

Whereas, Mayor Shields exemplifies the spirit and dedication that is characteristic of a great Tennessean; and

Whereas, he is a graduate of Maryville High School, attended Maryville College and graduated from the University of Tennessee in 1938; and

Whereas, Mayor Shields was a member of the Maryville School Board from 1952 to 1964, serving astutely as chairman for four years; and

Whereas, his career in city government began in 1955 when he was elected as a member of the Maryville City Council. He was elected Mayor in 1967 and has served with distinction in that important position ever since; and

Whereas, during Mayor Shields' tenure, the city of Maryville has seen numerous improvements and great progress, including the development of a regional wastewater treatment plant; three public parks; two fire station facilities; a new library facility; an industrial park; Broadway Towers, a high rise elderly housing complex; and Maryville's Foothills Mall; and

Whereas, Mayor Shields' has also been instrumental in securing the location of several large industries in Maryville, including Denso Manufacturing and Ruby Tuesday Inc; and

Whereas, his illustrious service to his fellow citizens was appropriately recognized when he was selected Tennessee Mayor of the Year by the Tennessee Municipal League in 1979; and

Whereas, he has continued to serve adroitly the community in addition to his duties as mayor, as evidenced by his service on the Maryville Planning Commission, Recreation and Parks Commission, East Development District Board, Governor's Board, Maryville Rotary Club and Metropolitan Planning Organization for Knox and Blount counties; and

Whereas, throughout all his endeavors, Mayor Shields has shown his unwavering commitment to improving the quality of life for the citizenry of Maryville and Blount County; and

Whereas, he is most appreciative of the love and support he received from his wife, Mary Frances, their children, Steve and Karen, and grandchildren, Stephanie, Steve and Whitney; and

Whereas, Mayor Shields has evinced his devout faith as a member of the First United Methodist Church, where he has taught Sunday school for 44 years and is the past chairman of the church board; and

Whereas, the good people of Maryville are most grateful for Mayor Shield's devoted service and the sterling legacy he has built from Shields Stadium to the Greenbelt; now, therefore, be it

Resolved by Senate of the One Hundred First General Assembly of the State of Tennessee (the House of Representatives concurring), That we extend to Mayor Stanley Shields of Maryville our best wishes for a happy and fulfilling retirement and continued success in his future endeavors. Be it further

Resolved, That an appropriate copy of this resolution be prepared for presentation with this final clause omitted from such copy.

Greater Woodhaven Development Corporation on the occasion of its 20th Anniversary Celebration.

The members of the Greater Woodhaven Development Corporation have long been known for their commitment to community service and to enhancing the quality of life for all New York City residents.

This event is not only a festive happening, it is a chance for all of us to celebrate and pay tribute to a group of individuals who have dedicated their lives to helping their friends and neighbors. This year's honorees truly represent the best of what our community has to offer.

As a member of the Board of Directors for the American Cancer Society, Queens Division, Douglas A. Gerowski helped raise more than \$50,000 in a five-year period through the organization's "Stepping Out Against Cancer" fund-raising campaigns. Douglas has served as a Chairman of the Greater Woodhaven Development Corporations Board of Directors and coined the slogan "Taking Care of BIDness" as the Woodhaven Business Improvement District's first 3rd Vice President. He currently serves as the President of the Merillon Athletic Association of Hew Hyde Park and is actively involved in coaching his children's baseball, basketball and hockey teams.

Born a few months after Pearl Harbor, Jeffrey Lewis grew up in Woodhaven and attended local public schools. At that time, Jeffrey's family already owned and operated a small store, Lewis' of Woodhaven, on Jamaica Avenue and 85th Street. While in high school, Jeffrey helped his family celebrate the opening of Lewis' of Woodhaven's second store on Jamaica Avenue between 90th and 91st Streets. Following his graduation from the University of Denver in 1963, Jeffrey got married and started working full time at Lewis' of Woodhaven. Within a few short years, Jeffrey and his loving wife Marlin were blessed with two daughters. Even though he moved his family to Westchester, Jeffrey's roots and time were all in Woodhaven. In 1989, Jeffrey became involved with the Woodhaven Business Improvement District Feasibility Committee and became the first President of the Woodhaven Business Improvement District in 1993 upon its creation. While most of Jeffrey Lewis' time is still spent running the family business, he makes sure to enjoy the time he has with each of his children and grandchildren.

Today's honorees have long been known as innovators and beacons of good will to all those with whom they come into contact. Through their dedicated efforts, they have each helped to improve my constituents' quality of life. In recognition of their many accomplishments on behalf of my constituents, I offer my congratulations on their being honored by the Greater Woodhaven Development Corporation.

a bill to free the National Labor Relations Board from being overburdened because bracket creep has forced them to accept cases from very small employers in this nation. Here is a copy of my "Dear Colleague" and a report from the Labor Policy Association that outlines the problem and why it is important to small businesses in America to correct this problem.

FREE THE NATIONAL LABOR RELATIONS BOARD (NLRB). HELP REDUCE UNNECESSARY BURDEN ON SMALL BUSINESS

DEAR COLLEAGUE: This Congress, Mr. Istook is introducing legislation to help the NLRB manage their huge caseload. Each year the NLRB requests additional funding to help them administer and manage their caseload. This legislative reform simply makes adjustments for inflation in the financial jurisdictional thresholds of the NLRB, most of which were set in 1959. The NLRB can still adjudicate special cases below these thresholds, just as they can do today. It is crucial that we provide the NLRB with this freedom. We urge you to cosponsor this bill. Two former NLRB Chairs support this change.

The National Labor Relations Board (NLRB) is the government agency designed to settle labor disputes between unions and management. In 1959, Congress passed a law to give NLRB jurisdiction over businesses based on gross receipts. Once a business passes that threshold of gross receipts, it is subject to intervention by the NLRB. Businesses below the threshold are subject to actions brought in state courts, instead of the NLRB.

Without an adjustment for inflation, businesses and the NLRB have been caught in "bracket creep," as inflation has increased since 1959, the NLRB has acquired jurisdiction over much smaller businesses than was ever intended, escalating the expense and workload for the NLRB as well as for business. These now include very small businesses, for whom the cost of such intervention is unbearable. Up to 20% of the NLRB's workload now is these very small businesses. For example, NLRB has jurisdiction over non-retail businesses with gross receipts over \$50,000, an inflation adjustment would raise that threshold to \$275,773. NLRB has jurisdiction over retail businesses and restaurants doing more than \$500,000 worth of business, but adjusting for inflation since 1959 would raise this to \$2.7 million. Congress never intended to subject smaller businesses to such a heavy regulatory hammer.

The NLRB is powerless to change its jurisdiction without an act of Congress. So this legislation will do exactly that. By indexing the jurisdiction to the rate of inflation, the NLRB could again focus upon the larger businesses for whom the law was originally written. Small businesses have been severely burdened by dealing with the far-off NLRB instead of their local state courts (Examples on Reverse).

This bill's simple adjustment both frees NLRB to deal with significant cases truly affecting interstate commerce, and also removes the problems very small businesses have with NLRB oversight (See Example on the Reverse). If you have any questions, please call Mr. Istook's office and speak with Dr. Bill Duncan at (202) 225-2132.

Tom DeLay, Bill Young, John Boehner, John Porter, Jim Talent, Henry Bonilla, Ernest Istook, Dan Miller, Jay Dickey, Roger Wicker, Anne Northup, Randy "Duke" Cunningham, John Hostettler, Chris Cannon.

EXAMPLES OF SMALL BUSINESS NLRB CASES

Larry Burns, of Houston, Texas, (8 employees), had 2 charges filed against his business

TRIBUTE TO THE GREATER
WOODHAVEN DEVELOPMENT
CORPORATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to the

NATIONAL LABOR RELATIONS
BOARD

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. ISTOOK. Mr. Speaker, I rise today to urge my colleagues to cosponsor H.R. 1620,

by the NLRB. One was thrown out, the other settled for \$160 (1 days pay). Larry Burns spent \$11,000 in attorneys fees and wasted time fighting the NLRB when these problems could have been solved cheaper and easier in state courts. Also, Mr. Burns, under state law, could have recovered 1/2 of his attorney's fees under loser pays (which helps eliminate frivolous charges).

Randall Borman, of Evansville, Indiana (4 employees). Three charges were filed with the NLRB. All were dismissed. He could have recovered all of his legal fees under Indiana state law. Instead he lost \$7,500 in attorney's fees and lost revenue and had to lay off workers to cover this expense.

EXAMPLES OF DELAYS IN PROCESSING NLRB CASES

Julian Burns, of Charlotte, North Carolina, (23 employees). His case should be heard by the NLRB. However, the NLRB's workload is so overloaded with cases from very small businesses that it took 2 1/2 years to hear his case. Rather than getting his day in court, he settled for \$10,000, after paying \$35,000 in attorney's fees, and \$250,000 for losses in manpower and reduced workforce, for a total cost of \$295,000.

ACHIEVING NLRB BUDGET SAVINGS BY UPDATING SMALL BUSINESS THRESHOLDS

The National Labor Relations Board¹ (NLRB or Board) exercises exclusive jurisdiction over all labor disputes that are considered to be of significant national interest. The Board, itself, has set the standards for determining which labor disputes reach this threshold. Unfortunately, most of these standards are based on 1959 dollar figures that have not been adjusted for inflation over time. The result is that the Board's method for asserting jurisdiction has become outdated and should be changed to reflect present economic realities. Such a change could result in substantial savings to the U.S. Government.

The NLRB's jurisdiction, in both representation and unfair labor practice cases, extends to all enterprises that "affect" interstate commerce.² This expansive statutory grant of authority has been held by the Supreme Court to mean that the Board's jurisdiction extends to "the fullest . . . breadth

constitutionally permissible under the commerce clause."³

Traditionally, however, the Board has never exercised its full authority. Since its establishment, the Board has considered only cases that, in its opinion, "substantially affect" interstate commerce. In 1959, Congress endorsed this practice in the Labor-Management Reporting and Disclosure Act. The act specifically allowed the Board to "decline to assert jurisdiction over any labor dispute . . . where . . . the effect of such labor dispute on commerce is not sufficiently substantial to warrant the exercise of its jurisdiction."⁴ Congress did not leave the Board total discretion, however. It instructed that the Board "shall not decline to assert jurisdiction over any labor dispute over which it would assert jurisdiction under the standards prevailing upon August 1, 1959."⁵

Thus, although Congress recognized that the board needed to exercise discretion in interpreting the term "affecting commerce," it clearly did not want the Board to establish lower thresholds than were already in place. In 1959, however, the Board's prevailing jurisdictional thresholds were based on raw dollar amounts. The difficulty with this jurisdictional approach is that it fails to take inflation into account.

The problem with not adjusting jurisdictional thresholds is clearly illustrated in the following example. In 1959, the Board exercised jurisdiction over non-retail businesses that sold or purchased goods in interstate commerce totaling \$50,000 or more annually. In other words, in 1959, \$50,000 of interstate business "substantially affected commerce." Today, the Board continues to exercise jurisdiction using the \$50,000 threshold, but the effect on commerce of \$50,000 today is not nearly what it was in 1959. The value of \$50,000 today is equivalent to \$9,065 in 1959. Thus, just as \$9,065 did not warrant the Board's jurisdiction in 1959, \$50,000 should not warrant the Board's jurisdiction today.

Since 1959, the Board has established separate thresholds for particular types of businesses that did not fall into the 1959 categories. Although these thresholds are more recent, they nonetheless suffer from the same major flaw—they fail to consider inflation.

Figure 1, below, lists the Board's current jurisdictional thresholds for various business sectors along with the year in which those thresholds were established. These sums are then converted into their present value—making it clear that the Board's present procedure for asserting jurisdiction is both unrealistic and outdated. Consequently, 29 U.S.C. § 164(c)(1) should be amended to reflect the present value of these jurisdictional thresholds.

A second flaw in basing jurisdiction solely on the volume of the employer's business is that such a method fails to consider the size of the bargaining units involved. As a result, the Board spends scarce federal resources pursuing relatively small benefits. Figure 2 clearly illustrates this position. In 1994, the Board expended nearly 20% of its representation effort on bargaining units of 9 persons or less. Yet, this 20% effort reached less than 2% of the total number of employees involved in representation elections that year (3,393 out of a total of 188,899). In other words, the Board could have reduced its effort by 20% while maintaining 98% effectiveness had it declined to assert jurisdiction over these small units.

What is even more surprising is that the NLRB conducts elections in units as small as two workers. The Board refuses to release statistics on this point to the public, but such statistics would be available to the Appropriations Committee.

Leaving jurisdiction over these small units to the states would be the most efficient use of federal resources and could result in significant savings to the Federal Government.

FOOTNOTES

- ¹This analysis was prepared by the staff of the Labor Policy Association.
- ²29 U.S.C. § 160.
- ³NLRB v. Reliance Fuel Oil Corp., 371 U.S. 224 (1963).
- ⁴29 U.S.C. § 164(c)(1). Parties involved in labor disputes that did not meet the Board's jurisdictional requirements were not left without recourse by Congress. The act specifically provided that agencies or state courts could assert jurisdiction over these claims. 29 U.S.C. § 164(c)(2). Of course, state courts would have to be empowered by state law to do so.
- ⁵29 U.S.C. § 164(c)(1).

FIGURE 1.—PRESENT VALUE OF NLRB JURISDICTIONAL THRESHOLDS BY BUSINESS ACTIVITY

Business activity	Jurisdictional threshold	Present value
Non-retail enterprises; enterprises that combined retail and wholesale; and architectural firms	¹ \$50,000 (1959)	\$275,773
Retail enterprises; restaurants; automobile dealers; taxicab companies; country clubs; and service establishments	² 500,000 (1959)	2,757,732
Instrumentalities, links, and channels of interstate commerce	³ 50,000 (1959)	275,773
Public utilities; transit companies	⁴ 250,000 (1959)	1,378,870
Printing; publishing; radio; television; telephone; and telegraph companies	⁵ 200,000 (1959)	1,103,093
Office buildings; shopping centers; and parking lots	⁶ 100,000 (1959)	551,546
Day care centers	⁷ 250,000 (1976)	705,185
Health care facilities:		
nursing homes	100,000	298,327
hospitals	⁸ 250,000 (1975)	745,818
Hotels and motels	⁹ 500,000 (1971)	1,981,481
Law firms	¹⁰ 250,000 (1977)	662,129

¹ Figure represents annual interstate sales or purchase. Siemons Mailing Serv., 122 NLRB 81 (1958); Wurster, Bernardi and Emmons, Inc., 192 NLRB 1049 (1965).
² Figure represents annual volume of business including sales and taxes. Red and White Airway Cab Co., 123 NLRB 83 (1959); Carolina Supplies and Cement Co., 122 NLRB 723 (1958); Bickford's, Inc., 110 NLRB 1904 (1954); Claffery Beauty Shoppes, 110 NLRB 620 (1954); Wilson Oldsmobile, 110 NLRB 534 (1954); Walnut Hills Country Club, 145 NLRB 81 (1963).
³ Figure represents annual income derived from furnishing interstate passenger or freight transportation. HPO Serv., Inc., 202 NLRB 394 (1958).
⁴ Figure represents total annual volume of business. Public utilities are also subject to the \$50,000 non-retail threshold. Charleston Transit Co., 123 NLRB 1296 (1959); Sioux Valley Empire Elec. Ass'n, 122 NLRB 92 (1958).
⁵ Figure represents total annual volume of business. Belleville Employing Printers, 122 NLRB 92 (1958); Raritan Valley Broadcasting Co., 122 NLRB 90 (1958).
⁶ Figure represents total annual income. Mistletoe Operating Co., 122 NLRB 1534 (1958).
⁷ Figure represents gross annual revenues. Salt & Pepper Nursery School, 222 NLRB 1295.
⁸ Figure represents gross annual revenues. East Oakland Health Alliance, Inc., 218 NLRB 1270 (1975).
⁹ Figure represents total annual volume of business. Penn-Keystone Realty Corp., 191 NLRB 800 (1971).
¹⁰ Figure represents gross annual revenues. Foley, Hoag, & Elliot, 229 NLRB 456 (1977).

RECOGNIZING WASHINGTON
REGIONAL MEDICAL CENTER

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. HUTCHINSON. Mr. Speaker, I rise today in recognition of National Hospital Week and applaud the efforts of our nation's hospitals. In particular, I want to call attention to the Washington Regional Medical Center, and its efforts to serve the community.

Washington Regional—located in Fayetteville, Arkansas—has recently been awarded the 1999 NOVA award by the American Hospital Association. This award recognizes hospitals for their initiatives for and interaction with the local community. This year, Washington Regional is a recipient of the NOVA award for its commitment to the children of Washington County.

Many community ills occur due to circumstances that are beyond an individual's control. Unfortunately, many of these problems result in chronic disease, disability and often death. Washington Regional is working to reverse that trend through the Kids for Health program. Through this program, the medical center partners with the Washington County school system to teach more than 8,000 children about self-esteem, general health, nutrition, fitness, hygiene, and safety.

The Kids for Health program is so successful that it received a five-year grant from the Harvey and Beatrice Jones Charitable Foundation. This critical program is proving that an ounce of prevention is worth a pound of cure. Mr. Speaker, I am very pleased and proud to recognize the Washington Regional Medical Center for its achievements. It is a stellar example of a hospital that makes a difference in its community.

PROVIDING WIC BENEFITS TO
OVERSEAS MILITARY PERSONNEL

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. GOODLING. Mr. Speaker, today I am introducing legislation that will put an end to unfair treatment of military personnel stationed overseas and their families. These dedicated personnel who are performing invaluable service to the nation, along with their families, are currently ineligible for supplemental nutrition services which we provide for other citizens.

The Department of Defense estimates that 46,658 women, infants, and children are currently denied benefits under the Supplemental Nutrition Program for Women, Infants, and Children (WIC). That means that military personnel and their families, to whom our nation owes substantial gratitude, are being treated as second-class citizens. They are denied basic services which would be available to them had they not volunteered to serve their country.

As a nation, we are better than that. We are already asking men and women who serve in the military to make significant sacrifices. Those sacrifices should not include the health and well being of their families.

Since its inception, we have seen very clear evidence that participation in WIC has reduced the number of low birthweight babies and birth defects caused by poor nutrition during pregnancy. In addition, the nutritional supplements received by infants and young children help prevent health problems related to poor nutrition. This small investment in nutritional assistance for individual participants saves our country a great deal in health care costs and costs related to special education services.

The WIC program also includes an education component which is key to the program's success. These nutrition and education benefits should be available to all U.S. citizens, regardless of where they are residing.

Present law authorizes the Secretary of Defense to carry out a program similar to WIC to provide special supplemental food benefits to military personnel overseas. However, current law relies heavily on the transfer of funds and commodities from the Secretary of Agriculture to operate this program. These funds have never been made available. Therefore, the legislation I am introducing today would call on the Secretary of Defense to use funds available for the Department of Defense to carry out this program. It would also require the Department of Agriculture to provide technical assistance to the Department of Defense to insure program quality.

Mr. Speaker, I believe very strongly that our military personnel overseas should have access to the same nutritional support as families residing in the United States. My legislation would enable the Department of Defense to provide these services. I would encourage my colleagues to cosponsor this legislation, which insures that our overseas military personnel and their families reap the same benefits from program participation.

TRIBUTE TO MARTIN L. VINGER
OF DODGEVILLE, WISCONSIN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Ms. BALDWIN. Mr. Speaker, I rise today to recognize World War I veteran Martin L. Vinger, of Dodgeville, Wisconsin. Mr. Vinger has been recognized by the French government in solemn tribute to his World War I service. He valiantly served on French soil to aid in the liberation of France, and for his service he has been awarded The National Order of the Legion of Honor, the highest military honor that can be bestowed upon non-French soldiers.

With an extraordinary sense of dedication and commitment, Mr. Vinger enlisted in the U.S. Army on April 11, 1918 at the age of sixteen. He then departed for France in July of that year. He returned to the United States in February, 1919 and was discharged the following month.

At the time of his award, Mr. Vinger stated from his own wartime experiences that we Americans today must remember to keep our democracy alive, "because if we lose it, it will be a long time getting it back." One can only imagine what a different world we might be living in today had not Mr. Vinger and other brave young men and women served on the many fronts of the "war to end all wars." It is

with sincere gratitude and the utmost respect that I rise today to ask that the Congress of the United States join with me in recognizing the selfless service of Mr. Martin L. Vinger.

A TRIBUTE TO DON KINGSTON

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. PHELPS. Mr. Speaker, I rise today to pay tribute to Don Kingston, who is retiring this year from Eldorado High School in Eldorado, Illinois. Donald J. Kingston was born on October 28, 1931, one of eight children. His father passed away when he was just four years old leaving his mother with eight children during the Depression. Don felt strongly that President Franklin Delano Roosevelt's New Deal Programs were instrumental in pulling his family through the hard times. He also believes that the sports programs in his local high school were the only reason he completed high school, a very revealing fact when you look at how dedicated he has been to EHS sports over the last forty years.

Back in the fall of 1956, while in his last year of law school, EHS head football coach Coach Adams, asked Don to be assistant coach for the EHS football team. Instead of going on to practice law, Don accepted the assistant coaching job. A year later when Coach Adams retired, Don became the head coach of the football team. Don Kingston has given the last forty-two years of his life to being both an outstanding educator and coach at Eldorado High School. Mr. Kingston has taught many subjects at Eldorado High School, including physical education, driver's education, English and geography. Mr. Kingston has also coached the football, basketball and track teams. The best teams he has ever coached, according to Don, were the 1968 Eagles Football Team and the 1976 Eagles Basketball Team, of which his son Kevin was a member.

Mr. Speaker, what is most special about my opportunity now to congratulate Don and his wife Wanda, is the fact that I have known them all of my life and truly appreciate their commitment to public service. They raised two wonderful children; Kevin and Valerie, who have served as role models to the community, and I know that if Kevin were still with us today he would be proud to see his father reach this stage in his life. Don has been my teacher, my fellow elected official, my supporter, professional colleague, but most importantly, my friend! Don, we wish you God's speed and congratulations on a fabulous career in shaping the lives of our young people.

FREMONT'S IRVINGTON HIGH
SCHOOL NAMED 1999 DISTINGUISHED
SCHOOL BY THE CALIFORNIA DEPARTMENT OF
EDUCATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Fremont's Irvington High School. The