

Tuesday, September 23, 1997

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9737-S9809

Measures Introduced: Nine bills were introduced, as follows: S. 1201-1209. **Page S9785**

Measures Passed:

Austrian-American Day: Senate agreed to S. Res. 122, declaring September 26, 1997, as "Austrian-American Day". **Pages S9805-06**

California Land Conveyance: Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of H.R. 111, to authorize the Secretary of Agriculture to convey a parcel of unused agricultural land in Dos Palos, California, to the Dos Palos Ag Boosters for use as a farm school, and the bill was then passed, clearing the measure for the President. **Page S9806**

FDA Modernization and Accountability Act: Senate resumed consideration of S. 830, 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, with a modified committee amendment in the nature of a substitute. (The modification incorporated the language of Jeffords Amendment No. 1130, listed below), taking action on further amendments proposed thereto, as follows:

Pages S9737-69, S9771-75, S9781

Adopted:

Murray Amendment No. 1161, to modify the exemption requirements relating to national uniformity for nonprescription drugs to provide an exemption for a State or political subdivision requirement that protects the health and safety of children.

Pages S9763-64

Jeffords Amendment No. 1174, to maintain authority of the Food and Drug Administration to regulate tobacco.

Pages S9766-67

Jeffords Amendment No. 1175, to provide that an environmental impact statement prepared in accordance with certain regulations of the Food and Drug Administration shall be considered to meet the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969. **Pages S9766-67**

Jeffords (for Kennedy) Amendment No. 1152, to improve the standard for binding determinations with respect to the specification of valid scientific evidence with respect to the effectiveness of devices.

Pages S9766-67

Jeffords (for Wellstone) Amendment No. 1156, to provide for a study and report concerning the treatment of health care economic information.

Pages S9766-67

Jeffords (for DeWine) Modified Amendment No. 1136, to establish a program for the pediatric studies of drugs and pediatric uses for approved drugs.

Pages S9766-68

Jeffords (for Hatch) Amendment No. 1183, to provide for a disclaimer with respect to safety reports.

Pages S9764, S9766

Jeffords (for Hatch/Wyden) Modified Amendment No. 1182, to improve the mission of the Food and Drug Administration.

Pages S9764-66

By 98 yeas to 2 nays (Vote No. 255), Jeffords Amendment No. 1130, in the nature of a substitute.

Page S9769

Rejected:

By 40 yeas to 59 nays (Vote No. 252), Durbin Amendment No. 1140 (to Amendment No. 1130), to require that entities and individuals accredited to conduct review of device notifications be subject to the conflict of interest standards that apply to employees of the Food and Drug Administration.

Pages S9737-38

By 39 yeas to 61 nays (Vote No. 253), Durbin Amendment No. 1139 (to Amendment No. 1130), to eliminate provisions relating to the discretion of the Secretary of Health and Human Services to track devices or to conduct postmarket surveillance of devices.

Pages S9738-39

Reed Amendment No. 1177 (to Amendment No. 1130), to ensure that determinations of the Secretary with respect to the intended uses of a device are based on the proposed labeling only if such labeling is not false or misleading. (By 65 yeas to 35 nays (Vote No. 254), Senate tabled the amendment.)

Pages S9739-59

Senate upheld the ruling of the Chair which held that Harkin Amendment No. 1137 (to Amendment No. 1130), authorizing funds for each of fiscal years

1998 through 2000 to establish within the National Institutes of Health an agency to be known as the National Center for Complementary and Alternative Medicine was not germane, and the amendment thus fell. Pages S9759–63

A unanimous-consent agreement was reached providing for further consideration of the bill on Wednesday, September 24, 1997, with a vote on passage to occur thereon. Page S9769

Campaign Reform—Agreement: A unanimous-consent agreement was reached providing for the consideration of S. 25, to reform the financing of Federal elections, and certain amendments to be proposed thereto. Pages S9769–71

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaties:

Comprehensive Nuclear Test-Ban Treaty (Treaty Doc. 105–28);

Protocol Amending Tax Convention with Canada (Treaty Doc. 105–29); and

Extradition Treaty with India (Treaty Doc. 105–30).

The treaties were transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. Pages S9806–08

Nominations Confirmed: Senate confirmed the following nominations:

1 Marine Corps nomination in the rank of general.

1 Navy nomination in the rank of admiral.

Pages S9806, S9809

Nominations Received: Senate received the following nominations:

Received on Monday, September 22, during the adjournment:

Richard Frank Celeste, of Ohio, to be Ambassador to India. Page S9809

Communications: Page S9783

Executive Reports of Committees: Pages S9783–85

Statements on Introduced Bills: Pages S9785–89

Additional Cosponsors: Pages S9800–01

Notices of Hearings: Page S9801

Additional Statements: Page S9801

Record Votes: Four record votes were taken today. (Total—255) Pages S9738–39, S9759, S9769

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:04 p.m., until 12 noon, on Wednesday, September 24, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9809.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 1193, to extend the authorization of the aviation insurance program of the Department of Transportation, with an amendment in the nature of a substitute;

S. 1196, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers; and

The nominations of Robert L. Mallett, of Texas, to be Deputy Secretary, and W. Scott Gould, of the District of Columbia, to be Chief Financial Officer and Assistant Secretary, both of the Department of Commerce, and certain nominations for promotion in the United States Coast Guard.

AUTHORIZATION—ENDANGERED SPECIES

Committee on Environment and Public Works: Committee held hearings on S. 1180, authorizing funds for fiscal years 1998 through 2003 for programs of the Endangered Species Act, receiving testimony from Jamie Rappaport Clark, Director, U.S. Fish and Wildlife Service, Department of the Interior; Terry D. Garcia, Acting Assistant Secretary of Commerce for Oceans and Atmosphere/National Oceanic and Atmospheric Administration; and Montana Governor Marc Racicot, Helena, on behalf of the National Governors' Association and the Western Governors' Association.

Hearings continue tomorrow.

IRS REFORM

Committee on Finance: Committee held hearings to examine the current state of the Internal Revenue Service, focusing on its practices and procedures and its enforcement authorities to collect delinquent taxes, receiving testimony from Senators Grassley and Kerrey; Representative Hoyer; Joseph F. Lane, Menlo Park, California, on behalf of the National Association of Enrolled Agents; and Robert L. Goldstein and James A. Woehlke, both of the New York State Society of Certified Public Accountants, New York, New York.

Hearings continue tomorrow.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Corinne Claiborne Boggs, of Louisiana, to be Ambassador to the Holy