EXTENSIONS OF REMARKS

THE FEDERAL PROTECTIVE SERVICE REFORM ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1998

Mr. TRAFICANT. Mr. Speaker, today I am introducing the Federal Protective Service Reform Act of 1998. This legislation makes much needed reforms to the Federal Protective Service (FPS). These reforms will allow FPS to better meet the growing threat posed by terrorism to federal buildings and the people who work in and visit federal buildings.

On April 19, 1995, a truck bomb destroyed the Alfred P. Murrah federal building in Oklahoma City, Oklahoma. The tragic and despicable act killed 168 people and wounded hundreds of others. The Oklahoma City bombing served as a sober reminder that the United States is not immune to acts of terror. The bombing also revealed that we were woefully unprepared for such an act.

I was deeply disturbed to learn that there was only one contract security guard on duty in Oklahoma City on April 19, 1995. That contract guard was responsible for providing security at the Murrah building and two other federal buildings in Oklahoma City. There is evidence that those responsible for bombing the Murrah building cased the building in the days and weeks leading up to the bombing. The fact that the Murrah building was, for the most part, unprotected, could have played a role in the decision of the terrorists to bomb that building.

In the wake of the Oklahoma City bombing, the Public Building Service (PBS) of the General Services Administration (GSA) has made great strides in improving the physical security of the 8,300 federal buildings under its control. But, as a recent hearing by the Transportation and Infrastructure Subcommittee on Public Buildings and Economic Development revealed, the security upgrade program initiated in the wake of the Oklahoma City bombing has been hindered by mismanagement and a reduction in staffing. In addition, structural and personnel problems within the Federal Protective Service are also hindering GSA's ability to upgrade and improve security.

At the present time the FPS is a unit within PBS. The head of FPS reports to the PBS commissioner. The PBS commissioner does not have a law enforcement background and his main responsibility is real estate management—not law enforcement. While we do have a very able and talented PBS commissioner, I did not believe that security is best served by having FPS as a sub-entity within PBS.

While I recognize that the use of contract guards is necessary, I am concerned that the use of contract guards may not be appropriate at certain federal buildings. I am also concerned over the fact that contract guards do not undergo the same type of background checks as FPS officers. All FPS officers undergo a full and detailed background investigation, including a review by the Federal Bureau of Investigation. Contract guards, on the other hand, only undergo a cursory background check. At the present time there are only 648 full-time FPS officers, as opposed to more than 5,000 contract guards. The best deterrent to a terrorist bombing or attack on a federal building is a highly trained, professional and fully staffed FPS.

I have great admiration for the men and women who serve so ably on the FPS. That's why I am deeply troubled that FPS officers are paid significantly less than other federal law enforcement officers that perform the same function. This is not fair. Equally as disturbing, the low level of compensation combined with poor communication between management and the rank and file is causing a morale and turnover problem that could further compromise security. Morale plays a key role in the effectiveness of any law enforcement agency. The Federal Protective Service Reform Act will make the changes needed to boost morale, improve management and make FPS better able to respond to terrorist threats to federal buildings.

Quite simply, Mr. Speaker, the goal of my legislation is to remake the FPS into an elite federal law enforcement agency with a well trained, professionally led, highly motivated and appropriately compensated cadre of officers. Another goal is to ensure that decisions to how best to ensure the security of federal buildings are based on sound law enforcement and intelligence analysis—not on budgetary considerations. The main features of the Federal Protective Service Reform Act will:

Establish, by statute, the Federal Protective Service as a freestanding service within GSA, with the responsibility of serving as the principal law enforcement and security agency in the United States with respect to the protection of federal officers and employees in buildings and areas under GSA's control (under the Public Buildings Act, the GSA Administrator has the authority to appoint special police officers and investigators, but the Act does not require GSA to establish an FPS).

Make FPS a service within GSA, separate from PBS. Under the bill, the FPS would have its own commissioner who will report directly to the GSA Administrator (currently the head of FPS has the title of Assistant Commissioner within the Public Building Service).

Clarify the responsibilities and authority of FPS officers, including giving them the ability to carry firearms to and from work, providing officers with a ''buffer zone'' of responsibility extending as far as 500 feet from a federal building, and clearly delineating the circumstances under which FPS officers can make arrests.

Establish a pay scale and benefit package for FPS officers similar to that of the Uniformed Division of the Secret Service.

Require GSA to hire at least 730 full-time FPS officers within one year of enactment of the bill into law, and bar GSA from reducing the number of full-time FPS officers unless specifically authorized by Congress (the PBS commissioner recently stated that GSA's long-term goal is to have 724 full-time FPS officers).

Require contract guards to undergo the same background checks as FPS officers, and require GSA to prescribe adequate training standards for contract guards.

Direct a General Accounting Office study of the feasibility of merging all federal building security services under FPS.

Require that the FPS Commissioner be a career civil servant with extensive law enforcement experience.

Direct FPS to work closely with other federal agencies in gathering and analyzing intelligence.

Direct the FPS commissioner to provide assistance, upon request, to other federal, state and local law enforcement agencies.

Mr. Speaker, the Federal Protective Service Reform Act of 1998 is an urgently needed piece of legislation that will allow this country to better protect itself from a terrorist attack. This legislation should be an integral part of our counter-terrorism strategy. I urge all Members to support this bill.

TRIBUTE TO BRIAN STOWE

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1998

Mr. TIERNEY. Mr. Speaker, I rise to salute Mr. Brian Stowe of Lynn, Massachusetts who has received an award from the Lynn Hispanic Scholarship Fund, Inc. for academic excellence.

I hope Brian appreciates and is proud of his accomplishments. At a young age, he has realized the value of helping those less fortunate than himself by volunteering in his community. A particular passion of Brian's has been his involvement with My Brother's Table, a food pantry which services the needy. A native of Lynn, Brian will leave home for the first time in the fall as he begins his college career at Fairfield University in Connecticut. I trust that he understands the value of continuing his education, and I am certain that he will enjoy many new challenges. His dedication and commitment are to be commended. I have no doubt that he will be successful in his future endeavors.

Indeed, Mr. Stowe has worked hard to achieve his goals. Mr. Speaker, I am proud to stand here to recognize the accomplishments of Brian Stowe, and I hope my colleagues will join with me today in wishing Mr. Stowe the very best as he continues his education.

SEXUAL HARASSMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday,

May 27, 1998 into the CONGRESSIONAL RECORD.

SEXUAL HARASSMENT

When I came to Congress in the 1960s, women were beginning to define the feminist movement and to provide their own answers to the question, ''What do women want?'' Women have since advanced in all areas of American life, from Little Leagues including girls, to the military academies admitting women, to women serving in greater numbers in the highest ranks of government and business. Women have also helped shape public policy on a number of fronts, including workplace laws barring sex discrimination and promoting equal pay as well as laws providing for family and medical leave and gender equity in education.

Recent events, including the Paula Jones suit, the Clarence Thomas-Anita Hill hearings, and the sex scandals in the military, are focusing public interest on sexual harassment in the workplace. Sexual harassment claims have increased as more women have entered the workforce and the issue has gained greater attention. The number of sexual harassment complaints filed with the Equal Employment Opportunity Commission (EEOC), the federal agency responsible for enforcing discrimination law, increased from 6,800 in 1990 to nearly 16,000 cases in 1997.

What precisely constitutes sexual harassment, however, continues to be a vexing question. There are few established guidelines for employers and employees in this area, and the relevant federal laws do not even include the words ''sexual harassment.'' The vague nature of current law and the increase in cases before the courts have added pressure on the legislative and judicial branches to clarify the law in this area.

Overview: The Civil Rights Act of 1964 is the primary law addressing sexual harassment. Title VII of this law does not specifically mention sexual harassment, but makes it unlawful for employers with 15 or more employees to discriminate against any applicant or employee on the basis of sex. The law implies that when a supervisor sexually harasses a subordinate because of the subordinate's sex, that supervisor discriminates on the basis of sex.

The EEOC will generally enforce Title VII claims in the following manner: Upon receiving a complaint from an employee, the EEOC investigates the case and renders a decision on whether there is reasonable cause to believe that discrimination has occurred. If the EEOC substantiates the charge but is unable to reach an acceptable conciliation agreement between the employer and employee, then the EEOC will issue a right to sue letter on behalf of the employee. If an employee chooses to file a private lawsuit under Title VII, the employee must begin with filing a charge with the EEOC.

Sexual harassment cases are generally divided into two basic categories, ''quid pro quo'' and ''hostile working environment'' harassment. Traditional quid pro quo harassment takes place when an employee suffers tangible harm—the loss of a job, promotion, income or benefits—because the employee has resisted sexual advances. Recently, the legal definition of sexual harassment has been expanded to include hostile working environment harassment. Hostile working environment harassment is defined as an ''intimidating, hostile, or offensive environment'' or an environment which unreasonably interferes with an individual's work performance.

Unresolved Areas: The federal courts are now wrestling with a range of issues in this area of the law.

Defining quid pro quo: The Supreme Court is considering whether a worker has a legitimate quid pro quo case if the employee neither submitted to the employer nor suffered any tangible detriment for saying no. The employee in the pending case alleges her supervisor made sexually lewd comments throughout her employment, including specific remarks implying her job was on the line if she did not comply with his advances, but the employee never suffered adverse consequences for not complying. The Supreme Court's decision on this case could potentially lower the threshold for what constitutes legitimate quid pro quo harassment, and could directly impact cases pending in federal court, most notably the Jones case.

Defining hostile work environment: In moving a hostile work environment claim, the employee is required to show that the supervisor's conduct was so severe or pervasive that it created a hostile work environment. Federal courts have split on the question of whether an employee must prove not only that the conduct complained of would have offended a reasonable victim, but also that she suffered serious psychological injury as a result of the conduct. The Supreme Court attempted to clarify the matter in 1993, concluding that a victim of sexual harassment need not experience a ''nervous breakdown'' for the law to come into play. But as the Jones case demonstrated, the issue continues to be hotly debated.

Employer liability: A third issue is whether and when employers are liable for the actions of their employees. Most courts usually hold employers responsible for quid pro quo sexual harassment by supervisors, but employers are not automatically liable for a hostile environment created by supervisors or co-employees. In a hostile environment case, the employee must show that the employer's knew or should have known about the harassment.

Same-sex harassment: A fourth issue is whether sexual harassment can occur between an employer and employee of the same sex. The Supreme Court ruled this year that the law does allow for same-sex claims.

Conclusion: What impresses me about this issue is how much difficulty we have had sorting out relations between men and women in the workplace, how much confusion exists between the genders, and how vague and imprecise the law is in this area, even after three decades of evolution. It will not be easy for Congress or the courts to solve this age-old problem. We must, of course, keep trying for better laws and equal treatment, but men's and women's relationships have always been—and will remain—extremely complicated and filled with ambiguities.

The confusion and uncertainties of the sexual harassment laws create wasteful litigation and disruption in the workplace. Employers and employees may not know what is legal and what is not. A vague law makes justice depend on which judge or jury is deciding any particular case. It is time for Congress or the Supreme Court to clarify the law. With current cases pending, it is more likely the Court will speak first.

IN HONOR OF THE CONGREGATION OF GEORGIAN JEWS' 16 YEAR ANNIVERSARY CELEBRATION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1998

Mr. SCHUMER. Mr. Speaker, throughout the past twenty-six centuries the Georgian Jews have carried the torch of the Jewish faith, preserving the traditions, customs and practices of their age-old religion. This special unified community boasts riches of traditions and a unique history and interface with the world's Jewry.

The roots of the Georgian Jewish community extend as far back as the sixth century BCE, where upon expulsion by the Assyrians, as well as the fall of Jerusalem and the destruction of the First Temple, a group of Israelites settled in the Caucasus Region, presently known as the Republic of Georgia. Archaeological discoveries of a number of Jewish settlements from the period of the destruction of the Second Temple, clearly establishes the continuing connection between the Georgian Jews and Jerusalem. Neither Ashkenazi or Sephardi in their affiliation, Georgian Jews represent an independent string to the Twelve Tribes of Israel; a string that has played an integral role in the development and maintenance of the Jewish identity and nationality.

The Georgian Jews' undying devotion to the Jewish faith and patriotism for the Biblical Homeland continues to flourish in this century as well. The Georgian Jews managed to make themselves heard and recognized even from behind the Iron Gates of the Soviet Union in 1969, in the form of a letter sent to the United Nations, which demanded the right to emmigrate to the State of Israel. This unprecedented call for freedom caused the first crack of the Iron Curtain that marked the beginning of the ''Aliyah,'' the migration to Israel, of the oppressed Soviet Jewry to their beloved Homeland.

Today, the Georgian Jews are mostly settled in the United States and Israel and continue to follow in the footsteps of their ancestors, perpetuating the religious and spiritual traditions of their heritage. The Synagogue has always played an integral role in the communities of the Georgian Jews, serving as the center of religious life and the spiritual source of nourishment which feeds the souls of Georgian Jews around the world, from Israel to Georgia to the United States.

The Congregation of Georgian Jews in Forest Hills, New York, the main synagogue, represents the strength of Georgian Jews and is a beacon for their communities throughout the world. The synagogue is a symbol of the survival of the Georgian Jewry, and their dedication to their faith, culture and heritage.

I want to recognize the devotion and determination of the Georgian Jewry that they have continually exhibited towards their religion and communities. The Georgian Jews are truly inspirational. I am confident that their communities will continue to grow and flourish, and that with the future of their children, the light of the past will continue to shine.

LEARN TO FLY MONTH

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1998

Mr. DUNCAN. Mr. Speaker, the General Aviation Industry is one of the most important industries in our Nation. Since the Wright Brothers' first flight in Kitty Hawk, North Carolina, aviation has played a crucial rule in the livelihood of our Nation.