

women, and abduct children, and force entire families off their lands. These are not scenes from a war movie; these are slices of everyday life for ethnic African people living in the Darfur region of western Sudan.

Relief workers and U.S. officials have reported seeing thousands children whose round bellies and sunken eyes reveal a famine so severe that even the most well fed of the land would still be considered malnourished. And they are a stone's throw from fertile ground. The problem is that Janjaweed militiamen riding on horseback and carrying AK-47s, have driven families from their farms, destroyed their homes, cut them off from resources, and refused to let them prepare for the upcoming rainy season. The monsoons will likely overwhelm leaky huts and inadequate sewage systems and increase the risks of cholera, diarrhea, meningitis, measles, and possibly typhoid fever and polio. But this is not a natural disaster. It is a wholly unnatural, man-made disaster, brought about through the systematic efforts of the Janjaweed, and supported by the Sudanese Government in Khartoum. It is an effort to exterminate the ethnic African culture in Darfur—an international crime.

For the past year and a half, the Government of Sudan has supported and enlarged the interests of the Janjaweed militia. In the melee, more than 30,000 people have died and 300,000 more may die by year's end even if we contribute our best humanitarian effort. Now, in the twelfth hour, world leaders in Washington, at the U.N., and around the world are finally beginning to heed the cries of the people in Darfur. International aid and human rights organizations are stepping in to assess and meet the needs for humanitarian aid in both the Sudan and Chad where many displaced people of Darfur are seeking refuge.

Visits by Senator SAM BROWNBACK, Representative FRANK WOLF and, most recently, United States Secretary of State Colin Powell and United Nations Secretary-General Kofi Annan have done much to bring this issue to the forefront of world politics.

The world's attention and international media coverage are essential but insufficient to restore peace. To end this crisis, we must first acknowledge the scope of this crisis. What is happening in Darfur is genocide. In historic fashion, the House of Representatives, in an almost unprecedented show of bipartisanship passed legislation from my colleague in the Congressional Black Caucus DONALD PAYNE, H. Con. Res. 467—a formal declaration of genocide in Darfur, Sudan.

Today, I met with Secretary of State Colin Powell, and leaders from the Congressional Black Caucus, to discuss possibilities for future action in Sudan. Secretary Powell's passion and commitment to the cause of peace and justice for the Darfurians was obvious. But it is now time for similar dedication at the highest levels of government. I have written a letter to the President, co-signed by 30 other Members of Congress, both Republicans and Democrats, requesting a meeting as soon as practicable. United Nations Secretary-General Kofi Annan and President Bush must work in concert with us in the Congress to pressure the Sudanese to disarm the Janjaweed militias and end their reign of terror on ethnic-African peoples. If disarmament does not occur and if proper security measures are not taken to ensure that humanitarian workers will be able to

do their jobs on the ground, we need to explore other more aggressive options, with our partners at the U.N., especially those nations in the African Union.

Today, U.S. lawmakers and U.N. officials know too much about the horrors taking place in Darfur for this administration and government to repeat the fate of Rwanda in 1994. We now have the momentum to move forward and prevent thousands and, possibly, millions from dying. With such a narrow window of opportunity to avert tragedy and with the urgent warnings issued this week by the 9/11 commission, I believe Congress should cut our recess short, and come back to Washington, to immediately address the issues that face this Nation and our friends in the world. It is our moral duty to put an end to what has already become a human rights catastrophe. We must stop the suffering and the commission of blatant crimes against humanity.

Mr. Speaker, I support this legislation and ask that this body unite for its passage.

Mr. MEEKS. Mr. Speaker, I would first like to commend my colleagues, DONALD PAYNE and TOM TANCREDI for working with the Senate to draft a bill that will hopefully be the beginning of the end of genocide in the Sudan.

Since February 2003, Sudanese government troops and their allied militia, the Janjaweed, have raped, tortured, maimed, and burned entire villages to cleanse the Darfur areas of African Muslims.

Seventy thousand have died. Over 200,000 have fled across the border into Chad and 1.6 million have been forced from their homes and into camps, where they remain vulnerable to attacks and lack basic services.

While the Sudanese government has done little to protect its people, the African Union has shown tremendous leadership in trying to stop the atrocities.

The African Union has led peace talks since August and sent hundreds of monitors and security forces to assist in stopping the atrocities.

It is my hope that the bulk of the assistance included in this bill will go to ensure that the African Union is successful in its mission to finally end the genocide in Darfur!

Additionally, we must continue to insist that the Sudanese government cease support for and disarm the Janjaweed militias by immediately utilizing sanctions against the government officials responsible for stopping the atrocities.

Darfur has waited long enough. We must act now.

Mr. PAUL. Mr. Speaker, I rise in strong opposition to this ill-conceived, counter-productive legislation. This represents exactly the kind of unconstitutional interventionism the Founding Fathers warned us about. It is arrogant and dangerous for us to believe that we can go around the world inserting ourselves into civil wars that have nothing to do with us without having to face the unintended consequences that always arise. Our steadily-increasing involvement in the civil war in Sudan may well delay the resolution of the conflict that appears to be proceeding without our involvement. Just today, in talks with the UN the two sides pledged to end the fighting.

The fact is we do not know and cannot understand the complexities of the civil war in Sudan, which has lasted for 39 of that country's 48 years of existence. Supporters of our intervention in Sudan argue that this is a

clear-cut case of Sudan's Christian minority being oppressed and massacred by the Arab majority in the Darfur region. It is interesting that the CIA's World Factbook states that Sudan's Christians, who make up five percent of the population, are concentrated in the south of the country. Darfur is a region in the mid-western part of Sudan. So I wonder about this very simplistic characterization of the conflict.

It seems as if this has been all reduced to a few slogans, tossed around without much thought or care about real meaning or implication. We unfortunately see this often with calls for intervention. One thing we do know, however, is that Sudan is floating on a sea of oil. Why does it always seem that when we hear urgent clamor for the United States to intervene, oil or some other valuable commodity just happens to be present? I find it interesting that so much attention is being paid to oil-rich Sudan while right next door in Congo the death toll from its civil war is estimated to two to three million—several times the estimated toll in Sudan.

At a time when we have just raised the debt-ceiling to allow more massive debt accumulation, this legislation will unconstitutionally commit the United States to ship some 300 million taxpayer dollars to Sudan. It will also freeze the U.S. assets of certain Sudanese until the government of Sudan pursues peace in a time-frame and manner that the U.S. determines.

Inserting ourselves into this civil war in Sudan will do little to solve the crisis. In fact, the promise of U.S. support for one side in the struggle may discourage the progress that has been made recently. What incentive is there to seek a peaceful resolution of the conflict when the U.S. government promises massive assistance to one side? I strongly urge my colleagues to rethink our current dangerous course toward further intervention in Sudan. We may end up hurting most those we are intending to help.

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Colorado (Mr. TANCREDI) that the House suspend the rules and pass the Senate bill, S. 2781, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

TREATING CERTAIN ARRANGEMENTS BY YMCA RETIREMENT FUND AS CHURCH PLANS

Mr. ENGLISH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5365) to treat certain arrangements maintained by the YMCA Retirement Fund as church plans for the purposes of certain provisions of the Internal Revenue Code of 1986, and for other purposes.

The Clerk read as follows:

H.R. 5365

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

SECTION 1. CERTAIN ARRANGEMENTS MAINTAINED BY THE YMCA RETIREMENT FUND TREATED AS CHURCH PLANS.

(a) RETIREMENT PLANS.—

(1) **IN GENERAL.**—For purposes of sections 401(a) and 403(b) of the Internal Revenue Code of 1986, any retirement plan maintained by the YMCA Retirement Fund as of January 1, 2003, shall be treated as a church plan (within the meaning of section 414(e) of such Code) which is maintained by an organization described in section 414(e)(3)(A) of such Code.

(2) **TAX-DEFERRED RETIREMENT PLAN.**—In the case of a retirement plan described in paragraph (1) which allows contributions to be made under a salary reduction agreement—

(A) such treatment shall not apply for purposes of section 415(c)(7) of such Code, and

(B) any account maintained for a participant or beneficiary of such plan shall be treated for purposes of such Code as a retirement income account described in section 403(b)(9) of such Code, except that such account shall not, for purposes of section 403(b)(12) of such Code, be treated as a contract purchased by a church for purposes of section 403(b)(1)(D) of such Code.

(3) **MONEY PURCHASE PENSION PLAN.**—In the case of a retirement plan described in paragraph (1) which is subject to the requirements of section 401(a) of such Code—

(A) such plan (but not any reserves held by the YMCA Retirement Fund)—

(i) shall be treated for purposes of such Code as a defined contribution plan which is a money purchase pension plan, and

(ii) shall be treated as having made an election under section 410(d) of such Code for plan years beginning after December 31, 2005, except that notwithstanding the election—

(I) nothing in the Employee Retirement Income Security Act of 1974 or such Code shall prohibit the YMCA Retirement Fund from commingling for investment purposes the assets of the electing plan with the assets of such Fund and with the assets of any employee benefit plan maintained by such Fund, and

(II) nothing in this section shall be construed as subjecting any assets described in subclause (I), other than the assets of the electing plan, to any provision of such Act,

(B) notwithstanding section 401(a)(11) or 417 of such Code or section 205 of such Act, such plan may offer a lump-sum distribution option to participants who have not attained age 55 without offering such participants an annuity option, and

(C) any account maintained for a participant or beneficiary of such plan shall, for purposes of section 401(a)(9) of such Code, be treated as a retirement income account described in section 403(b)(9) of such Code.

(4) **SELF-FUNDED DEATH BENEFIT PLAN.**—For purposes of section 7702(j) of such Code, a retirement plan described in paragraph (1) shall be treated as an arrangement described in section 7702(j)(2).

(b) **YMCA RETIREMENT FUND.**—For purposes of this section, the term “YMCA Retirement Fund” means the Young Men’s Christian Association Retirement Fund, a corporation created by an Act of the State of New York which became law on April 30, 1921.

(c) **EFFECTIVE DATE.**—This section shall apply to plan years beginning after December 31, 2003.

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

The Chair recognizes the gentleman from Pennsylvania (Mr. ENGLISH).

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

Mr. Speaker, I rise today to support H.R. 5365, legislation that I had the privilege to introduce along with the gentleman from North Dakota (Mr. POMEROY). The gentleman from North Dakota and I have been working together for a number of years to make this important clarification, and I appreciate his dedication and leadership on this issue. I also want to thank the gentleman from California (Chairman THOMAS) and the Committee on Ways and Means for their invaluable assistance in bringing this bill to the floor today.

Mr. Speaker, this bill is designed to ensure that thousands of pension plan participants and retirees from the YMCA can continue to count on their benefits. It addresses a concern about the technical status of the YMCA pension plan as a church plan, a type of pension plan offered by churches or associations of churches which brings with it a special set of rules and regulations under the Tax Code. While the YMCA pension plan was founded as and historically has been treated as a church plan, the IRS has on occasion pockishly called its status into question. This bill ensures that its status remains a church plan and that the plan may continue to operate as has been for over 80 years with clear congressional intent.

The YMCA pension plan is a significant and important component of the compensation package offered all YMCA employees, most of whom are paid modestly. Every full-time employee of local YMCAs is required to participate to help ensure better retirement security for all of these employees. The YMCA pension plan is important to the YMCA employees and retirees in my district in Pennsylvania, as it is to those plan participants in most likely each and every congressional district across the country.

This legislation has a vital impact on more than 3,000 families in Pennsylvania and over 80,000 participants nationwide because it offers them financial and retirement security for their long service on behalf of our Nation’s YMCAs, one of our most important organizations operating within communities throughout this country. I am pleased that we are moving forward with this bill today to preserve the status quo, and I encourage all of my colleagues to actively support this bill.

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

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

I am very pleased to join the gentleman from Pennsylvania (Mr. ENGLISH) in the sponsoring of this bill. I want to also express my gratitude to the gentleman from California (Chairman THOMAS) for allowing the bill to come forward and to the gentleman from New York (Mr. RANGEL), ranking member, for his interest and support of this legislation.

The YMCA puts Christian principles into the communities by programs that advance healthy minds and strong bodies. They serve 18 million Americans every year and operate throughout its 90-year existence a pension plan for the modestly paid individuals that make these facilities what they are to those enjoying their services.

The YMCA retirement plan requires each and every employee to participate, provides retirees with annuities that guarantee monthly income for life. In fact, 98 percent of retirees choose a lifetime income over that lump sum payment option.

As we look at this whole retirement savings, retirement income conundrum, and we are certainly going to be deeply involved in that this coming congressional session, I hope we can agree that we are going to try to keep in the marketplace what works. And certainly when it comes to the YMCAs pension program, this is a plan that works.

It has been placed in some question because of the IRS’s evaluating whether or not it appropriately qualifies under the church-sponsored plan, as was mentioned by the gentleman from Pennsylvania (Mr. ENGLISH). It is important to legislatively take that, shed that cloud off of this pension program. I appreciate the IRS for forbearing while Congress has been allowed through this legislation to straighten out and clarify that we do not want any changes to the YMCA pension plan. This is a plan that is working and serving its people well. We want it to continue as it has done, and that is the effect of this legislation.

In North Dakota we have 820 YMCA employees and retirees whose fate is linked in some respect to this legislation. Nationally 88,000 have a stake in this legislation.

I hope that as we pass this legislation today, we can take this as a precedent. These pension issues deserve bipartisan approach, like the bill before us, and we need to build on the concept, keep what works, move to address the other areas as these solutions present themselves.

So I am very pleased to advance H.R. 5365 and urge its adoption.

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

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

I will submit the exchange of letters between the gentleman from California (Chairman THOMAS) and the gentleman from Ohio (Chairman BOEHNER) relating to the jurisdiction of this bill for the RECORD.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,

Washington, DC, November 19, 2004.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR CHAIRMAN THOMAS: I am writing to confirm our mutual understanding with respect to consideration of H.R. 5365, to treat certain arrangements maintained by the

YMCA Retirement Fund as church plans for the purposes of certain provisions of the Internal Revenue Code of 1986, which was referred to the Committee on Ways and Means and in addition the Committee on Education and the Workforce. The bill would impact the Employee Retirement Income Security Act (ERISA) as it applies to certain pension plans within the jurisdiction of the Committee on Education and the Workforce.

I do not intend to delay consideration of H.R. 5365, nor will I object to the scheduling of this bill for consideration in the House of Representatives. However, I do so only with the understanding that this procedural route should not be construed to prejudice the Committee on Education and the Workforce's jurisdictional interest and prerogatives on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I would expect Members of the Committee on Education and the Workforce be appointed to the conference committee on those provisions.

Finally, I would ask that you include a copy of our exchange of letters in the Congressional Record on this bill. If you have questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

JOHN A. BOEHNER,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, November 19, 2004.

Hon. JOHN BOEHNER,
Chairman, Committee on Education and the Workforce, Washington, DC.

DEAR CHAIRMAN BOEHNER: Thank you for your letter regarding H.R. 5365, a bill that would treat the YMCA Retirement Fund as a church plan for certain provisions of the Internal Revenue Code of 1986.

I appreciate your agreement to expedite the passage of this legislation although it contains provisions relating to the Employee Retirement Income Security Act of 1974 that are within your Committee's jurisdiction. I acknowledge your decision to forego further action on the bill is based on the understanding that it will not prejudice the Committee on Education and the Workforce with respect to its jurisdictional prerogatives or the appointment of conferees on this or similar legislation.

I appreciate your helping us to move this legislation quickly to the floor. Since the Committee will not report his bill, I will instead include in the CONGRESSIONAL RECORD as copy of our exchange of letters on this matter. Thank you for your assistance and cooperation. We look forward to working with you in the future.

Best regards,

BILL THOMAS,
Chairman.

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

Mr. POMEROY. Mr. Speaker, I yield myself 30 seconds.

I believe each and every one of us in this Chamber appreciates the work of the YMCA and recognizes that the YMCA is more than wonderful facilities. It is the people there. It is the people there that make these such a special part of our communities. If we want to do something that shows our appreciation to these dear people in the YMCA, let us move this legislation.

This removes any shadow of a doubt that their pension plan can continue to function as it has functioned for virtually the entire life of the YMCA associations. This is a good thing to do.

I am pleased to work with the gentleman from Pennsylvania (Mr. ENGLISH), my friend, in moving this legislation forward. Let this be a place where the true spirit of bipartisanship can break out on a worthy goal. Let us support this legislation.

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

Mr. ENGLISH. Mr. Speaker, I yield myself the balance of my time.

I also want to salute the gentleman from North Dakota, who is a valuable ally particularly in dealing with an issue like this that is in a sense relatively straightforward, but deals with the technicalities of the tax law. He has been a great resource to us and to the committee, and it is a privilege for me to be co-sponsoring this legislation with him.

Mr. Speaker, I think that if we look at the history of the YMCA in America, we see the premier faith-based organization that has been providing services to people throughout our communities and providing services that have had an enormous cumulative social impact on America.

One of the essential components to the YMCA and how it operates is its ability to offer this pension program to its employees. The YMCA does not operate on a broad profit margin. So to be able to offer this program with its tax status is critical to the Y's ability to attract the kind of people who are willing to dedicate themselves to the community. And this I believe is a very important piece of legislation to maintain the status quo, to allow the Y to continue to offer not only an excellent pension to its participants and to all of its hard-working employees but also to continue to be able to offer the quality of services in communities throughout America.

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Mr. Speaker, it is a privilege for me to urge my colleagues to gather together on a bipartisan basis to approve this bill.

Mr. BOEHNER. Mr. Speaker, I rise in support of the YMCA Retirement Fund Act, a bill sponsored by Mr. ENGLISH. Strengthening employee pension plans has been a longstanding priority of mine, and I'm pleased to support this common sense reform that will strengthen pension benefits provided through the YMCA Retirement Fund.

This bill will ensure the Young Men's Christian Association's pension plans are treated as church plans under the Internal Revenue Code, and its employees are provided many of the important protections under the Employee Retirement Income Security Act ("ERISA").

The YMCA Retirement Fund has been in existence for more than eighty years, and provides meaningful pension benefits to more than 80,000 participants across the nation. Employees of local YMCA's participate in

these pension plans and enjoy a vesting period of either two or three years. These employees obtain a non-forfeitable right to their pension benefits faster than employees under traditional qualified plans.

I'm pleased today to support this bill to ensure the YMCA Retirement Fund may continue providing these important pension benefits to its employees, many of whom will now also benefit from the important protections provided under ERISA.

Under the bill, the pension plans in the Fund may commingle assets for investment purposes. While there may be certain restrictions on this practice under the Internal Revenue Code, it is important to note that it is not a per se violation to commingle assets under ERISA, provided that the plan and its fiduciaries maintain appropriate records. Therefore, the language should not suggest that other qualified pension plans under ERISA cannot engage in this widely accepted practice.

If the YMCA Retirement Fund's status as a church plan under the Internal Revenue Code is not clarified for this narrow purpose, the Fund may not have the ability to continue to provide the same generous pension benefits to its participants, most of whom are modestly paid.

Finally, Mr. Speaker, I would note that while this legislation will solve a problem for the more than 80,000 Americans involved with the YMCA pension plan, the laws that govern all American worker pensions will remain outdated and in desperate need of reform and repair. The failure to update these laws has resulted in a very real threat that taxpayers will be forced to pay for a multi-billion bailout of the Pension Benefit Guaranty Corporation, which protects workers' retirement benefits when their companies fail. It's absolutely critical that we act in a bipartisan manner in the weeks and months ahead to enact comprehensive, broad-based reforms that will modernize our nation's pension laws and restore security for workers and taxpayers. This is a top priority for me and the members of our committee, and I know it is for Chairman THOMAS and the members of the Ways and Means Committee as well.

I want to thank Chairman THOMAS and the bill's sponsor, Mr. ENGLISH, for their cooperation in bringing this bill to the House floor today. I'm hopeful that we can build on this important legislation, and continue our efforts to craft a solution that will protect the retirement security of all our nation's workers in the same serious and thoughtful manner that produced the bill we're considering today.

I urge my colleagues to support this bill.

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. ENGLISH) that the House suspend the rules and pass the bill, H.R. 5365.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that all Members