

contaminated eggs; and tracked the source of Legionnaire's disease that may have killed as many as eight people and hospitalized dozens more to an air conditioning unit. During his tenure he published nearly 180 scientific papers in the *New England Journal of Medicine*, the *Journal of the American Medical Association*, and other publications. In addition, he contributes to or helps edit 25 medical journals.

Most recently, Mr. Osterholm has been actively engaged in bringing attention to the threat of bioterrorism. Due in part to his diligence, the President recently announced a significant investment in the federal response to a biological attack on the United States. He highlighted the issue at every turn, and made me and others aware of the sorrowful state of our vaccination supplies for potential biological agents that could be used in an attack.

While Mr. Osterholm's departure is a loss for the state Department of Health, I am pleased that he will continue his efforts through a new enterprise he is embarking on in the private sector, and will remain "on call" to the state in times of need. My thanks and best wishes to Mike Osterholm and his wife Barb Colombo, a former Assistant Commissioner of Health, and their children. Your exemplary service to our state and nation is greatly appreciated.

LEGISLATION TO PROHIBIT THE
DEPARTMENT OF THE TREASURY
FROM ISSUING ANY REGULATIONS
DEALING WITH HYBRID TRANSACTIONS
UNDER SUBPART F OF THE INTERNAL
REVENUE CODE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. CRANE. Mr. Speaker, joined by my Ways and Means Committee colleague, Mr. MATSUI, I introduced legislation today to prohibit the Department of the Treasury from issuing any regulations dealing with hybrid transactions under Subpart F of the Internal Revenue Code. The bill will further instruct the Secretary of the Treasury to conduct a study of the tax treatment of hybrid transactions and, after receiving input from the public, to submit his findings to the House Committee on Ways and Means and the Senate Committee on Finance.

This legislation is identical to a bill we introduced in the 105th Congress. During the last Congress, most members of the House Ways and Means Committee expressed their concern over the policy changes to Subpart F suggested by Treasury in Notice 98-11. Both Chairman Archer and Ranking Democrat Rangel wrote Secretary Rubin to express their concerns with both the policy changes pursued by Treasury as well as the means by which Treasury implemented the changes. Mr. Matsui and I, along with 31 other Committee members, also wrote Treasury asking them to withdraw the regulations in order for Congress to have an opportunity to review the issues. We hoped that Treasury would do this in consultation with members of our Committee.

The provisions of Subpart F of the Code have a direct impact on the competitiveness of

U.S. businesses operating in the global marketplace. Congress historically has moved carefully when making changes to those sections of the Code relating to international taxation. Unwarranted or injudicious action in these areas can have a substantial adverse impact on U.S. businesses operating abroad.

Treasury issued Notice 98-11 to restrict the use of hybrid entities. After input from Congress and the business community, Treasury issued Notice 98-35, which withdrew Notice 98-11. However, Notice 98-35 still left Treasury with the option of issuing binding rules regarding hybrid transactions. And, although the rules will not be finalized before January 1, 2000, they will be effective for certain payments made on or after June 19, 1998. I am concerned that Treasury's actions, in effect, legislate in this area. Our bill will protect Congress' Constitutional prerogative.

With regard to the policy, I am concerned that the proposed changes would put U.S. companies at a competitive disadvantage in world markets by subjecting them to more taxation by foreign governments. This raises the question as to why the U.S. Treasury Department is so concerned about helping to generate revenue for the coffers of other countries. Furthermore, Notice 98-35, or similar regulations, is at odds with changes Congress recently made to Subpart F in the Taxpayer Relief Act of 1997.

I look forward to further study and input from Treasury on the issue of modifications to Subpart F. However, we must not allow Treasury to implement regulations in this area until Congress determines the appropriate course of action. The bill we introduce today will allow for that judicious process to go forward and I urge my colleagues to join with us by cosponsoring this bill.

INTRODUCTION OF LEGISLATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. OBERSTAR. Mr. Speaker, the European Community has proposed regulations that would discriminate against U.S. aircraft and airlines by banning certain aircraft for allegedly creating excessive noise, while not banning European aircraft that are noisier. This proposal is particularly aggravating when we recall that we have allowed British Airways and Air France to fly the Concorde into the United States, even though the Concorde does not meet our environmental noise limits.

To counter the unfairness in Europe toward U.S. aviation, I am introducing legislation today with my colleagues Mr. SHUSTER, Mr. LIPINSKI, and Mr. DUNCAN to ban supersonic aircraft, specifically, the Concorde, from operating in the United States if the European Union ("EU") adopts the proposed regulation that will blatantly discriminate against U.S. aviation products.

The EU proposed regulation, which may be considered by the European Parliament this week, would restrict the use, in Europe, of certain aircraft that have had either a new engine, known as a "re-engined" aircraft, or a hushkit installed to meet the highest current noise standards, called Stage 3 or Chapter 3. The European restriction would only apply to U.S.

aircraft and engines even though, in some cases, they are quieter than their European counterparts that would continue to be operated. If finalized, the proposed regulation could potentially cost American businesses over \$1 billion in spare parts and engine sales; reduce the resale value of over 1600 U.S. aircraft; and cause severe financial losses for hushkit manufacturers, all of which are U.S. companies.

The EU portrays its action as one to promote higher environmental standards. However, this claim has no basis in scientific or technical fact. "Hushkits" have been used for close to 15 years as an appropriate measure to quiet existing aircraft, first to meet the Chapter 2 standards and, since 1989, to meet the International Civil Aviation Organization's ("ICAO") Chapter 3 standards. In addition, the EU regulation would not be applied consistently to re-engined aircraft. The regulation would ban only those engines with a by-pass ratio of less than 3. Engines with a higher by-pass ratio would be allowed, even though an engine's by-pass ratio has no direct correlation to the noise it produces.

As a practical matter, this cut-off would tend to ban the use of U.S. manufactured engines and allow the use of European manufactured engines. A comparison of the cumulative noise between a Boeing 727-200 (re-engined with a Pratt & Whitney JT8D-217C/15) and an Airbus A300B4-200 (equipped with a CF6-50C2 engine) underscores this point. The re-engined B727, with engines having a by-pass ratio of less than 3, has a better cumulative noise performance standard of 288.8 decibels, as compared to the Airbus' 293.3 decibels. Yet the Boeing would be banned and the Airbus would continue to fly.

A further, important consideration: the proposal's adoption would deal a severe, long-term blow to the environment because it would undermine the ability of the international community to agree to, and enforce, new and improved noise standards in the future.

Banning Concorde flights to and from the United States will have positive environmental benefits. According to a preliminary analysis from the FAA, such a prohibition will reduce the noise footprint around New York's John F. Kennedy International Airport by at least 20 percent. The Concorde aircraft has enjoyed a waiver from noise standards for over 20 years even though it does not meet Stage 2 noise standards. We in the U.S. have been very tolerant of and cooperative with the Concorde. I am willing to continue cooperating and allow continuation of this waiver, but only if the EU drops this outrageous proposal.

The Administration has seen through this thinly-veiled attempt to give a competitive advantage to EU aircraft and engine manufacturers. Transportation Secretary Slater, Undersecretary for International Trade Aaron, and U.S. Trade Representative Barshefsky have already tried to persuade to the EU Commission to defer action on this issue, and instead refer it to the proper forum—ICAO. These requests have been rejected. We must now make it clear to the EU that their initiative cannot proceed without severe consequences. Banning the Concorde is only the first step. I am committed to additional actions, including discussing the issue directly with the EU Parliament or Commission, if necessary.

The EU proposal is bad environmental policy and bad for American businesses. If we

are to deal seriously with noise and air quality standards in the future, we must ensure that the process is fair and based on scientific and technical evidence. The EU proposal fails on both accounts. By taking a strong stand against the EU action, we will help stop this current policy as well as lay the foundation for future, constructive action on aviation environmental issues. I hope my colleagues will join me in this effort, by cosponsoring this legislation.

THE SITUATION IN KOSOVA

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mrs. KELLY. Mr. Speaker, peace and security for the Kosovan people will never become a reality unless NATO brings military pressure to bear on Serbian strongman Slobodan Milosevic, and unless the ongoing peace negotiations include a guaranteed right to self-determination for the ethnic Albanian majority in Kosova.

The fact is, Mr. Speaker, NATO should have intervened a year ago when widespread violence against the Kosovan people was first initiated by Mr. Milosevic. Thousands are dead, tens of thousands are homeless, and many more have fled the country. Thousands of refugees now live in camps and settlements in neighboring countries, too afraid to return out of fear of reprisals. These countries are bearing the burden of the lack of peace in this region.

Sadly, we have seen this spectacle before. Once again Milosevic carries out a genocidal campaign of ethnic cleansing, once again the international community is slow to react, and once again it is innocent civilians who must pay the terrible price that world indifference imposes.

The renewed violence in Kosova is but the latest example of the manner in which Milosevic attempts to use terror and murder to hold together the republics which made up the former Yugoslavia. His policies of ethnic cleansing in Bosnia, policies which shocked the world and eventually led to international intervention, are now being carried out with renewed vigor in Kosova. Sadly, the very same lack of resolve on the part of the international community which allowed Milosevic to kill thousands in Bosnia is allowing him to carry out a new campaign of terror against the ethnic Albanian majority in Kosova, which makes up 90% of the population.

Perhaps no event better illustrates Milosevic's brutal policies than the recent massacre in the village of Racak, where 45 ethnic Albanians, many of whom were women and children, were found murdered by Serb military and police units. As in the past, it took a tragic event to finally focus the world's attention to the plight of the Kosovan people, and to move governments to act to stop the violence.

Mr. Speaker, unless we wish to see more massacres, more fighting, and more misery in Kosova, the peace negotiations currently underway in France must include a military commitment to enforce the peace. Despots such as Milosevic and Saddam Hussein do not respect international law. They do not respond

to impassioned appeals for peace and human rights. They do, however, recognize and respond to the very real threat of overwhelming military force. The world community was slow to learn this fact in Bosnia, and we continue to inch along painfully slow toward understanding this fact in Kosova.

The Kosovan people are running out of time, however. Humanity cannot stand idly by and witness further atrocities such as those committed in Racak. Milosevic enforces his policies from the point of a gun, and I fear that time has long past for NATO to confront him by doing the same.

Finally, Mr. Speaker, any peace settlement must also include an iron-clad commitment that the Kosovan people will have the opportunity that we often take for granted—the right of self-determination. Anything less is a recipe for renewed violence and death in the future.

HONORING THE 100TH BIRTHDAY OF LEOTTA GITTENS HOWELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Leotta Gittens Howell, who on February 14, 1999 will be 100 years old. She is a woman whose passion filled life serves as an example to us all.

Born on February 13, 1899, Leotta Gittens was the first of four children born to Alberta and Thomas Gittens on the sunny island of Barbados, West Indies. Leotta was educated in Barbados and at an early age showed an affinity to the sewing craft. She created garments for her family, and beautiful and imaginative party dresses and gowns for special occasions.

Leotta Gittens immigrated to the United States in 1922. She met and married Edgar Howell in 1924 and from this union, a daughter Marilyn Alleyne, was born. Leotta exhibited a true entrepreneurial spirit by continuing her seamstress business, while working full time during the day. After the death of her husband, Ms. Howell continued her success as a seamstress. When her daughter, a professional musician, performed she was adorned in her mother's creations.

Ms. Howell retired in 1970 and true to her spirit became active in the Fort Greene Senior Citizens Center. She became and remains an active member today. Mr. Speaker, I would like you and my colleagues from both sides of the aisle to join me in a standing ovation for Ms. Leotta Howell Gittens.

RICHARD GOLDBERG TO RECEIVE COMMUNITY SERVICE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to bring the accomplishments of my very good friend, Attorney Richard M. Goldberg, to the attention of my colleagues. This month, Dick will receive the prestigious S.J. Strauss Lodge of the B'nai B'rith Community Service Award

at the group's 55th Annual Lincoln Day Dinner. I am pleased and proud to have been asked to participate in this event.

The Community Service Award is presented each year to an outstanding citizen who has made a valuable contribution to the fabric of community life through courageous leadership and dedication to humanity. Dick Goldberg is a shining example of such leadership.

Those of us who know Dick know of his extreme love of country and his pride in having served for thirty years in the United States Army Reserve. Prior to his retirement, Colonel Goldberg was Chief of Staff for the 79th Army Reserve Command at the Willow Grove Air Station in Willow Grove, Pennsylvania. He was awarded the Legion of Merit, Army Achievement Medal, Humanitarian Services Medal, Army Service Ribbon, Pennsylvania Meritorious Service Medal, Pennsylvania Commendation Medal, three Meritorious Service Medals, two Armed Forces Reserve Medals, and five Army Reserve Components Achievement Medals.

Dick Goldberg has had an equally outstanding legal career. A member of the prestigious local law firm of Hourigan, Kluger, and Quinn, Dick has also served as Luzerne County Solicitor since 1984. A native of Wilkes-Barre, Dick received his bachelor of arts degree from Dickinson College and law degrees from the Dickinson, Pennsylvania State University, and Temple University. He was cited as an Outstanding Young Man of America in 1972 and has been honored with the Valley Forge Freedom Foundation Award twice. He has served as chairman of the Young Lawyers Section of the Pennsylvania Bar Association, membership chairman of the Young Lawyers Section of the American Bar Association, chairman of the Pennsylvania Bar Association Unauthorized Practices Committee, and chairman of the American Bar Association Standing Committee of the Unauthorized Practice of Law. Dick served as president of the Wilkes-Barre Law and Library Association and currently serves on the Board of Governors of the Pennsylvania Bar Association.

Dick Goldberg's dedicated service to his community is well documented by a long list of memberships and board seats. He presently is a member of the Board of Trustees of Wyoming Seminary and is a director of the Jewish Home of Eastern Pennsylvania, the United Way of Wyoming Valley, and Jewish Family Services. An Eagle Scout himself, he is active with the local Boy Scouts of America.

Dick is a past president of Temple Israel and the Jewish Community Center. He chaired the Jewish National Fund, Temple Israel School Board, Luzerne County Heart Fund Drive and the Osterhout Library Society Campaign. He has served as president of the Reserve Officers Association.

Mr. Speaker, throughout my legal career and my tenure in the House of Representatives, I have been privileged to work with Attorney Dick Goldberg many times. I consider him to be a good friend and an outstanding community leader. I am proud to join with his wife, Rosemary, his family, his friends, and the community in congratulating Dick on this prestigious honor. I extend my very best wishes on this momentous occasion and for continued good health and happiness in the years to come.