

fee application pursuant to existing NLRB and OSHRC EAJA regulations, but the prevailing party would not be precluded from receiving an award by any burden either agency could show. If the agency loses an action against the small entity, it pays the fees and expenses of the prevailing party.

The FAIR Act applies the same rule regarding the awarding of fees and expenses to a small employer or labor organization engaged in a civil court action with the NLRB or OSHA. This covers situations in which the party wins a case against either agency in civil court, including a proceeding for judicial review of agency action. The Act also makes clear that fees and expenses incurred appealing an actual fee determination under the FAIR Act would also be awarded to a prevailing party without regard to whether or not the agency could show it was "substantially justified."

In adopting EAJA case law and regulations for counting number of employees and assessing net worth, an employer's eligibility under the FAIR Act is determined for Board actions as of the date of the complaint in an unfair labor practice proceeding or the date of the notice in a backpay proceeding. For Commission actions, eligibility is determined as of the date the notice of contest was filed, or in the case of a petition for modification of abatement period, the date the petition was received by the Commission. In addition, in determining the 100-employee limit, the FAIR Act adopts the NLRB and OSHRC EAJA regulations, which count part-time employees on a "proportional basis."

Mr. Speaker, the FAIR Act will arm small entities—businesses and labor organizations alike—with the incentive to defend themselves against these two agencies. The FAIR Act will help prevent spurious lawsuits and ensure that small employers have the ability to effectively fight for themselves when they have actions brought against them by a vast bureaucracy with vast resources.

If the NLRB or the OSHA wins its case against a small employer then it has nothing to fear from the FAIR Act. If, however, one of these agencies drags an innocent small employer through the burden, expense, heartache and intrusion of an action that the employer ultimately wins, reimbursing the employer for its attorney's fees and expenses is the very least that should be done. It's the FAIR thing to do. I urge my colleagues in the House to support this important legislation and look forward to working with all Members in both the House and Senate in passing this bill.

#### INTRODUCTION OF THE AMERICAN HANDGUN STANDARDS ACT

### HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 27, 1999*

Mrs. TAUSCHER. Mr. Speaker, today I am introducing the American Handgun Standards Act so we can finally eliminate junk guns from our streets by demanding that domestically produced handguns meet common sense consumer product protections standards. This bill is companion legislation to S. 193 introduced by Senator BARBARA BOXER.

I find it unbelievable that we subject toy guns to strict safety regulations, but we do not apply quality and safety standards to real handguns.

There are currently no quality and safety standards in place for domestically produced firearms. In fact, domestically produced handguns are specifically exempted from oversight by the Consumer Product Safety Commission; however, imported handguns are subject to quality and safety standards. This disparity in standards had led to the creation of a high-volume market for domestically manufactured junk guns.

Saturday night specials or junk guns are defined as non-sporting, low quality handguns with a barrel length of under three inches. These guns are not favored by sportsmen because their short barrels make them inaccurate and their low quality of construction make them dangerous and unreliable. These guns are favored by criminals because they are cheap and easy to conceal. The American Handgun Standards Act, will amend current law to define a "junk gun" as any handgun which does not meet the standard imposed on imported handguns.

According to the Bureau of Alcohol, Tobacco, and Firearms, in 1996 approximately 242 million firearms were either available for sale or were possessed by civilians in the United States. This total includes 72 million handguns, 76 million rifles and 64 million shotguns. Most guns available for sale in the US are produced domestically. We need to make sure these guns are subject to very strict safety standards. My legislation will make it unlawful for a person to manufacture, transfer, or possess a junk gun that has been shipped or transported in interstate or foreign commerce.

I urge my colleagues to support this bicameral, commonsense legislation.

#### HOTEL DOHERTY IS A SHINING PIECE OF MID-MICHIGAN'S HISTORY

### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 27, 1999*

Mr. CAMP. Mr. Speaker, I rise today to speak about the Hotel Doherty, a building that has become a cherished landmark in the 4th Congressional District. I would like to bring to the attention of my colleagues this magnificent structure and the pride it has brought the people of Clare County.

In 1924, State Senator A.J. Doherty, grandfather of A.J. Doherty, built the hotel as a way to try to return to the people of Clare a fraction of what they had given to him. He had been given a piece of property in Clare with the sole requirement that he erect a hotel costing more than \$60,000. Mr. Doherty far exceeded this sum, building a massive and remarkable hotel that featured every modern amenity possible at that time. Such marvels as radios, hot and cold running water in every room and an Otis Elevator were just a few of its attractions.

As time passed, the Hotel Doherty secured its place as a symbol of pride for Clare. For 75 years, the Hotel Doherty's guests have en-

joyed its fine food and luxurious decor. It serves as a central meeting place in the state, as a respite for travelers and as a site for tourists. Even during tough economic times, the Doherty has maintained a level of excellence that has kept it among mid-Michigan's premier hotel and restaurant establishments.

The Hotel Doherty is also exceptional because it has remained family operated since it opened. Its current operators are Dean and Jim Doherty, the fourth generation of Dohertys to hold that honor.

Through the years, the hotel has changed with the times. It has undergone four expansions and renovations in its existence, but has still retained the charm and class that has made it an institution in mid-Michigan.

It is a special privilege for me to be the Representative for a district that has such a magnificent establishment as the Hotel Doherty. In our quickly changing world, it is comforting to know that the Hotel Doherty has been a shining piece of mid-Michigan's history for 75 years. I am confident that under the Doherty's stewardship, it will continue to be a vital part of its future for many years to come.

#### PERSONAL EXPLANATION

### HON. JUANITA MILLENDER-MCDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 27, 1999*

Ms. MILLENDER-MCDONALD. Mr. Speaker, on Tuesday, May 25, 1999, I was unavoidably detained while conducting official business and missed rollcall votes 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, and 157. Had I been present I would have voted "yea" on rollcall votes 147, 148, 149, and 150.

I would have voted "present" on rollcall vote 151, the Quorum Call of the Committee.

Finally, I would have voted "nay" on rollcall votes 152, 153, 154, 155, 156, and 157.

#### WORKERS MEMORIAL DAY: LEADERSHIP AWARD

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 27, 1999*

Mr. FILNER. Mr. Speaker and colleagues, I rise today to recognize Mary Grillo, as she is honored by the San Diego-Imperial Counties Labor Council, AFL-CIO, with its Leadership Award.

Mary helped rebuild a small local union over the last ten years to become one of the largest, most visible and powerful unions in San Diego, the Service Employees International Local 2028. Her efforts have created a new and strong force in San Diego's labor and political landscape.

Mary has been an enormous inspiration, particularly to those unions who represent women, Latinos, African Americans and Asian constituencies.

She has fought the County of San Diego's Executive Bonus plan, forced the County to make changes and won a new and improved