

Relief Act of 1995 (H.R. 2525), legislation which grants antitrust protection to a charitable organization which issues gift annuities in accordance with the provisions of the Internal Revenue Code.

Charitable giving through gift annuities is currently under attack. For example, a Federal lawsuit in Texas alleges that charities are price fixing when they choose to offer the same annuity rates to their donors. A motion for class certification is pending which, if granted, would add as defendants virtually every charity in America. Regardless of the outcome of the suit, there is no denying that it has had and will continue to have a chilling effect on gift giving and that it is consuming financial resources which would otherwise be allocated to charitable missions.

Charitable giving has evolved well beyond the days when we simply put money in the collection plate or gave away our used clothes. There are now many innovative ways in which a donor can benefit a charity with a gift and himself with a charitable deduction. One increasingly popular mechanism is through a charitable gift annuity, which allows a person to give a chunk of money but obtain an income stream from it while alive, and also claim an immediate tax deduction. These gift annuities are attractive to both sides of the transaction: the donor still gets the income produced by his capital, and the charity gets immediate control over the entire amount of the donation.

Of course, the operative word here is "gift." Gift annuities are not intended to maximize the value of the lifetime income stream, as one would through a commercial annuity. Rather, they are intended primarily to result in a donation to the chosen charity. In order to accomplish this, the rate of return paid to the donor is intentionally set at a level which will allow the charity to retain a substantial portion of the value of the donation.

Our goal should be to encourage gift giving through legitimate means, and particularly through instruments which the IRS approves and regulates. Gift annuities carry this imprimatur. Allowing litigants to use antitrust law as an impediment to these beneficial activities should not be countenanced where, as here, there is no detriment associated with the conduct. In the first instance, it is a misnomer to use the term "price" to describe the selection of an annuity rate: an annuity rate merely determines the portion of the donation to be returned to the donor, and the portion the charity will retain. Second, the fundraising activities of charitable organizations are not trade or commerce, an essential predicate for establishing the application of our antitrust laws. Moreover, it is difficult to see what anticompetitive effect the supposed setting of prices has in a context where the decision to give is motivated not by price but by interest in and commitment to a charitable mission.

H.R. 2525 would make clear that the conduct alleged in these lawsuits would not be considered illegal under the antitrust laws. The protection it provides is narrowly tailored to cover only those activities required to market and create a gift annuity. I urge my colleagues to support this legislation so as to eliminate further frivolous lawsuits and barriers to charitable giving.

If you would like to cosponsor this measure, please call Diana Schacht on extension 53951.

75TH ANNIVERSARY OF SAINT ANTHONY HIGH SCHOOL

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 1995

Mr. HORN. Mr. Speaker, I rise today to salute the 75th anniversary of Saint Anthony High School in Long Beach, CA—the oldest parish high school in the Los Angeles archdiocese. Since 1920, Saint Anthony High School has played a vital role in the education of our area's young people, shaping the lives of many who have gone on to become community builders and leaders—including a former Member of the House of Representatives, the Honorable Daniel Lungren, now California's able attorney general, and Archbishop William Levada of Portland, OR. Today, it has a student body of ethnically diverse young people who are building their futures on the solid base of a Saint Anthony High School education.

Academic excellence has always been the priority at Saint Anthony High School. As the school moves into the 21st century, this proud tradition continues. The school's newly developed medical science program is the only one of its kind in California. Its Air Force Junior ROTC program is the only one in the Los Angeles archdiocese. Saint Anthony's offers an extensive honors and advanced placement program. Students in the advance placement economics and accounting classes have a 100-percent passage rate, while in most public schools that rate is 15 percent. And, Saint Anthony High School students were the undefeated champions of the Long Beach Academic Challenge Bowl 3 of the five years the competition was held.

Schools such as Saint Anthony High School have made our Nation strong—and hold the hope for the future of our country. For 75 years, Saint Anthony High School has taken this mission to heart. As the students and faculty move into the new century, I wish them many more years of success.

COMMEMORATING THE 10TH ANNIVERSARY OF LEON KLINGHOFFER'S MURDER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 1995

Mr. ACKERMAN. Thank you, Mr. Speaker, and I thank my colleague, the gentleman from New York, for bringing this to the attention of the House in the form of a special order.

Unfortunately, we are not here today to celebrate, but rather, to commemorate a horrible tragedy perpetrated upon an American—for the sole reason that he was a Jew. Today marks the 10th anniversary of the brutal slaying of Leon Klinghoffer, an elderly, wheelchairbound, American Jew, who was, with his wife Marilyn, celebrating his wedding anniversary on the Italian luxury liner *Achille Lauro*.

The horrible days of the 1980's when terrorist hijackings abroad were becoming the norm, have dissipated. And yet now, on our own shores, we are being subjected to attacks by

devious operants with dark agendas. Recent tragedies have made it clear that Americans are no longer immune to terrorist attacks, even upon our own soil. However, rather than lamenting the situation, there is something we can do about it.

What we can, and should do is send a strong united message from this country. This message needs to be clear in stating our complete and unquestionable intolerance against any perceived threat to our national security and domestic tranquility. We need to make these people who would undermine that security and tranquility understand that we will punish them severely for what they do.

As a democratic Nation, we have always prided ourselves on the time-honored tradition of healthy dissent and debate. The actions promulgated by these terrorists are in direct opposition to that tradition. It flies in the face of everything that this country represents. Therefore, I say enough. We need to tell these people that they have no place in our society. We need to tell these people that they will never receive either shelter or any other assistance from the United States or the American people. We need to tell these people that America will forever be a bastion of freedom and democracy.

Therefore, we stand together—as Americans and as human beings—in commemoration with Leon and Marilyn's two daughters, Lisa and Ilsa. Two women who are determined to preserve the memory of their father, and prevent a recurrence of this tragedy for another American family. We thank these two brave women for their work and their tireless spirit, and we reach out to them on this anniversary of grief, while we look forward to a celebration of unity against the forces of terrorism.

TRIBUTE TO DR. GABRIEL J. BATARSEH ON HIS RETIREMENT

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 1995

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Dr. Gabriel J. Batarseh of Florence, SC, for his dedication to serving his fellow citizens both publicly, through his professional career, and privately through the work he has done in his community.

Dr. Batarseh is a native of Bethlehem. He graduated from the Middle East College in Lebanon and received a masters degree and a doctorate of educational psychology from the University of South Carolina in 1964. Since then, Dr. Batarseh has unselfishly dedicated his life to enriching the lives of people with disabilities and their families in the State of South Carolina. He currently serves as director of the Pee Dee region in the South Carolina Department of Disabilities and Special Needs. Dr. Batarseh is retiring after 30 years of public service.

Dr. Batarseh's career has spanned many years. In 1966, he implemented all programmatic, educational, and cottage life services for the South Carolina Retarded Children's Habilitation Center, which is today known as Coastal Center in Ladson. Two years later, he opened the first South Carolina group home in Charleston. Since 1977, Dr.