

HAMPTON HIGH SCHOOL WINS
STATE CHAMPIONSHIP

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. COYNE. Mr. Speaker, on May 2–4, more than 1200 students from across the United States will be in Washington, DC to compete in the national finals of We the People . . . The Citizen and the Constitution program. I would especially like to congratulate the Hampton High School State Championship team from Allison Park, Pennsylvania, which will represent the state of Pennsylvania in the competition. After months of studying constitutional issues to prepare for the competition, the students in Mrs. Tara O'Brien's sixth period political science class won the state competition, entitling them to participate in the national competition.

The We the People . . . The Citizen and the Constitution program provides curricular materials at upper elementary, middle, and high school levels for more than 75,000 teachers and 24 million students nationwide. The three-day national competition simulates a congressional hearing. Students demonstrate their knowledge by defending positions on historical and contemporary constitutional issues. Entire classes participate together, so students learn team skills in addition to civics.

The following are the students who will represent Hampton High and the state of Pennsylvania in the national finals: Angela Ambrose, Rebecca Amrhein, Aren Bierkan, Christine Brady, Heather Gahagan, Emily Huie, Jessica Kiefer, Lauren Klemens, Jessica Lin, Rina Mansukhani, Lauren Montgomery, Laura Ostapenko, Andrew Scharff, Christian Spearline, Countney Vetter, and Katrina Werger.

Again, I would like to congratulate these student son their accomplishments and wish them the best of luck in next week's competition. I am proud to represent such accomplished young people, and I look forward to meeting them when they visit Capitol Hill.

IN RECOGNITION OF CLARA
BARTSCH

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. PORTER. Mr. Speaker, I rise today to recognize the exemplary work of Ms. Clara Bartsch, who for many years has served as Illinois' Congressional Liaison for Medicare. Because Clara's employer, Blue Cross/Blue Shield, will not be retaining its contact with the Health Care Finance Administration, she will be leaving her position. Together with all members of the Illinois Congressional Delegation, I want to let Clara know how much we appreciate her dedication and her tremendous work on behalf of Medicare recipients throughout our state.

Every member of this body understands the vital role our offices fulfill in assisting constituents overcome difficulties in dealing with federal government agencies. As caseworkers endeavor to explain and interpret the often

confusing maze of federal rules, guidelines and regulations, they depend heavily upon liaison personnel. As all the caseworkers in my office and other offices in our delegation will attest, Clara Bartsch is among the very best liaisons in the business.

Clara's commitment to the people we all serve is second to no one. She consistently goes above and beyond the call of duty—making sure that all congressional inquiries are handled expeditiously and professionally. The caseworkers who have relied upon Clara will tell you that her responsiveness and outreach efforts are nothing short of outstanding. In particular, her annual Medicare Seminars have been invaluable to all of our offices, helping us stay on top of changes in the Medicare program and providing in-depth information on the latest developments.

In short, Mr. Speaker, Clara Bartsch leaves a legacy of outstanding service in her role as Medicare Liaison and has helped the entire Illinois delegation better serve the people we are privileged to represent. For her tremendous contributions, she has the gratitude of every member of our delegation and our very best wishes for her future success and happiness.

INTRODUCTION OF H.R. 3744 LEGIS-
LATION AMENDING THE FOOD
FOR PEACE PROGRAM

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. NETHERCUTT. Mr. Speaker, today I introduced a bill designed to help farmers participating in the PL 480 Food for Peace Program who have experienced trouble moving their product by rail to U.S. ports.

Under PL 480, the Department of Agriculture invites farmers and processors to sell their product (e.g. grain, peas, lentils, barley) to the federal government. At the time they advertise their tender, the Department also specifies where and when the product has to be delivered. Farmers and processors are able to calculate their bids based on the cost to produce, the cost associated with rail shipment, the time normally required to get empty rail cars, and the time needed to have the railroad move cars to the port specified by the Department. Successful bidders sign a contract with the Department prior to shipping their product, but they don't receive payment from the government until after it is delivered to the port.

This arrangement has generally worked well over the years, but last summer and fall a large number of farmers and processors—through no fault of their own—experienced tremendous difficulty abiding by the terms of their contracts with the Department. Rail congestion in the midwest and west caused many shipments to arrive late, thus missing sailing dates and generating expensive damage claims against farmers and processors. My bill would hold farmers and processors harmless against these kinds of damages.

It is unreasonable for the government to hold farmers and processors liable for damages in instances where they make a good faith effort to load and transport their product on a timely basis. Farmers and processors

surrender their product to a railroad for shipment to a port, but they have no ability to control its delivery and, under current program rules, they pay damages for late arrival.

As an aside, I am aware that the Department of Agriculture has relieved some PL 480 participants from damages arising from last summer's rail service difficulties in the midwest, but I don't think it prudent to leave the issue of future damages to the discretion of the Department. Farmers and processors need the certainty of knowing that they will not be liable for transportation problems beyond their control.

I ask all Members to cosponsor this legislation. The PL 480 Food for Peace Program is an important market for many farmers and processors, but under the current rules, it presents a whole host of unknowns that jeopardize future participation, especially in light of ongoing rail service problems.

SENSE OF CONGRESS ON 50TH AN-
NIVERSARY OF FOUNDING OF
MODERN STATE OF ISRAEL

SPEECH OF

HON. KAREN MCCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 1998

Ms. MCCARTHY of Missouri. Mr. Speaker, in commemorating the 50th Anniversary of the creation of the State of Israel, I rise to pay tribute to the pioneers and visionaries who survived the holocaust and who built this magnificent nation. Fifty years after its creation, Israel is still the lone beacon of democracy in the Middle East, and our most stalwart ally.

At midnight on May 14, 1948, the State of Israel was established as the British mandate over Palestine ended. The moment that Israel declared itself a free state, U.S. President Harry S. Truman of Independence, Missouri declared our country's support for this fledgling nation. President Truman's words still ring true. He said, "I had faith in Israel before it was established, I have faith in it now. I believe it has a glorious future before it—not just another sovereign nation, but as an embodiment of the great ideals of our civilization." On May 15, the day after President Truman recognized the state of Israel, the surrounding nations invaded to crush this newly free society.

Mr. Speaker, in 1993 I visited Israel to study their culture, their laws and their government, and I was impressed by the accomplishments of the citizens who built a thriving economy and ability to manage its diversity. Throughout all of challenges that this nation has faced, its citizens remain positive about the future and secure in their belief in democracy and personal liberty.

In 1998, 50 years after President Truman's prescient remarks, Israel is a vibrant democracy experiencing strong economic growth and a period of relative peace. As we congratulate the people of Israel on their 50th anniversary, we must not forget the mutual support and the strong ties that exist between us. As the Congressperson who represents President Truman's home, I feel a special connection to the people of Israel, and on this day I would like to congratulate them and wish them success as they decide on a common purpose that will unify the country.

PROSPECT CONGREGATIONAL
CHURCH

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. MALONEY of Connecticut. Mr. Speaker, I bring to the attention of the American public and the U.S. House of Representatives an upcoming celebration in Connecticut's 5th Congressional District that commemorates the 200th anniversary of the Prospect Congregational Church in Prospect, Connecticut. The event will be during May 16th and 17th, 1998.

The Prospect Congregational Church typifies the image that most would have of churches in the New England region of our country. It is a white clapboard style structure that sits on a town green. It serves a congregation of 336, mostly from the Prospect, Waterbury and Cheshire areas, and is a member of the Connecticut Conference of the United Church of Christ, which traces its history to the Connecticut Missionary Society, founded in May, 1798. The church was organized officially on May 14th, 1798 by sixteen local residents on land owned and donated by John Lewis for the purpose of building a religious structure. The first pastor was the Rev. Oliver Hitchcock. Some fifty years later, his grandson, Rev. Joseph Payne arrived and brought new vitality to the church. Rev. Payne was related to Lyman Beecher and Harriet Beecher Stowe and through his leadership, a strong anti-slavery influence was felt in the church and throughout the community.

During the course of the past two hundred years, the Prospect Congregational Church has been housed in four different structures. These structures were necessary due to both growth of the congregation as well as to the occurrence of two fires—one on November 17, 1906 and a second one on November 29, 1941. The current structure was dedicated on July 15, 1951.

There have been 44 different pastors in the Church's history, including one woman, from 1957 to 1966. The current pastor, the Rev. Howard L. Hinman, has served the church since 1988.

Mr. Speaker, the Prospect Congregational Church has served as a mainstay not only for its congregation, but for the community as a whole. It has been a source of strength to individuals for two centuries and will continue to add to the civic and religious foundation that has long served the Prospect community. On behalf of the 5th Congressional District and the House of Representatives, I congratulate all members, past and present, of the Prospect Congregational Church and send best wishes for a very successful celebration of this historic event.

CONGRATULATING ISRAEL'S
ANNIVERSARY

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. YATES. Mr. Speaker, my time in Congress is almost the same as Israel's birth and growth. I was elected to the House for the first

time in November 1948. Israel became a Nation in May 1948. I have known all of its leaders and Ambassadors to the United States, including Yitzhak Rabin, Ben Gurion, Levi Eshkal, Golda Meir, Moshe Dayan, and the other stalwarts in a long line of patriots who have developed Israel into the splended nation it is today.

Today, Addie and I would like to extend our profound congratulations to Israel, whose courage and dignity have been an inspiration to the world.

Happy Anniversary Israel.

FAMILY AND MEDICAL LEAVE
CLARIFICATION ACT

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. FAWELL. Mr. Speaker, I rise today to introduce a bill which would make reasonable, and much needed, changes to the Family and Medical Leave Act of 1993. The Family and Medical Leave Clarification Act will help the FMLA be implemented and enforced in a manner Congress originally intended when it passed the Act in 1993.

I do not think anyone would dispute that the FMLA has done some good for those with serious family and medical crises. However, some of the troublesome results are difficult to ignore. The fact of the matter is there is compelling evidence of problems with the implementation and enforcement of the FMLA—problems which effect both employers and employees. The FMLA is still a relatively young law. In fact, the final rule implementing the Act was not published until 1995. As with any new law, there are some growing pains that need to be sorted out.

As became evident during an extensive hearing last year in the Committee on Education and the Workforce, there is evidence of myriad problems in the workplace caused by the FMLA's intermittent leave provisions, of additional burdens from overly broad and confusing regulations of the FMLA—not the least of which is the Department of Labor's ever-expanding definition of "serious health condition," of inequities stemming from employers with generous leave policies being in effect penalized under the FMLA for having those policies, and of often incomplete FMLA medical certifications filed under the Act.

Mr. Speaker, the FMLA created a Commission on Leave, which was charged with reporting the FMLA's impact. Upon release of the Commission's report in April 1996, we were told that all was well with the FMLA. But contrary to these assertions, the report was not a complete picture. In fact, the Family and Medical Leave Act Commission admitted its report was only an "initial assessment." Its 2-year study began in November of 1993, just three months after the Act even applied to most employers and more than a year before the release of final FMLA regulations in January of 1995. Simply put, the Commission's report was based on old and incomplete data, looked at long before employers or employees could have been fully aware of the FMLA's many requirements and responsibilities.

Mr. Speaker, the first area the FMLA Clarification Act addresses is the Department of

Labor's overly broad interpretation of the term "serious health condition." In passing the FMLA, Congress stated that the term "serious health condition" was not intended to cover short-term conditions for which treatment and recovery were very brief, recognizing specifically in Committee report language that "it is expected that such conditions will fall within the most modest sick leave policies."

Despite Congressional intent, the Department of Labor's current regulations are extremely expansive, defining the term "serious health condition" as including, among other things, any absence of more than three days in which the employees sees any health care provider and receives any type of continuing treatment (including a second doctor's visit, or a prescription, or a referral to a physical therapist). Such a broad definition potentially mandates FMLA leave where an employee sees a health care provider once, receives a prescription drug, and is instructed to call the health care provider back if the symptoms do not improve.

Most of the leave taken under the FMLA has been for employee's own illnesses most of which were previously covered under sick leave policies. The FMLA has become a national sick leave program—contrary to the strong assertions of the bill's original supporters. Furthermore, the Department of Labor has been inconsistent and vague in its opinion letters, leaving employers guessing as to what the DOL and the Courts will deem to be "serious."

The FMLA Clarification Act reflects Congress' original intent for the meaning of the term "serious health condition," by taking word-for-word from the Democrats' Committee report, and adding to the statute, the then-Majority's explanation of what types of conditions it intended the Act to cover. It also repeals the DOL's current regulations on the issue and directs the agency to go back to the drawing board and issue regulations consistent with the new definition.

My bill also minimizes tracking and administrative burdens while maintaining the original intent of the law, by permitting employers to require employees to take "intermittent" leave—FMLA leave taken in separate blocks of time due to a single qualifying reason—in increments of up to one-half of a work day.

Congress drafted the FMLA to allow employees to take leave in less than full-day increments. The intent was to address situations when an employee may need to take leave for intermittent treatments, e.g., for chemotherapy or radiation treatments, or other medical appointments. Granting leave for these conditions has not been a significant problem. However, the regulations provide that an employer "may limit leave increments to the shortest period of time that the employer's payroll system uses to account for absences or use of leave, provided it is one hour or less." 825.203(d). Since some employers track in increments of as small as six or eight minutes, the regulations have resulted in a host of problems related to tracking the leave and in maintaining attendance control policies. In many situations, it is difficult to know when the employee will be at work, and in many positions, an employee who has frequent, unpredictable absences can play havoc with the productivity and scheduling of an entire department when employers do not know if certain employees will be at work. Allowing an employer to require an employee to take intermittent leave in increments