

struggles and setbacks of poor children and he knew firsthand how hard life can be for the poor and underprivileged. It is an experience that left him deeply impressed with the urgent need for community action to help those who cannot help themselves.

When Dr. Bell approached me with his own ideas for mobilizing community resources, I found that we shared a common belief that something needed to be done for the poor right here at home. We also found that we agreed that whatever was done, it had to be a private sector initiative, not just another government program. So Dr. Bell immediately began to meet with those in my district who were most interested in aiding the disadvantaged. When it was all done, and after much work and numerous meetings with both prominent people, groups, and ordinary citizens, the Community Service Network concept was born.

Mr. Speaker, I am pleased to say that this approach is catching on around the Nation. The New York Times recently reported an explosive growth in groups just like the CSN's. The Times article said that people are tired of waiting for Washington to step in and that they are digging in and doing their part; saying in effect, "Forget waiting for the Federal Government. We can do it ourselves."

Mr. Speaker, that is what we are doing in my district. That is what Dr. Bell has done his whole career and is still doing to this day. This is not a political revolution, it is a revolution of thought and spirit. It is a movement by Americans to reclaim their country and to say, "Yes, we can make a difference." So it is today that I give my congratulations to Dr. Bell and the hundreds of men and women who are out there making a difference. We are all a little better today for what Dr. Bell has done, and I believe that we in this body owe them a debt of thanks.

INTRODUCTION OF THE WORKPLACE FAIRNESS ACT OF 1996

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 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 combating 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 piece-meal 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 consequences 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 individual's relation to a defined group. The image of a discrimination-free society is undermined by a society whose laws supersede 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.

A FEW INCHES FROM THE YARD

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. JACOBS. Mr. Speaker, this Annapolis column, "A Few Inches From the Yard," has been written by the great naval son of a great naval father, Jim Holds.

Both men make us proud to be Americans.

A FEW INCHES FROM THE YARD

(By Midshipman Tony Holds, USN '97)

It's that time again. Another year has come and gone, and we, the Class of 1997, have finally assumed the watch. My name is Midshipman Tony Holds and for the next year I will be your connection to the Brigade of Midshipmen. I take this position very seriously, and hope that if any of you ever have any input or feedback for me, you will feel free to drop me a note and let me know.

I guess the first order of business should be to tell you a little bit about myself. I grew up in a Navy family. My mother and father met when she was a PAO for a squadron at Miramar and he was riding backseat in F-4's with VF-142 on that same base. Dad graduated from the Boat School in 1959, and throughout my childhood, images of the Naval Academy were omnipresent in our home. There was a stuffed Bill the Goat staring sternly down at me from the top of my chest of drawers, overseeing the various stages of my young life. Threadbare whiteworks and musty-smelling flight suits filled my toy box. I pored frequently over my Dad's yearbooks with reverent awe and, once I began to read, paged through every issue of Proceedings and Shipmate he would receive in the mail.

The one column that always most fascinated me was "A Few Inches from the Yard", because it seemed the best place to get the straight scoop on the pulse of the Brigade. Dad was full of stories of the Hall, some probably embellished by years of separation from the events in question. This column, however, represented an opportunity to hear what was going on in the Hall from an unbiased source: someone whose perspective was in-your-face and based on the day-to-day realities of life in Mother B; and here I am, years later, honored and humbled to be that voice for you. Wow.

That is not all, though. Here, in my first ever column, I come to you with a dual purpose. Approximately a month ago, when I received word that I was to be this year's writer for "A Few Inches from the Yard", I envisioned my first article as an opportunity to compose a pleasantly uneventful introduction in which I would tell you some anecdotes about myself, life in the Hall as we prepare to welcome the class of Plebes that will

lead us into the next millennium, and so on. I was hoping to just leave a good taste in your mouth and set the stage for future articles of more substance. Well, you know what they say about the best laid plans of mice and men. It appears my first article is going to be more than what I expected.

As you know, a dark cloud is hovering over the Naval Academy right now. Some of the recent happenings here, which I'm sure you've been made abundantly aware of by the media, are not things we, as Midshipmen are proud of. In fact, we can hardly believe what is going on. We are making the paper and the nightly news much too often for all the wrong reasons. There seems to be a general sense of crisis amongst administration, faculty, and Midshipmen alike. Every last person I know is scratching their head and struggling to fathom what could lead members of the Brigade to conduct themselves so disgracefully. I am sure this sentiment of disbelief and disappointment is echoed resoundingly in the minds of Alumni everywhere.

The bottom line that must be kept in the front of our minds, though, is this: Yes, these events are shocking, yes, they are damaging to us as an institution, but in no way are they indicative of what we, the Brigade, represent. They are nothing more than infuriating, high-profile aberrations. My point? Now, more than ever, is when we need the support of our Alumni. It would be tempting, if you were led to believe that these happenings reflected the character of the Brigade as a whole, to abandon ship on us, but you must not. Right now, there are thousands of Midshipmen who are just like you were when you called the confines of Mother B home. We are worthy of your support and trust. The times we live in are different—that's true, but there is a grand universality to many portions of the experience by which we all, young and old, are inextricably bound together—the Annapolis experience. My desire is to communicate to you, our predecessors, that although we live in different times, people never truly change. All but a profound minority of us espouse the same ideals, harbor the same hopes, and are haunted by the same fears that most of you had as young men and women attending this school. We are here for love of country and a desire to serve. With an exerted show of solidarity, we can all help to quiet those who would like to end or severely break down 150 years of tradition based on a random outbreak of isolated incidents. There are, admittedly, those who like to see this happen. They are banking on the assumption that we, the Naval Academy family, can be divided. Don't let that happen. Hang on tight and ride out the storm with us, better days are ahead.

On a final, brighter note, a hearty congratulations to the Class of 1996 for completing a grueling four years and winning the prize. Best of luck in the fleet; make us proud!

That's all I have for this month, but I'll be back keeping you apprised of the latest gouge in the next issue. Until then, fair winds and following seas.

TRIBUTE TO DONALD HERBERT

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. QUINN. Mr. Speaker, I rise today to recognize the distinguished service of Mr. Donald Herbert, a Buffalo firefighter injured in the line of duty.

On December 29, 1995, while serving the city of Buffalo as a firefighter at a residential fire, Mr. Herbert suffered traumatic injuries when the roof of the building he was in collapsed. Despite the extensive nature of his injuries, and after a very trying first few months, Donald Herbert's personal strength and commitment to God and his family have enabled him to make his way toward recovery.

Today, the Herbert family, the Buffalo Professional Firefighters Association, and our Buffalo community have organized an event to honor Mr. Herbert, and to convey to him our grateful appreciation for his service, valor, professionalism, and bravery. Donald Herbert can count on our Buffalo community, because we have always been able to count on him.

Mr. Speaker, today I join with the Herbert family, the Buffalo Fire Department, the city of Buffalo, our western New York community, and indeed, all of those who have dedicatedly served our Nation and ensured our safety as firefighters to honor Mr. Donald Herbert for his dedication, hard work, and commitment to our city; and offer him my sincere best wishes for a speedy recovery.

LEGISLATION TO ALLOW PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS DURING UNEMPLOYMENT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. McDERMOTT. Mr. Speaker, today I am introducing legislation that would allow people to receive penalty-free withdrawals of funds from certain retirement plans during long periods of unemployment. I am pleased that Representatives SAM GIBBONS, CHARLES RANGEL, PETE STARK, BARBARA KENNELLY, ROBERT MATSUI, BILL COYNE, JOHN LEWIS, and RICHARD NEAL have joined me in cosponsoring this legislation.

This legislation would allow penalty-free withdrawals from individual retirement accounts [IRA's] and qualified retirement plans—401(k) and 403(b)—if the taxpayer has received unemployment compensation for 12 weeks under State or Federal law. Under the legislation, the distribution of funds would have to be made within 1 year of the date of unemployment. In addition, a self-employed individual would be treated as meeting the requirements of unemployment compensation if the individual would have received such compensation if he or she had not been self-employed.

Under current law, when a taxpayer withdraws money from an IRA or a qualified retirement plan before age 59½, he or she is forced to pay an individual 10 percent tax on the amount withdrawn. This additional tax is intended to recapture at least a portion of the tax deferral benefits of these plans. This tax is in addition to regular income taxes the taxpayer must pay as the funds are included in the taxpayer's income. The early-withdrawal tax also serves as a deterrent against using the money in those accounts for nonretirement purposes.

The vetoed Balanced Budget Act of 1995 includes a provision which is the same as this

legislation with respect to withdrawals from IRA's. This provision recognizes that when an individual or family is faced with long periods of unemployment, they may have no other choice but to draw upon these funds to meet their everyday living expenses. During this financially stressful time, an additional 10 percent tax for early withdrawal is unfair and only serves to make the family's financial situation worse. This legislation would accomplish the goals of that provision by allowing penalty-free withdrawals during long periods of unemployment from IRA's as well as qualified retirement plan 401(k) and 403(b) accounts.

Many small businesses offer participation in 401(k) plans, this amendment would help unemployed people who at the time of separation from employment chose to leave their 401(k) funds with their former employer. Then, because of unanticipated long periods of unemployment, need access to those funds. Accordingly, many small businesses would benefit from this amendment. In addition, employees who are laid-off from their former employment may need access to those funds in order to start up their own small business. State and local government employees who are displaced through downsizing, also may need access to the funds in their 403(b) plans for similar purposes.

The benefit this legislation would offer the long-term unemployed is the right thing to do in this period of economic uncertainty. You can plan for many things in your life financially, but the impact of long, unanticipated periods of unemployment can create financial havoc on any individual or family, including those that thought they had adequate savings to get them through such a situation. Long periods of unemployment are similar to major illnesses that can result in catastrophic medical expenses. Under current law, taxpayers are allowed penalty-free early withdrawals from qualified retirement plans to meet catastrophic medical expenses, therefore, it makes sense to extend this benefit in cases of long periods of unemployment.

Passage of this legislation would allow unemployed taxpayers a chance to get back on their feet without having to pay an unnecessary financial penalty when they can least afford it.

OFFUTT APPRECIATION DAY

HON. JON CHRISTENSEN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 12, 1996

Mr. CHRISTENSEN. Mr. Speaker, I rise today in recognition of Offutt Appreciation Day. In my district in Nebraska, Offutt Air Force Base is the home of more than 10,000 military personnel and their 17,000 family members, employs more than 1,500 civilians, is a valued part of the Omaha/Bellevue area community and plays a vital part in our global military strategy.

In Congress, I have shown my appreciation for the families of the Offutt community by fighting for funding for Impact aid, the program which compensates public school districts for revenue lost due to the presence of military bases like Offutt. Although Impact Aid was almost zeroed out during last year's budget battle, we were eventually able to fund the program at 100 percent of the total for fiscal year