United States Code, to ban partial-birth abortions; as follows:

On page 2, at the end of line 9, insert the following: ''This paragraph does not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury, provided that no other medical procedure would suffice for that purpose.''

DOLE AMENDMENT NO. 3081

Mr. DOLE proposed an amendment to amendment No. 3080 proposed by Mr. SMITH to the bill, H.R. 1833, supra; as follows:

In the pending amendment, strike all after the word ''This'' and insert in lieu thereof the following: ''paragraph shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury, provided that no other medical procedure would suffice for that purpose.''

This paragraph shall become effective one day after enactment.

PRYOR (AND OTHERS) AMENDMENT NO. 3082

Mr. PRYOR (for himself, Mr. CHAFEE, and Mr. BROWN) proposed an amendment to the bill, H.R. 1833, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . APPROVAL AND MARKETING OF PRESCRIPTION DRUGS.

(a) APPROVAL OF APPLICATIONS OF GENERIC DRUGS.—For purposes of acceptance and consideration by the Secretary of an application under subsections (b), (c), and (j) of section 505, and subsections (b), (c), and (n) of section 512, of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (b), (c), and (j), and 360b (b), (c), and (n)), the expiration date of a patent that is the subject of a certification under section 505(b)(2)(A) (ii), (iii), or (iv), section 505(j)(2)(A)(vii) (II), (III), or (IV), or section 512(n)(1)(H) (ii), (iii), or (iv) of such Act, respectively, made in an application submitted prior to June 8, 1995, or in an application submitted on or after that date in which the applicant certifies that substantial investment was made prior to June 8, 1995, shall be deemed to be the date on which such patent would have expired under the law in effect on the day preceding December 8, 1994.

(b) MARKETING GENERIC DRUGS.—The remedies of section 271(e)(4) of title 35, United States Code, shall not apply to acts—

(1) that were commenced, or for which a substantial investment was made, prior to June 8, 1995; and

(2) that became infringing by reason of section 154(c)(1) of such title, as amended by section 532 of the Uruguay Round Agreements Act (Public Law 103–465; 108 Stat. 4983).

(c) EQUITABLE REMUNERATION.—For acts described in subsection (b), equitable remuneration of the type described in section 154(c)(3) of title 35, United States Code, as amended by section 532 of the Uruguay Round Agreements Act (Public Law 103–465; 108 Stat. 4983) shall be awarded to a patentee only if there has been—

(1) the commercial manufacture, use, offer to sell, or sale, within the United States of an approved drug that is the subject of an application described in subsection (a); or

(2) the importation by the applicant into the United States of an approved drug or of active ingredient used in an approved drug that is the subject of an application described in subsection (a).

(c) APPLICABILITY.—The provisions of this section shall govern—

(1) the approval or the effective date of approval of applications under section 505(b)(2), 505(j), 507, or 512(n), of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (b)(2) and (j), 357, and 360b(n)) submitted on or after the date of enactment of this Act; and

(2) the approval or effective date of approval of all pending applications that have not received final approval as of the date of enactment of this Act.

BOXER AMENDMENT NO. 3083

Mrs. BOXER proposed an amendment to amendment No. 3083 proposed by Mr. PRYOR to the bill, H.R. 1833, supra; as follows:

At the end of the amendment, add the following new sentence: ''The prohibition in section 1531(a) of title 18, United States Code, shall not apply to any abortion performed prior to the viability of the fetus, or after viability where, in the medical judgment of the attending physician, the abortion is necessary to preserve the life of the woman or avert serious adverse health consequences to the woman.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, December 5, 1995, beginning at 10 a.m. in room SD–215, to conduct a hearing on the Organization for Economic Cooperation and Development [OECD] Shipbuilding Subsidies Agreement.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, December 5, at 9:30 a.m. for a hearing on S. 88, Local Empowerment and Flexibility Act of 1995.

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

SUBCOMMITTEE ON THE ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on the Administrative Oversight and the Courts of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, December 5, 1995, at 10 a.m., in the Senate Dirksen Building, room 226, to hold a hearing on S. 984, the Parental Rights and Responsibilities Act.

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

ADDITIONAL STATEMENTS

GLAXO WELLCOME

● Mr. FAIRCLOTH. Mr. President, I want to applaud a dramatic new commitment by Glaxo Wellcome, a North Carolina-based pioneer pharmaceutical research company whose contributions to medicine and biotechnology have helped to make the American health care industry the most innovative and productive in the world.

Glaxo Wellcome has just received approval from the Food and Drug Administration for its latest drug, Epivir, an aggressive new treatment for AIDS. Epivir received FDA approval in less than 5 months, but the advent of this new treatment is the result of years of hard work and millions of dollars invested by Glaxo Wellcome.

The firm also announced that it has set itself the goal of bringing an unprecedented three new medicines to market each year by the beginning of the next century. This is an enormous endeavor. It will require threefold increase in Glaxo Wellcome's research and development productivity.

The merger of Glaxo and Burroughs Wellcome produced an enormous portfolio of research and development projects. The ensure the most efficient integration of the two firms, the entire portfolio was reviewed according to rigorous standards. The resulting R&D portfolio now includes 50 major research projects and 93 development projects. These projects run the gamut from cardiovascular disease and cancer to the neurosciences. Significant resources are being committed to projects involving the respiratory system: anti-viral infection: the central nervous system and other areas. Together, Glaxo Wellcome's total R&D spending for 1996 will exceed $1.9 billion.

That's good news for the millions of Americans who suffer from life threatening diseases for which there is currently no known treatment. Good news also for their families, their employers, and their neighbors. This massive investment in the future of American health care is good news for all of us.

Pioneering the next ''miracle drug'' is not easy. It costs, on average, 12 years and $350 million to develop just one new pharmaceutical. Only one in 5,000 compounds tested in a laboratory ever finds its way onto pharmacy shelves. And only a third of those ever earns full return on the vast investment of time, money, and thought made to discover it.

Because of the costly pioneering research of pharmaceutical companies like Glaxo Wellcome, American consumers have access to the next generation of pharmaceuticals and state-of-the-art medical treatments. Taxpayers also benefit because of the savings to be realized in future health care costs. Pioneers like Glaxo Wellcome hold our best hope for the discovery of breakthrough medicines in the future. I salute Glaxo Wellcome for deepening its commitment to the future of American medicine.●

THE NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995

● Mr. JOHNSTON. Mr. President, on November 28, 1995, President Clinton

signed into law the National Highway System Designation Act of 1995 which will make a number of desperately needed changes to our Nation's transportation infrastructure. I am pleased to have had the opportunity to work with my colleagues to pass this legislation. More importantly, I want to take special notice of a particular section of this law and the Louisiana citizens who did their civic duty in bringing a serious problem to the attention of their representatives in Washington.

The National Highway System Designation Act contains numerous specific projects that will benefit society and commerce and, as with all of the legislation we concern ourselves with in the U.S. Senate, proves the worth of our democratic process. Included in this law is a provision which I think most clearly demonstrates how important our system of representative democracy is and, hopefully, will help to renew our sense of civic duty and alleviate the apathetic attitude toward government that is so common today.

In one of the fastest growing areas in Louisiana, Ascension Parish, there is a section of State Highway 42 known commonly as ''Dead Man's Curve.'' Unfortunately, this name truly reflects the road's history. On this section of the two lane highway which curves drastically and cannot accommodate its growing traffic load, nearly 50 serious automobile accidents have occurred in the last 4 years. When the road becomes wet, as roads often do in south Louisiana, this poorly designed road becomes a death trap causing numerous multiple car sideswipes and head-on collisions. One particularly tragic accident last year took the lives of three young people and galvanized public support for the effort to make LA 42 safe.

On August 20, 1994, in a head-on collision on this dangerous S-curve, Mandy Acosta age 18, her cousin Brett Leggette age 13, and his friend Brett Frederic also age 13 died. In one horrible accident two sisters had lost their teen-aged children. An extended family and an entire community were devastated.

When the grieving period had run its course, these sisters decided that they would not simply stand by and watch history repeat itself, but would become involved to make sure that this road would not take more of our sons and daughters. Ms. Templet and Ms. Leggette organized the community through public marches and petition drives. They contacted Parish President Tommy Martinez who immediately mobilized his resources. Engineers Mr. Glenn Shaheen and Mr. Mark DeBossier were called in to find out what needed to be done. Mr. David Young coordinated their message and worked with the Louisiana congressional delegation to find the surest way to get the Government to fulfill its duty in protecting the lives of its citizens.

Mr. President, the dedicated and passionate work of these two sisters, Parish President Martinez, and their community did make a difference. As a result of their involvement, the Federal Government has now dedicated itself to finding the best way to fix Dead Man's Curve. I am pleased that the National Highway System Designation Act of 1995 includes $250,000 for this problem. I am most pleased, however, that Congress and the President have proven that our system works and that civic duty has not lost its meaning.●

TRIBUTE TO PAUL O. BOFINGER

● Mr. GREGG. Mr. President, it gives me great pleasure today to rise to pay tribute to Paul O. Bofinger, president of the Society for the Protection of New Hampshire Forests, upon his retirement. Paul has served the New Hampshire conservation community loyally for 30 years as an intelligent and clear voice of reason and stubborn common sense. Upon graduation from Cornell University in 1953 and the University of Michigan in 1955, Paul has been actively involved in the New Hampshire conservation debate. Paul's profound insight and powerful influence on New Hampshire environmental policy has helped to create the special tradition of balance and consensus building that we are proud of in New Hampshire.

Over the past three decades Paul Bofinger has received numerous awards and honors including the American Foresters John Artson Warder Medal, the Nature Conservancy's Conservation Achievement Award, the University of New Hampshire Granite State Award, and the Audubon Society of New Hampshire Tudor Richards Award. Paul received a 1982 Governor's Award of Distinction and was named 1994 Forester of the Year by the Granite State Division of the Society of American Foresters. He is a Franklin Pierce College Honorary Doctor of Human Letters, and a recipient of the Chevron Conservation Award. Paul Bofinger served in 1984 and 1985 at Harvard University as a C. Bullard Fellow.

Paul's leadership assured the success of the New Hampshire Land Conservation Investment Program and the creation of the majestic Lake Umbagog National Fish and Wildlife Refuge. Under his presidency, the New Hampshire Forest Society has become one of the premier land trusts in the Nation. During the past several years Mr. Bofinger and the New Hampshire Forest Society have contributed greatly to the work of the Northern Forest Lands Council. He has positioned New Hampshire as a leader in the regional effort to protect the traditional land use patterns of the great Northern Forest for the benefit of future generations. Through Paul's stewardship of New Hampshire conservation policy, his strong commitment to the development of broad consensus-based groups, and his disciplined approach to conservation policy through respectful dialog, New Hampshire's forest conservation and land use process has become a model for the rest of the country to learn and benefit from.

Mr. President, I ask that my colleagues join me in congratulating Paul Bofinger on an exemplary career as a leader of New Hampshire forest conservation and a voice of wise moderation. I wish him good fortune and Godspeed as, upon retirement, he pursues new life challenges.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following military nominations reported out of the Armed Services Committee today: Thomas Schwartz and Paul Funk.

I further ask unanimous consent that the nominations be confirm, en bloc; that the motions to reconsider be laid upon the table, en bloc; that any statements relating to the nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

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

The nominations considered and confirmed, en bloc, are as follows:

To be lieutenant general

Maj. Gen. Thomas A. Schwartz, 000–00–0000, U.S. Army.

To be lieutenant general

Lt. Gen. Paul E. Funk, 000–00–0000, U.S. Army.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

DEFENSE PRODUCTION ACT AMENDMENTS OF 1995

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 239, H.R. 2204.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2204) to extend and re-authorize the Defense Production Act of 1950, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOLE. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table and any statements relating to the bill be placed at the appropriate place in the RECORD.