

listening might catch the bug and get involved also. It is the testimony of a volunteer's experience that is usually the best way to recruit others. Thus, it is the act of sharing and telling that becomes the greatest service.

Mr. Speaker, the sacrifices Mr. Philips has made, along with his continuing involvement to ensure the safety and well being of the citizens of Eastern Long Island, make him worthy of the honor Volunteer of the Year.

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EARTH DAY

**HON. BRUCE F. VENTO**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, April 7, 1995*

Mr. VENTO. Mr. Speaker, with a new Republican majority, Americans hoped for the best—now we know after 3 months, to expect the worst: Republican partisanship serving special interests, not the American people and their families.

As citizens all across America prepare to celebrate the 25th anniversary of Earth Day, I am deeply troubled that in our Nation's Capital, the 104th Congress is working furiously to destroy almost all that has been accomplished in the last three to four decades. This "contract" on America—on America's landscapes, on America's air, on America's water, on America's parks and wilderness, will take a terrible toll. This environmental assault is an insult to the American people.

That first Earth Day, in 1970, was based upon an enthusiastic grassroots movement that fueled a conservation ethic and commitment to the environment for future generations. In the 1970's Americans were rightly concerned about clean air and clean water and even the threatened extinction of our national symbol—the bald eagle. In response Congress enacted landmark conservation legislation, which today are household words—the Clean Air Act, the Clean Water Act, and the Endangered Species Act.

Our Nation was energized about the progress in addressing these concerns and extended this American conservation ethic and vision to challenge global problems of rainforest destruction, Antarctica's preservation, biodiversity, ozone depletion, and global warming. In response the United States has been an architect in the development of international conferences and numerous treaties to save the spaceship Earth.

But on this silver anniversary of Earth Day, we face a new challenge—a corrosive and embarrassing tarnish to America's Earth Day 1995. In Washington we have a new congressional majority with "an attitude": pay back the Democrats, antiregulation, anti-environment and anti-Federal Government. A Congress set to set back the environment to the thrilling days of yesterday. A new majority inexperienced and arrogant and legislating by anecdote based upon misinformation, misperceptions and fraud, but hell bent on destroying our Nation's public commitment to preservation, conservation, and restoration of future generations' natural legacy.

The intense assault on our national environmental policy and laws isn't stated clearly in the "contract," but between the lines and veiled from public scrutiny under the guise of "regulatory reform," property rights, unfunded mandates—the examples and justification for

such action is the mosaic of environmental law. This new Congress seems intent on walking away from science and decades of environmental policy and serving as the complaint tool to special interests whose only interest is the bottom line.

Today, everything is at stake: clean air, safe drinking water, park and wilderness protection, forest conservation preservation and protection of our endangered species. The pace of the assault is purposeful and relentless—a "hundred days" of force fed legislation without deliberation or accountability.

Last month the House passed appropriations legislation that savages our national forests by mandating sales which would double the timber harvest nationwide in just 2 years—without regard to any current environmental law and shut off from public comment as required by law. Last week, by a single vote, the Senate refused to moderate this policy. The same House appropriations bill slashed funding needed to implement the Clean Air Act, the Safe Drinking Water Act, and the Endangered Species Act.

This month a House committee is considering legislation to rewrite the Clean Water Act. It was reported that this new proposal was actually written with the help of lobbyists in closed-door sessions without input from the Environmental Protection Agency or other Members with environmental concerns. This is not good clean water policy—the measure has been aptly dubbed "the polluters' bill of rights."

All this follows House-passed legislation now making its way through the Senate, that puts a freeze on all regulations with a special 2-year hold on the Endangered Species Act, forces the Federal Government to pay regulatory compensation to property owners impacted by environmental laws and requires agencies that promulgate rules to do elaborate analysis before issuance subjecting all to court challenge—simply a formula to paralyze the Federal Government.

Laws like the Endangered Species Act serve as the "canary in the coal mine." Rather than denying the problem or blaming the messenger, Congress should be solving the problem—stop rationalizing excuses and promoting paid critics who justify renegeing on the laws. We should become engaged in the tough job of problem solving and changing our Nation's behavior, to live in balance with the limitations of the natural environment.

Regulations are the wheels which carry the laws into effect. They are based upon the perception, knowledge, and views of the people we represent. Frustration in America has grown. In the easy politics that bemoans government and redtape and seeks instant gratification, the environmental laws have become the stumbling block, the symbol that complicates life and limits behavior. The Federal Government leads such policy because the problems don't know political lines. But it is a collaborative role—environmental policy cannot be taken for granted, cannot be permitted to be politically expedient. Rather, environmental policy is a special trust. Its application should work with States—but especially and most importantly, with citizens.

The American citizen during the next 3 weeks, while Members are in their Districts, can help stop this assault. Challenge your policymaker to see the light—or feel the heat. They need to be forcefully reminded that environmental policies and laws now brutally at-

tacked were not forged through partisan warfare. They are not the work of Democrats or Republicans alone—rather they are uniquely derived from years of deliberation, of listening and responding to the core conservation values and ethics of the American people.

These policies are based on the wisdom of Americans who by experience, education, and ethics understood that there are some areas of this vast Nation that shouldn't be despoiled. They are based on the right of all Americans to breathe clean air and drink clean water. They are based on a commitment to the future that we all share—to hand down to the next generation a healthy planet. These views are basic to the definition of us as a people and culture.

Americans will not turn over our natural legacy to those who would destroy it. We must educate those in office with on-the-job training or by removal from office if they are incorrigible.

This vast and beautiful planet is like the design of a rare and complex tapestry. The weaving is made valuable not by any one thread but by the way that hundreds of strands are arranged. Each section is connected to the next in innumerable ways, as each thread in our eyes is connected to the next in innumerable ways to make an impression—a mosaic.

Understandably, difficult environmental policy questions follow from this example. As policymakers our task is to use this ecologically sensitive and irreplaceable resource, without arbitrarily cutting it to pieces and destroying this biosphere forever.

This involves understanding the impact of activities, measuring of the biodiversity, and the relationship of the physical and natural environment, which are all part of a larger cycle. A thread that is pulled one place changes the rest of the picture. Every action has a consequence. For these reasons and many more, the Federal Government enacted environmental laws and policies to help us be reasonable stewards of our land and resources. The intent was to guide us and limit our individual actions—a policy path that would optimize our utilization today while maintaining and enhancing the prospects for tomorrow's generations.

Citizens after all are a significant and much-needed force in these policy debates. Recruit more people, continue to make yourselves heard. Have faith. Americans haven't stopped caring, they have assumed that these issues were once achieved and are cemented in place. Americans—make yourselves heard—if the people lead, the Members of Congress will follow.

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THE INTRODUCTION OF FAIR PAY ACT OF 1995

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, April 7, 1995*

Ms. NORTON. Mr. Speaker, in enacting the Equal Pay Act [EPA] in 1963, Congress hoped to close the wage gap between men and women by prohibiting wage discrimination based on the gender of the employees performing the work. Some progress has been

made, but much of it is illusory. In 1982, women earned 62 cents to a man's dollar; in 1992, they earned 71 cents. However, this movement reflects an alarming decrease in male wages as well as the new presence of highly educated women in entry level positions. The wage gap persists largely because most women are still segregated into a few low-paying occupations. A supplementary remedy is needed.

This bill, the Fair Pay Act, amends the Fair Labor Standards Act to ensure equal pay not just for equal work, but also for comparable work—jobs that are equivalent in skill, effort, responsibility, and working conditions. More than 30 years of EPA experience demonstrates that if we are serious about gender and race-based wage discrimination, we must sharpen our remedies.

When we look closely and objectively, can we honestly say that an emergency services operator—a female dominated profession—should be paid less than a fire dispatcher—a male dominated profession? Or that a social worker should earn less than a probation officer simply because the social worker is usually a woman? Shouldn't the market set these rates? Too often the habits of employers over the decades have been built into distortions in the market. Women and minorities pay the price in reduced wages.

The Fair Pay Act also expands protections provided in the Equal Pay Act by prohibiting wage discrimination based on the race and national origin of employees. In 1992, African-American men earned 72 percent as much as white men, while African-American women earned only 64 percent as much as white men. Hispanic men earned 65 percent as much as white men, while Hispanic women earned only 55 percent as much. While some of the wage gap results from differences in education, experience, or time in the work force, studies estimate that 75 percent of this differential may be a result of discrimination.

A remedy that exorcises only the discrimination factor is necessary. As with sex discrimination and all other kinds of discrimination, the plaintiff who alleges discrimination must carry the burden to show that discrimination is the proximate cause of the violation.

Most American families are wholly or significantly dependent on women's wages. Fair pay has become increasingly a family necessity and an urgent issue. Families cannot meet the challenge unless Congress takes up its challenge to enact a wage statute that meets the needs of the nineties as the Equal Pay Act did in the sixties.

#### SECTION-BY-SECTION ANALYSIS, THE FAIR PAY ACT OF 1995

##### SECTION 1—SHORT TITLE AND REFERENCE

Section 1 (a) states that this Act may be cited as the "Fair Pay Act of 1995."

Section 1 (b) provides that all amendments in this bill refer to the Fair Labor Standards Act of 1938.

##### SECTION 2—FINDINGS

Section (1) states that there are differences in wages for equivalent jobs in Government employment and in industries engaged in commerce or in the production of goods for commerce. These wage differences are based on sex, race, or national origin.

Section (2) states that the existence of the wage differentials causes the following:

Subsection (2)(A) provides that wage differentials depress wages and living standards for employees. Both which are necessary for their health and efficiency.

Subsection (2)(B) provides that wage differentials result in the prevention of maximum use of available labor resources.

Subsection (2)(C) provides that wage differentials cause labor disputes therefore burdening, affecting and obstructing commerce.

Subsection (2)(D) provides that wage differentials burden commerce and the free flow of goods in commerce.

Subsection (2)(E) provides that wage differentials constitute an unfair method of competition.

Section (3) states that a segregated workforce has been maintained due to discrimination in hiring and promotion of women and people of color.

Section (4) states that many women and people of color work in occupations dominated by individuals of their same sex, race, and national origin.

Section (5)(A) provides that a General Accounting Office analysis of wages in Washington State civil service found that, in 1985, of the jobs studies that paid less than average, approximately 39 percent were female dominated and approximately 16 percent were male dominated.

Subsection (5)(B) provides that a study of wages in Minnesota using 1990 census data found that 75 percent of the wage differential between white and non-white workers was unexplained and may be a result of discrimination.

Section (6) states that Section 6(D) of the Fair Labor Standards Act prohibits discrimination in compensation for "equal work" on the basis of sex.

Section (7) states that the United States Supreme Court has held that the prohibition against discrimination in Title VII of the Civil Rights Act of 1964 extends to jobs which do not constitute "equal work." However, lower court decisions have demonstrated that further clarification of jobs that do not constitute "equal work" is necessary.

Section (8) states that artificial barriers to the elimination of discrimination in compensation based upon sex, race, and national origin continue to exist more than 30 years after passage of the Equal Pay Act. Elimination of such barriers would have positive effects:

Subsection (8)(A) providing a solution to problems in the economy created by discriminating wage differentials.

Subsection (8)(B) reducing the number of working women and people of color earning low wages, thereby reducing the dependence on public assistance.

Subsection (8)(C) promoting stable families by enabling working family members to earn a fair rate of pay.

##### SECTION 3—EQUAL PAY FOR EQUIVALENT JOBS

Section 3(a) provides that Section 6 of the Fair Labor Standards act is amended by adding a new section. The new section states the following:

Section (g)(1)(A) states that no employer having employees subject to any provisions of this section shall discriminate between employees based on sex, race, or national origin by paying wages at a rate less for work of equal value, except where the payment is made based on a seniority system, a merit system or a system where earnings are measured by quantity or quality of production.

Section (g)(1)(B) states that an employer who is paying a wage differential in violation of subparagraph (A) shall not reduce the wage rate of any employee.

Section (g)(2) states that no labor organization or its agents representing employees of an employer subject to any provision of this section shall cause or attempt to cause the employer to discriminate against an employee in violation of paragraph (1)(A).

Section (g)(3) provides for employers to pay any amounts which have been withheld

in violation of paragraph (1)(A). Any amounts owing to any employee shall be deemed unpaid minimum wages or unpaid overtime compensation under this or section 7.

Section (g)(4) provides that the following definitions apply to this subsection:

Section (g)(4)(A) defines 'labor organization' as an organization of any kind, or an agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Section (g)(4)(B) defines 'equivalent jobs' as those jobs that may be dissimilar, but whose requirements are viewed as equivalent in a composite of skills, effort, responsibility and working conditions.

##### SECTION 4—PROHIBITED ACTS

Section 4 states that section 15(a) (29 U.S.C. 214(a)) is amended by adding after paragraph (5) a new subsection (6) which provides the following:

Section 15(a)(b) prohibits the discrimination of any individual who has opposed any act or practice made unlawful by section 6(g) or because such an individual made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under section 6(g).

Section 15(a)(7) prohibits the discharge or any other form of discrimination, coercion, intimidation, threat, or interference with any employee or any other person because the employee asked about, disclosed, compared, or otherwise discussed the employee's wages or the wages of any other employee, or because the employee exercised, enjoyed, aided, or encouraged another person to exercise or enjoy any right granted or protected by section 6(g).

##### SECTION 5—REMEDIES

Section 5 states that section 16 (29 U.S.C. 216) is amended by (1) adding the following:

Section 16(f) authorizes the court, if any action is brought, to award to the prevailing plaintiff(s), in addition to any other remedies, expert fees as part of the costs. Any such action may be maintained as a class action as provided by Federal Rules of Civil Procedure.

##### SECTION 6—RECORDS

Section 6 states that section 11(c) (29 U.S.C. 211(c)) is amended by inserting "(1)" after the current section (c), and by adding a section which provides the following:

Section c(2)(A) states that every employer subject to section 6(g) shall have records which document and support the method, system, calculations, and other bases used by the employer in establishing, adjusting, and determining the wages paid to the employees of the employer. Every employer subject to section 6(g) shall keep records for a period of time and make a report to the Equal Employment Opportunity Commission as shall be prescribed by regulations.

Section c(2)(B) states that every employer subject to section 6(g) shall file an annual report with the Equal Employment Opportunity Commission containing information in such detail as necessary to accurately disclose the wage or salary rates paid to each job classified, position, job title, or other wage or salary group of employees employed by the employer, as well as the sex, race and national origin of employees at each wage or salary level in each classification, position, job title, or other wage or salary group. The

report shall not include the name of any individual employee.

Section c(2)(C) states that the reports filed with the Equal Employment Opportunity Commission shall be public information. The Equal Employment Opportunity Commission may publish any information or data it obtains through the reports. The Equal Employment Opportunity Commission is also authorized to use the information and data for statistical and research purposes, and to compile and publish such studies, analyses, reports, and surveys based thereon as it may deem appropriate.

Section c(2)(D) states that the Equal Employment Opportunity Commission shall by regulation make reasonable provision for the inspection and examination by any persons of the information and data contained in any report filed with it pursuant to subparagraph (B).

Section c(2)(E) states that the Equal Employment Opportunity Commission shall by regulation supply copies of the report filed to anybody upon payment of a charge; charge depends on the cost of the service.

Section c(2)(F) authorizes the Equal Employment Opportunity Commission to issue rules and regulations prescribing the form and content of reports required to be filed under subparagraph (B) and such other reasonable rules and regulations as it may find necessary to prevent the circumvention or evasion of the required report. The Equal Employment Opportunity Commission may prescribe by general rule a simplified report for those employers for whom it finds that by virtue of size a detailed report would be unduly burdensome.

SECTION 7—RESEARCH, EDUCATION, AND TECHNICAL ASSISTANCE PROGRAM; REPORT TO CONGRESS

Section 7 amends section 4(d) (29 U.S.C. 204(d)) by adding the following at the end:

Section 4(d)(4) states that the Equal Employment Opportunity Commission shall undertake studies and offer information and technical assistance to employers, labor organizations, and the general public concerning effective means available to implement the provisions of section 6(g) prohibiting wage discrimination between employees performing work in equivalent jobs on the basis of sex, race, or national origin. The studies, information, and technical assistance shall be based upon and make references to the declared policy of such section to eliminate such discrimination. The Equal Employment Opportunity Commission must further carry on a continuing program of research, education, and technical assistance including the following:

Subsection (A) states that it shall include undertaking and promoting research with the intent of developing means to expeditiously correct the conditions leading to section 6(g).

Subsection (B) states that publishing and otherwise making available to employers, labor organizations, professional associations, educational institutions, the various media of communication, and the general public the finding of studies and other materials for promoting compliance with section 6(g) is included in the further continuance of the research.

Subsection (C) includes sponsoring and assisting State and community informational and educational programs.

Subsection (D) includes providing technical assistance to employers, labor organizations, professional associations and other interested persons on means of achieving and maintaining compliance with the provisions of section 6(g).

Section 4(d)(5) states that the annual report submitted by the Equal Employment Opportunity Commission to Congress shall

include a separate evaluation and appraisal regarding the implementation of section 6(g).

SECTION 8—EFFECTIVE DATE

Section 8 states that the amendments made by this Act shall take effect one year after the date of its enactment.

CHABAD HOUSE ANNUAL DINNER

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, April 7, 1995

Mr. PALLONE. Mr. Speaker, on Sunday, April 30, 1995, the Les Turchin Chabad House at Rutgers, the State University of New Jersey, will hold its annual dinner in Somerset, NJ.

For 15 years, Chabad House has served as a focal point for students seeking to supplement their educational experience with a deeper sense of culture, faith, and fellowship. By rediscovering and embracing regular observance of the Torah, the Students of Chabad House have gained spiritual insights and a strong sense of values that will be of invaluable support throughout their lives. And for parents who naturally worry about the influences that their children will encounter at college, Chabad House offers the assurance of a positive environment.

I would particularly like to extend my congratulations on the construction of the new Les Turchin Student Center, which will further the good works of Chabad House. Mr. Turchin's tireless dedication to the community serves as an inspiration to us all. The founder, chairman of the board and chief executive officer of Tops Appliance City has somehow found time to lead an extremely impressive fund-raising effort to make the Chabad House a reality. The new Chabad House will provide a synagogue, a kosher kitchen, and dining area for 300 students, and housing for 48 students. The Publication Office will house L'Chaim, the university's student-run newspaper, and *The Chabad Times*, the largest Jewish newspaper in central New Jersey with a circulation of 60,000. A unique array of programs for the community will bring Rabbis and volunteers to shut-in, hospital patients, nursing home residents and prison inmates. Family services will be provided and expanded, including family counseling and a drug prevention program.

Mr. Speaker, it is a great honor for me to pay tribute to Chabad House at Rutgers, to Les Turchin for his hard work and energy in making the new facility a reality, to all the religious leaders and volunteers who make these programs work and to the fine young men and women who, by embracing their timeless and enduring heritage, are working to make their campus and their community a better place.

TRIBUTE TO THE 2506 BRIGADE

**HON. ROBERT MENEDEZ**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, April 7, 1995

Mr. MENEDEZ. Mr. Speaker, I rise today in remembrance of a group of courageous men that 34 years ago fought and died for the

cause of freedom. Much has been written about this battle, but most historical accounts only record the event in the context of the cold war. We must not forget the men that landed on that April morning at a remote beach called Giron at the Bay of Pigs.

On that 17th day of April, the battle began. The members of the 2506 Brigade, who sought to liberate their country from the brutal Castro dictatorship, were not military men. They were not professional soldiers of fortune. Rather, these men came from a cross section of Cuban society. They were young, middle-aged, seniors, professionals, farmers, students and factory workers. They were from the ranks of the middle class, the poor, and the upper class. Among them, one could find people who fought alongside Fidel Castro. Some had belonged to the Cuban military. They were representative of all political persuasions, from left to right. But they were united in one quest: Democracy, freedom, and true equality for their homeland, Cuba.

Mr. Speaker, I would like to recount a few passages from "The Bay of Pigs: The Untold Story," by Peter Wyden, of the events that took place on this remote and lonely bay.

At the traffic circle on the northern outskirts of Playa Larga, the members of the Brigade had dug in for the major engagement of the Bay of Pigs, the Battle of the Rotunda as is now known. Reinforcement had arrived from the main landing at the beach of Giron: Most of the Fourth Heavy Weapons Battalion ammunition, and two more tanks. At 7:45 p.m., four batteries of Soviet-made 122 millimeters howitzers had opened fire on the positions. They kept pounding more than 2000 shells in 4 hours. The concussions were terrible. Many went into shock. They were too dazed to hear orders. But, they did not break. The first three Stalin tanks rumbled into the rotunda about midnight. They were the vanguard of 20 tanks, but these freedom fighters had set a superb trap. With the roads bordered by swamps, Castro's troops were forced to try breaking through the Rotunda.

Tank was pitted against tank. They were firing point blank, twenty yards apart. The first two Stalin tanks were knocked out, one of them by a tiny fighter who used to cut the men's hair in the Guatemalan camps and was known as "Barberito." He ran around the tank and peppered it with shells for his recoilless rifle. They made no dent in the tank but the sound scared the crew into surrendering. The commander of the Brigade later wanted to meet the man who accomplished this feat. By then, "Barberito" has been killed by a machinegun burst.

One Brigade tank ran out of ammunition quickly. The driver, Jorge Alvarez, known as "little egg" blew up an enemy tank with his last shell. Another tank roared up Alvarez hurled his tank at it. The Stalin tank tried to position his gun against the Brigade's tank. Alvarez kept bumping the enemy so furiously that the Stalin gun barrel split. The fighting was so confused and confined that the threads of Castro's tanks ran over their own wounded.

Hour after hour, men fought and fell and died. More Castro tanks rumbled into the Rotunda. The freedom fighters were out of food and water and almost out of ammunition, they began to run. Their commander seized a cannon and a shell and faced the oncoming tank from the center of the road. The fleeing men saw him and stopped. So, amazingly, did the tank. The driver got out and surrendered. The Castro forces had numbered 2100 men. Those who were not dead or wounded were retreating on the run.