job. Some are outstanding in their enforcement of laws; some, in their interviewing and interrogation of criminal suspects; still others in their expertise in utilizing a specific technique or method in the performance of their duties. While Officer Robinson was a dedicated law enforcement practitioner, his particular skill, and one critical to a successful career in policing, was his memorable and exceptional ability to interact positively with others.

As difficult as this is to achieve in life, Officer Robinson seemed to have no enemies. Whenever his name is mentioned, people consistently use phrases such as ''courteous, friendly, helpful, professional, and genuine.'' Officer Robinson's impact on the lives of his co-workers and others he came into contact with is truly remarkable. He truly epitomized the underlying ideals of law enforcement by his dedication and cooperative spirit, and not only will his pleasant demeanor be missed, but so also will his positive influence on others.

Officer Robinson's twenty-seven year career with the US Capitol Police included many different assignments. Most of his service was divided between the Capitol Division, FRU, and the House Division, where he leaves behind a host of friends and co-workers. Officer Robinson was an original member of the First Responder Unit of the Capitol Division, and stories abound of his selflessness and enthusiastic attitude. The First Responder Unit carries out their duties while confronting the harshest weather this area offers. Officer Robinson worked in these conditions as a member of the FRU for ten (10) years, and all reports indicate that he did so without complaint. In fact, Officer Robinson was an example to others in his dedication to duty, and strict adherence to the policies and directives of his unit.

Some thirteen years of Officer Robinson's career were spent with the House Division. Officer Robinson, consistent with his actions wherever he worked, endeared himself to his House Division co-workers and the staff and visitors, ensuring he will be missed, but not forgotten.

One of the most well-known facts about Officer Robinson was that he was a man of faith. His belief in GOD, and Jesus Christ as Lord, overshadowed every aspect of his being, and he made no secret of this important matter to all who knew him. He was quick to point to this belief as the reason that he carried himself as he did, with compassion, understanding and forgiveness. He often remarked to others how he wished more people on the Department shared a belief in GOD, and how he felt this would resolve some of the issues that divided not only his co-workers, but humanity in general. As an example of faith-in-action, Officer Robinson established a monthly prayer breakfast for benefit of his co-workers and friends. Meeting every first Wednesday of the month at 0600 hours, these meetings were well-attended by a wide cross-section of ranks from within the Department, and eventually interested parties form outside the agency attended to participate in prayer, reading of Scripture, and occasionally even song. Officer Robinson ensured that all attendees were welcomed openly, and had an opportunity to express themselves freely. Even when Officer Robinson fell ill, he often encouraged others to maintain their attendance at these meetings, feeling, and stating, that his absence should not be a reason for the discontinuation of the meetings, or the failure of others to attend. After each of these Wednesday morning meetings, Officer Robinson could be seen making his way to groups of officers who had not attended the meeting, offering them the ''goodies'' that had been brought to the breakfast by himself and the other attendees. This vision of Officer Robinson, walking up to groups of his friends and offering food and a certain word of good-will is one that many of us will reflect on with fondness in the coming days.

Officer Robinson was never swayed in his projection to us all of a peace that passes understanding. In the midst of confronting his illness, Officer Robinson was always upbeat and positive, rarely making reference to his ailment, and never complaining about it. He was truly remarkable in his ability to make whoever he was talking to feel better, even if that person was attempting to encourage Officer Robinson.

Because of his illness, Officer Robinson was unable to work for several weeks during the past months. Whenever he was contacted at home, he invariably spoke of his return to duty, often apologizing to his supervisors for not being at work. After his most lengthy absence, one of the first things Officer Robinson did was to request an opportunity to address his co-workers at roll call. This request was quickly granted, and in his comments to his co-workers, Officer Robinson not only thanked everyone for their prayerful support of him, but insisted that everyone should ensure that they maintained an adequate balance of sick leave, because you never know when you may need it. This type of comment most often comes from supervisors, and is often met with varying degrees of belief or acceptance, but when it came from Officer Robinson, it was received with interest and respect, for this is the type of response that Officer Robinson's character demanded and generated.

As a further testimony to Officer Robinson's character, soon after he had addressed his co-workers at roll call, he approached his supervisors with a suggestion that typified his selfless nature. With great humility, he asked if he might be allowed to provide a meal for the co-workers he so appreciated. With a great amount of awe, his request was granted and soon afterwards, Officer Robinson enlisted the services of a friend who catered the lunch-time meal for the entire day-work section of the House Division. Not a small undertaking, Officer Robinson ensured that all of the approximately 66 individuals present for an average workday were invited to the meal, and were able to enjoy not only his company, but a superb meal as well. This generosity is unheard of, and many officers remarked how humbled they were by Officer Robinson's act of charity and kindness.

Officer Robinson's friends and co-workers will remember him for these acts of generosity and compassion. His humble nature and patient endurance serve as an example to us all of how to face life and difficult circumstances with grace, courage, and thoughtfulness. He will be missed not only for his pleasant demeanor and positive attitude, but for the tremendous influence for good that his mere presence infused into the lives of everyone. One officer has remarked recently that Officer Robinson was too good for this world. Perhaps we can all learn from Officer Robinson how to live lives that honor those around us. His legacy to the men and women of the Capitol Police calls us to righteousness and servanthood, hallmarks of not only a good police officer, but of a good human being.

INTRODUCTION OF THE EMPLOYEE PENSION PORTABILITY AND ACCOUNTABILITY ACT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing extremely important legislation that will benefit working Americans. The focus of this legislation is pensions. Pensions are an integral part of retirement. Retirement can be compared to a three legged stool and the three legs are savings, pensions, and Social Security.

We are beginning to face what has been commonly referred to as the ''graying of America.'' Within thirty years, one our of every five Americans will be over age sixty-five. In thirteen years, the baby boomers will begin turning sixty-five. The baby boomer generation consists of 76 million members and will result in the number of Social Security beneficiaries doubling by the year 2040.

In the near future, we need to address Social Security, but in the immediate future Congress should take action to improve our current pension system. Last Congress, Congressman THOMAS and I worked on ''Super IRA'' legislation and many of these proposals were included in the Taxpayer Relief Act of 1997. Expanding individual retirement accounts (IRAs) will help many save for their retirement.

The Taxpayers Relief Act of 1997 created the Roth IRA which has made IRAs more available to millions of taxpayers. The response has been overwhelming. The Taxpayer Relief Act has jump-started IRAs and we need to do the same for pensions.

Forty percent of retirement income comes from Social Security. Nineteen percent comes from pensions and the rest comes from individual savings. We need a more balanced approach. Pensions should provide for more than 19 percent of savings. We need to make individuals more responsible for their retirement.

Our society has changed and this includes the workplace. It is now more common for individuals to change jobs than to stay with one firm for an entire career. This makes it extremely important for us to address pensions and especially the issue of portability. Changing jobs should not drastically affect one's pension.

Millions of Americans have no pension access to retirement plans. Only half of full-time, private sector workers participate in an employer-sponsored pension plan. This results in 51 million American workers who have no pension plan. Pension coverage has only increased to 50 percent in 1993 from 48 percent in 1983.

Small businesses are less likely to have pensions than large businesses. While only thirty percent of firms that employ between 25 and 49 employees have pensions, seventy-three percent of firms that employ over 100 employees have pensions. Only 85 percent of Americans making below $10,000 a year have pension coverage. Fewer women receive pensions than men.

The percentage of the workforce covered by a pension has stagnated in the last 20 years. Many firms cite complexity and start-up costs as major reasons for not offering pensions.

Portability is an issue that must be addressed as we improve our pension system. Five million people with pension coverage change jobs every year. Many workers lose out on their pensions because they leave their jobs before their pensions vests.

President Clinton's budget for FY 1999 included comprehensive pension proposals. The proposals are aimed at making it easier for employers to offer pensions and for employees to retain pensions when switching jobs. The President's proposals are targeted to promoting pension plans among small businesses. These proposals build on past efforts of the President and Congress to simplify pensions. The President's measures would boost private pensions and individual retirement savings. I applaud President Clinton for addressing pensions in a timely manner.

Today, I am introducing ''The Employee Pension Portability and Accountability Act of 1998'' which is based on the President's pension proposals. I have made one change to the President's proposals as described in the budget. After reviewing testimony submitted to the Ways and Means Oversight Subcommittee, I have decided to make our change to the SMART plan and I will go into more detail later.

This legislation will enhance workers' ability to contribute to an IRA by payroll deduction. The bill will provide a tax credit for small businesses with fewer than 100 employees for the start-up costs of a pension plan.

The legislation creates a new simplified defined benefit pension plans for small businesses with fewer than 100 employees called the SMART plan. The SMART plan is a broad based approach that provides participants with a guaranteed minimum annual benefit upon retirement. An employee's benefit would be 100 percent vested at all times. I have eliminated the professional employer exclusion from the SMART plan. Under the Administration's proposal, professional employers would not be eligible to offer a SMART plan. However, I will continue to work with the Department of Treasury to improve this legislation so that it is specifically targeted to low and moderate income workers.

The bill allows for faster vesting of employer matching contributions to defined contribution plans. Vesting for the employer match would occur at three years instead of five years. This should help with portability.

The bill will also include the expansion of right-to-know provisions for workers and spouses; and simplification proposals. These proposals will help reduce the paper work associated with pensions.

The above described legislation is targeted to improve pensions in the areas where I believe the most improvement is needed—coverage for small businesses and portability. Now is the time for Congress to act. We cannot overlook the statistics. We have to address the ''graying of America.''

I urge my colleagues to cosponsor the ''Employee Pension Portability and Accountability Act of 1998.'' I look forward to the passage of bipartisan pension legislation. Enclosed is a detailed section by section of the bill.

THE EMPLOYEE PENSION PORTABILITY AND ACCOUNTABILITY ACT OF 1998

SECTION BY SECTION

Section 1. Short Title

This legislation is entitled as the Employee Pension Portability and Accountability Act of 1998.

Section 2. Payroll Deduction for Retirement Savings

This section is intended to promote increased retirement savings among employees. Employees could elect to have contributions, up to a total of $2,000, withheld during the year from their paychecks and contributed to an IRA. Under this section, employees who are eligible for a deductible IRA, could elect to have pre-tax contributions withheld by their employer and deposited in their IRA. These IRA contributions generally would be excluded from taxable income on the W–2 rather than deducted from income on the individual's tax return. However, the amounts would be subject to employment taxes (FICA) and would be reported as contribution to an IRA on the employee's Form W–2. If at the end of the year, the employee is determined not to be eligible for any portion of the $2,000 contribution, the employee would be required to include such amount as income for that taxable year.

The legislative history under this section also would clarify that employees not eligible for a deductible IRA could use payroll deductions of after tax amounts as contributions to a non-deductible IRA or Roth IRA. Such an arrangement would not constitute the employer sponsoring a plan.

The provision would be effective for taxable years beginning after December 31, 1998.

Section 3. Credit for Pension Plan Startup Costs of Small Employees

The credit provided under this section is intended to be an additional incentive to employers, especially small employers, who may not otherwise establish a plan because of high start-up costs. Under this section, the employer could claim a credit for up to three years after establishing a new qualified defined benefit plan or defined contribution plan (including a section 401(k)), a SIMPLE, SEP, or IRA payroll deduction arrangement. The credit for the first year of the plan is 50 percent of up to $2,000 in administrative and retirement education expenses. For the second and the third year, the credit would be 50 percent of up to $1000 of start-up costs.

For purposes of the credit, an eligible employer is an employer who maintained no more than 100 employees in the preceding tax year and the compensation of each employee was at least $5,000 for the year. The employer would be eligible only if such employer did not have a retirement plan prior to establishing the new plan. In addition, the new plan must cover at least 2 employees, and must be made available to all employees who have worked with the employer for at least three months.

The credit is effective beginning in the year of enactment and would be available only for plans established on or before December 31, 2000. Thus, if an eligible employer established a plan in the year 2000, the credit would be available for the years 2000, 2001, and 2002.

Section 4. Secure Money Annuity or Retirement (SMART) Trusts

This section creates a simplified defined benefit plan. As in all defined benefits plans, contributions are made by the employer. The plan would be available to employers with no more than 100 employees who received at least $5,000 in compensation in the prior year. In addition, the employer could not have maintained a defined benefit plan or a money purchase plan within the preceding five years. The plan generally would be available to all employees who have completed two years of service with the employer and earned at least $5,000 in compensation. Like all other qualified pension plans, contributions to the SMART plan would be excludable from income, earnings would be accumulated tax-free, and distributions at the time of distribution would be subject to income tax (unless rolled over). Participants would be guaranteed a minimum annual benefit upon retirement, but could receive a larger benefit if the return on plan investments exceeds specified conservative assumptions. The employee would be guaranteed a minimum annual benefit upon retirement which would be equal to 1 or 2 percent of the employee's compensation plus a minimum rate of return of 5 percent. The minimum annual benefit would be computed based on the employee's average compensation with the employer, the number of years worked, and the percentaged elected by the employer. Thus an employee with 25 years of service, whose average salary was $50,000, and whose employer elected a 2-percent benefit would receive an annual benefit of $25,000 at retirement (age 65). The guaranteed benefit requirement result in some employers making additional contributions to the employee's account if the rate of return plus the contributions do not produce sufficient assets to pay the minimum guaranteed benefit. If the rate of return exceeds 5 percent, the employee would receive a benefit greater than the minimum guaranteed benefit. The Pension Benefit Guarantee Corporation (PBGC) would provide insurance to ensure the payment of the guaranteed benefit.

To permit catch-up contributions on behalf of workers (especially workers nearing retirement age) for the years a retirement plan was not available, an employer could elect a benefit equal to 3 percent of compensation for the first 5 years the plan is in existence. This higher percentage would be elected in lieu of 1 or 3 percent and would have to be made available to all employees. The maximum amount of compensation that could be taken into account for purposes of determining the annual benefit would be $100,000, indexed for inflation.

Employees would immediately vest in the benefits contributions made and earnings that accrue under the plan. Benefits in the account would be treated as all other qualified pension plans, i.e. the contributions or earnings would not be taxable to the employee in the year made (or earned) and the employer would be permitted to deduct currently the contribution made to the plan. Distributions from the plan would be taxable to the employee upon distribution except where the balance is directly rolled over from a SMART plan to another SMART plan by the trustee of the plan.

The provision would be effective for calendar years beginning after December 31, 1998.

Section 5. Faster Vesting of Employer Matching Contributions

This section changes the vesting requirement for employer contributions. Under current law, employer matching contributions vest after either 5 years cliff vesting or 7 years graded vesting. Under the 5-year vesting, an employee becomes fully vested (i.e. full rights) to employer contributions after the employee has completed five years of service with the employer. If the years of service are less than 5 years the employee does not vest to any portion of contributions. Under 7-year graded vesting, the employee becomes fully vested to the employer contributions in increments of 20 percent, which begins after the employee completes three years of service, and is fully vested after seven years of service. Under this provision, the 5-year vesting and 7-year vesting schedules would be modified to provide for 3-year cliff vesting and 6-year graded vesting. The six-year vesting would begin after the employee has completed two years of service. The vesting schedules would apply for all

employer matching contributions made under any qualified plan.

The provision would be effective for plan years beginning after December 31, 1998.

Section 6A. Pension Right to Know Proposals

This provision would modify current law with respect to a written waiver of a survivor annuity. Under current law, the plan participant (not the spouse) is provided with a written explanation of the terms and conditions of the survivor benefit. This provision would require that the same written information provided to the plan participant also is provided to the spouse. This would help the spouse to fully understand both his or her rights under the plan, and the full implication of a waiver of those rights.

This provision would be effective for plan years beginning after December 31, 1998.

Section 6B. Right to Know Pension Plan Distribution Information

This provision would require employers who use any one of the 401(k) safe harbor plan designs to provide employees with sufficient notice that would afford them the real opportunity to make an informed decision regarding electing to contribute (or modify a prior election) to the employer-sponsored plan. The employee would be provided at least a 60-day period before the beginning of each year and a 60-day period when he or she first becomes eligible to participate. In addition, the current requirement that employers notify eligible employees of their rights to make contributions, as well as notify them of the employer contributions formula being used under the plan, would be modified to require that such notice be given within a reasonable period of time before the 60-day period, rather than before the beginning of the year.

This provision would be effective for plan years beginning after December 31, 1998.

Section 7. Mandatory 1 Percent Employer Contribution required under alternative methods of meeting nondiscrimination requirements for 401(k) plans

This section modifies the section 401(k) matching formula safe harbor by requiring that, in addition to the matching contribution, employers would make a contribution of 1 percent of compensation for each eligible nonhighly compensated employee, regardless of whether the employee makes elective contributions. This contribution shows the value of tax-deferred compounding. This provision would not apply where the employer uses the safe harbor design under which the employer contributes 3 percent of compensation on the behalf of each eligible employee without regard to whether the employee makes an elective contribution.

This provision would be effective for plan years beginning after December 31, 1998.

Section 8. Definition of Highly Compensated Employees

Under current law, a highly compensated employee is defined as an employee who was a five percent owner of the employer at any time during the proceeding year, or had compensation of $80,000, and if the employer elects was in the top-paid group of employees for the preceding year. An employee is in the top-paid group if the employee was among the top 20 percent of employees of the employer when ranked on basis of compensation paid to employers in previous years. This section eliminates the top-paid group from the definition highly compensated employee. Thus, the level of compensation earned or ownership determine whether the employee is highly compensated.

This provision would be effective for plan years beginning after December 31, 1998.

Section 9. Treatment of Multiemployer Plans Under Section 415

This section would repeal the 100 percent-of-compensation limit, but not the $130,000 limit for such plans, and exempts certain survivor and disability benefits from the adjustments for early commencement and participation and service of less than 10 years.

This provision would be effective for plan years beginning after December 31, 1998.

Section 10. Full Funding Limitation for Multiemployer Plans

This Section would eliminate the limit on deductible contributions based on a specified percentage of current liability. The annual deduction for contributions to such a plan would be limited to the amount by which the plan's accrued liability exceeds the value of the plan's assets.

This provision would be effective for plan years beginning after December 31, 1998.

Section 11. Elimination of Partial Termination Rules for Multiemployer Plans

Under current law, when a qualified retirement plan is terminated, all plan participants are required to become 100 percent vested in their accrued benefits to the extent those benefits are funded. In the case of certain ''partial termination'' that is not actual plan termination, all affected employees must become 100 percent vested in their benefits accrued to the date of the termination, to the extent the benefits are funded. Partial terminations generally occur when there is a significant reduction in workforce covered by the plan. This section repeals the requirement that affected participants become 100 percent vested in their accrued benefits upon the partial termination of qualified multiemployer retirement plans.

This provision would be effective for partial termination beginning after December 31, 1998.

REFORM OF THE IRS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, though the federal government does few things well, when it comes to collecting taxes, the Internal Revenue Service (IRS) is a proficient, ruthless, and relentless agency squeezing every subject for the government's due, and then some.

Last month the president called ''irresponsible'' and ''reckless'' the several efforts by Republicans in Congress to reign in the IRS. These reforms entail restoring taxpayer rights, curbing IRS abuses, and ultimately rebuilding a sense of fairness in America's tax policy.

Furthermore, Congressional reformers are seeking to turn the tables on the IRS by burdening the bureaucracy with justifying its policies before proceeding on its confiscatory mission.

The debate in Washington, D.C. is centered on the differences between those who demand dramatic improvements and those content to merely tinker with the tax code.

Meanwhile, Americans will spend a combined 5½ billion hours this year working to comply with our current tax system.

April is tax month, a time to reflect on the financial cost of citizenship. The federal budget tops $1.7 trillion this year.

In spite of the Capitol Hill hoopla about a supposed federal budget surplus, the total federal debt has recently surpassed $5.5 trillion and continues to grow. In fact, during the time separating the delivery of President Clinton's 1997 State of the Union address and his 1998 version, the debt grew an incredible $185 billion!

The IRS employs 114,000 agents who churn out eight billion pages of forms and instructions mailed to Americans every year. Even the simplest form, the 1040 EZ, has 33 pages of fine-print instructions. Over 300,000 trees were harvested just to produce the paper for these missives.

In Congress, I've joined the growing crowd calling for wholesale reform of the IRS. For example, I'm backing efforts to repeal the death tax (estate tax), to abolish the marriage penalty, and to further eliminate taxes which discourage investment and savings.

I'm also calling for a sunset of the IRS tax code by December 31, 2001. This unprecedented act would force the IRS and Congress to agree on a fair, simpler tax law. The ''sunset'' provision would answer the customary political gridlock in Congress with the promise to pull the IRS out by its roots until leaders can agree to put taxpayers ahead of bureaucrats.

Taxation is unavoidable. However, tax fairness and simplicity are features upon which Americans should insist.

CAMPAIGN REFORM AND ELECTION INTEGRITY ACT OF 1998

SPEECH OF

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. KENNEDY of Massachusetts. Madam Speaker, for months, Members on both sides of the aisle have worked to craft meaningful campaign finance reform. But the Republican leadership's decision last Friday to bring campaign finance reform to the Floor under suspension of the rules has made it clear they are not interested in debating, and passing, true campaign finance reform. This biased procedure stifles debate, precludes the opportunity to offer amendments and prohibits the consideration of the Shays-Meehan proposal—a true reform bill, which bans soft money in federal election years.

In addition, the Republican leadership's tactic of breaking up the Thomas bill into three more bills under suspension of the rules doesn't soften the blow in denying the House the opportunity to debate, and amend, campaign finance reform legislation.

Instead, the Republican leadership is offering an umbrella measure, HR 3485, that is so loaded with poison provisions that it is doomed to failure. I am particularly appalled that the bill before the House contains the exact language of the Voter Eligibility Verification Act which this House rejected last month by a vote of 210–200.

Back in the '60s, many of the Freedom Riders lost their lives for civil rights, including the right to vote. The voter eligibility provisions of this bill would take us back in time before the National Voting Rights Act was enacted. It clearly discriminates against the poor, senior citizens, African Americans and Hispanics.

On Election Day around this nation, local voter registration offices recruit people to work