

Speaker, please join me and my colleagues as we congratulate the young scholars from Wilson High School as they compete in this national civics competition.

A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO TREAT DISTRIBUTIONS FROM PUBLICLY TRADED PARTNERSHIPS AS QUALIFYING INCOME OR REGULATED INVESTMENT COMPANIES

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. HERGER. Mr. Speaker, today I am introducing a bill to allow mutual funds to invest without restriction in publicly traded partnerships, or PTPs. PTPs, which are also known as MLPs, are limited partnerships which are traded on public securities exchanges in shares known as "units." Because interests in PTPs are liquid and can be bought in small increments, they can be and often are bought by small investors. Many of those investing in PTPs are older individuals, who buy them for the reliable income stream they receive from quarterly PTP distributions.

Unfortunately, the tax code currently deters mutual funds representing many small investors from investing in PTPs. As safe, liquid securities which generally provide a steady income stream, PTPs could be an excellent investment for mutual funds. However, the tax code requires that mutual funds get 90 percent of their income from specific sources in order to retain their special tax treatment. Distributions from a partnership do not qualify, nor do most types of partnership income which flow through to the fund. The only way a mutual fund can invest in a PTP is to be certain that the income it receives from that investment and other nonqualifying sources will never exceed 10 percent of its total income. Faced with the burden of keeping track of percentages and the drastic consequences of going over the limit, most mutual fund managers turn to other investments.

It makes no sense for publicly traded partnerships to be excluded from the list of qualifying income sources for mutual funds. While traditional partnership interests—the only kind that existed when these rules were written—were illiquid and not always well regulated, PTPs are traded on public exchanges and must file the same information with the Securities and Exchange Commission as publicly traded corporations.

Mutual funds are an increasingly important part of the capital markets, and the inability to attract them as investors is hindering PTPs in their ability to raise the capital they need to grow and provide new jobs. Many PTPs are in energy-related businesses, the very sector whose growth we wish to encourage right now. Moreover, mutual funds and their investors are being denied an opportunity to earn money through PTP investments.

The legislation I am introducing would rectify this situation by simply adding income received by or allocated to a mutual fund by a

PTP to the list of income sources that a mutual fund may use to meet the 90 percent test. This provision has been sponsored by BILL THOMAS, now chairman of the Ways and Means Committee, in the last two Congresses and was approved by Congress as a whole in 1999 as part of the Taxpayer Refund and Relief Act, later vetoed by the President. I am happy to take up the cause in the 107th Congress, and hope that my colleagues will join me in supporting this legislation.

HONORING THE MEMORY OF RAYMOND F. CONKLING

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the United States House of Representatives to join me in paying tribute to the late Raymond F. Conkling, a popular and well-respected professional who gave many years of outstanding public service to this institution. During his years on Capitol Hill, Ray made many friends on both sides of the aisle and made a significant contribution to the work of the Congress.

Mr. Conkling, who passed away on October 25, 2000, lived in Arlington, was born in Michigan and grew up in Peekskill, NY. He graduated from Columbia University, where he also received a law degree. During World War II and the Korean War, he was a naval aviator and received a Distinguished Flying Cross. Later he was a captain in the Navy Reserve.

He began his legal career in New York with the firm of Millbank, Tweed, Hope and Hadley, then in 1954 moved to Washington. He served in the tax legislative counsel's office in the office of the Secretary of the Treasury and later as tax counsel of the House Ways and Means Committee. He was senior tax attorney for Texaco and then legislative counsel to Diamond Shamrock Corp. He returned to government service in 1986 on Representative Guy Vander Jagt's staff, where he handled tax issues. He was a member of the National Democratic Club, the Capitol Hill Club and the Army Navy Country Club.

Survivors include his wife of 28 years Juanita Conkling of Arlington, and a daughter, Tracy Conkling of Maryland.

Mr. Speaker, I know my colleagues join me in honoring Ray Conkling's memory and in expressing our deepest sympathy to his family.

TRIBUTE TO CAROL SPIKER

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today as Delaware's lone member of Congress to honor and pay tribute to Carol Spiker, a dear friend and National Winner of the Sporting Goods Manufacturers Association (SGMA) Heroes Award. Carol Spiker, a resident of Wilmington, Delaware, is

being honored as a very special individual who, through her unique commitment and humanitarian spirit, has made an exceptional and lasting contribution to the pursuit of sports excellence. She has shown herself to be a dedicated, compassionate, and driving force behind the creation of the Wilmington Lacrosse Association (WLA). Delaware is fortunate to have her as a resident and I am honored to call her my friend.

In 1989, Carol Spiker's son expressed a desire to play lacrosse. With the help of another mom, she established a lacrosse league. She threw herself into this endeavor, using her time, talent, heart and soul. She spent countless hours doing everything including team registration, scheduling fields, teams and officials, coaching, sewing the practice pinneys and mowing and lining the fields. Carol found ways to cover equipment cost and league fees for children from families unable to afford the costs. Through Carol's enthusiasm and dedication, Delaware's lacrosse program grew from 24 boys in 1990 to eight different organizations in the Delaware league with close to 1,000 players today.

In 1998, Carol Spiker and her family were in a terrible car accident that left her with irreversible spinal cord injuries and confined her to a wheelchair. Carol turned this tragedy into a triumph, battling her way back from this life-threatening injury. As she recovered, the support and encouragement from her family and friends in the lacrosse community gave her the strength and courage to keep going.

Carol Spiker continues to run the league she started over 11 years ago with the same energy and compassion as when she began. She buys equipment and waives fees for children who could not afford to pay otherwise. She promotes the league, encourages the players, supports the families, and has been instrumental in helping students go on to private schools and colleges.

I want to thank her on behalf of the people of Delaware for her leadership and dedication and for her lasting contribution to our state.

INTRODUCTION OF BROWNFIELDS CLEAN-UP ACT

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. COYNE. Mr. Speaker, today I am introducing legislation that would make the tax incentive for cleaning up and redeveloping brownfields permanent. Mr. WELLER, who has a long history of involvement on this issue, has cosponsored this important legislation.

There are half a million "brownfield" sites around the country—old polluted industrial sites that continue to sit vacant because businesses do not want to deal with the environmental hazards that may exist on those sites.

All across the country, potentially productive pieces of real estate lie vacant because businesses are concerned about the cost of cleaning up after the industries that used to operate mills and factories on those sites.

If we want to bring jobs and tax revenues back to those sites, we have to create an