu thereof "licensing of such drug for such disease or condition under section 351 of the Public Health Service Act".

(2) Section 526(a)(1) of such Act (21 U.S.C. 360bb(a)(1)) is amended—

(A) by striking out "or" at the end of subparagraph (A) and by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) if a certification for such drug is issued under section 507, or

"(C) if a license for such drug is issued under section 351 of the Public Health Service Act,"; and

(B) by striking out "the approval or license" and inserting in lieu thereof "the approval certification, or license".

(3) Section 527 of such Act (21 U.S.C. 360cc) is amended—

(A) by striking out "or" at the end of paragraph (1) in subsection (a), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following:

"(2) issues a certification under section 507, or";

(B) by inserting after "505" in the first sentence of subsection (a) a comma and the following: "issue another certification under section 507,";

(C) by inserting after "holder of such approved application" in subsection (a) a comma and the following: "of such certification,";

(D) by inserting after "approval of the approved application" in subsection (a) a comma and the following: "the issuance of the certification,";

(E) by striking out "or a license" in subsection (b) and inserting in lieu thereof a comma and the following: "if a certification is issued under section 507 for such a drug, or if a license";

(F) by inserting after "application approval" in subsection (b) a comma and the following: "of the issuance of the certification under section 507,"

(G) by striking out ", if the drug is a biological product," in subsection (b);

(H) by inserting after "under section 505" in subsection (b) a comma and the following: ", issue another certification under section 507,";

(I) by inserting after "holder of such approved application" in subsection (b) a comma and the following: "of such certification,";

(J) by inserting after "application" in subsection (b)(1) a comma and the following: "of the certification,"; and

(K) by inserting after "other applications" in subsection (b)(2)" a comma and the following: "issuance of other certifications,".

SEC. 4. NATIONAL COMMISSION ON ORPHAN DISEASES.

(a) ESTABLISHMENT.—There is established the National Commission on Orphan Diseases (hereinafter referred to as the "Commission").

(b) DUTY.—The Commission shall assess the activities of the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, the Food and Drug Administration, other public agencies, and private entities in connection with—

(1) basic research conducted on rare diseases;

(2) the use in research on rare diseases of knowledge developed in other research;

(3) applied and clinical research on the prevention, diagnosis, and treatment of rare diseases; and

(4) the dissemination to the public, health care professionals, researchers, and drug and medical device manufacturers of knowledge developed in research on rare diseases and other diseases which can be used in the prevention, diagnosis, and treatment of rare diseases.

(c) REVIEW REQUIREMENTS.—In assessing the activities of the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, and the Food and Drug Administration in connection with research on rare diseases, the Commission shall review—

(1) the appropriateness of the priorities currently placed on research on rare diseases;

(2) the relative effectiveness of grants and contracts when used to fund research on rare diseases;

(3) the appropriateness of specific requirements applicable to applications for funds for research on rare diseases taking into consideration the reasonable capacity of applicants to meet such requirements;

(4) the adequacy of the scientific basis for such research, including the adequacy of the research facilities and research resources used in such research and the appropriateness of the scientific training of the personnel engaged in such research;

(5) the effectiveness of activities undertaken to encourage such research;

(6) the organization of the peer review process applicable to applications for funds for such research to determine if the organization of the peer review process could be revised to improve the effectiveness of the review provided to proposals for research on rare diseases;

(7) the effectiveness of the coordination between the national research institutes of the National Institutes of Health, the institutes of the Alcohol, Drug Abuse, and Mental Health Administration, the Food and Drug Administration, and private entities in supporting such research; and

(8) the effectiveness of activities undertaken to assure that knowledge developed in research on nonrare diseases is, when appropriate, used in research on rare diseases.

(d) COMPOSITION.—The Commission shall be composed of twenty members appointed by the Secretary of Health and Human Services as follows:

(1) Ten members shall be appointed from individuals who are not officers or employees of the Government and who by virtue of their training or experience in research on rare diseases or in the treatment of rare diseases are qualified to serve on the Commission.

(2) Five members shall be appointed from individuals who are not officers or employees of the Government and who have a rare disease or are employed to represent or are members of an organization concerned about rare disease.

(3) Four nonvoting members shall be appointed from—

(A) the directors of the national research institutes of the National Institutes of Health; or

(B) the directors of the institutes of the Alcohol, Drug Abuse, and Mental Health Administration,

which the Secretary determines are involved with rare diseases.

(4) One nonvoting member shall be appointed from officers or employees of the Food and Drug Administration who the Secretary determines are involved with rare diseases.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made. If any member of the Commission who was appointed to the Commission as a director of a national research institute or an institute of the Alcohol, Drug Abuse, and Mental Health Administration or as an officer or employee of the Food and Drug Administration leaves that office or position, or if any member of the Commission who was appointed from persons who are not officers or employees of the Government becomes an officer or employee of the Government, such member may continue as a member of the Commission for not longer than the ninety-day period beginning on the date such member leaves that office or position or becomes such an officer or employee, as the case may be.

(e) TERM.—Members shall be appointed for the life of the Commission.

(f) COMPENSATION.—

(1) Except as provided in paragraph (2), members of the Commission shall each be entitled to receive compensation at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties as members of the Commission.

(2) Members of the Commission who are full-time officers or employees of the Government shall receive no additional pay by reason of their service on the Commission.

(g) CHAIRMAN.—The Chairman of the Commission shall be designated by the members of the Commission.

(h) STAFF.—Subject to such rules as may be prescribed by the Commission, the Commission may appoint and fix the pay of such personnel as it determines are necessary to enable the Commission to carry out its functions. Personnel shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(i) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Commission, the Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States

Code, but at rates for individuals not to exceed the daily equivalent of the basic pay payable for grade GS-15 of the General Schedule.

(j) DETAIL OF PERSONNEL.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its functions.

(k) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(l) GENERAL AUTHORITY.—The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(m) INFORMATION.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission.

(n) REPORT.—The Commission shall transmit to the Secretary and to each House of the Congress a report not later than September 30, 1987, on the activities of the Commission. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for—

(1) a long range plan for the use of public and private resources to improve research into rare diseases and to assist in the prevention, diagnosis, and treatment of rare diseases; and

(2) such legislation or administrative actions as it considers appropriate.

(o) TERMINATION.—The Commission shall terminate 90 days after the date of the submittal of its report under subsection (n).

(p) FUNDS.—The Director of the National Institutes of Health shall make available $1,000,000 to the Commission from appropriations for fiscal year 1986 for the National Institutes of Health.

SEC. 5. FINANCIAL ASSISTANCE.

(a) QUALIFIED TESTING.—Section 5 of the Orphan Drug Act (21 U.S.C. 360ee) is amended—

(1) in subsection (a) by striking out "clinical"; and

(2) by amending subsection (b)(1) to read as follows:

"(1) The term 'qualified testing' means—

"(A) human clinical testing—

"(i) which is carried out under an exemption for a drug for a rare disease or condition under section 505(i) of the Federal Food, Drug, or Cosmetic Act (or regulations issued under such section); and

"(ii) which occurs after the date such drug is designated under section 526 of such Act and before the date on which an application with respect to such drug is submitted under section 505(b) or 507 of such Act or under section 351 of the Public Health Service Act; and

"(B) preclinical testing involving a drug for a rare disease or condition which occurs after the date such drug is designated under section 526 of such Act and before the date on which an application with respect to such drug is submitted under section 505(b) or 507 of such Act or under section 351 of the Public Health Service Act.".

(b) AUTHORIZATION.—Subsection (c) of such section 5 is amended to read as follows:

"(c) For grants and contracts under subsection (a) there are authorized to be appropriated $4,000,000 for fiscal year 1986, $4,000,000 for fiscal year 1987, and $4,000,000 for fiscal year 1988.".

SEC. 6. TECHNICAL CORRECTIONS.

(a) PUBLIC LAW 98-619.—The paragraph following the heading "EDUCATION FOR THE HANDICAPPED" under title III of the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1985 (Public Law 98-619) is amended—

(1) by inserting after "shall" the first time it appears a comma and the following: "except for part D of such Act,", and

(2) by adding at the end thereof the following: "The amounts available for such part D shall be available for obligation on October 1, 1984, and shall remain available until September 30, 1985.".

(b) PUBLIC LAW 98-527.—Section 122(b)(4)(C) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6022(b)(4)(C)) is amended by inserting "(i)" after "(C)" and by adding at the end of the following:

"(ii) Notwithstanding the requirements of subparagraph (E), upon application of a State, which under section 133(b)(4)(C) of this Act, as in effect on October 18, 1984, was permitted to make expenditures for services without regard to the requirements of section 133(b)(4)(B) of this Act as so in effect, the Secretary pursuant to regulations which the Secretary shall prescribe may permit the portion of the fund which must otherwise be expended under the State plan of such State for service activities in a limited number of services to be expended for the additional services for which expenditure was permitted under section 133(b)(4)(C) as so in effect if the Secretary determines that—

"(I) funds are not otherwise available under this Act for such additional services, and

"(II) the expenditures of such State on service activities in the initially specified services has reasonably met the need for those services in such State in comparison to the extent to which the need for such additional services has been met in such State."

SEC. 7. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect October 1, 1985.

(b) EXCEPTION.—The amendments made by sections 2, 3, and 6(a) shall take effect on the date of the enactment of this Act. The amendment made by section 6(b) shall take effect October 18, 1984.

The SPEAKER pro tempore. Is a second demanded?

Mr. MADIGAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. MADIGAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2290.

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

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2290 is the first reauthorization of the Orphan Drug Act. The bill would extend the authorizations for research grants for 3 additional years, expand the marketing protection available to sponsors of approved orphan drugs, and establish a National Commission on Orphan Diseases to evaluate governmental biomedical research activities on rare diseases.

The Orphan Drug Act was enacted in January 1983. At that time there were approximately 34 orphan drugs on the market. In the last 2 years an additional 54 drugs have been designated as orphan drugs and are now either under development or already approved.

The Department of Health and Human Services and its Food and Drug Administration have worked vigorously and successfully to create an effective administrative office, the Division of Orphan Products at FDA, and to implement the law. The number of designated drugs under testing or approved has exceeded optimistic predictions of 2 years ago.

The Orphan Drug Act has been quite successful so far. I urge all Members to continue their strong support for the act.

In addition to its major provisions, the legislation also contains a technical correction of the Developmental Disabilities Assistance and Bill of Rights Act. That act, which makes grants to States for services and coordination of services to the disabled, was reauthorized last fall and signed into law as Public Law 98-527.

In that reauthorization, however, a technical error was made in the requirements for States' plans for services to the disabled. Under the earlier law, each State was required to spend at least 65 percent of its allotment on services designated by the law as "priority services." The Secretary was, however, given the authority to waive this requirement if a State applied to perform other services with its allotment. Several States have exercised such an option: Montana provides services for rural, disabled people; California, Arizona, and Missouri provide for area boards or regional councils to deal with special needs of local areas. The conferees on the reauthorization of the Developmental Disabil-

ities Act agreed to retain this waiver authority.

Unfortunately, in the drafting of the legislation, the opening phrase of the waiver authority was copied from the old law, and conforming changes were not made. Consequently, the opening phrase of the law reads, "Notwithstanding the requirements of subparagraph (B) . . .," when, in fact, the provision restricting States' ability to spend services money on optional services is now contained within subparagraph (E).

The Subcommittee on Health and the Environment has received a number of questions on this technical error from representatives of the disabled in States with waivers. The subcommittee contacted the Department of Health and Human Services and pointed out the typographical error. We were, however, told that it was the Department's opinion that, without a technical correction to the law, the Secretary probably did not have the authority even to extend existing waivers.

My original intent was to offer at this time a technical correction to the law, merely changing the reference from "subparagraph (B)" to "subparagraph (E)." Some observers interested in the program, however, were concerned that the waiver authority of the old law might allow all States to avoid providing priority services altogether. While I would be surprised to find that all States now would like to provide optional services and that the Secretary would exercise her discretion to waive the requirements on all States, I am offering a more limited amendment to the legislation now being considered.

The amendment to the legislation would permit only those States that had an optional services waiver in place under the old law to apply for a renewal of their waiver of the 65-percent requirement. Moreover, the Secretary may not grant the waiver for services—such as those allowed as priority services or under other sections of the act—for which funds are available.

This is not a full correction of the typographical error; it is a very limited amendment. It is my intent, however, to allow those States that have implemented optional services and that wish to continue them to do so.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join Mr. WAXMAN in strong support of H.R. 2290, the Orphan Drug Amendments of 1985. The Orphan Drug Act was originally passed in 1983 to facilitate the development of drugs for the treatment of rare diseases by providing tax incentives to developers; grants to defray the costs of clinical trials; as well as exclusive marketing rights for 7 years for unpatentable orphan drugs.

The bill before us today would reauthorize this important law for 3 years and freeze authorizations at the current level of $4 million per year. It also makes clear that developers of any orphan drug, whether unpatentable or not, receive a full 7 years of exclusive marketing rights for the "rare use" for which the drug was approved.

Finally, the bill would make clear that grants are available, at the discretion of the Food and Drug Administration, for animal studies of orphan drugs as well as human clinical trials. Mr. Speaker, the administration supports this bill and I urge my colleagues to do the same.

● Mr. KASTENMEIER. Mr. Speaker, I rise in support of H.R. 2290, the Orphan Drug Act of 1985. As many of my colleagues know, the plight of persons suffering from rare diseases is one which deserves our utmost attention. This bill is an important followup to the work done on orphan drugs [1] two Congresses ago by my colleague HENRY WAXMAN, chairman of the Health and Environment Subcommittee. The purpose of this statement is to set forth the background of the problem and the legislative solution.

The problems of rare diseases have received increased attention in recent years within the executive branch, Congress and the pharmaceutical industry.[2] This focus has moved from expressions of compassion and understanding toward the victims suffering from rare diseases to effective and concrete responses. Groups such as the National Organization for Rare Disorders [NORD] have been instrumental in moving the policy debate to the front burner.

Orphan drugs pose unusual problems for the medical profession, the Food and Drug Administration, and the pharmaceutical industry. One problem that Congress has come to recognize is that the ordinary market forces that encourage the development of new drugs do not encourage the development of orphan drugs. Therefore, Congress enacted Public Law 97-414, to remedy this problem. Public Law 97-414 provides that unpatentable substances which are intended to be used for orphan or rare diseases can receive an exclusive marketing period of 7 years. Congress also extended some important tax benefits to the developers of orphan drugs. Unfortunately, these incentives have not been completely successful.

The FDA has construed the existing law to preclude the issuance of an exclusive marketing period for drugs which are still patented. However, certain drugs are discovered to have treatment possibilities for orphan diseases near the expiration of the patent. Thus, the person holding the patent in this situation—usually a pharmaceutical company—usually has little incentive to research the orphan use because of the imminent loss of marketing exclusivity. In this situation the FDA can deny the 7-year market exclusivity or delay the grant until the patent has expired. This result is undesirable from the perspective of persons suffering from orphan diseases because it may serve to delay important research activities. In part, this legislation corrects this anomalous result.

This orphan drug bill should be supported for several important policy reasons. First, these changes will have little effect on the marketplace approach which predominates in the pharmaceutical industry because the diseases which are being treated are rarely found in the general population. In fact, 48 of the first 54 drugs designated as orphan drugs were designed to treat potential patient populations of less than 35,000 people. Second, providing financial incentives to the orphan drug developers eliminates the need for the Federal Government to directly expand funds to do this research.

Although in the long run some additional Government research may prove necessary, this legislation holds out the promise of limiting that financial commitment. Finally, this legislation should serve to stimulate the development of research on patented items when such research will result in new and socially beneficial uses for the drug. This approach should serve to extract an extra benefit from existing inventions.

The current law and the proposed legislation provides at least two safeguards against abuse. The marketing exclusivity granted by 21 U.S.C. 360 cc (a) can be revoked or limited by subsection (b) when the Secretary finds that there is an insufficient supply of the drug. Second, the exclusivity granted by the act is limited to the orphan use. Therefore, after the patent expires, others may use the substance for any approved nonorphan use. Thus, these two limitations narrow the application of the orphan drug law to appropriate circumstances.

In closing, I would like to note that I requested that the Speaker grant a sequential referral of this bill to the Judiciary Committee before this bill came to the floor. However, the referral request was not motivated in any way by a hostility to the purposes of the bill. Rather, it was my view that the legislation raised several important public policy issues which should be aired through a hearing process. At

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[1] Included in a working definition of Orphan Drugs are the following categories: (1) drugs for rare diseases; (2) drugs for chronic diseases; (3) drugs for single administration (vaccines and diagnostic aids); and (4) drugs for treating drug abuse. See 21 U.S.C. 360 bb.

[2] For an excellent discussion of this issue see "Orphan Drugs: Medical Versus Market Value," Carolyn Asbury (Lexington Books, 1985).

the time of the request, there was an insufficient amount of information in the public record to determine whether the bill was in the public interest. Since that time, I have had an opportunity to communicate fully with the bill's sponsor, to obtain additional information from the hearing record, and to obtain data from the FDA and the Patent and Trademark Office as well as from other sources. This new information has convinced me that enactment of the bill will serve the public interest.

The most important criteria I use for judging the wisdom of intellectual property disputes is whether the proper balance has been struck between the furtherance of the public interest and the incentives provided to creators and inventors. In the patent context this balancing process results in an exchange whereby the inventor agrees to further the storehouse of knowledge by placing information in the public domain in return for a right to exclude others from practicing the invention for a limited term. In the context of this bill the bargain is apparently the industry's investment in testing and marketing of orphan drugs in return for the grant of a limited period of market exclusivity. My colleagues on the Energy and Commerce Committee are convinced that the holders of drug patents—particularly the pharmaceutical industry—will honor this bill and commit themselves to the advancement of research and marketing of orphan drugs. I fully expect that this increased activity will take place. Furthermore, I expect that, as an implicit part of the bargain, the orphan drug marketer will not misuse his monopoly position and charge exorbitant prices to persons suffering rare diseases.

It was my hope in requesting a sequential referral of this bill that questions could have been raised about the nature of this bargain between the Government and the orphan drug developers. I would have hope for a more explicit set of understandings from the industry concerning the financial commitment they can be expected to return.

Finally, I would have hoped that we could have made limitations on the pricing of these drugs an explicit part of the bargain. In any event, the exigencies of time have eliminated the possibility of further bargaining. Even without these modifications, there is much to be said for this bill and, therefore, I urge my colleagues to support it.●

● Mr. WEISS. Mr. Speaker, I rise in strong support of H.R. 2290, the Orphan Drug Amendments of 1985.

It wasn't very long ago when victims of rare diseases and their loved ones had nowhere to turn for help or for hope. While the pharmaceutical industry functioned well in marketing drugs for high blood pressure and headaches, it could not see fit to develop drugs for orphan diseases. In the private sector, the issue was one of profits and dividends, but to the millions of Americans suffering from rare afflictions, these medications were often a matter of life and death.

Two years ago the Congress unanimously authorized the Orphan Drug Act. My colleague from California, Mr. WAXMAN, deserves special recognition for his leadership on this important legislation.

The law has been a tremendous success, as evidenced by the designation of 55 orphan drugs since its passage. In fact, the number of designated orphan drugs that are under testing or already approved has far exceeded expectations of 2 years ago. Much of the credit for these great strides must be extended to the Food and Drug Administration [FDA], which has done an outstanding job in implementing the act.

Today, I urge the House to reaffirm its commitment to this critical issue by supporting this legislation. It contains some important changes which will eliminate additional obstacles to orphan drug development and establishes a Commission at the National Institutes of Health to evaluate current biomedical research efforts on rare diseases. In addition, the bill extends the $4 million grant program for orphan drug testing for 3 years. This funding level should be viewed as a bare minimum as it will only provide resources for a fraction of the testing that merits support.

The extension of this act will surely generate many new drugs for those suffering from rare diseases. But, it is not a panacea for this complex problem. During the next few years, it will be important for Congress and the FDA to monitor closely the status of orphan drug research and development. I believe that we need to be committed to expanding the Federal Government's involvement, should the need arise.●

● Mr. WALGREN. Mr. Speaker, the orphan drug bill, H.R. 2290, before us today, includes a provision creating a National Commission on Orphan Diseases, a step that I believe is an important one toward finding a cure for many rare diseases. Under this bill, the Commission on Rare Diseases would evaluate activities in connection with basic, applied, and clinical research on rare diseases as well as the dissemination of knowledge about rare disease. The Commission would report to Congress in 2 years so that we may take whatever actions are necessary on our part.

The Subcommittee on Health, on which I serve, has learned over the years that rare diseases may not get the attention they deserve, partly because of simple numbers: fewer people are affected. This is very unfortunate. Every disease is a serious problem for this society. While "strength in numbers" is a meaningful maxim in some arenas, it should not be a "requirement" in health research.

We have found, for example, that some diseases are so rare that it is difficult to get the necessary tissue samples to accompany a grant application for research. It is sometimes difficult to get the attention of researchers and help from the medical community for problems that affect only a few people. Some problems are unique to unusual diseases and disorders. Doctors, understandably, may not be familiar with all rare diseases and have difficulty diagnosing them. This makes it difficult to compile full information nationwide. It is almost a vicious circle of insufficient information, medical attention and research, with each just further complicating our problems in launching concerted national efforts to find cures.

Earlier this year, I introduced H.R. 615, to establish a Commission on neurofibromatosis. Neurofibromatosis or NF is a rare diseases, a genetic disorder of the central nervous system occurring in 1 out of every 3,000 births. Approximately 100,000 people are affected by NF in this country. The cause is unknown as, sadly, is the cure. It is my hope that persons involved with NF could be involved with this Commission. I am especially pleased we were able to put in the bill a requirement that five lay individuals with experience with a rare disease will be included as commissioners, along with scientists and medical professionals.

I sincerely hope the House will act favorably on this bill today and give a small ray of hope to many families affected by rare diseases.●

Mr. MADIGAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

● Mr. GILMAN. Mr. Speaker, I rise in firm support of H.R. 2290, legislation which amends the 1983 Orphan Drug Act to further the awareness of rare diseases brought about by the original act and to promote greater progress toward their treatment and eventual control. I thank the distinguished gentleman from California, the chairman of the Subcommittee on Health and the Environment [Mr. WAXMAN], for his continued work on behalf of those who suffer from orphan dieseases and for his effort in bringing this measure to the floor.

The original Orphan Drug Act of 1983, which I also supported, provided considerable incentives for the development of drugs to treat little-known diseases. H.R. 2290 expands the provi-

sions of the original act in order to further build upon the research successes which have been brought about through enactment of the 1983 measure.

H.R. 2290 attempts to address the core of the issue by establishing a National Commission on Orphan Diseases to study rare illnesses more closely and report its findings to Congress. Such a commission will be invaluable in enhancing the awareness of orphan diseases, so nicknamed because their rarity causes them to be ignored for the purposes of study. Due to the lack of research on these diseases, cures are even tougher to find. The establishment of a study commission for these illnesses will help bring them to the forefront and demonstrate a substantial need for study in this area.

The importance of such awareness was brought home to me during my work last year on House Joint Resolution 565, legislation which I introduced and which was passed in the last Congress to designate a week in November as "National Epidermolysis Bullosa Awareness Week." As the House sponsor of the bill, I worked with many patients and families who must contend daily with epidermolysis bullosa, a rare skin disease which causes severe blisters after a minor trauma to the skin. I was encouraged by the tireless efforts of these people and by the efforts of the members of the Dystrophic Epidermolysis Bullosa Research Association [DEBRA] in searching for a cure for this orphan disease. The membership of DEBRA grows as awareness of the illness mounts. In this way, awareness has contributed greatly in the battle against this disease.

In addition to creating a study commission, H.R. 2290 also expands upon the original good intentions of the 1983 Orphan Drug Act by extending 7 years of market protection to any company which researches and produces an orphan drug. During this 7-year period, the Food and Drug Administration will not approve the application of a second company to produce the same drug for the same disease. The original act limited this protection only to those drugs which were not patentable. In extending this protection to all orphan drugs, this legislation provides better incentives to companies to produce orphan drugs, because they can be ensured that some research investment can be recouped.

In addition, H.R. 2290 reauthorizes funding of $4 milion per year during fiscal years 1986-87 for the Orphan Drug Research Grant Program and expands application to the grant to animal testing, as well as the human testing which was provided for in the orignal measure.

I urge my colleagues to join me in supporting H.R. 2290 and demonstrating a firm commitment toward finding cures for rare diseases which continue to cause suffering among countless families and individuals. In passing H.R. 2290, we can help increase awareness of these serious illnesses and with the help of the scientific community, hopefully find effective ways to treat orphan diseases.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 2290, as amended.

The question was taken.

Mr. WAXMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

VACATING PROCEEDINGS ON PASSAGE OF H.R. 2417, HEALTH MAINTENANCE AMENDMENTS OF 1985

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the proceedings by which the bill (H.R. 2417) to amend the Public Health Service Act to revise and extend the program of assistance for health maintenance organizations was passed under suspension of the rules today be vacated and that the yeas and nays be ordered.

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

There was no objection.

The SPEAKER pro tempore. The yeas and nays are ordered on the vote to final passage on H.R. 2417.

□ 1300

HOW DO YOU NEGOTIATE SUCCESSFULLY WITH THE SOVIETS? VERY SLOWLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. STRATTON] is recognized for 5 minutes.

● Mr. STRATTON. Mr. Speaker, last month when I was in Europe as part of the House delegation to the North Atlantic Assembly meeting I happened to see in the International Herald Tribune two articles written by Mr. Kenneth Adelman, Director of the Arms Control and Disarmament Agency. The articles dealt with what many people believe to be the most significant and effective negotiation ever carried out between the wartime Allies and the Soviet Union, the Vienna Peace Treaty.

The negotiations began in 1947 and were concluded successfully in 1955 with the evacuation of Austria by the Soviet Army.

As Mr. Adelman points out, because we believe that reducing nuclear weapons is such a crucial goal, it is easy for us and our European Allies to grow impatient with the negotiating process.

But the history of the Vienna negotiations makes it clear that if we are prepared to wait it out, even 8 years, and continue to advance new ideas and proposals, it has been demonstrated, at least in Vienna, that it is possible to succeed.

I believe the ups and downs of this fascinating piece of diplomatic history will be of great interest to my colleagues. The articles, by the way, have not been published as yet in the United States.

Under leave to extend my remarks, I enclose the two articles from the International Herald Tribune of May 18-19, and May 20, 1985.

[From the International Herald Tribune, Part I, May 18-19, 1985]

THE VIENNA PEACE TREATY: LESSONS FOR U.S. NEGOTIATORS

(By Kenneth L. Adelman and Charles A. Sorrels)

WASHINGTON—How to negotiate with the Soviet Union? The rules for doing so have been repeated often: negotiate from strength, specify U.S. negotiating goals, garner bipartisan support in Congress, and work closely with the allies. But in addition to these general rules, a host of lessons can be learned from one of the most successful negotiations conducted with the Soviet Union in the postwar era. The negotiations culminated in the Austrian State Treaty, the anniversary of which was celebrated Wednesday.

And celebrations were in order. The treaty, signed May 15, 1955, by the United States, Britain, France the Soviet Union and Austria, was a huge success. Measured by the fundamental values of assuring freedom and democracy, the treaty stands as a monument to Western diplomacy.

Except for northern Iran, it was the sole instance in which the Red Army withdrew any major force of occupation troops after the war. Moreover, the treaty restored to Austria its sovereignty, which it lost in March 1938 with Hitler's Anschluss.

Though Austria was "liberated" by Allied forces in the spring of 1945—when the Soviet troop commander proclaimed that the Red Army was a "liberating, not a conquering, army"—it took 10 years to get the Russians to grant real liberation. Had the United States and its allies lost heart during those 10 frustrating years and accepted an agreement for an agreement's sake, not only Austria but also the West's highest principles would have been the losers. Austrians today might not be free, especially from Soviet occupation. Austria might not constitute the source of stability that it is today, but rather would be a source of tension in Central Europe.

The tale began in Moscow. Meeting in October 1943, the American, British and Soviet

foreign ministers declared Austria's 1938 annexation by Nazi Germany null and void. They pledged to "see re-established a free and independent Austria."

There the matter stood until the Potsdam summit in August 1945, when another declaration was issued stipulating that "reparations should not be exacted from Austria." But on the summit's last day, Stalin rather offhandedly proposed including "German assets" in Austria as part of German reparations due the Soviet Union. The Americans, ever anxious to end the summit, and the British agreed—without obtaining a definition of "German assets in Eastern Austria." This was most unfortunate, as Secretary of State John Foster Dulles later noted: It "illustrates how terribly dangerous it is to make agreements that are hastily made and in loose terms." For this was to be a critical sticking point throughout the subsequent negotiations.

The issue's prominence came as no surprise. Soon after the Potsdam declaration, the Russians began plundering the Austrian economy as they did most rapaciously, even brutally, the nations of Eastern Europe. What they could not move, they seized in Austria as "German assets." These included two-thirds of the Austrian oil industry and virtually all Danube shipping facilities. By 1955, Soviet economic exploitation had inflicted on Austria losses of roughly $1 billion, excluding occupation costs.

The United States and Britain protested that the Soviet actions violated the Potsdam agreement. The Soviet Union rebuffed the protests. The Americans and the British resorted again to diplomacy, that spring of 1946, striving to place the Austrian State Treaty on the agenda of the Council of Foreign Ministers. The Soviet foreign minister, Vyacheslav Molotov, flatly refused.

That opened a diplomatic battle that was to run nearly a decade before yielding not only success for the West but also six critical lessons.

Lesson one: Major negotiations with the Russians require great, even superhuman patience.

The Russians are tough and wily negotiators. The first of four secretaries of state to negotiate the Austrian treaty. James Byrnes, later wrote about American negotiators who, "because a thing is right . . . cannot understand why Mr. Molotov does not agree to it." The third secretary involved, Dean Acheson, wrote: "What one may learn from these experiences is that Soviet authorities are not moved to agreement by negotiation—that is, by a series of mutual concessions. . . . Theirs is a more primitive form of political method. They cling stubbornly to a position, hoping to force an opponent to accept it." When the opponent doesn't, "they hastily abandon it—after asking and having been refused an unwarranted price—and hastily take up a new position, which may or may not represent a move toward greater mutual stability."

From 1947 to 1955, the four powers held a staggering 400 meetings on the Austrian treaty. In the bulk of those meetings—whether at the foreign minister level or lower—little or no progress was made.

At times, the gap widened. Seemingly significant progress would evaporate, once within hours. On June 20, 1949, in Paris, Soviet Foreign Minister Andrei Vishinsky did a swift reversal. Mr. Acheson writes how Ernest Bevin, the British foreign secretary, "congratulated him on a new record. Soviet agreements were fragile things but today's was the frailest yet. It had not even survived the day." The rock kept tumbling down, but the Sisyphuses of the West kept pushing it back.

The last secretary involved in the negotiations, John Foster Dulles, described the talks as "tortuous" and likened them to the myth of Sisyphus, who endlessly pushed a heavy stone up the mountain only to have it roll back down when nearing the peak.

The push up the mountain really began in January 1947. Special deputies to the four foreign ministers (France had been added after the war) met to draft and negotiate the treaty. These talks broke down in 1948 but were renewed in the middle of the following year. By that time Stalin may have had to readjust his foreign policy in response to the sort of Western resolve exemplified by the heroic Berlin airlift. He seemed to switch tactics and adopt his own "peace offensive." This was designed to give the appearance, if not the reality, of a thaw in the Cold War.

Lesson two: Major concessions, particularly in the form of package deals, can quickly be pocketed by the Russians in exchange for nothing.

A stumbling block for years was reparations. The Russians agreed at Potsdam not to exact them from Austria, yet demanded them thereafter; the West adamantly refused to grant them, yet later relinquished them.

Moscow had its eye most keenly on Austrian oil production. Western foreign ministers thought they had settled this issue during the May 1949 meeting in Paris, when the Russians agreed that their claim to oil assets would give them rights to 60 percent of the oil-producing lands in Eastern Austria. Two months later, the Russians "reinterpreted" the Paris agreement to claim a monopoly on future Austrian oil production. They sought not only to bleed a prostrate Austria but to establish a permanent economic hold over it.

During the September 1949 foreign ministers' meeting in New York, Mr. Vishinsky outlined the makings of a grand deal: All remaining unagreed articles would present "no difficulties" to Moscow if this matter of so-called German assets—i.e., reparations from Austria—"went the Soviets' way." The United States countered with a slight modification: The West would accept most of the Soviet demands on this main issue in exchange for Soviet agreement to the Western position on all other remaining and relatively subordinate issues. This fell short for the Russians.

The special Soviet deputy then responded—according to the State Department's historical record—with "one of the most abrupt statements in the record of postwar negotiations." He stated that the "German assets" article "must be worded exactly as the Soviet Union wished before any settlement could be reached on the other issues." When agreeing to this a few days later, the West made clear that it signed onto the exact Soviet wording in order to secure the earliest possible conclusion of the whole treaty.

The State Department record tells what happened next: "The Soviet Union readily accepted this offer, but then refused to give anything in return. Vishinsky's statement of a month before was in effect withdrawn once the Western powers had made the desired concession."

What became theirs, remained theirs; what was to be ours, remained negotiable.

[From the International Herald Tribune, Part II, May 20, 1985]

WITH THE SOVIETS, YOU DON'T NEGOTIATE IN A HURRY

(By Kenneth L. Adelman and Charles A. Sorrels)

WASHINGTON—Late in 1949 the Soviets threw in a new issue to obstruct negotiations on Austrian sovereignty. They demanded repayment for dried peas supplied to starving Austrians by Soviet troops—which in fact had been taken from German Wehrmacht stores in Vienna—as part of postwar relief due to Moscow. When Austria asked how much Moscow wanted for the dried peas, no reply was forthcoming. The rock of Sisyphus rolled down again.

Britain, France and the United States were learning the hard way about negotiating with the Soviet Union. One hard-learned lesson was this: At times the Soviets simply refuse to take yes for an answer.

From 1949 until early 1954, nearly a year after Stalin's death, progress in the talks was imperceptible. Then the three Western powers, along with Austria, made a stab to finish the treaty. They yielded ground, offering to accept the Soviet version of all five remaining articles. In an amazing feat of diplomatic chicanery, Soviet Foreign Minister Vyacheslav Molotov refused even this.

No, he could not accept his own version of all outstanding articles. Rather he added as a kicker the new demand that Soviet military occupation of Austria continue indefinitely. (In April 1946, Mr. Molotov had told then U.S. Secretary of State James Byrnes: "It might be necessary to leave troops in Austria for another year"—that is, until early 1947.)

John Foster Dulles later told the Senate Foreign Relations committee how "these new Soviet conditions made a mockery of the treaty." They were turned down flat by Austria and the West. When the Soviets are not prepared to advance negotiations, no amount of Western pleading or even concessions can bring results.

Another lessor.: The bargaining never ends until the final signing.

The last phase of any negotiating process is always the most intense, and generally the most important. The Soviets realize this well, and commonly lay heavy demands in the final hours. As Mr. Dulles put it later: "They astutely take into account any weaknesses of their opponent, such as impatience to get the negotiation over or willingness to treat any 'agreement' as a success, without regard to the contents or dependability." The only way to counter is to hang tough, to wait for another window of opportunity to open.

In April 1955 this happened. The Soviet government suddenly invited representatives of the Austrian government to Moscow. The Soviets' renewed willingness to bargain was probably related to events then going on beyond the Austrian treaty, including the granting of sovereignty to the Federal Republic of Germany, the creation of the Western European Union and, most im-

portant, the entry of West Germany into NATO.

Whatever the cause, the result was that Moscow was willing to move. It appeared ready to agree to pull back all Soviet forces from Austria.

The diplomatic action then moved to Vienna. It quickened during the first half of May 1955 and culminated in a treaty on May 15. No mention was made of dried peas.

The main stumbling block was the age-old one, reparations. In Vienna the Soviet Union still wanted to retain, for up to 30 years, most of the valuable Austrian oil properties, and it wanted to own in perpetuity the Austrian Danube shipping, including its docks. In Moscow in April the Soviets reached an economic accord with Austria that included Austrian payment of 10 million tons of oil to Moscow over 10 years, $2 million for Danube assets and $150 million in return for other "German assets" in Austria. Everything seemed set.

But then again, it was not. At the last minute the Soviet representative in Vienna refused to modify the text of the treaty to reflect the Austrian-Soviet accord reached the month before. In effect the Soviets wanted to be free to reoccupy Austria, based upon asserting remaining legal rights to economic assets there.

On May 10, 1955—a mere 5 days before the scheduled signing ceremonies—Secretary Dulles took a valiant decision: No way. He would not come to Vienna, and America would not sign, unless the treaty was modified to incorporate the Moscow economic accord of April. At the last moment the Soviets consented.

Yet another lesson: No treaty is perfect or controversy-free.

In the end Austria did in effect pay reparations to the Soviet Union—contrary to basic policy of the United States and Britain and contrary to what the Soviets had formally agreed at Potsdam in August 1945.

Not unexpectedly, this became a bone of contention in the ensuing Senate hearings. Senator Mike Mansfield told Mr. Dulles, "I am going to vote for this treaty, Mr. Secretary, but it seems to me that it is an extremely high price for a friendly democratic country such as Austria to pay." Senator Hubert Humphrey made a similar point: "My concern, sir, is registered because of the drain of a certain amount of commodities to the Soviets in the form of what you may call payments or reparations."

Again Secretary Dulles faced the issue squarely. "It is not perfect in that respect. We would, of course, have been much happier and the Austrians would have been much happier if the payments could have been totally discontinued." But, of course, they whittled the amount down considerably and, most important, completely got rid of Soviet legal rights over Austrian assets, and of Soviet occupation forces in Austria.

These were the large entries on the assets side of the ledger, to balance the reparations amounts on the debit side. Realizing this, all members of the Senate Foreign Relations Committee supported the treaty.

A final lesson is that Soviet motives in agreeing to a treaty may be neither begnign nor evident.

The dramatic shift in Soviet policy in April and May 1955 came as a surprise to the West. Just the year before, at the foreign ministers' meeting in Berlin, the Soviets had hardened their position to the point of refusing their own provisions. They settle up only when they decide to settle up, for reasons of their own.

What were the reasons? We know little better today than we did then. Perhaps Moscow wanted to keep the Western zones in Austria from entering NATO. Perhaps it was in part to assure that Austria would be truly a neutral nation wedged between West Germany and Italy. Perhaps it was the opening gambit by Nikita Khruschev in his "peace offensive."

The Soviets wanted to undermine NATO and Western public support for increasing defenses by offering Europeans peaceful, united Austria as an appealing neutral alternative to militarized alliance with the United States. They also sought to discourage West German rearmament—a constant, then particularly poignant Soviet fear—as a critical component of NATO's forward defense.

Regardless, the Soviets moved and we were wise enough to strike a good, even if not perfect, deal. Thirty years later it still stands the test of time as a good deal. That is no mean feat, especially in the postwar history of negotiating with the Soviets.

We hope that someday we can attain an equal level of success in our efforts to greatly reduce nuclear weapons and increase stability in the world. American and Soviet negotiators in Geneva have met together for about six weeks to discuss arms control issues. The negotiations are scheduled to begin again soon.

Because we believe that reducing nuclear weapons is such a crucial goal, it is easy to grow impatient with the process—to want to sign an agreement in several months' or a year's time. Certainly the American people and others place high hopes on our achieving quick results. That desire is not surprising, but we should not allow it to pressure us into hasty moves or unwise schemes.

Certainly, if our 30-year-success in Austria has taught us anything, it is that reaching effective agreements with the Soviet Union is a long, hard road. Worthwhile results do not happen overnight.

George Bernard Shaw wrote that "peace is not only better than war, but infinitely more arduous." Our experience in negotiating Austria's freedom makes this clear. Thirty years later we find ourselves pursuing an even more arduous task—ridding our world of the nuclear threat and ushering in a new era of peace and stability. If we heed the lessons of the years leading to 1955, our efforts can be even more promising.●

A TICKING TIME BOMB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. NELSON] is recognized for 5 minutes.

● Mr. NELSON of Florida. Mr. Speaker, it's time for the President to get tough with the Japanese to open up their semiconductor market and prevent potential dumping of chips in the United States.

Last Friday, the Semiconductor Industry Association [SIA] led its industry by filing a petition with the U.S. Trade Representative against the Japanese under section 301 of the Trade Act of 1974.

I have always been a supporter of free trade—but it must be fair trade.

Market barriers erected by the Japanese are unfair and impose heavy costs on the U.S. semiconductor industry, costing thousands of jobs. It is time for the Japanese to offer the same market opportunities to U.S. firms that we now offer to them.

This week, the United States and Japanese negotiators will sit down in Tokyo for another round of talks in an ongoing effort to resolve a host of disputes over trade in electronic products.

At the top of their list should be the difficulty of the semiconductor industry in selling in the burgeoning Japanese market.

The semiconductor chip industry in America is currently suffering from a deep recession with as many as 20,000 jobs being lost—traceable to a drop in global consumption as well as the market barriers in Japan and predatory pricing by Japan.

Over the last decade, the U.S. percent of the Japanese market has hovered around 10 percent—even though we have about 55 percent of the world market—while Japan's share of the U.S. market has risen from 8 percent to 18 percent in just the last 5 years.

This is a ticking time bomb—if the Japanese do not open up their semiconductor markets in the next several months, this trade conflict is liable to explode—if we let this industry fall behind, we are likely to fall further behind in other high-tech fields.●

TAX REFORM'S THREAT TO DEFICIT REDUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 30 minutes.

Mr. PANETTA. Mr. Speaker, as the Congress, the President and the American people struggle over the tax reform issue we all risk losing sight of what is still the most critical problem of our time: The Federal budget deficit. Over the next 6 months to a year Congress and the President will be spending enormous amounts of energy and political capital on a complex tax reform package that is badly needed but that, at best, will leave us with not a penny more in revenue to help reduce $200 billion deficits, and what, at worst, could result in $20 to $30 billion being added to the existing deficit.

Today, I call upon the House to take two important steps. One, to make a clear commitment that no tax reform bill brought to the floor will add to the deficit. And two, to ensure that any tax reform bill provides for in-

creased revenues directed specifically at deficit reduction, and conditioned on the enactment of spending cuts totaling $56 billion in 1986.

Tax reform is a noble goal, and while major changes are needed to make the Tax Code simpler and fairer, tax reform in and of itself is not worth very much if most of the economy is being undermined by massive Federal deficits. The need for greater revenues must be addressed at the same time as tax reform if we are to avoid the risk of serious economic damage in the years ahead. Frankly, we are just whistling past the graveyard if we ignore this problem.

The deficit crisis, as much as some would like to ignore it and focus on tax reform, is still real. The Congressional Budget Office projects deficits in the $200 billion range for the rest of this decade, and these figures are based, in view of recent history, on fairly optimistic economic conditions—4-percent inflation, unemployment between 6 and 7 percent, and real GNP growth at 3.5 percent for the rest of this decade. In fact, the GNP growth rate is now running at less than 1 percent, and if this trend continues, an additional $15 to $20 billion a year will be added to the fiscal year 1986 Federal deficit. Based on these growth figures, OMB Director David Stockman is projecting a deficit of $175 billion in fiscal year 1988 even if the savings in the Senate and House budget packages, which total some $300 billion over the next 3 years, are achieved.

There are other authorities that support the same conclusion. The Congressional Budget Office now projects that even with the budget resolution savings enacted we will still be facing a $180 billion deficit in 1987. For that same year, and still assuming that the savings achieved, Chase Econometrics projects a $200 billions deficit, Data Resources projects a $189 billion deficit, and Wharton Econometrics projects a $207 billion deficit.

This means that despite all of the battles over spending cuts waged this year, deficits will remain in the $200 billion range for the rest of this decade. There is little question that the $500 billion or more that will be added to the public debt, over the next 3 years in the pending budget packages, will cancel out whatever economic growth could be stimulated by a tax reform measure.

Yes, Congress and the President could squeeze more deficit reductions from spending cuts, but it will be next to impossible to eliminate a deficit of the size projected by Dave Stockman with spending reductions alone. Dave Stockman's $175 billion deficit figure in fiscal year 1988 already assumes passage of the following cuts this year: a freeze in Social Security COLA's, inflation-only growth in defense, a freeze in the Medicare Program, $15 billion worth of cuts in farm programs and substantial reductions in virtually every other Federal program. Even if Congress could eliminate all of the Federal programs in foreign aid, space, energy, environmental protection, agriculture, housing, transportation, education, veterans' benefits, and administration of justice, eliminate all of those programs altogether, there would still remain a significant deficit. Additional short-term freezes are possible, but vital responsibilities to the Nation and the American people ultimately must be met. Neither the Congress nor any President, Democrat or Republican, would propose a Government that provides solely for defense and interest payments on the debt. Instead, it is clear that while spending cuts are needed to reduce the deficit, increases in revenue are also needed to pay for essential Government services. The message delivered by David Stockman's new numbers is this: Revenues must be included in any balanced and effective deficit reduction package.

Unfortunately at the moment, Congress and the President are concentrating their political will on making major changes in the Tax Code that will raise not one dime of new revenue. The debate on tax reform should continue, but at the same time we should focus on a broad economic program that includes deficit control as well as tax reform.

It is helpful to be aware of why deficit control has to be part of our work on tax reform.

First, there is the problem of determining whether any tax reform package is indeed revenue neutral, that is revenues will neither be increased nor decreased by the reforms adopted. We have had modest success in projecting budget numbers in the past, but now forecasters are confronted with the unprecedented task of measuring the impact of hundreds of changes in the Tax Code that will be made through tax reform. Even with great care, it will be almost impossible to project with confidence what all these changes will leave us with in terms of revenues in the years to come—it may be revenue neutral, it may lose $10 billion a year in revenues, or $20 billion a year or more. The Ways and Means Committee has already heard testimony that the administration tax reform package will lose up to $30 billion worth of revenues over the next 5 years. The question is whether this Nation can afford to gamble that deficits will not be worsened by tax reform when they are already unacceptably large?

A second threat posed by tax reform to the deficit is the very real possibility that the whole process will deteriorate into a bidding war between the parties, and that the final result will be a bill that loses revenues and increases the deficit. The recent precedent for this type of disaster is the 1981 tax bill. An all-out effort by both parties to win in the House of Representatives added some $50 billion of tax cuts for special interests to both the administration and Democratic bills. These dubious tax breaks, many of which are targeted for modification in the President's tax reform package, have greatly increased deficits over the past 4 years. The stage is now set for a similar battle. With the prestige and political future of both parties hanging in the balance, there will be a temptation to make concessions to special interests in order to gain votes and win, and this will greatly increase the risk that the final tax reform package will aggravate the deficit problem.

Third, once tax reform is in place the options for enacting revenue increases will be drastically limited. Today there are four basic alternatives for increasing general revenues: raise individual or business tax rates; eliminate tax loopholes or tax expenditures for business or individuals; increase miscellaneous taxes like excise taxes, estate and gift taxes, or customs duties; or enact new taxes—a consumption tax or new energy taxes, for example.

The centerpiece of tax reform will be the reduction of individual tax rates, and it is unlikely that the President or Congress will turn around a year or two after tax reform is enacted and ask individuals, who have supported tax reform with the exception that their rates would be lowered, to accept a tax surcharge or higher rates. As for business, it will be asked to pay higher taxes under tax reform, and will be loath to accept an additional tax burden in 1986 or 1987 to help reduce the deficit. Many tax expenditures and loopholes will be eliminated in tax reform to replace revenue lost by lowering individual tax rates. Those that will be left—like the home mortgage interest deduction and charitable contributions—are extremely popular, and you can be sure they will not be eliminated for purposes of deficit reduction. Excise taxes, estate and gift taxes and other miscellaneous taxes constitute a very small portion, about 9 percent, of the revenue base, and raising taxes in these areas, even if it could be done, would not produce much in new revenue. That leaves new taxes as the only real option for additional revenues. However, there are powerful political forces aligned against any alternative in this area, and they will be strengthened by the reluctance of the country to go through another fight on taxes after tax reform has been adopted. Tax reform will leave few palatable options for increases in revenue to reduce the deficit. Furthermore, substantial political capital will be used in the tax reform effort, and there is a real question whether any

will be left to invest in the even more difficult task of increasing taxes, especially next year with the midterm House and Senate races on the horizon.

□ 1310

Mr. MADIGAN. Mr. Speaker, will the gentleman yield?

Mr. PANETTA. I am pleased to yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Speaker, I thank the gentleman for yielding.

This is a very courageous speech that the gentleman from California is making, and I want to acknowledge that.

As I read the budget agreed to by the Senate and the President, five items represent 75 percent of that total budget. Defense, as the gentleman has suggested, adjusted for inflation only, social security with increase capped at 2 percent, Medicare and Medicaid with actual reductions contemplated in funding, and interest on the debt represented 75 percent of the total of that agreement. So as the gentleman in the well said, we could literally eliminate all other functions of government, the Department of Transportation, the FBI, the Department of Agriculture, and those kinds of things and still not be able to balance the budget.

I have shared this thought process the gentleman is expressing now with various constituent groups with whom I have spoken about the problem we are facing. The question they ask me is, how could they be guaranteed that if the Congress does raise their taxes, those taxes will actually be used to address the deficit problem and not be just used to fund more Government spending?

Mr. Speaker, I wonder if the gentleman has an answer to that question?

Mr. PANETTA. Mr. Speaker, one of my suggestions is that we not bring a tax reform bill to the floor that adds to the deficit, but the second step is that additional revenues be adopted and set aside for deficit reduction, and that any new revenues be conditioned on the enactment of $56 billion in savings, hopefully through the reconciliation process.

I believe we can ensure that the reductions are adopted first by the House before any tax increases take effect so that we avoid the risk of enacting tax increases that are not accompanied by substantial spending reductions. I think the two have to go together.

Mr. MADIGAN. Mr. Speaker, will the gentleman yield further?

Mr. PANETTA. I am pleased to yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Speaker, I wonder if the gentleman, because of his acknowledged expertise in the area of budgets, has taken a look at where we would be on the deficit this year if we were operating on the pre-1981 Internal Revenue Code?

Mr. PANETTA. I believe the revenue loss from the 1981 tax bill was originally projected to be in the vicinity of $750 billion over 5 years.

□ 1320

So, where would the deficit now be without the tax cut? I would assume the answer is that it would be much lower. I cannot give the gentleman an exact figure, but it clearly would be substantially lower.

Mr. MADIGAN. Well, if the gentleman would yield to me for just one further comment.

Mr. PANETTA. I would be pleased to.

Mr. MADIGAN. I absolutely share his concern that this exercise that we are about to engage in on tax reform may result in exacerbating the problem that the gentleman is describing.

I think it is unfortunate that we are doing this at this time, because I think we ought to address this deficit as the No. 1 problem facing the Government.

I admire the gentleman's remarks and his courage.

Mr. PANETTA. Mr. Speaker, I thank the gentleman.

We are, it seems to me, at an historic crossroads on the deficit issue. We can make the tough choices this summer and do what everyone recognizes must be done to deal with the deficit crisis, or we can keep pretending that spending cuts alone are enough to balance the budget.

Tax reform represents both an opportunity and a threat. It can be used as a vehicle for addressing the need for new revenue, or it may result in less revenues and deeper deficits.

At the very least, it seems to me essential that the House make the following commitments with regard to tax reform:

One, that no tax reform bill will be brought to the floor if it adds to the deficit.

Second, that in bringing a tax proposal to the floor, it should also be used as a vehicle to include increased revenues that are specifically targeted at deficit reduction and conditioned on the enactment of $56 billion in savings for 1986.

The realities of the budget are that 85 percent of spending now goes for defense, for entitlements, and for interest payments on the national debt. There is no way that we can reduce that deficit unless we are prepared to deal with controlling the growth in defense spending, controlling the growth in entitlement spending, and raising sufficient revenue to pay the bills.

What is missing today is strong leadership on the deficit problem. The President and both parties have painted themselves into a corner on the revenue issue, and it will take a great act of will to cut through the rehetoric and the political posturing and get to work on cleaning up the deficit mess once and for all. This vacuum of leadership must end, or the Nation will remember 1985 as the year it lost the battle against the deficit.

ORDER OF BUSINESS

Mr. FRANK. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes at this time.

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

There was no objection.

NAACP AND REFORM JEWISH GROUP CRITICIZE LINDA CHAVEZ FOR TRYING "TO DRIVE A WEDGE BETWEEN BLACKS AND JEWS"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

Mr. FRANK. Mr. Speaker, the question of relations between various ethnic groups in this country is a sensitive one. In the 1984 campaign, as will sometimes happen in the heat of a very tough political campaign, some tensions flared up; one in particular which I regretted was the degree of friction between some people in the black community and some in the Jewish community.

Many Americans, including many of us here in the House, including I think the overwhelming majority of both black and Jewish Members, felt that those tensions were unnecessary and did not in fact reflect reality; that is, we felt that there was and continues to be a strong community of interest between the black and Jewish Members of this body and among black and Jewish people in the country at large on a whole range of issues in opposing the agenda of the radical right.

We have seen this kind of cooperation between the two groups; for instance, in trying to impose the imposition of religious practices in schools by the coercive mechanism of the States. We have seen it also in efforts to oppose apartheid in South Africa.

I was particularly distressed, therefore, to read a couple weeks ago a statement by Miss Linda Chavez, who is Deputy Assistant to the President for Public Liaison, formerly the Executive Director of the Civil Rights Commission, which was clearly an effort, it seems to me, for political expediency purposes to recreate tensions between the black and Jewish communities. I found that an extraordinarily regrettable event.

There have been under this administration's control of the Civil Rights Commission changes in the composition of State advisory commissions on

civil rights and the number of commissions that are headed by either members of minority groups or women has substantially diminished. White men are chairs of most of these now. In and of itself, that is a fact to be considered. Clearly, there are people of all sexes and races who are capable of doing this job; but a consistent shift away from women and minority group members in the area of civil rights raises certain concerns, since it is women and minority group members who have been generating many of the complaints about civil rights. Prejudice on racial and sex oriented bases have been admitted by the President and others to be serious problems.

Some people raise the issue about whether or not there was some trend away from the civil rights commitment. Miss Chavez, instead of meeting that on the merits, instead of arguing, as she had a right to argue of the facts supported her, that nothing like that was involved, instead told the newspapers, it was quoted in the New York Times of May 26, that she thought the objections to the shifts in chairs of the civil rights commission at the State level reflected "unspoken anti-Semitism."

Now, Mr. Speaker, I have to be honest with you to say that perhaps I am a little dim-witted. I am not sure how to figure out what unspoken anti-Semitism is. Maybe it consists of gestures. I am not sure. I would like to see perhaps a demonstration by Miss Chavez of how she figures out that something is unspoken anti-Semitism.

I wrote to her 2 weeks ago. One, I thought that she might have felt misquoted. People in this administration when they see their remarks in print, it has been my experience, often do not like them and claim they have been misquoted, and sometimes they are. I wrote and asked her for evidence that she had for that statement. I asked her to document for me the unspoken anti-Semitism.

As a Jewish-American, I am glad when people speak out against anti-Semitism. I am even glad when people speak out against unspoken anti-Semitism. I suppose I would not want to have an unspoken answer to anti-Semitism, because that would not be good enough, but I think an oral answer to implicit anti-Semitism is useful; but I would like to know how the Deputy Assistant to the President figured it out. I mean, was it the gestures that people used? Was it the clothes they were wearing? Was it the tone of their voices?

Now, I wrote to her and I asked for evidence. That was 2 weeks ago. I told her I thought that if she had no evidence, for her to have made that statement seemed to me deplorable. For someone whose responsibility in the White House is to work on group relations as she has, for a former Assistant to the Executive Director of the Civil Rights Commission, as she has been, to deliberately, for political purposes, respond to a criticism by stirring up black-Jewish tensions in an area where they did not exist seems to me to be deplorable.

I expect people in this administration to have views different than my own. I do not expect a high-ranking official of the President, for political purposes, to divert criticism, to stir up unfounded frictions between the black and Jewish communities.

I am forced to conclude by her failure to provide any evidence for her charge whatsoever that this reference to "unspoken antisemitism" was precisely that, an effort to fan political tensions.

I cannot think of a more irresponsible thing for someone in her position to do than to try and fan tensions between groups.

I was particularly pleased with the Union of American Hebrew Congregations and the NAACP to join together to criticize Miss Chavez' statement. In a joint statement by Rabbi Alexander Schindler and Benjamin Hooks, NAACP President, they said: "Mrs. Chavez' accusation is both false and inflammatory. For an administration spokesperson to attempt to distract criticism by interjecting the issue of antisemitism is a reprehensible form of political scapegoating and a blatant effort to drive a wedge between blacks and Jews."

Mr. Speaker, I ask that that statement and a copy of my letter to Miss Chavez be included with my remarks today.

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

There was no objection.

The statement and letter are as follows:

NAACP AND REFORM JEWISH GROUP CRITICIZE LINDA CHAVEZ FOR TRYING 'TO DRIVE A WEDGE BETWEEN BLACKS AND JEWS

WASHINGTON.—The presidents of the NAACP and the Union of American Hebrew Congregations joined today (Fri., May 31) in assailing a statement by Linda Chavez, Deputy Assistant for Public Liaison to President Reagan, that there may be "unspoken anti-Semitism" in criticism of Administration efforts to change the composition of state advisory committees on civil rights.

In a statement by Benjamin L. Hooks, NAACP president, the Rabbi Alexander M. Schindler, UAHC president, the two organizations declared: "Mrs. Chavez's accusation is both false and inflammatory. For an Administration spokesperson to attempt to distract criticism by interjecting the issue of anti-Semitism is a reprehensible form of political scapegoating and a blatant effort to drive a wedge between blacks and Jews.

"We will not allow ourselves to be driven apart, nor to lose sight of our common values and goals."

Mrs. Chavez had noted that many of the white males now serving on state advisory committees were Jews, and said: "I wonder if there is not some unspoken anti-Semitism."

The NAACP-UAHC statement observed that of the 550 positions on the state committees there were now "a grand total of 40 more Jews than before," and remarked: "The critics of the Administration's plans include not only the members of our own organizations but the millions from both our communities who seek to eliminate racism and discrimination, whether aimed at blacks, women or Jews."

Mr. Hooks and Rabbi Schindler said Mrs. Chavez's remarks "demean the office of the President for whom she speaks. It is now incumbent upon the President to disavow such statements."

They said they were "dismayed" by the "racial, gender and ideological changes" reflected in the 313 new appointments to state civil rights advisory committees under the Civil Rights Commission reorganization plan. They pointed out that the number of women chairing the state committees had been reduced from 20 to four and the number of blacks from 21 to nine, and asserted that the general thrust of the Civil Rights Commission "includes opposition to the Civil Rights Act of 1984 and the Civil Rights Restoration Act of 1985." They added:

"The Commission favors elimination of hundreds of affirmative action hiring and education plans and has focussed its efforts on eliminating supposed 'reverse discrimination.'"

The joint statement charged that in the past several years the Civil Rights Commission "has abandoned its clear Congressional mandate to be an independent voice and watchdog fon civil rights. If it succeeds in recreating the state advisory committees in its own image, no watchdogs will be left."

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 1985.

MS. LINDA CHAVEZ,
Deputy Asst. to the President, Office of Public Liaison, the White House, Washington, DC.

DEAR MS. CHAVEZ: I was disturbed to read in the Sunday, May 26th, New York Times a suggestion by you that there may be "unspoken" anti-Semitism in some of the criticisms that have been made in the changes in the composition of state civil rights advisory commissions. If, in fact, there is such "unspoken anti-Semitism" it should be quite explicitly condemned and I would appreciate any evidence you have for the fact that this is involved in such criticism. I am always pleased when public officials choose to speak out against anti-Semitism—even when they are speaking out against unspoken anti-Semitism.

On the other hand, I confess to a certain skepticism that much evidence suggests that "unspoken anti-Semitism" is involved here. It certainly seems to me entirely legitimate for people to criticize so drastic a shift in the composition of civil rights advisory commissions of the sort that was documented by The Times. And if your comment about anti-Semitism was simply speculative and not based on any significant evidence it seems to me gravely mistaken. To make such a charge in the absence of evidence is in my judgment to stir up dangerous intergroup tensions for purely political reasons. It is because I would find such an accusation disturbing if it was not based on evidence that I have asked you what evidence you have for it. Because I think this is a matter that ought to be fully aired publicly. I hope

you'll be able to clarify for me the basis on which you made your anti-Semitism charge.

Finally, if you feel you were not accurately or fairly quoted by The New York Times I would appreciate your letting me know that so that I will not be commenting myself on a comment which does not fully represent your views.

BARNEY FRANK.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore (Mr. ECKART of Ohio). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, for some time now I have been addressing my colleagues and also for the record and beyond to what I call the privileged orders in America that today control America's destiny. The money barons, esconced in the powerful international banking empire and in complete control of the Federal Reserve Board, which in turn is the equivalent of what people call throughout the world the central bank, and while the American people, particularly the business community, have been sacrificed on the altar of the international scheming of these privileged elites that are not accountable to anybody; they transcend any national sovereignty in its ability to regulate, much less control, their activities, and that includes the United States. They transcend any kind of accountability in any manner, shape or form.

The ancient despots and potentates, from Croesus on had nothing by way of the power that these elites and privileged orders have today.

□ 1330

For many years, I would say 22 of the 24 I have been here, I have directly and indirectly been addressing the matter. It is a source of no satisfaction to say, "Well, I said so," or "I predicted."

I never have risen, and especially for the record, with that in mind. The fundamental purpose is the fundamental reason why I was chosen from the 20th Congressional District to represent that particular area in particular in the national legislative body; that is, to legislate. The record speaks for itself.

There is no Member of this House from the Speaker on down that can count upon the number of amendments, resolutions, bills, and any form of legislative activity in the last 24 years in number and content, initiated by myself, in most instances authored by myself, of course, with the help of the legislative counsel and services of the Congress, enacted into law, than what I have. That is the record.

In international finance, the international journals in French and German and in English and England will refer occasionally to the Gonzalez amendment. What was this? This was an amendment that I appended soon after I became chairman of the Subcommittee on International Finance, chairman of which I was for 10 years, and it had reference to the fact that it is the only congressional policy ever developed to take care of those situations in which through expropriation foreign sovereignties have expropriated national properties. It is the only one.

There was a so-called and still is a so-called Hickenlooper amendment, but this never was policy. The Hickenlooper amendment was overcharged and never has been invoked.

The Gonzalez amendment on four different occasions soon after its enactment—it did not even have to be invoked, all the Secretary of the Treasury through the American delegate in the various international institutional financial organizations that we belong to had to do with just to signify to our member there that we were thinking of invoking the Gonzalez amendment and those national sovereignties that had for political reasons expropriated American property came to the bargaining table and found an adjustment basis.

Now, it did not mean anything to the great, vast interests such as Anaconda Copper because, why, Anaconda Copper does not need the U.S. Government, it can take care of itself. But it did mean something to those 25 businessmen in Minnesota who had invested $25 million in a fishmeal plant in Peru and found themselves expropriated with no recourse. They were just going to lose their investment, even though they had been invited. Through the Gonzalez amendment they saved their life savings and their interests.

So when I speak to the RECORD that is exactly what I am doing.

We live in a day and time of television and televised coverings of these proceedings, which I applaud. I have always believed that everything we do should be reported so that since I was in the State senate and had to fight to try to convince the English-language TV stations to take a report by way of a reportial type concerning the activities during the session of the Senate, and had been steadfastly refused by the only two then English-language TV stations, until the third, the competitor was put in place, which always has proved to me the value of competition, and then, after my election to the Congress the other reluctant two did, and I am very grateful and very proud to say that everyone, with the exception of one now, for the past 6 years or so, does report now a 5-minute report. The Spanish-language TV station, which did not come into being in San Antonio—and, incidentally, was the only full-time Spanish-language TV station in the United States until comparatively recently—now, they always were accessible because the owner of that station was also the owner of the only Spanish-language radio station for many years, and they asked to obtain a report ever since I was on the city council, so that if you understood Spanish in San Antonio you probably, by listening in, could have a little bit of knowledge of what was going on in the inner sanctums of the city council.

Let me say to my colleagues that that experience of 3 years was the toughest, the meanest, the most arduous in my whole career. It was mean because local politics can get mean and, in fact, I am here today because when I stood up to speak like I continue to do there were elements that thought that was dangerous talk, that I should be eliminated. So an attempt was made after I had been harassed and intimidated by having some individuals come by in a fast car and fire a .38 into the garage door when I was parking the car. Naturally if they had wanted to hit me, I do not see how they could have missed. So I interpreted that as an attempt to intimidate. And then subsequent to that, an attempt to try to frame me up.

I was a lone voice on the city council. I had no powerful social position or wealth of any kind. In fact, I want to say for the RECORD that today, 33 years in public elective office later, I am just as poor or just as rich as I was when I started out. So that I am proud of that record and that achievement, and I am proud of the fact that I have always attempted to account.

So when I first came to the Congress, the reports were 15 minutes' duration because this was before the advent of the networks, powerful network system which today controls information in our country; 95 percent of the viewing time of the American people, that is their source, and is controlled by these vast concentrations that today are interlocking. They are interlocking because now they have been merged to the point where I would say about less than nine financial institutions control the greatest part of the aggregate of our financial resources in this country, and through interlocking directorships everything else, including these powerful media sources.

As a matter of fact, the reason I said awhile ago that all three but one of the English-language, full-time television stations, noncable, the reason two of the three only is that the third knocked me out when in one of my reports I made allusion to a powerful absentee Australian, or Aussie alien, who owned the local newspaper, and has continued his ownership of one of the first he acquired in the United States, and who at that time I reported had

interests in almost every little leaf that fell off of the local political tree as well as the national tree. And in making allusions of this kind I was immediately called to task by the TV manager. At that time the television station had just been separated in ownership from the newspaper.

□ 1340

But it was still a tenant of the newspaper ownership. Therefore, they demanded that I preclear my television shows.

Well, I could not do that if I wanted to because when I prepare 5 minutes today I go into the studio and extemporize for 5 minutes because I have so much to report and there is no activity that I get engaged in that I could not invite every single citizen of my constituency to come in. There is no reason to have any kind of secrecy in any of the transactions, proceedings, or meetings that I attend. So the station just demanded that I preclear. In other words, censor. I said no, that I would not tolerate censorship of any kind whatsoever.

So to this day this one big CBS outlet in my community does not carry my report. But perhaps now, under changes in ownership and all, they might. I do not know. All I know is that I believe that my constituency is entitled to know exactly how I think, exactly how I vote, exactly what I do, in my capacity as their Representative.

So that if it displeases them and at times I am sure, upon reflection of newspaper comments, I have displeased, they can at the proper time, which is once every 2 years, do what they think they should do with respect to whatever candidacy I am offering.

But since the advent of television, there have been some questions raised by some constituents who now receive cable. This is something of recent date, relatively, in my district. So that those who might have thought that I had ulterior motives in taking the floor under special orders in order to make use of this forum for external purposes, that is, purposes of influencing outside of the RECORD, outside of that which is available to my colleagues, they certainly cannot use that as a justifiable criticism because I have been in this body, and I had not been sworn but 1 month before I made use of what we always have called special orders.

There have been in the interim many occasions on which this very appreciated privilege has been called upon as a means of my accounting, as a means of my having for the RECORD, because I do not revise the RECORD. As I speak, the reporter of debates takes down, and that is the way it is written. I do not revise. I do not even check it. So any errors of any kind, such as typographical errors or spelling, are not my errors.

What I wanted to say today in continuation of my appeal to the privileged orders which, as I said in the beginning, was evocative of that great American poet, thinker, and preacher, because he was a minister during the Revolutionary War, to George Washington's troops, Joel Barlow, a great poet.

If I could, I would like to reproduce Joel Barlow's great work, some of which he did in verse, some he did not, but in prose. He was a colleague of Tom Paine. They were contemporaries. They thought very much alike. They were revolutionaries, if we use the word in that sense that we traditionally use the word "revolutionary."

Today it all depends on the point of view. The President calls what other people in other countries call terrorists, he calls them freedom fighters. So that their freedom fighters are our terrorists; our terrorists are their freedom fighters. This is how much we have sunk in the use and abuse of words.

But the fact is that men such as Joel Barlow, facing a world very similar, a world in turmoil, to the one that now continues to agitate every citizen throughout the world. It is similar because even though the world was big then, compared to the way it has shrunk today, and those things that we take for granted today were never, ever even in the wildest fantasies, imagined. The fundamentals, though, of those keen relationships between peoples which involve basic rules of elemental human justice, are still as valid as they were then.

He wrote a magnificent appeal to what he called the privileged orders of Europe for the need of revolution. We must try to visualize the world of that time. I think it is reflected in the words, as I have pointed out repeatedly, in the preamble to our Constitution. When we say: "We the people of the United States" we say it by rote. But those were the most—and continue to be—the most revolutionary words ever uttered. These were uttered at a time when the whole world was ruled by kings, czars, shahs, potentates, and sultans who said their power came from God, by divine right. Here were these upstart Americans saying, "Absolutely not; all power comes from the people."

So that we the people of the United States, in order to form a more perfect Union, establish justice, promote domestic tranquility, et cetera, it is "We the people" not "We the Congress" or "I, the President" or "We the judge or juries" of our system, but the people. This has been forgotten. The people today in America more and more are not in control of their destinies. Yes, they elect us, but under what circumstances? The average budget to get elected to the Congress this last year from Texas, to lose with, was a quarter of a million dollars. If I had had to start that way I would not be here. In fact, if I had to do it today, I would not be able to do it. But the people have been there.

So this is why I rise day after day. Sure, I did not rise because there is television coverage. I do not address the television audience. I address the colleagues for the record, because what I am saying is in the RECORD. If I am wrong, I will accept corrections. But if I am not, nothing will persuade me otherwise. This has been my fundamental guide all along.

Last week, exactly 1 week ago today, I took these special orders in anticipation of the consideration of and the vote on the so-called aid, through the supplemental appropriations bill, to the so-called Contras, or rebels, or whatever you have. The President says that they are the moral equivalent of our Founding Fathers. I have never, never in my life ever heard or ever expected to hear, especially from our Chief Executive, this sorry abuse of words.

□ 1350

These so-called rebels, or Contras have pillaged, they have raped, they continue to rape; they continue to rip open the bellies of 6-month-olds, 1-year-old babies, all in the name of saying that they are fighting communism.

We have fueled that war. In El Salvador, in every other spot in Central America, it has not been Russian rifles or Cuban-Castro armaments, it has been American. A week ago I said that I felt what the outcome of the vote would be, and during debate, the tendency has been to, on the part of the bill handlers, to look upon me as sort of a dissident and, therefore, where time is parceled out and controlled by those that are committed a certain way, there is a reluctance to afford the time necessary for discussion so that this is the reason, and this is the reason incidentally why historically special orders were developed in the course of the proceedings of the House. Special orders have one purpose, and only one purpose: That is to afford a Member, after all regular business, after all legislative business has been completed, to afford him a chance to enlarge, which limited debate would not, on a particular issue that he feels prompts a justification for an enlarged discussion on his part.

This is the only reason. This is why I would consider it an abuse for me to say that I was addressing an enlarged audience outside of the perimeters of this House floor, because I think the main purposes are to reason and discuss within the ambit of our membership.

I believe in the free trade of ideas in debate. I think it is the whole notion behind the reason for our great democracy. All throughout history, and is evidenced clearly here in the discussions and debates in the Constitutional Convention.

Having once set the base or predicate 1 week ago, I said further that it did not do any good to come in with postmortems. The idea was to do what we could in anticipation. What I have called, since I sat as a member of the city council of San Antonio, anticipatory legislation, anticipatory action, anticipatory discussion.

Had we had this, I doubt seriously there would have been such a thing as the Bay of Pigs; I doubt more seriously that there would have been such a thing as even the Korean conflict, or much less, the Vietnam conflict, which even to this day is an unhealed scar and wound, and had been so costly in treasure and blood.

And continues to be, for there has been, whether President Reagan wishes to brag about having recaptured it or not, there has been a loss of confidence among our so-called friends and allies, and this translates to foes as to our ability to back up.

What does that mean? Keep our commitments so that for 23 of the 24 years I have risen on the floor; special orders, during debate and asking questions since I couldn't get time for anything else I would get up to ask a question.

And the question has always been: What is the specifics of our commitments and our ability to keep them? We are spread out worldwide. The headline last week was about Central America. Today it is a hijacked plane, and the decision the President is going to have to make, in which he is between a hard rock and a very difficult place, but which is a product of our failure to define policy.

So last week, exactly today; 1 week ago, I said: All of you who chastise me for calling the rebels rapists, plunderers, and who accuse me of being friendly to the Communist regime in Nicaragua, stop the name-calling and let us look at the real world as it is.

I pointed out that there is no clarity, no coherence in the President's actions thus far. I will not dignify them by calling them a policy because the rest is history. It is not what I say. In the beginning, we were asked to help because we must interdict the flow of arms from Nicaragua to El Salvador, but not one shipment has been interdicted, even though we have armed the Honduran so-called Navy, Army, and Air Force to try to interdict. They have reported nothing. Absolutely nothing from Nicaragua as such.

The real world is they do not have to go through Nicaragua; there are other sources a lot quicker and a lot shorter and a lot more available, but 90 percent of the arms in El Salvador are American.

I spoke with one of the component, young rebel groups for there are five different rebel groups operating in El Salvador. Two years ago, one of them from up in the province where we are now using our Huey attack helicopters, very much like the Russians are in Afghanistan, no difference whatsoever; and we are killing and we are murdering, women, children, grandparents, grandchildren, with those attack helicopters, and we still have not gotten control of that province.

This young man told me 2 years ago that their biggest single source of arms were those that the soldiers were giving them, because the soldiers did not want to fight them. The soldiers were getting them from us. We are the ones that have been arming the Salvadoran Army.

So that when you have this kind of situation which is a common thread through every one of the situations we have been involved in, whether in Southeast Asia or even going back to 1918, when we lost 300 soldiers, when in company of France and England in 1918 we invaded Russia to try to put down their revolution, because we were going to squash Bolshevism. We failed.

Every nation fails. In our Revolutionary War, the King of England, George III, failed; we had the French helping us. If the French had not warded off the English Navy, George Washington may not have had old General Cornwallis surrendering.

These are the facts, and it is the same thing with all of the indigenous, native civil war, as differentiated from movements that are imposed with external force from outside the territory of these countries.

We have yet to develop a policy in the so-called postwar era of wars of liberation to differentiate, so that now when we are in the hands of people, at least in public power; not the real wielders of power behind them, but in public, what I call ideologues.

That is, for the first time in our history, we have Presidents, Cabinet members, sub-Cabinet members who are ideologues, ideologically dogmatic. We have never had that. We have always had good old-fashioned American pragmatism.

Franklin Roosevelt, during the Depression, might have been called a revolutionary; he might have been called a Socialist. But the truth is, he was no ideologue. He was pragmatic. He was practical. He knew the limitations of ideology.

Not so our President Reagan. This has been manifest in the things that have been catastrophic.

□ 1400

Two hundred and forty-one marines were murdered in Beirut. Why? Because of the President's obduracy for 14 months in defiance of the unanimous advice of the professional military, the Joint Chiefs of Staff.

This is why I rise in great alarm as to what we have set in motion south of the border.

I want to tell my colleagues that the vote last week was the equivalent of a Latin American Gulf of Tonkin Resolution. And now, as soon as the center of attention focuses away, or, as in the case of the murder of the marines, there is an emergency here that makes the President and the administration look as if they are dawdling or failing, then you will see a headline, my colleagues, you will see the headline—it is not long in the making, it will be pretty soon—in which you will see, "Nicaraguan forces"—maybe even airplanes—"have attacked the friendly ally and in the course of doing that have killed some of our soldiers."

I will guarantee you it will not take one meeting of this body before we will have a resolution in which we will do the same thing we did in 1964. And I might remind my colleagues I was here then. But this time you do not have to be a prophet. It is obvious it is coming.

Now, my question is the same one I posed a week ago: What are we going to do? What will be your action when Guatemala blows up?

Now, let us see. If we say that El Salvador is closer to my home city, San Antonio, than Washington is, then Guatemala is that much closer, because Guatemala is just one skip over, it is a neighbor to Mexico.

Now, there is a long history in each one of these countries. I see during the debates here and I see during the utterances reported attributed to the President and the Secretaries of State—and not just this President, but several—a great absence of knowledge, in other words, ignorance as to the history. I believe it is vital that we better start dusting off these history books because, after the action of last week, the course is one of calculated catastrophy, it is one in which again the military mission is not coherently clearly defined.

Now, the most pacifist voices that we have are the military, believe it or not. That is, in past years, those who saw the horrors of war and led our troops—Omar Bradley, that great, great leader, what were his words with respect to Vietnam? The wrong war at the wrong time in the wrong place against the wrong people. That was General Omar Bradley. It was not the ranting and raving protester or dissident or demonstrator.

What did Eisenhower say before? Oh, yes, all of those who had been so staunch in having him supported for election, the corporate interests, all of a sudden his real words that bothered

him the most, even as he was ill, have been very little disseminated in our country.

Now, let me read for you. Here he is in a speech to the Press Club. He was not feeling well. The biographers tell us that as he was addressing them he felt faint, he felt as if he was going to go over, and then he leaned on the podium. He set aside his prepared text, and he said:

The worst to be feared and the best to be expected can be simply stated. The worst is atomic war. The best would be this: a life of perpetual fear and tension, a burden of arms draining the wealth and the labor of all peoples.

Then here is what he said the price would be for that:

Every gun that is made, every warship launched, every rocket fired signifies in the final sense a theft from those who hunger and are not fed, those who are cold and are not clothed.

The biographer says suddenly perspiration began, sweat heading up in his face, he became dizzy, he thought he was going to faint. But he went on, and he said:

This world in arms is not spending money alone, it is spending the sweat of its labors, the genius of its scientists, the hopes of its children. The cost of one modern heavy bomber is a modern brick school in more than 30 cities. It is 2 electric power plants, each serving a town of 60,000 population. It is two fine fully equipped hospitals. We pay for a single fighter plane with half a million bushels of wheat.

Now, mind you, this was back in the 1950's.

We pay for a single destroyer with new homes that could have housed more than 8,000 people.

Today, a chairman of the largest subcommittee in the whole Congress, the Subcommittee on Housing and Community Development, where the President's program in the last 4 years has had 80 percent of its impact on reduction, I say: do you know what that means right now, my friend? The President is asking us this year to kill off every single assisted housing policy and program, including rural and urban. Some programs have been in place for 44 years. They have housed Americans. He has asked us to do away with them this year. At this point we are marking up the authorization bill, for if we do not, they will die by October 1.

It remains to be seen what the Congress will do. But the cost of 20 B-1 bombers will pay for all, every one of the assisted housing programs for the poor and the moderate income in this country.

I continue with General Eisenhower:

This is not a way of life in any true sense. Under the cloud of threatening war, it is humanity hanging from a cross of iron.

Conclusion: a substantial percentage of the savings achieved by disarmament to a fund for world aid and reconstruction, to assist all people to know the blessings of productive freedom, the monuments to this new kind of war would be these roads and schools, hospitals and homes, food and health.

This was the war that General Eisenhower was asking for; in other words, a war for peace, and creative effort.

We heard so much about another speech he made, this one at the end as he was bidding farewell to the office, when he said we must be wary of the acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex.

Well, they are in total control today.

But he went further and he said something that, in the light of this President's ventures in these areas in which he is asking us to kill the domestic program so that we can have a vauge thing he calls star wars, let us see what Mr. Eisenhower said about all of that, which also has not been reported much. I notice President Reagan has referred to such Presidents as Roosevelt—Franklin, that is—to such Presidents as even John F. Kennedy, and one or two other so-called Democratic Party Presidents, but he never has made one reference to President Eisenhower. I wonder why. I wonder if he did he would not be reminded of this.

I proceed, and I quote:

Yet in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific technological elite.

His prophecy, unfortunately, his warning, was to no avail.

□ 1410

This prophesy, in case the warning was not heard, has taken place. This is the world we are presently living in. When we start asking questions about the so-called star wars, the answer is, "Oh, only these scientific minds, this elite, they are the only ones that can understand. Do not ask silly questions."

In the meanwhile, one thing that the President did not refer to because at that time America, economically, was still riding the crest of the post-war European reconstruction, the devastation in other parts of the world in which we were the producing nation. As of 4 years ago, that stopped. America now is a dumping ground for the products of other countries. We are no longer the producer of the world.

One other thing, we are now for the first time since 1914 the debtor; not the creditor nation. I have said before that in World War I, as well as World War II, there was only one creditor nation, and that was the United States. No longer so. Since 1914, until now, we had not been a debtor nation.

When Teddy Roosevelt went down and decided that we were going to construct the Panama Canal, it was just a hope and a dream, and it would not have succeeded any more than De Lesseps, the Frenchman who tried first to build the Panama Canal, had we not gone to Paris, France, and borrowed $40 million. Those were the capital centers of the day. But since 1914, why 1914? Because at that time and in that year, Europe decided to do what all through mankind the most unlearned lesson of all for mankind, that violence resolves nothing. Europe decided to go into war, not knowing that it was on the threshold of the most devastating, the most destructive type of war ever in the history of mankind.

Today, with the power to destroy ourselves, there seems to be no awareness that we have become the captives of what so prophetically General Eisenhower was trying to warn us about. This was a general, as Omar Bradley was. It was not a pacifist; it was not a demonstrator; he was not a "peacenik," as they are derogatorily called. But human beings throughout the world, not just in the United States, are sentient beings. Scientists at this time are starting to study the reported peculiar behavior pattern of the animal world in aniticipation of cataclysmic events such as great earthquakes.

In the case of the Japanese, the Philippines, the South American, and other great earthquakes, strange things were reported. Sea turtles in droves coming to the land and as somebody said, "Screaming like birds." Ducks suddenly barking like dogs and attacking each other. All kinds of animal existence coming out, so to speak of the crevices.

Scientists are studing can it be that there is some sensorial, undetected to us, sense or preception or some kind of sentient reaction that the animals, in anticipation of these great earthquakes have felt. If so, how do we study it? How do we diagnose it?

I believe very much in fact I know that human beings are bound to have that much more perception and whatever you call it; parapsychology or what, for if a dog can tell the difference between being stumbled over and kicked, certainly a human being should. Certainly, we ought to know that these movements now that are boiling under the surface, they are not reported.

When we had the great, big demonstration here 2 years ago, the administration did everything it could to try to minimize it. The press went along. But the so-called freeze movement is still very much alive. The reason is simple: When you go among the groups that are worried about this the most and feel it in their bones, they are literally living, eating, and breathing this fear, this question.

You see that they are relatively young; they are young couples with one or two children. The reason is

simple: These are the ones that are thinking ahead about the future for their children. They are wondering what kind of world are we bringing our children into. What can we do to make sure that they will not see and witness and feel the horrors of war, much less the unthinkable horrors of atomic war, which, by all accounts, cannot be winnable wars by anybody. There is no such thing as winners in that kind of an encounter.

Yet, there is no perception among leaders, and this is not only in our country, but throughout the world, but here we are this Monday, on the eve of the debate and apparently the leadership has decided that the House will do something and finish and complete work on what we call the Defense authorization bill for 1986.

The sum total will be, and the President's recommendations substantially will be honored, just like they were last week, to the surprise of some. Actually, those of us who have been around here a little while show no surprise. I have been on many occasions invited to the White House. I am not now, of course, and I do not expect it nor would I particularly welcome it. But I can remember in the early stages when Presidents summoned forth.

Every President I have known, and I have been here with six different Presidents, everyone would love to have and want to have and work toward having a "rubber stamp" Congress. But of course if we are going to be true to our basic system, that is the day that we will rue. It should never, never, never be that way at all because our system is predicated on the basic independence, coequality, and separateness of our powers. I have always been very sensitive about it. But the reason is maybe my background.

I find so many Americans so privileged that in their ancestral background they have never known what it is to have any of their forebears or relatives put in jail or had rifle butts tear down the front door of the house and the family terrorized. It is very difficult, even today, to convey to my colleagues that even in the great democracies, even in the fatherlands, the mother places of our institutions, in England, there is no such thing as a first amendment.

If there were, some of the horrors of this religious struggle in Northern Ireland would have been attenuated long ago. As a matter of fact, it was getting worse and worse until there was some realization on the part of the English authorities that they had better start recognizing some of the things we take for granted—what we call constitutional rights. But even now, there is no place I know of except the United States, I say to my colleagues, that has a first amendment. We are the only ones that have a first amendment.

So we must keep this in mind. This is the reason I got up a week ago to say, "What an irony." Instead of the Congress calling the President in and holding him accountable for violating the law, for conducting an illegal war in Central America contrary to the 1974 War Powers Limitation Act, instead of doing that, we cave in, we servilely crumble to the fear of Communism.

They said, "Well, look, HENRY, suppose the Commies do take over. Then the President will blame us." I say to my friends that is the reason I got up and said, "Fear not. Arise. Stand up for the independence of this body and make the President obey the law."

He is not a potentate. He is not a king. He is a darned good actor. But the forces behind him are not democratic at all, and, therefore, we should be on the alert more than ever in our history, now more than ever.

But the decision was different, and I abide by it and hope I am wrong. Now we are on the eve of debating $315 billion for what they call defense. I call it a war budget, for that is what it is. What is it predicated on? It is like the aid to Central America. I got up a week ago and said, "What is the objective?" Obviously, the President sent what he thought would be a confidential message to some Members of the House recently saying, what if everything fails—meaning the action we took last week on Nicaragua—then we will not rule out intervening directly. That means our men. Now, if that happens, what are we doing now in anticipation?

Gen. Mathew Ridgway in his memoirs tells us—and I wish every Member would read them; he wrote these by the time Vietnam had started, yes, but not when it had gotten so hot—he pointed out how, as a member of the Joint Chiefs of Staff, almost singlehandedly, he was able to dissuade his colleagues from succumbing to the Eisenhower administration's temptation to joint the French in fighting Ho Chi Minh more directly, that is, with our men. He was able to persuade them, according to his memoirs, to hold up until he could present facts to the logisticians, the Army experts, saying:

All right, here is what is involved. You have 8,000 miles of supply and communication lines. You have jungle diseases that even the best medics haven't been able to diagnose carefully. Our men will be there, and we want to make sure we know.

So they held it up. To his praise forever, General Eisenhower made the right decision.

But now what is our policy? What do we want to do? Do we want ideological purity because the Nicaraguan Government has some so-called Marxist-Leninists? Do we want them out so we can get somebody in who says, "Well, I am an anti-Communist," but who does not have the will and the respect of their own people? Is that what we want?

Then we had better be prepared for two things. First, we had better be prepared to use as least 100,000 of our military, to begin with. Then we will have to take over and rule, not only occupy but rule, Nicaragua, because if we think that we can impose again, like we did in 1929, the ex-Somocistas known as the rebels or Contras, we had better realize that will never happen. We will ourselves have to occupy, and if we do, let me say to the Members that we will not limit the war to Nicaragua; we will have guerrilla warfare going on for the foreseeable future. The one thing we will ensure is that we will prescribe our children, our grandchildren, and our great-grandchildren to an eternal enmity for years and generations and perhaps centuries to come.

Just like Europe, we have learned nothing. We have not even been true to our own ideals. If we were, we would realize some of these truths, some of these facts, not wishes, not fanciful, delusive ideologies.

Nobody will ever bomb communism out of existence, any more than you can bomb any idea out of existence. The only way you can defeat communism is through social justice. That is the way. And we can, if we remain loyal to our own principles first and foremost.

What, then, will we do when Guatemala blows up? And what is this budget that is going to be debated for the so-called defense system going to be?

These are our perverted priorities. Some of us are going to have to get up and offer amendments on this incremental increase in the so-called defense budget. To provide what? A mere modicum of justice for our own service families that need medical attention. They have been cheated for the last 15 years. Some of us have been trying to reverse that. I do not know if we will carry that through or not. We should not even have to offer an amendment. Just about one one-hundredth of what the President is asking us to ultimately pay in the beginning of Star Wars would take care of this need, but we will have to get up and go through the process of fighting for an amendment which will be resisted in the name of staying within the budget. That is No. 1.

Last year, after the Congress for 3 years had increased the defense budget, we will, by the end of the next fiscal year, have a total of $1 trillion worth of defense from tax dollars. Are we any more secure now than we were when Eisenhower spoke in the fifties? Noboby here will tell me we are. There is more insecurity.

In fact, what are the President and his advisers agonizing right now? Over

what to do about something over which they have very little control. The politics of this administration in the Middle East is in shambles. The loss of life, the Marines—it is incredible.

In the business section of the Washington Post of Friday, June 7, 1985, there was a headline that says, "8 Million U.S. Jobs Said Lost Since '79." Those jobs are the ones I have been talking about, in relation to the deficit, that we had better start addressing, and the President is not doing that. If Eisenhower were President, he would have long ago been speaking about it if he had even the glimmer of an international trade deficit, which now is over $143 billion. I have said this repeatedly, and I am the only one on either side of this Capitol that has said it. For every $10 billion of the $140 billion, there are 250,000 American jobs lost forever.

Mr. Speaker, the article from the business section of the Washington Post to which I referred is as follows:

[From the Washington Post, June 7, 1985]

8 MILLION U.S. JOBS SAID LOST SINCE '79

STUDY SAYS D.C., 35 STATES FAILED TO RECOUP FACTORY EMPLOYMENT CUT IN 2 RECESSIONS

(By Jane Seaberry)

Thirty-five states and the District have failed to recoup all of the factory jobs lost in the past two recessions, a loss that amounts to the elimination of more than 8 million jobs since 1979, according to a Labor Department report to be released today.

Six states have lost more than 500,000 jobs each since the recession in 1980. Illinois has lost the most, 1.3 million, followed by Pennsylvania, 1.1 million; Ohio, 1.1 million; Michigan, 962,000; New York, 676,000, and Indiana, 517,000.

Many private economists maintain that, despite large gains in jobs in the services industry and the shrinking proportion of jobs at factories, manufacturing is still important because those jobs provide employment that buys goods and services in other areas. Manufacturing also leads to advances in high technology, and exports of manufactured goods pay for the bulk of imports brought into the United States.

"Our country cannot sustain an enormous trade deficit indefinitely," said Jerry Jasinowski, chief economist for the National Association of Manufacturers, "The goods we purchase must be paid for."

In addition, productivity in manufacturing in recent years has been about three times as high as that in services, Jasinowski said. Those productivity gains help to keep costs and prices down.

The effect of the sharp slowdown in economic activity since the third quarter last year "has been very pervasive across all of manufacturing except business equipment, defense and space industries," Jasinowski said. Manufacturing has been particularly hard hit by longterm structural problems such as foreign competition, high interest rates and lower prices for some manufactured commodities, Jasinowski said.

According to the Labor Department study of 139 industries in manufacturing, 107 still have employment at levels equal to or less than levels before the recession in 1980, accounting for 2.3 million jobs. The remaining 32 industries gained 802,000 jobs since 1980.

Out of the industries that failed to regain their lost employment, 48 contributed about half of the loss and have continued to lose employment since the 1981 recession, the Labor Department study said. The remaining 59 industries have regained some employment since the depths of the last recession but are still below their peaks before 1980.

Although most of the states have failed to regain their factory jobs, 14 states have gained employment, led by California, 352,000; Florida, 319,000, and Arizona, 168,000.

Maryland lost 120,400 jobs, Virginia gained 44,400 jobs and the District lost 3,200 jobs.

Private economists said some industries have lost jobs because of long-term declines and others have suffered from cyclical swings.

For example, Roger Brinner of Data Resources Inc. said many industries have been hurt by the high value of the dollar. Employment in manufacturing would have been 1.5 million higher if the dollar had stayed at the same level as in 1980. Another 600,000 jobs were indirectly lost as a result of the elimination of the factory jobs, he said.

According to Brinner, manufacturing production would have increased 9.4 percent since 1980 if the dollar had remained stable.

If the dollar had not appreciated sharply:

The textile industry would have gained 78,000 jobs and increased production by 16.6 percent.

The apparel industry would have increased employment by 112,000 and production by 11.9 percent.

Chemicals and related products would have had 66,000 more jobs and a 10.6 percent production increase.

Primary metals, including steel, would have gained 69,000 jobs and had 13.8 percent higher production.

Nonelectrical machinery would have had 250,000 additional jobs and 15.1 percent higher production.

Electrical machinery would have gained 241,000 jobs with 17.1 percent higher production.

According to the Labor Department study, the industries with the largest job losses since 1980 were: blast furnaces and basic steel products, construction and related machinery, womens and misses outerwear, plastic materials and synthetics, footwear (except rubber footwear), weaving mills, glass and flatware and knitting mills.

Those with the largest job gains have been communication equipment, electronic component and accessories, office and computing machines, commercial printing, miscellaneous plastics products, guided missiles, space vehicles and parts, newspapers, motor vehicles and equipment and periodicals.

REDUCED FUNDING FOR SDI IN INTERESTS OF ARMS CONTROL

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the strategic defense initiative [SDI] remains in the forefront of the country's attention as a subject of much controversy. Advanced development and deployment of the SDI is likely to have negative arms control and budgetary implications. In this regard, the Congress is faced with a number of choices concerning the SDI budget and SDI policy, many of which will surface in the debate on the fiscal year 1986 Department of Defense Authorization Bill.

Under my chairmanship, the Subcommittee on Arms Control, International Security and Science, is conducting a thorough and extensive examination of the administration's SDI and ASAT policies. Already, this year, the subcommittee has held three hearings on this subject. We have heard from experts in the scientific, academic and arms control communities. Based on these hearings to date, it is clear that U.S. pursuit of advanced development and deployment of the SDI as opposed to basic research will result in an acceleration of the arms race in offensive weapons and the beginning of another arms race in defensive weapons.

Last May, the subcommittee released an "Interim Report on the Administration's Space Arms Control and Defense Policy." The conclusions of that report remain just as true in May 1985 as they did in May 1984.

The report concluded that:

1. The SDI is excessively costly.

The research program alone is now a 6-year, 33-billion-dollar program. Deployment of the SDI, it is estimated, would cost in the trillions of dollars.

2. The technical feasibility of the program is in question.

Many experts testified that the SDI can never work. In fact, the SDI, does not meet the criteria for an effective SDI established by Paul Nitze in his Philadelphia speech. According to Hans Bethe, who testified before the subcommittee, "It seems very unlikely that Nitze's conditions can be fulfilled," That is, that the defense can be survivable and cost effective.

Bethe further indicated that "Soviet Russia cannot permit its chief weapon, the ICBM, to be made obsolete. Neither could we if the situation were reversed. The Russians can find effective countermeasures against our space defense . . . . The strongest countermeasure against SDI is of course the building of more missiles. If Russia were to proceed along this path, the U.S. would clearly respond with its own buildup, and the arms race spiral would go up still further."

3. The SDI will have an adverse impact on arms control.

The development and deployment of the SDI will result in inconsistencies with and ultimately, outright abrogation of the ABM Treaty. The ABM Treaty is central to restricting the arms race in defensive systems, thereby laying the basis for limits on offensive systems.

Former Secretary of Defense Robert McNamara made this point in a hearing before the subcommittee when he stated that the ABM "Treaty formalizes the insight that not only the deployment, but even the development of strategic defenses would stimulate an offensive buildup. Were the Treaty to collapse we could not move towards our goal of reducing the offensive threat."

Bethe also expounds on the importance of the ABM Treaty. He indicated to the subcommittee that the ABM Treaty "is a precondition to the control of offensive forces."

Another point to be made in reference to the ABM Treaty relates to its areas of ambiguity. The administration, in its recent report to the Congress on the Strategic Defense Initiative, seems to exploit these ambiguities in an attempt to weaken the Treaty. In my view and in the view of experts who testified before the subcommittee, emphasis should be placed on working with the Soviet Union to clarify these ambiguities and to define the terms of the Treaty in order to preserve and strenghten the integrity of the Treaty, rather than to exploit such ambiguities, thereby weakening the Treaty.

4. The SDI will result in the alienation of our closest allies.

We can already see this as evidenced by the confusion experienced by our allies on just what the SDI means and just what their role is in such a program. Many of our allies have expressed a desire which I share, and that is that we maintain a research program in SDI technologies as a hedge against Soviet breakout of the ABM Treaty. They are wary, as am I, that deployment is not likely to be in our best interests.

What is needed is not a full-scale program that will jeopardize our adherence to the ABM treaty and further escalate the arms race, but rather, a strong research program that would offset a potential Soviet breakout of the ABM treaty. A research program of this kind would demonstrate U.S. commitment to current arms control agreements, not preparation for U.S. breakout of the ABM treaty.

In this regard, the administration is requesting $3.7 billion for fiscal year 1986. This does not include another $500 million on top of that in related ballistic missile defense programs, bringing the actual total to $4.2 billion.

Moreover, CBO has indicated to the committee that as of the first part of 1985, DOD has only been able to spend around 8 percent of the $1.4 billion appropriated for SDI in fiscal year 1985. This calls into question the ability of DOD to absorb the money it already has received for SDI, let alone its ability to absorb the tremendous increase in SDI money the administration is requesting for fiscal year 1986.

Therefore, I fully support a reduced funding level for SDI research as this is in the best interests of arms control and will allow the United States to maintain a prudent hedge against Soviet activity in the strategic defensive area.

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. PANETTA) to revise and extend their remarks and include extraneous material:)

Mr. FRANK, for 5 minutes, today.
Mr. RAY, for 5 minutes, today.
Mr. STRATTON, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. NELSON of Florida, for 5 minutes, today.
Mr. GONZALEZ, for 60 minutes, today.
Mr. GAYDOS, for 30 minutes, June 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FASCELL, to revise and extend in the body of the RECORD today.

(The following Members (at the request of Mr. COBEY) and to include extraneous matter:)

Mr. SHUMWAY.
Mr. GROTBERG.
Mr. MOORHEAD.
Mr. MCGRATH.

(The following Members (at the request of Mr. PANETTA) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 intances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. KANJORSKI.
Mr. BONIOR of Michigan.
Mrs. KENNELLY.
Mr. FASCELL in two instances.
Mr. STARK in three instances.
Mr. FUSTER in two instances.
Mr. BENNETT in two instances.
Mr. FLORIO.
Mr. UDALL.
Mr. RODINO in two instances.
Mr. SYNAR in two instances.
Mr. LEVINE of California.
Mr. LELAND in two instances.

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, repored that that committee did on June 14 present to the President, for his approval, joint resolutions of the House of the following titles:

H.J. Res. 25. Joint resolution to designate the week beginning June 2, 1985, as "National Theatre Week", and

H.J. Res. 64. Joint resolution designating Mother's Day, May 12, to Father's Day, June 16, 1985, as "Family Reunion Month."

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 29 minutes p.m.) the House adjourned until tomorrow, Tuesday, June 18, 1985, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1490. A letter from the Assistant Secretary of Agriculture, transmitting the annual report of the Secretary of Agriculture; to the Committee on Agriculture.

1491. A letter from the Director, Defense Security Assistance Agency, transmitting the required information concerning the Department of the Air Force's proposed letter of offer to Japan for defense articles estimated to cost $50 million or more, pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

1492. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 157 of title 10, United States Code, to authorize the Secretary of Defense to provide transportation for next of kin of certain persons who are unaccounted for, to attend annual national meetings sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia; to the Committee on Armed Services.

1493. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-39, "Tax Conformity Amendment Act of 1985," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1494. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-36, "Closing of a Public Alley in Square 408, S.O. 84-142, Act of 1985," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1495. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-31, "Professional Corporation Franchise Tax Amendments Act of 1985," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1496. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-32, "D.C. Public Library Board of Trustees Appointment Amendment Act of 1985," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1497. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-37, "Closing and Dedication of Public Alleys in Square 319, S.O. 72-72, Act of 1985," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1498. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-38, "Closing of a Segment of Porter Street NW., adjacent to Square 2225, S.O. 80-373, Act of 1985," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1499. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-40, "Motor Vehicle Fuel Tax Act Amendment Temporary Act of 1985," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1500. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-34, "D.C. Public Records Management Act of 1985," and report, pursuant

to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1501. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-41, "Ambulatory Surgical Facility Amendments Act of 1985," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1502. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-45, "Dance Alley Designation Act of 1985," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1503. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-44, "American University Revenue Bond Act of 1985," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1504. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-42, "Washington Beef Limited Partnership Project Revenue Bond Act of 1985," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1505. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-35, "Elimination and Establishment of Building Restriction Lines in Square 2330, S.O. 84-159, Act of 1985," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1506. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-33, "Closing and Dedication of Public Alleys in Square 212, S.O. 83-42, Act of 1985," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

1507. A letter from the Chairman, Equal Opportunity Commission, transmitting a report on the Commission's interagency coordination activities for the yearing ending September 30, 1984, pursuant to Public Law 92-261, section 715; to the Committee on Education and Labor.

1508. A letter from the Secretary of Education, transmitting a report on the use of funds appropriated for the Strengthening and Special Needs Programs under the Higher Education Act of 1965; to the Committee on Education and Labor.

1509. A letter from the Secretary, Interstate Commerce Commission, transmitting notification of an extraordinary extension of the deadline in a rail carrier proceeding, pursuant to 49 U.S.C. 10327(k)(2); to the Committee on Energy and Commerce.

1510. A letter from the Director, Defense Security Assistance Agency, transmitting a report concerning the Department of the Air Force's proposed letter of offer to Japan for defense articles and services estimated to cost $51 million, pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1511. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the Department of the Navy's proposed agreement for certain leases or loans of defense articles to the Philippines (Transmittal No. 6-85), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

1512. A letter from the Director, Defense Security Assistance Agency, transmitting a report on commercial and governmental military exports, together with a list of all defense requirement surveys authorized for foreign countries during preceding quarter, pursuant to AECA, section 36(a) (90 Stat. 740; 94 Stat. 3134) and section 26(b) (92 Stat. 740) (E.O. 11958); to the Committee on Foreign Affairs.

1513. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on the political contributions by Thomas A. Nassif, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1514. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on the political contributions by Edwin G. Corr, of Oklahoma, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1515. A letter from the Asssistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on the political contributions by George Cranwell Montgomery, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1516. A letter from the Administrator, Agency for International Development, transmitting a report on the activities of the Inspector General, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

1517. A letter from the Comptroller General, General Accounting Office, transmitting the report and recommendations concerning the claim of Ms. Betsy L. Randall for relief from liability to the United States, pursuant to 31 U.S.C. 3702(d); to the Committee on the Judiciary.

1518. A letter from the Chairman, Board of Governors, U.S. Postal Service, transmitting a report on the investigative activities of the Postal Service, pursuant to 39 U.S.C. 3013 (97 Stat. 1317); to the Committee on Post Office and Civil Service.

1519. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers on Choctawhatchee River and Tributaries, Florida and Alabama; to the Committee on Public Works and Transportation.

1520. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to extend protection to Veterans' Administration health care personnel from suits alleging the commission of certain torts during the furnishing of medical care or treatment; to the Committee on Veterans' Affairs.

1521. A letter from the Federal and State Co-Chairman, Alaska Land Use Council, transmitting the fourth annual report on the activities of the Council, pursuant to Public Law 96-487, section 1201(g); jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

1522. A letter from the Secretary of Transportation, transmitting the 1984 annual report on the administration of the Natural Gas Pipeline Safety Act of 1968, pursuant to 49 U.S.C. App. 1683(a); jointly, to the Committees on Interior and Insular Affairs and Public Works and Transportation.

1523. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Social Services Block Grant Act, authorize consolidation of certain block grants to Indian tribes; jointly, to the Committees on Ways and Means and Interior and Insular Affairs.

1524. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled the "Health Care Financing Fraud and Abuse Amendments of 1985"; jointly, to the Committees on Ways and Means and Energy and Commerce.

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. FAUNTROY (for himself, and Mr. MCKINNEY):

H.R. 2776. A bill to amend the District of Columbia Stadium Act of 1957 to direct the Secretary of the Interior to convey title to the Robert F. Kennedy Memorial Stadium to the District of Columbia; to the Committee on the District of Columbia.

By Mr. FLORIO:

H.R. 2777. A bill to amend the Federal Trade Commission Act to impose certain requirements with respect to the acquisition of substantial energy reserves holders, and for other purposes; jointly, to the Committees on Energy and Commerce, and the Judiciary.

By Mr. ROYBAL:

H.R. 2778. A bill to amend the Food Stamp Act of 1977 to modify deductions for medical expenses, to allow a deduction for burial expenses, to provide for categorical eligibility for recipients of certain benefits under the Social Security Act, and for other purposes; to the Committee on Agriculture.

By Mr. VANDER JAGT:

H.R. 2779. A bill entitled, "Small Issue Limit in Case of Certain Urban Development Action Grants"; to the Committee on Ways and Means.

By Mr. PANETTA (for himself, Mr. MINETA, Mr. WHITTEN, Mr. BROOKS, Mr. FLIPPO, Mr. MONTGOMERY, Mr. O'BRIEN, Mr. TALLON, Mr. DANIEL, Mr. STENHOLM, Mr. SHAW, Mr. GILMAN, Mrs. HOLT, Mr. ERDREICH, Mr. VANDER JAGT, Mr. CHAPPELL, Mr. MOORHEAD, Mr. HUTTO, Mr. KOSTMAYER, Mr. SUNDQUIST, Mr. SNYDER, Mr. CAMPBELL, Mr. DASCHLE, Mr. DYMALLY, Mr. GUNDERSON, Mr. HEFNER, Mr. JENKINS, Mr. MARTIN of New York, Mr. SUNIA, Mr. WORTLEY, Mrs. BURTON of California, Mr. CARPER, Mr. YOUNG of Missouri, Mr. RODINO, Mr. BEVILL, Mr. WOLPE, Mr. MCDADE, Mr. KASTENMEIER, Mr. JONES of Tennessee, Mr. BARNES, Mr. SABO, Mr. LEVIN of Michigan, Mr. TRAXLER, Mr. DOWDY of Mississippi, Mr. CHAPPIE, Mr. COELHO, Mr. COOPER, Mr. MOAKLEY, Mr. TAUKE, Mr. DYSON, Mr. TORRICELLI, Mr. LANTOS, Mr. TAYLOR, Mr. WIRTH, Mr. RUSSO, Mr. FRANK, Mr. EMERSON, Mr. LAGOMARSINO, Mrs. BOXER, Mr. CRAIG, Mr. DWYER of New Jersey, Mr. YOUNG of Florida, Mr. JEFFORDS, Mr. MCEWEN, Mr. FAZIO, and Mr. NIELSON of Utah):

H.J. Res. 316. Joint resolution designating the square dance as the national folk dance

of the United States for 1985 and 1986; to the Committee on Post Office and Civil Service.

By Mr. STARK:

H.J. Res. 317. Joint resolution expressing the sense of the Congress that, based on the June 13, 1985 decision of the Merit Systems Protection Board removing Mr. Charles O. Starrett from the position of Director of the Defense Contract Audit Agency, Mr. George B. Spanton, former DCAA auditor, replace Charles O. Starrett as the Director of the Defense Contract Audit Agency; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

163. By the SPEAKER: Memorial of the legislature of the State of Pennsylvania, relative to the Armed Forces; to the Committee on Armed Services.

164. Also, memorial of the legislature of the State of Nevada, relative to land use; to the Committee on Interior and Insular Affairs.

165. Also, memorial of the legislature of the State of Kentucky, relative to taxes; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 281: Mr. LAFALCE, Mr. LUNDINE, Mr. PRICE, Mr. WEISS, Mr. KASTENMEIER, and Mr. YOUNG of Missouri.

H.R. 598: Mr. WORTLEY, Mr. PORTER, Mrs. BENTLEY, Mr. HENRY, Mr. CONYERS, Mr. DELLUMS, and Mr. SILJANDER.

H.R. 930: Mr. NIELSON of Utah, and Mr. WHITLEY.

H.R. 1345: Mr. BARTON of Texas.

H.R. 1381: Mr. NELSON of Florida and Mr. TALLON.

H.R. 1436: Mr. BROWN of Colorado.

H.R. 1507: Mr. QUILLEN and Mr. VENTO.

H.R. 1597: Mr. GUNDERSON, Mr. GREEN, and Mr. GROTBERG.

H.R. 2116: Mr. CONYERS, Mr. MARTINEZ, Mr. VENTO, and Mr. PORTER.

H.R. 2172: Mr. MRAZEK, Mr. CHANDLER, Mr. MARTINEZ, Mr. AKAKA, and Mr. LAFALCE.

H.R. 2186: Mr. STRATTON.

H.R. 2211: Mr. WEAVER.

H.R. 2489: Mr. KINDNESS.

H.R. 2515: Mr. PARRIS.

H.R. 2539: Mr. BARTON of Texas, Mr. SAXTON, Mrs. LLOYD, Mr. MARTINEZ, Mr. VENTO, Mr. PACKARD, Mr. SILJANDER, Mr. DELAY, Mr. KANJORSKI, Mr. RUDD, and Mr. ECKART of Ohio.

H.R. 2567: Mrs. COLLINS, Mr. ACKERMAN, Mr. SCHUMER, Mr. BUSTAMANTE, and Mr. RANGEL.

H.R. 2620: Mr. LIPINSKI, Mr. NOWAK, Mr. DELUGO, Mr. VISCLOSKY, Mr. SUNIA, Mr. FAZIO, and Mr. MCEWEN.

H.R. 2626: Mr. DAUB, Mr. ROBERTS, Mr. VOLKMER, and Mr. ECKART of Ohio.

H.R. 2675: Mr. BEILENSON and Mr. YATRON.

H.R. 2697: Mr. BARTON of Texas, Mr. DELAY, Mr. FROST, Mr. SISISKY, Mr. GLICKMAN, and Mr. HUTTO.

H.J. Res. 106: Mr. PANETTA, Mr. EARLY, Mr. TAUZIN, Mr. SCHUETTE, Mr. MCHUGH, Mr. DASCHLE, Mr. MCCOLLUM, Mr. MACKAY, Mr. VISCLOSKY, Mr. LENT, Mr. LELAND, Mr. WYLIE, Mr. MOLLOHAN, Mr. MCCLOSKEY, Mr. PACKARD, Mr. OWENS, Mr. BROWN of California, Mr. BOSCO, Mr. DARDEN, Mr. WISE, Mr. LUNGREN, Mr. MARKEY, Mr. DONNELLY, Mr. COOPER, Mr. THOMAS of Georgia, Mr. KINDNESS, Mr. GAYDOS, Mr. TALLON, Mr. ROWLAND of Georgia, Mr. OLIN, Mr. VALENTINE, Mr. ST GERMAIN, Mr. HALL of Ohio, Mr. EVANS of Illinois, Mr. BRUCE, Mr. COLEMAN of Texas, Mr. DURBIN, Mr. SAVAGE, Mr. LEHMAN of California, Mr. GRAY of Illinois, Mr. LOWRY of Washington, Mr. SNYDER, Mr. GEPHARDT, Mr. LAFALCE, Mr. SAXTON, Mrs. VUCANOVICH, Mr. BENNETT, Mr. PERKINS, Mr. GILMAN, and Mr. DUNCAN.

H.J. Res. 136: Mr. MILLER of Washington and Mr. STAGGERS.

H. Con. Res. 129: Mr. PACKARD, Mr. SCHULZE, and Mr. CRANE.

H. Con. Res. 131: Mr. GUARINI.

H. Con. Res. 162: Mr. BARNES.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

138. By the SPEAKER: Petition of the Polish American Veterans of Massachusetts, Boston, MA, relative to peace and freedom; to the Committee on Armed Services.

139. Also, petition of the U.S. American Peace Network in Europe, Federal Republic of Germany, relative to Strategic Defense Initiative; to the Committee on Armed Services.

140. Also, petition of the Mariposa County Board of Supervisors, Mariposa, CA, relative to the nuclear risk; to the Committee on Foreign Affairs.

141. Also, petition of the Foundation Western Europe-Southern Africa, The Hague, the Netherlands, relative to South Africa; to the Committee on Foreign Affairs.

142. Also, petition of the Church Women United, Southern California-Southern Nevada, relative to Social Security and the budget; to the Committee on Government Operations.

143. Also, petition of the North Carolina State Council of Machinists, Winston-Salem, NC, relative to forms of compensation; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1872

By Mr. ANTHONY:

—Page 200, after line 4, insert the following:

SEC. 1050. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

(a) IN GENERAL. —(1) Notwithstanding any other provision of law, the Secretary of Defense (hereinafter in this section referred to as the "Secretary") shall, in accordance with the provisions of this section, carry out the destruction of the United States' stockpile of lethal chemical agents and munitions that exists on the date of the enactment of this Act.

(2) Such destruction shall be carried out in conjunction with the acquisition of binary chemical weapons for use by the Armed Forces.

(b) DATE FOR COMPLETION.—(1) Except as provided by paragraphs (2) and (3), the destruction of such stockpile shall be completed by September 30, 1994.

(2) If a treaty banning the possession of chemical agents and munitions is ratified by the United States, the date for completing the destruction of the United States' stockpile of such agents and munitions shall be the date established by such treaty.

(3)(A) In the event of a declaration of war by the Congress or of a national emergency by the President or the Congress or if the Secretary of Defense determines that there has been a significant delay in the acquisition of an adequate number of binary chemical weapons to meet the requirements of the Armed Forces (as defined by the Joint Chiefs of Staff as of September 30, 1985), the Secretary may defer, beyond September 30, 1994, the destruction of not more than ten percent of the stockpile described in subsection (a)(1).

(B) The Secretary shall transmit written notice to the Congress of any deferral made under subparagraph (A) within 30 days after the date on which the determination to defer is made or by August 31, 1994, whichever is earlier.

(c) ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.—(1) In carrying out the requirement of subsection (a)(1), the Secretary shall provide for—

(A) maximum protection for the environment, the general public, and the personnel who are involved in such destruction; and

(B) adequate and safe facilities designed solely for the destruction of lethal chemical agents and munitions.

(2) Facilities constructed to carry out this section may not be used for any purpose other than the destruction of lethal chemical weapons and munitions, and when no longer needed to carry out this section, such facilities shall be cleaned, dismantled, and disposed of in accordance with applicable laws and regulations.

(d) PLAN.—(1) The Secretary shall develop a comprehensive plan to carry out this section.

(2) In developing such plan, the Secretary shall consult with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency.

(3) The Secretary shall transmit a copy of such plan to the Congress by March 15, 1986.

(4) Such plan shall provide—

(A) an evaluation of the comparison of onsite destruction, regional destruction centers, and a national destruction site both inside and outside of the United States;

(B) for technological advances in techniques used to destroy chemical munitions;

(C) for the maintenance of a permanent, written record of the destruction of lethal chemical agents and munitions carried out under this section; and

(D) a description of—

(i) the methods and facilities to be used in the destruction of agents and munitions under this section;

(ii) the schedule for carrying out this section; and

(iii) the management organization established under subsection (e).

(e) MANAGEMENT ORGANIZATION.—(1) In carrying out this section, the Secretary shall provide for the establishment, by May 1, 1986, of a management organization within the Department of the Army.

(2) Such organization shall be responsible for management of the destruction of agents and munitions under this section.

(3) The Secretary shall designate a general officer as the director of the management organization established under paragraph (1). Such officer shall have—

(A) experience in the acquisition, storage, and destruction of chemical agents and munitions;

(B) training in chemical warfare defense operations; and

(C) outstanding qualifications regarding safety in handling chemical agents and munitions.

(f) IDENTIFICATION OF FUNDS.—Funds for carrying out this section shall be set forth in the budget of the Department of Defense for any fiscal year as a separate account. Such funds shall not be included in the budget accounts for any military department. Funds for military construction projects necessary to carry out this section may be set out in the annual military construction budget separately from other funds for such project.

(g) ANNUAL REPORT.—(1) Except as provided by paragraph (4), the Secretary shall transmit, by December 15 of each year, a report to the Congress on the activities carried out under this section during the fiscal year ending on September 30 of the calendar year in which the report is to be made.

(2) The first such report shall be transmitted by December 15, 1985, and shall contain—

(A) an accounting of the United States stockpile of lethal chemical agents and munitions on the date of the enactment of this Act; and

(B) a schedule of the activities planned to be carried out under this section during fiscal year 1986.

(3) Each report other than the first one shall contain—

(A) a site-by-site description of the construction, equipment, operation, and dismantling of facilities (during the fiscal year for which the report is made) used to carry out the destruction of agents and munitions under this section, including any accidents or other unplanned occurrences associated with such construction and operation; and

(B) an accounting of all funds expended (during such fiscal year) for activities carried out under this section, with a separate accounting for amounts expended for—

(i) the construction of and equipment for facilities used for the destruction of agents and munitions;

(ii) the operation of such facilities;

(iii) the dismantling or other closure of such facilities;

(iv) research and development; and

(v) program management.

(4) The Secretary shall transmit the final report under this subsection not later than 120 days following the completion of activities under this section.

(h) PROHIBITION OF ACQUIRING CERTAIN LETHAL CHEMICAL AGENTS AND MUNITIONS.—(1) Except as provided in paragraph (2), no agency of the Federal Government may, after the date of the enactment of this Act, develop or acquire lethal chemical agents on munitions other than those designed so that—

(A) the lethal agent is generated only after launch or firing; and

(B) there is no need to destroy the lethal agent in order to render the munition permanently inoperative.

(2) An agency of the Federal Government may acquire lethal chemical agents and munitions other than those described in paragraph (1) if they are acquired for the sole purpose of protecting the national security through intelligence analysis or through research, evaluation, or testing of such agents or munitions. Any agent or munition acquired under this paragraph may be used only for the purpose described in the preceding sentence.

(i) RENOUNCING FIRST USE OF CHEMICAL AGENTS AND MUNITIONS.—It is the sense of Congress that the President should publicly reaffirm the position of the United States renouncing the first use of chemical agents and munitions under any circumstances.

(j) DEFINITIONS.—For purposes of this section:

(1) The term "chemical agent and munition" means an agent or munition that, through its chemical properties, produces lethal or other damaging effects on human beings, except that such term does not include riot control agents, chemical herbicides, smoke and other obscuration materials.

(2) The term "lethal chemical agent and munition" means a chemical agent or munition that is designed to cause death, through its chemical properties, to human beings in field concentrations.

(3) The term "destruction" means, with respect to chemical munitions or agents—

(A) the demolishment of such munitions or agents by incineration or by any other means; or

(B) the dismantling or other disposal of such munitions or agents so as to make them useless for military purposes and harmless to human beings under normal circumstances.

(k) EFFECTIVE DATE.—The provisions of this section shall take effect on October 1, 1985.

By Mr. BEDELL:

—At the end of the bill, add the following new section:

SEC. . Section 2855 of title 10, United States Code, is amended to read as follows:

"SEC. 2855. LAW APPLICABLE TO CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.

"(a) Each contract for architectural and engineering services, construction design and other professional services of an architectural or engineering nature, as well as incidental services that members of these professions and those in their employ may logically or justifiably perform, in connection with a military construction project or a family housing project, shall be awarded in accordance with Title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.). In selecting the firms deemed to be the most highly qualified to perform such services, as required by Section 903 of such Act (40 U.S.C. 543), the Secretary concerned shall consider, among other relevant data, the schedule or range of fees which shall be submitted by each offeror as part of its original proposal to the United States: *Provided,* That primary consideration in source selection for such services shall be based upon an evaluation of relative design proposals and necessary qualifications for successful performance. The total amount of such fees for such services shall not exceed the maximum amount prescribed for such fees in subsection (d) of section 2306 of this title, except that the Secretary may, as a matter of discretion, waive such amount and provide for such other maximum fee limitations as may be appropriate taking into account the size and complexity of the work to be performed.

"(b) Nothing in this section or in any other provision of law shall preclude the award of a contract pursuant to section 15 of the Small Business Act (15 U.S.C. 644) or section 8 of such Act (15 U.S.C. 637) solely because such contract is for the types of services described in subsection (a)."

By Mr. BENNETT:

—At the end of title VIII (page 143, after line 19) insert the following new section:

SEC. 802. CONFLICT-OF-INTEREST IN DEFENSE PROCUREMENT.

(a) LIMITATIONS ON ACCEPTANCE OF COMPENSATION.—(1) An individual who is a former officer or employee of the Department of Defense or a former or retired member of the Armed Forces who during the two-year period preceding the individual's separation from service in the Department of Defense had significant responsibilities for a procurement function with respect to a Government contractor may not accept compensation from that contractor for a period of two years following the individual's separation from service in the Department of Defense.

(2) Whoever, knowingly violates paragraph (1) shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(3) An individual who knowingly offers or provides any compensation to an individual the acceptance of which is or would be in violation of paragraph (1) shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(b) LIMITATIONS ON CONTRACTORS.—(1) Each contract for procurement of goods or services entered into by the Department of Defense shall include a provision under which the contractor agrees not to provide compensation to an individual if the acceptance of such compensation by such individual would violate subsection (a)(1).

(2) Such a contract shall also provide that if the contractor knowingly violates a contract provision required by paragraph (1) the contractor shall pay to the United States, as liquidated damages under the contract, an amount equal to the greater of—

(A) $100,000; or

(B) three times the compensation paid by the contractor to the individual in violation of such contract provision.

(c) REPORTING OF EMPLOYMENT CONTACTS.—If an officer or employee having significant responsibilities for a procurement function with respect to a Government contractor contacts, or is contacted by, the contractor regarding future compensation of the officer or employee by the contractor, the officer or employee shall—

(1) promptly report the contact to the officer or employee's supervisor and to the designated ethics official of the agency in which the officer or employee is serving;

(2) promptly report (as part of the report under paragraph (1) or as a separate report) when contacts with the contractor concerning such compensation have been terminated without agreement or commitment to future compensation of the officer or employee by the contractor; and

(3) disqualify himself from all participation in the performance of procurement functions relating to contracts with that contractor until a report described in paragraph (2) is made with respect to such contacts.

(d) CONTRACTOR REPORTS.—(1)(A) Each contractor subject to a contract term described in subsection (b) shall submit to the Secretary of Defense not later than April 1 of each year a report covering the previous calendar year. Each such report shall list the name of each individual (together with other information adequate for the Government to identify the individual) who is a former Department of Defense officer or

employee, or a former or retired member of the Armed Forces, who—

(i) was provided compensation by that contractor during the preceding calendar year, if such compensation was provided within two years after such officer or employee left service in the Department of Defense; and

(ii) had significant responsibilities for a procurement function during the individual's last two years of service in the Department of Defense.

(B) Each such listing shall—

(i) show each agency in which the individual was employed or served on active duty during the last two years of such indivudual's service in the Government;

(ii) show the indivudual's job titles during the last two years of such individual's service in the Government;

(iii) contain a full and complete description of the duties of the individual during the last two years of such service; and

(iv) contain a description of the duties (if any) that the individual is performing on behalf of the contractor.

(C) The first such report shall be submitted not later than April 1, 1987.

(2) The Secretary of Defense shall review each report under paragraph (1) to assess the report for accuracy and completeness and for the purpose of identifying possible violations of subsection (a) or (b) or paragraph (1). The Secretary shall report any such possible violation to the Attorney General.

(3) Whoever fails to file a report required by paragraph (1) shall be fined not more than $10,000.

(e) REVIEW BY DIRECTOR OF OFFICE OF GOVERNMENT ETHICS.—The Director of the Office of Government Ethics shall have access to the reports submitted under subsection (d)(1) and shall conduct an annual random review of the reports for violations of subsections (a), (b), and (d)(1). The Director shall submit a report to Congress not later than October 1 of each year on the operation of this section, including the findings of the Director based on the examination of reports for the preceding calendar year.

(f) COVERED PROCUREMENT FUNCTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense—

(1) shall identify the procurement functions covered by this section and the organizational positions currently performing such functions; and

(2) shall provide a list of such functions and positions to Congress and to the Director of the Office of Government Ethics and publish such list in the Federal Register.

(g) EXCLUSION.—This section does not apply—

(1) to a contract for an amount less than $100,000; or

(2) to compensation of an individual by an entity that did not have a Department of Defense contract in excess of $100,000 at the time the individual had significant responsibilities for a significant procurement function with respect to a contract with that entity.

(h) ADVISORY OPINIONS FROM OFFICE OF GOVERNMENT ETHICS.—(1) An individual who is considering the propriety of accepting compensation that might place the individual in violation of subsection (a), may, before acceptance of such compensation, apply to the Director of the Office of Government Ethics for advice on the applicability of this section to the acceptance of such compensation.

(2) An application under paragraph (1) shall contain such information as the Director requires.

(i) WAIVER OF OTHERWISE APPLICABLE FINES UNDER TITLE 18.—The provisions of section 3623 of title 18, United States Code, shall not apply to maximum fines applicable under subsections (a)(2), (a)(3), and (d)(3).

(j) DEFINITIONS.—For purposes of this section:

(1) The term "compensation" includes any payment, gift, benefit, reward, favor, gratuity, or employment valued in excess of $100 at prevailing market price, provided directly, indirectly, or through a third party.

(2) The term "contractor" means any person, partnership, corporation, or agency (other than the Federal Government or the independent agencies thereof) that contracts to supply the Department of Defense with goods or services. Such term includes any parent, subsidiary, or affiliate thereof.

(3) The term "procurement function", with respect to a contract, means any acquisition action relating to the contract, including negotiating, awarding, administering, approving contract changes, costs analysis, quality assurance, operational and developmental testing, technical advice or recommendation, approval of payment, contractor selection, budgeting, auditing under the contract, or management of the procurement program.

(4) The term "Armed Forces" means the Army, Navy, Air Force, and Marine Corps and includes the Coast Guard when the Coast Guard is operating as a service in the Navy.

(k) SEPARATION OF MEMBERS OF ARMED FORCES.—For the purposes of this section, a member or former member of the Armed Forces shall be considered to have been separated from service in the Department of Defense upon such member's discharge or release from active duty.

(l) TRANSITION.—This section—

(A) does not preclude the continuation of employment that began before the effective date of this section or the acceptance of compensation for such employment; and

(B) does not, except as provided in paragraph (2), apply to an individual whose service with the Department of Defense terminates before April 1, 1986.

(2) Paragraph (1)(B) does not preclude the application of this section to an individual with respect to service in the Department of Defense by such individual on or after April 1, 1986.

(m) EFFECTIVE DATE.—This section shall take effect on January 1, 1986.

—At the end of Title II, add the following new section:

SEC. 207. (a) That at the time of submission to the Congress of the requests by the Department of Defense for fiscal year 1987 expenditures for the Strategic Defense Initiative, said Department shall inform Congress as to:

(1) What probable responses can be expected from potential enemies should the Strategic Defense Initiatives be carried out to procurement and deployment, such as what increase may be anticipated in offensive enemy weapons in an enemy's attempt to penetrate the defensive shield by increasing the numbers or qualities of its offensive weapons;

(2) What can be expected from potential enemies in the deployment of weapons not endangered by the Strategic Defense Initiative, such as cruise missiles and low trajectory submarine missiles;

(3) The degree of the dependency of success for the Strategic Defense Initiative upon a potential enemy's not deploying anti-satellite weapons;

(4) Whether it would be in the best security interests of the United States to share our discoveries in the Strategic Defense Initiative studies with potential enemies as a way of discouraging their offensive weapons buildup, as has been suggested by the Administration; and

(5) The cost estimates for the proposed Strategic Defense Initiative, not only in research and development but in procurement and deployment,

(b) Funds required for the conduct of subject studies shall be made available by the Strategic Defense Initiative Office.

By Mr. BRYANT:

—At the end of part A of title X (page 167, after line 10) insert the following new section:

SEC. 1002. REDUCTION IN PROCUREMENT AUTHORIZATIONS AVAILABLE BECAUSE OF PROCUREMENT REFORM.

(a) TEN PERCENT GENERAL REDUCTION.—The total amount obligated or expended from funds appropriated pursuant to authorizations of appropriations in title I and transferred pursuant to authorizations in title I may not exceed 90 percent of the sum of the amounts authorized to be appropriated and transferred in such title.

(b) REDUCTIONS TO COME FROM CONTRACT SAVINGS.—Reductions required by subsection (a)—

(1) may not be achieved through cancellation of any program or stretchout of procurement under any program; but

(2) may be achieved only through cost reductions under contracts entered into to carry out programs authorized by title I.

—Page 167, after line 10, add the following new section:

SEC. 1002. REPORT ON BUDGETING FOR INFLATION.

(a) REPORT ON SAVINGS FROM LOWER INFLATION.—Not later than September 1, 1985, the Secretary of Defense shall submit to Congress a report containing—

(1) an explanation of what the Department of Defense does with funds in any fiscal year that are [saved] as a result of a decrease in the anticipated rate of inflation during that year; and

(2) an estimate of the amount of unobligated funds from fiscal years before fiscal year 1985 proposed to be obligated during fiscal year 1985 that represents savings realized as the result of a difference in the inflation rate assumed at the time those funds were appropriated and the actual rate of inflation.

(b) PROPOSALS FOR NEW BUDGET SYSTEM FOR INFLATION ALLOWANCE.—The Secretary shall include in the report under subsection (a) a proposal or alternative proposals for a budget system under which—

(1) funds for any fiscal year would be appropriated to the Department of Defense without the addition of any amount for anticipated inflation during such fiscal year; and

(2) requests would be made to the Congress at the end of the fiscal year for any additional funds made necessary by reason of inflation during the fiscal year.

(c) RECOMMENDATIONS.—The Secretary shall include in such report—

(1) the Secretary's recommendations for procedures which would effectively implement a proposal submitted under subsection (b); and

(2) a discussion of the advantages and disadvantages of instituting such a proposal, together with any other comments and rec-

ommendations the Secretary considers appropriate.

By Mr. DICKINSON:

—Page 6, after line 9, insert the following new subsection:

(g) SAFETY MODIFICATIONS FOR PERSHING II MISSILE PROGRAM.—(1) In carrying out the Pershing II missile program for fiscal year 1986, the Secretary of the Army may purchase safety modfications (including 36 inert missile motors for the Pershing II missile) using funds made available for such program for such fiscal year.

(2) The Secretary may not obligate any funds for the safety modifications authorized by paragraph (1) until the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report providing a detailed plan for the purchase of such safety modifications.

By Mr. DICKS:

—Page 23, line 12, strike out "$6,305,732,000" and insert in lieu thereof "$5,932,770,000".

Page 26, strike out lines 18 through 22 (and redesignate the succeeding paragraphs accordingly).

At the end of title II (page 29, line 14), add the following new section:

SEC. 207. STRATEGIC DEFENSE INITIATIVE.

(a) LIMITATION ON FY86 FUNDS FOR SDI.—Of the amount authorized in section 201 to be appropriated for fiscal year 1986 for research, development, test, and evaluation for the Defense Agencies, not more than $2,100,000,000 may be appropriated for activities of the Strategic Defense Initiative Organization of the Department of Defense.

(b) PROJECTS REQUIRED TO BE CARRIED OUT AT SPECIFIED LEVELS.—Of the amount appropriated or otherwise made available for fiscal year 1986 for research, development, test, and evaluation for activities of the Strategic Defense Initiative—

(1) not less than $12,500,000 shall be obligated or expended for the medical application of free-electron lasers and associated material and physical science research project;

(2) not less than $145,060,000 shall be obligated or expended for the battle management and command, control and communications project;

(3) not less than $98,240,000 shall be obligated or expended for the systems architecture project;

(4) not less than $72,150,000 shall be obligated or expended for the Strategic Defense Initiative system survivability project;

(5) not less than $103,500,000 shall be obligated or expended for lethality and target-hardening project; and

(6) not less than $75,000,000 shall be obligated or expended for a new project directed toward defense against manned aircraft and cruise missiles.

(c) PROJECTS LIMITED TO A SPECIFIED MAXIMUM.—Of the amount appropriated or otherwise made available for fiscal year 1986 for research, development, test, and evaluation for activities of the Strategic Defense Initiative—

(1) not more than $117,000,000 may be obligated or expended for the optical surveillance experiment;

(2) not more than $162,700,000 may be obligated or expended for the space-based laser concepts project;

(3) not more than $3,500,000 may be obligated or expended for hypervelocity launcher development project; and

(4) not more than $30,000,000 may be obligated or expended for the kinetic kill vehicle project.

(d) AMENDMENTS TO ANNUAL SDI REPORT.—Section 1102 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2580), is amended—

(1) by inserting "(a)" after "SEC. 1102.";

(2 by inserting ", including planned tests" in paragraph (1) after "ballistic missiles";

(3) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively;

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

"(4) details of all developments in each Strategic Defense Initiative program and project during the previous calendar year;"; and

(5) by adding at the end thereof the following new subsection:

"(b) Each report under this section shall be submitted in two versions, one containing classified information requiring protection from unauthorized disclosure and the other containing no such classified information."

By Mr. FRENZEL:

—"Page 2, line 12, strike out "3,368,700,000" and insert in lieu thereof "$3,347,700,000"

Page 2, line 14, strike out "$5,369,900,000" and insert in lieu thereof "$5,213,300,000"

Page 2, line 16, strike out "$5,573,500,000" and insert in lieu thereof "$5,049,500,000"

Page 6, line 23, strike out "$5,577,400,000" and insert in lieu thereof "$5,470,200,000"

Page 8, line 4, strike out "$10,739,200,000" and insert in lieu thereof "$9,926,200,000"

Page 11, line 17, strike out "$6,591,800,000" and insert in lieu thereof "$5,279,400,000"

Page 12, line 15, strike out "$1,742,300,000" and insert in lieu thereof "$1,614,800,000"

Page 13, line 15, strike out "$9,043,900,000" and insert in lieu thereof "$8,706,400,000"

Page 15, line 14, strike out "$1,366,000,000" and insert in lieu thereof "$1,318,100,000"

Page 23, line 8, strike out "$4,882,675,000" and insert in lieu thereof "$4,782,775,000"

Page 23, line 12, strike out "$6,305,732,000" and insert in lieu thereof "$6,126,266,000.".

By Mr. HERTEL of Michigan:

(To the amendment offered by Mr. Nichols of Alabama.)

—In section 2324 of title 10, United States Code, as proposed to be added by the amendment offered by Mr. Nichols, insert the following new paragraph at the end of subsection (a):

"(4)(A) Whoever, having entered into a contract with the Department of Defense that includes terms for settlement of indirect costs, submits to the Department a proposal for settlement of such costs for any period after such costs have been accrued that includes a cost that is expressly specified by statute or regulation as being unallowable, knowing that such cost is unallowable, shall be imprisoned not more than 5 years, or fined not more than $250,000 in the case of an individual or $500,000 in case of a corporation."

By Mr. KANJORSKI:

—At the end of title III (page 38, after line 10) add the following new section:

SEC. 308. MILITARY ENTRANCE PROCESSING STATION, WILKES BARRE, PENNSYLVANIA.

None of the funds appropriated pursuant to the authorizations of appropriations in this title may be used to relocate the military entrance processing station in the city of Wilkes Barre, Pennsylvania, to a location outside that city.

By Mr. KRAMER:

—At the end of part B of title X (page 172, after line 20), add the following new section:

SEC. 1016. DATES FOR INITIAL OPERATIONAL CAPABILITY FOR AIR FORCE SHUTTLE OPERATIONS AND PLANNING COMPLEX.

(a) PRIORITY FOR ACHIEVING SPECIFIED IOCs.—The Secretary of the Air Force shall place the highest priority on meeting the following initial operational capability (IOC) dates for a fully capable Shuttle Operations and Planning Complex (SOPC) of the Consolidated Space Operations Center (CSOC):

(1) July 1987 for mission planning.

(2) January 1992 for mission readiness (including astronaut training).

(3) November 1992 for mission control.

(b) REPORT.—No later than December 31, 1985, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the IOC dates set forth in subsection (a) will be met.

By Mr. McCOLLUM:

—At the end of title III (page 38, after line 10) insert the following new section:

SEC. 308. HUMANITARIAN ASSISTANCE TO RESISTANCE FORCES IN AFGHANISTAN.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of Defense may provide to the resistance forces in Afghanistan humanitarian assistance in accordance with this section. The Secretary may use any excess and surplus supplies of the Department of Defense and any supplies donated to the Department for such purpose, to the extent that provision of those supplies would constitute humanitarian assistance.

(b) TRANSPORTATION.—(1) The Secretary may provide transportation for supplies provided as humanitarian assistance under this section. Any such transportation shall be by the most economical means, including (if economical and otherwise appropriate) use of Reserve aircraft and of crews performing required Reserve training missions.

(2) There is authorized to be appropriated $10,000,000 to the Secretary of Defense for fiscal year 1986 for the purposes of paragraph (1).

(c) PRIORITY OF ASSISTANCE.—The Secretary of Defense shall expedite the handling of assistance under this section. Upon identification of any excess or surplus supplies of the Department as being suitable for such assistance, such supplies shall immediately be made available for the purposes of this section.

(d) ADMINISTRATION WITHIN THE UNITED STATES.—The Secretary of Defense shall have sole responsibility for the administration of humanitarian assistance under this section within the United States and may not delegate any part of that authority to any agency outside the Department of Defense.

By Mr. MONTGOMERY:

—At the end of title III (page 38, after line 10) insert the following new section:

SEC. 308. HUMANITARIAN ASSISTANCE TO RESISTANCE FORCES IN AFGHANISTAN.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of Defense may provide humanitarian assistance in accordance with this section to persons displaced or becoming refugees because of the invasion of Afghanistan by the Soviet Union. The Secretary may use any excess and surplus supplies of the Department of Defense and any supplies donated to the Department for such purpose, to the extent that provision

of those supplies would constitute humanitarian assistance.

(b) TRANSPORTATION.—(1) The Secretary may provide transportation for supplies provided as humanitarian assistance under this section. Any such transportation shall be by the most economical means, including (if economical and otherwise appropriate) use of Reserve aircraft and of crews performing required Reserve training missions.

(2) There is authorized to be appropriated $10,000,000 to the Secretary of Defense for fiscal year 1986 for the purposes of paragraph (1).

(c) PRIORITY OF ASSISTANCE.—The Secretary of Defense shall expedite the handling of assistance under this section. Upon identification of any excess for surplus supplies to the Department as being suitable for such assistance, such supplies shall immediately be made available for the purposes of this section.

(d) ADMINISTRATION WITHIN THE UNITED STATES.—The Secretary of Defense shall have sole responsibility for the administration of humanitarian assistance under this section within the United States and may not delegate any part of that authority to any agency outside the Department of Defense.

(e) DISTRIBUTION OF ASSISTANCE.—Assistance provided under this section shall be distributed to the recipients of the assistance by a private volunteer organization selected by the Secretary of Defense. If no suitable private volunteer organization is available, such assistance shall be distributed by the Agency for International Development.

—At the end of title III (page 38, after line 10) insert the following new section:

SEC. 308. LIMITATION CONCERNING AIR NATIONAL GUARD AND AIR FORCE RESERVE FLYING UNITS.

Funds appropriated to or for the use of the Secretary of the Air Force may not be used to deactivate or divest of its flying mission any flying unit of the Air National Guard of the Air Force Reserve.

—Page 172, after line 20, insert the following new section:

SEC. 1016. DEMONSTRATION PROJECT TO TEST THE USE OF A CERTAIN COMPUTER SYSTEM IN MILITARY HOSPITALS.

(a) TEST OF VETERANS' ADMINISTRATION DECENTRALIZED HOSPITAL COMPUTER PROGRAM.—The Secretary of Defense (hereinafter in this section referred to as the "Secretary") shall carry out a demonstration project for the purpose of testing the use in military hospitals of the hospital management computer system of the Veterans' Administration known as the Veterans' Administration's decentralized hospital computer program. The purpose of the test shall be to determine the feasibility and cost effectiveness of the use in military hospitals of such system rather than the use of centralized hospital management computer system, including the system referred to as the Composite Health-Care System.

(b) DURATION AND LOCATION OF DEMONSTRATION PROJECT.—The demonstration project under subsection (a) shall be carried out over a six-month period beginning on December 1, 1985, in six military hospitals designated by the Secretary. Two of such hospitals shall be under the jurisdiction of the Secretary of the Army, two shall be under the jurisdiction of the Secretary of the Navy, and two shall be under the jurisdiction of the Secretary of the Air Force.

(c) USE OF ALL COMPONENTS OF DHCP.—The Secretary, in consultation with the Administrator of Veterans' Affairs, shall ensure that all components of the system referred to in subsection (a) (including equipment and software) are used in each hospital in which the system is tested under this section.

(d) ASSISTANCE FROM VETERANS' ADMINISTRATION.—The Administrator of Veterans' Affairs shall provide, on a reimbursable basis, such personnel and equipment as are requested by the Secretary and determined by the Administrator to be available in order to assist the Secretary in carrying out the demonstration project under subsection (a).

(e) REPORT.—The Secretary shall transmit to Congress a report describing the demonstration project carried out under this section. Such report shall include specific findings and conclusions by the Secretary, and by the Secretary of each military department, with respect to the feasibility and cost-effectiveness of using the system referred to in subsection (a) in military hospitals, including the cost advantage that would accrue from acquiring a hospital management computer system in the near term rather than the date that would apply if the Secretary were to acquire a centralized computer system, including the system referred to as the Composite Health-Care System.

(f) RESTRICTION.—The Secretary may not enter into a contract for the procurement of a centralized computer system for military hospitals, including the system referred to as the Composite Health-Care System, until the Secretary has evaluated the results of the project carried out under this section, specifically with regard to the feasibility and cost-effectiveness of using the computer system referred to in subsection (a) for military hospitals instead of using a centralized computer system, including the system referred to as the Composite Health-Care System.

(g) COMPTROLLER GENERAL REPORT.—The Comptroller General shall evaluate the conduct of the demonstration project and shall report to Congress whether the Secretary has carried out the demonstration program in accordance with this section.

(h) DEFINITION.—In this section, the term "military hospital" means a hospital or medical center under the jurisdiction of the Secretary of the military department.

By Mr. NICHOLS:

—At the end of title III (page 38, after line 10), insert the following new section:

SEC. 308. SPECIFICATION OF CORE-LOGISTICS FUNCTIONS SUBJECT TO CONTRACTING-OUT LIMITATION.

(a) IN GENERAL.—A function of the Department of Defense described in subsection (b) shall be deemed for the purposes of section 307(b) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2514), to be a logistics activity identified by the Secretary of Defense under section 307(a)(2) of such Act as necessary to maintain the logistics capability of the Department of Defense described in section 307(a)(1) of such Act.

(b) DESCRIPTION OF FUNCTIONS.—The functions to which subsection (a) applies are the following:

(1) Depot level distribution and maintenance of mission-essential material at the following activities of the Army:

Anniston Army Depot, Anniston, Alabama.

Corpus Christi Army Depot, Corpus Christi, Texas.

Crane Army Ammunition Plant, Crane, Indiana. Fort Wingate Army Depot, Gallup, New Mexico.

Letterkenny, Army Depot, Letterkenny, Pennsylvania.

Lexington-Blue Grass Army Depot, Lexington, Kentucky.

McAlester Army Ammunition Plant, McAlester, Oklahoma.

New Cumberland Army Depot, Harrisburg, Pennsylvania.

Pueblo Army Depot, Pueblo, Colorado.

Red River Army Depot, Texarkana, Texas.

Rock Island Arsenal, Rock Island, Illinois.

Sacramento Army Depot, Sacramento, California.

Savanna Army Depot, Savanna, Illinois.

Seneca Army Depot, Romulus, New York.

Sharpe Army Depot, Stockton, California.

Sierra Army Depot, Herlong, California.

Tobyhanna Army Depot, Tobyhanna, Pennsylvania.

Tooele Army Depot, Tooele, Utah.

Umatilla Army Depot, Umatilla, Oregon.

Watervliet Arsenal, Watervliet, New York.

(2) Depot-level distribution and maintenance of mission-essential materiel at the following activities of the Navy:

Naval Air Rework Facility, Alameda, California.

Naval Air Rework Facility, Cherry Point, North Carolina.

Naval Air Rework Facility, Jacksonville, Florida.

Naval Air Rework Facility, Norfolk, Virginia.

Naval Air Rework Facility, Pensacola, Florida.

Naval Air Rework Facility, North Island, San Diego, California.

Naval Aviation Supply Office, Philadelphia, Pennsylvania.

Naval Construction Battalion Center, Davisville, Rhode Island.

Naval Construction Battalion Center, Gulfport, Mississippi.

Naval Construction Battalion Center, Port Hueneme, California.

Naval Electronics Systems Engineering Center, San Diego, California.

Naval Ordnance Station, Indian Head, Maryland.

Naval Ordnance Station, Louisville, Kentucky.

Naval Shipyard, Charleston, South Carolina.

Naval Shipyard, Norfolk, Virginia.

Naval Shipyard, Long Beach, California.

Naval Shipyard, Mare Island, California.

Naval Shipyard, Philadelphia, Pennsylvania.

Naval Shipyard, Portsmouth, Kittery, Maine.

Naval Shipyard, Pearl Harbor, Hawaii.

Naval Shipyard, Puget Sound, Bremerton, Washington.

Naval Ship Repair Facility, Guam.

Naval Supply Center, Charleston, South Carolina.

Naval Supply Center, Jacksonville, Florida.

Naval Supply Center, Norfolk, Virginia.

Naval Supply Center, Oakland, California.

Naval Supply Center, Pearl Harbor, Hawaii.

Naval Supply Center, Puget Sound, Bremerton, Washington.

Naval Supply Center, San Diego, California.

Naval Undersea Warfare Engineering Station, Keyport, Washington.

Naval Weapons Station, Charleston, South Carolina.
Naval Weapons Station, Colts Neck, Earle, New Jersey
Naval Weapons Station, Concord, California.
Naval Weapons Station, Seal Beach, California.
Naval Weapons Station, Yorktown, Virginia.
Naval Weapons Station Center, Crane, Indiana.
Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania.
TRIDENT Refit Facility, Bangor, Bremerton, Washington.

(3) Depot-level distribution and maintenance of mission-essential materiel at the following activities of the Marine Corps:
Marine Corps Logistics Base, Albany, Georgia.
Marine Corps Logistics Base, Barstow, California.

(4) Depot-level distribution and maintenance of mission-essential materiel at the following activities of the Air Force:
Aerospace Guidance and Metrology Center, Newark Air Force Station, Ohio.
Ogden Air Logistics Center, Hill Air Force Base, Utah.
Oklahoma City Air Logistics Center, Tinker Air Force Base, Oklahoma.
Sacramento Air Logistics Center, McClellan Air force Base, California.
San Antonio Air Logistics Center, Kelly Air Force Base, Texas.
Warner Robins Air Logistics Center, Robins Air Force Base, Georgia.

(5) Depot-level distribution and maintenance of mission-essential equipment at the following activities of the Defense Logistics Agency:
Defense Construction Supply Center, Columbus, Ohio.
Defense Depot Mechanicsburg, Mechanicsburg, Pennsylvania.
Defense Depot Memphis, Memphis, Tennessee.
Defense Depot Ogden, Ogden, Utah.
Defense Depot Tracy, Tracy, California.
Defense Electronics Supply Center, Dayton, Ohio.
Defense General Supply Center, Richmond, Virginia.
Defense Industrial Plant Equipment Center, Memphis, Tennessee.
Defense Industrial Supply Center, Philadelphia, Pennsylvania.
Defense Logistics Service Center, Battle Creek, Michigan.
Defense Subsistence Office, Bayonne, New Jersey.

(6) Depot-level distribution and maintenance of mission-essential materiel at the following activities the Defense Mapping Agency:
Aerospace Center, Kansas City Field Office, Kansas City, Missouri.
Aerospace Center, St. Louis AFS, Missouri.
Office of Distribution Services, Brookmont, Maryland.
Office of Distribution Services, Clearfield, Utah.
Office of Distribution Services, Philadelphia, Pennsylvania.

(c) MATTERS INCLUDED WITHIN SPECIFIED FUNCTIONS.—The functions described in subsection (b) include—

(1) the facilities and equipment at the activities listed in that subsection; and

(2) the Government personnel who manage and perform the work at those activities.

(d) EXCLUSION OF CERTAIN FUNCTIONS.—Subsection (b) does not include any function that on the date of the enactment of this Act—

(1) is being performed under contract by non-Government personnel; or

(2) has been announced to Congress for review for conversion to performance by non-Government personnel under Office of Management and Budget Circular A-76.

(e) Definition.—For the purposes of this section, the term "mission-essential material" means all material which is authorized and available to combat, combat support, combat service support, and combat readiness training forces to accomplish their assigned mission.

(f) Technical Amendment.—Section 308(b)(4) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2515), is amended by striking out "30-day period" and inserting in lieu thereof "20-day period".

By Mr. PANETTA:

—Insert the following at the end of part C of title X (page 176, after line 8):

SEC. 1024. REPORT ON RETIREMENT BENEFITS OF PHILIPPINE SCOUTS

(a) IN GENERAL.—The Secretary of the Army (hereinafter in this section referred to as the "Secretary") shall conduct a study of—

(1) the disparity between the pay received by members of the Philippine Scouts who served during World War II and the pay received by other members of the United States Army during such war who had grades and lengths of service that correspond to the grades and lengths of service of such members of the Philippine Scouts; and

(2) the effect of this disparity on the retirement benefits of such members of the Philippine Scouts and their survivors.

(b) PARTICULAR SUBJECTS OF THE STUDY.—In carrying out such study, the Secretary shall—

(1) compile a list of all persons who served as members of the Philippine Scouts during the period beginning December 7, 1941, and ending December 31, 1946;

(2) compile a list of persons described in paragraph (1) who are alive on the date of enactment of this Act;

(3) determine the amount of basic pay each person described in paragraph (1) received for services rendered as a member of the Philippine Scouts during the period described in such paragraph and compare it to the amount of basic pay each such person would have received as a member of the Philippine Scouts during that period if the rates of basic pay during such period for the Philippine Scouts had been the same as the rates of basic pay for other members of the United States Army with corresponding grades and length of service during such period;

(4) determine the amount of retired pay that each person described in paragraph (2) is entitled to receive as retired pay from the Army as a result of service rendered as a Philippine Scout and compare it to the amount such person would receive with respect to periods beginning after the date of enactment of this Act if the rate of basic pay payable to such person during the period described in paragraph (1) had been the rate of basic pay payable to any other member of the United States Army with the corresponding grade and length of service during such period; and

(5) determine possible options, and the costs of each, for recalculating the retirement pay of persons described in paragraph (1), including survivor benefits, in order to remedy the disparity in pay received by such persons during their service as Philippine Scouts.

(c) REPORT.—(1) The Secretary shall transmit, within one year after the date of enactment of this Act, to the Armed Services Committees of the Senate and House of Representatives a report containing the findings and conclusions of the Secretary with respect to each of the matters described in paragraphs (1) through (5) of subsection (b).

(2) If the Secretary determines that—

(A) the documents necessary to compile the lists and make the determinations under subsection (b) are not attainable through reasonable efforts; or

(B) the cost of compiling such lists and making such determinations is excessive,

the Secretary shall make a report as soon as practicable to such Committees with a justification of such determination.

(3) If a report is made to the Committees under paragraph (2), the report to such Committees under paragraph (1) shall be based on the best information that can be reasonably obtained without excessive costs.

By Mr. SIKORSKI:

—At the end of part A of title X (page 167, after line 10) insert the following new section:

SEC. 1002. REDUCTION IN PROCUREMENT AUTHORIZATIONS AVAILABLE BECAUSE OF PROCUREMENT REFORM.

(a) TEN PERCENT GENERAL REDUCTION.—The total amount obligated or expended from funds appropriated pursuant to authorizations of appropriations in title I and transferred pursuant to authorizations in title I may not exceed 90 percent of the sum of the amounts authorized to be appropriated and transferred in such title.

(b) REDUCTIONS TO COME FROM CONTRACT SAVINGS.—Reductions required by subsection (a)—

(1) may not be achieved through cancellation of any program or stretchout of procurement under any program; but

(2) may be achieved only through cost reductions under contracts entered into to carry out programs authorized by title I.

—Page 167, after line 10, add the following new section:

SEC. 1002. REPORT ON BUDGETING FOR INFLATION.

(a) REPORT ON SAVINGS FROM LOWER INFLATION.—Not later than September 1, 1985, the Secretary of Defense shall submit to Congress a report containing—

(1) an explanation of what the Department of Defense does with funds in any fiscal year that are [saved] as a result of a decrease in the anticipated rate of inflation during that year; and

(2) an estimate of the amount of unobligated funds from fiscal years before fiscal year 1985 proposed to be obligated during fiscal year 1985 that represents savings realized as the result of a difference in the inflation rate assumed at the time those funds were appropriated and the actual rate of inflation.

(b) PROPOSALS FOR NEW BUDGET SYSTEM FOR INFLATION ALLOWANCE.—The Secretary shall include in the report under subsection (a) a proposal or alternative proposals for a budget system under which—

(1) funds for any fiscal year would be appropriated to the Department of Defense without the addition of any amount for anticipated inflation during such fiscal year; and

(2) requests would be made to the Congress at the end of the fiscal year for any additional funds made necessary by reason of inflation during the fiscal year.

(c) RECOMMENDATIONS.—The Secretary shall include in such report—

(1) the Secretary's recommendations for procedures which would effectively implement a proposal submitted under subsection (b); and

(2) a discussion of the advantages and disadvantages of instituting such a proposal, together with any other comments and recommendations the Secretary considers appropriate.

By Mr. DENNY SMITH:

—Insert the following new section at the end of title I (page 22, after line 23):

SEC. 111. REQUIREMENTS WITH RESPECT TO THE BRADLEY FIGHTING VEHICLE.

(a) IN GENERAL.—(1) The Secretary of Defense shall submit a report to the Armed Services Committees of the House of Representatives and the Senate, in both a classified and an unclassified version, with respect to the Bradley Fighting Vehicle. Such report shall describe the results of the two phase live five survivability testing program being carried out with respect to such vehicle.

(2) In Phase 1 of the testing program referred to in paragraph (1), at least 10 live fire tests using anti-armor weapons of the Soviet Union shall be conducted against such vehicle in its present configuration. In Phase 2 of such program, similar tests shall be conducted against such vehicle with enhanced survivability features.

(b) CONTENT OF REPORT.—The report required by this section shall contain the following:

(1) A complete analysis of the results of the testing program referred to in subsection (a), including an accounting of all of the test shots which were fired at such vehicle, the distances from which they were fired, and the effects of such shots.

(2) A description and justification for the measures of merit and the pass/fail criterion used in the testing program.

(3) A justification for exemption from the testing program any overmatch or undermatch weapon which would likely be encountered in combat conditions.

(4) Potential problems that were revealed by the tests and a proposed design modification for remedying such problems.

(5) The estimated unit cost of each proposed survivability modification and the overall program cost for the modifications.

(6) A comparison of the estimated unit cost of the Bradley Fighting Vehicle in both the baseline configuration and the modified configurations.

(c) DATE OF SUBMISSION FOR THE REPORT.—The reports required by this section shall be transmitted as follows:

(1) The report regarding the results of Phase 1 shall be transmitted no later than December 1, 1985.

(2) The report regarding the results of Phase 2 shall be transmitted no later than June 1, 1986.

—Insert the following at the end of part B of title X (page 172, after line 20):

SEC. 1016. BASE CLOSURES AND REALIGNMENTS.

(a) IN GENERAL.—Subsection (a) of section 2687 of title 10, United States Code, is amended—

(1) by striking out clauses (1) and (2) and inserting in lieu thereof the following:

"(1) any closure of a military installation or realignment with respect to a military installation if, as determined by the Secretary of Defense, the number of civilian personnel on the installation at the time of the Secretary's administrative decision regarding the closure or realignment is equal to or greater than one percent of the number of civilians employed at such time in the region in which the installation is located; or"; and

(2) by redesignating clause (3) as clause (2) and by striking out "or (2)" in such clause both places it appears.

(b) ACTIONS TO BE TAKEN BEFORE CLOSURE OR REALIGNMENT.—Subsection (b) of such section is amended—

(1) in clause (3)—

(A) by striking out "final"; and

(B) by striking out "and a detailed" and all that follows through "realignment" and inserting in lieu thereof ", a concise statement of the Secretary's findings concerning the socioeconomic impact of the proposed closure or realignment, and a succinct justification for the proposed closure or realignment with respect to the cost-effectiveness, strategic, and operational aspects of the closure or realignment;"; and

(2) in clause (4)—

(A) by striking out "60" and inserting in lieu thereof "30";

(B) by inserting "statement and" before "justification"; and

(C) by striking out "has" and inserting in lieu thereof "have".

(c) DEFINITIONS.—Subsection (d) of such section is amended—

(1) by striking out clause (1) and inserting in lieu thereof the following:

"(1) 'Military installation' means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or Guam."; and

(2) by adding the following before the period at the end of clause (2): ", base operating support personnel, and nonappropriated fund personnel".

(d) REVIEW OF ACTION.—Such section is further amended by adding at the end thereof the following new subsection:

"(f) Actions of Federal officers and employees with respect to the closure of a military installation or the realignment of a military installation, or with respect to the transfer, exchange, sale, or other disposal of real property that was the site of a military installation immediately before such disposal, are not subject to review by Federal courts under provisions, or with respect to any requirements, of Public Law 91-190 (or any regulation issued under that Public Law).".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any closure or realignment of a military installation that is first publicly announced after January 1, 1986.

—Insert the following at the end of part B of title X (page 172, after line 20):

SEC 1016. BASE CLOSURES AND REALIGNMENTS.

(a) IN GENERAL.—Subsection (a) of section 2687 of title 10, United States Code, is amended—

(1) by striking out clauses (1) and (2) and inserting in lieu thereof the following:

"(1) any closure of a military installation or realignment with respect to a military installation if, as determined by the Secretary of Defense, the number of civilian personnel on the installation at the time of the Secretary's administrative decision regarding the closure or realignment is equal to or greater than one percent of the number of civilians employed at such time in the region in which the installation is located; or"; and

(2) by redesignating clause (3) as clause (2) and by striking out "or (2)" in such clause both places it appears.

(b) ACTIONS TO BE TAKEN BEFORE CLOSURE OR REALIGNMENT.—Subsection (b) of such section is amended—

(1) in clause (3)—

(A) by striking out "final"; and

(B) by striking out "and a detailed" and all that follows through "realignment" and inserting in lieu thereof ", a concise statement of the Secretary's findings concerning the socioeconomic impact of the proposed closure or realignment, and a succinct justification for the proposed closure or realignment with respect to the cost-effectiveness, strategic, and operational aspects of the closure or realignment;"; and

(2) in clause (4)—

(A) by striking out "60" and inserting in lieu thereof "30";

(B) by inserting "statement and" before "justification"; and

(C) by striking out "has" and inserting in lieu thereof "have".

(c) DEFINITIONS.—Subsection (d) of such section is amended—

(1) by striking out clause (1) and inserting in lieu thereof the following:

"(1) 'Military installation' means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or Guam."; and

(2) by adding the following before the period at the end of clause (2): ", base operating support personnel, and nonappropriated fund personnel".

(d) REVIEW OF ACTION.—Such section is further amended by adding at the end thereof the following new subsection:

"(f) Actions of Federal officers and employees with respect to the closure of a military installation or the realignment of a military installation, or with respect to the transfer, exchange, sale, or other disposal of real property that was the site of a military installation immediately before such disposal, are not subject to review by Federal courts under provisions, or with respect to any requirements, of Public Law 91-190 (or any regulation issued under that Public Law).".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any closure or realignment of a military installation that is first publicly announced after January 1, 1986.

—Insert the following at the end of title I (page 22, after line 23):

SEC. 111. CONDITION ON PROCUREMENT OF CERTAIN COMBAT VEHICLES.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding the following new section at the end thereof:

"§ 2406. Condition on procurement of certain wheeled or tracked armored vehicles

"(a) The Secretary of Defense shall provide that no contract is entered into by the Department of Defense for the procurement of—

"(1) any newly developed combat wheeled or tracked armored vehicle; or

"(2) any combat wheeled or tracked armored vehicle with significant newly developed survivability modifications,

Unless the testing carried out in the development of such vehicle meets the requirements of subsection (b).

"(b)(1) The testing of any combat wheeled or tracked armored vehicle referred to in subsection (a) shall include a series of test shots to be made by each type of weapon (or appropriate substitute, if required) that is likely to be a combat threat to the vehicle. Such tests shall be carried out in a manner modeled after the Bradley Fighting Vehicle Joint Live-Fire Test Program and shall at least include test shots fired under the same conditions at both the test vehicle and the vehicle it is to replace, if any, with each vehicle being equipped with all of the elements that the vehicle would be equipped with in combat.

"(2) In making a determination under paragraph (1) concerning the weapons that are likely to be a combat threat to the vehicle, the Secretary may exclude such weapons that are obviously overmatched or undermatched threats to the vehicle.

"(c) The Secretary of Defense shall make a classified report and an unclassified report to the Committees on Appropriations and the Committees on Armed Services of the Senate and House of Representatives with respect to the testing of each vehicle for which testing is required under this section. The reports shall be transmitted along with the first request for authorizations for procurement of the vehicle or for modifications to an existing vehicle and shall include at least—

"(1) a complete description of the firing parameters used and an analysis of the effect on the vehicle of each test shot made;

"(2) a description and justification of the merit and pass/fail criterion used in carrying out the test;

"(3) the criterion used for excluding certain weapons as obvious overmatch or undermatch weapons under subsection (b)(2);

"(4) potential shortcomings of the vehicle that were revealed by the testing and the proposed plan incorporating changes considered cost effective that are necessary to overcome such shortcomings;

"(5) a comparison of the estimated unit cost of each newly developed vehicle or of the unit cost of the newly developed survivability modifications being made and the unit cost of the vehicle that is to be replaced, if any, by the test vehicle.

"(d) The Secretary of Defense shall include in the Test and Evaluation Master Plan established for any combat wheeled or tracked armored vehicle to which this section applies an estimated cost and schedule of the testing to be carried out with respect to such vehicle."

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding the following at the end thereof:

"2406. Condition on procurement of certain wheeled or tracked armored vehicles.".

—Page 6, after line 13, insert the following:

(2) Of the amount appropriated pursuant to the authorization of appropriations in paragraph (1), $11,000,000 is available only for the procurement of gun pods for Marine Corps Reserve aircraft with a demonstrated anti-armor lethality equivalent to the GAU-8 30 millimeter gun pod.

(3) The Secretary of the Navy shall, within 120 days after the date of enactment of this Act, transmit to the Armed Services Committees of the Senate and House of Representatives the final plan for carrying out the procurement required by paragraph (2).

Page 6, line 14, strike out "(2)" and insert in lieu thereof "(4)".

By Mr. STRATTON:

—Page 6, after line 9, insert the following new subsection:

(g) AH-64 APACHE HELICOPTERS.—The Secretary of the Army may not obligate funds appropriated or otherwise made available for a fiscal year after fiscal year 1985 for procurement of AH-64 Apache attack helicopters until the Director of the Defense Contract Audit Agency reports to the Secretary that the contractor for such helicopters has demonstrated to the satisfaction of the Director—

(1) that the contractor has implemented an effective and reliable system of internal accounting controls; and

(2) that the contractor has accumulated documentation (including journals, vouchers, invoices, and expense data) to support the contractor's final submission for settlement of indirect expenses for calendar years 1979 through 1983 and that such documentation is available to the Director.

—Page 15, line 14, strike out "$1,366,000,000" and insert in lieu therof "$1,382,000,000".

—At the end of title I (page 22, after line 23) insert the following new section:

SEC. 111. A6 AIRCRAFT REWING PROGRAM.

(a) AUTHORIZED PROGRAM.—The Secretary of the Navy is authorized to carry out a program to replace the wings of the A6 aircraft. The amount obligated to carry out such program during fiscal year 1985 may not exceed $240,000,000.

(b) REQUIRED WARRANTY.—Funds may be obligated for the program authorized by subsection (a) only under a firm fixed-price contract which includes a warranty guaranteeing a wing fatigue life of at least 8,800 hours.

(c) AUTHORIZATION FOR TRANSFER OF FUNDS.—There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement for aircraft for the Navy for fiscal year 1985, to the extent provided in appropriation Acts, $240,000,000 for the program authorized by subsection (a). Such amount shall be derived from amounts appropriated for procurement of aircraft for the Navy for fiscal years before fiscal year 1986 as follows:

(1) $103,000,000 shall be derived from amounts appropriated for fiscal years before fiscal year 1985 remaining available for obligation.

(2) $137,000,000 shall be derived from amounts appropriated for fiscal year 1985 remaining available for obligation.

By Mr. WIRTH:

—Page 176, after line 8, add the following new section:

SEC. 1024. ANNUAL REPORT ON NUCLEAR WINTER FINDINGS AND POLICY IMPLICATIONS.

(a) CONTINUED PARTICIPATION IN INTERAGENCY STUDIES.—Notwithstanding any limitation in any other provision of this Act, the Secretary of Defense, in accordance with section 1107(a) of the Department of Defense Authorization Act, 1985 (Public Law 98-525), shall participate in any comprehensive interagency study conducted on the atmospheric, climatic, environmental, and biological consequences of nuclear war and the implications that such consequences have for the nuclear weapons strategy and policy, the arms control policy, and the civil defense policy of the United States.

(b) ANNUAL REPORT ON NUCLEAR WINTER FINDINGS.—(1) Not later than March 1, 1986, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an unclassified report suitable for release to the public, together with classified addenda (if required), concerning the subject described in subsection (a). The Secretary shall include in such report the following:

(A) A detailed review and assessment of the findings in the current body of domestic and international scientific literature on the atmospheric, climatic, environmental, and biological consequences of nuclear explosions and nuclear exchanges.

(B) A thorough evaluation of the implications that such findings have on—

(i) the nuclear weapons policy of the United States, especially with regard to strategy, targeting, planning, command, control, procurement, and deployment;

(ii) the nuclear arms control policy of the United States; and

(iii) the civil defense policy of the United States.

(C) A discussion of the manner in which the results of such evaluation of policy implications will be incorporated into the nuclear weapons, arms control, and civil defense policies of the United States.

(D) An analysis of the extent to which current scientific findings on the consequences of nuclear explosions are being studied, disseminated, and used in the Soviet Union.

(2) Not later than March 1st of 1987, 1988, 1989, and 1990, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives an unclassified report suitable for release to the public, together with classified addenda (if required), containing—

(A) a detailed update of the items contained in the report described in paragraph (1), taking into account any scientific studies and findings made by other agencies within the Federal Government or entities outside the Federal Government; and

(B) the results of any study in which the Secretary has been participating under subsection (a).

By Mr. WYDEN:

—Page 167, after line 10, add the following new section:

SEC. 1002. REPORT ON BUDGETING FOR INFLATION.

(a) REPORT ON SAVINGS FROM LOWER INFLATION.—Not later than September 1, 1985, the Secretary of Defense shall submit to Congress a report containing—

(1) an explanation of what the Department of Defense does with funds in any fiscal year that are [saved] as a result of a decrease in the anticipated rate of inflation during that year; and

(2) an estimate of the amount of unobligated funds from fiscal years before fiscal year 1985 proposed to be obligated during fiscal year 1985 that represents savings realized as the result of a difference in the inflation rate assumed at the time those funds were appropriated and the actual rate of inflation.

(b) PROPOSALS FOR NEW BUDGET SYSTEM FOR INFLATION ALLOWANCE.—The Secretary shall include in the report under subsection (a) a proposal or alternative proposals for a budget system under which–

(1) funds for any fiscal year would be appropriated to the Department of Defense without the addition of any amount for anticipated inflation during such fiscal year; and

(2) requests would be made to the Congress at the end of the fiscal year for any additional funds made necessary by reason of inflation during the fiscal year.

(c) RECOMMENDATIONS.—The Secretary shall include in such report—

(1) the Secretary's recommendations for procedures which would effectively implement a proposal submitted under subsection (b); and

(2) a discussion of the advantages and disadvantages of instituting such a proposal, together with any other comments and recommendations the Secretary considers appropriate.

—At the end of part A of title X (page 167, after line 10) insert the following new section:

SEC. 1002. REDUCTION IN PROCUREMENT AUTHORIZATIONS AVAILABLE BECAUSE OF PROCUREMENT REFORM.

(a) TEN PERCENT GENERAL REDUCTION.—The total amount obligated or expended from funds appropriated pursuant to authorizations of appropriations in title I and transferred pursuant to authorizations in title I may not exceed 90 percent of the sum of the amounts authorized to be appropriated and transferred in such title.

(b) REDUCTIONS TO COME FROM CONTRACT SAVINGS.—Reductions required by subsection (a)—

(1) may not be achieved through cancellation of any program or stretchout of procurement under any program; but

(2) may be achieved only through cost reductions under contracts entered into to carry out programs authorized by title I.