

a rule entitled "Medicare and Medicaid Programs: Hospital Standards for Potentially Infectious Blood and Blood Products," (RIN 0910-AA05) received on September 11, 1996; to the Committee on Finance.

EC-4060. A communication from the Assistant Secretary of Legislative Affairs, transmitting, pursuant to law, the report of a Presidential Determination regarding POW/MIA Military Drawdown for Vietnam; to the Committee on Foreign Relations.

EC-4061. A communication from the Administrator of the U.S. Agency for International Development, transmitting, pursuant to law, the Annual Report for fiscal year 1996; Foreign Relations.

EC-4062. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-4063. A communication from the Assistant General Counsel of the U.S. Information Agency, transmitting, pursuant to law, a rule with respect to the Exchange Visitor Program (received on September 12, 1996); to the Committee on Foreign Relations.

EC-4064. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, a rule entitled "Education Tests: Minimum Standards for Administration, Interpretation, and Use," (RIN 1129-AA44) received on September 11, 1996; to the Committee on the Judiciary.

EC-4065. A communication from the Deputy Administrator of the Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, a rule regarding removal of exemption for certain pseudoephedrine products (received on September 5, 1996); to the Committee on the Judiciary.

EC-4066. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-4067. A communication from the Commissioner of the Immigration and Naturalization Service, U.S. Department of Justice, transmitting, pursuant to law, a rule entitled "Introduction of New Employment Authorization Document," (RIN1115-AB73) received on September 5, 1996; to the Committee on the Judiciary.

EC-4068. A communication from the Director of the Central Intelligence Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for the Calendar Year 1995; to the Committee on the Judiciary.

EC-4069. A communication from the Executive Director of the Assassination Records Review Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-4070. A communication from the Commissioner of the Immigration and Naturalization Service, U.S. Department of Justice, transmitting, pursuant to law, a rule entitled "Immigration and Nationality Forms," (RIN1115-AD58) received on September 10, 1996; to the Committee on the Judiciary.

EC-4071. A communication from the Commissioner of the Immigration and Naturalization Service, U.S. Department of Justice, transmitting, pursuant to law, a rule entitled "Removal of Obsolete Sections of the Regulation Concerning Temporary Protected Status for Salvadorans," (RIN1115-AE43) received on September 10, 1996; to the Committee on the Judiciary.

EC-4072. A communication from the Commissioner of the Immigration and Natu-

ralization Service, U.S. Department of Justice, transmitting, pursuant to law, a rule entitled "Children Born Outside the United States; Application for Certificate of Citizenship," (RIN1115-AE07) received on September 10, 1996; to the Committee on the Judiciary.

EC-4073. A communication from the General Counsel for the Department of Energy, transmitting, pursuant to law, a rule regarding patent waiver regulation (received on August 8, 1996); to the Committee on the Judiciary.

EC-4074. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule entitled "Medicare and Medicaid Programs; Hospital Standard for Potentially HIV Infectious Blood and Blood Products," (RIN 0938-AE40) received on September 11, 1996; to the Committee on Labor and Human Resources.

EC-4075. A communication from the Secretary of the U.S. Department of Education, transmitting, pursuant to law, a report entitled "Summary of Chapter 2 Annual Reports 1993-1994,"; to the Committee on Labor and Human Resources.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO (for himself, Mr. MOYNIHAN, Mr. GRAMS, Mr. WELLSTONE, Mr. SIMON, and Ms. MOSELEY-BRAUN):

S. 2067. A bill to extend certain Medicare community nursing organization demonstration projects; to the Committee on Finance.

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

S. 2068. A bill to provide for a study of the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives, and for other purposes; to the Committee on Indian Affairs.

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

S. 2069. A bill to suspend temporarily the duty on specialized glass for use in glass-ceramic stovetops; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. WARNER):

S. 2070. A bill to ensure that homeowners receive adequate notice of and opportunity to comment on activities likely to adversely affect the value of their homes; and to create procedures for homeowners to receive financial compensation for development which produces pollution and other impacts adversely affecting the value of their homes; to the Committee on Governmental Affairs.

By Mr. KERRY:

S. 2071. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Labor and Human Resources.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LIEBERMAN (for himself, Mrs. HUTCHISON, Mr. NUNN, Mr. DEWINE, Mr. COATS, Mr. FAIRCLOTH, Mr. BYRD, Mrs. KASSEBAUM, Mr. DORGAN, Mr. CONRAD, and Mr. HATCH):

S. Res. 290. A resolution expressing the sense of the Senate that the major broadcast

television networks should revive their traditional "Family Hour" and voluntarily reserve the first hour of prime time broadcasting for family-oriented programming; to the Committee on Commerce, Science, and Transportation.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself, Mr. MOYNIHAN, Mr. GRAMS, Mr. WELLSTONE, Mr. SIMON, and Ms. MOSELEY-BRAUN):

S. 2067. A bill to extend certain Medicare community nursing organization demonstration projects; to the Committee on Finance.

#### COMMUNITY NURSING ORGANIZATIONS LEGISLATION

Mr. D'AMATO. Mr. President, I introduce legislation which will permit a three-year reauthorization of certain Medicare Community Nursing Organization [CNO] demonstration projects within the Health Care Financing Administration [HCFA].

In 1987, in response to the Omnibus Budget Reconciliation Act of 1987, Congress authorized the Community Nursing Organization demonstration projects to test capitated payment under the Medicare Program for community nursing and ambulatory care services furnished to beneficiaries. The demonstration projects are structured to answer two questions: First, is it feasible to have a capitated, case-managed, nurse service delivery model for home health and ambulatory care; and second, What is the impact on enrollees, providers, and the larger health care system?

These CNO programs are intended to reduce the breakup in the delivery of health care services, to reduce the use of costly emergency care services, and to improve the continuity of home health and ambulatory care for Medicare beneficiaries. CNO's are responsible with providing home health care, case management, outpatient physical and speech therapy, ambulance services, prosthetic devices, durable medical equipment, and any optional, HCFA-approved services appropriate to prevent the need to institutionalize Medicare enrollees.

HCFA awarded four CNO sites in September 1992 through the competitive procurement process: First, Visiting Nurse Service in New York, NY—a not-for-profit Medicare certified home health agency; second, Carle Clinic in Mahomet, IL—a multispecialty group practice; third, Carondelet Health Care in Tuscon, AZ—a hospital-based organization; and fourth, Living at Home/Block Nurse Program in St. Paul, MN—a not-for-profit nursing organization replicating the Block Nurse Program model. These CNO's operate under full financial risk to themselves and are financially responsible for the provision of all mandatory community nursing and ambulatory care services available to Medicare enrollees.

Mr. President, these CNO projects are consistent with congressional efforts to

introduce a wider range of managed care options to Medicare beneficiaries. Their authorization needs to be extended in order to ensure a fair testing of the CNO managed care concept. We need the extension of this demonstration authority to continue to provide an important example of how coordinated care can provide additional benefits without increasing Medicare costs. In addition, further time is necessary to evaluate the impact of the CNO contribution to Medicare patients and to assess their capacity for operating under a fixed budget.

Most importantly, this demonstration extension will not increase Medicare expenditures. CNO's actually save Medicare dollars by providing better and more accessible health care in homes and in community settings, thereby allowing enrollees to avoid unnecessary hospitalizations and nursing home admissions. By demonstrating what a primary care-oriented nursing practice can accomplish with elderly or disabled patients, CNO's help illuminate methods for increasing benefits, saving funding dollars, and most importantly, improving the quality of life for patients.

Mr. President, I urge my colleagues to consider this bill carefully and join me in seeking to extend these cost-savings and patient-oriented CNO demonstrations for another 3 years.

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. 2067

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

**SECTION 1. EXTENSION OF CERTAIN MEDICARE COMMUNITY NURSING ORGANIZATION DEMONSTRATION PROJECTS**

Notwithstanding any other provision of law, demonstration projects conducted under section 4079 of the Omnibus Budget Reconciliation Act of 1987 may be conducted for an additional period of 3 years, and the deadline for any report required relating to the results of such projects shall be not later than 6 months after the end of such additional period.

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

S. 2068. A bill to provide for a study of the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives, and for other purposes; to the Committee on Indian Affairs.

THE ALASKA NATIVE COMMISSION STUDY ACT OF 1996

• Mr. MURKOWSKI. Mr. President, today, I am introducing the Alaska Native Commission Study bill. I am pleased that my colleague Senator STEVENS of Alaska is joining me as a cosponsor. This legislation is the product of years of study and candid self-appraisal by Alaska Natives about their standard-of-living problems and the need to address these problems. It

is also the product of a congressional act that called for the study of the problems.

Public Law 101-379 established the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives, better known as the Alaska Natives Commission. Among its many recommendations, the Commission called for Federal funding to examine how best to implement the recommendations of the Commission. The purpose of this bill is to establish the funding for such a study.

The need for this study is well documented. In 1989, I and Representative DON YOUNG of Alaska introduced a bill creating the Alaska Natives Commission, a publish commission jointly funded by the State and Federal Governments. The creation of the commission followed the publication in 1989 of the "Report on the Status of Alaska Natives: A Call for Action" by the Alaska Federation of Natives and was also spurred by extensive congressional hearings which focussed on the need for the first comprehensive assessment of the social, cultural, and economic condition of Alaska's 90,000 Natives since the enactment of the Alaska Native Claims Settlement Act, Public Law 92-203.

Here are but some of the findings of the Alaska Natives Commission regarding the condition of Alaska Natives:

Alcohol problems are one of the key reasons why Alaska Natives comprise 36-40 percent of the statewide prison population, even though they total only 16 percent of the population of Alaska.

Alaska Native families need help: In 1988, one out of every eleven Alaska Native children received child protection services from the State of Alaska.

Alaska Natives need to have opportunities and training for jobs: In 1990, 20 percent of the Native work force was unemployed, and for Alaska Natives living in villages, the rate can be as high as 50-80 percent, depending on the season and location.

Alaska Natives need more opportunities for an education: 12-15 percent of Alaska Native high school students drop out from village/rural schools; 60 percent of Native students entering urban high schools do not graduate.

This bill calls for the authorization of \$350,000 in Federal funds to be spent by the Alaska Federation of Natives to study how to implement the recommendations of the Alaska Native Commission. This investment is needed to create realistic solutions to serious problems. I would note that Congressman YOUNG has introduced a companion bill in the House.●

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

S. 2069. A bill to suspend temporarily the duty on specialized glass for use in glass-ceramic stovetops; to the Committee on Finance.

TEMPORARY DUTY SUSPENSION LEGISLATION

• Mr. HOLLINGS. Mr. President, I introduce legislation that will preserve

jobs in South Carolina. The bill temporarily suspends the duty on specialized glass for use in glass-ceramic stove tops. Corning Company has made an investment in Fountain Inn, SC to revive a factory that has been struggling. The temporary suspension of the duty on glass-ceramic stove tops will enable Corning to keep jobs in the United States.●

By Mr. WYDEN (for himself and Mr. WARNER):

S. 2070. A bill to ensure that homeowners receive adequate notice of and opportunity to comment on activities likely to adversely affect the value of their homes; and to create procedures for homeowners to receive financial compensation for development which produces pollution and other impacts adversely affecting the value of their homes; to the Committee on Governmental Affairs.

THE HOMEOWNERS PROTECTION AND EMPOWERMENT ACT

• Mr. WYDEN. Mr. President, in this Congress, there has been considerable debate on the issue of property rights. But the debate so far has essentially ignored the interests of the largest group of property owners in America—the 60 million homeowners.

Until today, property rights legislation has tended to protect only a limited group of property owners, those whose use or development of their property is regulated by the Federal Government. The typical homeowners who we all represent live in already constructed homes; they are not developing their property. When they use their property in a typical fashion, they are not regulated under the wetlands law, the endangered species law, or any other Federal status.

The typical homeowner is helped, not hurt, by many government policies that keep our air clean and our water health and pure. When these homeowners' property rights and property values are threatened, the threat is more likely to come from pollution from neighboring factories than from government actions to protect the environment.

Today, along with Senator WARNER, I am introducing the Homeowners Protection and Empowerment Act to make sure the interests of America's homeowners are protected. Our legislation provides homeowners with the right to sue for compensation whenever their property values are diminished by an action regulated by the Federal Government. It provides homeowners with a Federal right of action against anyone responsible for decreasing a private party homeowner's property value by \$10,000 or more, whether it's a Federal agency or a private party acting under authority of Federal law.

For example, if a developer fills in federally regulated wetlands, the result may be increased flooding on downstream homeowners' properties, because undeveloped wetlands help to control flooding. This increased risk of

flooding diminishes the value of downstream homeowners' properties. Under the Homeowners' Protection and Empowerment Act, any affected homeowner whose property value declined by at least \$10,000 because of the developer's wetland filling would have the right to sue the developer for compensation.

The legislation also requires anyone conducting an activity that both requires a permit or other authorization under Federal law and generates pollution or has other property damaging impacts to give written notice about the activity and its potential impact to each homeowner living within a quarter mile of the activity.

I want to thank Senator WARNER for working with me on this legislation and for helping to clarify that the intent of the legislation is to protect typical homeowners. I look forward to working with him to move the legislation forward.●

By Mr. KERRY:

S. 2071. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Labor and Human Resources.

#### THE WORKPLACE RELIGIOUS FREEDOM ACT

● Mr. KERRY. Mr. President, I am proud today to introduce the Workplace Religious Freedom Act of 1996. This bill would protect workers from on-the-job discrimination. It represents a milestone in the protection of religious liberty, assuring that all workers have equal employment opportunities.

In 1972, Congress amended the Civil Rights Act of 1964 to require employers to reasonably accommodate an employee's religious practice or observance unless doing so would impose an undue hardship on the employer. This 1972 amendment, although completely appropriate, has been interpreted by the courts so narrowly as to place little restraint on an employer's refusal to provide religious accommodation. The Workplace Religious Freedom Act will restore to the religious accommodation provision the weight that Congress originally intended and help assure that employers have a meaningful obligation to reasonably accommodate their employees' religious practices.

The restoration of this protection is no small matter. For many religiously observant Americans the greatest peril to their ability to carry out their religious faiths on a day-to-day basis may come from employers. I have heard examples from around the country about a small minority of employers who will not make reasonable accommodation for observance of the Sabbath and other holy days; for employees who must wear religiously required garb, such as a yarmulke; or for clothing that meets modesty requirements.

The refusal of an employer, absent undue hardship, to provide reasonable accommodation of a religious practice

should be seen as a form of religious discrimination, as originally intended by Congress in 1972. And religious discrimination should be treated fully as seriously as any other form of discrimination that stands between Americans and equal employment opportunities. Enactment of the Workplace Religious Freedom Act will constitute an important step toward ensuring that all members of society, whatever their religious beliefs and practices, will be protected from an invidious form of discrimination.

It is important to recognize that, in addition to protecting the religious freedom of employees, this legislation protects employers from an undue burden. Employees would be allowed to take time off only if their doing so does not pose a significant difficulty or expense for the employer. This common-sense definition of undue hardship is used in the Americans with Disabilities Act and has worked well in that context.

I believe this bill should receive bipartisan support. It has been endorsed by a wide range of organizations including the American Jewish Committee, the Baptist Joint Committee, the Christian Legal Society, and the Jewish Community Relations Council of Greater Boston.

As the Jewish high holidays and eventually Christmas approach, I feel strongly that workers should not have to worry that they will be prohibited from choosing to take time off from work to observe a religious holiday. I urge this body to pass this legislation so that all workers can have equal employment opportunities and practice their religion.●

#### ADDITIONAL COSPONSORS

S. 863

At the request of Mr. GRASSLEY, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 863, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 905

At the request of Mr. AKAKA, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 905, a bill to provide for the management of the airplane over units of the National Park System, and for other purposes.

S. 1129

At the request of Mr. ASHCROFT, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 1129, a bill to amend the Fair Labor Standards Act of 1938 to permit employers to provide for flexible and compressed schedules, to permit employers to give priority treatment in hiring decisions to former employees after periods of family care responsibility, to

maintain the minimum wage and overtime exemption for employees subject to certain leave policies, and for other purposes.

S. 1963

At the request of Mr. ROCKEFELLER, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Texas [Mrs. HUTCHISON], the Senator from Vermont [Mr. LEAHY], the Senator from Maryland [Ms. MIKULSKI], and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 1963, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for Medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 1967

At the request of Mr. BROWN, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1967, a bill to provide that members of the Armed Forces who performed services for the peacekeeping efforts in Somalia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes.

S. 1968

At the request of Mr. FAIRCLOTH, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1968, a bill to reorder United States budget priorities with respect to United States assistance to foreign countries and international organizations.

S. 1969

At the request of Mr. BRADLEY, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Virginia [Mr. ROBB], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1969, a bill to establish a Commission on Retirement Income Policy.

S. 2018

At the request of Mr. GORTON, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 2018, a bill to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District.

#### AMENDMENT NO. 5244

At the request of Mr. KOHL, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of amendment No. 5244 proposed to H.R. 3756, a bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997, and for other purposes.

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 5244 proposed to H.R. 3756, supra.