

perished on United Flight 93, Richard J. Guadagno. Rich was the manager of the Humboldt Bay National Wildlife Refuge and devoted his life to the preservation of wildlife. This legislation will designate the Headquarters and Visitors Center of the Humboldt Bay National Wildlife Refuge as the Richard J. Guadagno Headquarters and Visitors Center.

As we know, the passengers aboard Flight 93 undoubtedly saved hundreds, if not thousands, of lives by thwarting the disastrous intent of the terrorists. Rich had a law enforcement background that would have aided him in his convictions and his desire to prevent an even greater tragedy. All Americans, especially those of us who work at the U.S. Capitol, have these brave individuals to thank for preventing further terror on September 11th, 2001.

Rich was also a hero to all those who care about wildlife and the environment. Rich began a career in public service as a biologist at the New Jersey Fish and Game Department and the Great Swamp National Wildlife Refuge. Before joining the Humboldt Bay National Wildlife Refuge, he worked at the Prime Hook National Wildlife Refuge in Delaware, Supawna Meadows National Refuge in New Jersey, and the Baskett Slough and Ankeny National Wildlife Refuges in Oregon.

Colleagues in the Fish and Wildlife Service consistently commended his courage and dedication to conservation and protecting biological diversity. As refuge manager at the Humboldt Bay National Wildlife Refuge, he led with a vision that his colleagues embraced and admired. He always kept the best interests of the refuge at heart, and he enthusiastically worked to improve the condition of the refuge.

When Rich boarded Flight 93, he was leaving Newark, New Jersey after visiting his family and his grandmother on her 100th birthday. His memory will live on in the proud hearts and minds of his family and friends. All Americans will join his girlfriend, Diqui LaPenta, his sister Lori Guadagno, his parents Jerry and Beatrice Guadagno in remembering Rich as a true hero.

Mr. Speaker, Richard Guadagno worked his entire life to make the better place for all of us. He was truly a great American. Please join me in passing this legislation, so that Rich Guadagno and his tremendous successes in life will always be remembered.

HONORING NATALIE AND  
RAYMOND MYERSON

**HON. LOIS CAPPS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2001*

Mrs. CAPPS. Mr. Speaker, today I would like to pay tribute to two extraordinary citizens of the Santa Barbara community, Natalie and Raymond Myerson. On November 18, 2001, the Anti-Defamation League will honor this district couple with the "Distinguished Community Service Award".

I cannot think of another couple that would be more deserving recipients of this honored award than the Myersons. Individually, they have each contributed so much to the Santa Barbara community, and as a couple it is almost inconceivable how much they have accomplished.

Since moving to Santa Barbara in 1973, the Myerson immediately became involved with the community. For the past 27 years, Mrs. Myerson has been a member of the Distinguished Member Award of the Santa Barbara Music Club, which she is presently the chair of. In addition, she is extremely active in Hillel, AIPAC, Hadassah and the American Jewish Committee, and has served as the co-president of the Santa Barbara County Arts Commission for the last three years. Mrs. Myerson is also a member of the League of Women Voters and the Santa Barbara Museum of Natural History League, and is an honorary member of the Santa Barbara Symphony Board.

Raymond Myerson has also demonstrated his leadership characteristics in various organizations throughout Santa Barbara. Having served as a board member and treasurer of the Santa Barbara Museum of Natural History for the past 20 years, he has subsequently become an honorary trustee. He has also dedicated 15 years to being the treasurer and a board member for the Recording for the Blind and Dyslexic. Additionally, he has been the treasurer and a board member for the University of California, Santa Barbara Affiliates for 12 years, and is currently chairman of the Affiliates "Economic Forum Funding Fellowship" in the Graduate School of Economics. He is a member of the Chancellor's Council at UCSB, the President's Council at Santa Barbara City College, and the Ventura County and Santa Barbara County Committees on Foreign Relations.

In addition, Mr. Myerson is a past board member of UCSB Hillel, an active member of AIPAC, a member of the President's Council of the American Jewish Committee, a member of B'nai Brith, and an active supporter of the Santa Barbara Jewish Federation.

The Myersons have been invaluable to the Santa Barbara community, and I would like to acknowledge them for their outstanding accomplishments. It is my greatest pleasure to honor this extraordinary couple, and I am so pleased to represent citizens of their caliber in Washington, D.C.

PERSONAL EXPLANATION

**HON. XAVIER BECERRA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2001*

Mr. BECERRA. Mr. Speaker, due to a commitment in my district on Thursday, November 15, 2001, I was unable to cast my floor vote on rollcall numbers 441, 442, 443, and 445. The votes I missed include rollcall vote 441 on Agreeing to the Amendments to H.R. 2269; rollcall vote 442 on Passage of H.R. 2269; rollcall vote 443 on Suspending the Rules and Agreeing to H. Con. Res. 228; and rollcall vote 445 on Suspending the Rules and Agreeing to H. Con. Res. 239.

Had I been present for the votes, I would have voted "aye" on rollcall votes 441 and 443, and "nay" on rollcall votes 442 and 445.

IN HONOR OF MARION AND  
HERRIN'S AMERICAN LEGION  
BASEBALL TEAM NOVEMBER 16,  
2001

**HON. DAVID D. PHELPS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2001*

Mr. PHELPS. Mr. Speaker, today I rise to recognize one of the baseball teams in my district. The combined American Legion baseball team of Marion and Herrin, Illinois recently posted their second consecutive 25th District baseball championship. They finished with a 25–13 record and also won the Murphysboro "Apple City" Classic Tournament.

The team is coached by Greg Haub, with assistance from Andrew Manzo and Robert Morrel. The rest of the team includes Wyatt Churillo, Brandon Duty, Brian Jakubco, Chris Bluc, Ryan Holland, Brad Norman, Drew Wilkins, Brian Chaney, Brian Churillo, Dane Dalton, Ben Hart, Travis Morgan, Josh Pritchett, Tony Rinella, Chase Rudolph, and Tony Steams. The team trainer is Roy Hicks.

It is with this, Mr. Speaker, that I say congratulations to the American Legion baseball team of Marion and Herrin, Illinois. Due to their hard work and team effort, they have proven beyond a doubt that they are deserving of the 25th District baseball championship.

INTRODUCTION OF LEGISLATION  
TO CLARIFY THE ELIGIBILITY  
OF CERTAIN EXPENSES FOR THE  
LOW-INCOME HOUSING TAX  
CREDIT

**HON. NANCY L. JOHNSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2001*

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am introducing legislation to clarify the standards for determining basis of property for purposes of calculating the amount of low-income housing tax credits for which that property may be eligible. I am proud to be joined in this effort by Reps. CHARLES RANGEL, MARK FOLEY, and GARY MILLER.

A year ago, I called my colleagues' attention to the fact that the Internal Revenue Service, in a series of technical advice memoranda, had taken a very restrictive view of what items were includable in basis for purposes of allocating low-income housing tax credits. At that time, I noted that this would have an adverse impact on the ability of states to target affordable housing to those who need it the most.

It was also troubling to me that after 16 years during which the Treasury Department had failed to issue regulations or provide any other guidance on this issue, the first pronouncement was in a series of technical advice memoranda. TAMs are not official guidance, reviewed by the Treasury Department, but merely IRS legal opinions provided to an IRS agent during an audit. They are not citable in court proceedings because they are not official guidance. However, in absence of official guidance, I was concerned that these TAMs would be taken as an official government position. In fact, that is exactly what has happened, as investors in tax credit properties

have required that any properties in which they invest must meet the standards set forth in the TAMs.

It is important to note that the Treasury Department agreed that this was an issue worthy of review and placed it on this year's Treasury Department/Internal Revenue Service business plan. I understand that there may be some guidance in the pipeline on one of the items addressed by the TAMs, but there does not seem to be much progress on a full review of the impact of the positions taken in the TAMs on the policy goals of the low-income housing tax credit program.

It is important to understand that this legislation will not increase the number of low-income housing tax credits available. The maximum amount of credits that states may allocate to developers of affordable housing properties is set by the Internal Revenue Code. Thanks to legislation that we enacted last year, that amount available to each state will increase next year to \$1.75 times the state's population. That is a hard cap on the revenue impact. Since the unmet demand for affordable housing is many times greater than what can be built with the help of the credit, our legislation should not affect revenues. In fact, the only way for this legislation to have a revenue impact is if the legislation makes it easier for the states to use the credits we intend for them to have under present law.

What this legislation does, however, is very important. To understand its importance, it may be useful to have a little background on how the low-income housing tax credit works. In economic terms, the credit is equity financing which replaces a portion of debt that would otherwise be necessary to finance a property. By replacing debt, credits work to reduce interest costs. This allows a property to be rented at lower rates than otherwise would be the case.

States allocate credits to individual properties based on criteria provided in the Internal Revenue Code and additional criteria they establish to provide affordable housing that closely matches the needs of the state's population. A state, thus, has a strong incentive not to allocate more credits to a property than necessary, because, if it did, it would have fewer credits to allocate to other properties.

In addition, the amount of credits a state may allocate to a particular property is limited by the Internal Revenue Code. The limit is determined as percentage of the basis of a property. The basis is, generally speaking, the costs of constructing a building that is part of an affordable housing project. The percentage is 9 percent for a new building that is not otherwise federally subsidized, and 4 percent for existing buildings and new buildings that receive other federal subsidies. Thus, the smaller the basis is, the fewer the credits that may be allocated.

The problem is that the TAMs take the position that certain construction costs should not be included in basis. The effect of this position is to make a large number of affordable housing properties financially infeasible and weaken the economics of those that still pass minimum underwriting requirements. The loss of equity would affect most severely properties that serve the lowest income tenants, provide higher levels of service or operate in high cost areas. The reason for this is simply that reducing the amount of credits does not reduce the development costs. It merely removes a

source of financing, forcing either higher rents or lower quality construction.

In many cases the largest item that would be excluded from eligible basis under the TAMs are impact fees. These fees, covering a wide range of infrastructure improvements including, sewer lines, schools, roads, are imposed because of the "impact" of construction of the improvements on the land and would not be incurred if the land remained undeveloped. Certainly, whether or not they are includible in basis for the purpose of calculating the amount of tax credit, these costs will be incurred and will impact the economics of the property. This legislation will clarify that these costs are includible in eligible basis.

Other items that would be severely restricted or excluded from eligible basis under the interpretations expressed in the TAMs are site preparation costs, development fees, professional fees related to developing the property, and construction financing costs. The legislation we are introducing today will clarify that any cost incurred in preparing a site which is reasonably related to the development of a qualified low income housing property, any reasonable fee paid to the developer, any professional fee relating to an item includible in basis, and any cost of financing attributable to construction of the building is includible in basis for the purpose of calculating the maximum amount of credit a state may allocate to a low-income housing property.

The intent of these clarifications is simply to codify common industry practice before the issuance of the TAMs. Not only will the legislation allow the low-income tax credit program to provide better quality housing at lower rental rates than would be possible if the positions taken in the TAMs are followed, but clarification will help simplify administration of the credit by giving both taxpayers and the Internal Revenue Service a clearer statement of the standards that apply in calculating credit amounts.

Our economy is not doing as well as we thought it was a year ago when I first spoke about this issue. We are going to need even more affordable housing than we thought last year. We should be proud that we increased the amount of low-income housing tax credits that will be available to help finance this housing. What we need to do now is to make sure that these credits are used as efficiently as possible to provide housing for those who need it the most. The legislation we are introducing today will help achieve that goal.

#### TRIBUTE TO THE PRESBYTERIAN CHURCH

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2001*

Mr. PALLONE. Mr. Speaker, I would like to call to the attention of my colleagues, the 275th Anniversary of the Presbyterian Church in New Brunswick, New Jersey.

The tradition of this historic and noble church has lasted the test of time in its service to its denomination community, state and nation. The church has served Governors, NJ and U.S. Supreme Court Justices, as well as many patriots and leaders in our war for independence.

For the past 275 years, New Brunswick Presbyterian Church has served its community and its people seven days a week, 365 days a year. It is being commended today for not only serving their common interest but also opening their church up to others through such programs as meals on wheels campaign and child development centers.

The church is a landmark in the city of New Brunswick and is an incredible asset to the people of its congregation and beyond.

Today I ask my colleagues to congratulate not only the New Brunswick Presbyterian Church but also the entire community of New Brunswick for 275 years of religious service.

#### HONORING TONY VALTIERRA

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2001*

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Tony Valtierra for receiving the President's Award presented by the Central California Hispanic Chamber of Commerce. This award pays tribute to Mr. Valtierra's involvement in the Hispanic business community. Mr. Valtierra's active involvement has made him a role model for the members of his local community.

Tony Valtierra descends from Mexican parents and grew up in Southern California. At a young age he met Mr. Herb Goffstein who became his mentor. Due to the close relationship that developed between them, he followed Herb in his move to Atlanta, Georgia. Once there, he worked with Hanes and the Coca-Cola Company in various Olympic venues during the 1996 Olympic Games. From there he followed Herb back to the Central Valley, where Herb and Mr. Valtierra started A-Champion Advertising Specialties and where Tony fell in love with Fresno and its people. He is proud to make Fresno his home, as Fresno has been very good to him.

Mr. Speaker, I rise to recognize Tony Valtierra for his commitment to improving the lives of people in the community. I urge my colleagues to join me in wishing Mr. Valtierra many more years of continued success.

#### THANKS WOODBINE

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2001*

Mr. CUNNINGHAM. Mr. Speaker, I want to take a brief moment of our time today to give my hearty thanks to the people at Woodbine Rehabilitation and Healthcare Center.

Woodbine is a 307 bed healthcare center, located near Old Town Alexandria, providing long and short-term healthcare and a full range of rehabilitation therapies. It is at Woodbine where I found myself after my recent knee replacement surgery.

The people of Woodbine cared for me as if I was a member of the family. I could not have asked for better care while I was there. I want to thank Dianne Defusco, the Director of Admissions, and all the people who took their time to care for me and look after me while I was there.