

May 27, 1998 into the CONGRESSIONAL RECORD.

#### SEXUAL HARASSMENT

When I came to Congress in the 1960s, women were beginning to define the feminist movement and to provide their own answers to the question, "What do women want?" Women have since advanced in all areas of American life, from Little Leagues including girls, to the military academies admitting women, to women serving in greater numbers in the highest ranks of government and business. Women have also helped shape public policy on a number of fronts, including workplace laws barring sex discrimination and promoting equal pay as well as laws providing for family and medical leave and gender equity in education.

Recent events, including the Paula Jones suit, the Clarence Thomas-Anita Hill hearings, and the sex scandals in the military, are focusing public interest on sexual harassment in the workplace. Sexual harassment claims have increased as more women have entered the workforce and the issue has gained greater attention. The number of sexual harassment complaints filed with the Equal Employment Opportunity Commission (EEOC), the federal agency responsible for enforcing discrimination law, increased from 6,800 in 1990 to nearly 16,000 cases in 1997.

What precisely constitutes sexual harassment, however, continues to be a vexing question. There are few established guidelines for employers and employees in this area, and the relevant federal laws do not even include the words "sexual harassment." The vague nature of current law and the increase in cases before the courts have added pressure on the legislative and judicial branches to clarify the law in this area.

Overview: The Civil Rights Act of 1964 is the primary law addressing sexual harassment. Title VII of this law does not specifically mention sexual harassment, but makes it unlawful for employers with 15 or more employees to discriminate against any applicant or employee on the basis of sex. The law implies that when a supervisor sexually harasses a subordinate because of the subordinate's sex, that supervisor discriminates on the basis of sex.

The EEOC will generally enforce Title VII claims in the following manner: Upon receiving a complaint from an employee, the EEOC investigates the case and renders a decision on whether there is reasonable cause to believe that discrimination has occurred. If the EEOC substantiates the charge but is unable to reach an acceptable conciliation agreement between the employer and employee, then the EEOC will issue a right to sue letter on behalf of the employee. If an employee chooses to file a private lawsuit under Title VII, the employee must begin with filing a charge with the EEOC.

Sexual harassment cases are generally divided into two basic categories, "quid pro quo" and "hostile working environment" harassment. Traditional quid pro quo harassment takes place when an employee suffers tangible harm—the loss of a job, promotion, income or benefits—because the employee has resisted sexual advances. Recently, the legal definition of sexual harassment has been expanded to include hostile working environment harassment. Hostile working environment harassment is defined as an "intimidating, hostile, or offensive environment" or an environment which unreasonably interferes with an individual's work performance.

Unresolved Areas: The federal courts are now wrestling with a range of issues in this area of the law.

*Defining quid pro quo:* The Supreme Court is considering whether a worker has a legiti-

mate quid pro quo case if the employee neither submitted to the employer nor suffered any tangible detriment for saying no. The employee in the pending case alleges her supervisor made sexually lewd comments throughout her employment, including specific remarks implying her job was on the line if she did not comply with his advances, but the employee never suffered adverse consequences for not complying. The Supreme Court's decision on this case could potentially lower the threshold for what constitutes legitimate quid pro quo harassment, and could directly impact cases pending in federal court, most notably the Jones case.

*Defining hostile work environment:* In moving a hostile work environment claim, the employee is required to show that the supervisor's conduct was so severe or pervasive that it created a hostile work environment. Federal courts have split on the question of whether an employee must prove not only that the conduct complained of would have offended a reasonable victim, but also that she suffered serious psychological injury as a result of the conduct. The Supreme Court attempted to clarify the matter in 1993, concluding that a victim of sexual harassment need not experience a "nervous breakdown" for the law to come into play. But as the Jones case demonstrated, the issue continues to be hotly debated.

*Employer liability:* A third issue is whether and when employers are liable for the actions of their employees. Most courts usually hold employers responsible for quid pro quo sexual harassment by supervisors, but employers are not automatically liable for a hostile environment created by supervisors or co-employees. In a hostile environment case, the employee must show that the employer's knew or should have known about the harassment.

*Same-sex harassment:* A fourth issue is whether sexual harassment can occur between an employer and employee of the same sex. The Supreme Court ruled this year that the law does allow for same-sex claims.

*Conclusion:* What impresses me about this issue is how much difficulty we have had sorting out relations between men and women in the workplace, how much confusion exists between the genders, and how vague and imprecise the law is in this area, even after three decades of evolution. It will not be easy for Congress or the courts to solve this age-old problem. We must, of course, keep trying for better laws and equal treatment, but men's and women's relationships have always been—and will remain—extremely complicated and filled with ambiguities.

The confusion and uncertainties of the sexual harassment laws create wasteful litigation and disruption in the workplace. Employers and employees may not know what is legal and what is not. A vague law makes justice depend on which judge or jury is deciding any particular case. It is time for Congress or the Supreme Court to clarify the law. With current cases pending, it is more likely the Court will speak first.

#### IN HONOR OF THE CONGREGATION OF GEORGIAN JEWS' 16 YEAR ANNIVERSARY CELEBRATION

**HON. CHARLES E. SCHUMER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1998

Mr. SCHUMER. Mr. Speaker, throughout the past twenty-six centuries the Georgian Jews have carried the torch of the Jewish

faith, preserving the traditions, customs and practices of their age-old religion. This special unified community boasts riches of traditions and a unique history and interface with the world's Jewry.

The roots of the Georgian Jewish community extend as far back as the sixth century BCE, where upon expulsion by the Assyrians, as well as the fall of Jerusalem and the destruction of the First Temple, a group of Israelites settled in the Caucasus Region, presently known as the Republic of Georgia. Archaeological discoveries of a number of Jewish settlements from the period of the destruction of the Second Temple, clearly establishes the continuing connection between the Georgian Jews and Jerusalem. Neither Ashkenazi or Sephardi in their affiliation, Georgian Jews represent an independent string to the Twelve Tribes of Israel; a string that has played an integral role in the development and maintenance of the Jewish identity and nationality.

The Georgian Jews' undying devotion to the Jewish faith and patriotism for the Biblical Homeland continues to flourish in this century as well. The Georgian Jews managed to make themselves heard and recognized even from behind the Iron Gates of the Soviet Union in 1969, in the form of a letter sent to the United Nations, which demanded the right to emigrate to the State of Israel. This unprecedented call for freedom caused the first crack of the Iron Curtain that marked the beginning of the "Aliyah," the migration to Israel, of the oppressed Soviet Jewry to their beloved Homeland.

Today, the Georgian Jews are mostly settled in the United States and Israel and continue to follow in the footsteps of their ancestors, perpetuating the religious and spiritual traditions of their heritage. The Synagogue has always played an integral role in the communities of the Georgian Jews, serving as the center of religious life and the spiritual source of nourishment which feeds the souls of Georgian Jews around the world, from Israel to Georgia to the United States.

The Congregation of Georgian Jews in Forest Hills, New York, the main synagogue, represents the strength of Georgian Jews and is a beacon for their communities throughout the world. The synagogue is a symbol of the survival of the Georgian Jewry, and their dedication to their faith, culture and heritage.

I want to recognize the devotion and determination of the Georgian Jewry that they have continually exhibited towards their religion and communities. The Georgian Jews are truly inspirational. I am confident that their communities will continue to grow and flourish, and that with the future of their children, the light of the past will continue to shine.

#### LEARN TO FLY MONTH

**HON. JOHN J. DUNCAN, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1998

Mr. DUNCAN. Mr. Speaker, the General Aviation Industry is one of the most important industries in our Nation. Since the Wright Brothers' first flight in Kitty Hawk, North Carolina, aviation has played a crucial rule in the livelihood of our Nation.

In the United States, business aviation and U.S. air carriers are experiencing record growth and are expected to carry over 1 billion passengers a year early in the next decade.

Aviation is an essential ingredient in the economic success of our Nation. The role of aviation can be seen each and every day at over 13,000 airports and landing facilities here in the United States. It is here that the men and women of the aviation industry strive to make the United States the world's leader in aviation.

The month of June has been designated as "Learn To Fly Month". I hope that more people will take an interest in aviation. In order to maintain our position as the world's leader in aviation, the United States must recognize the importance of highly qualified and well-trained pilots.

These pilots are a key ingredient in the success of the United States Aviation Industry and help to maintain the best aviation infrastructure in the world.

I place the following proclamation by Transportation Secretary Rodney Slater proclaiming June as Learn To Fly Month, in the RECORD and call it to the attention of my colleagues.

THE SECRETARY OF  
TRANSPORTATION,  
Washington, DC, June 9, 1998.

Whereas aviation is a vital link of our nation's transportation system and economy;

Whereas the growth, safety, and efficiency of aviation requires highly qualified pilots;

Whereas in 1996, fewer people undertook flight training than anytime since the Korean War, and the overall U.S. pilot population declined to the lowest number in over 20 years;

Whereas the United States Military is training fewer pilots than anytime in recent history;

Whereas the United States airlines and business aviation are experiencing record growth and are expected to carryover 1 billion passengers a year early in the next decade;

Whereas the General Aviation Revitalization Act of 1994 has stimulated the rebirth of light general aviation aircraft manufacturing in the United States;

Whereas general aviation is playing an increasingly important role in the nation's air transportation system serving over 13,000 airports and landing facilities;

Whereas the experience of flight offers the opportunity for personal challenge and self fulfillment in professional and personal endeavors;

Whereas GA Team 2000 has been formed by over 120 companies and associations representing all facets of the civil aviation industry with the specific purpose of stimulating more student pilots;

Whereas over 1600 flight training institutions and schools are participating in this national effort;

Therefore in special recognition of rebuilding America's pilot population, I Rodney Slater, Secretary of Transportation, do hereby proclaim June 1998 as Learn to Fly Month with the recognition that highly qualified and well trained pilots are an essential ingredient of our nation's aviation infrastructure.

RODNEY E. SLATER.

## TRIBUTE TO PATRICIA FRANCIS

### HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1998

Mr. TIERNEY. Mr. Speaker, I rise to salute Ms. Patricia Francis of Lynn, Massachusetts who has received an award from the Lynn Hispanic Scholarship Fund, Inc. for academic excellence.

I hope Patricia appreciates and is proud of her accomplishments. She has challenged herself by transitioning from bilingual classes to English only classes after only one year in the bilingual program. She has also successfully balanced several extracurricular activities with her academic responsibilities. Serving in her role as a mentor for elementary school children, Patricia has undoubtedly made an impression upon them about the importance of making a commitment to education. Her dedication is to be commended. I have no doubt that she will be successful in her future endeavors as she pursues her career goals in journalism starting at Salem State College.

Indeed, Ms. Francis has worked hard to achieve her goals. Mr. Speaker, I am proud to stand here to recognize the accomplishments of Patricia Francis, and I hope my colleagues will join with me today in wishing Ms. Francis the very best as she continues her education.

## THE BUDGET

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 10, 1998 into the CONGRESSIONAL RECORD.

## THE BUDGET SURPLUS

One of the most striking economic developments this year has been the return of the federal budget surpluses. For the first time since the Johnson Administration the federal government will spend less than it receives in revenue. The deficits reached a record \$290 billion in 1992 under President Bush, and for many years they have dominated the policy debate in Washington. Turning this around has been a major accomplishment. Now Congress is faced with the quite different question of what to do with the surpluses.

## LATEST PROJECTIONS

The latest projections are that the federal budget will run a surplus of around \$50-60 billion this year. The projections are even better after that, as the combined surpluses over the next ten years could exceed \$1.5 trillion. These surpluses reverse the trend of the past three decades in which the federal government built up most of the national debt, which now stands at \$3.8 trillion.

## REASONS FOR SURPLUS

Part of the credit for the surplus goes to Congress, especially for passing the 1993 deficit reduction package. That helped to slow the growth of government spending and built greater spending restraint into the budget law. Major factors in holding down spending have been the shift toward managed care in Medicare and defense downsizing after the end of the Cold War.

But even more important than the spending restraint has been the growth in revenues coming into the Treasury because of the strong showing of the U.S. economy. More people have been working and hence paying taxes; the stock market has been booming, generating a sharp increase in capital gains taxes; and corporate profits have been high. Tax revenues during the month of April were some 14% higher than a year ago, and, because of the strong economy, tax receipts as a share of the economy have risen to 21.5%, a postwar record.

## NEED FOR CAUTION

Yet that dependence of the budget surplus on the economy's remarkable performance means we must be particularly cautious. Our economy will at some point slow down. The current economic expansion is the second longest since World War II, and the business cycle hasn't been repealed. When the economy slows, incoming revenues will drop and the surplus could be reduced or eliminated altogether. Even an average-sized recession could mean a \$100 billion budgetary shortfall for a year or two.

There's a second reason to be careful with these surpluses. Long-range forecasts can be quite unreliable. The forecast of a surplus five or ten years from now is not much better than an educated guess. Early last year, for example, the Administration was forecasting a \$121 billion deficit for 1998; now they are forecasting a sizable surplus. If we cut taxes or increase expenditures now, that will be very hard to reverse if the forecasts are wrong.

A third reason to be cautious is that the surpluses are to some degree an illusion. They occur because the tallying of federal spending and receipts includes the surpluses in Social Security. If the Social Security accounts are removed, the remaining tax payments fall tens of billions of dollars short of covering the full cost of providing government services.

The fourth reason for caution about the surpluses is a longer-term one. When the baby-boom generation begins to retire in about ten years, the whole demographic structure of our population changes. Between now and the year 2030 the number of people aged 65 or older will double, but the number of people ages 20 to 64 will increase by only about 15%. As the baby-boomers become eligible for Social Security, Medicare, and Medicaid, that will put an enormous strain on federal spending. The biggest chunk of federal spending, by far, currently goes for programs for older Americans, and that will only increase in the years ahead.

## POLICY OPTIONS

The surpluses put us into an altogether new policy field, and there are many proposals in Washington today to cut taxes or increase spending. Yet I think a very strong case can be made for using the emerging surpluses to pay down the federal debt.

Despite the bright projections for the budget, the short-term uncertainties and the future imbalances due to the baby-boomers' retirement are cause for major concern. A key issue before Congress and the President is how to begin to prepare for the budgetary shortfalls that will surely arise. I find it helpful to think about this problem of the immediate surpluses in terms of ourselves and our children and grandchildren. If we cut taxes or increase spending now we can certainly provide benefits for ourselves. On the other hand, if we keep the surpluses to pay down the country's debt, that will boost the supply of private savings and investment and provide higher incomes for the next generations. Passing on a huge debt burden, which today requires interest payments of almost \$250 billion each year, is quite unfair to our