

things to ensure that we leave this country just a little bit better off than we found it for our kids and our grandkids.

What about the millions of baby boomers who will soon retire? Again, between 2011 and 2016 we will have more people earning Social Security benefits than those paying into the system. By 2041, Social Security as we know it today is broke. And guess what? That is assuming that the trillion dollars plus that has been borrowed from the Social Security system, with no provision on how it ever gets paid back, is paid back by 2041.

It is time that we stop raiding the Social Security trust fund. That is why the first bill I filed as a Member of Congress was a bill to tell the politicians in Washington to keep their hands off the Social Security and Medicare trust fund.

I hope that when those retirees who go to the Philip E. Ruppe Post Office expecting to pick up a Social Security check in a few years, I hope they are not left with an empty promise. I hope they have a Social Security check in their post office building just as our seniors do today, a check that many of them live on from paycheck to paycheck.

Let us pass this bill, but let us quit raiding the Social Security trust fund.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the dean of the Congressional Black Caucus.

Mr. CONYERS. Mr. Speaker, I am pleased that the ranking member, the gentleman from Illinois (Mr. DAVIS) would allow me some time, because I knew Phil Ruppe and worked with him. He was a real gentleman, a collegial Member of Congress. We worked on many projects together. I also wanted to raise the memory of his wife, Loret Ruppe, who was a former head of the Peace Corps and an Ambassador to Norway as well. I do not think it has ever been done before, but if ever there was a case for naming this Federal facility after both a husband and wife, this would be it. Unfortunately, she is deceased but those of us who remember this great couple from Michigan will remember and think very highly of the very appropriate memorialization of a building in their honor.

□ 1430

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly want to thank the gentleman from Michigan for his fond memories of Mr. Ruppe and the fact that we are naming this postal facility for him.

People often wonder why it is that you are naming Federal buildings and why you are naming post offices and how important is this. Well, it is important because people who have made America, who have made America strong, ought to in fact be remembered.

One of the things that has made America strong is the fact that we have always been able to rely upon some assistance in our old age. We have always known, after we passed the legislation, that when it came to a certain period of time, you could look forward to having some help, you could know that you had a Social Security check coming. You could just rely upon it and know that it was there.

I would hope that as we name these post offices in memory of Americans who have made great contributions, that we also keep in mind that we need to keep the tradition of Social Security being available alive, well and healthy.

Mr. Speaker, I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge adoption of this worthy measure honoring one of our former colleagues.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PENCE). The question is on the motion offered by the gentleman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 1374.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### EXTENDING BIRTHDAY GREETINGS AND BEST WISHES TO LIONEL HAMPTON

Mr. OTTER. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 101) extending birthday greetings and best wishes to Lionel Hampton on the occasion of his 94th birthday.

The Clerk read as follows:

S. CON. RES. 101

Whereas Lionel Hampton is regarded internationally as one of the greatest jazz musicians of all time and has shared his talents with the world for more than eight decades;

Whereas Lionel Hampton has consistently exemplified acceptance, tolerance, and the celebration of racial and cultural diversity, by being one of the first black musicians to perform in venues and events previously open only to white performers, including performances with the Benny Goodman Quartet from 1936-1940, and as the first black musician to perform for a presidential inauguration, that of Harry S. Truman in 1949;

Whereas Lionel Hampton has furthered the cause of cultural understanding and international communication, receiving a Papal Medallion from Pope Pius XII, the Israel

Statehood Award, serving as a Goodwill Ambassador for the United States, and receiving the Honor Cross for Science and the Arts, First Class, one of Austria's highest decorations;

Whereas Lionel Hampton is one of the most recorded artists in the history of jazz;

Whereas Lionel Hampton has opened doors for aspiring musicians throughout the world, many of whom have established themselves as giants in the world of jazz, including Cat Anderson, Terrance Blanchard, Clifford Brown, Conte Candoli, Pete Candoli, Betty Carter, Ray Charles, Nat "King" Cole, Bing Crosby, Art Farmer, Carl Fontana, Aretha Franklin, Benny Golson, Al Grey, Slide Hampton, Joe Henderson, Quincy Jones, Bradford Marsalis, Wes Montgomery, James Moody, Fats Navarro, Joe Newman, Nicholas Payton, Benny Powell, Buddy Tate, Clark Terry, Stanley Turrentine, Dinah Washington, and Joe Williams, among others;

Whereas Lionel Hampton has worked to perpetuate the art form of jazz by offering his talent, inspiration, and production acumen to the University of Idaho since 1983, and in 1985, when the University of Idaho named its school of music after him, Lionel Hampton became the first jazz musician to have both a music school and a jazz festival named in his honor;

Whereas Lionel Hampton has received many national accolades, awards, and commemorations, including an American Jazz Masters Fellowship from the National Endowment for the Arts, Kennedy Center Honors, and a National Medal of Arts;

Whereas Lionel Hampton has received numerous awards and commendations by local and State governments and has received acknowledgment from hundreds of civic and performance groups;

Whereas Lionel Hampton's legacy of inspiration, education, and excellence will be perpetuated by the development of the Lionel Hampton Center at the University of Idaho, a facility that combines the finest in performance, scholarship, and research;

Whereas Lionel Hampton has made a difference in many lives by inspiring so many who have now become jazz greats, by reinforcing the importance of education at all levels, and by showing the world a way of life where love and talent are shared without reservation: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That the Congress, on behalf of the American people, extends its birthday greetings and best wishes to Lionel Hampton on the occasion of his 94th birthday.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. OTTER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho (Mr. OTTER).

GENERAL LEAVE

Mr. OTTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. Con. Res. 101.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. OTTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to have the House consider Senate Concurrent Resolution 101, a resolution introduced by my colleague, Senator LARRY CRAIG

from Idaho. This resolution is virtually identical to its House version, House Concurrent Resolution 363, introduced by my distinguished colleague, the gentleman from Michigan (Mr. CONYERS).

This resolution extends birthday wishes to Lionel Hampton, the undisputed "King of the Vibraphone." Lionel Hampton, whose enduring contributions as an extraordinary musician and artistic achievements symbolize the impact that he has had on jazz and that jazz music has had on our culture. Happy birthday, Lionel Hampton.

Mr. Speaker, Lionel Hampton has devoted his life to the love and the belief in jazz and music and education. Lionel Hampton has stated, "Nothing is more important than doing something that you like, and that's jazz music. My heart and my soul are in jazz."

Mr. Hampton was born in Louisville, Kentucky, on April 20, 1908. In the 1930s, Lionel Hampton's musical career hit its stride when he began playing with such musical luminaries as Louis Armstrong and Benny Goodman. Lionel Hampton formed his own band in the early 1940s, writing top-of-the-chart sellers, including his signature tune, "Flying Home." Lionel Hampton was the first black musician to perform for a Presidential inauguration, that of Harry S. Truman in 1949.

In his lifetime, Mr. Speaker, Lionel Hampton has received numerous prestigious awards. These include the title of American Goodwill Ambassador bestowed on him by President Eisenhower and President Nixon, along with the Papal Medal from Pope Paul I. President George H.W. Bush appointed him to the Board of the Kennedy Center, and President Clinton awarded him the National Medal of Arts in 1992.

Lionel Hampton branched out in his musical career by running his own publishing companies and his own record label. In the 1980s, Lionel Hampton founded the Lionel Hampton Development Corporation, which was responsible for building two multi-million-dollar apartment complexes in Harlem.

In 1985, the Lionel Hampton Jazz Festival was launched at the University of Idaho in Moscow, Idaho. The festival has become a nationally acclaimed event, featuring 4 days of concerts, clinics, and student competitions. In 1987, the music school at the University of Idaho was named the Lionel Hampton School of Music, becoming the first musical school of a university to be named for a jazz musician. Lionel Hampton has stated that this event was the highlight of his distinguished career.

I might also state, Mr. Speaker, that Lionel Hampton created more than just a school of music, because that institution today has become a cultural center for celebrating the diversities that we have in race, in creed, and in social life and also in music.

We honor Lionel Hampton on his upcoming 94th birthday on April 20, because Lionel Hampton is, in the words of David Friesen, "... a man that has

truly been blessed, not only with the gift of playing music, but also the ability to communicate his love of music to so many."

Mr. Speaker, it is appropriate that the House recognize the dedicated and outstanding accomplishments of Lionel Hampton today. He improved the lives of all who have heard and been touched by his love for jazz and his musical talent.

Mr. Speaker, I ask all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the gentleman from Idaho in consideration of this resolution.

Lionel Hampton is an internationally acclaimed jazz artist and undisputed King of the Vibraphone. Lionel Hampton, who began his career as a drummer, has been thrilling individuals like the gentleman from Michigan (Mr. CONYERS) with his music for well over 50 years.

Hampton's idol during his early years was drummer Jimmy Bertrand, and drums became Lionel's first instrument. However, Hampton so impressed Louis Armstrong that he invited the young drummer to join his big band rhythm section for a recording session. During a session break, Armstrong pointed to a set of vibes at the back of his studio and asked Hampton if he knew how to play them. Taking up the challenge, Lionel, who was well schooled in his keyboard studies, picked up the mallets and said he would give it a go. Of course, the rest is history.

In 1936, Benny Goodman signed Lionel Hampton to form the Benny Goodman Quartet. The Quartet made history, not only for its great history, but because they were the first racially integrated group of jazz musicians.

In the 1940s, Lionel Hampton formed his own big band, the Lionel Hampton Quartet. "Sunny Side of the Street" and "Central Avenue Breakdown" are two of his most highly successful records. He flew to the top of the charts with his recording of "Flying Home" in 1942 and "Hamp's Boogie Woogie" in 1943.

Many now-famous musicians and singers had their start with the Lionel Hampton Orchestra. Among these were Quincy Jones, Cat Anderson, Diana Washington, Joe Williams, and Aretha Franklin.

Hampton has received innumerable prestigious awards over the years. He was bestowed the title of Official American Goodwill Ambassador by Presidents Eisenhower and Nixon, the Papal Medal from Pope Paul I, and the Gold Medal of Paris, France's highest cultural award. In 1992 he received the highly coveted Kennedy Center Honors Award, and in 1997 he received the National Medal of the Arts, bestowed by President William Jefferson Clinton

and First Lady HILLARY RODHAM CLINTON at the White House.

Lionel Hampton is a beloved classic in American jazz and popular music, and I join with the gentleman from Michigan (Mr. CONYERS) and others in both the House and Senate as sponsors of this resolution in congratulating Lionel Hampton on his 94th birthday. I thank him for his contribution to international music.

Mr. OTTER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, my remarks today are of a personal nature because I expect that the relationship that most of us have to Lionel Hampton is in fact personal.

I recall very clearly I think almost the first moment that I became aware of what was in fact America's contribution to the music of the world, jazz, when I inadvertently one afternoon was at a friend's house, and, completely without knowledge of what exactly I was doing, I had recently taken up the trumpet, and the gentleman from Michigan (Mr. CONYERS) is laughing at the moment because he knows when I say "taken up the trumpet," I had just picked it up, because I was not able to do much more than that. I was a living example of ambition over technique and talent, and I can see that that relates then to a lot of Members here.

But what had happened was I saw something that said "Carnegie Hall Concert, 1938, Benny Goodman Orchestra," and I had no idea at that time as a little boy what that might involve.

For those who are familiar with it, this was the concert that was made almost as an afterthought, with a single overhead microphone, tape that was in Benny Goodman's closet for many years, finally found it, and that was when the quartet that the gentleman from Illinois (Mr. DAVIS) cited, the first integrated quartet, not integrated in terms of musicians, integrated in terms of America's true voice of jazz, with white and black musicians, had been gathered together, with Teddy Wilson on piano and Gene Krupa on drums, and, of course, Benny Goodman playing the lead in the quartet on clarinet and Lionel Hampton on the vibes.

When I heard that quartet playing, I had never heard anything like it in my life. It is so vivid in my mind, even now as I am speaking. And it is an emotional experience, because we have certain transcendent moments in our lives, and that was not just one of them, but perhaps one that most formed the world for me, a world view at the time, as to what was possible. The excitement of it, the vitality of it, the vividness of the playing, the exuberance, it was everything and anything that could be expected and hoped

for in American music and, by extension then, our gift, as I said before, to the world.

Lionel Hampton was a particularly meaningful part of that, because, along with Gene Kruppa on the drums, I do not think you can find, except perhaps in the hero of both of them, Louis Armstrong, anyone in jazz more enthusiastic, more full of life, more expressive of the innate vitality of jazz, than Gene Kruppa and Lionel Hampton playing together; and that excited me as a young boy. It motivated me in trying to do the best I could with that trumpet, becoming involved in a jazz band in high school; and I cannot think, as I look back and I try to recall in my life to this point, of a single minute, a single moment, when I was not happy playing music, that it did not give me a sense of self that was always by definition optimistic, I can tell my colleagues, if they ever heard me play.

□ 1445

I had a great tone, though. That was the thing. If only Hampton heard it, he would have said, kid, you got a great tone; too bad you missed out on the talent part. I cannot think of a single moment when I was not happy, not because I had any ambition to play the way that Hampton and Kruppa and Goodman and Wilson played, but that that was my way of sharing with them the creative instinct that is in all of us and which had been freed in all of us by Lionel Hampton and all of the pioneers of jazz in this country.

It is fitting, of course, that we celebrate this today because Lionel Hampton is, of course, approaching almost a century. He has achieved iconic status, and for good reason, because that talent and that liveliness and that exuberance for life and for his music has been carried over into every venue in which he has exposed himself to the American public and, in fact, the world. If there is anything that characterizes Lionel Hampton, and for those who have not had the opportunity to see him in person, to listen to him in person, they have missed out on one of the greatest experiences of life. There is no one in music, there is no one in life that exudes more of the core of creativity and what it means to be a human being in terms of that creativity than Lionel Hampton.

I want to conclude, Mr. Speaker, by saying that we, as a species, differentiate ourselves from all of the other species on the earth by our ability to reflect and our ability to imagine. As I reflect on this life force called Lionel Hampton, and as I reflect on the capacity to create that he exemplifies, I can think of no greater example of what it means to be a good and true human being and creative person, a life force of which we can all be proud to have known musically and to be able to honor today.

Mr. OTTER: Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I have been told that music is a uni-

versal language, and it is my pleasure to yield such time as he might consume to the gentleman from Michigan (Mr. CONYERS), one who is known as a culturist, but also an impresario himself.

(Mr. CONYERS asked and was given permission to revise and extend remarks.)

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS), the ranking member of the subcommittee for yielding me this time, and I thank the gentleman from Idaho (Mr. OTTER), the chairman of the subcommittee.

I am delighted to be here, because Lionel Hampton is coming to the Capitol tomorrow and I am hoping that a number of us will be able to celebrate, not just his birthday, but his life and works. The gentleman from Idaho and a number of people from the University of Idaho will be here and we will be able to see and enjoy the company of this great legend.

Now, some wonder why on earth would a university in Moscow, Idaho, of all places, decide to name its institution after Lionel Hampton. Well, I am glad that question was asked, because years ago, and I think it was in the 1930s, someone there used to call Lionel Hampton and beg him to either come in or send jazz musicians and Lionel Hampton would always come out to Idaho. And gradually, over the years, the jazz department, the music department began to grow, because no one could figure out why all of these people were flying in from New York and Los Angeles to celebrate with the University of Idaho. Lionel Hampton would either go himself or, if he could not go, he would send someone, and the school has become one of the famous music institutions that grants degrees in the country.

So with this American music called jazz came the references that were made by my colleague about how the social, musical, religious and racial diversity grew up in that State and out of that university, and now it brings in people from all over the world. I was privileged to be there one year myself.

So this is a wonderful occasion. I am confident that this resolution will be unanimously supported by the Members. I just wanted to add a comment about Lionel Hampton the musician, the human being, because he is one of the warmest, most outgoing people that one could have ever hoped to meet, and when he performs, it is like he has to put everything into every performance. Every performance is his best; complete, exhaustive, exuberant. He goes up and down the aisles and out into the street and anywhere else, and his music is infectious. Everybody goes along with it.

As the gentleman from Hawaii was mentioning about the epiphany that can occur when one listens to great jazz, and Lionel Hampton, when we think of all of the people that he has been associated with that came out of his group, we understand why.

National Public Radio did a profile on Lionel Hampton, and I am going to include it in my remarks. It details all of the people that have been connected with this great musician.

Now, it is only appropriate to mention that he was not the first great jazz vibraphonist. As a matter of fact, Red Norvo was the first person to popularize that instrument. But his enthusiasm and his learning of music, because he was originally a drummer, but he studied piano, as has been indicated, but he laid the groundwork for the greatest jazz bebop vibraphonist, Milt Jackson, the late Milt Jackson, who was at his birthday, another birthday celebration in New York, and he came to pay tribute. Bill Cosby was there, who was another great jazz aficionado.

Mr. Speaker, it is just a marvelous thing that we here in the House and in the Senate would collaborate to get this resolution out just in time for Lionel Hampton to make his appearance on the Hill tomorrow.

So I congratulate the committee for its expeditious work, and I look forward to presenting this resolution to Lionel Hampton tomorrow.

#### BIOGRAPHY

There is some confusion about the year of Lionel Hampton's birth, which has sometimes been given as 1908. Around 1916 he moved with his family to Chicago, where he began his career playing drums in various lesser bands. In the late 1920s he was based in Culver City, California, where he worked in clubs and took part in several recording sessions (1930) with Louis Armstrong, who encouraged him to take up vibraphone. Hampton soon became the leading jazz performer on this instrument, and achieved wide recognition through his many film appearances with Les Hite's band. After playing informally with Benny Goodman in 1936 he began to work in Goodman's small ensembles, with which he performed and recorded regularly until 1940; as a result he became one of the most celebrated figures of the swing period, and his resounding success allowed him to form his own big band in 1940.

This group, which at times has included musicians of the stature of Cat Anderson, Illinois Jacquet, Clifford Brown, and Quincy Jones, has been one of the most long-lived and consistently popular large ensembles in jazz. From the 1950s Hampton undertook numerous "goodwill" tours to Europe, Japan, Australia, Africa, the Middle East, and elsewhere, and made a large number of television appearances, attracting a huge and enthusiastic international following.

Hampton performed in the Royal Festival Hall, London, in 1957, and played at the White House for President Carter in 1978; during the same year he formed his own record label, Who's Who in Jazz, to issue mainstream recordings. In the mid 1980s his band continued to draw capacity crowds throughout the world. Hampton was honored as alumnus of the year by the University of Southern California in 1983.

Hampton was not the first jazz musician to take up vibraphone (Red Norvo had preceded him in the late 1920s), but it was he who gave the instrument an identity in jazz, applying a wide range of attacks and generating remarkable swing on an instrument otherwise known for its bland, disembodied sound. Undoubtedly his best work was done with the Goodman Quartet from 1936-1940, when he revealed a fine ear for small-ensemble improvisation and an unrestrained, ebullient manner

as a soloist. The big band format was probably better suited to the display of his flamboyant personality and flair for showmanship, but after a few early successes, especially the riff tunes *Flying Home*, *Down Home Jump*, and *Hey Bab-Ba-Rebop*, the group was too often content to repeat former triumphs for its many admirers. Hampton has at times also appeared as singer, played drums with enormous vitality, and performed with curious success as a pianist, using only two fingers in the manner of vibraphone mallets.

Lionel Hampton, former Presidential appointed Ambassador of Goodwill, the holder of over 15 Honorary Doctor of Music Degrees, awarded the highest honors from the Kennedy Center of the Performing Arts and, the National Commission On The Endowment for the Arts, was recently honored at the White House in August 1998 in celebration of his 90th birthday. This musical legend has been the Co-Honorary Chairman of the International Agency for Minority Artist Affairs (IAMAA) since 1978. Not only a musician, Lionel Hampton is a businessman and, has developed housing projects across this nation and, is a leading philanthropist for community-based initiatives.

Mr. Hampton, reigning King of the Vibraphone for over a half a century, began his musical career as a drummer. Born in Birmingham, Alabama in 1908, he spent most of his childhood in Kenosha, Wisconsin, where he first studied music under very strict Dominican nuns. His tools then were Louis Armstrong and a drummer named Jimmy Bertrand, who tossed his sticks in the air as lights blinked from inside his bass drum (a style Hamp still uses today in some of his shows).

In 1930, Lionel finally got to meet Louis Armstrong. Playing in a backup band for "Satchmo" at a nightclub in L.A. Hamp so impressed Louis that he invited him to a recording session. Armstrong spotted a set of vibes in the studio and asked Hamp if he knew how to play them. Never one to refuse a challenge, Lionel (who knew keyboards well) picked up the mallets. The first tune they cut was "Memories of You," a new number just written by Eubie Blake, and it became a hit for Louis. John Hammond, great jazz impresario, heard the record and began touting Lionel's vibes work to Benny Goodman.

In August, 1936, Hammon flew out to L.A. and brought Goodman in to the Paradise Club to hear Lionel play. At that time, Benny had a trio within his big band featuring Teddy Wilson on piano and Gene Krupa on drums. "Next thing you know," recalls Hamp, "I was out there on stage jamming with these great musicians. That's one session I'll never forget."

To make a long story short, the Benny Goodman Trio became a quartet and made history not only with the brilliant music they produced, but because they were the first racially-integrated group in the nation. The foursome recorded "Memories of You," "Moonglow," and "Dinah." Hamp spent the next four years with Goodman as the quartet developed into the hottest jazz group in the world.

In the early 1940's, Lionel left Benny Goodman to form his own big band after the release of a couple of wildly successful RCA singles under his own name: "Sunny Side of the Street" (on which he sang as well as playing vibes) and "Central Avenue Breakdown" (on which he played piano with two fingers, using them like vibes mallets.)

His first big band included such sidemen as Dexter Gordon and Illinois Jacquet, and he busted the charts with his recording of "Flying Home" in 1942 and "Hamp's Boogie Woogie" in 1943. Among the sidemen who got

their start with Lionel Hampton are Quincy Jones, Wes Montgomery, Clark Terry, Cat Anderson, Ernie Royal, Joe Newman, Fats Navarro, Charlie Mingus, Al Grey, Art Farmer, and, of course, the singers: Dinah Washington (who was discovered and named by Hamp while working in the powder room of Chicago's Regal Theater), Joe Williams, Betty (Be Bop) Carter the great Aretha Franklin, among others.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time, and I urge passage of this resolution.

Mr. OTTER. Mr. Speaker, far be it for me to add to the eloquence of the gentleman from Michigan, but I would just say that Lionel Hampton has been a groundbreaker throughout his career, throughout his life. He has been an internationally acclaimed giant of music, and because he is an internationally acclaimed giant of music, he has an been internationally acclaimed giant of communication, because we find many times in music one voice and we find one spirit, and that is what Lionel Hampton has brought to the world. We are to celebrate his 94th birthday.

Mr. Speaker, I would ask in closing that all Members support this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PENCE). The question is on the motion offered by the gentleman from Idaho (Mr. OTTER) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 101.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

#### CLERGY HOUSING ALLOWANCE CLARIFICATION ACT OF 2002

Mr. RAMSTAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4156) to amend the Internal Revenue Code of 1986 to clarify that the parsonage allowance exclusion is limited to the fair rental value of the property, as amended.

The Clerk read as follows:

H.R. 4156

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Clergy Housing Allowance Clarification Act of 2002".

#### SEC. 2. CLARIFICATION OF PARSONAGE ALLOWANCE EXCLUSION.

(a) IN GENERAL.—Section 107 of the Internal Revenue Code of 1986 is amended by inserting before the period at the end of paragraph (2) "and to the extent such allowance does not exceed the fair rental value of the home, including furnishings and appurtenances such as a garage, plus the cost of utilities".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

(2) RETURNS POSITIONS.—The amendment made by this section also shall apply to any taxable year beginning before January 1, 2002, for which the taxpayer—

(A) on a return filed before April 17, 2002, limited the exclusion under section 107 of the Internal Revenue Code of 1986 as provided in such amendment, or

(B) filed a return after April 16, 2002.

(3) OTHER YEARS BEFORE 2002.—Except as provided in paragraph (2), notwithstanding any prior regulation, revenue ruling, or other guidance issued by the Internal Revenue Service, no person shall be subject to the limitations added to section 107 of such Code by this Act for any taxable year beginning before January 1, 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. RAMSTAD) and the gentleman from North Dakota (Mr. POMEROY) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in one of the most obvious cases of judicial overreach in recent memory, the Ninth Circuit Court of Appeals in San Francisco is poised to inflict a devastating tax increase on America's clergy. Unless Congress acts quickly, the 81-year-old housing tax exclusion for members of the clergy will be struck down by judicial overreach on the part of America's most reversed and most activist circuit court.

The focus of this court's attack is a long-standing clergy housing allowance. Dating back to 1921 and recodified in 1954 in section 107 of the Tax Code, this allowance prevents clergy from being taxed on the portion of their church income that is used to provide their housing. This allowance is similar to other housing provisions in the Tax Code offered to workers who locate in a particular area for the convenience of their employers, and military personnel who receive a tax exclusion for their housing.

Clergy members of every faith and denomination rely on the housing allowance. Without it, America's clergy face a devastating tax increase of \$2.3 billion over the next 5 years. At a time when our places of worship are financially strapped and struggling to serve people in need, we cannot allow this important tax provision to fall.

The case, now in the Ninth Circuit, Mr. Speaker, arose because of a dispute over a 1971 IRS ruling that limited the clergy allowance to the fair rental value of the parsonage. A taxpayer in turn challenged this limit and won in tax court and the IRS appealed. But rather than simply considering the issue presented in the case, which was whether the Internal Revenue Service had authority to limit the allowance, the Ninth Circuit hijacked the case and turned it into a challenge of the very constitutionality of the housing allowance. Neither party in the case even raised the constitutionality issue or requested the court to consider that issue, so the Ninth Circuit, in turn, asked for a "friend of the court" brief from a law professor who happened to believe that it was unconstitutional.