Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. D'AMATO, Mr. DASCHLE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. HATCH, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. MCCAIN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. REID, Mr. ROCKEFELLER, Mr. SMITH of Oregon, Mr. THOMAS, Mr. THURMOND, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 145. A resolution designating the month of November 1997 as ''National American Indian Heritage Month''; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. Con. Res. 64. A concurrent resolution providing for corrections to be made in the enrollment of H.R. 1119; considered and agreed to.

By Ms. SNOWE (for herself and Ms. MIKULSKI):

S. Con. Res. 65. A concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ABRAHAM:

S. 1382. A bill to reform the naturalization process, to clarify the procedures for investigating the criminal background of individuals submitting applications in connection with certain benefits under the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

THE NATURALIZATION REFORM ACT OF 1997

Mr. ABRAHAM. Mr. President, today I am pleased to introduce the Naturalization Reform Act of 1997. This bill addresses some of the serious failings in the Immigration and Naturalization Service's conduct of the naturalization process that have come to light during the past 2 years. This legislation does not attempt a comprehensive reform of the naturalization process, a topic that likely should be a subject of serious consideration but regarding which much additional work is needed. Rather, it includes a few targeted measures designed to address critical issues that have emerged, particularly concerning the granting of citizenship to criminal aliens and the INS' conduct of criminal background checks. Given that these issues have been the subject of extensive oversight in both Houses of Congress, it is important that we work together on this. In that vein, I have developed this legislation with my counterpart on the House side, Representative LAMAR SMITH, the chairman of the House Immigration Subcommittee. Today, he is introducing identical legislation in the House.

Let me state at the outset that citizenship is the most precious gift and honor that our Nation can bestow. I have spoken many times before—both in the Immigration Subcommittee and elsewhere—about my own grandparents' experience of immigrating to America. Their citizenship papers give me a particular pride, and I know what citizenship papers mean to my own family and for millions of others across America. The vast majority of citizenship applicants are law-abiding legal immigrants who have every right and desire to become full-fledged American citizens.

Nonetheless, serious concerns about the naturalization process have been raised this session, particularly concerning the Immigration and Naturalization Service's provision of citizenship papers to some undeserving criminal aliens. Some initial reports did overestimate the number of aliens who were improperly naturalized in 1995 and 1996 despite being statutorily ineligible for naturalization based on criminal convictions. Regardless of the number, however, it is still a concern to me that any obviously ineligible criminal aliens were naturalized. Moreover, it remains of grave concern that the INS was naturalizing large numbers of applicants without having completed their criminal background checks, which have been central to the way the INS conducts its inquiry into an applicant's good moral character. Even if an applicant did not have a conviction making that applicant statutorily ineligible, one would think that the good moral character determination might very well have turned out differently if the INS had had information concerning an applicant's arrests or other criminal background information. The mere fact that the INS was moving forward in this manner in itself raises concerns about how the INS is carrying out its statutory responsibilities.

Many of these problems are not new, and it is disappointing that they have gone unresolved for so long. Reports from the Justice Department and from the General Accounting Office over the past 10 years have repeatedly found significant faults with the fingerprint check process, which the INS uses to conduct its criminal background checks. For instance, a 1988 Department of Justice audit found that, in 47 percent of naturalization files reviewed at random, there was no record that a fingerprint check had been requested or no record of when fingerprints were mailed to the FBI. In a 1989 report, the Department of Justice audit staff discovered an almost complete absence of evidence that background checks and fingerprint checks were conducted in naturalization cases. A 1994 report of the inspector general's office found that the INS did not verify that fingerprints submitted with an application actually belonged to the applicant; that report also documented that the Service failed to ensure that fingerprint checks were completed by the FBI. A 1994 GAO report disclosed similar findings.

Despite such observations and disclosures, the INS continued to permit applicants to submit their own fingerprints without verifying whether the prints belonged to the applicant, and fingerprint cards submitted to the FBI often contained incomplete or inaccurate information. The INS also continued to permit naturalizations to go forward after 60 days following the submission of fingerprints to the FBI, regardless of whether a definitive response had been received from the FBI on the fingerprint check.

In 1996, weaknesses in the criminal history validation process received renewed attention in the midst of the President's Citizenship USA program, a roughly 1-year effort to speed the pace of naturalizations significantly. Those weaknesses were exacerbated as pressure grew to increase naturalizations. As a result of various severe problems that came to light, a number of investigations, audits, and reviews into the naturalization process are now taking place.

The Department of Justice's Justice Management Division, in conjunction with KPMG Peat Marwick and with some participation from the General Accounting Office, has been conducting an ongoing review of the roughly 1.4 million cases of aliens naturalized under Citizenship USA. Preliminary results indicate that INS failed to complete criminal background checks on some 180,000 immigrants who were naturalized between August 1995 and September 1996, and that more than 71,500 applicants who did undergo background checks had criminal records and were naturalized anyway. It is true that a much smaller number had convictions for offenses for which there is a statutory bar to naturalization. As I have noted, however, it remains of great concern that such a large number were processed improperly, regardless of what the particular results were.

In response to weaknesses identified by those reviews, on November 29 of last year, the INS finally announced major changes to its criminal background verification procedures in an effort to respond to some of the serious and ongoing problems in that area. The Service did so through a policy memo announcing new ''Naturalization Quality Procedures.'' That memo went out—or was supposed to go out—from the Commissioner to all INS regional, district, and local offices. That specific and detailed memo, which was to be effective immediately, provided that no naturalizations were to go forward without a response on the fingerprint check from the FBI and unless the new policies and procedures were in place.

Unfortunately, we learned this year that the administration's policy failed to go into effect as mandated by the Commissioner. On April 17, KPMG Peat Marwick issued a report based on its review of the INS' management and implementation of the new criminal record verification guidelines. Building

on the work of others in Congress, including my predecessor as subcommittee chairman, I chaired a hearing earlier this year that examined the criminal record verification process for citizenship applicants and that particularly focussed on the findings of Peat Marwick's review of the implementation of that policy. Peat Marwick rated only 1 INS office of the 23 it reviewed as ''compliant'' with the new procedures. Of the 22 others, 15 were found ''noncompliant,'' and 7 ''marginally compliant.'' One District Office and two Citizenship USA sites could not produce the particular policy memo they were supposed to be implementing. Numerous offices were sending fingerprint cards to the wrong FBI address, fingerprint cards were completed incorrectly, and worksheets that were required to be dated and initialed showed no evidence of key tasks being completed. These results are simply astonishing in the wake of the attention that the flaws in the previous system received both in the Congress and in the press. Such troubling deficiencies in even the most basic implementation of the new policy have emerged that immediate action must be taken to ensure that no citizenship application is processed without the required fingerprint checks and that the INS properly considers and evaluates any criminal record that is revealed. Those deficiencies also suggest we need to take a long-term look at the entire naturalization process and indeed at the structure of the INS.

The legislation I am introducing today is limited to targeted measures aimed at addressing in the short term some critical problems in the naturalization process, particularly with regard to criminal background checks. The bill would revise the INS' processing of criminal background checks in a number of ways. It provides that, in conducting criminal background checks on any applicant for naturalization or for a number of other significant immigration benefits, the INS may not accept for processing or transmit to the FBI any fingerprint card or any other means used to transmit fingerprints unless the applicant's fingerprints have been taken by an office of the INS or by a law enforcement agency. Such offices or agencies would be permitted to collect a fee from the applicant for the service of taking and transmitting the fingerprints.

The bill further provides that if an applicant is physically unable to provide legible fingerprints, for example, because the applicant may be elderly or disabled, the requirement that the INS submit fingerprints to the FBI shall not apply and the FBI shall instead conduct a record check based on the applicant's name and other identifying information.

Under the legislation, no naturalization application, or application for the other important immigration benefits specified in the legislation, like the adjustment of status to lawful permanent residence, could be approved until the INS receives from the FBI a definitive response concerning whether the applicant has a criminal record and receives the content of any criminal history that the applicant may have.

Interviews would also now be statutorily required before applicants may be naturalized or may adjust their status to lawful permanent residence. In the case of any applicant for naturalization, the interview must cover any criminal background of the applicant, other than minor traffic violations, and must review any misrepresentations made on the naturalization application.

In order to provide for an orderly transition, and to insure that the naturalization backlog does not increase, the bill provides for an effective date of October 1, 1998.

The bill also addresses the good moral character requirement for naturalization. Under current law, an applicant for naturalization must demonstrate good moral character for the 5 years preceding the application for naturalization. The INS has given good moral character the most narrow definition possible under the statute, and has restricted its good moral character inquiry to whether an applicant has been convicted of a criminal offense that statutorily bars a finding of good moral character. In my view, the 5 year period is too short. Our legislation extends that period to 10 years. I also hope that the INS will, through regulation, examine many more factors than it currently does in assessing good moral character.

This legislation also begins to approach the question of citizenship testing. Hearings beginning to look into this issue have been held in the House and were held last Congress by my predecessor. While we need to know more before we can definitively decide how to approach citizenship testing, we can take some measures to address fraud problems. With respect to nongovernmental outside testing entities that are authorized by INS to do citizenship testing, the bill safeguards the integrity of the testing process in a number of ways. It requires the INS to conduct regular inspections of testing sites, prevents outside testing entities from delegating their testing authority to any other companies, and allows the Attorney General to require retests when the testing process is impaired by cheating, fraud, or negligence. The bill requires GAO to do a comprehensive study and report to Congress on the overall integrity of the outside testing process so that we can decide if other reforms are necessary.

The bill also includes a provision specifying that any alien approved for naturalization would not be able to receive his or her naturalization certificate until the alien turns in the alien's green card or submits an affidavit describing how the green card was lost, stolen, or destroyed. To further discourage the misuse, sale, or fraudulent transfer of green cards, the legislation requires any alien whose green card is lost, stolen or destroyed to report it to the INS promptly or pay a $50 fine for failing to do so.

To address the INS' continued management difficulties in the naturalization area, the legislation puts into place quality assurance procedures and will improve oversight for the naturalization process. In particular, the legislation requires the Attorney General to establish a process, which is to include internal or other audit procedures, to review the ongoing compliance by each office of the Service that is involved in the naturalization process with all naturalization processes and procedures. Then, within 30 days after the end of each of the next 4 fiscal years, the Attorney General is to submit a report to the Senate and House Judiciary Committees concerning the INS' compliance with naturalization processes and procedures during the preceding years.

Again, this legislation is designed to address some immediate problems requiring our attention. I look forward to continuing to work with my colleagues on the Senate Immigration Subcommittee, and with our colleagues in the House and others, on this legislation and on addressing the longer-term problems the INS is facing in the naturalization area.

I ask unanimous consent that the entire text of the bill be placed in the RECORD.

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

S. 1382

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 ''Naturalization Reform Act of 1997''.

SEC. 2. BAR TO NATURALIZATION FOR ALIENS DEPORTABLE FOR CRIMES.

(a) IN GENERAL.—Section 316(a) of the Immigration and Nationality Act (8 U.S.C. 1427(a)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking ''States.'' and inserting ''States, and''; and

(3) by adding at the end the following: ''(4) on the date of the application, is not deportable under paragraph (1) (other than subparagraph (A)), (2), (3), or (6) of section 237(a), subparagraph (A), (B), or (D) of paragraph (4) of such section, or paragraph (1)(A) of such section (but only to the extent that such paragraph relates to inadmissibility under paragraph (2), (6), (8), or (9) of section 212(a), subparagraph (A), (B), or (E) of section 212(a)(3), or subparagraph (A), (C), (D), or (E) of section 212(a)(10)).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1998, and shall apply to applications for naturalization submitted on or after such date.

SEC. 3. EXTENSION TO 10 YEARS OF GOOD MORAL CHARACTER PERIOD FOR NATURALIZATION.

(a) IN GENERAL.—Section 316(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1427(a)(3)) is amended by striking ''during all the periods referred to in this subsection''

and inserting ''during the ten years immediately preceding the date of filing of the application''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1998, and shall apply to applications for naturalization submitted on or after such date.

SEC. 4. INVESTIGATION OF CRIMINAL BACKGROUND OF CERTAIN ALIENS AND PERSONS SPONSORING ALIENS FOR ENTRY.

(a) IN GENERAL.—Title I of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by adding at the end the following:

''INVESTIGATION OF CRIMINAL BACKGROUND OF AN ALIEN APPLYING FOR CERTAIN BENEFITS AND CERTAIN PETITIONERS FOR CLASSIFICATION OF AN ALIEN

''SEC. 106. (a) IN GENERAL.—With respect to a person described in a subparagraph of subsection (c)(1) who is petitioning, or applying to, the Attorney General to grant the benefit or take the action described in such subparagraph (and with respect to an individual described in subparagraph (E) of such subsection whose residence is the home of such a person), the Attorney General may not grant the benefit or take the action, unless, during the pendency of the person's petition or application, the following has been completed:

''(1) An employee of the Service, or a Federal, State, or local criminal law enforcement agency, after verifying the person's identity, has prepared a complete and legible set of fingerprints of the person.

''(2) The Commissioner has requested the Director of the Federal Bureau of Investigation to conduct a criminal history background check on the person for the appropriate purpose described in subsection (c)(2), and the Commissioner has submitted the fingerprints to the Director, along with any supplementary information required by the Director to complete the check.

''(3) The Director of the Federal Bureau of Investigation, using the fingerprints and information provided by the Commissioner, has conducted the check, and has provided the Commissioner with a response describing the person's criminal history, as reflected in records maintained by the Federal Bureau of Investigation.

''(4) The Commissioner has conducted an investigation of the person's criminal history, including all criminal offenses listed in the Director's response, all criminal offenses listed in informational databases maintained by the Service, and all other criminal offenses of which the Commissioner has knowledge, for the appropriate purpose described in subsection (c)(2).

''(5) In a case where the investigation under paragraph (4) of an applicant for naturalization reveals criminal history that bears upon the applicant's eligibility for naturalization, and the employee designated under section 335 to conduct the examination under such section has determined that the application should be granted, such determination has been reviewed by at least one Service officer whose duties include performing such reviews.

''(b) EXCEPTION.—Notwithstanding subsection (a), when the Attorney General certifies to the Director of the Federal Bureau of Investigation that a person described in subsection (c)(1) is physically unable to provide legible fingerprints—

''(1) the requirement that the Commissioner submit fingerprints to the Director shall not apply; and

''(2) the Director shall conduct a criminal history background check based on the person's name and any other method of positive identification other than fingerprints used by the Federal Bureau of Investigation for criminal history background checks.

''(c) PERSONS SUBJECT TO, AND PURPOSES FOR, BACKGROUND CHECKS.—

''(1) PERSONS AND PETITIONS DESCRIBED.—The persons (and applications and petitions) described in this paragraph are as follows:

''(A) An alien 14 through 79 years of age applying for adjustment of status to that of an alien lawfully admitted for permanent residence.

''(B) An alien 14 through 75 years of age applying for naturalization as a citizen of the United States.

''(C) An alien 14 years of age or older applying for asylum, or treatment as a spouse or child accompanying an asylee.

''(D) An alien 14 years of age or older applying for temporary protected status under section 244.

''(E) A person who has filed a petition to accord a child defined in section 101(b)(1)(F) classification as an immediate relative under section 201(b)(2)(A)(i), and any additional individual, over the age of 18, whose principal or only residence is the home of such person.

''(F) A person who has submitted a guarantee of legal custody and financial responsibility under paragraphs (2)(B) and (4) of section 204(f) in connection with a petition to accord an alien, who is the subject of the guarantee, classification under section 201(b), 203(a)(1), or 203(a)(3).

''(2) PURPOSES FOR CHECKS DESCRIBED.—

''(A) ALIENS APPLYING FOR BENEFITS.—With respect to the aliens, and the applications, described in subparagraphs (A) through (D) of paragraph (1), the requirements of subsection (a) shall be applied (subject to subsection (b)) for the purpose of determining whether the alien has a criminal history that bears upon the alien's eligibility for the benefit for which the alien applied.

''(B) ORPHAN PETITIONS.—With respect to a person described in paragraph (1)(E), the requirements of subsection (a) shall be applied (subject to subsection (b)) for the purpose of determining whether the person has a criminal history that bears upon whether proper care will be furnished the child described in such paragraph.

''(C) AMERASIAN PETITIONS.—With respect to a person described in paragraph (1)(F), the requirements of subsection (a) shall be applied (subject to subsection (b)) for the purpose of determining whether the person is of good moral character.

''(d) FEE.—The Attorney General may charge a person described in subsection (c)(1) a fee to cover the actual cost of the criminal background check process under this section.

''(e) CONSTRUCTION.—This section shall not be construed to affect or impair the ability of the Attorney General to require a criminal history background check as a condition for obtaining any benefit under this Act (including a classification under section 204) that is not described in subsection (c)(1).''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 105 the following:

''Sec. 106. Investigation of criminal background of an alien applying for certain benefits and certain petitioners for classification of an alien.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, and shall apply to applications for a benefit under the Immigration and Nationality Act (including petitions to accord a classification under section 204 of such Act) submitted on or after such date.

SEC. 5. INTERVIEW FOR ADJUSTMENT OF STATUS.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by inserting after section 245A the following:

''INTERVIEW FOR ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

''SEC. 245B. Before the status of an alien may be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, the alien shall appear before an employee of the Service, who shall conduct a personal interview of the alien for the purpose of verifying that the alien is eligible for such adjustment.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 245A the following:

''Sec. 245B. Interview for adjustment of status to that of person admitted for permanent residence.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, and shall apply to applications for adjustment of status submitted on or after such date.

SEC. 6. INTERVIEW FOR NATURALIZATION.

(a) IN GENERAL.—Section 332 of the Immigration and Nationality Act (8 U.S.C. 1443) is amended by adding at the end the following:

''(i) The examination under subsection (a) shall include a personal interview of the applicant, conducted by an employee of the Service who—

''(1) shall require the applicant to demonstrate the ability to speak and understand words in ordinary usage in the English language, in accordance with section 312(a)(1), unless the applicant is exempt from the requirements of such section pursuant to section 312(b);

''(2) shall require the applicant to describe any criminal law violations, other than minor traffic violations, for which the applicant has ever been arrested, charged, convicted, fined, or imprisoned, or which the applicant has committed but for which the applicant has not been arrested, charged, convicted, fined, or imprisoned; and

''(3) shall verify each statement or representation made by the applicant in the written application for naturalization, and in any documents submitted in support of the application, and shall examine the applicant to determine whether the applicant has willfully made any false statements or misrepresentations, or committed any fraud, for the purpose of obtaining United States citizenship.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1998, and shall apply to applications for naturalization submitted on or after such date.

SEC. 7. CITIZENSHIP TESTING BY OUTSIDE TESTING ENTITIES.

(a) IN GENERAL.—

(1) TESTING BY PERSONS OTHER THAN ATTORNEY GENERAL.—Section 312 of the Immigration and Nationality Act (8 U.S.C. 1423) is amended by adding at the end the following:

''(c)(1) An applicant for naturalization may satisfy the reading and writing requirements of subsection (a)(1), and the knowledge and understanding requirements of subsection (a)(2), by passing a test approved by the Attorney General and administered by a person, other than the Attorney General, who, not later than the date of the enactment of the Naturalization Reform Act of 1997, is authorized by the Attorney General to administer such a test.

''(2) The Attorney General shall revoke the authorization granted to a person to administer tests referred to in paragraph (1), unless—

''(A) the person has not subcontracted, franchised, or otherwise delegated the person's testing authority to any other person; and

''(B) at any time after the person has been authorized by the Attorney General to administer such tests and has administered them for at least 6 months during the period beginning on the date of the enactment of the Naturalization Reform Act of 1997, the person and the Attorney General are able to demonstrate that—

''(i) in not less than 5 of the 6 preceding months, the Attorney General has conducted unannounced inspections of at least 10 percent of the testing sites operated by the person in each such month;

''(ii) during each such site inspection, the Attorney General has checked the integrity and security of the testing process and has memorialized the findings from the inspection in a written report and, after the inspection, has provided copies of the report to the person; and

''(iii) after reviewing each such inspection report, the Attorney General—

''(I) has determined and certified that the person continues to maintain the overall integrity and security of the person's testing program, and has remedied any serious flaws discovered by the inspections; and

''(II) has provided a copy of the certification to the person.

''(3) The Attorney General shall require an applicant for naturalization who has passed a test administered under this subsection to retake and repass such a test in circumstances where the Attorney General has reasonable grounds to believe that the administration of the test was impaired by fraud, misrepresentation, or other misconduct or negligence that jeopardizes the reliability of the test results.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1998, and shall apply to applications for naturalization submitted on or after such date.

(b) STUDY ON INTEGRITY OF TESTING PROCESS.—

(1) REPORT.—Not later than the date that is 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall prepare and transmit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the report described in paragraph (2).

(2) CONTENTS.—The report referred to in paragraph (1) shall describe the results of a comprehensive study conducted by the Comptroller General of the United States to determine the extent to which tests administered by persons other than the Attorney General, by which an applicant for naturalization may satisfy the reading and writing requirements of subsection (a)(1), and the knowledge and understanding requirements of subsection (a)(2), of section 312 of the Immigration and Nationality Act, are impaired by fraud, misrepresentation, or other misconduct or negligence that jeopardizes the reliability of the test results.

SEC. 8. REQUIREMENTS WITH RESPECT TO RESIDENT ALIEN CARDS.

(a) CIVIL PENALTY FOR FAILURE TO REPORT LOSS, THEFT, OR DESTRUCTION OF RESIDENT ALIEN CARD.—

(1) IN GENERAL.—The Immigration and Nationality Act is amended by inserting after section 274D the following:

''CIVIL PENALTY FOR FAILURE TO REPORT LOSS, THEFT, OR DESTRUCTION OF RESIDENT ALIEN CARD

''SEC. 274E. Any alien who has been issued by the Attorney General an alien registration receipt card indicating the alien's status as an alien lawfully admitted for permanent residence, and who fails to report to the Attorney General the loss, theft, or destruction of the card by the date that is 7 days after the date the alien discovers such loss, theft, or destruction, shall pay a civil penalty to the Commissioner of $50 per violation.''.

(2) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 274D the following new item:

''Sec. 274E. Civil penalty for failure to report loss, theft, or destruction of resident alien card.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 1998, and shall apply to alien registration receipt cards that are lost, stolen, or destroyed on or after such date.

(b) SURRENDER OF RESIDENT ALIEN CARD UPON NATURALIZATION.—

(1) IN GENERAL.—Section 338 of the Immigration and Nationality Act (8 U.S.C. 1449) is amended—

(A) by inserting ''(a)'' before ''A person''; and

(B) by adding at the end the following:

''(b)(1) Notwithstanding subsection (a), the Attorney General may not deliver a certificate of naturalization to any person to whom the Attorney General previously had issued an alien registration receipt card indicating the person's status as an alien lawfully admitted for permanent residence, unless—

''(A) the person has surrendered the card to the Attorney General; or

''(B) the person has submitted an affidavit to the Attorney General stating that the card was lost, stolen, or destroyed, and describing any facts known to the alien with respect to the circumstances of such loss, theft, or destruction, and a period of not less than 30 days has elapsed since such submission, during which period the Attorney General may conduct an investigation of such loss, theft, or destruction.

''(2) The Attorney General may charge a person described in paragraph (1)(B) a fee to cover the cost of an investigation described in such paragraph.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 1998, and shall apply to certificates of naturalization delivered on or after such date.

SEC. 9. REVOCATION OF NATURALIZATION.

(a) CLARIFICATION OF MATERIALITY REQUIREMENT.—Section 340(a) of the Immigration and Nationality Act (8 U.S.C. 1451(a)) is amended—

(1) by striking ''(a)'' and inserting ''(a)(1)''; and

(2) by adding at the end the following:

''(2) For purposes of this section, a fact with respect to a naturalized person may not be considered immaterial solely because the fact, had it been known to the Attorney General before the person was naturalized, would not, by itself, have required the Attorney General to deny the person's application for naturalization.''.

(b) REBUTTABLE PRESUMPTION OF WILLFULNESS.—Section 340 of the Immigration and Nationality Act (8 U.S.C. 1451) is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) though (i), respectively; and

(2) by inserting after subsection (c) the following:

''(d) In any proceeding under this section in which the United States proves that an order admitting a person to citizenship was procured by the person's concealment or misrepresentation of a material fact, such proof shall be considered prima facie evidence that the person acted willfully with respect to the concealment or misrepresentation, and, in the absence of countervailing evidence, such proof shall be sufficient to authorize the revocation and setting aside of the order and the cancellation of the certificate of naturalization.''.

(c) LIMITATION ON ADMINISTRATIVE REVOCATIONS.—Section 340 of the Immigration and Nationality Act (8 U.S.C. 1451), as amended by subsection (b), is further amended—

(1) in subsection (i), by striking ''Nothing'' and inserting ''Subject to subsection (j), nothing''; and

(2) by inserting after subsection (i) the following:

''(j) The Attorney General shall commence any proceeding administratively to correct, reopen, alter, modify, or vacate an order naturalizing a person not later than 5 years after the effective date of the order.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, and shall apply to any order naturalizing a person with an effective date that is on or after October 1, 1998.

SEC. 10. QUALITY ASSURANCE AND IMPROVED OVERSIGHT FOR NATURALIZATION.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall establish a process (including internal audit procedures, other audit procedures, or both) to review the ongoing compliance with all laws, policies, and procedures affecting naturalization by each office of the Immigration and Naturalization Service that has duties with respect to naturalization.

(b) REPORTS.—Not later than 30 days after the termination of each of fiscal years 1998, 1999, 2000, and 2001, the Attorney General shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives concerning the compliance by the Commissioner of Immigration and Naturalization and the Immigration and Naturalization Service with all laws, policies, and procedures affecting naturalization during such terminated fiscal year.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act, and shall cease to be effective upon the submission, under subsection (b), of the report with respect to fiscal year 2001.

By Mr. MCCAIN (for himself and Mr. HOLLINGS):

S. 1383. A bill to provide a 6-month extension of safety programs under ISTEA; to the Committee on Commerce, Science, and Transportation.

ISTEA LEGISLATION

Mr. MCCAIN. Mr. President, it is clear that a multiyear reauthorization of ISTEA will not be possible during this session. Due to the expiration of ISTEA authorizations, I am very concerned that vital safety programs under the jurisdiction of the Committee on Commerce, Science, and Transportation are at risk. Senator HOLLINGS and I are introducing legislation that would provide funds to continue the operation of those important safety programs.

According to the Department of Transportation [DOT], the highway safety grant programs do not have any unobligated balances available, from prior authorizations, to draw on if ISTEA is not extended to bridge the gap between now and when a long-term reauthorization bill is passed. The programs at risk include the State and

Community Safety Grant Program under section 402, the section 410 grant program to encourage counter measures to impaired driving, and the National Driver Register [NDR].

The contract to run the National Driver Register is presently running on funds obligated in fiscal year 1997 but that contract and the funding expires in March. When that contract expires the program will have to be shut down and the staff dismissed.

DOT indicates most States only have funding to operate safety programs for the next 2 or 3 months. I understand that some States have already started shutting down some of their highway safety programs.

Funds are also needed to pay the salaries of the more than 3,000 State motor carrier enforcement personnel. With the expiration of ISTEA, there is no Federal funding currently available to pay the salaries of these individuals whose expenses are exclusively financed through the Motor Carrier Safety Assistance Program [MCSAP]. The Department of Transportation testified this week that the elimination of vital MCSAP funding could impede the ability of States to perform commercial vehicle and driver inspections. A short-term extension of MCSAP funding will help ensure that unsafe vehicles and drivers are prevented from traveling on our Nation's highways.

I know that no one in this body wants to see a situation where highway safety is degraded in any way. I look forward to working with my colleagues to address these important issues of highway safety to ensure that we meet our obligations.

By Mr. DASCHLE:

S. 1384. A bill to amend title 5, United States Code, to make the Federal Employees Health Benefits Program available to the general public, and for other purposes; to the Committee on Governmental Affairs.

THE ACCESSIBLE HEALTH COVERAGE ACT

Mr. DASCHLE. Mr. President, when comprehensive health reform failed in 1994, we were left with the legacy of a major unmet challenge—providing secure health care coverage to millions of uninsured Americans. Despite the inability of Congress to enact comprehensive health reform, many of my colleagues and I continue to work to achieve that goal, albeit incrementally. The Kennedy–Kassebaum bill was part of that effort, as were the provisions of the recent budget agreement that made $24 billion available to states to cover uninsured children.

As part of this ongoing effort, last week I introduced legislation that would restore rights and protections to early retirees who are abruptly dropped from their employer's health plan. Today I am introducing legislation to help individuals who do not have employer-sponsored coverage and who, because of a previous or current health condition, are unable to obtain private non-group health insurance.

While today many people without employer-sponsored insurance can purchase health coverage in the individual insurance market, those with health problems —conditions as common as asthma or migraine headaches and as controllable as hypertension or allergies—may not be able to find an insurer willing to cover them at any price. As many as 4 million Americans fall into this abyss, known by the insurance industry as the ''medically uninsurable.''

Many Americans felt that we had solved that problem when we enacted the Kennedy–Kassebaum bill. I have received phone calls and letters from men and women in South Dakota and around the country who thought that enactment of the Kennedy/Kassebaum legislation meant they could not be denied private health insurance. Unfortunately, that is not the case. While the Kennedy/Kassebaum bill makes it easier for some groups to maintain their coverage if they switch jobs or become unemployed, it does not improve health insurance affordability or access to coverage for individuals who have not been part of the employer-sponsored insurance system. Kennedy–Kassebaum does not require insurers to cover self-employed individuals unless they were previously enrolled under a group health plan. Moreover, insurance companies still can deny coverage to workers whose employers do not provide employee health benefits. The reality is that if you do not have employer-sponsored insurance and have, or have had, any of a number of health problems, you're probably out of luck.

Too many insurance companies continue to cherry-pick the healthiest of us and leave unprotected those most in need of insurance. This is not only regrettable for those left without coverage, it is shortsighted. Uninsured individuals often end up needing expensive emergency room care and extended inpatient convalescence because they were unable to afford the early, relatively inexpensive care necessary to prevent these serious problems. The unnecessary costs associated with the treatment of preventable diseases are passed on to the insured population through higher hospital charges and insurance premiums. The uninsured suffer needless health problems, while the insured pay more for everyone's health care. Ironically, insurers then point to these higher premiums when they try to justify their exclusionary underwriting practices, compounding the problem.

This is the unfortunate legacy of our inability to enact comprehensive reform and it is why we need to continue to pursue every means available to provide reasonably priced health insurance to all Americans, even if we have to do it one step at a time.

The legislation I am introducing today would allow individuals who have been denied coverage for medical reasons to purchase private coverage through the Federal Employees Health Benefits Plan. While FEHBP insurers could charge high-risk individuals up to 150 percent of the premium paid by federal employees—to account for differences in the risk of insuring the two populations—these previously uninsured individuals would have access to insurance and in every other respect would be treated the same as federal employees.

The bill is structured to prevent any cost shifting to Federal employees. The two populations would be accounted for separately, while eligible non-Federal individuals would be able to enroll in the program without jumping through elaborate administrative hoops.

To allay the concerns of those who may fear the creation of a new entitlement, despite the fact that we're talking about private coverage paid for by private citizens, the FEHBP buy-in will sunset after 10 years. I'm confident that what we'll learn from this demonstration is that private insurers can cover high-risk individuals without disrupting the private insurance market.

One thing is certain. The status quo isn't working. When health insurance is reserved for only the healthy, the system is not working efficiently for any of us.

We must stop perpetuating a system that relegates certain individuals to permanently uninsured status if they are unlucky enough to become sick at a time when coverage was not in their name or was beyond their financial reach.

This bill empowers a disenfranchised group of individuals to purchase private health insurance. They are willing to pay a fair price for it—all they need is an insurer who will offer it. Through FEHBP this legislation provides that opportunity.

This legislation is not a comprehensive solution to our health insurance challenges. Filling this gap won't bring health care costs under long-term control; it won't eliminate the billions of dollars lost to waste, fraud and abuse; and it won't create a system that uniformly reflects consumers' values regarding disease prevention, high quality care, privacy and access to treatment. Ultimately, we still need a critical and comprehensive reevaluation and reform of the two-tiered, patchwork health care financing and delivery system we've erected over the years. However, this bill represents one long overdue step, and I hope Congress will enact it in the near future.

There is no excuse for sitting on our heels while the health insurance system excludes the very people who need coverage most. If filling gaps is the only way we can move forward at this time to help early retirees and individuals with health problems gain access to coverage, then let's get on with it and begin to fill in those gaps.

Mr. President, I ask unanimous consent that the 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. 1384

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 ''Accessible Health Coverage Act''.

SEC. 2. PROVISIONS TO MAKE FEHBP AVAILABLE TO THE GENERAL PUBLIC.

(a) IN GENERAL.—Chapter 89 of title 5, United States Code, is amended by adding at the end the following:

''§ 8915. Individual access to coverage

''(a) IN GENERAL.—A contract may not be made or a plan approved unless the carrier agrees to offer to eligible individuals, throughout each term for which the contract or approval remains effective, the same benefits (subject to the same maximums, limitations, exclusions, and other similar terms or conditions) as would be offered under such contract or plan to employees and annuitants and their family members.

''(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible to enroll under a plan or contract under this chapter if such individual—

''(1) is not eligible to be enrolled in a group health plan (as such term is defined in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg-91(a));

''(2) provides the Office with documentation that such individual has been denied individual health insurance coverage (as such term is defined in section 2791(b)(5) of the Public Health Service Act (42 U.S.C. 300gg-91(b)(5));

''(3) during the 6-month period prior to the date on which such individual attempts to enroll under such plan or contract, was not eligible for coverage through a State high-risk health insurance pool or coverage through a health insurer of last resort;

''(4) is not eligible for medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et. seq.); and

''(5) meets such other requirements as the Office, by regulation, may impose.

''(c) ENROLLMENT.—The Office shall provide for the implementation of procedures to provide for an annual open enrollment period during which individuals may enroll with a plan or contract for coverage under this section.

''(d) PREMIUMS.—

''(1) IN GENERAL.—Premiums for coverage under this section shall be established in conformance with such requirements as the Office shall by regulation prescribe, including provisions to ensure conformance with generally accepted standards and practices associated with community rating.

''(2) LIMITATION.—With respect to coverage under a health plan or contract under this section, the Office, in establishing premiums under paragraph (1), shall ensure that the monthly premium for coverage under this section does not exceed 200 percent of the monthly premium otherwise applicable for the coverage of employees and annuitants and their family members under such health plan or contract under this chapter.

''(e) ADJUSTMENT IN AGENCY CONTRIBUTIONS.—

''(1) ANNUAL REPORTING.—Each carrier shall maintain separate records with respect to individuals covered under this section and employees and annuitants (and their family members) otherwise covered under this chapter, and shall annually report to the Office the amount which the carrier paid (including claims and administrative costs) with respect to coverage provided to individuals under this section.

''(2) DETERMINATION BY OFFICE.—If, based on the reports received under paragraph (1), the Office determines that the average cost of providing coverage to individuals under this section exceeds 200 percent of the premiums paid by such individuals for such coverage, the Office shall increase the biweekly Government contribution for coverage otherwise provided under this chapter by an amount equal to such excess amount.

''(f) CONTRIBUTIONS AND BENEFITS.—

''(1) IN GENERAL.—In no event shall the enactment of this section result in—

''(A) any increase in the level of individual contributions by employees or annuitants as required under section 8906 or under any other provision of this chapter, including copayments or deductibles;

''(B) the payment by the Government of any premiums associated with coverage under this section except for the increase described in subsection (e)(2);

''(C) any decrease in the types of benefits offered under this chapter; or

''(D) any other change that would adversely affect the coverage afforded under this chapter to employees and annuitants and their family members.

''(2) LIMITATION.—Coverage under this section shall be provided on an individual, not a family basis.

''(g) INDIVIDUALS ELIGIBLE FOR MEDICARE.—Benefits under this section shall, with respect to an individual who is entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et. seq.), be offered (for use in coordination with those Social Security benefits) to the same extent and in the same manner as if coverage were under the preceding provisions of this chapter, rather than under this section.

''(h) EXCLUSION OF CERTAIN CARRIERS.—

''(1) IN GENERAL.—A carrier may file an application with the Office setting forth reasons why such carrier, or a plan provided by such carrier, should be excluded from the requirements of this section.

''(2) CONSIDERATION OF FACTORS.—In reviewing an application under paragraph (1), the Office may consider such factors as—

''(A) any bona fide enrollment restrictions which would make the application of this section inappropriate, including those common to plans which are limited to individuals having a past or current employment relationship with a particular agency or other authority of the Government;

''(B) whether compliance with this section would jeopardize the financial solvency of the plan or carrier, or otherwise compromise its ability to offer health benefits under the preceding provisions of this chapter; and

''(C) the anticipated duration of the requested exclusion, and what efforts the plan or carrier proposes to take in order to be able to comply with this section.

''(i) APPLICATION OF SECTION.—Except as the Office may by regulation prescribe, any reference to this chapter (or any requirement of this chapter), made in any provision of law, shall not be considered to include this section (or any requirement of this section).

''(j) TERMINATION.—This section shall terminate on the date that is 10 years after the date of enactment of this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 89 of title 5, United States Code, is amended by adding at the end the following:

''8915. Individual access to coverage.''.

By Mr. WELLSTONE:

S. 1385. A bill to amend title 38, United States Code, to expand the list of diseases presumed to be service connected with respect to radiation-exposed veterans; to the Committee on Veterans Affairs.

THE JUSTICE FOR ATOMIC VETERANS ACT OF 1997

Mr. WELLSTONE. Mr. President, today, I am introducing a bill that will help atomic veterans—veterans who were exposed to ionizing radiation while serving on active duty. Atomic veterans are not only America's most neglected veterans, but they have been deceived and treated shabbily for more than 50 years by the Government they served so selflessly and unquestioningly.

Mr. President, it is hardly accidental that I chose to entitle this bill the ''Justice for Atomic Veterans Act of 1997.'' Atomic veterans have been seeking justice almost since the first atomic bomb was dropped on Hiroshima. The U.S. Government has a long overdue debt to them and I urge my colleagues to join me in ensuring that this debt is paid at long last.

With the full cooperation of my distinguished colleagues Senators BOND and MIKULSKI, the Senate in July passed an amendment to the VA–HUD appropriations bill which serves as the basis for this bill. That amendment, which was in the legislation that the President signed recently, provided for CBO to estimate the cost of legislation that would add 10 radiogenic diseases to the list of presumptively service-connected diseases for which atomic veterans may be compensated by the VA. The amendment also requires the Senate Veterans' Affairs Committee to hold hearings on expanding the list of radiogenic diseases that are presumptively service-connected within 60 days of enactment. To facilitate consideration by the Veterans' Affairs Committee and to secure the support of my colleagues, I'm introducing this bill.

Mr. President, before I get into the substance of my bill, I want to discuss why I decided to introduce it. First and foremost, I must stress that much of what I know about atomic veterans I've learned from members and families of the Forgotten 216th. The Forgotten 216th refers to the 216th Chemical Service Company of the U.S. Army, which participated in Operation Tumbler Snapper—a series of eight atmospheric nuclear weapons tests in the Nevada desert in 1952. About half of the members of the 216th were Minnesotans. Almost 4 years ago, they contacted me after then-Secretary of Energy O'Leary announced that the U.S. Government had conducted radiation experiments on its own citizens. I will never forget my first meeting with members of the Forgotten 216th. It was quite an emotional experience for them as well as for me. For the first time in public, they revealed what went on during the Nevada tests they participated in over 40 years ago, as well as the tragedies and trauma they, their families, and former buddies had experienced since then.

Since that first dramatic meeting, I've met often with the brave and patriotic members of the Forgotten 216th and their families. They have been and are my mentors. I'm very proud of

these extraordinary Minnesotans who have fought hard against great odds for just treatment for atomic veterans and their families.

Because I believe that their experiences and problems typify that of atomic veterans nationwide, I want to tell my colleagues more about the Forgotten 216th. After you hear their story, I'm confident you'll agree with me that it is imperative that all of us work to ensure the Forgotten 216th and other veterans like them are never forgotten again.

Mr. President, when they took part in Operation Tumbler Snapper 45 years ago, they believed their Government's assurances that it would keep them out of harm's way, but they have come to believe they were used a guina pigs without concern for their safety.

Many members of the 216th were sent to measure fallout at or near ground zero immediately after a nuclear blast, exposing them to so much radiation that their Geiger counters went off the scale while they inhaled and ingested radioactive particles. They were given minimal or no protection, sometimes even lacking film badges to measure radiation exposure and provided with no information on the perils they faced. Furthermore, they were sworn to secrecy about their participation in nuclear tests, sometimes denied access to their own service medical records, and provided no medical followup to ensure they'd suffered no ill effects as a result of their exposure to radiation.

Tragically, many members of the 216th have already died, often of cancer. Moreover, many of their children and even grandchildren have been born with serious and rare disorders, even after they'd had healthy children prior to exposure to radiation. Their claims for VA compensation were denied, often because they were alleged to have been exposed to radiation doses too low to cause disabling illnesses. Since they'd inhaled radioactive dust near Ground Zero shortly after nuclear blasts, they were and are justifiably skeptical about claims that their exposures were insufficient to cause radiogenic diseases. Can anyone really be surprised that these men now refer to themselves as the forgotten 216th?

Mr. President, I would not like to turn to the substance of my bill. I want to stress at the outset that this legislation is directly responsive to one of the recommendations of the Final Report of the President's Advisory Committee on Human Radiation Experiments issued in October 1995. The Report urged the Congress to address five concerns of atomic veterans and their families ''promptly.'' My bill directly addresses two of these concerns, which the report described as follows:

> The listing of diseases for which relief is automatically provided—the presumptive diseases provided for in the 1988 law—is incomplete and inadequate.
>
> The standard of proof for those without presumptive disease is impossible to meet and, given the questionable condition of the exposure records retained by the government, inappropriate.

The VA maintains two lists of radiogenic diseases, a presumptive list established under Public Law 101–321 as amended by Public Law 102–578 and now consisting of 15 radiogenic diseases, and a nonpresumptive list established under Public Law 98–542 which includes 10 diseases not on the presumptive list. My bill would add these 10 diseases to the presumptive list, making all diseases currently recognized by the VA as radiogenic presumptively service-connected. The radiogenic diseases that would be added to the presumptive list are: lung cancer; bone cancer; skin cancer; colon cancer; posterior subcapsular cataracts; nonmalignant thyroid nodular disease; ovarian cancer; parathyroid adenoma; tumors of the brain and central nervous system; and rectal cancer.

Why the need for these changes? To being with veterans must jump through hoops to demonstrate they are eligible for compensation for nonpresumptive diseases and, after they have done so the chances that the VA will approve their claims are minimal.

Mr. President, to illustrate what I mean, permit me to cite some VA statistics. As of April 1, 1996, out of the hundreds of thousands of atomic veterans there are, there have been a total of 18,515 radiation claim cases, with service-connection granted in 1,886 cases. According to VA statistics current as of December 1, 1995, only 463 involve the granting of presumptive service-connection. If we were to exclude the 463 veterans who were granted presumptive service-connection, atomic veterans had an incredibly low claims approval rate of less than 8 percent. It needs to be stressed, moreover, that of this low percentage, an indeterminate number may have had their claims granted for diseases unrelated to radiation exposure.

Why so few claims approvals? One key reason is that VA regulations are overly stringent for service-connection for nonpresumptive radiogenic diseases. Dose requirements pose a particularly difficult, if not insuperable, hurdle. While it is almost impossible to come up with accurate dose reconstructions because decades have elapsed since the nuclear detonations and adequate records don't exist, veterans are frequently denied compensation because their radiation exposure levels are deemed to be too low.

In this connection, let me cite the findings of the President's Advisory Committee on Human Radiation Experiments: ''the Government did not create or maintain adequate records regarding the exposure of all participants in [nuclear weapons tests and] the identity and test locales of all participants.'' This finding obviously calls into question the capability of the Government to come up with accurate dose reconstructions on which approval of claims for VA compensation for atomic veterans frequently depend.

Mr. President, is there any reason that atomic veterans should be penalized for the U.S. Government's failure to maintain records that are fundamental in determining the merit of their VA claims? Of course, their isn't. If the Government can not even be counted on to come up with the ''identity and test locales of all participants,'' what can it be counted on to do? Certainly not on giving atomic veterans a fair shake. Certainly not anything resembling the ''benefit of the doubt'' that the VA is required to accord them.

For these and other reasons it is vital that the Senate pass legislation to ensure that these patriotic and long-suffering veterans receive the justice that has been denied them for so many years. Justice is what my bill is all about. It will ensure that atomic veterans no longer have to depend on a benefit of the doubt they rarely receive. How can they receive the benefit of the doubt when the Government records on which the whole edifice of VA claims adjudication rests are flawed or nonexistent? When dose reconstruction on which their claims depend is unreliable? When the health effects of exposure to purportedly low-level radiation are unknown or still the subject of scientific controversy 52 years after the first nuclear blast at Alamogordo, NM?

By now it should be obvious to all of my colleagues that the current system of adjudicating atomic veterans' claims makes little sense and is discriminatory. Like many of you I believe that 'if it ain't broke don't fix it.'' Well this system is obviously broke and we need to fix it now. Both the fairest and quickest way of doing so is by adding the 10 radiogenic diseases now only on the nonpresumptive list to the presumptive list as my bill proposes.

Mr. President, since January 1994, I have had many meetings with the men of the Forgotten 216th and atomic veterans from around the country. I want to assure you that they remain patriotic Americans who are proud to have served this country. I have no doubt whatever they would gladly answer the call of duty again if their country was to call on them. A half century of neglect by the Government that put them in harm's way without even telling them so, has in no way dimmed their love of country. These are remarkable Americans and at long last they need to be treated like the remarkable Americans they are. Even though they have waited for over 50 years, they still retain the hope that they will receive the compensation and recognition they deserve.

The fight of atomic veterans for justice has been long, hard, and frustrating, but these patriotic, dedicated, and deserving veterans have persevered. I urge my colleagues from both sides of the aisle to join that struggle by supporting the Justice for Atomic Veterans Act. Let me assure each of you it's a struggle worth waging and a struggle we can win.

Mr. President, I ask unanimous consent that the 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. 1385

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 ''Justice for Atomic Veterans Act of 1997''.

SEC. 2. EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE CONNECTED FOR RADIATION-EXPOSED VETERANS.

Section 1112(c)(2) of title 38, United States Code, is amended by adding at the end the following:

''(P) Lung cancer.

''(Q) Bone cancer.

''(R) Skin cancer.

''(S) Colon cancer.

''(T) Posterior subcapsular cataracts.

''(U) Non-malignant thyroid nodular disease.

''(V) Ovarian cancer.

''(W) Parathyroid adenoma.

''(X) Tumors of the brain and central nervous system.

''(Y) Rectal cancer.''.

By Mr. LEVIN:

S. 1386. A bill to facilitate the remediation of contaminated sediments in the waters of the United States; to the Committee on Environment and Public Works.

HAZARDOUS SUBSTANCE SUPERFUND LEGISLATION

Mr. LEVIN. Mr. President, 5 years ago Congress directed EPA, in consultation with NOAA and the Army Corps, to conduct a comprehensive survey of data regarding aquatic sediment quality in the United States. Sometime within the next few weeks, this long overdue report will be submitted to Congress. Because of the widespread contamination that EPA, working with the Army Corps and NOAA, has found, this report should sound an alarm for all of us. While we have made great progress on preventing pollution from many sources, we have severely neglected the problem of contaminated sediments. This contamination is a legacy of decades of hoping that pollution would flow down the drain or off the land and out of sight never to bother us again. But, now we know where a significant portion of it is and it's not going anywhere soon until we do something about it.

The report, ''The Incidence and Severity of Sediment Contamination in Surface Waters of the United States,'' identifies approximately 96 areas of probable concern [APC's]. In these watershed areas, sampling indicates there is a significant possibility of adverse aquatic wildlife or human health effects due to contaminated sediments. These APC's can be found throughout the country including Boston Harbor, the Detroit River, Green Bay, along the Mississippi, Puget Sound, San Francisco Bay, Seal Beach, Mobile Bay to the Middle Savannah, to name a few. This concentration of sites is surprising when one considers that of the 2,111 watersheds recognized by the U.S. Geological Survey, there is no sediment quality information on about 90 percent of them or about 1,900 watersheds.

Mr. President, this report has to be used with caution because it is only a first step. There is obviously insufficient information to make sweeping claims about the extent of contamination in sediments across the country, though EPA plans to develop the report into a national sediment inventory, a continually updated centralized assemblage of sediment quality measurements and state-of-the-art assessment techniques. However, ''based on the evaluation [in the report], sediment contamination exists at levels indicating a probability of adverse effects in all regions and states of the country.'' We must be cautious too about leaping directly from evidence of contamination to evidence of adverse effects due to that contamination. Unfortunately, Federal Government agencies have been slow to agree upon and provide sediment quality guidelines to inform States and the public about contamination that could cause adverse human health effects. This sluggishness has prevented development of the true picture of the potential risks contaminated sediments pose.

In the Great Lakes, we have been concentrating our efforts on contaminated sediments for some time. We realized some time ago that our industrial legacy would need attention. That is why I authored the Great Lakes Critical Programs Act of 1990, which formalized the process of developing remedial action plans [RAP's] in areas of concern [AOC] in the Great Lakes, where beneficial uses are impaired. These AOC's are not too dissimilar to the APC's described in the sediment report, because contaminated sediments are a significant component of the environmental and public health risk associated with AOC's. Unfortunately, despite all of the efforts by local and State governments to prepare RAP's, very little Federal money has gone into their development and even less into implementing them to clean up the waste and prevent further contamination. That needs to change.

The Federal Government has to commit more of its resources to helping States and local governments clean up the industrial legacy that lurks beneath the water's surface in harbors and rivers across the Nation. To date, Federal agencies have been too reluctant to carefully examine the risks that these contaminated sediments pose for fear of the costs of cleanup and because the technologies necessary have not been adequately developed. But, as we have learned in the Great Lakes, these contaminated sediments are the source of much of the continuing pollution of our surface waters, as they recirculate pollutants into the water bodies that are then taken up by fish, birds, humans, and other living organisms. So, if our goal is to have fishable and swimmable waters again, we need to use every took that we can to begin addressing the cleanup.

I am introducing legislation today to authorize the use of Superfund money to expedite remediation of contaminated sediment sites across the Nation. Many of the most persistent, bioaccumulative toxics found in contaminated sediments are derived from the same chemical feedstocks taxed to fill the Hazardous Substance Superfund, so it is most appropriate that those moneys be used to clean up sediments.

The bill allows the EPA Administrator to use the Superfund to remediate contaminated sediments, but limits the amount to no more than $300 million annually. In expending funds, EPA is to give priority consideration to sediment sites which do or could adversely affect human health or the environment. Further, there is a preference given for sites in watersheds where the local governments are actively engaged in trying to prevent further contamination of the sediment and are willing to contribute 25 percent or more of the costs of remediation.

Under the bill, EPA would have to do a better job of integrating its Water and Superfund programs' approach to contaminated sediments. Specifically, the hazardous ranking system used in Superfund to estimate the potential risks associated with a conventional terrestrial site will be revisited to determine if it adequately assesses risks associated with aquatic contaminated sediments. And, EPA would be required to promulgate final numerical sediment quality criteria for the 10 toxic, persistent, or bioaccumulative substances most likely to adversely affect human health and the environment by 2001.

In addition, EPA would have to identify the 20 contaminated sediment sites that are most likely to adversely affect human health and the environment and have not been the subject of Federal or State response actions. And, to address the lack of data on contaminated sediments at Superfund sites, EPA would have to report on their occurrence and associated risk.

Mr. President, I consider this to be a fairly modest bill. It does not set aside a specific percentage of the Superfund that must be spent on contaminated sediment cleanup, through I think that might also be helpful. And, it does not place great demands on Federal agencies, States or local governments. What it does do, however, is seek to bring resources and attention to bear on a very pressing problem. This problem has been clearly illustrated in EPA's report and it is a tenacious one that will not get any smaller. Unfortunately, our current system lets contaminated sediments fall between the regulatory and environmental policy cracks in the pier. And, there it will stay on our harbor and river bottoms, polluting fish, water, and vegetation until we act.

I urge my colleagues from all parts of the country to consider cosponsoring this legislation, but particularly want to encourage the attention of Senators from coastal areas or from States with environmentally sensitive and industrialized watersheds. I believe that the approach taken in this bill is a necessary first step toward cleaning up contaminated sediments and I will be working to incorporate this into whatever Superfund reauthorization bill comes before the Senate.

Mr. President, I ask unanimous consent that the 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. 1386

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

SECTION 1. REMEDIATION OF CONTAMINATED SEDIMENTS.

(a) IN GENERAL.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

"SEC. 127. REMEDIATION OF CONTAMINATED SEDIMENTS.

''(a) SEDIMENT QUALITY CRITERIA.—

''(1) ESTABLISHMENT.—Not later than January 1, 2001, after consultation with the States and Indian tribes, the Administrator shall establish final numerical sediment quality criteria for the 10 toxic, persistent, or bioaccumulative substances that the Administrator determines are most likely to adversely affect human health and the environment.

''(2) REVIEW.—Every 3 years after the date on which criteria are established under paragraph (1)—

''(A) the Administrator shall review the list of substances compiled under paragraph (1);

''(B) after consultation with the States and Indian tribes, add or remove substances from the list based on the risks of adverse effects to human health and the environment (including the risks of adverse developmental, reproductive, and transgenerational effects); and

''(C) not later than 3 years after the date on which a substance is added to the list under subparagraph (B), establish final numerical sediment quality criteria for the substance.

''(b) REVISION OF HAZARD RANKING SYSTEM.—

''(1) IN GENERAL.—Not later than 30 months after the date of enactment of this section, the Administrator shall revise the hazard ranking system referred to in section 105(a)(8)(A) to ensure that the hazard ranking system more accurately assesses the risks to human health and the environment from aquatic sites with contaminated sediments (as that term is applied for the purposes of section 118(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(7))).

''(2) SCOPE OF ASSESSMENT.—To ensure more accurate assessments of health and environmental risks at aquatic sites with contaminated sediments, the assessment referred to in paragraph (1) shall not—

''(A) include consideration of the costs of carrying out response actions; or

''(B) require identification of the source of a release.

''(3) TRANSITION PROVISION.—The hazard ranking system in effect on the date of enactment of this section shall continue in effect until the effective date of the revised hazard ranking system required by this subsection.

''(c) EXPENDITURE OF FUNDS FOR RESPONSE ACTIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, for each fiscal year, the Administrator may expend up to $300,000,000 of funds appropriated out of the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 for the purposes of carrying out response actions and other corrective actions at facilities containing contaminated sediments (as that term is applied for the purposes of section 118(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(7))).

''(2) PRIORITIES.—In expending funds under paragraph (1), the Administrator shall give priority to facilities, a release from which has adversely affected or could adversely affect human health or the environment, in the following order:

''(A) A facility in a watershed with respect to which—

''(i) a program has been or is being implemented that has significantly reduced or is significantly reducing or preventing the deposition into sediment of a persistent and bioaccumulative toxic substance from the watershed; and

''(ii) a State or local government having jurisdiction over a portion of the watershed contributes 25 percent or more of the response costs.

''(B) A facility in a watershed with respect to which only subparagraph (A)(i) applies.

''(C) A facility in a watershed with respect to which only subparagraph (A)(ii) applies.

''(D) A facility in a watershed with respect to which subparagraph (A) does not apply.

''(d) HAZARD RANKING SYSTEM SCORING PACKAGE.—

''(1) IDENTIFICATION OF FACILITIES.—From the comprehensive national survey of data regarding aquatic sediment quality conducted under section 503(a) of the Water Resources Development Act of 1992 (33 U.S.C. 1271(a)), the Administrator shall identify the 20 facilities containing contaminated sediments (as that term is applied for the purposes of section 118(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(7))) that are most likely to adversely affect human health and the environment and that have not been the subject of any Federal or State response action or other corrective action.

''(2) SCORING PACKAGE.—After identifying the facilities under paragraph (1), the Administrator, not later than 3 years after the date of enactment of this section, shall—

''(A) prepare a comprehensive scoring package under the hazard ranking system referred to in section 105(a)(8)(A) for each facility, unless a State or remedial action planning committee objects to the conduct of the assessment necessary for the scoring in an area or watershed under the jurisdiction of the State or committee; and

''(B) report to Congress the results of each scoring package prepared under subparagraph (A).''.

(b) CRITERIA FOR DETERMINING PRIORITIES AMONG RELEASES.—Section 105(a)(8)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(A)) is amended by inserting before the semicolon at the end the following: '', except that criteria and priorities under this paragraph shall not be based on the extent to which the President is able to identify 1 or more potentially responsible parties or 1 or more specific sources of a release''.

(c) INCLUSION IN REPORT ON MONITORING OF AQUATIC SEDIMENT QUALITY.—Section 503(b)(2) of the Water Resources Development Act of 1992 (33 U.S.C. 1271(b)(2)) is amended by adding at the end the following: ''Each report shall include information on all facilities containing contaminated sediments that are listed on the National Priorities List under section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)).''.

(d) REPORT ON HAZARD RANKING SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report assessing the extent to which the hazard ranking system referred to in section 105(a)(8)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(A)) (as revised in 1990) has achieved the objectives specified in paragraphs (1) and (2) of section 105(c) of that Act (42 U.S.C. 9605(c)).

(2) CONTENTS.—The report shall include a comprehensive assessment of the number and type of aquatic facilities that have been scored under the hazard ranking system (as revised in 1990) and the level of risk that the facilities pose to human health and the environment.

By Mr. KYL (for himself and Mrs. HUTCHISON):

S. 1387. A bill to authorize additional appropriations for the Department of Defense for ballistic missile defenses and other measures to counter the emerging threat posed to the United States and its allies in the Middle East and Persian Gulf region by the development and deployment of ballistic missiles by Iran; to the Committee on Armed Services.

THE IRAN MISSILE PROTECTION ACT OF 1997

Mr. KYL. Mr. President, today, I rise to introduce the Iran Missile Protection Act of 1997, the so-called, IMPACT 97 legislation, a similar version of which CURT WELDON introduced in the House of Representatives last week.

The IMPACT 97 legislation is aptly named because it is intended to have a real impact on the growing threat from Iranian ballistic missiles. Recent revelations that Iran has nearly completed development of two new ballistic missiles—made possible with Russian assistance—that will allow it to strike targets as far away as Central Europe has convinced me that United States theater missile defenses must be accelerated in order to counter the emerging Iranian threat.

According to published reports, a long-range Iranian missile, Shahab 4, could be fielded in as little as 3 years. A shorter range missile, Shahab 3, which will be capable of reaching Israel, could be operational in 12 to 18 months. Both missiles could be armed with chemical or biological warheads. These reports are the latest in a string of increasingly troubling disclosures that have surfaced since the Los Angeles Times first reported in February that Russia was providing missile technology and assistance to Iran.

A bipartisan group of Senators and Representatives have been working on various legislative approaches to address the Iranian threat. For example,

Representative JANE HARMAN and I introduced a concurrent resolution expressing the sense of Congress that the administration should impose sanctions against Russian entities transferring ballistic missile technology to Iran. The annual foreign aid bill, currently in conference, contains a provision strictly conditioning the release of aid to Russia on certification by the President that Moscow has stopped the transfer of nuclear and missile technology to Iran. And, Senator LOTT and Representative GILMAN have also introduced legislation that would require that sanctions be imposed against any entity caught transferring goods to support Iran's ballistic missile program.

In addition to the legislative approach, the administration has been engaged in a series of diplomatic exchanges with the Russians. According to press accounts, Vice President GORE has raised the issue with Prime Minister Chernomyrdin during their meetings in February and July. President Clinton has raised the matter with President Yeltsin at the Helsinki summit in March and the P–8 summit in June. The administration has also appointed Ambassador Frank Wisner as its special envoy to discuss with Russian officials the allegations made regarding transfers of technology to Iran. This is a very serious issue which the Clinton administration has clearly acknowledged.

While we hope that the diplomatic efforts will bear fruit, it is entirely possible that it will not. In that event, the United States and our allies must be prepared to defend and protect ourselves from the possibility that Iran will use ballistic missiles armed with chemical, biological, or nuclear warheads. It is that possibility—some might say eventuality—that IMPACT 97 is intended to address.

Neither the United States nor Israel will have missile defenses capable of countering the threat from the Shahab 3 or Shahab 4 missile before those systems are deployed. IMPACT 97 authorizes the accelerated development of some key theater defense systems, as well as the procurement of additional batteries of interceptors capable of providing protection against the Iranian missiles.

Specifically, IMPACT 97 would authorize an additional: $65 million to accelerate development of Navy Upper Tier; $100 million to purchase a second THAAD UOES system; $15 million to improve interoperability of the THAAD radar with other missile defense systems; 110 million to purchase additional Arrow Missiles and for production enhancement to accelerate deployment; $15 million to accelerate development of a remote launch capability for PAC–3 using a THAAD radar to enlarge the area the system can defend; $25 million for PAC–3 production enhancements to accelerate deployment of the system; $35 million to purchase two Cobra Gemini radars to improve missile tracking; and $20 million for development of the Joint Composite Tracking Network to improve command and control and interoperability of missile defense systems.

I believe that the potential threat from these Iranian ballistic missiles is so grave that we cannot afford to wait until they are deployed to respond with defenses. I have personally discussed this legislation with members of the Department of Defense, and my staff has been in regular contact with other officials there to help ensure that the best bill possible is presented for consideration. In the end, the Department has decided not to support this legislation, however, I have reasonable confidence that the programs identified, and the funding provided, is an accurate reflection of where BMDO would spend the additional funds, if provided. Secretary Cohen has indicated in a letter to me that he does not recommend that additional resources be applied to the theater missile defense programs. Unfortunately, the current deployment schedule for the TMD programs is inadequate, and I have to respectfully disagree with Secretary Cohen about his assessment that the programs are progressing as fast as they can. This legislation will ensure that the United States and its allies can counter the growing threat from Iran's ballistic missile program.

I hope that the Armed Services Committee will be able to act on this legislation promptly and that the full Senate can debate IMPACT 97 early next year.

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 1388. A bill to provide relief from unfair interest and penalties on refunds retroactively ordered by the Federal Energy Regulatory Commission; to the Committee on Energy and Natural Resources.

THE KANSAS NATURAL GAS INDUSTRY ACT

Mr. ROBERTS. Mr. President, today I am introducing legislation that speaks directly to the issue of fairness in public policy.

The Kansas natural gas industry operates on the slimmest of margins. It is still subject to the heavy regulatory ambitions of the Federal Government. It employs 24,000 individuals, operates in 89 of 105 Kansas counties, and in 1996 paid $132 million in mineral and property taxes in the State. Mr. President, the natural gas industry is a major industry, an important industry, and a beneficial industry to the citizens and local governments of Kansas. Unfortunately, as happens too often, a regulatory body of the Federal Government is about to cripple another valuable industry.

At issue is the failure of the Federal Energy Regulatory Commission to use discretionary authority and mitigate damages to the Kansas natural gas industry resulting from a retroactive and punitive order. Since 1974, first sellers of natural gas in Kansas have been allowed to recover the cost of a State ad valorem tax. First the Federal Power Commission and, later the Federal Energy Regulatory Commission, held the Kansas ad valorem tax was eligible for recovery as a reimbursable tax under the Federal price ceilings established by the Federal Power Commission and later under section 110 of the Natural Gas Policy Act. In 1983, an interstate pipeline company petitioned the Commission to overturn treatment of the Kansas ad valorem tax as recoverable. In 1986 and 1987, the Commission responded to this petition by stating the Kansas tax clearly qualified as recoverable. In 1988 the D.C. Circuit court reviewed these prior rulings and, believing the Commission had failed to adequately explain its orders, remanded the issue to the Commission. In 1993, five years after the court remand, the Commission reversed 19 years of regulatory treatment of the Kansas ad valorem tax and ordered refunds retroactive to the year 1988 based on the date of the District of Columbia Circuit's remand order. Kansas gas producers paid the ordered refunds for the period after 1988, both principal and interest. Unfortunately, in 1996 the D.C. Circuit reversed the Commission's decision and required refunds back to 1983, based on the Federal Register notice of the 1983 interstate pipeline company's petition to the Commission. In essence, what had been legal for 19 years was retroactively declared illegal, to the serious financial detriment of not only the Kansas natural gas industry, but local and state government budgets that rely on this industry's economic base. The burden on the industry was made even heavier by the assessment of interest on the period 1983 to 1988.

Mr. President, today I introduce legislation to alleviate the unjust and punitive financial burden placed upon this Kansas industry by the Commission. This legislation does not address the legality of the Commission or the court rulings. The subject of this legislation, the interest penalty on the principal between the years 1983 to 1988 with such interest accumulated to the present, was never considered by the D.C. Circuit. This is an issue of equity and of the proper exercise of discretion and authority by the Commission in association with an order retroactively declaring a practice ruled legal for 19 years illegal.

While the industry and the State of Kansas still are in the process of assessing the cost of this Federal action, there is no question the cost will be huge and threatens to bankrupt many small producers. Relieving the industry of severe interest penalties is appropriate.

Congress entrusts oversight and administration of law to regulatory bodies. When that regulatory body fails to properly administer a law, or when it exercises authority in an egregious, inequitable manner inconsistent with congressional intent, Congress has the

responsibility to intervene. Notwithstanding the D.C. Circuit's decision in this case, the actions of the Commission are unacceptable. If ever a case demonstrated the need for oversight of administrative bodies and corrective action, this is the case.

The natural gas industry and the administrative bodies in Kansas government had every right to follow established regulatory guidance in treatment of the Kansas ad valorem tax. Indeed, since 1974, Kansas producers had been permitted to recover this tax. In 1978, with passage of the Natural Gas Policy Act, Congress explicitly used the term ad valorem tax in report language to clarify the intent of section 110. Further, upon another challenge in 1983, the Commission reaffirmed and ruled favorably on the Kansas ad valorem tax as recoverable several times. Clearly a precedent was established and, over a fourteen year period, not once did Kansas gas producers have any reason to suspect or question the Commission's rulings.

Mr. President, this is an issue of fairness, of equity, of this Congress' oversight responsibilities. Regulated industries have every right—indeed a responsibility—to follow and rely upon established Commission regulatory guidelines based on statutorily granted authority. I rise today to reaffirm the proper Federal-State relationship and a state's right to rely on regulatory decisions in establishing and administering the natural resource policies of the State.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1388

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That the Natural Gas Policy Act of 1978, as amended, is amended by adding the following new section:

''SEC. 603. In the event any refunds of any rates and charges made, demanded, or received for reimbursement of State ad valorem taxes in connection with the sale of natural gas prior to 1989 are ordered to be made by the Commission, the refunds shall be ordered to be made without interest or penalty of any kind.''.

By Ms. SNOWE (for herself and Mr. BURNS):

S. 1389. A bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for prostate cancer research through the voluntary purchase of certain specially issued U.S. postage stamps; to the Committee on Governmental Affairs.

THE PROSTATE CANCER RESEARCH STAMP ACT

Ms. SNOWE. Mr. President, I rise today to introduce legislation that would authorize the U.S. Postal Service to issue a special stamp to raise funds for prostate cancer research. It is time to fortify the battle against prostate cancer by educating the public about this disease, emphasizing the importance of annual screening, and bolstering our research efforts in order to find a cure.

In the wake of National Prostate Cancer Awareness week, September, 22–29, men and women from my home State of Maine are sharing their stories about this devastating disease and are calling for more prostate cancer research. Prostate cancer is the most common form of cancer in American men. The American Cancer Society estimates that 334,500 cases of prostate cancer will be diagnosed in 1997. Tragically, 41,000 of these men will die from the disease—a number fast approaching the annual breast cancer death toll of 44,300. Between 1989 and 1993, the prostate cancer incidence rate increased by 50 percent. Despite this dramatic surge in incidence, prostate cancer receives only a modest fraction, 3.7 percent, of the funding resources allocated to cancer. In fiscal year 1997, prostate cancer research funding was $96.2 million, which is very low considering the number of lives this dreaded disease will rob each year.

Advances made over the past 10 years to detect and treat prostate cancer have been significant, considering the fact that the digital rectal examination [DRE]—the primary tool for detecting prostate cancer which has been used for over 100 years—cannot detect small tumors or those on the side of the gland where approximately 40 percent of prostate cancers are located. Physicians have increased their use of the prostate-specific antigen, P.A. blood test which detects both aggressive and latent prostate cancers. The National Cancer Institute is conducting a multicenter trial to test whether or not early detection of prostate cancer by the DRE and P.A. will reduce prostate cancer mortality. Moreover, NCI's Prostate, Lung, Colon and Ovary Cancer Screening Trial [PLCO], which began in 1993, will eventually enroll 74,000 men over its 16 year duration. The trial will determine the relationships between P.A. levels, risk for prostate cancer, and the actual presence and size of prostate cancer in individual men. These advances will help lay a solid foundation for prostate cancer research into the 21st century.

These developments are pivotal steps in the right direction. However, if we are going to eradicate this disease, much work needs to be done. We must continue the search for new techniques and methods of treatment. We must be relentless in emphasizing the importance of education and awareness. But most of all, we must find a cure. The lives of our fathers, sons, brothers, and friends depend on this effort.

The Prostate Cancer Research Stamp Act would authorize a special first class stamp to be priced at up to 8 cents above the cost of normal first class postage. The stamp would be voluntarily purchased by postal patrons and the additional money raised by the sale of the stamp would be earmarked for prostate cancer research at the National Cancer Institutes. Perhaps most importantly, this special stamp would help bring the disease out into the open. By raising awareness, men of all ages will be reminded to educate themselves about early detection, screening, prevention and treatment of prostate cancer simply by visiting the post office.

The ravages of prostate cancer—like all other cancers—are devastating to the lives of all family members. A stamp designed to garner additional research funds would not only help the hundreds of thousands of men who suffer from prostate cancer, but would also remind men to seek regular screening. It is going to take a collective effort to find a cure. But if we all play a small role, the investment in this valuable research will pay off and we will be one step closer to winning the battle against prostate cancer.

By Mr. D'AMATO:

S. 1390. A bill to provide redress for inadequate restitution of assets seized by the U.S. Government during World War II which belonged to victims of the Holocaust, and for other purposes; to the Committee on Foreign Relations.

THE HOLOCAUST VICTIMS REDRESS ACT

Mr. D'AMATO. Mr. President, I rise today to introduce the Holocaust Victims Redress Act.

We all know that the Second World War was one of the darkest periods in the history of mankind. Nazi Germany used its vast resources, technology, and extensive transportation system for the sole purpose of the persecution and annihilation of a single people, simply because of their religion. This inhumanity was unheard of in history.

Starvation, disease, slavery, random executions, children separated from their parents, husbands separated from their wives, the murder of infants, the rate of women; these were the everyday tortures inflicted on the Jews of Europe by their Nazi aggressors. By the end of the war, the bulk of the Jewish population, 6 million men, women and children had been killed. And those displaced and demoralized few who survived this ordeal were left to pick up the pieces of their lives and start anew.

Today, we all know what the Swiss bankers did with the Jewish assets entrusted to them. Yet, during that period, the United States Government seized $198 million in German assets and froze an estimated $1.2 billion more in Swiss assets located in the United States, later returned to Switzerland in 1946, after the signing of the Washington accords. The unfortunate fact is that among the capital confiscated by our Government were funds belonging to Holocaust victims, frozen to prevent them from falling into the hands of the Third Reich.

Realizing that there were victims of the Holocaust who may not have had any legal heirs, Congress, after the war, authorized the transfer of $3 million from those assets to organizations providing relief and rehabilitation to

Holocaust survivors. However, only one-sixth of that amount was ever paid to the Jewish Restitution Successor Organization, dedicated to the task of caring for the survivors. In June of this year, Under Secretary of State Stuart Eizenstat, in testimony before the House Banking Committee, urged Congress to reconsider the $500,000 settlement made with survivors of the Holocaust, who had assets in U.S. banks, saying they have a compelling moral claim to the unpaid portion of the estimated $3 million that was originally authorized for compensation.

The Holocaust Victims Redress Act seeks to right these wrongs, providing some amount of justice to survivors of the Holocaust while they are still alive, doing so in the following ways:

As I stated earlier, only one-sixth of the amount authorized by Congress was actually paid to the Jewish Restitution Successor Organization of New York. This bill would authorize the appropriation of funds equal to the present value of the unpaid difference.

It would seek to strike an agreement among the signatories of the Paris Agreement on Reparations whereby all, or a substantial portion, of the gold held by the Tripartite Commission for the Restitution of Monetary Gold would be contributed to charitable organizations to assist elderly survivors of the Holocaust.

Furthermore, it expresses the sense of Congress that all governments should act in good faith and facilitate efforts to return private and public properties, looted by the Nazis, to their rightful owners in accordance with the Hague Convention of 1907.

I would like to congratulate my colleagues, Representatives JIM LEACH of Iowa and BENJAMIN GILMAN of New York, chairmen of the House Banking and House International Affairs Committees respectively, for their work to introduce this bill in the House. It is a good bill. It is the right and just thing to do. It offers at least a modicum of justice to a rapidly diminishing population which has long suffered the wounds of hatred and bigotry inflicted by the Nazis. This legislation has the support of the administration, as demonstrated by Under Secretary of State Stuart Eizenstat. I strongly urge the bill's speedy adoption.

Mr. President, I ask for unanimous consent that the text of the bill, along with letters from Under Secretary of State Stuart Eizenstat and the Anti-Defamation League in support of the legislation, be printed in the RECORD.

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

S. 1390

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 ''Holocaust Victims Redress Act''.

TITLE I—HEIRLESS ASSETS

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds as follows:

(1) Among the $198,000,000 in German assets located in the United States and seized by the United States Government in World War II were believed to be bank accounts, trusts, securities, or other assets belonging to Jewish victims of the Holocaust.

(2) Among an estimated $1,200,000,000 in assets of Swiss nationals and institutions which were frozen by the United States Government during World War II (including over $400,000,000 in bank deposits) were assets whose beneficial owners were believed to include victims of the Holocaust.

(3) In the aftermath of the war, the Congress recognized that some of the victims of the Holocaust whose assets were among those seized or frozen during the war might not have any legal heirs, and legislation was enacted to authorize the transfer of up to $3,000,000 of such assets to organizations dedicated to providing relief and rehabilitation for survivors of the Holocaust.

(4) Although the Congress and the Administration authorized the transfer of such amount to the relief organizations referred to in paragraph (3), the enormous administrative difficulties and cost involved in proving legal ownership of such assets, directly or beneficially, by victims of the Holocaust, and proving the existence or absence of heirs of such victims, led the Congress in 1962 to agree to a lump-sum settlement and to provide $500,000 for the Jewish Restitution Successor Organization of New York, such sum amounting to ⅙th of the authorized maximum level of ''heirless'' assets to be transferred.

(5) In June of 1997, a representative of the Secretary of State, in testimony before the Congress, urged the reconsideration of the limited $500,000 settlement.

(6) While a precisely accurate accounting of ''heirless'' assets may be impossible, good conscience warrants the recognition that the victims of the Holocaust have a compelling moral claim to the unrestituted portion of assets referred to in paragraph (3).

(7) Furthermore, leadership by the United States in meeting obligations to Holocaust victims would strengthen—

(A) the efforts of the United States to press for the speedy distribution of the remaining nearly 6 metric tons of gold still held by the Tripartite Commission for the Restitution of Monetary Gold (the body established by France, Great Britain, and the United States at the end of World War II to return gold looted by Nazi Germany to the central banks of countries occupied by Germany during the war); and

(B) the appeals by the United States to the 15 nations claiming a portion of such gold to contribute a substantial portion of any such distribution to Holocaust survivors in recognition of the recently documented fact that the gold held by the Commission includes gold stolen from individual victims of the Holocaust.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide a measure of justice to survivors of the Holocaust all around the world while they are still alive.

(2) To authorize the appropriation of an amount which is at least equal to the present value of the difference between the amount which was authorized to be transferred to successor organizations to compensate for assets in the United States of heirless victims of the Holocaust and the amount actually paid in 1962 to the Jewish Restitution Successor Organization of New York for that purpose.

(3) To facilitate efforts by the United States to seek an agreement whereby nations with claims against gold held by the Tripartite Commission for the Restitution of Monetary Gold would contribute all, or a substantial portion, of that gold to charitable organizations to assist survivors of the Holocaust.

SEC. 102. DISTRIBUTIONS BY THE TRIPARTITE GOLD COMMISSION.

(a) DIRECTIONS TO THE PRESIDENT.—The President shall direct the commissioner representing the United States on the Tripartite Commission for the Restitution of Monetary Gold, established pursuant to Part III of the Paris Agreement on Reparation, to seek and vote for a timely agreement under which all signatories to the Paris Agreement on Reparation, with claims against the monetary gold pool in the jurisdiction of such Commission, contribute all, or a substantial portion, of such gold to charitable organizations to assist survivors of the Holocaust.

(b) AUTHORITY TO OBLIGATE THE UNITED STATES.—

(1) IN GENERAL.—From funds otherwise unobligated in the Treasury of the United States, the President is authorized to obligate an amount not to exceed $30,000,000 for distribution in accordance with subsections (a) and (b).

(2) CONFORMANCE WITH BUDGET ACT REQUIREMENT.—Any budget authority contained in paragraph (1) shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

SEC. 103. FULFILLMENT OF OBLIGATION OF THE UNITED STATES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President such sums as may be necessary for fiscal years 1998, 1999, and 2000, not to exceed a total of $25,000,000 for all such fiscal years, for distribution to organizations as may be specified in any agreement concluded pursuant to section 102, only if the organizations meet the needs of Holocaust survivors in the United States.

(b) ARCHIVAL RESEARCH.—There are authorized to be appropriated to the President $5,000,000 for archival research and translation services to assist in the restitution of assets looted or extorted from victims of the Holocaust and such other activities that would further Holocaust remembrance and education.

TITLE II—WORKS OF ART

SEC. 201. FINDINGS.

Congress finds as follows:

(1) Established pre-World War II principles of international law, as enunciated in Articles 47 and 56 of the Regulations annexed to the 1907 Hague Convention (IV) Respecting the Laws and Customs of War on Land, prohibited pillage and the seizure of works of art.

(2) In the years since World War II, international sanctions against confiscation of works of art have been amplified through such conventions as the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which forbids the illegal export of art work and calls for its earliest possible restitution to its rightful owner.

(3) In defiance of the 1907 Hague Convention, the Nazis extorted and looted art from individuals and institutions in countries it occupied during World War II and used such booty to help finance their war of aggression.

(4) The Nazis' policy of looting art was a critical element and incentive in their campaign of genocide against individuals of Jewish and other religious and cultural heritage and, in this context, the Holocaust, while standing as a civil war against defined individuals and civilized values, must be considered a fundamental aspect of the world war unleashed on the continent.

(5) Hence, the same international legal principles applied among states should be applied to art and other assets stolen from victims of the Holocaust.

(6) In the aftermath of the war, art and other assets were transferred from territory previously controlled by the Nazis to the Union of Soviet Socialist Republics, much of which has not been returned to rightful owners.

SEC. 202. SENSE OF THE CONGRESS REGARDING RESTITUTION OF PRIVATE PROPERTY, SUCH AS WORKS OF ART.

It is the sense of the Congress that consistent with the 1907 Hague Convention, all governments should undertake good faith efforts to facilitate the return of private and public property, such as works of art, to the rightful owners in cases where assets were confiscated from the claimant during the period of Nazi rule and there is reasonable proof that the claimant is the rightful owner.

U.S. DEPARTMENT OF STATE,
Washington, DC, November 4, 1997.

Hon. ALPHONSE M. D'AMATO,
U.S. Senate,
Washington, DC.

DEAR SENATOR D'AMATO: I want to bring you up to date on our efforts to establish a ''Nazi Persecutee Relief Fund'' from the remaining Tripartite Commission Gold (TGC) gold pool. As you know, the TGC was charged after the war with gathering the gold looted by the Nazis and with returning it to the central banks from which it had been taken. Most of the gold in the fund had been returned to the 15 claimant countries long ago, but about 1.6% of the pool remains undistributed. This now amounts to about $60 to $70 million at current values.

Our TGC partners, the British and French, like us, very much want to close out the fund. Mindful of the origin of some of the gold, they have joined with us in proposing to the claimant states that the remaining gold be transferred to this new special Holocaust victims fund. Reactions from the claimant countries have been generally positive, and we are hopeful that such a fund might be announced by the end of the year. The idea if that each of the claimant countries would voluntarily turn over all or part of its share to the new fund. Other countries, including neutral countries that had received Nazi gold during the war, would also be invited to contribute, as would other states that have an interest in, or played a role in the collection and disposition of the tainted gold. A TGC working group met in Brussels in late September to discuss how such a fund might be established. A follow-up meeting will be held shortly.

We would very much like the United States to participate in this fund with it own contribution of up to $25 million. The legislation that you and Congressman Leach have introduced is very supportive of this objective. It is very important that we be able to assist both American and other needy victims of the Nazi Holocaust. Such a contribution would be fully consistent with our leadership role and provide a powerful incentive for the TGC claimant countries, wartime neutrals, and others, also to contribute.

The legislation is being reviewed by our experts and their comments will be provided to you shortly. I hope that we can work together to achieve the establishment of this fund, and our contribution to it.

Very truly yours,
STUART A. BIZENSTAT,
Ambassador.

ANTI-DEFAMATION LEAGUE,
New York, NY, November 5, 1997.

Hon. ALFONSE D'AMATO,
Chairman, Senate Banking Committee, U.S. Senate, Washington, DC.

DEAR ALFONSE: We commend your leadership in seeking to investigate and expose the large-scale plundering of Jewish assets during the Holocaust and the depth of the involvement of banks and governments in helping finance the Nazi war machine.

As aging survivors wait out arduous investigations and negotiations, we must act quickly to enable them to live out their remaining years with as much dignity and sense of healing as possible.

The Holocaust Victims Redress Act would offer much needed support to some victims and strengthen our nation's hand in appealing to other nations to commit resources to help survivors.

We are grateful for your efforts to awaken the conscience of the American people and your resolve to do justice for remaining Holocaust victims. If the U.S. hopes to credibly compel all nations to act, we must act expeditiously and take responsibility for any inadequacies in our own post-war behavior.

Sincerely,
HOWARD P. BERKOWITZ,
National Chairman.
ABRAHAM H. FOXMAN,
National Director.

By Mr. DODD (for himself, Mr. WARNER, Mr. BENNETT, Mr. GRAMS, Mr. JEFFORDS, Mr. BINGAMAN, and Mr. LEAHY):

S. 1391. A bill to authorize the President to permit the sale and export of food, medicines, and medical equipment to Cuba; to the Committee on Banking, Housing, and Urban Affairs.

THE CUBAN WOMEN AND CHILDREN HUMANITARIAN RELIEF ACT

Mr. DODD. Mr. President, today I join with my colleagues, Senators WARNER, BENNETT, JEFFORDS, GRAMS, BINGAMAN, and LEAHY in introducing the Cuban Women and Children Humanitarian Relief Act—a bill to authorize the President to permit the sale of food, medicine, and medical equipment to the Cuban people.

Provisions of this bill include a summary of the impact that the United States embargo on food and medicine has had on the public health in Cuba; a statement of United States policy with respect to the sale of food and medicine; authority for the President to permit the sale of food, medicine, and medical supplies to Cuba; congressional notification requirements; and a report to Congress assessing the impact of the bill 2 years after enactment.

Mr. President, the intent of the legislation is very straight forward, namely to clear away all of the legal implements that impede the President's ability to permit American exports of food, medicines, and medical supplies to Cuba. As a matter of policy, I do not believe that United States sanctions should include prohibitions on the sale of what are essentially humanitarian items—products that are critical to the health and well being of the more than 10 million people who inhabit the Island of Cuba.

Most Americans are probably unaware that United States policy generally prohibits American food and drug companies from selling food, medicines, and medical supplies to Cuba. Even those who are aware of this aspect of United States policy, probably assume that this isn't a serious problem, since Cuban authorities can simply buy these products elsewhere. That is not the case.

Earlier this year, the American Association for World Health [AAWH] issued a report—Denial of Food and Medicine: The Impact of the U.S. Embargo on Health & Nutrition in Cuba—setting forth its observations from a year long study of the implications of the United States embargo on health care delivery and food security in Cuba. The AAWH ''determined that the United States embargo of Cuba has dramatically harmed the health and nutrition of large numbers of ordinary Cuban citizens.'' The team of nine medical experts who undertook this effort on behalf of AAWH identified four major health problems affected by the embargo: malnutrition, water quality, medicines and equipment, and medical information.

First, with respect to malnutrition—the prohibition on the sale of United States food to Cuba has had serious consequences on the nutritional standards in Cuba, particularly for pregnant women. These nutritional deficiencies have, among other things, led to an increased incidence of low birth-weight babies.

With respect to water quality, the lack of parts and appropriate chemicals has compromised the Cuban water supply system and resulted in increased illness and deaths from waterborne diseases.

We all know that United States medical and pharmaceutical companies are at the forefront of the development and production of a vast majority of all new drugs and medical equipment that enter world markets. The by-product of that situation is that current United States restrictions virtually preclude the Cuban medical system from utilizing the most effective and advanced medicines and medical treatments in caring for the Cuban people. Finally, the embargo indirectly inhibits the exchange of critical medical information between the United States and Cuba.

In no way should this legislation be seen as an endorsement of the current regime in Cuba. The existing policies of that government are clearly responsible for the serious economic crisis confronting that country. United States policy should be focused on promoting a peaceful transition to democracy in Cuba—the tide of history flows in that direction.

Many human rights activists within Cuba have been strongly critical of United States food and medicine restrictions. Elizardo Sanchez Santacruz, director of the Cuban Commission for Human Rights and National Reconciliation, and a prominent critic of the Cuban Government, has made clear his views on the current policy. ''America

should lift its embargo on the sales of food and medicine to Cuba, a prohibition that violates international law and hurts the people, not the regime. Denying medicine to innocent citizens is an odd way of demonstrating support for human rights.''

I share that view. I believe the Clinton administration should take steps to mitigate the harmful impact of United States policy on the health of the Cuban people—particularly so with respect to the health of children, the elderly, and the infirm—by permitting United States exporters to sell food and medicine to that country. That is what this bill once enacted will enable the President to do.

Mr. President, 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. 1391

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 shall be known as the ''Cuban Women and Children Humanitarian Relief Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the outright ban on the sale of American foodstuffs to Cuba has contributed to serious nutritional deficits, particularly among pregnant women, leading to low birth-weight babies;

(2) the embargo on trade with Cuba is severely restricting Cuba's access to water treatment chemicals and spare parts for its water supply, causing reductions in the supply of safe drinking water and the increased incidence of water-borne diseases;

(3) the most specialized medical supplies are in short supply or entirely absent from some Cuban clinics as a result of the United States embargo;

(4) although informational materials have been exempt from the United States trade embargo since 1988, in practice very little medical information is exchanged between the United States and Cuba due to travel restrictions, currency regulations, and shipping difficulties; and

(5) current embargoes against Iran, Libya, and Iraq do not ban the sale of food to those countries or restrict medical commerce.

SEC. 3. STATEMENT OF POLICY.

It should be the policy of the United States to permit the sale and export of food, medicines, and medical equipment to the Cuban people.

SEC. 4. AUTHORITY.

Notwithstanding any other provision of law, the President is authorized to permit the sale and export of food, medicines, and medical equipment to Cuba by any person subject to the jurisdiction of the United States.

SEC. 5. NOTIFICATION OF CONGRESS AND THE PUBLIC.

The President shall notify Congress of any decision to exercise the authority of section 4 and shall, at the time the decision is made, cause such decision to be published in the Federal Register, together with such regulations as the President determines may be necessary to ensure that food, medicines, and medical equipment sold to Cuba under this Act will primarily be consumed or otherwise utilized by the people of Cuba.

SEC. 6. REPORT TO CONGRESS.

Two years after the date that the President first exercises the authority of section 4, the President shall submit a report to the Speaker of the House of Representatives and the President of the Senate containing an assessment of the level, composition, and end users of any food, medicine, or medical equipment sold to Cuba during the previous two years by any person subject to the jurisdiction of the United States.

Mr. JEFFORDS. Mr. President, I rise today in support of the Cuban Women and Children Humanitarian Relief Act. The objective of this legislation, quite simply, is to remove some of the more objectionable aspects of the standing United States trade embargo on Cuba, especially those that imperil the health of women, children, and other vulnerable groups. The bill would remove existing restrictions on the sale to Cuba of American food, medicines, and health supplies. Under current law, it is all but impossible for American companies to sell these items to Cuba.

Mr. President, I have long held reservations about the effectiveness of our trade embargo on Cuba. After all, we have maintained a trade blockade on Cuba for 37 years and have little to show for it in terms of moving the Cuban Government in the direction of freedom or peaceful coexistence.

However, this bill is not about how best to pressure the Castro government. Nor is it intended in any way to signal a change in overall United States policy toward Cuba. What this bill is about is making sure that children and other vulnerable groups do not bear the brunt of the trade embargo. The impact of the embargo on these groups has become more severe since passage of the Cuban Democracy Act of 1992, which tightened the restrictions on food and medical shipments to Cuba.

The respected American Association for World Health concluded that these new, tougher trade sanctions have caused ''a significant rise in suffering—and even deaths—in Cuba.'' In particular, the AAWH found that the embargo on food and medicines has led to malnutrition, reduced water quality, and the unavailability or short supply of routine medical supplies.

I do not believe that the American people intended that the trade embargo against Cuba lead to such demonstrable human suffering. Whether one supports the overall embargo or not, surely we can agree that the pain that this policy inflicts should not be borne by children.

All of which is not to absolve Fidel Castro of much of the blame for the deteriorating state of health in Cuba. The OAS's Inter-American Commission on Human Rights has noted that many of the medical products manufactured in Cuba are reserved for hospitals that cater to foreigners. This has apparently caused much resentment among ordinary Cubans who feel discriminated against in their country.

But we, too, are the target of much resentment owing to our trade restrictions on medicines and medical supplies. If a Cuban cannot gain access to an important drug—50 percent of the most important drugs in the world are available only from the United States or United States-licensed firms—or no longer has safe drinking water because water treatment chemicals or water supply spare parts cannot be obtained, he can quite credibly blame the United States for his plight. In fact, Castro has made the most of this situation by pointing to the United States embargo as the source of almost all of Cuba's health problems.

The State Department maintains that the United States trade restrictions have not blocked medical shipments to Cuba and that many firms have successfully met the conditions required to obtain a permit for such trade. However, the reality is that the requirements to obtain such a license are so stringent that few drug companies are willing even to consider sales to Cuba. Those that do often find themselves investigated for technical and inadvertent violations of the embargo and ultimately abandon efforts to sell to Cuba. Moreover, relief groups such as Catholic Relief Services and Church World Services have found the licensing requirements cumbersome, complex, and costly.

Sales of foodstuffs are barred altogether. And there is no way around it—no licenses, special permits, or other recourse. I think it's worth noting that our current embargos against Iran, Iraq, and Libya do not bar the sale of food or medicines to those countries.

Mr. President, the American people are not mean-spirited. We want our Government to be tough-minded in protecting our interests but do not want innocent people to suffer. Even in the case of those countries adamantly opposed to United States interests and values, such as Iran and North Korea, we have reached out with humanitarian assistance in response to natural disasters and famines. We should treat Cuba no differently. We should not allow our political objectives undermine the health and well-being of those most in need, especially children.

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. JOHNSON, and Mr. CONRAD):

S. 1393. A bill to amend the Internal Revenue Code of 1986 to provide for the permanent extension of the incentives for alcohol used as a fuel; to the Committee on Finance.

GASOHOL LEGISLATION

Mr. DORGAN. Mr. President, today I rise to introduce legislation to permanently extend the Federal gasohol tax incentives that are currently available to encourage the development and use of ethanol. I am pleased that Senators DASCHLE, JOHNSON, and CONRAD are joining me as cosponsors of this important bill.

I've been a long-time supporter of the domestic ethanol program because of its importance to this country's energy

and economic interests. And I was deeply troubled when Congress failed to take action earlier this year to keep these ethanol tax incentives from expiring in the year 2000. Ethanol is an important part of our domestic fuels industry, and it merits continued support via the Tax Code.

The ethanol industry helps us to reduce our reliance on foreign oil. It also provides environmental benefits and stimulates our agricultural industry. In fact, one recent study found that the additional demand for grain created by ethanol boosts total employment by nearly 200,000 while saving the Federal budget more than $3 billion.

Today's ethanol tax incentive program has strong support in the Senate. Currently there is a 54-cent per gallon of ethanol credit available for ethanol blenders. Typically ethanol blenders get the full benefit of the 54-cent income tax credit by claiming a 5.4-cent exemption from the gasoline excise tax. The 5.4-cent exemption is equivalent to 54 cents per gallon of ethanol. Small producers are provided a 10-cent per gallon credit of ethanol produced, used or sold as a transportation fuel.

Some of my colleagues in the Senate are now proposing to extend the ethanol tax incentives through the year 2007 and thereafter connect its future to any extensions of the Federal gasoline excise tax. Of course I will continue to support any reasonable efforts to extend the tax incentives currently available for ethanol. But I think it's time to make the major ethanol tax incentives a permanent part of our Tax Code, as are many tax incentives for other energy sectors. The legislation that I am introducing today will accomplish this goal.

The overwhelming vote of 69 to 30 on the Senate floor during the consideration of the tax bill this summer shows that a vast majority of Senators strongly favor continuing the ethanol tax incentives. Unfortunately, the Senate's provision extending the ethanol incentives was dropped in conference. But the ethanol program retains the strong support of many Members in the House of Representatives as well, and by a broad coalition of Governors, farmers, environmentalists and consumers across this country.

The future of the ethanol program is too important to our Nation's energy, environmental and economic interests to be derailed by a few powerful members in the House of Representatives. Allowing the ethanol tax incentives to expire in 2000 is short-sighted and unfair. The ethanol industry is no less important than the other energy sectors which enjoy permanent tax incentives, and the Internal Revenue Code should reflect this simple fact.

I urge my colleagues in the Senate to join me in making the U.S. ethanol tax incentive program permanent.

By Mr. SARBANES:

S. 1395. A bill to amend the Higher Education Act of 1965 to provide for the establishment of the Thurgood Marshall Legal Educational Opportunity Program; to the Committee on Labor and Human Resources.

THE THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM ACT OF 1997

Mr. SARBANES. I rise today to offer legislation which would establish the Thurgood Marshall Legal Educational Opportunity Program. This program would allow the Department of Education to award grants to universities to provide assistance to low-income, minority or economically disadvantaged students who are seeking a legal education.

For more than 28 years, such assistance was provided through appropriations authorized by the Higher Education Act [HEA] of 1965. These critical funds were channeled through the Council on Legal Education Opportunity [CLEO] and were used to help qualified disadvantaged students gain admission to law school and prepare themselves for their legal education.

Since 1968, the heart of the CLEO program has been the 6-week pre-law summer institute. These institutes, held on law school campuses across the country, simulate the classroom setting of first year law school, exposing students to the rigors of legal study. Utilizing full-time law school professors and a proven curriculum that emphasizes critical thinking, legal analysis and writing skills, CLEO has built a reputation of credibility and has produced more than 6,000 successful alumni from more than 170 law schools.

Unfortunately, Federal funding for CLEO was eliminated during the fiscal year 1996 appropriations process. This highly beneficial and cost-effective program has persevered primarily through the assistance of private donations and the sponsorship of the American Bar Association [ABA].

The bill I am introducing today, a companion to Congressman CUMMINGS' legislation in the House, would restore much of the CLEO framework. The Thurgood Marshall Legal Opportunity Program would identify socially and economically disadvantaged law school students and provide them with the opportunity to hone their skills through summer institutes, midyear seminars and support services.

Mr. President, every society places a premium on education in terms of developing a skilled and trained work force in the next generation, and the more economically complex the world becomes, the more urgent it is to develop these human resources. This program will provide the necessary resources to ensure that those who have proven themselves at the undergraduate level of study are able to maximize their potential as they move on to law school.

Investing in the promise of these talented individuals is a worthwhile endeavor and I encourage my colleagues to join me in supporting this legislation. I ask unanimous consent that the 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. 1395

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

SECTION 1. THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

Chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.) is amended by inserting after section 402H of such Act (20 U.S.C. 1070a–18) the following:

"SEC. 402I. LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

''(a) PROGRAM AUTHORITY.—The Secretary shall carry out a program to be known as the ''Thurgood Marshall Legal Educational Opportunity Program' designed to provide low-income, minority, or disadvantaged college students with the information, preparation, and financial assistance to gain access to and complete law school study.

''(b) ELIGIBILITY.—A college student is eligible for assistance under this section if the student is—

''(1) from a low-income family;

''(2) a minority; or

''(3) from an economically or otherwise disadvantaged background.

''(c) CONTRACT OR GRANT AUTHORIZED.—The Secretary is authorized to enter into a contract with, or make a grant to, the Council on Legal Education Opportunity, for a period of not less than 5 years—

''(1) to identify college students who are from low-income families, are minorities, or are from disadvantaged backgrounds described in subsection (b)(3);

''(2) to prepare such students for study at accredited law schools;

''(3) to assist such students to select the appropriate law school, make application for entry into law school, and receive financial assistance for such study;

''(4) to provide support services to such students who are first-year law students to improve retention and success in law school studies; and

''(5) to motivate and prepare such students with respect to law school studies and practice in low-income communities.

''(d) SERVICES PROVIDED.—In carrying out the purposes described in subsection (c), the contract or grant shall provide for the delivery of services through prelaw information resource centers, summer institutes, midyear seminars, and other educational activities, conducted under this section. Such services may include—

''(1) information and counseling regarding—

''(A) accredited law school academic programs, especially tuition, fees, and admission requirements;

''(B) course work offered and required for graduation;

''(C) faculty specialities and areas of legal emphasis;

''(D) undergraduate preparatory courses and curriculum selection;

''(2) tutoring and academic counseling, including assistance in preparing for bar examinations;

''(3) prelaw mentoring programs, involving law school faculty, members of State and local bar associations, and retired and sitting judges, justices, and magistrates;

''(4) assistance in identifying preparatory courses and material for the law school aptitude or admissions tests;

''(5) summer institutes for Thurgood Marshall Fellows that expose the Fellows to a rigorous curriculum that emphasizes abstract thinking, legal analysis, research, writing, and examination techniques; and

''(6) midyear seminars and other educational activities that are designed to reinforce reading, writing, and studying skills of Thurgood Marshall Fellows.

(e) DURATION OF THE PROVISION OF SERVICES.—The services described in subsection (d) may be provided—

(1) prior to the period of law school study;

(2) during the period of law school study; and

(3) during the period following law school study and prior to taking a bar examination.

''(f) SUBCONTRACTS AND SUBGRANTS.—For the purposes of planning, developing, or delivering one or more of the services described in subsection (d), the Council on Legal Education Opportunity shall enter into subcontracts with, and make subgrants to, institutions of higher education, law schools, public and private agencies and organizations, and combinations of such institutions, schools, agencies, and organizations.

''(g) STIPENDS.—The Secretary shall annually establish the maximum stipend to be paid (including allowances for participant travel and for the travel of the dependents of the participant) to Thurgood Marshall Fellows for the period of participation in summer institutes and midyear seminars. A Fellow may be eligible for such a stipend only if the Fellow maintains satisfactory academic progress toward the Juris Doctor or Bachelor of Laws degree, as determined by the respective institutions.

''(h) MAXIMUM LEVEL.—For any year for which an appropriation is made to carry out this chapter, the Secretary shall allocate not more than $5,000,000 for the purpose of providing the services described in subsection (d).''.

By Mr. JOHNSON:

S. 1396. A bill to amend the Child Nutrition Act of 1966 to expand the School Breakfast Program in elementary schools; to the Committee on Agriculture, Nutrition, and Forestry.

THE MEALS FOR ACHIEVEMENT ACT

Mr. JOHNSON. Mr. President, today I am pleased to introduce the Meals for Achievement Act. This bill, if enacted, is intended to expand the school breakfast program in elementary schools.

In his State of the Union address earlier this year, President Clinton called education ''my number one priority for the next four years.'' Congress has echoed this sentiment with a variety of bills intended to improve the readiness of children to take their place in America's work force in order to secure our place in a strong economy. For the United States to compete effectively in the world we must have an educated and productive work force. In order to have an educated and productive work force, we must prepare our children to learn. In order to prepare our children to learn they must be well nourished, and that begins with a good breakfast.

The best teachers in the world, with the best standards, cannot teach a hungry child. A child who begins his or her school day with their stomach growling because they either did not have time to eat breakfast or there was no breakfast to be served, is simply too distracted to focus on the lessons being provided by the teacher.

In 1994, the Minnesota Legislature directed the Minnesota Department of Children, Families and Learning to implement a universal breakfast pilot program integrating breakfast into the education schedule for all students. The evaluation of the pilot project, performed by the Center for Applied Research and Educational Improvement at the University of Minnesota, shows that when all students are involved in school breakfast there is a general increase in learning and achievement.

Researchers at Harvard and Massachusetts General Hospital recently completed a study on the results of universal free breakfast at one public school in Philadelphia and two in Baltimore. The study, to be published in the Journal of Pediatrics in the near future, found that students who ate the breakfast showed great improvement in math grades, attendance, and punctuality. The researchers also observed that students displayed fewer signs of depression, anxiety, hyperactivity, and other behavioral problems.

As reported by the Community Childhood Hunger Identification Project [CCHIP], hungry children are more likely to be ill and absent from school and are less likely to interact with other people or explore or learn from their surroundings. This interferes with their ability to learn from a very early age. School-aged children who are hungry cannot concentrate or do as well as others on the tasks they need to perform to learn the basics. Research indicates that low-income children who participate in the School Breakfast Program show an improvement in standardized test scores and a decrease in tardiness and absenteeism compared to low-income students who do not eat breakfast at school.

According to the Tufts University Center on Hunger, Poverty, and Nutrition Policy, evidence from recent research about child nutrition shows that, in addition to having a detrimental effect on the cognitive development of children, undernutrition results in lost knowledge, brainpower, and productivity for the Nation.

If we are serious about improving productivity in America through our education system, we must first prepare our children to learn. The time has come, therefore, to build upon the pilot program in Minnesota, Philadelphia, Baltimore, and other cities, and integrate school breakfast into the education day, at least at the elementary school level.

Mr. President, the legislation I am introducing today would not mandate the school breakfast program. A local school could still decide whether or not to participate, and each parent can decide for themselves whether or not to have their child participate.

I do appreciate that there is a cost involved with this initiative and, therefore, we may have to phase it in over a few years. However, the time has come to set the course for our future direction in the School Breakfast Program and take our first step forward.

The Meals for Achievement Act raises an important policy question. The question is: What is the basic purpose and goal of the School Breakfast Program? Is the School Breakfast Program a welfare program? Or, Is the School Breakfast Program a nutrition and education program intended to prepare children for a successful educational experience? If the School Breakfast Program is a welfare program then my legislation would not make sense. I do not believe that we should be providing welfare to individuals who do not need assistance. If, on the other hand, the School Breakfast Program is a part of the education day, and is intended to prepare children to learn, then, in my opinion, it should include all children. School books are provided to all children without regard to their income; school buses are used by children without regard to their income; and that is how we should view the School Breakfast Program.

I commend this legislation to my colleagues and to the administration. As many of you know the child nutrition programs must be reauthorized in 1998 and the Administration is currently drafting its proposal to send to Congress after the first of the year. I would hope Secretary Glickman and my friends at the Department of Agriculture, as well as those at the Office of Management and Budget, consider making the Meals for Achievement Act a part of their legislative initiative.

Mr. President, I ask unanimous consent that the 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. 1396

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 ''Meals for Achievement Act''.

SEC. 2. EXPANSION OF SCHOOL BREAKFAST PROGRAM.

Section 4(b)(1)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(1)(B)) is amended—

(1) in the first sentence, by striking ''for each free breakfast'' and inserting ''for each breakfast served in an elementary school and each free breakfast served in a school other than an elementary school'';

(2) in the second sentence, by inserting ''served in a school other than an elementary school'' after ''reduced price breakfast''; and

(3) in the third sentence, by inserting ''in a school other than an elementary school'' after ''served''.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.