

"He's extremely going to be a loss to me, but he's passed on so much wisdom. It's almost like passing on the torch because we connected so much over the years," Jordan said. Former Vallejo mayor Terry Curtola said he'd known Thurston most of his adult life.

"Always was an adviser to me in my political career. Just what I like to call a good old boy Vallejoan. He was always supporting everything that went on. Always had the best of Vallejo at heart. Just a good man," Curtola said.

"I think what I like the most about Bill more than anything, he covered all the diversities of our whole community. You could never pinpoint him. He was just a man that I always went to for advice. Even when I didn't go to him for advice, he'd call and give it to me anyway." Curtola said.

#### INTRODUCTION OF NEW UNITED STATES GLOBAL HIV PREVENTION STRATEGY TO ADDRESS THE NEEDS OF WOMEN AND GIRLS ACT OF 2004

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 9, 2004*

Ms. LEE. Mr. Speaker I rise today to talk about an urgent need in regards to our Global HIV/AIDS Initiative—the need to address the disproportionately growing effect of HIV/AIDS upon women and girls.

Today there are an estimated 40 million people infected with HIV/AIDS throughout the world.

For a number of reasons, women and girls are biologically, socially, and economically more vulnerable to HIV infection than men, and today they represent more than half of all individuals who are infected with HIV worldwide.

In sub-Saharan Africa the story is even worse, as women and girls make up 60 percent of those infected with HIV/AIDS.

Today we are undoubtedly facing a dramatic feminization of the global pandemic.

Why are women more vulnerable?

In many cases, women still have inadequate information about how HIV is transmitted, how it can be prevented, and how it can be treated.

Cultural and social norms in many developing countries, and in some cases even here in the United States, prevent frank and open discussion about sex and HIV/AIDS.

But perhaps worst of all, women are most vulnerable because of the continuing legal, social, and economic inequalities that contribute to, and are the result of persistent and culturally ingrained gender discrimination throughout the world.

This gender discrimination is responsible for devaluing the rights of women to attend school, earn an independent living, control their own bodies and choose their own sexual partners, retain control over their own property, and speak their minds.

And with the loss of each such right, women become more vulnerable to HIV infection.

Studies show that without an education, women are at a much higher risk of acquiring HIV/AIDS.

Without an independent source of income, women are forced to rely on men for food,

clothing, shelter, etc., thus perpetuating an unequal power balance in their relationships.

Without being able to control their own bodies and choose their sexual partners, women are frequently treated as commodities to be bought or sold, without rights under the law.

This perpetuates a culture that accepts rape and violence against women as something that is commonplace, and without punishment.

And women who have no right to refuse the sexual advances of men cannot control the circumstances of their sexual encounters and are unable to insist on abstinence, faithfulness on behalf of their partners, or the use of condoms.

Without the ability to own or inherit property, women are in constant danger of being kicked out of their own homes, and losing control of their families most basic productive resources.

Ultimately, women who fear the consequences of speaking openly are powerless to advocate for any of these rights and are consigned to accept a second class status in their societies.

In the context of our moral tradition and our common humanity, that is just plain wrong.

But when it comes to combating HIV/AIDS, for women it can be deadly.

Working jointly with my colleagues in Congress and the Administration, last year we established the Emergency Plan for AIDS Relief to treat 2 million people, prevent 7 million new infections, and care for 10 million individuals.

But Mr. Speaker, I believe that if we do not aggressively target the needs of women, and work to eliminate the factors that contribute to the increased vulnerability of women to HIV, we will never reach our targets.

That is why today, along with 54 of my colleagues, I am introducing a bill entitled the New United States Global HIV Prevention Strategy to Address Women and Girls Act of 2004.

By recognizing the inadequacy of our current HIV Prevention efforts, which focus on the "ABC" approach of Abstinence, Being faithful, or using a Condom, my bill would seek to revise our current HIV Prevention strategy to place an emphasis on the needs of women and girls.

In doing so, my bill would require the President to develop a comprehensive, integrated, and culturally appropriate HIV prevention strategy for each of the countries receiving assistance to combat HIV/AIDS that includes:

Increasing access to female condoms—including training to ensure effective and consistent use. Accelerating the de-stigmatization of HIV/AIDS—as women are generally at a disadvantage in combating stigma. Empowering women and girls to avoid cross-generational sex and reduce the incidence of child-marriage. Reducing violence against women. Supporting the development of micro-enterprise programs and other such efforts to assist women in developing and retaining independent economic means. Promoting positive male behavior toward women and girls. Supporting expanded educational opportunities for women and girls. Protecting the property and inheritance rights of women. Coordinating HIV prevention services with existing health care services—including mother to child transmission programs—and family planning and reproductive health services. Promoting gender equality by supporting the development of civil society organizations focused on the needs of women, and by encour-

aging the creation and effective enforcement of legal frameworks that guarantee women equal rights and equal protection under the law.

At the same time, my bill would also seek to balance funding for our HIV prevention initiatives by stripping out misguided language in last year's Global AIDS bill that guaranteed that 33% of our prevention funds would go towards abstinence only programs.

Instituting a blanket requirement for abstinence spending in our global prevention programs sends the message that religious ideology coming out of Washington DC is driving our global HIV/AIDS programs rather than sound science and the reality of the situation on the ground.

Our policy should be to provide flexibility in our global HIV prevention strategies to support a variety of culturally appropriate prevention initiatives based on need and the specific HIV infection trends and gaps of each country.

In the best interests of improving the Emergency Plan for AIDS Relief, and achieving our goal of preventing 7 million new infections, I believe that we must make this change.

And we must also make this change because we owe it to all the women who are left vulnerable and powerless because of social, political, legal, and economic inequalities that allow HIV to fester and spread.

If we do not address these underlying issues in a comprehensive manner, then I fear that our efforts to prevent the disease from spreading will only be in vain.

I invite all my colleagues to join me in support of this legislation, and I urge the International Relations Committee to move swiftly to take it up.

#### HONORING THE MEMORY OF THE HON. JOHN HAWKINS

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 9, 2004*

Mr. BONNER. Mr. Speaker, Jefferson County, Alabama, and indeed the entire state recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Representative John Hawkins was a devoted family man who spent over 28 years in public service, serving from 1959 until 1965 in the Alabama House of Representatives, and from 1966 until 1974 in the Alabama State Senate. Following a period of sixteen years out of the public spotlight, he again answered the call to service and began a new period in the state house in 1990. He was continuing to represent House District 47 in the state capital when he became ill earlier this year.

Throughout his professional career, he was dedicated to bringing better opportunities to all the residents of Hoover, Vestavia Hills, and Jefferson County in Alabama, and was a tireless advocate for his constituency. Representative Hawkins sponsored countless bills during his career in the legislature, but is perhaps best known for his championing the cause of automobile safety. In 1991, he was instrumental in the passage of Alabama's first state law that requires drivers and front-seat passengers to use safety belts. Eight years later, he helped to push through an amendment that gives police officers the authority to stop vehicle operators for violations of the seatbelt law alone.

Representative Hawkins was also a strong proponent of projects designed to benefit the residents of his district. Throughout his career, he emphasized providing funding for such projects as library additions, a reading initiative for area schools, drug testing for student athletes, and a multitude of highway projects. In fact, his efforts at securing transportation funding for his district led the citizens of Hoover, Alabama, to request that four miles of Alabama 150 be named after him because of his assistance in ensuring the widening of that highway.

Representative Hawkins, a graduate of Marion Military Institute in Marion, Alabama, and the University of Alabama, was a distinguished veteran of World War II. He was retired from Alabama Power Company after a long tenure as a special projects manager.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated public servant and long-time advocate for Jefferson County, Alabama. Representative Hawkins will be deeply missed by his family—his wife, Betty Hawkins, and his sons, John Hawkins, III, Bill Hawkins, and Davis Hawkins—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

HONORING THE MEMORY OF MR.  
RALPH R. WILCOX, SR.

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. BONNER. Mr. Speaker, Mobile County, Alabama, and indeed the entire First Congressional District recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Ralph Wilcox, Sr., was a devoted family man and dedicated community servant throughout his entire life. He was retired following a long career with the Kimberly Clark Corporation, and in 1982 assumed a position on the board of directors of the Mobile County Water, Sewer and Fire Protection Authority. As a part of this organization, Mr. Wilcox and his fellow board members were responsible for oversight of one of the largest public utility and fire protection organizations in the State of Alabama, consisting of over 400 miles of water lines in Mobile County.

A lifelong resident of Theodore, Alabama, Mr. Wilcox was also actively involved in the life of his community, participating in several area youth organizations. He served on the council for the Boy Scouts of America and was an active member of the board of the Theodore Athletic Association. In 1980, he was inducted as member of the Mobile Youth Baseball Hall of Fame, and was nominated by the Tillman's Corner Chamber of Commerce as its Citizen of the Year.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated community servant and long-time advocate for Mobile County, Alabama. Ralph Wilcox, Sr., will be deeply missed by his family—his wife, Margaret Floyd Wilcox, his daughters, Stephanie Van Cleave and Margie Wilcox, his son, Ralph "Hoppy" Wilcox, Jr., his sister, Lucy Clark, seven grandchildren, and one great-grandchild—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all at this difficult time.

ESOP PROMOTION AND  
IMPROVEMENT ACT OF 2004

**HON. CASS BALLENGER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 2004

Mr. BALLENGER. Mr. Speaker, I am introducing legislation today to promote employee ownership through employee stock ownership plans (ESOPs). Most of our colleagues are familiar with these plans, but are they aware that the most common form of providing stock ownership to non-managerial employees today is through ESOPs?

During my service in the House, Congress has expanded employee ownership in America. I have worked to expand ownership through ESOPs by introducing, cosponsoring and advocating legislation. Many new provisions of ESOP law first surfaced in legislation I introduced in 1990, 1991, 1993, and 1995. Through the years, I have worked to build bipartisan support for ESOPs in Congress.

Let me say to my colleagues that ESOPs are not just special arrangements for the top executives in a company. ESOPs are broad-based stock ownership plans that, over the past 30 years, have created significant wealth for employees. In many instances, they have been the innovators in participatory management practices that respect the individual while maximizing the performance of the company.

Studies demonstrate that the overwhelming majority of employee-owned companies are more successful and treat their employees better than non-employee-owned companies. For example, in the most comprehensive study of ESOP companies ever done, over 1100 ESOP companies were matched against their counterparts for an eleven-year period. The ESOP companies had a survivability rate 15 percent greater than the non-ESOP companies, had annual sales 2.4 percent greater on average, and provided more retirement benefits than their counterparts. In another study, Washington State's Economic Development Office found in 1997 and 1998 that ESOP companies in Washington State, when compared with non-employee-owned companies, paid higher wages, had better retirement, and had twice the retirement income for employees.

Despite all this favorable data, I cannot say that ESOP companies are always successful. But, I will say that they are usually high-performing companies that share with employees the wealth they help create and bring a real ownership culture into the workplace.

Overall, we have good ESOP laws on the books through our tax code and the Employee Retirement Income Security Act, which is overseen by the Department of Labor. My legislation does not unravel existing law, nor does it overreach with new, costly tax incentives for ESOP creation. Rather, my bill is a modest step toward aiding the creation of employee ownership through ESOPs and helping existing ESOP companies maximize their ownership structure.

Primarily, the ESOP Promotion and Improvement Act of 2004 would make minor changes in tax law to treat S-corps the same

as C-corps in the ESOP arena, which would help foster ESOP creation. My legislation would also extend to ESOPs some of the popular features accorded to retirement programs such as 401K's. Following is a brief explanation of my legislation:

First, I will clarify what was really an oversight in the drafting of the 1997 law encouraging S corporations to sponsor ESOPs. The 1997 law prevented S corporations from taking a tax deduction for dividends ('distributions on current earnings'). Since S corporations do not pay a corporate level tax, it is reasonable not to give a corporate level tax deduction. However, under current law, distributions from current earnings on ESOP stock paid to employees of S-corps are subject to a 10 percent penalty tax because the payments are treated as if they were early withdrawals from plan contributions to the ESOP. Clearly, Congress never intended for S corporations to have their dividends on ESOP stock treated more harshly than C corporation dividends paid on ESOP stock.

To address this problem, my legislation does away with the unfair 10 percent penalty and makes it clear that, as in C corporations, dividends paid by an S corporation on ESOP stock can be deducted if the deduction is used to pay the debt incurred to acquire the stock for the employees through the ESOP.

Next, my legislation permits the owners of S corporation stock to sell that stock to an ESOP and, under tight rules, to defer the gain on that sale if the following conditions are met. First, the ESOP must hold at least 30 percent of the outstanding stock of the S corporation. Second, the seller must reinvest his or her proceeds in American companies. This treatment has been permitted for owners of C stock of a private company since 1984, and it has been a boon to ESOP creation. In fact, surveys by the ESOP Association show that 70 to 75 percent of the ESOP companies in America were created by exiting shareholders of private companies using this 1984 law. I believe that if this provision, Code Section 1042, is expanded to include S corporations, there will be many more S corporation ESOPs.

I believe we also need to clarify a 1989 law that the IRS has stretched too far. Under an IRS regulation interpreting the corporate Alternative Minimum Tax (AMT), C corporation dividends that are paid on ESOP stock are calculated as part of a company's adjusted current earnings, which is used in calculating the corporate AMT. Three taxpayers have taken cases all the way to the Court of Appeals saying the IRS went beyond the reach of the law in this interpretation. However, the Courts have rejected these claims, stating that the IRS has wide discretion in promulgating regulations. We should reaffirm our commitment to ESOP creation and clarify that Congress never intended to make an ESOP benefit a tax liability by overturning these IRS rulings.

Finally, my bill contains two technical amendments clearing up some unfair and out of date elements of the 1984 IRC 1042 provision. My bill clarifies who can participate in a 1042 ESOP, and it permits the proceeds from a 1042 sale to be invested in mutual funds of U.S. stock, versus requiring direct stock purchases. In addition, my bill brings parity to ESOPs with other defined contribution plans by permitting ESOP participants to withdraw money from the ESOP under limited circumstances to pay for a first-time home or college tuition.