unused DELTA funds will revert back to the General Treasury. This is a real concern because to date of the $30 million originally set aside for the DELTA Program, only a little more than $3 million has been utilized. This means that close to $27 million is sitting unused at the SBA. I would hate to see that money transferred back to the General Treasury, especially when there are so many small businesses and jobs that hang in the balance.

Second, my bill makes the DELTA Program more accessible to small firms. As the law is written now, in order for a small business to qualify for a DELTA loan a substantial amount, 25 percent to be exact, of its prior year's revenue must be derived from defense-related contracts. However, only a small sector of the defense-dependent small firms can meet this onerous requirement. To fully grasp the impact that the defense spending cuts of the early 1990's had on small companies, it is necessary to look beyond a firm's previous year's revenues. It is too narrow of a measure. Most of the small businesses that relied on defense-related contracts are still reeling from the effects of the defense reductions. Ask any business person and they will tell you that it is impossible to project the impact that a policy change has on small businesses based on just 1 year's operating records.

That is why my legislation expands the eligibility requirement for the DELTA Program. My legislation states that in order to qualify for a DELTA loan a firm must demonstrate that during any one of its 7 preceding operating years, at least 25 percent of its sales were derived from defense-related contracts. This provides a more comprehensive and realistic standard of measure.

Third, my bill increases the loan guaranty rate from 75 to 90 percent. A higher guaranty rate is more attractive to lenders and will enable them to make more DELTA loans.

The last thing I want to see happen is the DELTA Program, a program that Congress has already committed $30 million to go to waste because Congress was not willing to make it work. My bill does not appropriate any new funds for the DELTA Program; it only fine tunes the existing program to make it more available to small businesses. I cannot stand by and let $30 million that was appropriated by Congress to help small businesses go unused. If Congress does not amend the existing DELTA loan program that will happen.

ON THE DEDICATION OF THE WILLIAM DAVIDSON GRADUATE SCHOOL OF JEWISH EDUCATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in commending Mr. William Davidson, president and CEO of Guardian Industries Corp. and managing partner of the National Basketball Association's Detroit Pistons Basketball Club, on the dedication today of the William Davidson Graduate School of Jewish Education at the Jewish Theological Seminary of America in New York City. This event is an important milestone in the history of the Jewish Theological Seminary and will ensure that future generations of scholars have the opportunity to study in one of America's premier centers for Jewish learning.

This new addition to the world's scholarly institutions is only the latest of Bill Davidson's outstanding contributions to the field of education and just another example of his philanthropy. As the founder of the William Davidson Institute at the University of Michigan Business School in Ann Arbor, Bill Davidson endowed an institution whose purpose is to help nations—such as the countries of Central and Eastern Europe and the Republics of the former Soviet Union—make successful transitions from command to market economies. As the founder of the William Davidson Business School at Technion—Israel Institute of Technology in Haifa, Israel, Bill Davidson created the world's first educational institution entirely dedicated to the international management of technology-based companies.

Bill Davidson's commitment to education and the Jewish people has been recognized through the awards bestowed upon him for his service over the years. Among those awards, Bill was the recipient in 1992 of the Fred M. Butzel Memorial Award for Distinguished Community Service, the Jewish community's highest award for volunteer service. He has served as chairman of the United Jewish Appeal for Detroit and as president of Congregation Sha'arey Zedek. Most recently, he has demonstrated his continuing commitment to Israel through his funding of the William Davidson Community Center in Yavne, Israel, and the restoration of the William Davidson Second Temple Period Archeological Park and Orientation Garden in the city of Jerusalem, Israel.

Mr. Speaker, the dedication of the Davidson Graduate School of Jewish Education is only the latest outstanding accomplishment in a career of philanthropy for education and Jewish causes that knows few rivals. I urge my colleagues to join me in commending Bill Davidson for his vision and commitment to education and the Jewish people.

IN HONOR OF FRANK PAGANO: FOR DISTINGUISHED SERVICE TO THE RESIDENTS OF JERSEY CITY AND BAYONNE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a special gentleman, Frank Pagano, who has distinguished himself through his continuous dedication to the residents of my district. Mr. Pagano will be honored by the Bayonne Chapter of UNICO on March 8, 1997, at a black tie dinner dance to be held at the Atrium Restaurant in East Orange, NJ.

Throughout his long career, Mr. Pagano has been a businessman, model citizen, and devoted family man. His entrance into the retail grocery industry came at an early age. In 1929, Mr. Pagano, while still in high school, went to work at Tony Stagno's butcher shop located on the corner of Third and Brunswick Streets in Jersey City. His exemplary work ethic helped him to become proprietor of his own establishment. Never one to miss an opportunity to explore new horizons, Mr. Pagano added produce, groceries, and a deli to his business in 1949 and became Jersey City's first independent owner of a supermarket. The current location of Mr. Pagano's business, North Street in Bayonne, was opened in 1975 with the assistance of his son Joseph. The new store has been an institution in Bayonne for over 20 years. In 1966, Mr. Pagano was selected Man of the Year by the New Jersey Food Merchants.

Mr. Pagano's commitment to serving his fellow community members extends far beyond his business endeavors. He is a firm believer in the notion that assisting our young people to achieve their full potential is the best way for us to meet the challenges of the future. Mr. Pagano has been actively involved in organizations such as the Hudson County Sierra Club and the Jersey City Boys' Club. He is a member of the Dante Alighieri Society, past president of UNICO of Jersey City, and Alhambra Caravan 8. For his efforts, Mr. Pagano has received numerous awards, including the 1992 Everyday Hero Award, the Devoted Service Award from the Boys and Girls Club of Hudson County, and the Humanitarian Award from the Assumption Catholic War Veterans Post No. 1612.

The core of Mr. Pagano's existence is his family. He has been married to the former Anna Garguillo for 59 years. Mr. and Mrs. Pagano are the proud parents of two sons, Joseph and Neil. Joseph and his wife Charlotte have two children, Ben and Joseph; and Neil and his wife Elaine are the parents of three children Kristen, Stacy, and Stephen.

Mr. Pagano epitomizes excellence in community service, and has had a positive impact on many lives. It is an honor and a pleasure to have such a man residing in my district. I am certain that my colleagues will rise with me and honor this remarkable individual.

FREE THE CLERGY ACT, H.R. 967

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. GILMAN. Mr. Speaker, today, I am introducing the Free The Clergy Act, H.R. 967, a bill that will prohibit visas or U.S. Government sponsorship for Chinese Government officials involved in the repression of religion.

Mr. Speaker, there are hundreds of people serving long prison sentences in China and occupied Tibet for practicing their religious faith. Let me repeat that for my colleagues; hundreds of people, Catholics, Protestants, and Buddhists are spending many years of their lives in prison for following religious practices. Unfortunately, the situation is getting worse.

According to a report released by Human Rights Watch/Asia:

> The Chinese government is subjecting unauthorized Catholic and Protestant groups to intensifying harassment and persecution * * *.
>
> During the last two years, the Chinese government broadened its drive to crush all forms of dissent * * * all religious believers, and especially Christians, are seen as potential security risks.* * *

How does Beijing repress religious practitioners? The Communist government sentences a 76-year-old Protestant leader to 15

years in prison for distributing bibles. It sentences a 65-year-old evangelical elder to an 11-year prison term for belonging to an evangelical group outside the government-sanctioned religious organizations. A 60-year-old Roman Catholic priest was sentenced to 2 years of reeducation through labor for unknown charges. He had previously spent 13 years in prison because of his refusal to renounce ties with the Vatican. The 6-year-old Panchen Lama and his family have been detained for 1½ years and their whereabouts are unknown. Scores of Tibetan Buddhists who refused to participate in the Communist Chinese sham enthronement of Beijing's ''Panchen Lama'' have been sent to prison and one of their spiritual teachers committed suicide rather than take part in the Chinese charade.

Mr. Speaker, my colleagues, there are hundreds of such cases. Mind you these people are not spending time in prison and wasting their lives away for calling for political pluralism or democracy. They are being severely punished simply for following their religious beliefs.

The administration argues that economic liberalization will bring about political pluralism. Many policy makers articulate that position due to political pressure from business groups. It needs to be pointed out, however, that sweeping religious practitioners under the same rug for short-term economic interests could be a political mistake that will be a long-term liability. The American people are very concerned about jobs and the economy but not if it is at the expense of their core moral and religious beliefs.

Our Free the Clergy Act would prohibit visas and any United States funds to be spent on Chinese officials who are involved with the repression of religion in China and occupied Tibet. It sends a message that we find religious repression repugnant and at grave odds with important American values.

Accordingly, I urge my colleagues to support H.R. 967 and ask that the full text of our bill be printed at this point in the RECORD:

H.R. 967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) Despite public assurances by the Government of the People's Republic of China that it would abide by the principles of the Universal Declaration of Human Rights and despite the United Nations Charter requirement that all members promote respect for and observance of basic human rights, including freedom of religion, the Chinese Government continues to place severe restrictions on religious expression and practice.

(2) It has been reported that at an internal Central Communist Party meeting in 1994, President Jiang Zemin asserted that religion is one of the biggest threats to Communist Party rule in China and Tibet.

(3) On January 31, 1994, Premier Li Peng signed decrees number 144 and 145 which restrict worship, religious education, distribution of Bibles and other religious literature, and contact with foreign coreligionists.

(4) The Chinese Government has created official religious organizations that control all religious worship, activity, and association in China and Tibet and supplant the independent authority of the Roman Catholic Church, independent Protestant churches, and independent Buddhist, Taoist, and Islamic associations.

(5) In July 1995, Ye Xiaowen, a rigid communist hostile to religion, was appointed to head the Bureau of Religious Affairs, a Chinese Government agency controlled by the United Front Work Department of the Chinese Communist Party. The Bureau of Religious Affairs has administrative control over all religious worship and activity in China and Tibet through a system of granting or denying rights through an official registration system. Those who fail to or are not allowed to register are subject to punitive measures.

(6) In the past year, the Chinese Government has expressed great concern over the spread of Christianity and particularly over the rapid growth of Christian religious institutions other than those controlled by the Chinese Government, including the Roman Catholic Church and the evangelical Christian ''house churches''.

(7) Soon after the establishment of the People's Republic of China in 1949, the Chinese Government imprisoned Christians who refused to relinquish their faith to become servants of communism, charging them as ''counter-revolutionaries'' and sentencing them to 20 years or more in ''reeducation through labor camps''.

(8) Hundreds of Chinese Protestants and Catholics are among those now imprisoned, detained, or continuously harassed because of their religious beliefs or activities.

(9) The prisons and labor camps which hold these religious prisoners are run by the Ministry of Public Security and the Ministry of Justice of the Chinese Government.

(10) Although some negotiations have taken place, the Chinese Government refuses to permit the appointment by the Vatican of Catholic bishops and the ordination of priests not approved by the Government and insists on appointing its own ''Catholic bishops''.

(11) The Tenth Panchen Lama died in January 1989 at Tashilhunpo Monastery, his traditional spiritual seat in Shigatze, Tibet's second largest city.

(12) It has always been the right and the role of the Dalai Lama to recognize the successor to the Panchen Lama. On May 14, 1995, His Holiness the Dalai Lama announced recognition of a six-year-old boy, Gedhun Choekyi Nyima, as the Eleventh Panchen Lama, according to Tibetan tradition.

(13) The young boy recognized by the Dalai Lama and his family have been brought to Beijing by Chinese authorities and have not been seen for months. The Chinese authorities announced publicly in June 1996 that they are holding Gedhun Choekyi Nyima.

(14) Chadrel Rimpoche, abbot of Tashilhunpo Monastery and head of the original search committee for the Eleventh Panchen Lama, and his assistant, Champa Chung, are believed to have been seized and detained by Chinese authorities in May of 1995.

(15) Chinese Government authorities subsequently detained other Tibetan Buddhists in connection with the selection of the Eleventh Panchen Lama, including Gyatrol Rimposhe, Shepa Kelsang, Lhakpa Tsering, and Ringkar Ngawang.

(16) The Chinese Government convened a conference in Beijing where Tibetan monks were coerced to select a rival candidate to the child recognized by the Dalai Lama as the Eleventh Panchen Lama.

(17) On November 29, 1995, officials of the Chinese Government orchestrated an elaborate ceremony designating a six-year-old boy selected by the Chinese Government as the Eleventh Panchen Lama and on December 8, 1995, a Government-sponsored ceremony was held in Shigatze, Tibet, where the boy selected by the Government was enthroned as the Eleventh Panchen Lama.

(18) By seeking to impose its own candidate as the Eleventh Panchen Lama and detaining the six-year-old boy recognized for that position in accordance with Tibetan tradition, the Chinese Government is infringing on a purely Tibetan religious matter, in blatant violation of the fundamental human rights of the Tibetan people.

SEC. 2. CONGRESSIONAL STATEMENT OF POLICY.

It is the sense of the Congress that the President should make freedom of religion one of the major objectives of United States foreign policy with respect to China. As part of this policy, the Department of State should raise in every relevant bilateral and multilateral forum the issue of individuals imprisoned, detained, confined, or otherwise harassed by the Chinese Government on religious grounds. In its communications with the Chinese Government, the Department of State should provide specific names of individuals of concern and request a complete and timely response from the Chinese Government regarding the individuals' whereabouts and condition, the charges against them, and sentence imposed. The goal of these official communications should be the expeditious release of all religious prisoners in China and Tibet and the end of the Chinese Government's policy and practice of harassing and repressing religious believers.

SEC. 3. PROHIBITION ON USE OF FUNDS FOR THE PARTICIPATION OF CERTAIN CHINESE OFFICIALS IN CONFERENCES, EXCHANGES, PROGRAMS, AND ACTIVITIES.

(A) PROHIBITION.—Notwithstanding any other provision of law, for fiscal years after fiscal year 1997, no funds appropriated or otherwise made available for the Department of State, the United States Information Agency, and the United States Agency for International Development may be used for the purpose of providing travel expenses and per diem for the participation of nationals of the People's Republic of China described in paragraphs (1) and (2) in conferences, exchanges, programs, and activities:

(1) The head or political secretary of any of the following Chinese Government-created or approved organizations:

(A) The Chinese Buddhist Association.

(B) The Chinese Catholic Patriotic Association.

(C) The National Congress of Catholic Representatives.

(D) The Chinese Catholic Bishops' Conference.

(E) The Chinese Protestant ''Three Self'' Patriotic Movement.

(F) The China Christian Council.

(G) The Chinese Taoist Association.

(H) The Chinese Islamic Association.

(2) Any military or civilian official or employee of the Government of the People's Republic of China who is directly involved in any of the following policies or practices or who was responsible for the supervision of persons directly involved in such policies or practices:

(A) Formulating, drafting, or implementing repressive religious policies.

(B) Imprisoning, detaining, or harassing individuals on religious grounds.

(C) Promoting or participating in policies or practices which hinder religious activities or the free expression of religious beliefs.

(b) CERTIFICATION.—

(1) Each Federal agency subject to the prohibition of subsection (a) shall certify in writing to the appropriate congressional committees no later than 120 days after the date of enactment of this Act, and every 90 days thereafter, that it did not pay, either directly or through a contractor or grantee, for travel expenses or per diem of any national of the People's Republic of China described in subsection (a).

(2) Each certification under paragraph (1) shall be supported by the following information:

(A) The name of each employee of any agency of the Government of the People's Republic of China whose travel expenses or per diem were paid by funds of the reporting agency of the United States Government.

(B) The procedures employed by the reporting agency of the United States Government to ascertain whether each individual under subparagraph (A) did or did not participate in activities described in subsection (a)(2).

(C) The reporting agency's basis for concluding that each individual under subparagraph (A) did not participate in such activities.

(c) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this section the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 4. CERTAIN OFFICIALS OF THE PEOPLE'S REPUBLIC OF CHINA INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION.

Notwithstanding any other provision of law, any national of the People's Republic of China described in paragraph (1) or (2) of section 3(a) shall be ineligible to receive visas and shall be excluded from admission into the United States.

SEC. 5. SUNSET PROVISION.

Sections 3 and 4 shall cease to have effect 4 years after the date of the enactment of this Act.

DELAURO HONORS ANNA WALSH-CUSANO

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Ms. DELAURO. Mr. Speaker, on Tuesday, November 26, 1996, the Atwater Senior Center will be celebrating its 31st anniversary with an open house, dedication of a health clinic and a luncheon. The new health clinic will be dedicated in honor of the previous director of Atwater, Anna Walsh-Cusano. I am delighted to rise today to congratulate Atwater on this special anniversary and to honor the memory of my friend, Anna Walsh-Cusano.

Anna Walsh-Cusano was the first director of the Atwater Senior Center. An integral part of the Fair Haven community, Atwater has meant a great deal to a countless number of elderly citizens. Anna's family likes to remember that the center meant everything to her. She truly put her heart and soul into running Atwater. After her husband, Fred, died in 1973, Anna spent almost as much time at the center as she did at her home. She became so involved in the lives of residents and she was so dear to them that they came to call her by the affectionate nickname of ''Nonnie.''

Anna clearly understood the need for elderly citizens to have a place to gather for recreation and social events. Senior centers like Atwater provide people with creative outlets and an opportunity to have fun with others. With activities like day and overnight trips, parties, live entertainment and line-dancing and ceramics classes, there is always plenty to do at Atwater. Seniors are an integral part our community and Atwater ensures that they remain active and involved.

As Atwater celebrates its 31st anniversary, it also celebrates the beginning of a unique partnership with the Hospital of St. Raphael. After 2 years of renovations, including a new roof and improvements on a number of rooms, Atwater is unveiling a joint venture with the hospital, the St. Raphael's Health Screening Clinic. The health center will focus on preventive care for seniors. I am very excited about this venture because the combination of these two facilities under one roof will provide seniors with better access to the care they need to stay healthy.

I am very pleased to recognize the 31st anniversary of the Atwater Senior Center. I know Atwater, with the new health center, will continue to provide important services to seniors. I applaud the present director, Norma Rodriguez-Reyes, and all the staff who work so hard every day to make Atwater the special place it is. They should all be very proud on this anniversary.

INTRODUCTION OF THE WORKPLACE FAIRNESS ACT OF 1997

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 1997

Mr. BILBRAY. Mr. Speaker, the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act prohibit discrimination in employment because of race, color, religion, sex, national origin, age, and disability. I believe that we must begin to explore ways to look beyond the traditional model of combating discrimination, which is currently accomplished by protecting a class or category of people. Instead, we must begin to pass laws which protect the individual from discrimination. A person's singular worth and merit should be the yardstick we measure by, rather than a person's behavior or characteristics which attach them to a group. If we predicate discrimination law on distinctions between groups or categories, we negate the original intention of protecting against discrimination itself.

Therefore, I am reintroducing the Workplace Fairness Act of 1997, which will effectively prohibit discrimination on any basis other than an employee's individual merit. Instead of continuing a piecemeal approach to discrimination law by adding special categories to those now protected under title VII of the Civil Rights Act, my legislation ensures that the only factors which employers may consider are those pertaining to job performance. While this may be considered a radical approach to employment law, it is only fair that all employees are duly protected under the law, and not subject to being fired for arbitrary reasons. Without a legislative remedy such as this, Congress is going to be faced with the dilemma of adding special categories to those already protected under title VII of the Civil Rights Act, every time it is believed that a certain class is being unjustly treated. This is no laughing matter, Mr. Speaker, but will left-handed people be added to the list next? What about red-headed people? Under current law, such cases could indeed be made. Let us consider the logical evolution and consequence of this approach.

Specifically, the Workplace Fairness Act prohibits discrimination in a blanket fashion, rather than establishing newly protected classes in addition to those which already exist. It does so by establishing that employers shall not subject any employee to different standards or treatment in connection with employment or employment opportunities on any basis other than that of factors pertaining to job performance. My legislation defines ''factors pertaining to job performance,'' which include employment history, ability, and willingness to comply with performance requirements—including attendance and procedures—of the job in question, educational background, drug and alcohol use which may adversely affect job performance, criminal records, and conflicts of interest.

The Workplace Fairness Act establishes that merit is the sole criterion for consideration in job applications or interviews, hiring decisions, advancement, compensation, job training, or any other term, condition, or privilege of employment. Additionally, those currently protected under title VII of the Civil Rights Act will still be able to seek redress upon enactment of the Workplace Fairness Act, as my legislation avails existing title VII remedies to any individual discriminated against under my bill. My legislation also exempts religious organizations, prohibits the establishment of quotas on any basis other than factors pertaining to job performance, and specifically does not invalidate or limit the rights, remedies, or procedures available under any other existing Federal, State, or local law to persons claiming discrimination.

Under the Workplace Fairness Act, employers and employees will still be allowed to enter into an alternate dispute resolution agreed upon before the term of employment begins, just as under current law. Further, the existing Federal statute in rule 11 of the Federal Rule of Civil Procedure states that if a frivolous lawsuit is filed by the plaintiff—the employee or prospective employee—then the court may rule that the plaintiff may pay the expenses of the defendant—the employer. Additionally, rule 68 of the Federal Rule of Civil Procedure is enforced in civil rights cases such as those that would be brought about under the Workplace Fairness Act. Rule 68 states that the fee burden can be shifted from the employer to the employee, if the employee files a frivolous claim, or if the employer is found to not be at fault.

While my legislation will clarify once and for all the civil rights of all Americans, it still gives employers adequate flexibility in determining who they wish to hire, and ensures that they provide just cause for termination that is unrelated to job performance. Discrimination law should mirror the goal which it is intended to embody. Our laws should reflect a standard governed by individual merit, not by an individual's relation to a defined group. The image of a discrimination-free society is undermined by a society whose laws supersede the value of those they are intended to protect: the individual. I urge my colleagues to cosponsor my legislation, and build upon our past successes by creating a new model to combat discrimination in America.