

of up to one-half of a work day would ease the burden significantly for employers, both in terms of necessary paperwork and with respect to being able to cover efficiently for absent employees.

Where the employer does not exercise its right to require the employee to substitute other employer-provided leave under the FMLA, the FMLA Clarification Act shifts to the employee the need to request leave be designated as FMLA leave, and requires the employee to provide written application within five working days of providing notice to the employer for foreseeable leave, and within a time period extended as necessary for unforeseeable leave, if the employee is physically or mentally incapable of providing notice or submitting the application.

Requiring the employee to request that leave be designated as FMLA leave eliminates the need for the employer to question the employee and pry into the employee's and the employee's family's private matters, as required under current law, and helps eliminate personal liability for employer supervisors who should not be expected to be experts in the vague and complex regulations which even attorneys have a difficult time understanding.

With respect to leave taken because of the employee's own serious health condition, the FMLA Clarification Act permits an employer to require the employee to choose between taking unpaid leave provided by the FMLA or paid absence under an employer's collective bargaining agreement or other sick leave, sick pay, or disability plan, program, or policy of the employer. This change provides incentive for employers to continue their generous sick leave policies while providing a disincentive to employers considering getting rid of such employee-friendly plans, including those negotiated by the employer and the employee's union representative. Paid leave would be subject to the employer's normal work rules and procedures for taking such leave, including work rules and procedures dealing with attendance requirements.

Despite the common belief that leave under the FMLA is necessarily unpaid, employers having generous sick leave policies, or who have worked out employee-friendly sick leave programs with unions in collective bargaining agreements, are being penalized by the FMLA. In fact, for many companies, most FMLA leave has become paid leave because the regulations state that an employer must observe any employment benefit program or plan than provides greater rights than the FMLA. Furthermore, because employers cannot use the taking of FMLA leave as a negative factor in employment actions, such as hiring, promotions or disciplinary actions, nor can they count FMLA leave under "no fault" attendance policies, the regulations prohibit employers from using disciplinary attendance policies to manage employees' absences, even though employers are required to pay for the absences under their short-term disability programs if either the employee or the employer elects to substitute paid leave.

My bill also addresses some of the problems employers often face in determining the validity of an employee's FMLA certification, by clarifying that sufficient certification under the FMLA must include "the appropriate medical facts, which must be documented by objective medical findings."

Health care providers are accustomed to responding to telephone inquiries from employ-

ers' health care providers and the information they provide on the FMLA certification form is often internally inconsistent or does not support a finding of incapacity. The bill would require the employee's health care provider to document on the form the objective medical findings supporting the finding of incapacity. Due to the limits imposed by the Department of Labor's regulations, the employer's health care provider cannot even call the employee's health care provider if the employee declines to give permission. Nor can the employer's health care provider obtain the usual documentary support for a disability. These limitations either lead the employer to deny FMLA coverage due to lack of sufficient certification, or to grant FMLA coverage despite the lack of sufficient factual support just to avoid a dispute. This clarification would simply give the employer more information upon which to determine whether or not a leave request qualifies under the FMLA.

SINGING LANCERS—A SOURCE OF PRIDE FOR THE SPRINGFIELD COMMUNITY

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. HYDE. Mr. Speaker, the choirs of Lee High School in Springfield, Va. drew words of praise from faculty and community residents following their participation in the competitive April 17 Boston Music Festival.

Every year the group competes in Music Festivals representing Lee High School and the community's finest youth. Under the direction of Mr. G. Lindsey Florence, the Singing Lancers, known for their high standards of music excellence, returned from the April 17 competition holding their silver and bronze trophies high with pride. The Madrigals and Ladies Chamber Choir carried the Silver and the Concert and Lee Freshmen Choirs held the Bronze. This is an exceptional honor because the four choirs' performance were adjudicated on a college and professional level by a panel of three judges.

Their achievement deserves recognition, and it gives me great pleasure to acknowledge each of these fine young men and women. Congratulations to: Matt Aberant, Denise Absher, Karen Albers, Jessica Alonzo, Amanda Anderson, Kristine Antiporda, Mary Assad, Hyun Bae, Lena Berdecia, Katie Brado, Kelly Brehm, Lauren Buchanan, Ashley Bush, Nicki Clark, Rachel Cooper, Liz Cego, Lindsay Cronin, Rachel Cully, Jeni Davis, Abigail Dosh, Kelly Dreier, Mary Fitzgerald, Ashley Flanders, Heather Flemming, Kristine Foulkes, Kyle Friesland, Chris Fritz, Reagan Goodman, Brian Gresham, Rachel Griffin, Kristen Hampton, Chipp Hewitt, Dan Hinson, April Holloman, Michelle Hudgens, Brandy Hume, J.P. Javier-Wong, Tim Jeffers, Erlend Johnson, Dan Kim, Tasha Kulenguski, Peter Laver, Danielle Lawson, Mike Lazeear, Darice Lee, Natalie Lent, Amanda Lindberg, Jennifer Little, Madeline Mace, Candace Mallon, Courtney Mallon, Chris Marfori, Maggie Martin, Tara McCabe, Heather McKay, Darin McMillen, Dave McMullin, Meg Meyer, Abby Meyer, Carrie Moore, Jason Morgan, Shaun Newman, Jared Orton, John Oudomsouk, Tim Parsons,

Alicia Perretti, Jessica Piansky, Rachel Plowman, Michelle Poling, Jason Potts, Leslie Potts, Alicia Powell, Lindsay Powers, Anna Ramedo, Davis Reynolds, Ian Richmond, Brook Rubeor, Amy Simpson, Julie Saholsky, Jenny Sellers, Liz Shwaery, Sara Sikorra, Leslie Simpson, Beth Sivola, Justin Smallwood, Kirstin Stamper, Julie Stoops, Stacey Stratton, Dawn Thompson, Christal Wells, Melissa Wilkerson, Sarah Wills, Eric Womac, Kelsey Wright, and Christina Yip.

PALCARE—MODEL CHILD CARE CENTER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. LANTOS. Mr. Speaker, last week President Clinton delivered an important address in the Rose Garden about the critical need for quality, affordable child care in our country. The President reviewed several ideas and proposals designed to meet this demand, contending that we have "to act on the overwhelming weight of the evidence about the importance of the earliest years in the child's life."

I wholeheartedly agree with President Clinton, and I believe that I can point him to an outstanding example of what can and should be done. Palcare in Burlingame, California, is an exceptional, nonprofit child care center designed to address the most serious concern that dual-income and single-parent families in the Bay Area are forced to confront—the need to ensure a safe, nurturing environment for their children. I visited Palcare last month and came away with an immense appreciation for its educational excellence, its devoted staff, and, most of all, its invaluable assistance to mothers and fathers from across the Peninsula.

I am delighted to congratulate Palcare on the fifth anniversary of its opening and on its exceptional record of community service in San Mateo County.

As our country has shifted from an industrial to a service-based structure, the traditional one-income family has become more the exception than the rule, and 9-to-5 work days are increasingly becoming a rarity. Many single parents hold three or more jobs, struggling to create a positive environment for their children while fighting to earn the financial resources to feed them, clothe them, and educate them.

Palcare responds to their social dilemma described by former U.S. Secretary of Labor Robert Reich during a visit to the child care center in 1995: "Finding good child care is a challenge for everyone, but it's compounded by nonstandard hours. Our service-based economy is increasingly running 24 hours. Parents are required to work early in the morning, nights and on weekends."

Mr. Speaker, this excellent child care center provides the highest quality service night and day, seven days per week, for over two hundred families. It enhances the work force by enabling parents to take jobs they would otherwise be unable to accept; it gives our youngest citizens a constructive educational milieu in which to grow; and, perhaps most important, Palcare allows mothers and fathers

employed at the San Francisco International Airport and its surrounding communities to work without fear for the safety and well-being of their sons and daughters.

Palcare's origins reflect the diverse coalition of Bay Area organizations that rely on its vital work. Corporations and labor unions, public interest groups and private foundations, county and local governments alike joined together during the late 1980's and early 1990's with the goal of reducing pressure on working parents. These disparate elements disagreed on many political and economic issues, but they were united in their vision of the benefits which hard-working mothers and fathers were entitled to receive.

They wanted a top-notch, secure facility with the space and comfort to serve as a cocoon for the intellectual, social, and physical development of young children; an educated and motivated staff with an Early Childhood Educator devoted to each and every boy and girl; a level of flexibility to accommodate the complex and hectic work schedules of single parents and multiple-income families, and a measure of affordability that would allow mothers and fathers to avoid painful choices between important parenting priorities. These ideals guided the creation of Palcare and formed a combination of values which has resulted in Palcare's extraordinary success over the past five years.

Mr. Speaker, to give credit to all of the individuals and organizations that have contributed to Palcare's growth and acclaim would require a book, but I want to mention some of the key ones. Its Founding Partners, the varied array of interests determined to develop a solution for the area's child care crisis, deserve special recognition: United Airlines, the San Francisco International Airport, the Airport Labor Coalition, San Mateo County government, the City and County of San Francisco, Mills Peninsula Health Services, The Child Care Coordinating Council, the San Mateo Central Labor Council, and The United Way. This partnership has been bolstered by many large and small employers from throughout the Bay Area who have contributed generously to Palcare's scholarship fund to dilute the financial burden on working parents, and who have donated valued supplies and services to the center. Recent benefactors have included The Gap Foundation, PG & E, Xerox Corporation, and the Visa Corporation.

The organization has also been blessed by the sincere efforts of Palcare Parents, several of whom sit on the 21-person Board of Directors and many of whom formed an active Parent Advisory Committee to suggest improvements to the center. Above all, Palcare is the product of its talented and nourishing staff under the leadership of Executive Director Nirmala Dillman. Mr. Speaker, these fine individuals and bodies stand proudly as a model for child care providers and community leaders across America.

I am joined in my appreciation of Palcare by many impressive entities. The center has been recognized by the Women's Bureau of the Departmental of Labor, the Association of Work/Life Professionals and the California Association for the Education of Young Children as an example for others to emulate. These experts are exceeded in the degree to which they cherish Palcare only by the mothers and fathers who draw comfort and security from its services. Art Pulaski, a good friend of mine

who is Executive Secretary-Treasurer of the California Labor Federation, AFL-CIO, and a Palcare Parents, said: "The thing I think about most is my kids—that they're safe, well cared for, and happy. It's important to me that they are prepared for school, academically as well as socially."

For the sake of Art's son, Luke, and for all of the other Bay Area families that value its services, it is a privilege and honor for me to congratulate Palcare on five years of invaluable contributions, and to express my hope that every parent in America will eventually have access to the type of care which Palcare so ably provides for our community.

IN CELEBRATION FOR THE 200TH
ANNIVERSARY OF THE FIRST
PRESBYTERIAN CHURCH OF
CHESTER, NEW YORK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to call attention to the 200th anniversary of the First Presbyterian Church of Chester, NY.

For two hundred years the First Presbyterian Church has served the community of Chester, bringing neighbors, friends and the community as a whole together. The church has been instrumental in the development of Chester, helping to educate and fill the spiritual needs of residents and families throughout the region.

The First Presbyterian Church is truly a remarkable organization, built in 1798 the church has been an active part of Chester's community. Beyond its normal church activities the church provides: a nursery school, a food pantry and also sponsors a local boy scout troop.

Mr. Speaker, I would like to extend my congratulations to Rev. Karen Patricia to her church councils, and her congregation for the 200th anniversary of their important and noteworthy church. I would also like to take this opportunity to invite my colleagues to join with me in recognizing the great contributions of the First Presbyterian Church in Chester, NY.

HONORING OUTSTANDING
HISPANIC BAYTONIANS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor 50 outstanding hispanic individuals and organizations who will be recognized May 1, 1998 in special programs at Exxon, Lee college, and San Jacinto Mall in Baytown, TX. These individuals and organizations are historical pioneers who have helped pave the way for Baytown's growing and vibrant community. As the citizens of Baytown and Texas celebrate the first 50 years of this great Texas city, we also honor the following hispanic Baytonians for their leadership and commitment to the future of the Baytown Hispanic community:

Mayor Pete Alfaro, Antonio Bañuelos, Bañuelos Boys Band, Baytown Mexican

School, Baytown Mexican War Heroes killed in action, (Don) Fermin Beltran-Juarez, The Honorable Eva Benavides, The Honorable Tony Campos, U.S. Marshall Art Contreras, Amelia deHoyos, Guadalupe Aleman deHoyos, Ruben deHoyos, Councilman Manuel Escontrias. Manuel Espinoza, Jr., Gilberto Garcia, Frank Gonzalez, Sr., Luciano and Manuela Gonzalez, Regina Gonzalez-Martinez, Hispanic Chamber of Commerce of Greater Baytown, Humble 997 Baseball Team, Ladies Auxillary—Sociedad Mutualista, La Tipica Orchestra Fem., Las Guadalupanas, Mexican American Graduating Seniors (M.A.G.S.), Pioneer Mexican Laborers, Jose and Virginia Moreno, Marta Moreno, Willie Moreno, Alfonso Nava, Vicente Nieto, Aurora Porter, Ignacio Ramirez, Sr., Eugenia Renteria, Pablo Reyna, Ambrose Rios, Jr., Eugenia Renteria-Rios, Feliciano Rios, M.D., Freddy Rios, Geneva Renteria-Rios, Janie Salinas-Bricker, Rufo Sanchez, Hilda Sandoval-Pena, Eugenio Santana, Sr., Sociedad Mutualista, Rudolph Torres, Eloy Valdes, Lucas Vegas, Jr., Elena R. Vergara, George Zamora, Mercedes Zamora.

I congratulate these outstanding citizens and organizations and commend them on their many contributions to the City of Baytown and the Hispanic community.

HAPPY 100TH BIRTHDAY TO MRS.
REGINA HIEBEL

HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. JOHNSON of Wisconsin. Mr. Speaker, today, it is my great honor and pleasure to wish a very happy birthday to Mrs. Regina Hiebel of Appleton, Wisconsin on the occasion of her 100th birthday. Mrs. Hiebel will reach the century mark on May 8 of this year, an incredible milestone.

She has lived to enjoy what Cicero called "the crown of life." She is blessed by many years, and all who spend time with her are blessed by her company. Mrs. Hiebel's friends know her to be kind and fascinating and courageous. I am even told that she elected to have surgery at the tender age of 92, a brave decision indeed.

Mrs. Hiebel continues to lead a vibrant life. Even in her most recent years, she has traveled the country, and her friends tell me she still has meals with friends every day and has her hair done every week.

I know all of Appleton and the people of Northeast Wisconsin join me in wishing Regina Hiebel a happy, happy 100th birthday.

GRAND JURY REPORT ON THE 1993
SPECIAL ELECTION FOR THE
SECOND SENATORIAL DISTRICT
SEAT

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 1998

Mr. PITTS. Mr. Speaker, today I would like to submit into the record the findings of the Ninth Statewide Investigating Grand Jury's Report relating to the 1993 Special election for