EC–1936. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on abnormal occurrences for the period July 1 through September 30, 1995; to the Committee on Environment and Public Works.

EC–1937. A communication from the Chairman of the Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the Safety Research Program; to the Committee on Environment and Public Works.

EC–1938. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on a demonstration project; to the Committee on Environment and Public Works.

EC–1939. A communication from the Chairman of the Migratory Bird Conservation Commission, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Environment and Public Works.

EC–1940. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the 20-year Tanker Size/Capacity Trend Analysis study; to the Committee on Environment and Public Works.

EC–1941. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the final report on the Information, Counseling and Assistance [ICA] Grants Program; to the Committee on Finance.

EC–1942. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Drug Utilization Review [DUR] Demonstration projects for 1995; to the Committee on Finance.

EC–1943. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the report of the December 1995 issue of the Treasury Bulletin; to the Committee on Finance.

EC–1944. A communication from the Director of the Trade and Development Agency, transmitting, pursuant to law, the 1995 annual report; to the Committee on Finance.

EC–1945. A communication from the Chairman of the Prospective Payment Assessment Commission, transmitting, pursuant to law, a report on health care spending; to the Committee on Finance.

EC–1946. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the report on trade between the United States and China for the period July 1 through September 30, 1995; to the Committee on Finance.

EC–1947. A communication from the Administrator of the U.S. Agency For International Development, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Foreign Relations.

EC–1948. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to Serbia and Montenegro; to the Committee on Foreign Relations.

EC–1949. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Foreign Relations.

EC–1950. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–1951. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

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. MURKOWSKI (for himself and Mr. JOHNSTON): S. 1596. A bill to direct a property conveyance in the State of California; to the Committee on Energy and Natural Resources.

By Mr. DORGAN:

S. 1597. A bill to amend the Internal Revenue Code of 1986 to discourage American businesses from moving jobs overseas and to encourage the creation of new jobs in the United States, and for other purposes; to the Committee on Finance.

By Mr. GLENN:

S. 1598. A bill to provide that professional sports teams relocating to different communities shall lose trademark protection with respect to team names, and for other purposes; to the Committee on the Judiciary.

By Mr. BREAUX:

S. 1599. A bill for the relief of Tarek Elagamy; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. MACK):

S. 1600. A bill to establish limitations on health plans with respect to genetic information, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LEVIN (for himself, Mr. GLENN, Mr. DEWINE, and Mr. KOHL):

S. 1601. A bill to amend the Federal Water Pollution Control Act to extend the deadline for and clarify the contents of the Great Lakes health research report, and for other purposes; to the Committee on Environment and Public Works.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself and Mr. JOHNSTON):

S. 1596, A bill to direct a property conveyance in the State of California; to the Committee on Energy and Natural Resources.

THE WARD VALLEY LAND TRANSFER ACT

Mr. MURKOWSKI. Mr. President, today I am introducing legislation with my colleague, Senator JOHNSTON, directing a land conveyance for the purpose of siting a low level radioactive waste facility at Ward Valley, CA. This measure is virtually identical to language the Senate previously agreed to in the reconciliation bill conference report, with the exception that we have added an additional condition that California must provide its written commitment to carry out environmental monitoring and protection measures based on recommendations of the National Academy of Sciences, subject to Federal oversight by the Nuclear Regulatory Commission.

Mr. President, the Congress—in 1980 and again in 1985—gave States the responsibility for low level radioactive waste disposal. After an 8 year licensing process costing more than $45 million, the State of California awarded a license for a waste disposal site at Ward Valley, in the Mojave Desert. California is the host State for the Southwestern low level radioactive waste compact which includes the States of Arizona, North Dakota, South Dakota, and California.

The Ward Valley site has withstood the scrutiny of two environmental impact statements, two biological opinions under the Endangered Species Act, and a variety of court challenges. Ward Valley was given a clean bill of health by the National Academy of Sciences in a special report issued in May 1995. No low level radioactive site has received greater scrutiny than this one. It's a safe site, and anyone who reviews the facts with the tools of science rather than the rhetoric of emotion comes to that conclusion.

With the license issued, the court challenges exhausted, and the science settled, all that remains is a simple, administrative land sale from the Bureau of Land Management to the State of California. This is the kind of routine conveyance that would normally be handled at a BLM field office. But the Secretary of the Interior has intervened, and effectively kept the land sale from proceeding for more than 2 years by ordering a supplemental EIS, and later, a review by the National Academy of Sciences. Both the supplemental EIS and the Academy review turned out to be highly favorable to the Ward Valley site, and at the conclusion of each we have hoped that any remaining excuse for further delay would evaporate. Unfortunately, Ward Valley opponents hope to delay this forever, suggesting at each juncture a new study, a new hurdle, a new obstacle.

The latest hurdle was erected on February 15, when Interior Deputy Secretary John Garamendi announced yet another round of follow up studies to include tritium tests. California is not opposed to tritium tests, and the State is willing to conduct them. The problem, Mr. President, is that Interior wants the tests concluded prior to the land transfer. The National Academy of Sciences did not say this was necessary or desirable. In fact, the Academy suggests ongoing testing should be undertaken in conjunction with the operation of the facility. The Interior Department's actions, in my opinion, are merely a tactic to delay the commencement of operations at Ward Valley until after the next election.

If we do nothing, Mr. President, and allow this land conveyance to be delayed, I can guarantee that there will be some new obstacle erected after the tritium tests are complete. As the National Academy of Sciences pointed out, tritium tests are difficult and often inconclusive. That's why they should not be rushed, they should not precede the conveyance, they should continue along with all of the other monitoring and protection measures that will be undertaken during the

site's operation. If we proceed with rushed tritium testing, we will likely end up with an inclusive result, providing project opponents with yet another excuse for delay. At the very least, the project opponents will ask for another supplemental EIS to consider any new information. A new basis for further litigation or new strategies for delay would be fabricated. They delays would just go on and on.

What we have, Mr. President, is a Department of the Interior—lacking expertise or responsibility in matters relate to the regulation of radioactive materials—that aspires to get into the business of nuclear regulation. Even worse, the Secretary of the Interior is acting to usurp the statutory authority of the State of California to protect the radiological health and safety of its citizens through the State management and oversight of low-level radioactive waste disposal.

Some of my colleagues may recall that we made low-level radioactive waste management a State responsibility in the 1980 and 1985 act in response to heavy lobbying by the National Governors' Association. At the time, Arizona Gov. Bruce Babbitt and Arkansas Gov. Bill Clinton were prominent leaders in the National Governors' Association. Governor Babbitt even served on a special NGA task force recommending that low level radioactive waste management become a State responsibility. Today, Interior Secretary Babbitt is working to usurp and erode the very State authority he lobbied Congress for as Governor. I find that most ironic.

The irony is not lost on the Governor of California. He has asked us for this legislation. He is concerned about the health, safety, and welfare of Californians. He is aware that low-level radioactive waste is being stored in hospitals, in residential neighborhoods, in businesses, and in universities at 2,254 sites in 800 locations across California, and that the waste in these temporary sites are subject to fires, floods, and earthquakes.

If you oppose this bill, then you are by necessity arguing for the continued storage of these materials all over California, or the transport of these materials across the United States to the only facility currently open to California—Barnwell, SC. Meanwhile, some hospitals in California are running out of room. Will this result in the curtailment of cancer treatment or AIDS research that uses radioactive materials? Will this result in an accidental release at one of these dispersed locations as a consequence of a fire, flood or earthquake? We can only hope and pray that it will not.

To summarize, Mr. President: This is a simple directed land sale that does what the administration should have done long ago. If we fail to do this, we not only create problems for California and Arizona, North Dakota, South Dakota as Southwestern Interstate Compact States, we challenge the viability of the Low Level Radioactive Waste Policy Act and the policy of State responsibility upon which it is based.

A June 16 editorial in Science magazine perhaps says it best: ''The risks stemming from one carefully monitored Ward Valley LLRW site are trivial in comparison with those from 800 urban accumulations. Enough of groundless fears and litigation.''

Mr. President, we have, indeed, had enough of groundless fears and litigation. The time has come to act.

I ask unanimous consent that the full 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. 1596

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 ''Ward Valley Land Transfer Act''.

SEC. 2. CONVEYANCE OF PROPERTY.

Effective upon the tendering to the Secretary of the Treasury of $500,100 on behalf of the State of California and the tendering to the Chairman of the Nuclear Regulatory Commission of a written commitment by the State to carry out environmental monitoring and protection measures based on recommendations of the National Academy of Sciences subject to federal oversight by the Nuclear Regulatory Commission pursuant to 42 U.S.C. 2021, as amended, all right, title and interest of the United States in the property depicted on a map designated USGS 7.5 minute quadrangle, west of Flattop Mtn, CA 1984 entitled ''Location Map for Ward Valley Site'', located in San Bernardino Meridian, Township 9 North, Range 19 East, and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the Department of Health Services of the State of California. Upon the request of the State of California, the Secretary of the Interior shall provide evidence of title transfer.

By Mr. DORGAN:

S. 1597. A bill to amend the Internal Revenue Code of 1986 to discourage American businesses from moving jobs overseas and to encourage the creation of new jobs in the United States, and for other purposes; to the Committee on Finance.

THE AMERICAN JOBS ACT OF 1996

Mr. DORGAN. Mr. President, today I intend to introduce legislation called the American Jobs Act, and I simply wanted to come to the floor and describe it. I also intend in the coming weeks to try to convince as many Members of the Senate as possible to cosponsor this, because I think it does relate to a lot of the issues that the American people are very concerned about.

I spoke yesterday on the floor of the Senate about the issue of trade and jobs and the economy. I know some people get tired of hearing that. It is probably the same song with 10 different verses that I come and talk about from time to time.

But I think it is central to the question of where are we headed as a country? Who are we and where are we going? We are a country that is a wonderful country with enormous challenges ahead of us, but a country still filled with substantial strength and opportunity in the future.

I mentioned yesterday how interesting it is to me that at a time when people talk about how awful this country is, we have people suggesting we ought to put fences down across the border down south to keep people out. Why would we want to keep people from coming to this country? We have an immigration problem. Why do people want to come here? Because they think this is a remarkable place. Most people around the world think this is a wonderful place to live and a wonderful place to be.

What is happening in our country? Well, we are a country that survived the Civil War and came out as one country. We survived the depression and went on to build the strongest economy in the world. We defeated Hitler, cured polio, and we put a person on the Moon. When you think of all the wonderful things we have done in this country and then understand there is a kind of mood in America that is a mood of dissatisfaction and concern, not about what is past because all of us understand that what we have done has been quite remarkable in the history of humankind, but the concern is about the future. Where are we headed? Where are we going? What kind of a country will we be in the future?

There are several levels of that concern. One is about the declining standards and values in our country that people see. One is about crime and the increase in violence in our country and the concern about why that exists. But the other is about the issue of jobs. Will we have good jobs in our country? Under what circumstance will we have good jobs? There is not a social program in America—none that we talk about in the Senate or the House ever during the year—that is as important or as useful as a good job to an able-bodied person that wants to have a good job.

A good job is the best social program in our country—a good job with good income. My ancestors came here from other countries because they saw that beacon of hope and opportunity in our country. They wanted to take advantage of it. They wanted a good job. They got good jobs and were able to give their children an education. That is what people in America want today. They are concerned because so many jobs in America seem to be moving elsewhere, and because the jobs that exist here seem to pay less money than they used to and have less security than they used to have.

We do not have wages spiking up in America, except for the wages of CEO's. Yesterday there was a report in the newspaper in town that says the

average CEO salary of the large corporations of the country was up 23 percent in 1 year—an average $4 million salary. But that is unusual because blue-collar workers are not keeping pace with inflation. In fact, 60 percent of the American families sit around the dinner table and talk about their lot in life, and they discover that after 20 years they are working harder and they have less income. If you adjust it for inflation, they have less income now than 20 years ago.

Why is that the case? Why is it the case that we have jobs with lower income, with less security, and jobs that are moving from our country overseas?

The chart behind me shows America's trade deficit. I am not going to speak about that today. That is for another time. I have already given that speech, in any event. But the trade deficit. The merchandise trade deficit last year was over $170 billion. What does that mean? It means we are buying more from other countries than they are buying from us. And we have a very substantial deficit. What it means is jobs that used to be here now are somewhere else. It means jobs are moving from America, from our country, to other countries. In fact, this chart shows foreign imports now take over one-half of U.S. manufacturing gross domestic product.

Said another way, if you evaluate what it is we produce, manufacture in our country, and measure that to what we import from other countries, foreign imports now take one-half of U.S. manufacturing GDP. A fair portion of these foreign imports are goods made by American corporations in foreign countries to be shipped back for purchase by American consumers. Or said another way, there are American jobs that are now gone overseas somewhere, making the same products to ship back to Pittsburgh, Denver, Fargo, and Sacramento, to be bought by American consumers. They think it is a good deal. If you can get somebody working for 14 cents an hour in some foreign land to make your shoes, shirts, or pants, think of how cheap that is going to be for American consumers—not understanding, of course, that the jobs that used to exist here to produce those products for our people are now gone.

This chart depicts jobs that used to be in America. To pick a few countries, U.S. jobs now in foreign affiliates of U.S. firms were nearly 70,000 in 1992; 53,000 in Hong Kong; 14,000 in Costa Rica; 40,000 in Ireland, and it goes on and on.

I pointed out yesterday that there are a lot of reasons for all of this, like global economics, in which corporations are redefining the economic model and saying, ''We want to produce where it is cheap and sell into an established market.'' That might be fine for them because, for them, that is profits. For the rest of the American people it is translated into lost jobs.

The initiative I am offering in the Senate today has two purposes, one of which I have already introduced in a separate smaller piece of legislation. The first provision is to say let us start by stopping the bleeding. Let us decide we will not reward a tax break to companies which decide to shut their American plants down and move their U.S. jobs overseas. How do we do that? Here is an example: If we have two companies on the same street making the same product, owned by two Americans, in any American city in the country, and they are the same kind of company, make the same product, they may have the same profitability; the only difference is that one of them, on a Monday, decides, I am out of here, I am done, I am tired of having to pay a living wage to an American worker. I am tired of having to comply with air and water pollution laws. I am sick and tired of not being able to hire kids. I am tired of having to comply with these regulations that require my workplace to be safe. So I am escaping. I am shutting my door, getting rid of my workers, taking my equipment and capital and moving to a foreign country where I do not have to bother about pollution laws. I can dump whatever I want into the streams and air. I can hire 14-year-olds if I choose. I do not have to care about an investment in safety in the workplace. Most importantly, I can pay 14 cents an hour, 25 cents an hour, or 50 cents an hour and increase my profitability.

When that person, on a Monday, decides he is going to do that, and his plant closes, and the other person on the other end of the block making the same product stays here, what is the difference? The person that left our country to produce the same product and ship it back into our country and compete with the person that stayed gets a tax break.

Our tax law says that if you leave this country, shut your plant down, move your jobs overseas, we will give you a deal. You get something called ''deferral.'' You can defer your income tax obligation on the profits you earned. In fact, you can defer them permanently, if you wish, and never pay taxes on that profit. You can invest those proceeds overseas and use profits to build more plants and create more jobs overseas. We will give you a deal. The American taxpayer tells you that you can get a big fat tax break.

Well, no more. In fact, I tried to close that little thing last year, and 52 Members of the Senate cast a vote to say, ''No, we want to keep that tax break.'' I do not have the foggiest idea why they would think that. But I am going to give them a chance to think about it at least a dozen more times this year because we are going to vote and vote and vote on this provision until we decide to do the right thing. The right thing is to have a Tax Code that is at least neutral on the question of whether you ought to have your jobs in America or overseas.

I am really flat tired of seeing a Tax Code that subsidizes the movement of American jobs abroad. Are there conditions under which people would move jobs abroad? Yes. Should we stop it? I do not think we can because we have a global economy. But should we subsidize it? No! It is totally ridiculous. Title I of my bill says let us stop this insidious tax loophole, stop the break that says we will reward you if you simply shut down your American plant and move your jobs to Mexico, Singapore, Sri Lanka, Bangladesh, China, or you name it.

Title II is also very simple: It says for those that create net new jobs in America, for those American companies that stay in America and create net new jobs in America, you get a 20 percent payroll tax credit on your income taxes for the first 2 years of that new job. Why am I doing that? Because I want to close the loophole that allows them to move their jobs overseas and get paid for doing it, and I want to create an incentive for people to create jobs here in this country.

These people in this town who have this global notion that it does not matter where manufacturing exists, it does not matter where jobs are, are not thinking about the well-being of this country. This country does not exist by consumption figures alone. Every single month you drive to work, turn the radio on, guess what? There is some commentator telling us about our economic health. How do they describe our economic health? They say we consumed so much last month, we bought so much, sales were so high. So we measure now the economic health of America by what we consume. That is not what describes the economic health of my hometown or the economic health of my State or this country.

Economic health in this country is described by what we produce—manufacture, production. The genesis and source of wealth in this country is what does this country produce. Those who believe America will remain a long-term economic world power without a strong vibrant manufacturing economy have not studied the British disease of long, slow economic decline at the turn of the century when they decided it did not matter where manufacturing existed. This country had better start caring again about whether we have a productive sector, whether we have a strong manufacturing base, and whether we retain a broad network of good paying jobs in this country. That comes from the manufacturing sector.

We spend our time in the Congress talking about almost everything except that which matters most to American families—jobs. Jobs and opportunity. You ask most people what they care about. They care about whether or not they have a decent job and they have an opportunity to make a living and support their family. Then they care about whether their kids are going to be able to find a decent job. Yes, along the way, whether they can get a

good education for their kids. Yes, whether their families are safe. Yes, whether they get decent health care. Those are the central issues for families. All of it is driven by do you have an opportunity to get a decent job.

It ought not escape anybody's notice that as those who describe our economic circumstances in our country, these economists—and I guess I should make clear with truth in labeling that I taught economics in college for a couple of years part-time; I was able to overcome that and go on and do other things in life. The economists who have described for us an economic model in which they talk about how wonderfully healthy America's economy is because it is growing and it is moving ahead. Why? Because they talk about how much we are consuming—a fair amount, incidentally with debt, debt-assisted consumption, as opposed to manufacturing assisted by good investment. That is the difference.

If we do not start moving to debate the central issue of what moves our economy ahead and what provides economic strength and vitality for American families, we are always, it seems to me, going to be on the end of a disconnection from the average American voter. They want us to be dealing with things that matter most in their lives. There is not much that is more important than the issue of will this economy of ours produce decent jobs in the future? Now, we can, as we have in the past, just hang around here and talk about all the other ancillary issues that do not matter very much, but if we do not decide that jobs matter and that our Tax Code that actually encourages people to move their jobs overseas, if we do not decide that desperately needs changes, we do not deserve to belong in this Chamber. We have to decide what the central issues for our country are.

I think everybody in this country knows that we have lost some 3 million manufacturing jobs in about a 5-to 8-year-period, at a time when we have increased by tens of millions the number of American citizens who live here. A good job base in the manufacturing sector is shrinking, our population is increasing. Opportunity is moving away. It is not too late. I think that what most of the American people would like us to do is put America's Tax Code on the side of America's workers and America's taxpayers, and not on the side of big corporations that will milk the Tax Code by moving jobs overseas instead of keeping jobs here at home.

Mr. President, I will be introducing the legislation in the Senate today. I hope that some of my colleagues will join me. Again, I indicate that I fully intend that we will have repeated votes on this kind of legislation this year because I think it is central to the issue of what we ought to be doing.

By Mr. GLENN:

S. 1598. A bill to provide that professional sports teams relocating to different communities shall lose trademark protection with respect to team names, and for other purposes; to the Committee on the Judiciary.

THE SPORTS HERITAGE ACT

Mr. GLENN. Mr. President, I rise today to introduce the Sports Heritage Act of 1996. This legislation addresses a problem faced by many communities after the loss of a professional sports team and is a companion to a bill I introduced in November, the Fans Rights Act.

Simply, the Sports Heritage Act would allow a community to keep a professional team's name and colors in the event of a relocation. The only condition is that the team must have played at least 10 years in the community. The bill also says that the elected officials of a community can waive this right.

Mr. President, relocation fever is sweeping American professional sports. At a record number, professional sports teams are abandoning—or attempting to abandon—their host communities, often with little regard for the historical legacy of the team in its home city.

The Sports Heritage Act gives communities some protection over that historical tradition. For example, the proposed team relocation which has truly shocked sports fans across the country is the Cleveland Browns' decision to move to Baltimore.

Mr. President, I am not going to get into the specifics of that move or why it has shocked sports fans. But let me tell you a bit about the tradition of the Browns in Cleveland.

The Cleveland Browns have been a symbol of undying and unwavering fan support for half-a-century. During the football season, Lakefront Municipal Stadium is packed to the rafters with Browns' fans rooting on their team. There have been glorious Browns' seasons and their have been not-so-glorious seasons. But one constant has been the fan support. And that support has been passed on from generation to generation.

I am pleased that the deal between the city and the NFL will maintain the Browns' name and colors in Cleveland for a future team. Let's be honest, did anyone really think Baltimore Browns sounded right? Not only doesn't it sound right, it flies in the face of sports history in Cleveland, in Ohio, and the rest of America. The name Browns belongs to the rich sports tradition of northern Ohio and its right that the name and colors will stay.

Another example is the Oakland Raiders. How many of us spent the last decade referring to the team as the Oakland Raiders instead of the Los Angeles Raiders? Or could you imagine other situations, such as the Orlando Yankees or the New Orleans Cubs? I'm not suggesting these two storied franchises are going to move, but I use the examples to stress how a team name can be woven into the fabric of a community's traditions.

The Sports Heritage Act would permit communities that have long-standing ties to a sports franchise, 10 or more years, to retain the team name for any future franchises. I think that's only fair.

The current relocation fever in professional sports has brought about a great deal of attention in Congress. Fans and communities need more protection and I believe the Fans Rights Act will accomplish that. The Sports Heritage Act will help strengthen that protection and I urge all Senators to support this bill.

By Mrs. FEINSTEIN (for herself and Mr. MACK):

S. 1600. A bill to establish limitations on health plans with respect to genetic information, and for other purposes; to the Committee on Labor and Human Resources.

THE GENETIC FAIRNESS ACT OF 1996

● Mrs. FEINSTEIN. Madam President, today, Senator MACK and I are introducing a bill to do two things. It would—

First, prohibit health insurers from conditioning the sale or terms of health insurance on genetic information of the insured or applicant for insurances; and

Second, prohibit health insurers from requiring an applicant for insurance or an individual or family member presently covered to take a genetic test or to be subjected to questions relating to genetic history.

Under this bill, an insurer could not engage in the following actions on the basis of any genetic information of an individual or family member or on the basis of an individual's or family member's request for or receipt of genetic services:

Terminate, restrict, limit, or otherwise apply conditions to coverage of an individual or family member;

Cancel or refuse to renew the coverage of an individual or family member;

Deny coverage or exclude an individual or family member from coverage;

Impose a rider that excludes coverage for certain benefits and services under the plan;

Establish differentials in premium rates or cost sharing for coverage under the plan; or otherwise discriminate against an individual or family member in the provision of health care.

Last fall, as cochairs of the Senate Cancer Coalition, Senator MACK and I held a hearing on the status and use of genetic tests. Witnesses testified about the great promise of genetic testing in predicting and managing a range of diseases. A considerable portion of illness derives from defects in one or more genes or the interplay of environmental and genetic factors.

For example, approximately 3 percent of all children are born with a severe condition that is primarily genetic in origin. By age 24, genetic disease strikes 5 percent of Americans. Genetic disorders account for one-fifth of adult hospital occupancy, two-thirds of childhood hospital occupancy, one-

third of pregnancy loss, and one-third of mental retardation.

About 15 million people are affected by one or more of the over 4,000 currently identified genetic disorders. An even larger number are carriers of genetic disease. J. Rennie in the June 1994 Scientific American estimated that every person has between 5 and 10 defective genes though they often are not manifested. Indeed, we are all carrying around between 50,000 and 100,000 genes scattered on 23 pairs of chromosomes.

In the past 5 years, there has been a virtual explosion of knowledge about genes. Scientists, including those at the Federal Human Genome Project, are decoding the basic units of heredity. We know that certain diseases have genetic links, including cancer, Alzheimer's disease, Huntington's disease, cystic fibrosis, neurofibromatosis, and Lou Gehrig's disease. Altered genes play a part in heart disease, diabetes, and many other more common disease.

While these important understandings hold great potential, they also present some serious problems. Witness after witness at our hearing discussed the potential and the reality of health insurance discrimination. They told us about insurers denying coverage, refusing to renew coverage, or denying coverage of a particular condition.

In a 1992 study, the Office of Technology Assessment found that 17 of 29 insurers would not sell insurance to individuals when presymptomatic testing revealed the likelihood of a serious, chronic future disease. Fifteen of 37 commercial insurers that cover groups said they would decline the applicant. Underwriters at 11 of 25 Blue Cross-Blue Shield plans said they would turn down an applicant if presymptomatic testing revealed the likelihood of disease. The study also found that insurers price plans higher—or even out of reach—based on genetic information. Another study conducted by Dr. Paul Billings at the California Pacific Medical Center, reached similar conclusions.

Here are a few examples, real-life cases:

An individual with hereditary hemochromatosis (excessive iron), who runs 10K races regularly, but who had no symptoms of the disease, could not get insurance because of the disease.

An 8-year-old girl was diagnosed at 14 days of age with PKU (phenylketonuria), a rare inherited disease, which if left untreated, leads to retardation. Most States require testing for this disease at birth. Her growth and development proceeded normally and she was healthy. She was insured on her father's employment-based policy, but when he changed jobs, the insurer at the new job told him that his daughter was considered to be a high risk patient and uninsurable.

The mother of an elementary school student had her son tested for a learning disability. The tests revealed that the son had fragile X syndrome, an inherited form of mental retardation. Her insurer dropped her son's coverage. After searching unsuccessfully for a company that would be willing to insure her son, the mother quit her job so she could impoverish herself and become eligible for Medicaid as insurance for her son.

Another man worked as a financial officer for a large national company. His son had a genetic condition which left him severely disabled. The father was tested and found to be an asymptomatic carrier of the gene which caused his son's illness. His wife and other sons were healthy. His insurer initially disputed claims filed for the son's care, then paid them, but then refused to renew the employer's group coverage. The company then offered two plans. All employees except this father were offered a choice of the two. He was allowed only the managed care plan.

A woman was denied health insurance because her nephew had been diagnosed as having cystic fibrosis and she inquired whether she should be tested to see if she was a carrier. After she was found to carry the gene that causes the disease, the insurer told her that neither she nor any children she might have would be covered unless her husband was determined not to carry the CF gene. She went for several months without health insurance because she sought genetic information about herself.

These practices deny people health insurance. In the United States, 40 million people or 15 percent have no health insurance. In California, it is 23 percent, translating to between 6 and 7 million people. If people with genetic conditions or predispositions cannot buy health insurance on the private market, they usually have nowhere to turn. To qualify for Medicaid, the primary public health insurance program for the nonelderly, families have to spend down or impoverish themselves. Having more uninsured people means that we all pay more, both for the public programs and for uninsured people arriving in hospital emergency rooms at the last minute with exacerbated conditions.

Not only do these denials deprive Americans of health insurance, the fear of discrimination can have adverse health effects. For example, if people fear retaliation by their insurer, they may be less likely to provide their physician with full information. They may be reluctant to be tested. This reluctance means that physicians might not have all the information they need to make a solid diagnosis or decide a course of treatment.

I hope Congress will begin to address this unfair insurance practice. After all, we are all just a bundle of genes. We are all at risk of disease and illness. This bill can help make health insurance available to many who need it and who want to buy it. I hope my colleagues will join me today in enacting this bill.●

By Mr. LEVIN (for himself, Mr. GLENN, Mr. DEWINE and Mr. KOHL):

S. 1601. A bill to amend the Federal Water Pollution Control Act to extend the deadline for and clarify the contents of the Great Lakes health research report, and for other purposes; to the Committee on Environment and Public Works.

THE AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY REAUTHORIZATION ACT OF 1996

Mr. LEVIN. Mr. President, today I am introducing a bill with Senators GLENN, DEWINE, and KOHL, to reauthorize and extend an ongoing research effort examining human health effects of consuming Great Lakes fish that have been exposed to pollutants. Extensive, careful research is critical to sensible and cost-effective decisions on the steps needed to protect the Great Lakes environment.

This research effort was originally authorized in the Great Lakes Critical Programs Act of 1990, which I authored. The effort is being led by the Agency for Toxic Substances and Disease Registry and is intended to help provide information on the human and ecological health effects of environmental contamination, particularly in the Great Lakes.

Studies have indicated that humans are the final biological receptors for many toxic substances. One of the most obvious pathways of human exposure is fish consumption, since it is well documented that some pollutants of concern accumulate in fish, and fishing is a very popular pastime in the Great Lakes.

Preliminary results from the first phase of this research indicate an association between consumption of contaminated fish and human body burdens of persistent toxic substances, including PCB's, organochlorines, and heavy metals such as mercury and lead. One ongoing study component of the overall project suggests that there is a positive connection between the amount of Lake Ontario fish consumed by mothers and adverse neurobehavioral effects in their children.

The information being gathered through this research is crucial to making well-informed decisions about environmental protection in the Great Lakes. Its findings are extremely useful in the development of a uniform fish advisory for the entire Great Lakes, rather than the confusing system currently in place where each State warns anglers and consumers of slightly different hazards to health. This uniform approach's key components have received the endorsement of the Michigan Environmental Science Board. And, the data being gathered will help guide policymakers in addressing possibly one of the most challenging issues facing the Great Lakes region—contaminated sediments.

As my colleagues may know, there are many areas of concern in the Great Lakes. These areas are frequently harbors or watersheds drainage areas that

have experienced significant industrial activity. The sediment in these areas has become contaminated with any number of persistent pollutants. Despite reductions in point source discharges, and projected decreasing emissions from air sources that deposit toxics in the Great Lakes, the reservoir of contaminants already in sediments will continue to degrade water quality and therefore increase opportunities for human exposure. We must continue our efforts to remove or treat these sediments, but we will need guidance from well-conducted, peer-reviewed scientific work like that provided by the ATSDR to prioritize our efforts. Also, I would like to once again strongly urge the U.S. Environmental Protection Agency to submit its very tardy report to Congress providing the results of a comprehensive national survey of aquatic sediment quality. This too is important data we need to attack the problem of contaminated sediments.

Extending this research effort is necessary to help track the long-term effects of pollutants on human health. This bill authorizes an extension until 1999 and requires an additional report to Congress at the conclusion of the research. Also, the bill clarifies the purpose of the research consistent with scientific recommendations and the preliminary study results.

Mr. President, I am hopeful that all my colleagues from the Great Lakes region and Senators representing other areas that suffer from water quality problems will join me in cosponsoring this bill. We need more means and data by which we can measure our environmental protection progress and efficiently target our limited resources. This research program is a small, but very important part of that effort. We cannot afford to make decisions without the information that is coming out of the ATSDR research. Our children's future depends on it.

Mr. GLENN. Mr. President, I rise today in support for the reauthorization of the Agency for Toxic Substances and Disease Registry's [ATSDR] study examining the connection between consumption of contaminated fish and human health.

I am honored to join my colleagues, Senators LEVIN, KOHL, and DEWINE, in the reauthorization of this study of immense importance to the people of the Great Lakes basin. I am also pleased that my Ohio colleague, Congressman LATOURETTE, and Congressman OBERSTAR have introduced companion legislation in the House of Representatives. That bill was successfully included in the House-passed Clean Water Act Reauthorization.

As you may know, the Great Lakes States have fish advisories warning the public against consumption of certain fish at particular levels due to contamination. This bill would continue a research program designed to investigate and characterize the association between the consumption of contaminated Great Lakes fish and short- and long-term harmful human health effects. The ATSDR study develops a body of knowledge on exposure pathways, body burdens, and associated human health effects in defined at-risk populations. These populations include sport anglers, the urban poor, pregnant women and their children, native Americans, and elderly.

This body of knowledge has a variety of potential and beneficial uses. Perhaps most importantly, it may be used to assist State and local agencies in developing fish advisories, remedial action plans, and lake-wide management plans. The study's findings may also increase general public awareness of the health implications of the toxic pollution in the lakes, and provide a study model for other human health research.

Congress has recognized the merits of this human health effects research in the past. I thank my Great Lakes colleagues for their continued support in the effort to understand the impacts of consuming contaminated fish and hope others will recognize the merits of reauthorizing the ATSDR human health effects research.

ADDITIONAL COSPONSORS

S. 704

At the request of Mr. SIMON, the name of the Senator from Wyoming [Mr. SIMPSON) was added as a cosponsor of S. 704, a bill to establish the Gambling Impact Study Commission.

S. 837

At the request of Mr. WARNER, the name of the Senator from Louisiana [Mr. BREAUX) was added as a cosponsor of S. 837, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of James Madison.

S. 942

At the request of Mr. BOND, the names of the Senator from Virginia [Mr. ROBB), the Senator from South Dakota [Mr. PRESSLER), the Senator from Idaho [Mr. KEMPTHORNE), the Senator from Ohio [Mr. DEWINE), the Senator from Alaska [Mr. STEVENS), and the Senator from North Carolina [Mr. FAIRCLOTH) were added as cosponsors of S. 942, a bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitrary regulatory enforcement actions against small entities, and for other purposes.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from Washington [Mrs. MURRAY) was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1183

At the request of Mr. HATFIELD, the name of the Senator from Washington [Mrs. MURRAY) was added as a cosponsor of S. 1183, a bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standards for coverage under the Act, and for other purposes.

S. 1344

At the request of Mr. HEFLIN, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Georgia [Mr. NUNN) were added as cosponsors of S. 1344, a bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, and for other purposes.

S. 1360

At the request of Mr. BENNETT, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1360, a bill to ensure personal privacy with respect to medical records and health care-related information, and for other purposes.

S. 1416

At the request of Mr. HATFIELD, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1416, a bill to establish limitation with respect to the disclosure and use of genetic information, and for other purposes.

S. 1553

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 1553, a bill to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to certain tax benefits in the same manner as if such services were performed in a combat zone.

S. 1560

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1560, a bill to require Colombia to meet anti-narcotics performance standards for continued assistance and to require a report on the counter-narcotics efforts of Colombia.

S. 1568

At the request of Mr. HATCH, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1568, a bill to amend the Internal Revenue Code of 1986 to provide for the extension of certain expiring provisions.

SENATE CONCURRENT RESOLUTION 43

At the request of Mr. THOMAS, the names of the Senator from Minnesota [Mr. GRAMS], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Concurrent Resolution 43, a concurrent resolution expressing the sense of the Congress regarding proposed missile tests by the People's Republic of China.