

a year and a half of their lives into the effort to set America straight.

Medical and scientific progress depends upon learning about people's responses to new medicines, to new cutting-edge treatments. Without this kind of research, our children would still be dying from polio and other killers. Without responsible radiation research, we wouldn't be making the progress we are in the war on cancer. We have to continue to research, but there is a right way and a wrong way to do it.

There are local citizens' review boards; there are regulations that establish proper informed consent and ensure that experiments are conducted ethically. But in overseeing this necessary research, we must never relax our vigilance.

The breathtaking advances in science and technology demand that we always keep our ethical watchlight burning. No matter how rapid the pace of change, it can never outrun our core convictions that have stood us so well as a nation for more than 200 years now, through many different scientific revolutions.

I believe we will meet the test of our times, that as science and technology evolve, our ethical conscience will grow, not shrink. Informed consent, community right-to-know, our entire battery of essential human protections, all these grew up in response to the health and humanitarian crises of this 20th century. They are proof that we are equal to our challenges.

Science is not ever simply objective. It emerges from the crucible of historical circumstances and personal experience. Times of crisis and fear can call forth bad science, even science we know in retrospect to be unethical. Let us remember the difficult years chronicled in this report, and think about how good people could have done things that we know were wrong.

Let these pages serve as an eternal reminder to hold humility and moral accountability in higher esteem than we do the latest development in technology. Let us remember, too, that cynicism about Government has roots in historical circumstances. Because of stonewallings and evasions in the past, times when a family member or a neighbor suffered an injustice and had nowhere to turn and couldn't even get the facts, some Ameri-

cans lost faith in the promise of our democracy. Government was very powerful but very far away and not trusted to be ethical.

So today, by making ourselves accountable for the sins of the past, I hope more than anything else, we are laying the foundation stone for a new era. Good people—like these Members of Congress who have labored on this issue for a long time and have devoted their careers to trying to do the right thing and having people justifiably feel confidence in the work of their Representatives—they will continue to work to see that we implement these recommendations.

And under our watch, we will no longer hide the truth from our citizens. We will act as if all that we do will see the light of day. Nothing that happens in Washington will ever be more important in anyone's life affected by these experiments, perhaps, than these reports we issue today. But all of us as Americans will be better off because of the larger lesson we learned in this exercise and because of our continuing effort to demonstrate to our people that we can be faithful to their values.

Thank you very much.

NOTE: The President spoke at 11:07 a.m. in Room 450 at the Old Executive Office Building. In his remarks, he referred to Ruth R. Faden, Chair, Advisory Committee on Human Radiation Experiments.

Executive Order 12975—Protection of Human Research Subjects and Creation of National Bioethics Advisory Commission

October 3, 1995

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Review of Policies and Procedures. (a) Each executive branch department and agency that conducts, supports, or regulates research involving human subjects shall promptly review the protections of the rights and welfare of human research subjects that are afforded by the department's or agency's existing policies and procedures. In conducting this review, departments and agencies

shall take account of the recommendations contained in the report of the Advisory Committee on Human Radiation Experiments.

(b) Within 120 days of the date of this order, each department and agency that conducts, supports, or regulates research involving human subjects shall report the results of the review required by paragraph (a) of this section to the National Bioethics Advisory Commission, created pursuant to this order. The report shall include an identification of measures that the department or agency plans or proposes to implement to enhance human subject protections. As set forth in section 5 of this order, the National Bioethics Advisory Commission shall pursue, as its first priority, protection of the rights and welfare of human research subjects.

(c) For purposes of this order, the terms "research" and "human subject" shall have the meaning set forth in the 1991 Federal Policy for the Protection of Human Subjects.

Sec. 2. Research Ethics. Each executive branch department and agency that conducts, supports, or regulates research involving human subjects shall, to the extent practicable and appropriate, develop professional and public educational programs to enhance activities related to human subjects protection, provide forums for addressing ongoing and emerging issues in human subjects research, and familiarize professionals engaged in nonfederally-funded research with the ethical considerations associated with conducting research involving human subjects. Where appropriate, such professional and educational programs should be organized and conducted with the participation of medical schools, universities, scientific societies, voluntary health organizations, or other interested parties.

Sec. 3. Establishment of National Bioethics Advisory Commission. (a) There is hereby established a National Bioethics Advisory Commission ("NBAC"). NBAC shall be composed of not more than 15 members to be appointed by the President. NBAC shall be subject to the Federal Advisory Committee Act, as amended (5 U.S.C. App.).

(b) The President shall designate a Chairperson from among the members of NBAC.

Sec. 4. Functions. (a) NBAC shall provide advice and make recommendations to the

National Science and Technology Council and to other appropriate government entities regarding the following matters:

(1) the appropriateness of departmental, agency, or other governmental programs, policies, assignments, missions, guidelines, and regulations as they relate to bioethical issues arising from research on human biology and behavior; and

(2) applications, including the clinical applications, of that research.

(b) NBAC shall identify broad principles to govern the ethical conduct of research, citing specific projects only as illustrations for such principles.

(c) NBAC shall not be responsible for the review and approval of specific projects.

(d) In addition to responding to requests for advice and recommendations from the National Science and Technology Council, NBAC also may accept suggestions of issues for consideration from both the Congress and the public. NBAC also may identify other bioethical issues for the purpose of providing advice and recommendations, subject to the approval of the National Science and Technology Council.

Sec. 5. Priorities. (a) As a first priority, NBAC shall direct its attention to consideration of: protection of the rights and welfare of human research subjects; and issues in the management and use of genetic information, including but not limited to, human gene patenting.

(b) NBAC shall consider four criteria in establishing the other priorities for its activities:

(1) the public health or public policy urgency of the bioethical issue;

(2) the relation of the bioethical issue to the goals for Federal investment in science and technology;

(3) the absence of another entity able to deliberate appropriately on the bioethical issue; and

(4) the extent of interest in the issue within the Federal Government.

Sec. 6. Administration. (a) The heads of executive departments and agencies shall, to the extent permitted by law, provide NBAC with such information as it may require for purposes of carrying out its functions.

(b) NBAC may conduct inquiries, hold hearings, and establish subcommittees, as necessary. The Assistant to the President for Science and Technology and the Secretary of Health and Human Services shall be notified upon establishment of each subcommittee, and shall be provided information on the name, membership (including chair), function, estimated duration, and estimated frequency of meetings of the subcommittee.

(c) NBAC is authorized to conduct analyses and develop reports or other materials. In order to augment the expertise present on NBAC, the Secretary of Health and Human Services may contract for the services of nongovernmental consultants who may conduct analyses, prepare reports and background papers, or prepare other materials for consideration by NBAC, as appropriate.

(d) Members of NBAC shall be compensated in accordance with Federal law. Members of NBAC may be allowed travel expenses, including per diem in lieu of subsistence, to the extent permitted by law for persons serving intermittently in the government service (5 U.S.C. 5701–5707).

(e) To the extent permitted by law, and subject to the availability of appropriations, the Department of Health and Human Services shall provide NBAC with such funds as may be necessary for the performance of its functions. The Secretary of Health and Human Services shall provide management and support services to NBAC.

Sec. 7. General Provisions. (a) Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act that are applicable to NBAC, except that of reporting annually to the Congress, shall be performed by the Secretary of Health and Human Services, in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) NBAC shall terminate two years from the date of this order unless extended prior to that date.

(c) This order is intended only to improve the internal management of the executive branch and it is not intended to create any right, benefit, trust, or responsibility, substantive or procedural, enforceable at law or

equity by a party against the United States, its agencies, its officers, or any person.

William J. Clinton

The White House,
October 3, 1995.

[Filed with the Office of the Federal Register, 2:11 p.m., October 3, 1995]

NOTE: This Executive order was published in the *Federal Register* on October 5.

Statement on Signing the Military Construction Appropriations Act, 1996

October 3, 1995

Today I have signed into law H.R. 1817, the "Military Construction Appropriations Act, FY 1996," which provides funding for military construction and family housing programs of the Department of Defense.

I am pleased that the Act provides my full request for the vast majority of military construction projects, the military family housing program, other quality of life facilities for our military personnel and their families, and the Defense Department base closure and realignment program. Especially noteworthy, the bill funds my request for the Defense Department Family Housing Improvement Fund, which will give the Department a new vehicle for acquiring and improving military housing and supporting facilities more quickly and at lower cost than with conventional funding and acquisition methods.

Although I am disappointed that the Act provides more funding than requested, most of the unrequested appropriations are for legitimate defense requirements. Funding was provided in FY 1996 rather than in future years.

I am concerned, however, that Congress has chosen to spend \$70 million on unneeded projects. The Defense Department has not identified these projects as priorities, and they will not help improve the quality of life for our service members. These projects are clear examples of why the President needs line-item veto authority. The taxpayers deserve protection from this kind of wasteful spending, and if I had the line-item veto, I