

traffic and speed management in construction work zones and the installation of barriers between construction work zones and traffic lanes for the safety of motorists and workers.

Mr. Speaker, roadway construction, maintenance and repair are readily apparent on our highways and in our neighborhoods. Construction work zone crashes killed 1,079 people in 2001. This is a 20 percent increase since 1995, not to mention the thousands of injuries that occur each year. These deaths and injuries will continue to escalate if we do not address this problem now. In this regard, H.R. 906 directs the Secretary of Transportation to issue a rule requiring workers whose duties place them on or in close proximity to a Federal-aid highway to wear high visibility garments.

To judge the effectiveness of these two safety programs, our bill requires a new biennial report to Congress without creating an unfunded mandate. States can use these funds to fulfill all data compilation, analysis, and reporting requirements. Finally, this bill maintains the flexibility States currently have to transfer funds from the two safety set-aside programs to the Interstate Maintenance, Congestion Mitigation and Air Quality, National Highway System, Bridge Replacement and Rehabilitation and Recreational Trails programs.

I urge my colleagues to cosponsor and support this important safety legislation.

#### PERSONAL EXPLANATION

#### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. GALLEGLY. Mr. Speaker, on February 27, 2003, I was unable to vote on the Greenwood Substitute to H.R. 534, the Human Cloning Act of 2003 (rollcall 37). Had I been present I would have voted "no." Similarly, I was not present to vote on the motion to recommit H.R. 534 (rollcall 38) but I would have voted "no." On final passage of H.R. 534, I was not present, but would have voted "yea" (rollcall vote 39).

#### HONORING SONJA MARIA MONTANO

#### HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize the achievements of Sonja Maria Montano, a resident of La Junta, Colorado, before this body of Congress and this nation.

Over the past year, Sonja has received wide acclaim and numerous awards from Poetry.com, which first published her work, as well as the International Society of Poetry and Symposiums. Sonja was one of only thirty poets in the world invited to present her work to the ISPS spring convention in 2002. Now, Sonja's work has earned one of thirty-five nominations for the society's grand prize, presented by Pulitzer Prize winning poet W.D. Snodgrass.

Sonja, a promising writer as a teenager, gave up opportunities in creative writing to stay close to home and eventually raise a family. She found her voice again at the age of thirty-one when she began writing poetry on a bet with her nine-year-old son. After years of apprehension and reservations about her writing, Sonja has decided to become a poet.

Mr. Speaker, it is a great privilege to recognize Sonja Maria Montano before this body of Congress and this nation for her courage and creativity in pursuing her dreams. I wish her every success in her new career.

#### DARIEN'S 2003 CITIZEN OF THE YEAR

#### HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mrs. BIGGERT. Mr. Speaker, I rise today in honor of Father Gavin Quinn, the 2003 Citizen of the Year for Darien, Illinois.

The City of Darien lies within Illinois' 13th Congressional District. Because of residents like Father Quinn, Darien easily lives up to its motto—"a nice place to live."

If you happen to find yourself in Darien, there is a good chance that you will hear Father Quinn's name mentioned, not only by members of his church community, but also among the many other residents of Darien. He seeks out anyone who can use a helping hand or a friend. He is especially valued for his work with teenagers, single parents and the sick and dying. Regularly visiting hospitals, he works to lift the human spirit or offer a willing ear.

Father Gavin is best described by one of his fellow citizens, who said: "He is an extraordinary man who knows how to identify people in need and find a way of ministering to them. Father Gavin is a very compassionate man who reaches out to people of all faiths and in all walks of life. In short, I can think of no one who has made Darien a better place to live than Father Gavin Quinn."

I could not agree more. Father Quinn is the kind of person who transforms a city into a community. Congratulations to Father Gavin Quinn, Darien's 2003 Citizen of the Year.

#### RECOGNIZING NATIONAL PEACE CORPS DAY

#### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2003

Mr. UDALL of Colorado. Mr. Speaker, last Friday, February 28th, we celebrated National Peace Corps Day, honoring the 168,000 Americans who have served as volunteers since the creation of the Peace Corps in 1961. These amazing men and women have served our nation in 136 countries. Peace Corps volunteers have made enormous contributions in the areas of agriculture, business development, education, health, and the environment, and in so doing have improved the lives of individuals and communities around the world. The Peace Corps has become an enduring symbol of our nation's commitment to encour-

age progress and create opportunity in the developing world.

My own background as an educator and director at Outward Bound for twenty years taught me about the importance of national and community service. But I also have strong connections to the Peace Corps through my great state of Colorado and through my family. Colorado has one of the highest levels of recruitment of Peace Corps volunteers nationwide, and returned Peace Corps Volunteers in the 2nd Congressional District alone number over 500. Of course, the most important Peace Corps connection for me is my mother, who served as a volunteer in Nepal decades ago.

Because of these connections I have a special interest in advancing the ability of the Peace Corps to play an important role in these new times. I believe we must work to continue to promote world peace and friendship through the people-to-people approach of the Peace Corps. That's why I worked with my colleague Rep. SAM FARR in the last Congress to introduce legislation known as the Peace Corps Charter for the 21st Century Act. We have reintroduced the bill again in this Congress as H.R. 250.

The "Peace Corps Charter" strengthens the Peace Corps in a number of ways. It restates and further promotes its goals—to provide technical assistance to those in need around the world, to promote better understanding of Americans on the part of the peoples served, and to bring the world home to America. It authorizes funding to allow for a Peace Corps expansion to 15,000 volunteers in five years. It reaffirms the independence of the Peace Corps. It authorizes a number of reports, such as one on host country security. It spells out a commitment to recruit and place Peace Corps volunteers in countries where they could help promote mutual understanding, particularly in areas with substantial Muslim populations. It establishes training programs for Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases, such as HIV/AIDS. It streamlines and empowers the Peace Corps Advisory Council, with an added focus of making use of the expertise of Returned Peace Corps Volunteers. Finally, the bill creates a grant program to enable Returned Peace Corps Volunteers to use their experience and expertise to continue to carry out the goals of the Peace Corps through specific projects.

The Peace Corps is one of the most admired and successful initiatives ever put in place. I'm proud that the following young people from the 2nd Congressional District are presently serving in countries all over the world: Vanessa Adams, Ben Armitage, Shaun Cosgrove, Amy Ellerman, Thomas Fleming, Megan Haldy, Rebecca Knerl, Lydia Labelle, Lynell Lacey, Benjamin Liu, Erica Manteuffel, Kelly Oberg, Stephanie Ogden, Kelly O'Rourke, Johanna Patrick, Matthew Rice, Kathleen Shannon, Mary Simonson, and Robert Sweetman.

A pebble tossed into a still pond creates ripples that begin small and grow larger. Peace Corps volunteers have had this same effect on the people they have touched. The Peace Corps experience exemplifies how individuals can make a tremendous difference in the lives and perceptions of people in developing countries as well as people right here at home.

National Peace Corps Day honors the volunteers, past and present, and reaffirms our

country's commitment to helping people help themselves throughout the world. Today I honor all of the men and women who have selflessly and generously served our country in the Peace Corps.

TO CLARIFY THE TREATMENT FOR  
FOREIGN TAX CREDIT LIMITA-  
TION PURPOSES OF CERTAIN  
TRANSFER OF INTANGIBLE  
PROPERTY

**HON. E. CLAY SHAW, JR.**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 6, 2003*

Mr. SHAW. Mr. Speaker, along with my colleague, MARK FOLEY, I am introducing a bill that would eliminate a trap for the unwary that was inadvertently created with the Taxpayer Act of 1997. The bill would clarify the treatment for foreign tax credit limitation purposes of the income inclusions that arise upon a transfer of intangible property to a foreign corporation.

Section 367(d) of the Internal Revenue Code provides for income inclusions in the form of deemed royalties upon the transfer of intangible property by a U.S. person to a foreign corporation. Prior to the 1997 Act, these income inclusions under section 367(d) were deemed to be U.S.-source income and thus were not eligible for foreign tax credits. The international joint venture reforms included in the 1997 Act eliminated this special source rule and provided that deemed royalties under section 367(d) are treated as foreign source income for foreign tax credit purposes to the same extent as an actual royalty payment.

The amendments made by the 1997 Act were intended to eliminate the penalty that was provided by the prior-law deemed U.S. source rule and that had operated to discourage taxpayers from transferring intangible property in a transaction that would be covered by section 367(d). Prior to the 1997 Act, in order to avoid this penalty, taxpayers licensed intangible property to foreign corporations instead of transferring such property in a transaction that would be subject to section 367(d). The 1997 Act's elimination of the penalty source rule of section 367(d) was intended to allow taxpayers to transfer intangible property to a foreign corporation in a transaction that gives rise to deemed royalty payments under section 367(d) instead of having to structure the transaction with the foreign corporation as a license in exchange for actual royalty payments.

However, the intended goal of the 1997 Act provision is achieved only if the deemed royalty payments under section 367(d) not only are sourced for foreign tax credit purposes in the same manner as actual royalty payments, but also are characterized for foreign tax credit limitation purposes in the same manner as actual royalty payments. Without a clarification that deemed royalty payments are characterized for foreign tax credit limitation purposes in the same manner as an actual royalty payment, there is a risk in many cases that such deemed royalties would be characterized in a manner that leads to a foreign tax credit result that is equally as disadvantageous as the result that arose under the penalty source rule that was intended to be eliminated by the 1997 Act.

The bill I am introducing today provides the needed clarification that deemed royalties under section 367(d) are treated for foreign tax credit limitation purposes in the same manner as an actual royalty, ensuring that the penalty that was intended to be eliminated with the 1997 Act is in fact eliminated. Without this clarification, a taxpayer that transfers intangible property in reliance on the 1997 Act will find that its transfer is in fact effectively subject to the penalty that the taxpayer believed had been eliminated. Without the clarification, those taxpayers that have structured their transactions in reliance on the 1997 Act provision will be worse off than they would have been if the purported repeal of the penalty source rule had never occurred and they had continued to structure their transactions to avoid that penalty. This bill will achieve the intended goals of the 1997 Act and prevent a terrible trap for the unwary that has been inadvertently created.

HONORING MARY HAINING

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 6, 2003*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize a family truly dedicated to developing leadership skills in the young people of their community. Mary Haining, and her family, of Delta, Colorado have shown exemplary dedication to the 4-H program through three generations of their family.

The 4-H program promotes leadership, citizenship, and community involvement in America's youth, qualities that the Haining clan personifies. Mary Haining began working with 4-H as a girl in Grand Junction, exploring her interests in entomology and rabbits. As a mother, she has served as a 4-H volunteer leader for thirty-eight years. Each of the Haining children was involved in 4-H for at least ten years. Mary Haining's daughter Joyce and son Ron are still active parent leaders of 4-H in Delta. Three of Mrs. Haining's grandchildren are studying sheep, beef, entomology, poultry, gardening, and archery through 4-H programs.

Mr. Speaker, it is a great privilege to recognize the Haining family for their long-time dedication to the 4-H cause. The Hainings, and the 4-H program which they have served devotedly, represent American ideals and the family values that make our communities strong.

TO REVOKE THE FEDERAL  
CHARTER GRANTED TO TREA

**HON. GERALD D. KLECZKA**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 6, 2003*

Mr. KLECZKA. Mr. Speaker, today I am reintroducing a bill to revoke the federal charter that was to the Retired Enlisted Association (TREA) in 1992. TREA is an organization that has repeatedly targeted seniors with "notch" mailings that are deceptive, false, and designed to extort money from elderly persons, many of whom live on limited incomes.

The term "notch" refers to the difference in Social Security benefits paid to individuals born before 1917 versus those born between 1917 and 1921. This discrepancy arose because of a law enacted in 1972 providing automatic cost-of-living adjustments for Social Security recipients. However, the formula used to compute these annual increases was significantly flawed, causing benefits to rise faster than the rate of inflation.

In 1977, Congress corrected this defective formula (thereby reducing benefit levels) in order to prevent Social Security payments from skyrocketing. Had such revision not been made, many future beneficiaries would have received Social Security checks that were larger than their pre-retirement earnings. Moreover, the entire system would have become insolvent within 3 or 4 years.

The National Academy of Social Insurance, the General Accounting Office, the Social Security Administration, and the Congressionally-appointed Social Security Notch Commission have since concluded that the 1977 benefit changes were urgently needed and that Social Security beneficiaries born during the notch period are receiving correct benefit amounts. They also found that increasing benefits for "notch babies" would not only be unjustified, but would unnecessarily jeopardize the financial stability of the Social Security system.

Yet, despite these conclusive findings, TREA currently operates a multi-million dollar fundraising scheme based on the notch issue. This group tells seniors it is working hard to correct a notch "problem" that doesn't exist in an attempt to scam seniors out of their hard-earned money. Under the guise of advocating for legislative reform, TREA collected over \$46 million from seniors over four years (1997 to 2000), and its moneymaking campaign continues.

In addition, the tactics used by TREA to solicit money from elderly individuals are deplorable. Included among TREA's numerous deceptive mailings are official-looking notch identification cards and registration forms that give the mistaken impression that this group has the authority to handle the distribution of Social Security benefits. TREA also sends solicitations containing replicas of Social Security checks, thereby reinforcing this image. Perhaps the most disturbing, the group's fundraising efforts have even included mailings that ask seniors to redraft their wills to make TREA a beneficiary.

In order to stop the exploitation of America's seniors, I am reintroducing a bill that would revoke the federal charter granted to TREA in 1992. While Congress rarely revisits a former charter decision, this group's persistent pattern of fleecing seniors clearly warrants such a step.

Federal charters are prestigious distinctions awarded to organizations with a patriotic, charitable, or educational purpose. Although intended as an honorific title, a federal charter implies government support for such organizations. Misleading America's seniors clearly violates the high standards held for chartered groups. Moreover, allowing TREA to maintain its charter would send a signal to the American public that Congress condones such behavior.

Six bipartisan members of the House Ways and Means Social Security Subcommittee have joined me today in support of this legislation-including Chairman SHAW and Ranking