

of a structural deficit caused by out-of-control spending. The balanced budget amendment will force the federal government to set priorities and then live within those priorities. The real culprit behind our national debt and yearly deficits is a process without discipline and virtually no mechanism to enforce discipline.

The liberals in Congress who demand a seven-year budget to chart our course to a zero deficit miss the point. They wish, obviously, to perpetuate a process that is as destructive to future generations as it is to our own.

## CRIME PACKAGE FOR THE PEOPLE

### HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 14, 1995*

Mr. PACKARD. Mr. Speaker, the Republican Contract With America is committed to keeping its promise to fight crime. We continue to work to provide local police officers with the tools and resources they need to convict and confine criminals.

Our crime bill provides the flexibility and resources to get the job done. Local police officers know what their communities need—not the Federal Government. The Republican crime package enables local police officers to effectively respond to local crime problems.

The American people will no longer tolerate crime in their neighborhoods. They want real crime fighting tools, not big Government guidelines. Local government should have the resources to deal with crime because they are closest to it. The Republican crime bill gives them the resources they need while restoring local accountability.

Mr. Speaker, local government knows best how to fight crime on their streets—not Washington. Let's give them the resources and opportunity to do it. I urge my colleagues to support H.R. 728.

## IN MEMORY OF FORMER CONGRESSMAN GEORGE MEADER

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 14, 1995*

Mr. WOLF. Mr. Speaker, I would like to bring to Members' attention the passing of former Congressman George Meader who served as a Republican Member of the House from the Second Congressional District of Michigan from 1950–64. Congressman Meader's daughter, Katherine Vandelly, and son-in-law, James E. Vandelly, are constituents of mine from the 10th Congressional District of Virginia. Congressman Meader passed away at the University of Michigan hospital on October 15, 1994, after a short illness. He was 87 years of age.

The son of a Methodist minister, Congressman Meader was born in Benton Harbor, MI, on September 13, 1907. He began his undergraduate studies at Ohio Wesleyan University and completed his A.B. degree at the University of Michigan in 1927. After marrying Elizabeth Faeth in 1928, he entered the University of Michigan Law School and earned his juris doctor degree in 1931.

Congressman Meader began his professional career as a practicing attorney in Ann Arbor during the 1930's, and was elected Washtenaw County prosecuting attorney in 1940. In 1943, he joined the famed Truman-Mead Senate War Investigating Committee in Washington, DC, serving first as assistant counsel, then as chief counsel. He returned to private law practice in 1947, then served as chief counsel to the Senate Fulbright Banking and Currency Subcommittee investigating FRC loans until his election to the 82d Congress in 1950. He represented the Second Congressional District of Michigan from 1950 to 1964, serving on the House Judiciary and Government Operations Committees.

After leaving Congress, Congressman Meader served as counsel to both the Joint Committee on the Organization of Congress and the Joint Committee on Congressional Operations before being elected president of the Former Members of Congress in 1974. He returned to private law practice in Washington, DC, and Ann Arbor until retirement. In the years following his service in the U.S. House of Representatives, Congressman Meader continued his ardent interest in improving the operations of Congress, as well as protecting the institutions of democratic government.

Congressman Meader was preceded in death by his wife, Elizabeth Meader, formerly of Ashcaffenburg, Germany, and by his daughter, Barbara Meader of Ann Arbor. He is survived by a son, Robert Meader, and wife Nancy; daughter Katherine Vandelly, and husband James. He is also survived by five grandchildren: David Meader, and wife Judy; Richard Meader, Randall Meader, and wife Kami; Cynthia Vandelly, James M. Vandelly; and four great-grandchildren: James A. Vandelly; Christopher, Scott, and Craig Meader. He is also survived by his sister, Frances Way, and brothers Dr. Ralph G. Meader, and wife Olive; and Edwin Meader, and wife Mary.

I know all Members would join with me in expressing the sympathy of the House to Congressman Meader's family.

## TRIBUTE TO BRYAN WITTMAN

### HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 14, 1995*

Mr. QUINN. Mr. Speaker, I rise today in recognition of Mr. Bryan Wittman of Hamburg, NY.

It gives me great joy to share with everyone in the Congress the outstanding achievements of one of my constituents. Bryan is the son of Mrs. Norma Wittman of North Hampton Brook Drive.

Bryan, a native of my hometown of Hamburg, NY, attended St. Peter and Paul Grade School and St. Francis High School. He graduated from Ashland University with a bachelor of arts degree in radio and television.

Bryan began his career in 1976 for the Erie County Fair and as entertainment director of the Darien Lake Theme Park in New York. He then moved on to become promotions director for the Ice Capades.

In 1985, Bryan began his adventure with Disney. While serving as manager of advertising and promotions for Marriott's Great America Theme Park in Chicago, IL, Wittman was

recruited to Disney World in Orlando, FL, as senior promotions representative. In 1988 he was relocated to Disneyland in Anaheim, CA, where he became manager of promotions.

Continuing in his career advancement in 1991, Bryan became director of marketing for Disney.

As of February 2, 1995, he has been promoted to vice president for promotions, publicity, and special events.

Bryan's energy and imagination have been praised by Disney executives as his hard work and abundant successes are a testament to his strong character.

Speaking as a resident of Western, NY, and as a Member of Congress, I applaud the outstanding accomplishments of Bryan Wittman.

## THE AMERICANS WITH DISABILITIES ACT

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 14, 1995*

Mr. CRANE. Mr. Speaker, while we all support the concept of providing equal treatment and access for those with disabilities, I believe that Congress must take time to evaluate how the Americans With Disabilities Act [ADA] of 1990 embodies those concepts. We must decide how to maintain the benefits that ADA provides as well as eliminate the problems that it causes.

In pursuing this evaluation, I would recommend to my colleagues the following article, "Why the ADA Could Ruin the Superbowl." The author, Deborah K. Schlusel, has vividly illustrated the problems encompassing the ADA. She gives unmistakable proof that the ADA has imposed unnecessary barriers on American companies and professional sports teams.

It is our duty to proceed in making the correct and necessary alterations to the Americans With Disabilities Act, and I hope my colleagues will keep this article in mind as Congress considers this issue.

## WHY THE ADA COULD RUIN THE SUPERBOWL

(By Deborah K. Schlusel, J.D.)

This year's Superbowl, the contest between football's top American Football Conference (AFC) and National Football Conference (NFC) teams, has come and gone. But the Americans with Disabilities Act (ADA), a bill aimed at eliminating discrimination against the disabled, may change the Superbowl as we know it, and all professional sports competition, for that matter.

Though uncertain, it is conceivable that Title I of the ADA, a provision written to penalize private employers who discriminate based on disabilities, could make next year's Superbowl more closely resemble the Special Olympics, rather than the traditional contest between pro football's finest. The ADA prohibits employers from using "selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the \* \* \* selection criteria" relate to "essential functions" of the job. The difficulty is that the courts (who may know nothing about the functions needed to be an inside linebacker), not the employers, ultimately decide the "essential functions" of the job.

Professional sports leagues, including the National Football League (NFL), National

Hockey League (NHL), National Basketball Association (NBA), and Major League Baseball (MLB), by their very nature, are inherently discriminatory, and their discrimination is necessarily based on disability. A man with a wooden leg can't be a running back, and a man with a limp won't be much more effective. Neither will make a good kicker. And they probably wouldn't make good forwards or defensemen on the NHL ice.

But what if a one-eyed man wanted to play pro hockey, or a man without use of his right arm felt qualified to be an NFL kicker, or a man with a bad back and a risky spine condition wanted to be an offensive lineman? In 1977-1979, a one-eyed hockey player, Gregory Neeld, sued both the NHL and the American Hockey League (AHL) for their refusal to let him participate in league play. The courts held that, as private employers, the leagues were not covered by federal rights laws barring discrimination against the disabled.

Now, however, the ADA extends civil rights protections for the disabled to all private employers with 15 or more employees, including employers, such as the major sports leagues and teams, and their pro-athlete employees. In the Neeld case, the one-eyed hockey player presented testimony that he only needed a protective mask to shield his remaining eye and would, then, be able to play hockey at a level on par with that of other professional hockey players.

Under the ADA, employers are required to "reasonably accommodate" disabled employees and job applicants, and most likely, a court would have required the NHL and AHL to provide Neeld with the protective mask and let him play hockey, despite the fact that his possession of only one eye put him at high risk of blindness. That may not sound so bad, but what if the NFL was required to let a man play football who needed to wear obtrusive, heavy leg and back braces on significant portions of his body? He probably couldn't run very fast, but he could still run and throw and catch the ball. Under the ADA, he could still perform the "essential functions" of the job. Thus, a court might force the NFL to let him play.

The problem is that Congress doesn't appear to have considered professional sports when it drafted Title I of the ADA, except with regard to the issue of drug testing, and because the ADA is fairly new, it has not yet been the subject of much litigation. Therefore, its provisions as they apply to professional sports, have not been sufficiently tested in the courts.

The ADA covers "qualified individuals with a disability" who are employees or applicants for employment, and defines "qualified individuals" as those who can perform the "essential functions" of the job, with or without "reasonable accommodation" by the employer. A one-armed man, for example, can arguably perform the "essential functions" of a defensive lineman, if he can still block the other team's players.

In addition, the ADA is extremely vague and ambiguous as to whom is "disabled," and, thus, covered by the Act. It seems to be overinclusive in its definition of who is an individual with a "disability," and, in fact, the only individuals explicitly excluded from coverage by the ADA are transvestites and illegal drug addicts who aren't seeking rehabilitation. (Perhaps, here, the only players the leagues could fire with impunity would be Larry Johnson of the NBA's Charlotte Hornets and Alexander Daigle of the NHL's Ottawa Senators, both of whom donned women's dresses in recent endorsement ads.)

Generally, when a law is vague, its definitions are refined and explained by court decisions, and because, as stated above, this law is relatively new (1990), and there have been few court cases interpreting its provisions,

the sports league and their teams will have to look to court decisions involving Section 504 of the Rehabilitation Act of 1973, upon which the ADA is largely based, for legal precedent. In these cases, the courts have forced several high schools and universities to allow disabled athletes to participate in contact sports, including football players with one eye, one kidney, and other disabilities, regardless of the fact that they might pose a direct threat to themselves and others (because the courts felt the risk wasn't significant enough). These decisions may now be forced on professional sports.

In the ADA, the courts may soon have an opportunity to rewrite the rules of football. Under Title I of the Act, though some consideration is given to the employer's judgment as to what functions of the job are essential, the NFL's determination of the essential functions of a quarterback, is not final. Rather, the court decides, and in cases interpreting the Rehabilitation Act of 1973, the courts have rewritten job descriptions to their liking, as in the U.S. Supreme Court's deletion of the ability to lift with both arms as a job requirement for a U.S. Postal Service position, in *Prewitt v. U.S. Postal Service*, a 1981 case. In the near future, the court could decide that a man with two artificial arms could be the Dallas Cowboys' new kicker, because he can perform the "essential functions" of the job.

As Rep. Bill McCollum (R-FL) stated during the ADA debate on the Floor of the U.S. House of Representatives, "The issue \* \* \* [is] who decides what those essential functions are. Ultimately it could be a court, it could be a lot of different folks who could decide this thing in the long run." This ADA provides ample opportunity for "courts [to] arbitrarily substitut[e] their judgment for an employer's when it comes to determining the essential functions of the job."

The current standard "NFL Player Contract" requires that a player be, and "maintain himself in excellent physical condition." The NFL may have to do some editing and go back to the printer. Next season's Los Angeles Raiders (with the Raider pirate as their mascot) might truly resemble Long John Silver, wooden leg and all. Superbowl XXIX, beware.

JEANNE GUTHEIL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. SOLOMON. Mr. Speaker, it is my pleasure to introduce you to Jeanne Gutheil of Moreau, NY, in our 22d Congressional District. For the past 5 years she has devoted her time and strength to the seniors of her area as director of the Moreau Senior Center.

Too often, it seems, people in our society dismiss the feelings and concerns of the aged. However, Jeanne has demonstrated an understanding and indeed, an appreciation of what they have to offer. From directing Meals on Wheels programs, to organizing senior-run charities, to arranging bus trips to popular cities and sites, Jeanne has provided her senior neighbors with necessary assistance, enjoyment, and a sense of personal dignity.

In a time where society has become increasingly impersonal and dependent on strangers in government, Jeanne has exhibited the kind of community concern and activity which used to characterize this Nation. Mr. Speaker, as we attempt to limit the size and

scope of government, might I suggest we would all do well to emulate the example of Mrs. Gutheil has set. It is time we all took such an active approach in tending to the welfare of our neighbors, especially our senior citizens who have given so much of themselves.

I am confident, Mr. Speaker, that with people like Jeanne Gutheil in the lead, we are capable of restoring the sense of pride in community that made America, and Americans, great.

## LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK GRANTS ACT OF 1995

SPEECH OF

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 728) to control crime by providing law enforcement block grants.

Mr. BILBRAY. Mr. Chairman, there was a resonant message in the November elections: Americans are tired of Washington telling them what is best for their families and their communities. The bill we will consider today provides a response to that message.

The crime bill passed by the House last year is a perfect example of Washington passing a big government-knows-best, one-size-fits all solution. We know, as the American people do, that the most innovative and effective solutions to our crime problems are found and developed by those closest to the problem.

Today, as we consider the Local Government Law Enforcement Block Grants Act, I urge my colleagues to remember and respect the local control that will be granted by this legislation.

H.R. 728 provides local units of government with the resources to fight the crime problem that sweeps our Nation. However, this bill does not dictate how these resources must be used.

Instead, it provides unprecedented flexibility to those law enforcement officials closest to the crime problem. Funds in this bill can be used in a variety of ways—from improving security at schools to hiring and equipping law enforcement personnel.

We have heard a lot of rhetoric from the other side, and from President Clinton himself about our re-write of the crime bill. Here is what the Democrats had to say about the flexible funds available to localities in this bill: "In short, these funds can—and no doubt will in too many cases—be used by local officials for ill-advised, wasteful, and even counter-productive uses."

Apparently, the liberals in Congress and the White House think only Congress is wise enough to tell localities how best to spend their money. The truth is, the American people were angry at the presumption of the 1994 crime legislation. They know that pork barrel spending on discredited social programs will not keep their children safer. That is one of the main reasons they sent us to Washington—to pass legislation that does not merely masquerade as crime control.