

EC-2564. A communication from the Secretary of Defense, transmitting, a notice of retirement; to the Committee on Armed Services.

EC-2565. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to dual use technology for fiscal year 1997; to the Committee on Armed Services.

EC-2566. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, certification of a license for the export of defense equipment under the Arms Export Control Act; to the Committee on Foreign Relations.

EC-2567. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, certification of a Manufacturing License Agreement relative to aerial target systems under the Arms Export Control Act; to the Committee on Foreign Relations.

EC-2568. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, certification of a license for export of defense services to Brazil under the Arms Export Control Act; to the Committee on Foreign Relations.

EC-2569. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, certification of a license for export of defense equipment to Sweden under the Arms Export Control Act; to the Committee on Foreign Relations.

EC-2570. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report relative to Contract with America Advancement Act of 1996; to the Committee on Commerce, Science, and Transportation.

EC-2571. A communication from the AMD-Performance Evaluation and Records Management, Office of Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to Regulatory Flexibility Analysis; to the Committee on Commerce, Science, and Transportation.

EC-2572. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report relative to allotments for FM broadcast stations; to the Committee on Commerce, Science, and Transportation.

EC-2573. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report relative to allotments; to the Committee on Commerce, Science, and Transportation.

EC-2574. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report relative to allotments in California; to the Committee on Commerce, Science, and Transportation.

EC-2575. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report relative to allotments in Idaho; to the Committee on Commerce, Science, and Transportation.

EC-2576. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report relative to allotments for Weston, Idaho; to the Committee on Commerce, Science, and Transportation.

EC-2577. A communication from the AMD-Performance Evaluation and Records Man-

agement, Federal Communications Commission, transmitting, pursuant to law, a report relative to allotments for Mendota, California; to the Committee on Commerce, Science, and Transportation.

EC-2578. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report relative to allotments for Mahanomen, Minnesota; to the Committee on Commerce, Science, and Transportation.

EC-2579. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report relative to allotments for Portsmouth, Ohio; to the Committee on Commerce, Science, and Transportation.

EC-2580. A communication from the AMD-Performance and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report relative to allotments for Cooperstown, Pennsylvania to the Committee on Commerce, Science, and Transportation.

EC-2581. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report relative to allotments for Superior, Montana; to the Committee on Commerce, Science, and Transportation.

EC-2582. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report relative to allotments for Gillette, Wyoming; to the Committee on Commerce, Science, and Transportation.

EC-2583. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report relative to allotments for Kingfisher, Oklahoma; to the Committee on Commerce, Science, and Transportation.

EC-2584. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report relative to allotments for Greenwood, Arkansas; to the Committee on Commerce, Science, and Transportation.

EC-2585. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report relative to allotments for Lexington, Illinois; to the Committee on Commerce, Science, and Transportation.

EC-2586. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report relative to allotments for Steamboat Springs, Colorado; to the Committee on Commerce, Science, and Transportation.

EC-2587. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report relative to allotments for Randolph, Utah; to the Committee on Commerce, Science, and Transportation.

EC-2588. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report relative to allotments for Huntsville, Utah; to the Committee on Commerce, Science, and Transportation.

EC-2589. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report relative to allotments for Manistique, Michigan; to the Committee on Commerce, Science, and Transportation.

EC-2590. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report relative to allotments for Durango and Dolores, Colorado; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Appropriations, without amendment:

S. 1048. An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105-55).

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

H.R. 2107. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105-56).

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. DASCHLE:

S. 1045. A bill to prohibit discrimination in employment on the basis of genetic information, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. FRIST, and Ms. COLLINS):

S. 1046. A bill to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1047. A bill to settle certain Miccosukee Indian land takings claims within the State of Florida; to the Committee on Indian Affairs.

By Mr. SHELBY:

S. 1048. An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. SMITH of Oregon:

S. 1049. A bill to require the Secretary of Agriculture to make a minor adjustment in the exterior boundary of the Hells Canyon Wilderness in the States of Oregon and Idaho to exclude an established Forest Service road inadvertently included in the wilderness; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself, Mrs. MURRAY, and Ms. SNOW):

S. 1050. A bill to assist in implementing the Plan of Action adopted by the World Summit for Children; to the Committee on Foreign Relations.

By Mr. CAMPBELL:

S. 1051. A bill to amend the Communications Act of 1934 to enhance protections against unauthorized changes of telephone service subscribers from one telecommunications carrier to another, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:

S. 1052. A bill to amend the Andean Trade Preference Act to prohibit the provision of

duty-free treatment for live plants and fresh cut flowers described in chapter 6 of the Harmonized Tariff Schedule of the United States; to the Committee on Finance.

By Mr. BIDEN:

S. 1053. A bill to reauthorize the Office of National Drug Control Policy, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE:

S. 1045. A bill to prohibit discrimination in employment on the basis of genetic information, and for other purposes; to the Committee on Labor and Human Resources.

THE GENETIC JUSTICE ACT

Mr. DASCHLE. Mr. President, the advent of testing for genes that may indicate a predisposition to disease has presented us with a new series of opportunities and challenges. While prior awareness of susceptibility to disease offers millions the chance to take preventive measures that will help them live healthier and longer lives, there also exists the possibility that genetic information will be misused. It is for that reason that I am introducing S. 1045, The Genetic Justice Act. This legislation will ensure that employees will not suffer adverse employment consequences as a result of improper use of genetic information and that employee privacy is protected.

Scientific advances now make it possible to identify genes that may indicate a predisposition to disease. For example, tests for genes associated with hereditary breast cancer will soon be commercially available. Genetic information may prove highly beneficial in areas related to prevention, treatment, diet, or lifestyle. While this is profoundly good news for patients, it also raises fears regarding how genetic information will be used in the workplace. Advances in genetic testing and screening, accelerated by the National Institutes of Health Human Genome Initiative, increase physicians' ability to detect and monitor chromosomal differences. These technologies and their resulting genomic data will enhance medical science, but may also lead to discrimination.

Regrettably, many employers may not hire individuals whom they believe will require time off or medical treatment at some point in the future due to a genetically transmitted disease. This discrimination could result despite the fact that genetic testing only indicates that an individual may be predisposed to a disease—not whether that disease will develop.

Anecdotal evidence suggests that fear of discrimination already has inhibited people who may be susceptible to disease from getting genetic testing. In some cases, this means that gene carriers will miss out on early diagnosis, treatment or even prevention. If consumers avoid taking advantage of available diagnostic tests out of fear of

discrimination, they may suffer much more serious—and more expensive—health problems in the long run.

We will pay the price in more than increased health care costs if we allow genetic information to be used in a discriminatory manner. Discrimination based on genetic factors can be as unjust as that based on race, national origin, religion, sex, or disability. In each case, people are treated inequitably, not because of their inherent abilities, but solely because of irrelevant characteristics. Genetic discrimination that excludes qualified individuals from employment robs the marketplace of skills, energy, and imagination. Finally, genetic discrimination undercuts the Human Genome Initiative's fundamental purpose of promoting public health. Investing resources in the Genome Initiative is justified by the benefits of identifying, preventing, and developing effective treatments for disease. But if fear of discrimination deters people from genetic diagnosis or from confiding in physicians and genetic counselors, and makes them more concerned with job loss than with care and treatment, our understanding of the humane genome will be for naught.

Because genetic information could be used unfairly, Congress must expand the scope of employment discrimination law to include a ban on genetic discrimination. Our bill forbids employers from discriminating in hiring or in the terms and conditions of employment, and limits their ability to acquire genetic information. In order to acquire such information, an employer must show that the information is job-related and that the employee has consented to the disclosure.

Now, before the use of genetic information becomes widespread, we must make sure that dramatic scientific advances do not have negative consequences for the public. We have an historic opportunity to preempt this problem.

Mr. President, I ask unanimous consent that the bill text be printed in the RECORD and hope my colleagues will join me in supporting this important legislation.

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

S. 1045

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 "The Genetic Justice Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) EMPLOYEE; EMPLOYER; EMPLOYMENT AGENCY; LABOR ORGANIZATION; MEMBER.—The terms "employee", "employer", "employment agency", and "labor organization" have the meanings given the terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e). The terms "employee" and "member" include an applicant for employment and an applicant for membership in a labor organization, respectively.

(2) GENETIC INFORMATION.—The term "genetic information", used with respect to an

individual, means information (including information regarding carrier status and information derived from a laboratory test that identifies mutations in specific genes or chromosomes, a physical medical examination, a family history, and a direct analysis of genes or chromosomes) about a gene, gene product, or inherited characteristic that derives from the individual or a family member of the individual.

(3) GENETIC SERVICES.—The term "genetic services" means genetic evaluation, genetic testing, genetic counseling, and related services.

SEC. 3. EMPLOYER PRACTICES.

It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual, because of genetic information with respect to the individual, including an inquiry by the individual regarding genetic services;

(2) to limit, segregate, or classify the employees of the employer in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual, including an inquiry by the individual regarding genetic services; or

(3) to request or require the collection for the employer or disclosure to the employer of genetic information with respect to an individual unless the employer shows that—

(A) the employer made the request or requirement after making an offer of employment to the individual;

(B) the information is job-related for the position in question and consistent with business necessity; and

(C) the knowing and voluntary written consent of the individual has been obtained for the request or requirement, and the collection or disclosure.

SEC. 4. EMPLOYMENT AGENCY PRACTICES.

It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of genetic information with respect to the individual, including an inquiry by the individual regarding genetic services.

SEC. 5. LABOR ORGANIZATION PRACTICES.

It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from the membership of the organization, or otherwise to discriminate against, any individual because of genetic information with respect to the individual, including an inquiry by the individual regarding genetic services;

(2) to limit, segregate, or classify the members of the organization, or to classify or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or would limit the employment opportunities or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual, including an inquiry by the individual regarding genetic services; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

SEC. 6. TRAINING PROGRAMS.

It shall be an unlawful employment practice for any employer, labor organization, or