

the report, shall make the report available to the public.

"(4) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

**"SEC. 772. ESTABLISHMENT OF LIST OF ARTICLES AND TEXTBOOKS DISSEMINATED AND LIST OF PROVIDERS THAT RECEIVED ARTICLES AND REFERENCE TEXTBOOKS.**

"(a) IN GENERAL.—A manufacturer that disseminates information in the form of articles or reference textbooks under section 771 shall prepare and submit to the Secretary bi-annually—

"(1) a list containing the titles of the articles and reference textbooks relating to the new use of drugs, biological products, and devices that were disseminated by the manufacturer to a person described in section 771(a)(1) for the 6-month period preceding the date on which the manufacturer submits the list to the Secretary; and

"(2) a list that identifies the categories of providers (as described in section 771(a)(1)) that received the articles and reference textbooks for the 6-month period described in paragraph (1).

"(b) RECORDS.—A manufacturer that disseminates information under section 771 shall keep records that identify the recipients of articles and textbooks provided pursuant to section 771. Such records are to be used by the manufacturer when, pursuant to section 771(a)(6), such manufacturer is required to take corrective action and shall be made available to the Secretary, upon request, for purposes of ensuring or taking corrective action pursuant to paragraph (3), (5), or (6) of section 771(a).

**"SEC. 773. CONSTRUCTION.**

"(a) DISSEMINATION OF INFORMATION ON DRUGS OR DEVICES NOT EVIDENCE OF INTENDED USE.—Notwithstanding subsection (a), (f), or (g) of section 502, or any other provision of law, the dissemination of information relating to a new use of a drug or device, in accordance with section 771, shall not be construed by the Secretary as evidence of a new intended use of the drug or device that is different from the intended use of the drug or device set forth in the official labeling of the drug or device. Such dissemination shall not be considered by the Secretary as labeling, adulteration, or misbranding of the drug or device.

"(b) PATENT PROTECTION.—Nothing in section 771 shall affect patent rights in any manner.

"(c) AUTHORIZATION FOR DISSEMINATION OF ARTICLES AND FEES FOR REPRINTS OF ARTICLES.—Nothing in section 771 shall be construed as prohibiting an entity that publishes a scientific journal (as defined in section 771(c)(5)) from requiring authorization from the entity to disseminate an article published by such entity and from charging fees for the purchase of reprints of published articles from such entity."

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 205(b), is further amended by adding at the end the following:

"(y) The dissemination of information pursuant to section 771 by a manufacturer who fails to comply with the requirements of such section."

(c) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations to implement the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act, or upon the Secretary's issuance of final regulations pursuant to subsection (c), whichever is sooner.

(e) TERMINATION OF EFFECTIVENESS.—The amendments made by this section cease to be effective September 30, 2006, or 7 years after the date on which the Secretary promulgates the regulations described in subsection (c), whichever is later.

**SEC. 812. REAUTHORIZATION OF CLINICAL PHARMACOLOGY PROGRAM.**

Section 2 of Public Law 102-222 (105 Stat. 1677) is amended—

(1) in subsection (a), by striking "a grant" and all that follows through "Such grant" and inserting the following: "grants for a pilot program for the training of individuals in clinical pharmacology at appropriate medical schools. Such grants"; and

(2) in subsection (b), by striking "to carry out this section" and inserting ", and for fiscal years 1998 through 2002 \$3,000,000 for each fiscal year, to carry out this section".

**SEC. 813. MONOGRAPH FOR SUNBURN PRODUCTS.**

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a final monograph for over-the-counter sunburn products for prevention or treatment of sunburn.

**SNOWE (AND OTHERS)  
AMENDMENT NO. 1131**

(Ordered to lie on the table.)

Ms. SNOWE (for herself, Mrs. MURRAY, Mr. D'AMATO, Ms. MOSELEY-BRAUN, Mr. FAIRCLOTH, and Ms. MIKULSKI) submitted an amendment intended to be proposed by them to the bill, S. 830, supra; as follows:

At the appropriate place, insert the following:

**SEC. . OFFICE OF WOMEN'S HEALTH.**

Chapter IX (21 U.S.C. 391 et seq.), as amended by section 804, is further amended by adding at the end the following:

**"SEC. 908. OFFICE OF WOMEN'S HEALTH.**

"(a) ESTABLISHMENT.—There is established within the Office of the Commissioner of the Food and Drug Administration an office to be known as the Office of Women's Health (hereafter referred to in this section as the 'Office'). The Office shall be headed by a Director who shall be appointed by the Commissioner of the Agency.

"(b) PURPOSE.—The Office shall—

"(1) monitor current levels of activity regarding women's participation in clinical trials and the study of gender differences in the testing of drugs, medical devices, and biological products;

"(2) advise the agency in providing guidance or criteria for drug and device manufacturers to use in determining the extent and sufficiency of female representation in clinical trials;

"(3) consult with women's health advocacy organizations, health professionals with expertise in women's issues, consumer organizations, and pharmaceutical manufacturers on Commission policy with regard to women's health.

"(4) make annual estimates of funds needed to monitor clinical trials in accordance with needs that are identified; and

"(5) coordinate women's health activities throughout the Food and Drug Administration.

"(c) COORDINATING COMMITTEE.—

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

"(2) COMPOSITION.—The Coordinating Committee shall be composed of the Directors of

the Food and Drug Administration Centers or their representatives.

"(3) CHAIRPERSON.—The Director of the Office shall serve as the Chairperson of the Coordinating Committee.

"(4) DUTIES.—With respect to advancing women's health within the mission of the Food and Drug Administration, the Coordinating Committee shall assist the Director of the Office in—

"(A) identifying the need for further studies in specific areas of women's health that fall within the mission of the agency, and developing strategies to foster such studies;

"(B) advising and expediting the intramural research funding process;

"(C) identifying needs regarding the coordination of agency activities; and

"(D) maintaining the agency's focus in ensuring that all agency actions are conducive to women's health.

"(d) REPORTS.—Not later than January 31, 1998, and January 31 of each second year thereafter, the Director shall prepare and submit to the Commissioner of the Food and Drug Administration, a report describing the activities carried out under this section during the preceding 2 fiscal years.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section."

**THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES  
APPROPRIATIONS ACT, 1998**

**GREGG AMENDMENT NO. 1132**

Mr. GORTON (for Mr. GREGG) proposed an amendment to the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 126, line 16, insert after "government" the following "that lies in whole or in part within the White Mountain National Forest and is"

On page 126, line 19, strike "recreational user fee" and insert in lieu thereof: "Demonstration Program Fee (parking permit or passport)"

On page 126, line 21-22, strike "White Mountain National" and "that lies, in whole or in part, within those boundaries."

**RESOLUTION ON THE BOMBING IN  
JERUSALEM**

**HUTCHINSON (AND BREAUX)  
AMENDMENT NO. 1133**

Mr. GORTON (for Mr. HUTCHINSON, for himself and Mr. BREAUX) proposed an amendment to the concurrent resolution (S. Con. Res. 50) condemning in the strongest possible terms the bombing in Jerusalem on September 4, 1997; as follows:

On page 3, beginning on line 6, strike out "should provide" and all that follows through "it has fulfilled" and insert in lieu thereof "will only provide monetary or other assistance to the Palestinian Authority once it has fulfilled".

On page 3, strike out lines 16 and 17.

On page 3, line 18, strike out "(E)" and insert in lieu thereof "(D)".

On page 3, line 21, strike out "(F)" and insert in lieu thereof "(E)".

On page 4, line 1, strike out "(G)" and insert in lieu thereof "(F)".

On page 4, strike out lines 3 through 5.

On page 4, line 6, strike out "(I)" and insert in lieu thereof "(G)".

On page 4, line 9, strike out "(J)" and insert in lieu thereof "(H)".

On page 4, line 15, strike out "(K) taking affirmative steps to reduce the size of the Palestinian police force," and insert in lieu thereof "(I) taking affirmative steps to ensure that the size of the Palestinian police force is".

## NOTICE OF HEARING

### COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a hearing in SR-301, Russell Senate Office Building, on Thursday, September 18, 1997 at 2 p.m. to receive testimony relating to the contested Senate election in Louisiana in November, 1996.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, September 11, 1997 at 9 a.m. in SD-106 to examine the broad implications of the recently proposed tobacco settlement.

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

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 11, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on S. 660, a bill to provide for the continuation of higher education through the conveyance of certain lands in the State of Alaska to the University of Alaska, and for other purposes, and S. 1092, a bill to provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, AK, and King Cove, AK, and for other purposes.

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

### COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Thursday, September 11, 1997 beginning at 10 a.m. in room SH-215, to conduct a markup on several trade bills.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate

on Thursday, September 11, 1997, at 10 a.m. to hold a hearing.

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

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Thursday, September 11, at 10 a.m. for a hearing on campaign financing issues.

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

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on confidentiality of medical information during the session of the Senate on Thursday, September 11, 1997, at 10 a.m.

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

### SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 11, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to receive testimony reviewing the Commemorative Works Act and the administrative and public process involved in the site selection of the World War II Memorial and the recently announced Air Force Memorial.

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

## ADDITIONAL STATEMENTS

### IN RECOGNITION OF ETTA MOTEN BARNETT'S 96TH BIRTHDAY

• Ms. MOSELEY-BRAUN. Mr. President, I would like to extend my heartfelt congratulations to Etta Moten Barnett on the occasion of her recent 96th birthday. Mrs. Barnett is a remarkable woman who has lived a life of great artistic and civic achievement.

By the time she was 30, Mrs. Barnett was married, had three children, divorced, and returned to school. After receiving a fine arts degree in voice from the University of Kansas, Mrs. Barnett moved to New York City to begin an illustrious career in show business that would take her around the world and before millions of people.

Mrs. Barnett distinguished herself with her incredible singing ability, both on the stage and on the silver screen. Her theatrical accomplishments include Broadway performances of "Porgy and Bess", "Fast and Furious", "Sugar Hill", "Zombie", and "Lysistrata". George Gershwin wrote the role of Bess with Mrs. Barnett in mind, and she performed in the star-

ring role in the first revival of "Porgy and Bess" on Broadway in 1942.

Mrs. Barnett's film credits include "The Gold Diggers", "Flying Down to Rio", and "My Forgotten Man". Her stirring performance in The "Carioca" earned the film an Oscar nomination for best song. After seeing her in "My Forgotten Man", President Franklin Roosevelt invited Mrs. Barnett to personally sing for him, and thus, she became the first African-American woman ever to perform at the White House.

Although Mrs. Barnett stopped performing in 1952, her contributions to American society continued. Along with husband Claude Barnett, the founding director of the Associated Negro Press, Mrs. Barnett took an active interest in issues affecting people of color around the world and became a champion of equal rights for all people.

As a founding member of the North Shore Chapter of the Links, Inc. in Chicago, Mrs. Barnett continues to give freely of herself to numerous cultural and civic organizations. Her commitment to improving the plight of women throughout the world was recognized when she was the first nongovernmental organization representative of the Links at the United Nations.

Etta Moten Barnett is truly an American legend. In honoring her 96th birthday, I join her family, friends, and colleagues in commending her for her outstanding accomplishments. Her talent on Broadway and on film has touched thousands of Americans, and her hard work, gracefulness, and civic-mindedness has inspired and set an example for thousands more. ●

### TRIBUTE TO THE HONORABLE ALBERT LEE SMITH, JR.

• Mr. SHELBY. Mr. President, I rise today in honor of The Honorable Albert Lee Smith, Jr., who died at age 65 on August 12, 1997, from injuries suffered in a tragic fall at his home. Mr. Smith was a friend, dedicated husband and father. He served with distinction in the U.S. House of Representatives during the 96th Congress on behalf of the people of Alabama's Sixth District.

Albert Lee Smith, Jr., grew up in Birmingham, AL and received his bachelor's degree from Auburn University. Always a leader, he served as an officer in the U.S. Navy, and was later awarded an honorary doctor of law degree from Samford University.

In 1956, Mr. Smith joined the Jefferson-Pilot Life Insurance Co. in Birmingham. For the next 41 years, Mr. SMITH had a distinguished career as a Chartered Life Underwriter. He served as president of the Birmingham Association of Life Underwriters and held several leadership positions in other professional organizations.

Albert Lee Smith, Jr. was a true gentleman and conservative visionary. He was an extraordinary leader for the Alabama Republican Party. Active since 1962, Mr. Smith served as a