

well as the fundamentals of living a good, clean life. Tony was a man devoted to teaching children the importance of education, and a coach remembered for his willingness to offer guidance both inside and outside of the ring. Other community service initiatives in which he participated include serving as a Catholic Youth Organization boxing coach, promoting youth boxing tournaments, and visiting with polio patients. Tony Zale was honored for his efforts in October 1990, when President George Bush presented him with the Presidential Citizen's Medal.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in paying tribute to Mr. Tony Zale. His children, Mary Medeiros and Theresa Gassis, grandchildren, and nieces and nephews, can all be proud of his professional accomplishments, as well as his commitment to improving the quality of life for the residents of Indiana's First Congressional District. Tony Zale will always be remembered as a true leader and will remain a role model for generations to come.

#### CONGRATULATIONS TO CAMP PENDLETON

#### HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. PACKARD. Mr. Speaker, I proudly rise today to recognize Gen. Claude Reinke and the men and women of Marine Corps Base Camp Pendleton in my district in Oceanside, CA, for their dedicated effort towards environmental conservation.

I have admired General Reinke and his leadership ability and enjoyed the close working relationship we have shared for many years.

Today, Camp Pendleton is being honored by the Department of Defense as the 1996 Environmental Security Award winner in the natural resources conservation category. This award recognizes Camp Pendleton for its "outstanding accomplishments in the conservation of natural resources \* \* \* and ensuring their continued availability for future generations.

Camp Pendleton, the largest military facility land wise was praised for the advancement in the ecosystem management of the 119,000 acres that encompasses the base. Among other aspects, Camp Pendleton's officials were especially noted for an enhancement program of two near extinct species present on the base.

It is my pleasure to also recognize Susan Gibson, an environmental program manager at Camp Pendleton, who is being individually recognized for her role in initiating "significant progress in avoiding and controlling air, water, land and noise pollution."

Mr. Speaker, as one of only six installations to ever win this award twice, I believe Camp Pendleton's men and women are to be commended for their effort and hard work toward environmental safety concerns and congratulated for winning this award.

#### TRIBUTE TO LINDA L. CROUSHORE, ED.D., CELEBRATING THE 10TH ANNIVERSARY OF THE MON VALLEY EDUCATION CONSORTIUM

#### HON. MIKE DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. DOYLE. Mr. Speaker, I rise today to honor Dr. Linda Croushore and to recognize her years of outstanding leadership at the Mon Valley Education Consortium. Dr. Croushore's vision of public education has been the source of positive change for the students and communities of the Mon Valley.

Under the direction of Dr. Croushore, the Mon Valley Education Consortium has more than lived up to its name by launching innovative projects that engage our children in the learning process while building partnerships among the 20 school districts they serve and the surrounding region. Clearly, Dr. Croushore's belief that every community has the capacity to respond through collaborative action has been proven to be true as evidenced through the countless number of success stories the consortium has helped to write over the past 10 years.

Since its inception in 1987, the Mon Valley Education Consortium has grown considerably, but its core commitment to providing every child with a quality education through the leadership, and support of many, has steadfastly remained. While not always an easy task, creating consensus from within has been a hallmark of Dr. Croushore's guidance. More than words can convey, Dr. Croushore's actions illustrate that improving our public schools is not an option, but a necessity.

I am pleased to consider Linda a friend, and know that I am not alone in having an enormous amount of respect for her. Congratulations and thank you for your significant achievements on behalf of quality public education, and most of all for your indefatigable spirit.

#### INTRODUCTION OF LEGISLATION TO PROVIDE A PERMANENT EXTENSION OF THE TRANSITION RULE FOR CERTAIN PUBLICLY TRADED PARTNERSHIPS

#### HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. HOUGHTON. Mr. Speaker, I am joined by my colleagues, including Mr. KLECZKA, Mr. CRANE, Mrs. KENNELLY, Mr. BUNNING, Mr. NEAL, and Mr. HERGER, in introducing legislation to permanently extend the 10-year grandfather for publicly traded partnerships [PTP's]. This legislation applies to those PTP's that were in existence at the time the Omnibus Budget Reconciliation Act of 1987 was passed.

Publicly traded partnerships were first created in the early 1980's for the purpose of combining the traditional limited partnership form with the ability to still have the partnership units freely traded on an established securities market or are readily tradable on a secondary market.

Section 7704, which was enacted as part of the Omnibus Budget Reconciliation Act of 1987, provides that certain publicly traded partnerships shall be taxed as corporations. However, the 1987 act completely exempted certain types of PTP's from the reach of section 7704. To be an exempt PTP, 90 percent or more of the partnerships gross income must be qualifying income. In other words, income derived from resources such as timber, oil and gas, minerals and real estate. Further, an exempt PTP need not have been in existence in 1987 when section 7704 was enacted. In addition, other PTP's in existence when section 7704 was enacted were grandfathered, but only for 10 years, through 1997. Our bill would extend this grandfather provision permanently.

I can foresee that some people might view this proposal as special interest legislation. I strongly disagree. Had we chosen in 1987 to provide a permanent grandfather for existing PTP's, no one would have batted an eye. Instead, a permanent grandfather in 1987 would have been an appropriate decision for Congress to make based on the extent to which PTP's relied on the law that was in effect when they were created. The fact that the decision was initially made in 1987 should not stop us from revisiting the issue so long as the original decision has not yet taken effect.

We in Congress are called on to make decisions about appropriate transition relief in virtually every tax bill. Indeed, these types of decisions are ones that are particularly suited for the Members of Congress to make, since they generally involve the balancing of competing interests rather than technicalities of tax law.

Our proposal is different only because it is separate in time from the 1987 act. On the other hand, the proposal is generic in scope, applying to any PTP fitting the criteria. We believe that it is fair, before the 10-year grandfather expires, to determine whether the previous decision was proper or whether a permanent rule is a better choice.

Generally, Congress does not place time limits on grandfather provisions, other than what might be called project-specific provisions. The reasoning behind this policy is that if taxpayers were justified in relying on the law in effect at the time the taxpayer took action, then the taxpayers deserve relief from the change in the law, not just for a limited period but as long as the taxpayer's circumstances do not change.

#### REASONS FOR A PERMANENT GRANDFATHER

Some may wonder why these PTP's should be permanently grandfathered. After all, if they were taking advantage of so large a loophole that Congress had to shut it down, why should they benefit merely because they got in under the wire?

The truth is that these PTP's did not take advantage of an egregious loophole. PTP's are structured no differently from other types of limited partnerships. They merely combined that basic limited partnership structure with the ability for the units to be readily traded. The problem was thus not a loophole in the Tax Code that needed to be closed retroactively.

These PTP's relied on the law in effect before passage of the 1987 act, and that reliance was completely reasonable. The first proposal directed toward PTP's surfaced in 1984, but President Reagan chose not to forward it to Congress in his tax reform recommendations and we did not independently

take up the idea in 1986. It was only when Treasury proposed section 7704 in mid-1987 as part of a list of acceptable revenue raisers that the proposal received any official endorsement. By that time, most of the affected PTP's were already in existence.

This raises what I believe is the most important issue in this debate: fairness to the PTP's and, more important, their owners. The process of converting from a corporation to a PTP is a costly and time-consuming one, easily taking over 1 year. The conversion process involved consultation with investment bankers, appraisals, planning by corporate finance, securities and tax lawyers, multiple filings with the SEC and State securities agencies, proxy statements and shareholder votes, etc. This process would not have been started or completed had there been any reasonable prospect that a change in the tax law would have applied retroactively or after a limited period of time.

To make matters worse, many of these same costs will be incurred once again if the 10-year grandfather is not made permanent. Grandfathered PTP's will be forced to convert to corporate form on January 1998. To do so, however, will require lengthy planning, and the same investment banking advice, appraisals, and attorney fees. The need for extensive, advance planning makes it essential that the matter be resolved this year.

More important, is the effect that loss of the grandfather will have on PTP investors. It is a virtual certainty that the value of PTP units will be affected adversely if the grandfather expires. Thus, the investor will suffer the most. Who are these investors? Most are average, middle-class taxpayers who have invested in PTP units because of their high yield, many before the 1987 act was passed.

We do not achieve any tax policy goal by honoring the 10-year grandfather. That goal was fully achieved by making section 7704 apply prospectively. Instead, all we would accomplish by retaining the 10-year grandfather would be harm to these PTP's and their investors. There is no doubt what our decision should be.

In conclusion, I want to note the diversity of the PTP's that would benefit from permanent extension of the grandfather. The PTP's affected are involved in a wide variety of industries, from motels and restaurants to chemicals, financial advising and macadamia nuts. Undoubtedly, these businesses operate in many of our districts. Of course, our districts are the homes to the individual investors in these PTP's. The most recent court indicates that there are well over 300,000 individual investors.

The 10-year grandfather hangs like a sword of Damocles over each one of these PTP's. We in Congress have the ability to remove that sword and there is no reason why we should not do so. We urge our colleagues to join with us to support this bill.

#### THE KINSHIP CARE ACT OF 1997

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 24, 1997*

Mrs. MORELLA. Mr. Speaker, I rise to introduce a bill to encourage kinship care families,

families in which adult relatives are the preferred placement options for children separated from their parents.

Last year I introduced similar legislation, and I am pleased to report that a portion of it was incorporated as part of welfare reform—States must now consider relatives who are willing and able to care for minor children before placing them in other foster care situations.

The legislation I am introducing today would go one step further by giving States the flexibility to create a new type of foster care—kinship care—as a demonstration project. It would authorize States to examine and test how their child protection system could incorporate safe, cost-effective kinship care placements. States would have increased flexibility to waive portions of the IV-E foster care program in order to provide services and payments to kinship-care placements. It would help families to rely on their own family members as resources when a child is legally separated from his or her parents.

We clearly need this legislation. From 1985 to 1990, the number of children in foster care increased by 47 percent, while the number of foster families decreased by 27 percent. Furthermore, when a child must be removed from his or her parents, placing the child with a caring relative helps keep the family together and limits disruption to the child's life. Ironically, relatives who want to care for the child often find themselves burdened with legal and bureaucratic paperwork and regulation, and they lack the support services available to regular foster care families.

By giving States the flexibility to create a new type of foster care—kinship care—support services and payments could be made to kinship care placements. States would transfer custody of the child to the adult relative and then would have the flexibility to make some payments and provide services to these children under the IV-E program. Kinship care could be considered a long-term placement option for the States.

In order to be considered an eligible family for kinship care placements under this bill, certain criteria must be met. The child must be removed from the home as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child, the child would otherwise be placed in foster care, and that there are adult relatives willing to provide safe and appropriate care for the child.

This legislation is revenue neutral because States would incorporate kinship care into their child welfare system. States would evaluate their kinship care system for outcomes for children and families, safety of the children, and cost savings. At the end of 4 years, the Secretary of Health and Human Services would evaluate the State kinship care demonstrations and recommend legislative changes based on their evaluations.

This legislation would also require States to provide relative caregivers with notice of, and an opportunity to be heard in, any dispositional hearing or administrative review held when considering the health and safety of a related child.

Mr. Speaker, I have heard from grandparents who desperately want to provide their grandchildren a loving, supportive, and safe home. Because of burdensome regulations, these children end up in the expensive foster

care system. Grandparent groups around the country support this legislation, I met with many of them today. I strongly urge my colleagues to cosponsor this bill and urge its swift passage.

HONORING PASTOR RODERICK MITCHELL

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 24, 1997*

Mr. THOMPSON. Mr. Speaker, I rise today to honor Pastor Roderick Mitchell, one of my constituents who has had an invaluable role in the lives of many families in the Mississippi Delta.

Pastor Mitchell grew up in a troubled household and was forced to spend much of his childhood protecting his mother and younger siblings from his abusive father. He never forgot those mornings he passed crouching, hiding miserably in the cotton fields surrounding his home.

Pastor Mitchell now divides his time between his ministry in Cleveland, MS and his many initiatives to speak out against spousal violence, sexual assault, and child abuse. In 1995 he established a desperately needed rape crises program in his church that has evolved into a community-based organization, the Exodus Center for Life, which provides services to all victims of crime. Pastor Mitchell is perhaps best known for his educational programs that use puppets to teach children in Headstart programs about child abuse and also give information about date rape and domestic violence to youths in school. He has implemented a violence prevention program for teenagers called Preparing our Sons for Manhood, and he also serves as a counselor in Men Against Spousal Harm [MASH], a treatment program for batterers in the Mississippi Delta.

One of Pastor Mitchell's colleagues summed up his efforts recently, saying, "his experience as a victim of domestic violence and his deep belief in the power of education transcend cultural and denominational barriers, reaching all crime victims, young and old, as well as at-risk youth with inspirational messages that help to heal and prevent crime."

Mr. Speaker, Mississippi and this Nation owe a debt of gratitude to Pastor Mitchell. If we are ever to transcend the cycle of violence, hatred, and anger that plagues America, we will need to follow this shining example of selfless determination. I honor Pastor Mitchell, and I thank him for his work.

TRIBUTE TO THE CENTENNIAL OF ALLENHURST, NJ

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 24, 1997*

Mr. PALLONE. Mr. Speaker, on April 26, 1997, the Borough of Allenhurst, NJ, will celebrate the 100th anniversary of the founding of their community. A reenactment of the first meeting of the board of commissioners will take place at the Allenhurst Beach Club on