

QUINCENTENNIAL OF CORPS OF
SURVEYORS OF PUERTO RICO

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. ROMERO-BARCELÓ. Mr. Speaker, in 1996, the Institute of Surveyors from the College of Engineers and Surveyors of Puerto Rico [CIAPR] and the Puerto Rican Association of Surveyors will celebrate the 150th anniversary of the enactment of the law which created the Corps of Puerto Rican Surveyors. On January 1, 1846, Mr. Rafael Aristegui, Count of Marisol and Governor of Puerto Rico, signed this historic law which was one of the first laws that regulated land development in Puerto Rico and which also established the professional responsibilities of surveyors in Puerto Rico. Since that time, Puerto Rican surveyors have played a significant role in the development of the Island.

Mr. Speaker, as the Congressional Representative of Puerto Rico, it is my pleasure to pay tribute to all Puerto Rican surveyors who have helped define the land development of the island, as well as build their profession into a widely recognized one with a solid reputation. I extend my thanks and appreciation and congratulate those surveyors who today continue in the tradition of their ancestors. Mr. Speaker, I know that you and all our colleagues join me in wishing all surveyors in Puerto Rico continued success in the years ahead.

INTRODUCING THE WORKPLACE
FAIRNESS ACT OF 1996

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. BILBRAY. Mr. Speaker, the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act prohibit discrimination in employment because of race, color, religion, sex, national origin, age, and disability. I believe that we must begin to explore ways to look beyond the traditional model of combatting discrimination, which is currently accomplished by protecting a class or category of people. Instead, we must begin to pass laws which protect the individual from discrimination. A person's singular worth and merit should be the yardstick we measure by, rather than a person's behavior or characteristics which attach them to a group. If we predicate discrimination law on distinctions between groups or categories, we negate the original intention of protecting against discrimination itself.

Therefore, I am introducing the Workplace Fairness Act of 1996, which will effectively prohibit discrimination on any basis other than an employee's individual merit. Instead of continuing a piecemeal approach to discrimination law by adding special categories to those now protected under title VII of the Civil Rights Act, my legislation ensures that the only factors which employers may consider are those pertaining to job performance. While this may be considered a radical approach to employment law, it is only fair that all employees are duly

protected under the law, and not subject to being fired for arbitrary reasons. Without a legislative remedy such as this, Congress is going to be faced with the dilemma of adding special categories to those already protected under title VII of the Civil Rights Act, every time it is believed that a certain class is being unjustly treated. This is no laughing matter, Mr. Speaker, but will left-handed people be added to the list next? What about red-headed people? Under current law, such cases could indeed be made. Let us consider the logical evolution and consequence of this approach.

Specifically, the Workplace Fairness Act prohibits discrimination in a blanket fashion, rather than establishing newly protected classes in addition to those which already exist. It does so by establishing that employers shall not subject any employee to different standards or treatment in connection with employment or employment opportunities on any basis other than that of factors pertaining to job performance. My legislation defines factors pertaining to job performance, which include employment history, ability and willingness to comply with performance requirements—including attendance and procedures—of the job in question, educational background, drug and alcohol use which may adversely affect job performance, criminal records, and conflicts of interest.

The Workplace Fairness Act establishes that merit is the sole criterion for consideration in job applications or interviews, hiring decisions, advancement, compensation, job training, or any other term, condition or privilege of employment. Additionally, those currently protected under title VII of the Civil Rights Act will still be able to seek redress upon enactment of the Workplace Fairness Act, as my legislation avails existing title VII remedies to any individual discriminated against under my bill. My legislation also exempts religious organizations, prohibits the establishment of quotas on any basis other than factors pertaining to job performance, and specifically does not invalidate or limit the rights, remedies or procedures available under any other existing Federal, State, or local law to persons claiming discrimination.

Under the Workplace Fairness Act, employers and employees will still be allowed to enter into an alternate dispute resolution agreed upon before the term of employment begins, just as under current law. Further, the existing Federal statute in rule 11 of the Federal Rule of Civil Procedure states that if a frivolous lawsuit is filed by the plaintiff, the employee or prospective employee, than the court may rule that the plaintiff may pay the legal expenses of the defendant—the employer. Additionally, rule 68 of the Federal Rule of Civil Procedure is enforced in civil rights cases such as those that would be brought about under the Workplace Fairness Act. Rule 68 states that the fee burden can be shifted from the employer to the employee, if the employee files a frivolous claim, or if the employer is found to not be at fault.

While my legislation will clarify once and for all the civil rights of all Americans, it still gives employers adequate flexibility in determining who they wish to hire, and ensures that they provide just cause for termination that is unrelated to job performance. Discrimination law should mirror the goal which it is intended to embody. Our laws should reflect a standard governed by individual merit, not by an individ-

ual's relation to a defined group. The image of a discrimination-free society is undermined by a society whose laws supercede the value of those they are intended to protect: the individual. I urge my colleagues to cosponsor my legislation, and build upon our past successes by creating a new model to combat discrimination in America.

HONORING WILLIAM GRAHAM

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. ENGEL. Mr. Speaker, William Graham has been helping others since his days in the U.S. Army when he served as chief social work specialist in Fort Dix. After leaving the Army he continued in social work in New York City where he is currently supervisor of intake for non-secure detention for the Department of Juvenile Justice.

In his community he is president of the Bronx-Westchester Livingstone College Alumni Association, treasurer of the trustees board and member of the Board of Stewards of the Metropolitan African Methodist Episcopal Zion Church, treasurer for the Runyon Heights Men's Club Church and a member of the National Association for the Advancement of Colored People. He has been a celebrity chef for the YWCA for 9 consecutive years contributing greatly to the success of that program. He and his wife have a daughter. He has truly earned the title "Man of the Year" from the YMCA.

CONGRATULATIONS RICHARD GEE
ON INDUCTION INTO THE NEW-
ARK ATHLETIC HALL OF FAME

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, it gives me great pride to inform my colleagues of the induction of my cousin, Richard Gee, into the ninth annual Newark Athletic Hall of Fame. I am especially proud of Rick's swimming prowess because he was taught by his mother, my Aunt Rosie. Rick was great high school varsity basketball material, however, he chose swimming as his competitive sport.

During Rick's high school career he was an outstanding freestyle swimmer. After his graduation from Newark's Central High School in 1952, Rick attended Howard University on a swimming scholarship.

He was cocaptain of the Howard University swim team in his sophomore, junior, and senior years. He won 12 Central Intercollegiate Athletic Association [CIAA] championships. Rick also won the Outstanding Individual Swimming Award in 1954, 1955, and 1956. In his senior year, Rick was named the winner of the White Blazer Award, Howard's highest athletic award.

After graduation from college, Rick joined the U.S. Army where he continued his swimming career. In 1958, he won three freestyle championships for the Army.

Rick has been a member of the U.S. Master Swimming Association since 1985. He is listed

as one of the U.S. Masters top swimmers in three individual events in 1986. He was also a member of two national relay teams and won individual events in 1987 and 1988.

Rick's induction into the Newark Athletic Hall of Fame places him among such greats as Leon Day, Larry Hazzard, Marvin Hagler, Monte Irvin, Rick Cerone, Ray Dandridge, Al Attles, Allie Stolz, and Moe Berg.

Mr. Speaker, I am sure my colleagues will want to join me as I offer my congratulations and best wishes to Richard Gee.

DAVID ELLIOTT, SHANNON
SHINKE, HAWAII YOUTH CHALLENGE
CORP MEMBERS HONORED

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to honor two outstanding members of the Hawaii Youth Challenge Program, corp members David Elliott and Shannon Shinke. In their winning entries of the "Do the Write Thing" essay contest, David and Shannon answered the question "What can I do about the violence in my life?" They addressed a complex issue with eloquence and fresh insight. In "Time to Make a Change," David Elliott urges action and education to combat apathy and violence. "Family vs. Violence" by Shannon Shinke explores the problem of youth gangs and encourages strength in the family unit. I join with the Hawaii Youth Challenge Program to commend corp members David Elliott and Shannon Shinke for their accomplishment. Their essays are as follows:

TIME TO MAKE A CHANGE

(By David Elliott)

As I was growing up I moved around a lot. I lived in many types of neighborhoods. I was influenced greatly by violence. I remember seeing fear in the eyes of those who had been abused and violated. I remember seeing my own family devastated by violence. During my early teens I saw the murder of my best friend. It was a stray bullet from a gang dispute. I sat there with my friend in my arms, I didn't know what to do. One minute we were joking and laughing; the next, he was gone.

I will never forget it. Every time I think about it I get disgusted. To think, that a death of an innocent person was caused by another's violence. What is violence? The American Heritage Dictionary states, "Physical force exerted for the purpose of violating, damaging, or abusing". To me violence means ignorance, it means you don't know how to deal with problems. Who shall we blame it on? No one but ourselves. No one else, not poverty, not our environment, not influences, not pressures are to be blamed. I have learned throughout my life that violence affects everyone and it needs to be resolved.

Unfortunately violence is growing. On TV it is glorified; on the streets it's magnified. So what can we do? We cannot sit down and pretend it will go away or ignore it. We as a community must organize together to fight for unity as the key. And we cannot ignore the fact that apathy is the reason it continues to grow. If people would learn to care enough to make the effort, to do what's right, we can bring about change. That effort comes from a desire in our hearts.

For my life I have decided to obtain that desire, to make that effort, so that I may feel the satisfaction of seeing a person's eyes change from fear to happiness, to know that we have been freed from the chains of violence.

I will first put on the helmet of knowledge and educate my mind, so that my mind wouldn't be deceived or battered by ignorance. I will then be well aware, and have full understanding. With this tool, I will learn positive non-violent ways of dealing with conflicts. Then I will put on the breast plate of courage; to do what's right, and protect my heart from fear. I will also carry the shield of caring, this will keep me protected from the arrows of dispassion. Then, finally I would arm myself with the sword of education, this is what I will use to fight against our enemy, violence, and win.

With this armor we must fight for the release of these chains of apathy. Most importantly we must fight for our young generation, for our future. We must fight to keep their minds and hearts lighted by knowledge, and not deceived by the darkness of ignorance.

I would help communities come together and learn how to raise their young by living as good example. Learning that conflicts are never settled, or solved, but worsened with violence.

We as a universal family no matter what race, creed, or experiences, need to realize that violence will destroy us all, and realize that it needs to be conquered. We need to fight against the false glory that TV portrays violence to be. We need to fight against letting our children be influenced by the negative dispassion of this society and our poor examples as leaders and followers in our community. And most of all, let us fight against the apathy which kills because it does not care. And let's stand up, get up, fess up, never give up, let up, or lose hope for a better tomorrow. Let us fight, fight to care, fight for what's right, for today and the many tomorrow's to come.

FAMILY VS. VIOLENCE

(By Shannon Shinke)

At home one night
My mother suddenly dropped by
She looked at me and my father
And she started to cry
Then she told my father
Your son is now dead
All feelings of panic
Just rushed to our heads
How could this happen
He was just here today
But after he went out
Gangster games he went to play
She said he was in a lot of trouble
He was fighting in a big gang fight
They were all out to kill
And the quickness of a bullet got him to-
night

He had to be down
He had to prove he was hard-core
He just didn't realize
What he was living for
I always told him
Be careful of what you do
If you mess with the wrong people
Someday it'll catch up to you
He didn't take me seriously
He just wanted to play
Never a thought of dying
But he's dead today
I wish I could turn back time
And put some words in his head
If he wasn't in the gang
Right now he wouldn't be dead
At his funeral
I prayed to God in my head
I wished he was still alive

"But it's too late", God said
Dear Lord please bless my mom and dad
Who have broken hearts full of pain
Please help them to be strong
Because they are going insane
They lost their little child
From the wild life he desired
All this gang life now days
Everyone's playing with gunfire***.

Today gangs are a big part of our everyday lives. When kids have problems at home, they tend to turn to gangs which become their families. Some gangs, when they fight with their rival gangs, tend to be trigger happy. Life is so precious, but they just don't realize that. So many of today's youth are in gangs and not realizing how much trouble they are getting into and how much they are hurting their loved ones. They don't take death seriously until they are in that situation. Then they start to think that they don't want to die. They can go out and shoot and stab others, but they think that they're too good or too fast for it to all come back to them.

I think if parents were around more and spent more time with their children, this world would be less corrupted. Most kids in gangs have little or no relationship with their parents. From early childhood, parents need to raise their children in a positive environment. Some parents are hooked onto drugs and alcohol and they abuse their children. Their children adopt that type of lifestyle. Some parents can't handle the responsibilities of being a parent and they leave their children to grow up on their own. To stop violence, children need good role models.

DR. REED BELL AND COMMUNITY
SERVICE NETWORKS

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. SCARBOROUGH. Mr. Speaker, I rise today to speak about a very ambitious and worthwhile program that has been started in my district, and about the man who has brought it all together. My district, like many across the country has its fair share of broken homes and families in need. We have learned that Washington does not always have the answer to these problems. So we in northwest Florida have started something called a Community Service Network, and with it, we are tackling the problems that face our area and are helping those in my district who are truly in need.

Community Service Networks are an alliance of different church, civic, and volunteer groups that get together to take care of the poor in their communities. The civic groups in these networks go directly out into their communities as care teams, bringing aid directly to the poor not only with food and medicine, but sometimes even with just advice or by lending a sympathetic ear.

This idea of a privately organized community effort to help the poor is a concept I had hoped to begin for some time. Fortunately, northwest Florida has community leaders with a strong sense of civic pride and a willingness to help those in need.

One such community leader is Dr. Reed Bell, a pediatrician who has spent many years in my district caring for children from poor and disadvantaged families. Dr. Bell had seen the