

March 2, 1983

to their insolvency problem. I urge my colleagues to support the grant of that needed opportunity.

Mr. President, I ask unanimous consent that the full text of S. 656 be printed in the RECORD.

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

S. 656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1202(b) of the Social Security Act is amended by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following new paragraph:

"(7)(A) No interest which would otherwise accrue by reason of this subsection shall accrue with respect to any fiscal year (or portion thereof) which begins on or after the date, occurring after March 31, 1982, on which there became effective a State action which changed such State's unemployment compensation law so as to provide, effective for each fiscal year beginning after such date (and for the remainder of the fiscal year in which such date occurs), that—

"(i) the revenues from the State unemployment tax are increased for each such fiscal year (or portion thereof) by at least 20 percent (or, in the case of a State action taken after March 31, 1984, by at least 40 percent) over the amount of such revenues which would have been generated for such fiscal year (or portion thereof) under such law as in effect prior to such State action; and

"(ii) in the case of a State which paid (prior to such State action) average weekly benefit amounts under such law which exceeded the national average for such amounts, the total amount of benefit expenditures under such law for each such fiscal year (or portion thereof) is reduced by at least 5 percent (or, in the case of a State action taken after March 31, 1984, by at least 10 percent) below the amount of such expenditures which would have been paid under such law as in effect prior to such State action, by reason of two or more of the following: (I) a freeze on the maximum benefit amount, (II) a reduction in the benefit cost ratio (as defined in section 3302(f)(5) of the Internal Revenue Code of 1954), or (III) restrictions on qualification for benefits.

The provisions of this subparagraph shall apply only with respect to a fiscal year (or portion thereof) for which the requirements of clauses (i) and (ii) are actually met.

"(B) Subparagraph (A) shall not apply with respect to interest accruing during any fiscal year (or portion thereof) if the amount of the advances made to such State during such fiscal year, less any voluntary repayments made by such State during such fiscal year (as defined in paragraph (8)(B)), exceeds zero; except that this subparagraph shall not apply (and subparagraph (A) will apply) in the case of a State which has, for such fiscal year or portion thereof, a State unemployment tax rate (as defined in section 3302(f)(4) of the Internal Revenue Code of 1954) which is equal to or greater than 130 percent of the average of such tax rates for all the States."

(b) The amendments made by subsection (a) shall apply with respect to interest accruing under title XII of the Social Security Act on or after April 1, 1982.

SEC. 2. (a) Section 3302(f)(2) of the Internal Revenue Code of 1954 is amended—

(1) by inserting "and" at the end of subparagraph (B);

(2) in subparagraph (C), by striking out "the average benefit cost ratio for calendar years in the 5-calendar-year period ending with the last calendar year before the taxable year, and" and inserting in lieu thereof "the benefit cost ratio for the last calendar year ending before the taxable year."; and

(3) by striking out subparagraph (D).
(b) The amendments made by subsection (a) shall apply with respect to taxable year 1983 and each succeeding taxable year.●

By Mr. DOLE (for himself, Mr. MELCHER, Mr. RANDOLPH, Mr. HEINZ, Mr. PERCY, and Mr. STEVENS):

S. 657. A bill to amend the Animal Welfare Act to insure the proper treatment of laboratory animals; to the Committee on Agriculture, Nutrition, and Forestry.

IMPROVED STANDARDS FOR LABORATORY ANIMALS ACT

● Mr. DOLE. Mr. President, today I am introducing S. 657, the Improved Standards for Laboratory Animals Act, as an amendment to the Animal Welfare Act. The act was first passed in 1966 as the Laboratory Animal Welfare Act and subsequently amended in 1970 and 1976 and renamed the Animal Welfare Act. The purpose of S. 657 is to enhance the USDA's efforts to insure the proper care and treatment of laboratory animals.

Several bills were introduced in the House during the 97th Congress which, in part, addressed a uniform system of standards for lab animals. H.R. 6928 received considerable attention before the lameduck session adjourned. After hearings last May, the legislation passed from the Science and Technology Committee to the Energy and Commerce Committee and hearings were held in the Health and Environment Subcommittee. Also toward the end of the 97th Congress, I introduce S. 2948 in the Senate which was similar to H.R. 6928 with a few modifications.

IMPROVED STANDARDS

S. 657 is in keeping with the spirit of the Animal Welfare Act. It would set up a uniform set of standards based on those sections of the "Guide for the Care and Use of Laboratory Animals" of the National Institutes of Health (NIH) which deal directly with the welfare of animals.

The USDA already has a minimum set of standards for research facilities regardless of whether they receive Federal funding. The minimum standards affect handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, and adequate veterinary care including the appropriate use of anesthetic, analgesic, or tranquilizing drugs. The proposed amendment would raise the level of these existing standards for research facilities.

ANIMAL STUDIES COMMITTEE

S. 657 would also establish an Institutional Animal Studies Committee with guidelines to govern committee actions. NIH suggests that such a committee is an effective device for developing and monitoring policies to guide animal care in keeping with the needs of the institution. However, aside from basic guidelines dealing with committee personnel, research facilities are without guidelines specifying periodic visits or report-filing procedures.

The Animal Welfare Act authorizes USDA to make unannounced inspections depending on budget and other agency priorities. USDA is prohibited from interfering with the design of actual research or experimentation. S. 657 also does not affect the design of actual research projects. In effect, the committees could make USDA's inspections more effective without increasing Government costs.

PENALTIES

If the sponsoring Federal agency determines that a research facility has not met applicable standards despite notification, the agency would suspend or revoke Federal support for a project. The USDA has no provisions for revoking funds but does charge fines for violations. USDA may also impose cease-and-desist orders for violations.

INFORMATION SERVICE

S. 657 would also establish an information service at the National Agricultural Library. The National Agricultural Library would work with the National Library of Medicine in providing information on improved methods of animal research and methods which reduce or replace animal use, minimize pain and distress, and prevent unnecessary duplication of animal experiments. This could help research facilities save time and expense by being able to obtain information on new methods of research or results from similar experiments.

SPECIAL PROCEDURES

The amendment would also mandate special conditions that reviewing agencies would look for in research proposals involving the direct use of conscious animals. NIH's "Guide" suggests some of these procedures and the Animal Welfare Act requires registrants to submit annual reports disclosing the species and number of animals used and showing whether pain-relieving drugs were used in relevant experiments. S. 657 would insure that such procedures are followed.

Finally, I would reemphasize that the issues involved in S. 657 have been thoroughly discussed with scientific and animal welfare interests. Both sides do not seem to be far apart and this bill should resolve most of their differences.

Mr. President, I ask that the text of this amendment appear in the RECORD at this point in my remarks.

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

S. 657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Improved Standards for Laboratory Animals Act".

FINDINGS

SEC. 2. The Congress finds that—

(1) methods of testing that do not use animals have been developed which show promise of being faster, less expensive, and more accurate than traditional animal experiments for some purposes and further opportunities exist for the development of these methods of testing;

(2) measures which eliminate or minimize the unnecessary duplication of experiments on animals can result in more productive use of Federal funds; and

(3) measures which help meet the public concern for laboratory animal care and treatment are important in assuring that research will continue to progress.

DEFINITIONS

Sec. 3. (a) Section 2 (e) of the Animal Welfare Act (7 U.S.C. 2132 (e)) is amended by adding after "The term 'research facility' means" the following: "each department, agency, or instrumentality of the United States which uses animals for research or experimentation,".

(b)(1) Subsections (f), (g), (h), (i), and (j) are redesignated as subsections (j), (k), (l), (m), and (n), respectively.

(2) Section 2 of the Animal Welfare Act is amended by adding after subsection (e) the following:

"(f) The term 'Federal agency' means an executive agency as such term is defined in section 105 of title 5, United States Code, and with respect to any research facility means the agency from which the research facility has received or may receive a Federal award for the conduct of research, experimentation, or testing, involving the use of animals;

"(g) The term 'Federal award for the conduct of research, experimentation, or testing, involving the use of animals' means any mechanism (grant, contract, cooperative agreement, or loan) under which Federal funds are provided to support the conduct of such research;

"(h) The term 'direct use of conscious animals' means any use or procedure that involves more than momentary minor pain or discomfort, except where the animal is anesthetized throughout the entire course of that use or procedure;

"(i) The term 'quorum' means a majority of the committee members,".

STANDARDS AND CERTIFICATION PROCESS

Sec. 4. (a) Subsection (a) of section 13 of the Animal Welfare Act is amended by adding after "(a)" the following: "(1)".

(b) The second sentence of section 13(a) of the Animal Welfare Act (7 U.S.C. 2143 (a)) is amended to read as follows: "Such standards shall include—

"(A) proper requirements with respect to handling, housing, feeding, watering, sanitation, ventilation and shelter from extremes of weather and temperatures;

"(B) provision for adequate exercise and separation by species where the Secretary finds that such separation is necessary for humane handling; and

"(C) provision for adequate veterinary care, including the appropriate use of anesthetic, analgesic, or tranquilizing drugs and appropriate pre-surgical and post-surgical medical and nursing care.".

(c) The last sentence of section 13(a) of the Animal Welfare Act (17 U.S.C. 2143 (a)) is amended to read as follows: "Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design of research or experimentation by a research facility. The Secretary shall promulgate standards for research facilities, including proper requirements for animal care, treatment and methodology in experimental procedures to ensure that animal pain and distress are minimized. The Secretary shall require, at least annually, every research facility to show that the standards governing the care, treatment, and use of animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs during experimentation, are being followed by the research facility during research and experimentation.".

(d) Subsection (a) of section 13 of the Animal Welfare Act is amended by adding at the end thereof the following:

"(2)(A) The Secretary shall require that each research facility establish an institutional animal studies committee (hereinafter in this paragraph referred to as the 'committee') composed of not fewer than three members. Such members shall possess sufficient expertise to assess the appropriateness of animal care and treatment in experimental research. Of the members of the committee—

"(i) at least one member shall be a doctor of veterinary medicine;

"(ii) at least one member shall not be affiliated with the research facility and shall be primarily responsible for representing community concerns regarding the welfare of animal subjects (such member shall provide adequate assurances that he or she will not release any trade secrets or confidential information of the research facility; and

"(iii) not more than three members, in those cases where the committee consists of more than three members, shall be from the same administrative unit of the research facility.

"(B) Such committee shall—

"(1) meet regularly with a quorum for all formal actions;

"(ii) make inspections at least semiannually of all animal study areas and facilities of the research facility;

"(iii) review as part of the inspection of the research facility the research methods and practices involving direct use of conscious animals and the condition of research animals for the purpose of evaluating those research methods and practices to ensure that animal pain and distress are minimized and to ensure compliance with the standards for appropriate animal care, treatment, and methodology; and

"(iv) file with the Secretary and with any Federal agency from which the research facility is receiving an award, a certification that such semiannual inspections and reviews have taken place.

The inspection certification required by subparagraph (B)(iv) shall include reports of any violations of standards promulgated by the Secretary, deficient conditions of animal care or treatment, and deviations of re-

search methods and practices from originally approved proposals that adversely affect animal welfare. Such inspection certification shall be signed by a majority of the committee members. The committee shall file complete records of their inspection certification visits (including attendance of committee members) and other information pertinent to its activities. Any minority views shall be included in the certification records. Such records shall be maintained for at least three years by the committee or the research facility and available for inspection by any appropriate Federal agency.

"(C) The committee shall notify the Animal and Plant Health Inspection Service of the Department of Agriculture and any Federal agency from which the research facility is receiving an award, in writing, of any unacceptable conditions of animal care, treatment or methodology which have not been included in the certification. The notification shall be made only after the administrative representative of the research facility has been notified by the committee of the unacceptable conditions and the research facility is given an opportunity to make such conditions acceptable.

"(D) committee shall provide for annual sessions for scientists, animal technicians, and other personnel involved with animal care and treatment in research facilities, which provide instruction or training in—

"(i) the humane practice of animal maintenance and experimentation;

"(ii) the concept, availability, and use of research or testing methods that minimize or eliminate the use of animals or limit animal pain or distress; and

"(iii) utilization of the information service at the National Agricultural Library established under subsection (e) to prevent unnecessary duplication of animal experimentation by research facilities.

"(3) Research facilities shall inform their employees of the provisions of this section and shall inform such employees to report to the committee any violations of such provisions. Employees of such facilities may not be discriminated against because such employees reported any such violation.

"(4) The Secretary may waive the standards established under this section under exceptional circumstances which are related to the needs for research results or special and unusual circumstances of the research facility."

(e) Section 13 of the Animal Welfare Act is amended by adding at the end thereof the following:

"(e) The Secretary shall facilitate agency compliance with the requirements of this section through the establishment of an information service at the National Agricultural Library. The National Agricultural Library shall, in cooperation with the National Library of Medicine, provide information on improved methods of animal experimentation including methods which would—

"(1) reduce or replace animal use;

"(2) minimize pain and distress, such as anesthetic and analgesic procedures; and

"(3) prevent unnecessary duplication of animal experimentation.

"(f)(1) A research facility shall provide a statement of assurance of compliance with this section upon requesting a Federal award for the conduct of research, experimentation, or testing involving the use of animals to the Secretary of Agriculture and to the Secretary of any Federal agency from which such research facility is requesting such award.

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"(2) No Federal agency may approve any research facility for the receipt of a Federal award for the conduct of research, experimentation, or testing unless the agency finds, as a result of its review of the scientific merit of the proposal, that the award proposal includes—

"(A) in its justification of the research, the details of any procedure likely to produce pain or distress in an experimental animal and demonstrates that the principal investigator has considered possible alternative methods to any such procedure;

"(B) in any case involving the direct use of conscious animals, appropriate assurances that a doctor of veterinary medicine has been consulted in the planning of such procedures;

"(C) in any case involving the direct use of conscious animals, assurances—

"(i) for the proper use of tranquilizers, analgesics, and anesthetics;

"(ii) for appropriate pre-surgical and post-surgical medical and nursing care;

"(iii) against use of paralytics without adequate anesthesia; and

"(iv) that the withholding of tranquilizers, anesthesia, analgesia, or euthanasia when scientifically necessary shall continue for only the necessary period of time; and

"(D) except in cases of scientific necessity or other special circumstances as determined by the animal studies committee, assurances that no animal may be used in more than one major operative procedure from which it is allowed to recover.

"(g) The Secretary of Agriculture shall promulgate standards for compliance with this section. In any case in which the sponsoring Federal agency determines that conditions of animal care, treatment, or methodology in a particular project have not been in compliance with applicable standards, despite notification to the research facility, that agency shall suspend or revoke Federal support for the project. Any research facility losing Federal support as a result of actions taken under the preceding sentence shall have the right of appeal as provided in sections 701 through 706 of title 5, United States Code."

EFFECTIVE DATE

SEC. 5. This Act shall take effect one year after the date of enactment.●

By Mrs. HAWKINS (for herself,
Mr. CHAFEE, and Mr. SYMMS):

S. 658. A bill to amend the Agricultural Act of 1949 to modify the dairy price support program for the 1983 through 1985 fiscal years, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL DAIRY EQUITY ACT OF 1983

● Mrs. HAWKINS. Mr. President, despite our best efforts in the 97th Congress, the dairy program is careening out of control. In the last 3 years, Congress has considered the dairy program on several occasions to ease the burden on American taxpayers. Unfortunately, the burden has nevertheless become heavier. Twice Congress voted to forego scheduled increases in support levels, but with little result. And last year Congress, voted to freeze support levels while imposing \$1 assessments against dairy producers. Although this assessment would have resulted in budgetary savings, the plan has little support among producers,

consumers, Members of Congress, and the administration. In fact, it was ruled unconstitutional. Therefore, the important budgetary savings projected by the assessment remain unrealized. And the dairy surpluses continue to pile higher in underground Federal warehouses.

Thus, despite our efforts, overproduction of dairy products continues uninterrupted while the Federal Government daily purchases record quantities of surplus dairy products. Currently the Federal Government is forced to buy and store 10 percent of annual dairy production.

Mr. President, we cannot fault dairy farmers for this problem. They are responding to the signals sent by Congress. And, we cannot fault the program because, in the past, it has worked well, at little Federal expense. In the late 1970's, however, Congress sent the misguided signal to producers to increase production well beyond the amount consumers demanded. In 1977 and again in 1979, Congress dramatically increased support levels. In fact, by October 1980, it was \$13.10 per hundredweight, 60 percent higher than only 4 years earlier, despite the fact that production costs were rising substantially less.

The result of this increase in support levels was predictable: Dairy farmers increased production. Dairy production soared 10 percent in 3 years, and, with a reduction in per capita dairy consumption, the Federal Government was forced to purchase dairy products at unprecedented levels. Incredibly, the Federal Government now purchases over 20 percent of the Nation's cheese production, almost 30 percent of all butter, and 65 percent of all nonfat dry milk produced in this country. Currently the Commodity Credit Corporation has in storage 438 million pounds of butter, 825 million pounds of cheese, and 1.2 billion pounds of nonfat dry milk. And the stocks continue to increase faster than we can give it away.

And what about the cost to taxpayers? When the support level was at reasonable levels in 1979, the cost of the program was only \$46 million. As support levels increased, however, program costs skyrocketed to \$1 billion in fiscal year 1980 and doubled to \$2 billion in fiscal year 1981 and fiscal year 1982. And, if nothing is done costs will be \$2.5 billion in fiscal year 1983. Does this program—with its unreasonable high support levels—sound as though it promotes a balance between supply and demand? I think not.

Mr. President, the dairy industry understands the seriousness of the problem and realizes that unless action is taken to bring supply in line with demand, the dairy support program and Federal marketing order programs are in jeopardy. Some argue that base plans, in effect creating an OPEC for

milk, or different support levels for different classes of milk should be established. We believe, however, that the surest and fairest method of reducing the overproduction is to lower support levels across the board. After all, dairy farmers throughout the United States will benefit if the traditional dairy program is properly administered. They understand it and support it. Why dismantle the entire program when it is only necessary to adjust one component of it?

That one component is the support level. History has proven that a reduction in the support level is rapidly reflected in reduced Government purchases. In the past under similar circumstances, Congress has lowered the support level three times, and on each occasion, Commodity Credit Corporation purchases were significantly reduced. It worked then, and it will work now.

Therefore, today, Mr. President, we are introducing legislation that will bring order to the dairy program by using a traditional remedy. Our legislation repeals last year's language that allows the Secretary of Agriculture to levy unprecedented assessments on dairy farmers. Instead, it establishes a support price of \$12.10 per hundredweight on April 1, 1983. In addition, the Secretary of Agriculture may reduce the support price to \$11.60 per hundredweight on October 1, 1983, if he determines after consulting with the dairy industry that CCC purchases are not likely to decline in fiscal year 1984 below the amount bought in fiscal year 1983.

Further, when CCC purchases fall below 7 billion pounds, the support level would increase 50 cents per hundredweight, and when CCC purchases fall below 5 billion pounds or less, there would be an additional 50-cent increase.

This legislation is very similar to that supported by the Farm Bureau in the last Congress and is gaining support among dairy farmers throughout the country. They recognize that this plan provides an incentive to reduce production in order to achieve a higher support price later. And in so doing they are also protecting the dairy program from those who seek to abolish the dairy price support and marketing order programs.

Also, it is important to note that any dairy reform proposal that does not reduce support prices will not lead to increased consumption. But greater consumption is essential to dairy farmers to offset lower profit that everyone knows are inevitable.

In addition, our legislation will result in significant consumer savings. Due to the competitive nature of the dairy industry, the sellers of dairy products will reflect their lower costs through the purchase price of dairy