

San Joaquin Valley Unified Air Pollution District" (FRL5557-2) received on August 23, 1996; to the Committee on Environment and Public Works.

EC-3826. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules including one rule entitled "Promulgation of Reid Vapor Pressure Standard; Michigan," (FRL5559-1, 5601-2, 5542-1) received on August 23, 1996; to the Committee on Environment and Public Works.

EC-3827. A communication from the Acting Administrator of the General Services Administration, transmitting, the Vice President's report on the Blue Pages Project; to the Committee on Governmental Affairs.

EC-3828. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a final rule relative to endangered and threatened plants, (RIN1018-AB88) received on August 21, 1996; to the Committee on Environment and Public Works.

EC-3829. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Extension of Decision on the Conditional Approval of Bismuth-Tin Shot as Nontoxic for the 1996-97 Season," (RIN1018-AD41) received on August 12, 1996; to the Committee on Environment and Public Works.

EC-3830. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule relative to hunting and/or sport fishing in ten national wildlife refuges, (RIN1018-AD77) received on August 26, 1996; to the Committee on Environment and Public Works.

EC-3831. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Codes and Standard for Nuclear Power Plants; Subsection IWE and Subsection IWL," (RIN3150-AC93) received on August 8, 1996; to the Committee on Environment and Public Works.

EC-3832. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the nondisclosure of Safeguards Information for the period April 1 through June 30, 1996; to the Committee on Environment and Public Works.

REPORTS SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of August 2, 1996, the following reports of committees were submitted on August 27, 1996:

By Mr. STEVENS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1376: A bill to terminate unnecessary and inequitable Federal corporate subsidies (Rept. No. 104-352).

By Mr. GREGG, from the Committee on Appropriations, with amendments:

H.R. 3814: A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997, and for other purposes (Rept. No. 104-353).

By Mr. STEVENS, from the Committee on Governmental Affairs, with amendments:

S. 94: A bill to amend the Congressional Budget Act of 1974 to prohibit the consider-

ation of retroactive tax increases (Rept. No. 104-354).

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

S. 1972: A bill to amend the Older Americans Act of 1965 to improve the provisions relating to Indians, and for other purposes (Rept. No. 104-355).

S. 1983: A bill to amend the Native American Graves Protection and Repatriation Act to provide for Native Hawaiian organizations, and for other purposes (Rept. No. 104-356).

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the bill (S. 982) to protect the national information infrastructure, and for other purposes (Rept. No. 104-357).

Report to accompany the bill (S. 1237) to amend certain provisions of law relating to child pornography, and for other purposes (Rept. No. 104-358).

Report to accompany the bill (S. 1556) to prohibit economic espionage, to provide for the protection of United States proprietary economic information in interstate and foreign commerce, and for other purposes (Rept. 104-359).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

S. 1893. A bill to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes (Rept. No. 104-360).

By Mr. McCAIN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

H.R. 3068. A bill to accept the request of the Prairie Island Indian Community to revoke their charter of incorporation issued under the Indian Reorganization Act (Rept. No. 104-361).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THOMPSON:

S. 2049. A bill to reform the budget and oversight processes of the Congress; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. BIDEN:

S. 2050. A bill to provide an enhanced penalty for distribution of controlled substances to recovering addicts; to the Committee on the Judiciary.

S. 2051. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the development of drugs to treat an addiction to illegal drugs, and for other purposes; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMPSON:

S. 2049. A bill to reform the budget and oversight processes of the Con-

gress; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have thirty days to report or be discharged.

THE BUDGET PROCESS AND OVERSIGHT REFORM ACT OF 1996

● Mr. THOMPSON. Mr. President, today, I am introducing legislation designed to improve the way Congress conducts its business. This legislation, entitled the "Budget Process and Oversight Reform Act of 1996," would create a 2-year budget process, and provide designated times for Congress to conduct oversight and work in their home States or districts.

As anyone who has followed Congress over the years knows, the changes proposed in this legislation are not new. However, in the past, proposals to create a 2-year budget and move toward a citizen legislature have languished in Congress.

Mr. President, I will do everything in my power to assure that these proposals get the most thorough consideration. In fact, I have already begun the process of reviewing them in Congress. In late July, the Governmental Affairs Committee's Subcommittee on Financial Management and Accountability, which I chair, held a hearing that began creating the record for legislative action that I hope will occur early in the next Congress.

Surely, after our experience with the budget process over the last year and a half, most in Congress would agree that biennial budgeting is an idea whose time has finally come. Since I came to Congress, I have spent an unusually high percentage of my time considering matters related to the budget. No sooner did we finish working on the fiscal 1996 budget, then we had to start work on the budget for fiscal year 1997.

Although I believe that a biennial budget will prevent recent history from being repeated, I do not believe that it is a panacea for all of our budget problems. It cannot bring the budget into balance—Members of the Senate and House, along with the President of the United States, must still make the tough choices to bring that about. And, it will not automatically solve the serious problems posed by the increased demand on entitlement programs as the next generation begins to retire.

What a biennial budget can do is to give us time for the important tasks that often get short shrift these days, such as conducting oversight and long-range planning, and spending more time at home. The legislation that I am introducing today will ensure that time for oversight and work at home is set aside.

Mr. President, let me briefly summarize the specifics of that legislation.

First, the bill would create a 2-year budget process, and would require Congress to complete action on the budget by September 30 of the first session. If Congress misses that legal

deadline, absent a national emergency, Members would not be paid.

In addition, the legislation would require Congress to perform oversight of the executive branch during the second year of the Congressional session.

Finally, the bill would require Congress to adjourn by July 31 of the second session. If Congress missed that legal deadline—again, absent a national emergency—Members would not be paid.

Mr. President, I would like to explain how this legislation came about. Ever since I began campaigning for the Senate, I have expressed the view that we need to cut the pay of Members of Congress and send them home. This, too, is not a new idea. It was first advocated by former majority leader Howard Baker and repropounded by Governor Lamar Alexander during his Presidential campaign.

The legislation I just described is the very first step in that direction. It shortens the amount of time that Members must devote to the budget process. However, in return, Members must spend more time overseeing the activities of the Federal Government and more time at home—either working with their constituents or pursuing the work that they engaged in before they came to Congress. I believe that these steps will help us re-create the citizen legislature that existed much earlier in this country's history.

I look forward to working with my colleagues on these and other ideas to make Congress more responsive and efficient.●

By Mr. BIDEN:

S. 2050. A bill to provide an enhanced penalty for distribution of controlled substances to recovering addicts; to the Committee on the Judiciary.

THE RECOVERING ADDICT PROTECTION ACT

● Mr. BIDEN. Mr. President, as anyone familiar with substance abuse treatment knows, recovery from addiction is a one-day-at-a-time procedure—often recovering addicts literally struggle on a daily basis to resist the temptation to use drugs. In recognition of this daily struggle, many treatment and 12-step programs run daily group meetings for those in treatment to gain support and help from others who are also committed to staying sober.

Unfortunately, as has become all too clear in all areas of drug policy, the people who traffic in drugs are unscrupulously cunning in constantly finding new ways to increase the number of people buying and becoming addicted to drugs. One of the easiest targets for drug dealers looking to increase their number of customers are the people most vulnerable to the temptations of drugs—recovering addicts.

Because those in treatment are often so easily tempted and because once they purchase drugs they are likely to become regular customers as their addiction retakes hold full force, they are, perversely, the most sought-after clients for drug dealers, representing a

steady and high-consumption consumer base.

It is obviously a problem every time a drug dealer sells narcotics to anyone. It is an even greater problem when drug dealers try to increase their profits by targeting the most susceptible and weakest members of our society. Recognizing this, Congress created drug-free school zones which recognized that drug dealers were finding schools a good place to target potential new customers—susceptible children—where they were most likely to be and where there are a lot of them together. Drug traffickers caught selling drugs in these areas are subject to harsher penalties than for selling outside of these areas.

This step to protect our children has obviously not completely solved the problem of youth drug abuse, but it has increased the chances that children can avoid being pressured by drug dealers into trying drugs. The same type of protection needs to be given to those similarly susceptible to coercion by drug dealers—recovering addicts. This type of tactic is a common occurrence, and it undermines the entire treatment community's efforts.

In addition, many recovering addicts are targeted in the very places they should be most safe: their recovery meetings. It is unfortunately easy for a dealer to attend a meeting such as Narcotics Anonymous, listen to the other attendees, discover who is most vulnerable to a relapse, and approach those people after the meeting in order to expand their client base.

The people targeted are obviously in the unfortunate position of the dealer having heard them in the meeting discussing how tempted they are, what they are craving, and why. It is then very easy for the drug dealer to pretend to be a fellow recovering addict concerned about the addict's struggle and willing to stay after the meeting to talk further—with the intention of getting the person alone and then offering drugs, often free of charge, in the hopes that the unsuspecting addict is drawn into the drug abusing lifestyle once again, thereby becoming a regular paying customer.

In an even more simple scheme, drug dealers often track down former customers after they have entered a treatment program. The drug dealer then becomes a constant presence in the recovering person's life—calling them, coincidentally running into them on the street, and showing up places they know the addict will be. These dealers know it is only a matter of time before the recovering addict has a weak or particularly difficult day, and the dealer wants to be sure the addict's temptation leads to a return to regular drug abuse.

For these reasons, I am now introducing a bill to send a strong message to drug dealers and to severely punish those who don't heed the warning: "stay away from recovering addicts who are trying to put their lives back together."

My bill directs the Sentencing Commission to increase penalties for drug distributors who intentionally target recovering addicts. This will send the clear signal to drug dealers to stay away from treatment meetings, former customers who are now in treatment, and anyone else they know is committed to kicking their addiction.

It also sends the right message to those drug addicts who are trying to regain their lives—that society is behind them; that we recognize their admirable struggle; that we are willing and able to help them resist the temptation to return to drug abuse; that we want them to succeed in staying drug free; and that we will punish those who knowingly try to make them fail.

This is a simple yet vital piece of legislation in our fight against drugs, and I urge my colleagues to join me in this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2050

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 "Recovering Addict Protection Act of 1996".

SEC. 2. ENHANCED PENALTY FOR DISTRIBUTION OF CONTROLLED SUBSTANCES TO RECOVERING ADDICTS.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide an appropriate enhancement of the punishment for a defendant convicted of violating section 401(a)(1) of the Controlled Substances Act (21 U.S.C. 841(a)(1)) if the defendant distributes, dispenses, or possesses with intent to distribute or dispense, a controlled substance to a person the defendant knows or should know is a recovering narcotics addict.

(b) RECOVERING NARCOTICS ADDICT.—For purposes of subsection (a), the term "recovering narcotics addict" means any individual who—

(1)(A) has previously habitually used any narcotic drug, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802(17)), so as to endanger the public morals, health, safety, or welfare; or

(B) who has been so far addicted to the use of such narcotic drug as to have lost the power of self-control with reference to such addiction; and

(2) has stopped using such narcotic drug by engaging in treatment as defined in section 2901(d) of title 28, United States Code.●

By Mr. BIDEN:

S. 2051. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the development of drugs to treat an addition to illegal drugs, and for other purposes; to the Committee on Labor and Human Resources.

THE PHARMACOTHERAPY DEVELOPMENT ACT OF 1996

● Mr. BIDEN. Mr. President, since the first call to arms against illegal drugs in 1989, we have learned just how insidious hardcore drug addiction is, even as

the ravages of substance abuse—on both the addict and his victims—have become ever more apparent. The frustration in dealing with a seemingly intractable national problem is palpable, most noticeably in the heated rhetoric as politicians blame each other for the failure to find a cure. What gets lost underneath the noise is the recognition that we have not done everything we can to fight this problem and that, like all serious ills, we must take incremental steps one at a time, and refuse to be overwhelmed by the big picture.

Throughout my tenure as chairman of the Senate Judiciary Committee, I called for a multifaceted strategy to combat drug abuse. One of the specific steps I advocated was the creation of incentives to encourage the private sector to develop medicines that treat addiction, an area where promising research has not led—as one would normally expect—to production of medicines. The bill I am introducing today, the Pharmacotherapy Development Act of 1996, will hopefully change that. It takes focused aim at one segment of the drug-abusing population—hardcore addicts, namely users of cocaine and heroin—in part because these addicts are so difficult to treat with traditional methods, and in part because this population commits such a large percentage of drug-related crime.

In December, 1989, I commissioned a Judiciary Committee report, "Pharmacotherapy: A Strategy for the 1990's." In that report, I posed the question, "If drug use is an epidemic, are we doing enough to find a medical 'cure' for this disease?" The report gave the answer "No." Unfortunately, almost a decade later, the answer remains the same. Developing new medicines for the treatment of addiction should be among our highest medical research priorities as a nation. Until we take this modest step, we cannot claim to have done everything reasonable to address the problem, and we should not become so frustrated that we effectively throw up our hands and do nothing.

Recent medical advances have increased the possibility of developing medications to treat drug addiction. These advances include a heightened understanding of the physiological and psychological characteristics of drug addiction and a greater base of neuroscientific research.

One example of this promising research is the recent development of a compound that has been proven to immunize laboratory animals against the effects of cocaine. The compound works like a vaccine by stimulating the immune system to develop an antibody that blocks cocaine from entering the brain. Researchers funded through the National Institute of Drug Abuse believe that this advance may open a whole new avenue for combating addiction.

Despite this progress, we still do not have a medication to treat cocaine addiction or drugs to treat many other

forms of substance abuse, because the private sector is unsure of the wisdom of making the necessary investment in the production and marketing of such medicines.

Private industry has not aggressively developed pharmacotherapies for a variety of reasons, including a small customer base, difficulties distributing medication to the target population, and fear of being associated with substance abusers. We need to create financial incentives to encourage pharmaceutical companies to develop and market these treatments. And we need to develop a new partnership between private industry and the public sector in order to encourage the active marketing and distribution of new medicines so they are accessible to all addicts in need of treatment.

While pharmacotherapies alone are not a magic bullet that will solve our national substance abuse problem, they have the potential to fill a gap in current treatment regimens. The disease of addiction occurs for many reasons, including a variety of personal problems which pharmacotherapy cannot address. Still, by providing a treatment regimen for drug abusers who are not helped by traditional methods, pharmacotherapy holds substantial promise for reducing the crime and health crisis that drug abuse is causing in the United States.

The Pharmacotherapy Development Act would encourage and support the development of medicines to treat drug addictions in two ways. Both approaches are designed to create greater incentives and protections for private sector companies willing to undertake this difficult but important task.

First, the bill would provide additional patent protections for companies that develop drugs to treat substance abuse. Under the bill, pharmacotherapies could be designated "orphan drugs" and qualify for an exclusive 7-year patent to treat a specific addiction. These extraordinary patent rights would greatly enhance the market value of pharmacotherapies and provide a financial reward for companies that invest in the search to cure drug addiction. This provision was contained in a bill introduced by Senator KENNEDY and me in 1990, but was never acted on by Congress.

Second, the bill would establish a substantial monetary reward for companies that develop drugs to treat cocaine and heroin addiction but shift the responsibility for marketing and distributing such drugs to the Government. This approach would create a financial incentive for drug companies to invest in research and development but enable them to avoid any stigma associated with distributing medicine to substance abusers.

The bill would require the National Academy of Sciences to develop strict guidelines for evaluating whether a drug effectively treats cocaine or heroin addiction. If a drug meets these guidelines and is approved by the Food

and Drug Administration, then the Government must purchase the patent rights for the drug from the company that developed it. The purchase price for the patent rights is established by law: \$100 million for a drug to treat cocaine addiction and \$50 million for a drug to treat heroin addiction. Once the Government has purchased the patent rights, then it is responsible for producing the drug and distributing it to clinics, hospitals, State, and local governments, and any other entities qualified to operate drug treatment programs.

This joint public/private endeavor will correct the market inefficiencies that have thus far prevented the development of drugs to treat addiction and require the Government to take on the responsibilities that industry is unwilling or unable to perform.

America's drug problem is reduced each and every time a drug abuser quits his or her habit. Fewer drug addicts mean fewer crimes, fewer hospital admissions, fewer drug-addicted babies, and fewer neglected children. The benefits to our country of developing new treatment options such as pharmacotherapies are manifold. Each dollar we spend on advancing options in this area can save us ten or twenty times as much in years to come. The question isn't can we afford to pursue a pharmacotherapy strategy, but rather, can we afford not to.

Congress has long neglected to adopt measures I have proposed to speed the approval of and encourage greater private sector interest in pharmacotherapy. We cannot let another Congress conclude without rectifying our past negligence on this issue. I urge my colleagues to join me in promoting an important, and potentially groundbreaking approach to addressing one of our Nation's most serious domestic challenges.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2051

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 "Pharmacotherapy Development Act of 1996".

TITLE I—DEVELOPMENT OF DRUGS FOR THE TREATMENT OF ADDICTIONS TO ILLEGAL DRUGS

SEC. 101. RECOMMENDATION FOR INVESTIGATION OF DRUGS.

Section 525(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360aa(a)) is amended—

(1) by striking "States" each place it appears and inserting "States, or for treatment of an addiction to illegal drugs"; and

(2) by striking "such disease or condition" each place it appears and inserting "such disease, condition, or treatment of such addiction".

SEC. 102. DESIGNATION OF DRUGS.

Section 526(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(a)) is amended—

(1) in paragraph (1)—

(A) by inserting before the period in the first sentence the following: “or for treatment of an addiction to illegal drugs”;

(B) in the third sentence, by striking “rare disease or condition” and inserting “rare disease or condition, or for treatment of an addiction to illegal drugs,”; and

(C) by striking “such disease or condition” each place it appears and inserting “such disease, condition, or treatment of such addiction”;

(2) in paragraph (2)—

(A) by striking “(2) For” and inserting “(2)(A) For”;

(B) by striking “(A) affects” and inserting “(i) affects”;

(C) by striking “(B) affects” and inserting “(ii) affects”; and

(D) by adding at the end thereof the following new subparagraphs:

“(B) The term ‘treatment of an addiction to illegal drugs’ means any pharmacological agent or medication that—

“(i) reduces the craving for an illegal drug for an individual who—

“(I) habitually uses the illegal drug in a manner that endangers the public health, safety, or welfare; or

“(II) is so addicted to the use of the illegal drug that the individual is not able to control the addiction through the exercise of self-control;

“(ii) blocks the behavioral and physiological effects of an illegal drug for an individual described in clause (i);

“(iii) safely serves as a replacement therapy for the treatment of drug abuse for an individual described in clause (i);

“(iv) moderates or eliminates the process of withdrawal for an individual described in clause (i);

“(v) blocks or reverses the toxic effect of an illegal drug on an individual described in clause (i); or

“(vi) prevents, where possible, the initiation of drug abuse in individuals at high risk.

“(C) The term ‘illegal drug’ means a controlled substance identified under schedules I, II, III, IV, and V in section 202(c) of the Controlled Substance Act (21 U.S.C. 812(c)).”.

SEC. 103. PROTECTION FOR DRUGS.

Section 527 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) is amended—

(1) by striking “rare disease or condition” each place it appears and inserting “rare disease or condition or for treatment of an addiction to illegal drugs”;

(2) by striking “such disease or condition” each place it appears and inserting “such disease, condition, or treatment of the addiction”;

(3) in subsection (b)(1), by striking “the disease or condition” and inserting “the disease, condition, or addiction”.

SEC. 104. OPEN PROTOCOLS FOR INVESTIGATIONS OF DRUGS.

Section 528 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360d) is amended—

(1) by striking “rare disease or condition” and inserting “rare disease or condition or for treatment of an addiction to illegal drugs”; and

(2) by striking “the disease or condition” each place it appears and inserting “the disease, condition, or addiction”.

TITLE II—DEVELOPMENT, MANUFACTURE, AND PROCUREMENT OF DRUGS FOR THE ADDICTION OF COCAINE AND HEROIN ADDICTIONS**SEC. 201. DEVELOPMENT, MANUFACTURE, AND PROCUREMENT OF DRUGS FOR THE TREATMENT OF ADDICTIONS TO ILLEGAL DRUGS.**

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end thereof the following new subchapter:

“Subchapter D—Drugs for Cocaine and Heroin Addictions**“SEC. 551. CRITERIA FOR AN ACCEPTABLE DRUG TREATMENT FOR COCAINE AND HEROIN ADDICTIONS.**

“(a) IN GENERAL.—Subject to the provisions of subsections (b) and (c), the Secretary shall, through the Institute of Medicine of the National Academy of Sciences, establish criteria for an acceptable drug for the treatment of an addiction to cocaine and for an acceptable drug for the treatment of an addiction to heroin. The criteria shall be used by the Secretary in making a contract, or entering to a licensing agreement, under section 552.

“(b) REQUIREMENTS.—The criteria established under subsection (a) for a drug shall include requirements—

“(1) that the application to use the drug for the treatment of addiction to cocaine or heroin was filed and approved by the Secretary under this Act after the date of enactment of this section;

“(2) that a performance-based test on the drug—

“(A) has been conducted through the use of a randomly selected test group that received the drug as a treatment and a randomly selected control group that received a placebo; and

“(B) has compared the long-term differences in the addiction levels of control group participants and test group participants;

“(3) that the performance-based test conducted under paragraph (2) demonstrates that the drug is effective through evidence that—

“(A) a significant number of the participants in the test who have an addiction to cocaine or heroin are willing to take the drug for the addiction;

“(B) a significant number of the participants in the test who have an addiction to cocaine or heroin and who were provided the drug for the addiction during the test are willing to continue taking the drug as long as necessary for the treatment of the addiction; and

“(C) a significant number of the participants in the test who were provided the drug for the period of time required for the treatment of the addiction refrained from the use of cocaine or heroin for a period of 3 years after the date of the initial administration of the drug on the participants; and

“(4) that the drug shall have a reasonable cost of production.

“(c) REVIEW AND PUBLICATION OF CRITERIA.—The criteria established under subsection (a) shall, prior to the publication and application of such criteria, be submitted for review to the Committee on the Judiciary and the Committee on Economic and Educational Opportunities of the House of Representatives, and the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate. Not later than 90 days after notifying each of the committees, the Secretary shall publish the criteria in the Federal Register.

“SEC. 552. PURCHASE OF PATENT RIGHTS FOR DRUG DEVELOPMENT.

“(a) APPLICATION.—

“(1) IN GENERAL.—The patent owner of a drug to treat an addiction to cocaine or heroin, may submit an application to the Secretary—

“(A) to enter into a contract with the Secretary to sell to the Secretary the patent rights of the owner relating to the drug; or

“(B) in the case in which the drug is approved by the Secretary for more than 1 indication, to enter into an exclusive licensing agreement with the Secretary for the manufacture and distribution of the drug to treat an addiction to cocaine or heroin.

“(2) REQUIREMENTS.—An application described in paragraph (1) shall be submitted at such time and in such manner, and accompanied by such information, as the Secretary may require.

“(b) CONTRACT AND LICENSING AGREEMENT.—

“(1) REQUIREMENTS.—The Secretary shall enter into a contract or a licensing agreement with a patent owner who has submitted an application in accordance with (a) if the drug covered under the contract or licensing agreement meets the criteria established by the Secretary under section 551(a).

“(2) SPECIAL RULE.—The Secretary shall enter into—

“(A) not more than 1 contract or exclusive licensing agreement relating to a drug for the treatment of an addiction to cocaine; and

“(B) not more than 1 contract or licensing agreement relating to a drug for the treatment of an addiction to heroin.

A contract or licensing agreement described subparagraph (A) or (B) shall cover not more than 1 drug.

“(3) PURCHASE AMOUNT.—Subject to appropriations—

“(A) the amount to be paid to a patent owner who has entered into a contract or licensing agreement under this subsection relating a drug to treat an addiction to cocaine shall be \$100,000,000; and

“(B) the amount to be paid to a patent owner who has entered into a contract or licensing agreement under this subsection relating a drug to treat an addiction to heroin shall be \$50,000,000.

“(c) TRANSFER OF RIGHTS UNDER CONTRACTS AND LICENSING AGREEMENT.—

“(1) CONTRACTS.—A contract under subsection (b)(1) to purchase the patent rights relating to a drug to treat cocaine or heroin addiction shall transfer to the Secretary—

“(A) the exclusive right to make, use, or sell the patented drug within the United States for the term of the patent;

“(B) any foreign patent rights held by the patent owner;

“(C) any patent rights relating to the process of manufacturing the drug; and

“(D) any trade secret or confidential business information relating to the development of the drug, process for manufacturing the drug, and therapeutic effects of the drug.

“(2) LICENSING AGREEMENTS.—A licensing agreement under subsection (b)(1) to purchase an exclusive license relating to manufacture and distribution of a drug to treat an addiction to cocaine or heroin shall transfer to the Secretary—

“(A) the exclusive right to make, use, or sell the patented drug for the purpose of treating an addiction to cocaine or heroin within the United States for the term of the patent;

“(B) the right to use any patented processes relating to manufacturing the drug; and

“(C) any trade secret or confidential business information relating to the development of the drug, process for manufacturing the drug, and therapeutic effects of the drug relating to use of the drug to treat an addiction to cocaine or heroin.

“SEC. 553. PLAN FOR MANUFACTURE AND DEVELOPMENT.”

“(a) IN GENERAL.—Not later than 90 days after the date on which the Secretary purchases the patent rights of a patent owner, or enters into a licensing agreement with a patent owner, relating to a drug under section 551, the Secretary shall develop a plan for the manufacture and distribution of the drug.

“(b) PLAN REQUIREMENTS.—The plan shall set forth—

“(1) procedures for the Secretary to enter into licensing agreements with private entities for the manufacture and the distribution of the drug;

“(2) procedures for making the drug available to nonprofit entities and private entities to use in the treatment of a cocaine or heroin addiction;

“(3) a system to establish the sale price for the drug; and

“(4) policies and procedures with respect to the use of Federal funds by State and local governments or nonprofit entities to purchase the drug from the Secretary.

“(c) APPLICABILITY OF PROCUREMENT AND LICENSING LAWS.—The procurement and licensing laws of the United States shall be applicable to procurements and licenses covered under the plan described in subsection (a).

“(d) REVIEW OF PLAN.—

“(1) IN GENERAL.—Upon completion of the plan under subsection (a), the Secretary shall notify the Committee on the Judiciary and the Committee on Economic and Educational Opportunities of the House of Representatives, and the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate, of the development of the plan and publish the plan in the Federal Register. The Secretary shall provide an opportunity for public comment on the plan for a period of not more than 30 days after the date of the publication of the plan in the Federal Register.

“(2) FINAL PLAN.—Not later than 60 days after the date of the expiration of the comment period described in paragraph (1), the Secretary shall publish in the Federal Register a final plan. The implementation of the plan shall begin on the date of the final publication of the plan.

“(e) CONSTRUCTION.—The development, publication, or implementation of the plan, or any other agency action with respect to the plan, shall not be considered agency action subject to judicial review.

“(f) REGULATIONS.—The Secretary may promulgate regulations to carry out this section.

“SEC. 554. AUTHORIZATION OF APPROPRIATIONS.”

“There are authorized to be appropriated to carry out this subchapter, such sums as may be necessary in each of the fiscal years 1997 through 1999.” ●

ADDITIONAL COSPONSORS

S. 773

At the request of Mrs. KASSEBAUM, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 773, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

S. 969

At the request of Mr. BRADLEY, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. MOYNIHAN], the Senator from Connecticut [Mr. DODD], the Sen-

ator from Louisiana [Mr. BREAU], the Senator from South Dakota [Mr. PRESSLER], the Senator from Montana [Mr. BAUCUS], the Senator from North Dakota [Mr. DORGAN], and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 1189

At the request of Mr. DEWINE, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 1189, a bill to provide procedures for claims for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products.

S. 1233

At the request of Ms. MIKULSKI, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1233, a bill to assure equitable coverage and treatment of emergency services under health plans.

S. 1477

At the request of Mrs. KASSEBAUM, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1477, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

S. 1797

At the request of Mr. LEVIN, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1797, a bill to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes.

S. 1838

At the request of Mr. FAIRCLOTH, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1838, a bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the centennial anniversary of the first manned flight of Orville and Wilbur Wright in Kitty Hawk, NC, on December 17, 1903.

S. 1963

At the request of Mr. ROCKEFELLER, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1963, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for Medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 1967

At the request of Mr. BROWN, the names of the Senator from Indiana [Mr. COATS], the Senator from Arizona [Mr. MCCAIN], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator

from Alabama [Mr. SHELBY] were added as cosponsors of S. 1967, a bill to provide that members of the Armed Forces who performed services for the peacekeeping efforts in Somalia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes.

S. 1981

At the request of Mr. CRAIG, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 1981, a bill to establish a Joint United States-Canada Commission on Cattle and Beef to identify, and recommend means of resolving, national, regional, and provincial trade-distorting differences between the countries with respect to the production, processing, and sale of cattle and beef, and for other purposes.

S. 1987

At the request of Mr. FAIRCLOTH, the names of the Senator from Arizona [Mr. KYL] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1987, a bill to amend titles II and XVIII of the Social Security Act to prohibit the use of Social Security and Medicare trust funds for certain expenditures relating to union representatives at the Social Security Administration and the Department of Health and Human Services.

AMENDMENTS SUBMITTED

THE DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

BOND AMENDMENTS NOS. 5157-5159

Mr. BOND proposed three amendments to the bill (H.R. 3666) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes; as follows:

AMENDMENT NO. 5157

On page 72, line 10, in lieu of the sum proposed by the Committee amendment, insert “\$1,275,000,000”.

AMENDMENT NO. 5158

On page 85, line 15, before the period insert the following: “: Provided further, That in addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, NASA shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee who is covered under subchapter III of chapter 83 or chapter 84 of title 5 to whom a voluntary separation incentive has been paid under this paragraph”.

AMENDMENT NO. 5159

In lieu of the matter stricken on page 104, lines 18 through 20, insert the following: