

ANOTHER STEP TO RESTORE
POWER TO STATES

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. THOMAS. Mr. Speaker, we need to take another step to restore power to States. The Department of Labor is saying California has to pay unemployment benefits to certain criminals being released from prison. That should be a matter States decide for themselves in choosing methods for reforming prisoners.

The Department wants States like California to pay unemployment benefits to some prisoners because Federal law requires employers to pay Federal employment [FUTA] taxes on work performed by their employees. This includes prison inmates who work for private companies through innovative work programs established in several States, including California. Several hundred prisoners in California are employed in jobs provided under agreements between the State and private businesses. However, FUTA taxes do not have to be paid for work by prisoners employed in prison operations such as the laundry or cabinet shop.

Since FUTA taxes are paid on behalf of some prisoners, the U.S. Department of Labor has ruled that these prisoners must be paid unemployment benefits upon their release from their job—essentially, when they are released from prison. Failure to comply is serious: California employers, for example would lose tax credits worth \$1.7 billion for FUTA taxes they pay on other workers if the California program is disqualified.

Why does Labor take this position? The Federal Unemployment Insurance Program only permits denial of employment benefits in three cases: If the worker's income exceeds certain limits; the claim is fraudulent; or the employee was fired for misconduct. Since prisoners lose their jobs when paroled or released from prison, they do not fit the exceptions.

Californian voters established the joint venture program in 1990, creating a private work program for prison inmates. Criminals' wages are used to compensate victims, offset incarceration costs, and set aside funds—20 percent—for the inmate's support upon his or her release from prison. Last year, 1996, California voters overwhelmingly passed an initiative, proposition 194, that denies unemployment benefits to criminals participating in the joint venture program.

The Department of Labor decision would force Californians either to pay out unemployment benefits to released prisoners or to eliminate a program that has been successful in helping criminals change their lives. Allowing employees to lose \$1.7 billion in credits for taxes they pay on the services of ordinary working people is not an option, needless to say.

Legislation I am introducing today would change the law to treat all prison inmates who participate in work programs the same: their services would be exempt from the FUTA tax. This would effectively deny unemployment benefits to released prisoners and prohibit the Department of Labor from placing such a ridiculous requirement on the States. The bill's enactment would give States an additional tool to use in trying to reform criminal behavior and I

hope my colleagues will agree to its adoption in the near future.

TRIBUTE TO LOUIS J. AMABILI, DI-
RECTOR OF THE DELAWARE
STATE FIRE SCHOOL

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. CASTLE. Mr. Speaker, I rise to commend and pay tribute to the fine work of an outstanding, dedicated, and caring Delawarean, Louis J. Amabili, director of the Delaware State Fire School. For myself, and on behalf of the citizens of the First State, I would like to thank him for his many years of tireless and dedicated service.

On this occasion in Delaware, firefighters will gather and recognize his more than 50 years of outstanding leadership and guidance to his community, State, and Nation. This type of dedication to public service is rare among individuals. During his tenure, many dedicated and caring men and women have been trained to help prevent or battle fires and perform emergency medical service for our citizens. Because of the stewardship and teamwork of Louis Amabili, Delaware fire and emergency medical services have become a vital and integral part of our community.

Louis J. Amabili has been a loyal and devoted guardian to the hundreds of fire services personnel throughout Delaware. He is the founding Director of the Delaware State Fire School, a facility that originated from his design and now bears the honor of his name. The school is currently viewed as one of the leading fire training facilities in the Nation. Under Louis Amabili's direction the Sussex County and New Castle County training centers were established to provide live fire training within 30 minutes of every fire company in Delaware. He has served as president of the New Castle Volunteer Fireman's Association, he is a member of the Hockessin Fire Co., and the International Association of Fire Service Instructors. President Richard Nixon appointed him to the Fire Prevention and Control Commission, where he coauthored the commission's report "America Burning". And, for his numerous achievements in fire services, Governor Pete DuPont recognized him with an "Order of the First State".

In addition to his many accomplishments, Louis Amabili is one of the most respected leaders in fire services today. He has served on the board of directors of the National Fire Protection Association, and chaired the Fire Officers Professional Qualifications Standards Committee. During his tenure as a member of the International Fire Services Training Association he received their highest recognition for his role in fire service training. He has chaired the Joint Council of National Fire Service Organization and helped to establish the National Fire Professional Qualification System. He serves as a member of the board of directors of the Congressional Fire Services Institute, which I have the privilege and honor of serving as cochairman, and he received the Institute's highest honor, the Congressional Fire Service Person of the Year Award.

Mr. Speaker, I salute Louis J. Amabili for an outstanding record of public and community

service, a record that has touched so many lives throughout the State of Delaware and our Nation. He is truly an inspiration for all of us. His tireless commitment and dedication to the cause of volunteer firefighters will find a permanent place in the Delaware volunteer fire service history.

The example Louis J. Amabili has set in the fire service is one which we hope all future fire and emergency medical services personnel will emulate. His dedication to fire and emergency medical services is admirable and his tradition of service is truly commendable. I want to thank him for his 50 years of exemplary service.

WATER LEGISLATION

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Mr. CRAPO. Mr. Speaker, I rise today to introduce legislation to help remedy a problem that is particularly burdensome to the water delivery companies in the West. Like many seasonal businesses, complying with the Fair Labor Standards Act has become a huge burden to both water delivery companies and their employees.

Irrigation has never, nor will it ever be, a 40-hour-a-week job. During peak agricultural months, water must be managed and delivered continually. Later in the year, the work load is light, consisting mainly of maintenance duties. Time off and winter compensation have been the methods of compensating for overtime during these peak agricultural months. Instead of being allowed to offer their employees winter compensation or time off, water delivery companies must now lay off water delivery personnel after the peak agricultural months.

Under current law, contained at 29 U.S.C. sec. 213(b)(12), an exemption from the maximum hour requirement exists for employees hired to work in conjunction with water delivery companies that deliver water exclusively for agricultural use. This exemption was designed specifically to address the unique problems faced by water delivery companies when complying with the Fair Labor Standards Act.

Under the current interpretation of the law, water delivery organizations must deliver their water exclusively for agricultural purposes to qualify. For many water delivery organizations who deliver a small portion of their water for nonagricultural purposes, this interpretation has been disastrous. They are unable to benefit from the exemption even though it was designed with water delivery companies in mind.

I am introducing legislation that would expressly set the requirement of water to be ultimately delivered for agriculture purposes at 75 percent. This adjustment more accurately reflects the realities of agricultural water delivery. It would also benefit agricultural employees by making it possible for employers to provide them with year-round compensation rather than seasonal wages.