receipt of a valid prescription order for the identified individual patient, and is compounded based on a history of the licensed pharmacist or licensed physician receiving valid prescription orders for the compounding of the drug product that have been generated solely within an established relationship between the licensed pharmacist, or licensed physician, and—

''(I) the individual patient for whom the prescription order will be provided; or

''(II) the physician or other licensed practitioner who will write such prescription order; and

''(B) the licensed pharmacist or licensed physician—

''(i) compounds the drug product using bulk drug substances—

''(I) that—

''(aa) comply with the standards of an applicable United States Pharmacopeia or National Formulary monograph; or

''(bb) in a case in which such a monograph does not exist, are drug substances that are covered by regulations issued by the Secretary under paragraph (3);

''(II) that are manufactured by an establishment that is registered under section 510 (including a foreign establishment that is registered under section 510(i)); and

''(III) that are accompanied by valid certificates of analysis for each bulk drug substance;

''(ii) compounds the drug product using ingredients (other than bulk drug substances) that comply with the standards of an applicable United States Pharmacopeia or National Formulary monograph and the United States Pharmacopeia chapter on pharmacy compounding;

''(iii) only advertises or promotes the compounding service provided by the licensed pharmacist or licensed physician and does not advertise or promote the compounding of any particular drug, class of drug, or type of drug;

''(iv) does not compound a drug product that appears on a list published by the Secretary in the Federal Register of drug products that have been withdrawn or removed from the market because such drug products or components of such drug products have been found to be unsafe or not effective;

''(v) does not compound a drug product that is identified by the Secretary in regulation as presenting demonstrable difficulties for compounding that reasonably demonstrate an adverse effect on the safety or effectiveness of that drug product; and

''(vi) does not distribute compounded drugs outside of the State in which the drugs are compounded, unless the principal State agency of jurisdiction that regulates the practice of pharmacy in such State has entered into a memorandum of understanding with the Secretary regarding the regulation of drugs that are compounded in the State and are distributed outside of the State, that provides for appropriate investigation by the State agency of complaints relating to compounded products distributed outside of the State.

''(2)(A) The Secretary shall, after consultation with the National Association of Boards of Pharmacy, develop a standard memorandum of understanding for use by States in complying with paragraph (1)(B)(vi).

''(B) Paragraph (1)(B)(vi) shall not apply to a licensed pharmacist or licensed physician, who does not distribute inordinate amounts of compounded products outside of the State, until—

''(i) the date that is 180 days after the development of the standard memorandum of understanding; or

''(ii) the date on which the State agency enters into a memorandum of understanding under paragraph (1)(B)(vi), whichever occurs first.

''(3) The Secretary, after consultation with the United States Pharmacopeia Convention Incorporated, shall promulgate regulations limiting compounding under paragraph (1)(B)(i)(I)(bb) to drug substances that are components of drug products approved by the Secretary and to other drug substances as the Secretary may identify.

''(4) The provisions of paragraph (1) shall not apply—

''(A) to compounded positron emission tomography drugs as defined in section 201(ii); or

''(B) to radiopharmaceuticals.

''(5) In this subsection, the term 'compound' does not include to mix, reconstitute, or perform another similar act, in accordance with directions contained in approved drug labeling provided by a drug manufacturer.''.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the nominations hearing previously scheduled before the full Committee on Energy and Natural Resources on Thursday, September 18, 1997, at 9:30 a.m. will now take place at 9 a.m. in room SE–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Camille Flint at (202) 224–5070.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on ''Emerging Securities Fraud: Fraud In The Micro-Capital Markets.''

This hearing will take place on Monday, September 22, 1997, at 1:30 p.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Timothy J. Shea of the subcommittee staff at 224–3721.

ADDITIONAL STATEMENTS

ENHANCED OIL RECOVERY PROJECTS PROGRESS

• Mr. DOMENICI. Mr. President, in 1989, I stood on the Senate floor and urged the Senate to enact tax incentives for enhanced oil recovery techniques.

At that time, I told my colleagues that traditional drilling techniques were leaving behind 70 percent of the resource when traditional drilling and pumping was completed. To me, this was wasteful, foolish, and unnecessary.

It is wasteful to leave the oil behind.

It is foolish because the United States has a growing appetite for energy. We are currently importing close to half of the energy we use from an area of the world renowned for political instability.

It is unnecessary because we have the technology to recover the resource if we would use enhanced oil recovery techniques.

In 1989, I also told the Senate that it would be possible to recover another 20 billion barrels of oil from our same oil fields of existing wells if enhanced oil recovery techniques were used. Since our known recoverable reserves at that time were in the neighborhood of 28 billion barrels, the potential was, and still is, significant.

At that time, the Department of Energy conducted extensive studies showing that if a 15-percent investment tax credits were enacted, it could result in the recovery of additional reserves for as little cost to the Treasury as $1 per additional barrel recovered—assuming $20 per barrel oil.

For each and every dollar of Federal revenue invested in EOR incentives, the trade deficit would be reduced by $24 to $76 dollars according to the same DOE studies.

States with significant EOR potential include California, Texas, New Mexico, and Oklahoma. Other States with reserves include Arkansas, Colorado, Florida, Illinois, Kansas, Louisiana, Mississippi, Montana, North Dakota, Utah, and Wyoming.

In 1990, the Congress enacted tax incentives to encourage enhanced oil recovery so that more of this vast resource could be recovered and put to good use. I am proud to have been the primary sponsor of that legislation.

As a Senator, one of the greatest rewards is seeing a new law make the world a better place. During the August recess I had this rewarding experience. I also saw the predictions of the theoretical studies proven up in the real world.

I toured the Texaco enhanced oil recovery project located in Buckeye, NM. The technical name of the project is the ''Central Vacuum Unit CO_2 project.''

This particular oil field was discovered in 1929. Primary oil recovery techniques were used until 1977. Beginning in 1977, the field was transformed into a waterflood operation. Waterflood is a secondary oil recovery technique. The waterflood technology sustained and enhanced production for awhile, but it was evident that either the oil wells in the field would be shut-in and the field-shut down leaving behind a significant amount of oil, or enhanced oil recovery methods could prolong economic levels of production. One very promising enhanced oil recovery technique involves injecting the wells with CO_2.

CO_2 injection is an enhanced oil recovery technique eligible for a 15-percent Federal investment tax credit. Using CO_2 is going to significantly extend the life of this mature field by more than 20 years. The project will recover an additional 20 million barrels of oil and 23 billion cubic feet of gas that otherwise would have been left behind.

Texaco is the operator of this project. Marathon Oil, Phillips Petroleum, Mobil Exploration and Production U.S. Inc., and 15 others are interest owners in the project.

New Mexico is blessed with magnificent oil and gas reserves. It is doubly blessed because it is also the home to the New Mexico Institute of Mining and Technology Petroleum Recovery Research Center. The center has served as a focal point for development and application of improved oil and gas recovery processes. They have a world-renowned reputation as one of the leading petroleum research centers. They were very helpful in developing the original legislation.

In every oil- and gas-producing State, there are aging oil and gas fields with declining production, that could be made more productive using enhanced oil recovery techniques. I am pleased that there is a fine example in New Mexico. It is providing 100 jobs in addition to adding to our energy security.●

UKRAINIAN INDEPENDENCE DAY

● Mr. LEVIN. Mr. President, I rise today to honor Ukrainian Independence Day. Since its independence on August 24, 1991, The Ukrainian Government has taken several bold steps to reform the country after many years of Soviet rule. We should take this opportunity today to review the success that Ukraine has recently experienced.

In 1994, Ukraine held legislative and Presidential elections. These elections were carried out in an open and fair manner that bodes well for stable democracy in Ukraine. Ukraine now exhibits signs of a healthy democracy, including the existence of multiple interests represented within the Government, and last year, Ukraine overwhelmingly enacted a new constitution which guarantees the right of private ownership.

Ukraine has also focused on reforming its economy with some significant results. The Government has taken steps to improve the investment climate in Ukraine. In order to further promote privatization, the President of Ukraine signed the State Privatization Program for 1997. Ukraine also launched a new currency, the hryvna, and inflation has been reduced dramatically.

Ukraine's efforts on security issues may be its most successful. The Government has been rightfully lauded for its efforts to rid Ukrainian soil of nuclear weapons by faithfully following guidelines under the START I Treaty and other agreements. And, by joining the Partnership for Peace Program for NATO membership, Ukraine has shown its determination to contribute to the security of Europe.

The people of Ukraine deserve our admiration and support for the fine work they have done in such a short period of time. The Ukrainian-American community in Michigan is in the front ranks of such support. I know my Senate colleagues join me in celebrating the sixth anniversary of Ukrainian independence.●

PROTECT TRUTH IN LABELING

● Mr. ABRAHAM. Mr. President, last Thursday, Senator HOLLINGS and I introduced a resolution that aims to protect truth in labeling and, specifically, the integrity of the ''Made in USA'' label. It would express the sense of Congress that the Federal Trade Commission should retain the current standard for labeling products ''Made in USA.''

For over 50 years now, Mr. President, consumer goods have been labeled ''Made in USA'' when, and only when, they were made all or virtually all in the United States. But recently the FTC announced plans to allow companies to use the ''Made in USA'' label on products for which U.S. manufacturing costs represent as little as 75 percent of total manufacturing costs and the product was last substantially transformed in the United States. Alternatively, a product could be labeled ''Made in USA'' if it was last substantially transformed in the United States and all its significant inputs were last substantially transformed in the United States.

In practice, Mr. President, this means that products containing no materials or parts of U.S. origin could nonetheless be labeled as ''Made in USA.'' Should the company expend 75 percent of its manufacturing costs or engage in the final substantive assembly or other modification of the product in the United States, it could display the ''Made in USA'' label on the product, even if its entire content, including manufactured parts, came from overseas.

In my view, Mr. President, such rules would in effect condone false advertising. Many Americans look specifically for the ''Made in USA'' label because they want to support American workers. These loyal Americans do not believe that they are purchasing products mostly made in the USA, let alone products for which most manufacturing costs were incurred in the USA, or which were substantially transformed in the USA. Quite rightly, consumers who look for the ''Made in USA'' label believe that in purchasing a product with that label they are getting something made all or virtually all in the United States.

Also important, Mr. President, are the expectations of the many companies that have made substantial investments in plant and equipment, as well as hiring and training, in the United States. These companies have a right to expect that the ''Made in USA'' label, which they have worked so hard to earn and maintain, will continue to apply only to products made all, or virtually all, in the United States.

To dilute the requirement for use of the ''Made in USA'' label would be to lower the value of that label. It would allow companies operating substantially overseas to deceive American consumers who are attempting to support truly American made products and workers. It would discourage companies from investing in this country by telling them, in effect, that they will no longer receive any benefit for keeping jobs at home. The result would be a loss of American jobs and morale, as well as a critical blow to consumer confidence in the veracity of product labels.

Mr. President, the American people have a right to expect that the ''Made in USA'' label will mean what it says. For over 50 years they have depended on that label to assure them that they are purchasing products made all or virtually all in the United States. I urge my colleagues to join me in sending the message to the FTC that we must keep things that way.●

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senators as members of the Senate delegation to the Canada-United States Interparliamentary Group during the first session of the 105th Congress, to be held in Nova Scotia and Prince Edward Island, Canada, September 11–15, 1997:

The Senator from Utah [Mr. MURKOWSKI], Chairman;

The Senator from Utah [Mr. HATCH];

The Senator from Iowa [Mr. GRASSLEY];

The Senator from Indiana [Mr. COATS];

The Senator from Ohio [Mr. DEWINE]; and

The Senator from Wyoming [Mr. ENZI].

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–26

Mr. BENNETT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 15, 1997, by the President of the United States:

Protocol with Mexico Amending Convention for Protection of Migratory Birds (Treaty Document No. 105–26).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol