

CONGRATULATING VICTORIA CLARK ON HER ACHIEVEMENTS IN SCIENCE

**HON. SAXBY CHAMBLISS**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 25, 2000*

Mr. CHAMBLISS. Mr. Speaker, I want to congratulate Victoria Clark, a Ware County High School freshman, for receiving top honors in the state of Georgia in the field of science. She has become a finalist in the Discovery Young Scientist Challenge and is competing with 40 students nationwide for a college scholarship.

Miss Clark was recognized as a state winner because of the outstanding science project she entered in the state competition. The project she has been working on focuses on a way to detect early signs of age-related macular degeneration, which is incurable and hereditary. This disorder is the leading cause of blindness. Her research has explored the prospective of using a color hue test to discover the disease early on.

Miss Clark was an eighth grade student when her project was chosen to compete at the state level. She won first place at the Georgia Science and Engineering Fair in April. She was chosen for the national competition from among 1,600 other middle school students in 23 states who entered the competition.

Victoria Clark is a wonderful student and has been recognized many times before for her scholastic aptitude, especially in science. She is also a well-rounded young person and a contributing citizen of Waycross, Georgia. She is working for the betterment of her community, and with this project, she is contributing not only to her own success, but to finding a cure which threatens people the world over.

Mr. Speaker, I want to congratulate and honor Victoria Clark. She is a bright young person who is helping people by improving the detection of this life altering disease. Her research is amazing and has been recognized as such by teachers and scientists alike. For one so young, too, her accomplishments are exceptional. She serves as an example to all of us of what young people can do for others if given the opportunity.

RECOGNIZING ROBERT R. McMILLAN AND HIS CONTRIBUTIONS TO RELATIONS WITH PANAMA

**HON. PETER T. KING**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 25, 2000*

Mr. KING. Mr. Speaker, I rise today to recognize the high priority that should be placed on improving our relationship with Panama. Beyond the interest in the Panama Canal, where the traffic destined to or from the United States amounts to some 65% of total Canal tonnage, U.S. investment in Panama ranks third in Latin America. Panama has many investment opportunities and is fast becoming a strong tourist destination. Large numbers of Panamanians are fluent in English, and the

U.S. dollar is the official currency of the nation making Panama attractive to private investments. It is extremely important, in the interests of both the United States and Panama, to keep strong personal and economic ties between the countries.

One Long Islander is trying to make a difference in those relations. Robert R. McMillan has just been elected Chairman of the United States-Panama Business Council—an organization devoted to the continuance of close relations between our two nations. I want to congratulate him on his election and wish him the best in his new endeavors.

H.R. 5430: THE CONSUMER ONLINE PROTECTION ACT

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 25, 2000*

Mr. GREEN of Texas. Mr. Speaker, American consumers are flocking to the Internet in unprecedented numbers seeking to transact business and tap the nearly limitless informational databases. The explosion in Internet usage, however, is not without problems. Unlike shopping in a mall or browsing through a library where individuals travel anonymously through the merchandise racks and library stacks, the Internet is increasing becoming less and less anonymous. Direct marketing firms are now trying to identify individuals as they surf the web to isolate where they visit and what they are viewing.

While just knowing where individuals are traveling to on the Internet has some value it is the next step in data collection that is most disconcerting. Companies are now attempting to complete the step by attaching your personal information to your web site visits. It is this type of activity that has truly frightening implications because it lifts the veil of anonymity that consumers enjoy in the traditional bricks-and-mortar marketplace. Powerful computer programs have been developed that can compile personal information at a level and completeness usually associated with the knowledge of an immediate family member.

For that reason, I have introduced H.R. 5430, the Consumer Online Protection Act of 2000. H.R. 5430 seeks to return some of the anonymity back to consumers while they are online by prohibiting the correlation of personal information to web visits. In addition, the legislation requires the Federal Trade Commission (FTC) to promulgate rules specifying that all operators of a Web site or online service provide clear and conspicuous notice of their privacy policy in clear non-legalistic terms. H.R. 5430 also requires a Web site or online service to provide consumers with an opt-out to prevent the use of their personal information for any activity other than transactional. Finally, the privacy policy must clearly state how any collected information will be shared or transferred to an external company or third party.

Taken in combination, these requirements will provide consumers with the knowledge and control they need to prevent the dissemination of personal information provided to an online entity. What I am seeking to prohibit is a third party creating a complete profile of individuals and families to sell or share without

prior affirmative consent. While I understand that there are many differing approaches to the issue of Internet privacy, I believe this legislation addresses a critical component and I look forward to moving this legislation in the 107th Congress.

THE DEATH IN CUSTODY REPORTING ACT OF 2000

**HON. ASA HUTCHINSON**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 25, 2000*

Mr. HUTCHINSON. Mr. Speaker, I rise to commend the work of this Congress in passing H.R. 1800, the "Death in Custody Reporting Act of 2000." This bipartisan legislation was passed unanimously by both the House and the Senate and will bring much-needed accountability to the operation of our nation's prisons and jails. Passage of this legislation brings to an end a seven year effort to increase public trust in our criminal justice system.

Each year, an estimated 1,000 men and women die questionable deaths while in police custody or in jail. Many of these deaths are listed as suicides, but such conclusions are often tainted by inadequate recordkeeping, investigative incompetence, and contradictory physical evidence. In addition, many of these individuals have been arrested for relatively minor offenses—reducing the likelihood that they would take their own lives.

Suspicious deaths occur throughout the country and require our immediate attention. One teenage boy who was found dead by hanging in an Arkansas jail had been arrested for failing to pay a fine for underage drinking. Another individual in an Arkansas jail was found suffocated by toilet paper that had been stuffed down his throat. According to press reports, no records existed as to why he was in custody.

In any other atmosphere, unnatural deaths under questionable circumstances would not only be reported, but would raise serious concerns. State and local jails and lockups should be no different. This legislation will provide openness in government and will bolster public confidence and trust in our judicial system. In addition, it will serve as a deterrent to future misconduct as wrong-doers will know that their actions will be monitored.

Mr. Speaker, I also want to acknowledge the work of Mr. Mike Masterson, a veteran reporter and editor, who began investigating suspicious prison deaths some 5 years ago as the investigative projects editor at the Asbury Park Press. His comprehensive review of these cases, which was published by the Asbury Park Press in February 1995, led to increased public awareness of this issue and prompted my support for the idea of collecting better data on these deaths. While Mr. Masterson served only briefly at the Asbury Park Press, he continued writing about this issue during his tenure as editor of the Northwest Arkansas Times in Fayetteville, Arkansas. I am grateful indeed for Mr. Masterson's long-time support and dedication to this issue.

Finally, I want to thank my colleagues, Representative BOBBY SCOTT and Senator TIM HUTCHINSON for their support. These gentlemen began this debate many years ago and

I am grateful for their foundational work on this issue.

PERSONAL EXPLANATION

**HON. MICHAEL K. SIMPSON**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 25, 2000*

Mr. SIMPSON. Mr. Speaker, on rollcall No. 534, final passage of S. 2796, the Water Resources Development Act of 2000; I was inadvertently detained. Had I been present, I would have voted "yea."

INTRODUCTION OF THE RETIREMENT ENHANCEMENT ACT OF 2000

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 25, 2000*

Mr. ANDREWS. Mr. Speaker, today I introduce the Retirement Enhancement Act of 2000. The Retirement Enhancement Act of 2000 consist of two bills one amending the Employee Retirement Income Security Act (ERISA) and the other amending the Internal Revenue Code (IRC). These bills are the product of my work as the Ranking Member of the Subcommittee on Employer-Employee Relations, which earlier this year held a number of bipartisan hearings to consider updating ERISA. Throughout the hearings, the Subcommittee Chairman, Representative JOHN BOEHNER, and I, maintained a common agenda of seeking to strengthen a private pension system that is already very strong as a result of ERISA. We both recognized ERISA's achievement in moving from a system where insecure pensions were somewhat common, to a situation where insecure pensions are exceedingly rare. Witnesses were selected to testify at the hearing that could assist us in looking for ways the Congress could make the pension holdings of Americans expand and grow even more secure.

The subcommittee heard from representatives of pension participants, employers, and financial advisors. They presented us with a variety of proposals to improve the retirement security of American workers. Taking the best of these contributions, and coupling them with other pension provisions that I have either advocated or supported in the past, I drafted this comprehensive pension reform legislation.

Joining with me as cosponsors of the Retirement Enhancement Act of 2000 are numerous members of the Committee on Education and the Workforce, including Representatives CLAY, KILDEE, OWENS, PAYNE, MINK, WOOLSEY, ROMERO-BARCELO, FATTAH, TIERNEY, KIND, SANCHEZ, FORD, KUCINICH and HOLT. They share my belief that enactment of these bills will ensure that all workers and retirees receive their promised benefits.

Since the enactment of ERISA, the number of Americans who participate in a pension plan has grown from 38.4 million in 1975 to almost double that today. While this growth is

considerable, it still leaves about half the workforce without access to a pension plan through their employer. Both the General Accounting Office and Congressional Research Service have recently completed studies analyzing pension coverage in the United States. The studies found that about

These bills seek to eliminate the remaining weaknesses in ERISA and lay the groundwork to help those not covered by an employer pension. These bills seek to improve pension coverage and adequacy. Pension coverage for all workers is very important and we should all support the effort to achieve this goal. Under these bills, employers that sponsor plans would be required to offer pension coverage to all employees who meet current minimum eligibility requirements such as completion of one year of employment. These bills also improve coverage for part-time workers who represent one of the largest groups without pension coverage. As the workforce changes to include many temporary and contract workers, Congress must also help to improve pension coverage for this part of America's workforce. With the ever-changing workforce it is also important that we decrease the vesting period for workers in defined contribution plans. For workers who will have many employers during their working lives, we need to ensure that they will earn pension benefits that will benefit them in retirement.

The Retirement Enhancement Act seeks to expand pension availability to those workers without it. One of the innovative ways in which it would do so is to create a model small employer group pension plan into which small employers could buy in with minimal administrative responsibilities. The Departments of Labor and Treasury would work with associations or financial institutions to advertise these model plans so that employers would know that easy and accessible pension options exist.

The Retirement Enhancement Act of 2000 includes important pension protections for women. These bills establish a 75 percent joint and survivor annuity option that would provide surviving spouses greater benefits in retirement. It protects divorced spouses' pension rights and improves spousal information rights. These bills would also allow for time taken off from work under the Family and Medical Leave Act to count toward pension participation and vesting requirements.

The act improves ERISA's safeguards for the investment of pension plan monies. It creates an expedited prohibited transaction exemption approval process under which plans would be able to more easily and quickly provide participants with new investment products. It does so, however, without weakening participant protections. These bills also make clear that employers may offer access to investment advice to participants with limited liability provided such advice is by qualified advisors and they are subject to the fiduciary responsibility requirements. This will be extremely helpful to those workers in defined contribution pension plans who bear the primary responsibility for their pension plan investment decisions.

The Retirement Enhancement Act of 2000 improves access to pension information and strengthens enforcement mechanisms. It would require that plan participants regularly

receive statements apprising them of the status of their earned pension benefits. Pension plans would also have to provide more detailed financial information about their earnings and investments.

The bills create an alternate dispute resolution system to resolve benefit disputes. The Department of Labor, along with dispute resolution organizations, would develop an early neutral evaluation program. This would allow for participants to receive benefits in a timely manner instead of after years of litigation. The bills also strengthen ERISA's remedies to ensure that participants have meaningful access to court, and that the courts can remedy violations of the law.

Finally, the Retirement Enhancement Act of 2000 requires the timely distribution of defined contribution cash-out amounts, which would have to be made within 60 days of an employee's termination. It permits employees to work longer without being required to start pension receipt by delaying the minimum distribution of benefits from age 70½ to 75. Furthermore, for workers who are involuntarily terminated, it permits them to borrow against their pension earnings in order pay for health or job training expenses.

Mr. Speaker, it is now time for the Congress to build on what was started with the enactment of ERISA in 1974, and take additional steps to ensure retirement security for our workforce. Advances in medical technology, environmental protection, nutrition, and improved living standards give us reason to believe that Americans are going to live longer lives. Whether the quality of these lives, after retirement, is good or not, will depend upon the existence, nature, and security of each person's pension plan. Because employers are rapidly shifting to the use of employee-directed pension accounts, more and more workers will be making decisions that are critical to their future financial health. I believe that the Retirement Enhancement Act of 2000 will help make those decisions easier, and make the benefits of those decisions more secure. I look forward to working with my colleagues and the pension community to continue to improve these bills and advance their consideration during the next Congress.

Mr. Speaker, I submit the following summary and letters of support from AARP, AFL-CIO, the Pension Rights Center, and the Women's Institute for A Secure Retirement to be included in the RECORD.

SUMMARY OF THE RETIREMENT ENHANCEMENT ACT OF 2000 SPONSORED BY CONGRESSMAN ROBERT E. ANDREWS

EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA) AMENDMENTS

TITLE I. IMPROVED PENSION VESTING AND PARTICIPATION:

(1) PENSION COVERAGE FOR ALL EMPLOYEES—Employers that sponsor plans would be required to offer pension coverage to all employees who meet minimum eligibility requirements in a single line of business (age 21 or older, one year of service).

(2) IMPROVE COVERAGE FOR PART-TIME WORKERS—Reduce from 1000 to 750 or more hours a year the minimum service requirement and provide pro-rata credit for part-time workers.