

gression of jazz in the United States, and for other purposes; and

S. 3016. An act for the relief of Janice and Leslie Sedore and Ruth Hillman.

On November 6, 1990:

S. 1890. An act to amend title 5, United States Code, to provide relief from certain inequities remaining in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes;

S. 3043. An act for the relief of Nebraska Aluminum Castings, Inc.; and

S. 3062. An act to transfer the responsibility for operation and maintenance of Highway 82 Bridge at Greenville, MS, to the States of Mississippi and Arkansas.

On November 7, 1990:

S. 2516. An act to augment and improve the quality of international data compiled by the Bureau of Economic Analysis under the International Investment and Trade in Services Survey Act by allowing that agency to share statistical establishment list information compiled by the Bureau of the Census, and for other purposes.

On November 8, 1990:

S. 580. An act to require institutions of higher education receiving Federal financial assistance to provide certain information with respect to the graduation rates of student-athletes at such institutions;

S. 1756. An act to provide for the preservation and interpretation of sites associated with Acadian culture in the State of Maine; and

S.J. Res. 375. Joint resolution to designate October 30, 1990, as "Refugee Day."

On November 14, 1990:

S. 3156. An act to correct a clerical error in Public Law 101-383.

On November 15, 1990:

S. 459. An act to amend title 35, United States Code, with respect to the use of inventions in outer space;

S. 620. An act for the relief of Leroy W. Shebal of North Pole, AK;

S. 639. An act to establish the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Program Act of 1990;

S. 1630. An act to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes;

S. 1805. An act to authorize the Secretary of the Interior to reinstate oil and gas lease LA 033164;

S. 1931. An act to amend title 11 of the United States Code with respect to the nondischargeability of debts arising from unlawful driving while intoxicated or impaired and arising from restitution imposed for committing crimes;

S. 2056. An act to establish a program of grants for the development of State plans for meeting the objectives established by the Secretary of Health and Human Services for the health status of the population of the United States for the year 2000;

S. 2930. An act to eliminate "substantial documentary evidence" requirement for minimum wage determination for American Samoa, and for other purposes;

S. 3187. An act to address immediate problems affecting environmental cleanup activities;

S. 3215. An act to authorize the transfer by lease of a specified naval landing ship dock to the Government of Brazil;

S. 3237. An act to authorize the Secretary of the Treasury to sell certain silver proof coin sets;

S.J. Res. 302. Joint resolution providing for reappointment of Anne Legendre Armstrong

as a citizen regent of the Smithsonian Institution;

S.J. Res. 318. Joint resolution providing for appointment of Ira Michael Heyman as a citizen regent of the Smithsonian Institution;

S.J. Res. 357. Joint resolution to designate October 1-31, 1991, as "Community Center Month"; and

S.J. Res. 369. Joint resolution designating 1991 as the "Year of Thanksgiving for the Blessings of Liberty."

On November 16, 1990:

S. 169. An act to require the establishment of a United States Global Change Research Program aimed at understanding and responding to global change, including the cumulative effects of human activities and natural processes on the environment, to promote discussions toward international protocols in global change research, and for other purposes;

S. 555. An act to establish in the Department of the Interior the De Soto Expedition Trail Commission, and for other purposes;

S. 605. An act to authorize appropriations for the Consumer Product Safety Commission, and for other purposes;

S. 677. An act to amend the Arctic Research and Policy Act of 1984 to improve and clarify its provisions;

S. 1430. An act to enhance national and community service, and for other purposes;

S. 2287. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes;

S. 2566. An act to establish the Smith River National Recreation Area, to redesignate the Sunset Crater National Monument, and for other purposes;

S. 2789. An act to authorize appropriations for the Earthquake Hazards Reduction Act of 1977, and for other purposes;

S. 2857. An act to amend the Public Health Service Act with respect to certain programs for the National Institutes of Health;

S. 2936. An act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1990, 1991, and 1992, and for other purposes;

S. 2946. An act to amend the Public Health Service Act to revise and extend the program establishing the National Bone Marrow Donor Registry, and for other purposes;

S. 3069. An act to provide a method of locating private and Government research on environmental issues by geographic location;

S. 3084. An act to provide for the settlement of water rights claims of the Fallon Paiute Shoshone Indian Tribes and for other purposes;

S. 3176. An act to promote environmental education, and for other purposes; and

S.J. Res. 206. Joint resolution calling for the United States to encourage immediate negotiations toward a new agreement among Antarctic Treaty Consultative Parties, for the full protection of Antarctica as a global ecological commons.

On November 28, 1990:

S. 319. An act to effect an exchange of lands between the United States Forest Service and the Salt Lake City Corporation within the State of Utah, and for other purposes;

S. 586. An act to authorize a new HOME Investment Partnerships program, a National Homeownership Trust program, and HOPE programs, to amend and extend certain laws relating to housing, community and neighborhood preservation, and related programs, and for other purposes;

S. 845. An act to amend the Federal Food, Drug, and Cosmetic Act to revitalize the Food and Drug Administration, and for other purposes;

S. 1859. An act to restructure repayment terms and conditions for loans made by the Secretary of the Interior to the Wolf Trap Foundation for the Performing Arts for the reconstruction of the Filene Center in Wolf Trap Farm Park in Fairfax County, VA, and for other purposes;

S. 1893. An act to reauthorize the Asbestos School Hazard Abatement Act of 1984;

S. 1939. An act to extend the authorization of appropriations for the Taft Institute;

S. 2628. An act to amend the Public Health Service Act to reauthorize certain National Institute of Mental Health grants and to improve provisions concerning the State comprehensive mental health services plan, and for other purposes;

S. 2740. An act to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes;

S. 2830. An act to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes;

S. 3012. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1991, 1992, and 1993, and for other purposes;

S.J. Res. 329. Joint resolution to designate the week of November 3, 1990, to November 10, 1990, as "National Week to Commemorate the Victims of the Famine in the Ukraine, 1932-1933", and to commemorate the Ukrainian famine of 1932-1933 and the policies of Russification to suppress Ukrainian identity; and

S.J. Res. 364. Joint resolution to designate the third week of February 1991 as "National Parents and Teachers Association Week."

On November 29, 1990:

S. 303. An act to establish a framework for the conduct of negotiated rulemaking by Federal agencies;

S. 358. An act to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes; and

S. 3266. An act to control crime.

BILLS DISAPPROVED AFTER SINE DIE ADJOURNMENT

The President announced his disapproval of the following bills with memorandums of disapproval as follows:

H.R. 4638—MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 4638, the "Orphan Drug Amendments of 1990." This legislation would make substantive changes to the orphan drug provisions of the Federal Food, Drug, and Cosmetic Act and the Orphan Drug Act.

Enacted in 1983, the Orphan Drug Act created economic incentives for drug companies to develop drugs for rare diseases and conditions—so-called "orphan drugs." Typically, these drugs would not be profitable to develop because of their small patient populations.

By any measure, the Orphan Drug Act has been a tremendous success. A total of 49 new drugs for rare diseases have been approved under this program, and 370 others are in the development stage. These drugs have provided lifesaving treatments for such terrible disease as enzyme deficiency, which affects adversely the immune system of about 40 children nationwide. Until the orphan drug was developed to treat these children, they had to spend their entire lives in the protection of an isolation bubble. One of the first orphan drugs is another example of a triumph. The most difficult form of leprosy affects only 4,000 people. A drug known for over 14 years to be effective in treating this condition was not being marketed by any drug company, because it was considered unprofitable—until the Orphan Drug Act provided the marketing incentive. In a similar manner, orphan drugs provide treatment for terrible diseases for which there is usually no alternative therapy.

I have serious concerns about the effect the H.R. 4638 would have upon the incentive of drug companies to develop orphan drugs. I believe we must not endanger the success of this program, which is due to large measure to the existence of the "market exclusivity" provision in the Orphan Drug Act that allows companies to have exclusive marketing rights to an orphan drug for 7 years. Weakening the current 7-year exclusivity provision would certainly discourage development of desperately needed new orphan drugs.

Under current law, firms may apply to develop the same orphan drug, but only the first firm to have its drug approved receives market exclusivity. The certainty of this 7-year period is the basis of the economic incentive to attract drug firms to invest in orphan drugs.

The bill would make two major changes to the market exclusivity provisions of the Orphan Drug Act. First, the bill provides for "shared exclusivity." Firms that can demonstrate that they have developed the orphan drug simultaneously would be allowed to share the market with the firm initially awarded the market exclusivity. Second, the bill requires the Food and Drug Administration to withdraw the marketing exclusivity as soon as the patient population exceeds a 200,000 patient limit. Both of these changes have the effect of weakening the marketing incentives provided by the Act. Under the bill, the length of the market exclusivity period will depend on how quickly the patient population grows and whether other firms file claims for simultaneous development.

In addition, as currently constructed, the 200,000 patient population limit would be applied to orphan drugs approved prior to the enactment of the bill as well as to those approved in the future. This retroactive rule change would send a troublesome signal to all those who might wish to develop orphan drugs that the Federal Government may change unilaterally the rules for firms that made investment decisions based on the expectation of 7 years of market exclusivity.

I am aware that this bill was passed after a number of compromises among Members of Congress. I am extremely concerned, however, that individuals with rare diseases may suffer because of changes that this bill would make in the incentives to develop new drug treatment. Accordingly, I am withholding my approval of H.R. 4638.

GEORGE BUSH.

THE WHITE HOUSE, November 8, 1990.

H.R. 4653—MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 4653, the "Omnibus Export Amendments Act of 1990." Although this legislation contains constructive provisions, it would severely constrain Presidential authority in carrying out foreign policy.

I agree with the principal goals of this bill, which include improved export controls for, and sanctions against the use of, chemical and biological weapons; sanctions on Iraq; missile technology sanctions; and reauthorization of the Export Administration Act. Indeed, I have recently signed into law provisions on missile technology sanctions and sanctions against Iraq comparable to those contained in this bill. H.R. 4653, however, contains elements that I believe would undermine these objectives and our ability to act quickly, decisively, and multilaterally at a time when we must be able to do so. These provisions unduly interfere with the President's constitutional responsibilities for carrying out foreign policy. Rather than signing the bill, I am directing action under existing authorities to accomplish the bill's principal goals.

I am pleased that the Congress endorses my goal of stemming the dangerous proliferation of chemical and biological weapons. The Administration has worked closely with the Congress to design appropriate and effective legislation to improve our ability to impose sanctions on the nations that use such weapons and any companies that contribute to their spread. Indeed, the Administration supported the House version of the sanctions provision. Throughout discussions with the Congress, my Administration insisted that any such legislation should not harm cooperation with our partners and should respect the President's constitutional responsibilities. Unfortunately, as reported from conference, H.R. 4653 does not safeguard those responsibilities, nor does it meet our broader foreign policy goals.

The major flaw in H.R. 4653 is not the requirement of sanctions, but the rigid way in which they are imposed. The mandatory imposition of unilateral sanctions as provided in this bill would harm U.S. economic interests and provoke friendly countries who are essential to our efforts to resist Iraqi aggression. If there is one lesson we have all learned in Operation Desert Shield, it is that multilateral support enhances the effectiveness of sanctions.

Because of my deep concern about the serious threat posed by chemical and biological weapons, I have signed an Executive order directing the imposition of the sanctions contained in this bill and implementing new chemical and biological weapon export controls. This Executive order goes beyond H.R. 4653 in some respects. It sets forth a clear set of stringent sanctions, while encouraging negotiations with our friends and allies. It imposes an economic penalty on companies that contribute to the spread of these weapons and on countries that actually use such weapons or are making preparations to do so. At the same time, it allows the President necessary flexibility in implementing these sanctions and penalties. Furthermore, the Executive order reaffirms my determination to achieve early conclusion of a verifiable global convention to prevent the production and use of chemical weapons.

The Executive order also directs the establishment of enhanced proliferation controls, carefully targeted on exports, projects, and countries of concern. On this issue, as with other important export control matters, my goal is to pursue effective, multilateral ex-

port controls that send the clear message that the United States will not tolerate violations of international law.

I am also concerned that other features of H.R. 4653 would hamper our efforts to improve the effectiveness of export controls. In the rapidly changing situation in Eastern Europe, and in bilateral relationships with the Soviet Union, we have demonstrated the ability to adjust, in cooperation with our allies, export controls on high technology to reflect the new strategic relationships. Last May I asked our allies to liberalize dramatically our multilateral export controls. Negotiations designed to liberalize trade to encourage democratic institutions and open market economies will continue. Our multilateral export controls have contributed significantly to the positive changes brought about in West-East relations. The micromanagement of export controls mandated by H.R. 4653 can only damage these ongoing efforts.

In other areas, H.R. 4653 would be harmful to closely linked U.S. economic and foreign policy interests. For example, under section 128 of the bill there would be extraterritorial application of U.S. law that could force foreign subsidiaries of U.S. firms to choose between violating U.S. or host country laws.

Other sections of H.R. 4653 contain useful provisions that will be implemented as soon as possible. However, additional legal authority is not required to make our export control system reflect the economic and national security realities of today's world. In response to recent world events, I am directing Executive departments and agencies to implement the following changes:

- By June 1, 1991, the United States will eliminate all dual-use export licenses under section 5 of the Export Administration Act to members of the export control group known as CoCom, consistent with multilateral arrangements. In addition, all re-export licenses under section 5 to and from CoCom will be eliminated, consistent with multilateral arrangements.
- By June 1, 1991, the United States will remove from the U.S. munitions list all items contained on the CoCom dual-use list unless significant U.S. national security interests would be jeopardized.
- By January 1, 1991, U.S. review of export licenses subject to CoCom Favorable Consideration and National Discretion procedures will be reduced to 30 and 15 days, respectively.
- By January 1, 1991, new interagency procedures will be instituted to make dual-use export license decisions more predictable and timely.
- By January 1, 1991, the Secretary of State will initiate negotiations to ensure that supercomputer export controls are multilateral in nature and not undermined by the policies of other supplier countries.
- By June 1, 1991, in consultation with industry, we will devise and publish a method to index supercomputer license conditions to reflect rapid advances in the industry and changes in strategic concerns.
- By January 1, 1991, we will significantly increase the threshold for Distribution Licenses to free world destinations and ensure that at least annually these thresholds are adjusted to reflect changes in technology and are consistent with international relationships, including changing requirements to stem the proliferation of missile technology and