

and violates all principles of fiscal responsibility.

While I agree that the request for \$1.3 billion in emergency relief for the damage created by Tropical Storm Allison is a true emergency, the budget resolution does not allow for the allocation of emergency designations in regular appropriations bills unless those funds are offset. Under this Congress' budget rules, this bill requires a waiver from the Rules Committee as well as clearance from the Budget Committee because of this emergency designation. These waivers were provided, which irresponsibly circumvents our budget process.

More worrisome, however, is the fact that this Congress is perilously close to spending Medicare and Social Security surplus funds. I am concerned that by releasing these funds under the emergency designation—without offsets—this Congress sets an early precedent in the FY '02 appropriations process to spend more than budget resolution allocations.

As you are aware, recent press reports suggest that the updated economic forecast the Congressional Budget Office will release in August is likely to show no available surplus beyond the Social Security and Medicare trust funds in fiscal year 2002 and that Congress may have to dip into those trust funds by nearly \$41 billion in FY 2003. More troublesome is the fact that these shortfalls do not even account for many of our other stated needs like a comprehensive energy policy, a prescription drug benefit, and the President's request for additional defense spending.

This Congress made a commitment to the American people that we would not vote to spend one single penny of the Medicare and Social Security Trust Funds. I will honor that commitment. Spending restraint, fiscal responsibility, and honoring our commitments do not come about by good intentions, but by resolute actions.

Mr. Chairman, in an effort to honor that commitment, I will adhere to the levels in the budget resolution enacted by a majority of this Congress. I will oppose any efforts to increase spending beyond those levels without offsets. This includes any emergency designation, regardless of its merit.

The VA-HUD appropriations bill violated the budget resolution and, despite the many good programs contained in this bill, it busts the budget and threatens the Social Security and Medicare Trust Funds. I urge my colleagues to honor their commitment to protect these funds; I urge my colleagues to vote no on H.R. 2620.

THE UKRAINE CELEBRATES 10
YEARS OF INDEPENDENCE AND
PROMOTION OF DEMOCRATIC
IDEALS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. KLECZKA. Mr. Speaker, on August 26, 2001, the Wisconsin Branch of the Ukrainian Congress Committee of America and the Cooperation of Ukrainian Churches and Civic Organizations will commemorate 10 years of Ukrainian independence from the United Soviet Socialist Republics.

For over a thousand years, the Ukraine nation and the Ukrainian people have bravely faced adversity and have struggled to gain independence as a sovereign nation.

The Ukraine was a country constantly under siege, suffering onslaughts from Muscovy, Poland, Lithuania and the Austro-Hungarian Empire. In the 13th century, the empire gradually began to disintegrate into city-states that would become the modern-day countries of Russia and Belarus. The Ukraine was able to gain independence for a very brief period in the mid 1600's and again achieved a brief independence following WWI, from 1917–1918. However, during the inter-war period, the Ukraine was partitioned between the Soviet Union and Poland and remained under the communist regime until 1991.

The 20th century history of the Ukraine is marked by the repression of the Soviet regime. In 1986 Americans watched in horror along with the rest of the world as the tragedy of Chernobyl unfolded before our eyes. The Chernobyl disaster, along with the USSR's mishandling of the environmental cleanup, sparked a new spirit of nationalism in the form of "Rukh," the Ukrainian People's Movement for Restructuring. Rukh nationalism and increased freedom brought about by Gorbachev's "glasnost" policy led to the declaration of Ukrainian independence on August 24, 1991.

The years of exploitation by the communist government left the Ukraine struggling to establish a viable socio-economic infrastructure. The residents of the Ukraine, with the assistance of the Ukrainian Congress Committee of America (UCCA) are committed to help strengthen Ukraine's development as a democratic, market-orientated state.

The Ukrainian Congress Committee of America (UCCA) is a non-profit educational and charitable institution that seeks to preserve and disseminate the rich intellectual and cultural heritage of Ukrainian Americans. The UCCA also serves as a vehicle by which Ukrainian Americans provide humanitarian aid and assistance to the residents of the Ukraine and Ukrainians throughout the former Soviet Union.

So, it is with a spirit of hope for the future of the nation of the Ukraine, that I join with the Wisconsin branch of the Ukrainian Congress Committee of America and the Cooperation of Ukrainian Churches and Civic Organizations to congratulate the Ukrainian people on 10 years of independence. May the Ukraine prosper and enjoy many more decades of independence, freedom and democracy.

REMEMBERING PROF. LAWRENCE
P. KING

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. NADLER. Mr. Speaker, I rise today, along with my colleagues Representative CONYERS and Representative WATT, to fondly remember Prof. Lawrence P. King who passed away on April 1, after a long and courageous struggle with cancer.

Prof. King was the most widely renowned bankruptcy scholar of our time, and had served as an invaluable advisor to Congress and the Courts regarding Bankruptcy Law. For years, Prof. King generously gave of his time through his involvement with the National Bankruptcy Conference, which has served as the leading non-partisan adviser on the nation's bankruptcy laws since the 1930's. Prof. King has frequently testified on the bankruptcy laws, and was particularly valuable in offering advice in connection with the seminal Bankruptcy Reform Act of 1978. As a result of his tireless assistance, it is no understatement to say that Prof. King has had as significant an impact on our bankruptcy laws—which are the envy of the world—as any other individual.

I first came into contact with Prof. King when I became the Ranking Democratic Member of the Subcommittee on Commercial and Administrative Law. Prof. King's knowledge of the law, compassion for the common man, and extraordinary sense of humor continued to be a tremendous help to the work of the committee especially during the very challenging struggles over the past few years to maintain the integrity of the Code. He both lived and taught in the Eighth Congressional District of New York, a fact about which I remain especially proud. My colleague, the distinguished Ranking Member from Michigan, met Prof. King while still a student at Wayne State School of Law, and like many other lawyers, whether starting out or seasoned, was touched by Prof. King's personal and professional greatness.

Time and space do not permit me to recite all of Prof. King's accomplishments, but a few highlights deserve notice. He taught at New York University School of Law from 1959 until his death. For the last 22 years, he was the Charles Seligson Professor of Law. He also served as a member of the Judicial Conference's Advisory Committee on Bankruptcy Rules; as a consultant to the Commission on Bankruptcy Laws of the United States, which produced what ultimately became the 1978 Bankruptcy Code; as a Senior Advisor to the National Bankruptcy Review Commission, established by Congress as part of the Bankruptcy Act of 1994; and, perhaps most importantly, as the editor-in-chief of the authoritative treatise "Collier on Bankruptcy." In addition to serving as a member of the National Bankruptcy Conference, Prof. King has been honored as a fellow of the American College of Bankruptcy, and had received the College's Distinguished Service Award and the Law School's Alumni Achievement Award.

He was the founder and driving force behind the NYU Workshop on Bankruptcy and Business Reorganization which, for 26 years, has trained attorneys in the field of bankruptcy and insolvency law, keeping experienced practitioners up to date with the latest developments in the

Prof. King's remarkable professional achievements and intellect are only part of the story. He understood the ethical and moral underpinnings of the fresh start and the rehabilitation of debtors. Everything he did was infused with his personal compassion and ethical standards. In his final speech to the American College of Bankruptcy, just two days before his death, Prof. King made an impassioned plea for the preservation of the fresh

start and the coherence, fairness and balance of the current Code. The Code, a model of fairness, is in peril right now. Prof. King, who did so much to build the system we have now, who contributed so much to bankruptcy scholarship, articulated the many concerns with the pending legislation better than anyone. I can think of no more fitting tribute than to commend his final comments to the attention of my colleagues in the hope that they will help us to remember this great man and take heed and work for fair and balanced legislation.

REMARKS BY PROF. LAWRENCE KING TO THE
AMERICAN COLLEGE OF BANKRUPTCY

I appreciate very much the honor of being asked to deliver the keynote address at this induction ceremony, which itself is a very auspicious occasion. It marks with emphasis the regard in which each of your peers hold you all and you are entitled to be very proud of this accomplishment. Of course, as a member of the College, I agree with everything I just said.

In considering what the focus of my remarks should be, the first thought was something having to do with the philosophy of the bankruptcy law. But that would be too short of a speech because, after all, that philosophy could be summed up as granting a new financial life to a financially distressed debtor and providing for an equitable distribution of the debtor's nonexempt assets among the debtor's unsecured creditors.

At least that was the philosophy until the advent of the 105th, 106th and the current 107th Congresses. It seems that today's philosophy is to damn the poor and struggling in order to pay the rich, who will not get paid anyway. So it is not worth heaping further ridicule on these past Congresses, the members are beyond caring, having pocketed the largess offered them and gone home to count what is in their campaign coffers. So, on to another theme.

Particularly as a member of the College, although not by virtue of that fact alone, we all have responsibilities to our profession and to our community, however that may be defined. Over a number of years of long and hard work, we have achieved a modicum of success and a time comes when some of our efforts should be used to return some good to the communities from which we come. Naturally, as all good sayings go, that is easier to state than to accomplish. Nevertheless, I want to plant some ideas by way of example.

When I was in law school, I decided that my careers should encompass three aspects. I wanted to practice law in order to help people with their problems, people being defined to include all legal entities. I wanted to teach law in order to educate others on how to help people through the practice of law as well as to help fashion the law by research and writing. And, thirdly, I wanted to be a judge in order to help make and interpret the law.

Those were pretty lofty dreams, perhaps subject even to a charge of naivete. Interestingly, as I reminisce, it seems to me that I did accomplish two of those desires, that is, the actual working at them. Whether or not it was of help to others is not for me to say. I have found, however, that within my work in whichever capacity, I have been able to accomplish all of my goals. That has occurred because throughout my career, I was involved in, let's say,

As I was thinking about this part of my speech, I thought of saying to you that there were two of such activities that highlighted my career in the sense of the personal enjoy-

ment and satisfaction that I got out of them. But, as I thought of that notion, I concluded that I could say the same thing with regard to everything I have done and such joy and satisfaction was not limited to a mere two or three endeavors. But a brief review of two will serve my purpose tonight.

For about 22 years, in addition to full time teaching, part time practicing as counsel to a firm, and serving as associate dean of the law school, I was the first associate reporter, then reporter, and then a member of the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the U.S. This was not totally fun, but overall, it was quite an interesting challenge.

One incident, that one would think is unrelated to that work, involved a partial shredding of both of my trousers' legs, starting at the lower thigh, and appearing with cloth flapping before a Congressional committee to testify. The reason for the shredding was a mind bending state of frustration in listening and having to accede to suggestions to change the Chapter X Rules being made by members of the Standing Committee on Practice and Procedure, that is, the oversight committee which had no one on it who knew a whit about bankruptcy, and Chapter X in particular. During the discussion, my hands were under the table and basically, subconsciously, were clutching my pants legs and, at one point of extreme aggravation, they pulled back, tearing the pants.

Another extracurricular activity that took a great deal of time, and, in looking back, I do not quite understand where the time came from, was on the legislative front. I first got involved in that through the legislation committee of the National Bankruptcy Conference and the first excursion in drafting legislation for congress and testifying with respect to it was the 1970 Nondischargeability Amendments, which gave the bankruptcy court jurisdiction to determine the effect of a discharge.

An interesting aspect of that task was working with the National Association of Referees in Bankruptcy to come up with a joint bill and, at each turn, having members of the House subcommittee complain that the draft was not strong enough to prohibit further abuses of the discharge system by consumer credit companies. One of the most interesting days was when I received a call from Senator Quentin Burdick of North Dakota asking me to come to his office.

I was there very quickly. He ushered me into his office, told me to put my feet on the desk, offered me a shot of bourbon (9 a.m.), and he started talking. He had gotten interested in the bankruptcy jurisdiction of the referee in bankruptcy and wondered out loud whether it made sense to create a commission to study the bankruptcy laws with a view to updating them. I, of course, was in 100 [percent] ecstatic agreement, and, from that moment, the 1970 Commission was born not without some problems, but that is a story for another day.

In the mid-1970s, I was called to the House subcommittee, which was considering amending Chapter IX of the former [Bankruptcy] Act, the municipality chapter, because of the New York City financial crisis. At first, all I was asked to conduct [was] an afternoon's seminar for the members of the subcommittee and their staffs on the topic of executory contracts under the Bankruptcy Act. This was becoming a big issue in the legislation because of the power of the city's labor unions and their bargaining agreements.

But, at the conclusion, the chairman of the subcommittee, Congressman Don Edwards,

asked me to show up the next morning at the start of the markup of the Chapter IX bill. Now, no one can speak at a markup session except the members and their staff, so I had to remain silent. At the markup, Congressman Butler, the ranking minority member, had a list of about 50 amendments to the proffered bill which were being read, one by one, by his minority counsel, Ken Klee, and then voted upon.

As an amendment was read, Don Edwards looked in my direction and I quickly realized he was seeking a reaction to the amendment from me by way of a nod or shake of the head. And I complied.

After a while, Congressman Butler asked for a recess and he came over to me, asking, "Am I seeing right? Are you reacting to my amendments as they are read without even having seen them before?" I replied in the affirmative, and he then asked if I would study the remainder of them overnight and meet with him the next morning to offer my reaction.

The next day I showed him the lists that I had made of the amendments: in one group I placed the ones I agreed with; in the next group I placed the ones I disagreed with; and in the third group, I placed the ones I did not take a position on because I believed them to be purely political, which was within his expertise and not mine.

At the markup session, Butler offered to Edwards the group one amendments with the statement that they had passed muster with the NYU law school. He did not offer group two, and the discussion was limited to Group 3. The markup continued for several days although it was serially announced that it would conclude at the end of that days' session. That did not happen. In the morning, I would check out of my hotel and, in the evening, I would check back in.

During the 1970s and '80s, I spent a fair amount of time testifying before Congressional committees and subcommittees, which was very time consuming and, also, fairly expensive. Congress invites you to work for it, but it does not offer to pay, even expenses.

In addition, I did a fair amount of continuing education work all over the country, on behalf of state and local bar associations and other suppliers of such programs. I considered appearing on these programs to be part of my job as a teacher, whether I received any compensation (which I did not) for the work.

I now think appearing on such programs is more than a teacher's job. I believe that it is incumbent on all of us, practitioners and judges alike, to participate in these programs, if we have something to offer. Judges are a bit problematic because of their position and having to decide issues but, with care as to the type of participation, they can share their gathered wisdom with the bar and public generally.

Another area in which lawyers, particularly, can serve beyond their everyday role is through their local bar associations. Active membership should be considered a must. There are many things the local bar can do in a very constructive manner. Very important is its ability to present its views to legislatures regarding bankruptcy and related legislation.

Either through bar association work or on an independent basis, pro bono work is of utmost importance, particularly in view of the new legislation. The costs to debtors filing for bankruptcy go up and up and up and no one in Washington seems to understand that the poor are being asked to support the system.

Help is needed all over the country. Go to your local courts and volunteer to serve. Create formal programs in your district to help the unfortunate. I know there are established programs in some parts of the country. Get involved in them. Give something back. That is the rallying cry.

Some have suggested programs to get lawyers and judges into the classrooms around the country. I have not been enamored of that idea. I do not believe you can pick someone out of his or her office or from the bench and say, here, teach, even if that individual has volunteered with enthusiasm to do so. Not everyone can be an effective teacher. It takes a good deal more than merely standing in front of a group and talking. Again, that is a separate subject for a talk, and I will not belabor it here.

But there is a lot out there that can be done. Legislative work is always timely. Keep in touch with your members of Congress. If you are not known, find someone in your firm, or roster of friends or clients who is. Include Representatives and Senators. If you have a string to the White House, use it and turn it into a rope. Plan in advance.

Share your expertise by writing sensible articles. The key word is sensible.

Participate in bar association functions. Be active. Volunteer to do work.

Get involved in pro bono work. You will get a lot of satisfaction in helping people.

In whatever form you wish to express yourself, remember, give something back.

HONORING SHIRLEY HELLER

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. DEUTSCH. Mr. Speaker, I rise to honor the lifetime achievements of one of South Florida's most active and charitable volunteers. Shirley Heller, who passed away on July 16, 2001 at the age of 72, was an inspiring leader who left a legacy of commitment and devotion for the South Florida community.

Shirley Heller grew up on the north side of Chicago. She attended the National College of Education and, after receiving her degree, became a teacher who was greatly loved and admired by her students. Her love for teaching led her to volunteer for the Great Books program in Chicago, which promotes classic pieces of literature.

Shirley's love of politics and public service also began during her time in Chicago, where her lifetime of activism can be traced back to the Truman years. Shirley would serve as a national delegate for the Democratic Convention, a duty she would fulfill twice more after moving to Florida. However, Shirley was best known for her dedication to her community. She was an active member of various women's groups, and had the honor of serving as the President of Hadassah for three consecutive terms. She also founded the local B'nai B'rith organization for girls in the greater Chicago area.

Shirley was an extremely giving person who always worked for others and not herself. Immediately after moving to Florida in 1979, Shirley became involved in numerous civic and community organizations. Residents at once recognized the value of her enthusiasm

for and commitment to her community; characteristics which made her a natural leader. She served as president of the Pembroke Pines Democratic Club, as well as president of the Hollybrook Golf and Tennis Condominium.

Mr. Speaker, Shirley Heller was both beloved and widely respected by all those blessed to have known her, especially her husband and three sons, whom she cherished. She selflessly served her community throughout her life's work. Today, Mr. Speaker, we celebrate Shirley's life, which serves as a wonderful example to all who follow in her footsteps.

CELEBRATING THE 75TH ANNIVERSARY OF ASTORIA CENTER OF ISRAEL

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. CROWLEY. Mr. Speaker, I rise in celebration of the 75th anniversary of The Astoria Center of Israel, one of the oldest and most venerable Conservative synagogues in my district.

Since its inception in 1926 the Astoria Center of Israel has been a bulwark of the Conservative Jewish community, as it provides a center for civic leadership, spiritual enrichment, and cultural relations.

Mr. Speaker, this congregation has always been a vibrant one.

In May of 1926, Financial, House, Membership, and Junior League committees had been established, a mere month after the building first opened its doors.

Those doors open into a sanctuary that is magnificent to behold even when the services have yet to commence. The beautiful canvasses of Mr. Louis Pierre Rigal, winner of the prestigious Grande Prix de Rome award in 1919, adorn the walls with glorious Biblical imagery.

Even today the synagogue continues to enrich the community's culture and spirit by offering plays, concerts, lectures, and civic meetings to any that wish to attend.

It would be impossible for me to separate the merits of this institution from those of its first spiritual leader, Rabbi Joshua Goldberg.

Rabbi Goldberg was the first Jewish chaplain of the United States Navy. When knowledge of the Holocaust became public, he, together with Rabbi Stephen Wise, was an active leader in the effort to save European Jews from Hitler's relentless persecution.

Rabbi Goldberg was stationed in Europe during World War II, and thus began his distinguished fifty-year-long career of Navy chaplaincy.

As a Rabbi, he reached out to other members of the clergy, both in local neighborhoods and throughout greater New York area. Rabbi Goldberg would often use radio broadcasts as a means of delivering his message of universal love and unity. Additionally, his efforts were integral to the formation of Queens College, my esteemed Alma Mater.

He made great contributions to the establishment of other Jewish communities such as Rego Park and Forest Hills.

Many prominent members of the Astoria Center for Israel continued to follow in Rabbi Goldberg's footsteps, such as Rabbi Alvin Class, the current chaplain of the New York Police Department.

I also must acknowledge the Center's many congregants that proudly pursue active careers in public service in both the governmental and private sectors.

It is my hope that we can fulfill the clause that concludes the Astoria Congregation of Israel synagogue charter—

"Behold how good and pleasant it is for brethren to dwell in unity"

RAILROAD RETIREMENT AND SURVIVORS' IMPROVEMENT ACT OF 2001

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. NUSSLE. Mr. Speaker, I commend the Chairman of the Transportation and Infrastructure Committee for his effort to address the problem of the railroad retirement system's solvency and to improve the benefits of railroad retirees and their surviving spouses. The fundamental problem is that there is currently only one railroad worker for every three beneficiaries, and that ratio is only getting worse. I agree that steps need to be taken to ensure the long term solvency of the railroad retirement system.

However, I must share with my colleagues an important concern regarding this bill's potential impact on the federal budget. As Chairman of the House Budget Committee, I worked with the Committee Chairmen, House Leadership and the Administration to alleviate this same concern, which may have been incorrectly perceived as delaying its consideration on the floor.

This bill raises a technical question about how the government should treat the transfer of financial assets from the railroad retirement account to a new trust fund for the purchase of private securities. Under the existing rules for estimating the cost of legislation, the investment of railroad retirement funds in private securities is considered by the Congressional Budget Office and the Office of Management and Budget as an expenditure and would result in \$15.6 billion in new government spending in fiscal year 2002. This is because the funds would no longer be held or controlled by the U.S. Treasury.

There is another view held by many budget analysts that this transaction should simply be considered a means of financing the federal debt, and not as government spending. In other words, the investment of these assets would be considered a transfer of funds from one part of the federal government to another. Under this view, the investment of these bonds, which are currently in government securities, in private securities would have no net effect on the budget. I believe that this view is not unreasonable if the benefits of any return on investment accrue to a government-administered trust fund; that they are not used to finance new federal spending programs;