

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.

EXTENSIONS OF REMARKS

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

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Service have recently completed studies analyzing pension coverage in the United States. The studies found that about 53 percent of workers, roughly 68 million people, lacked a pension without coverage worked for an employer that did not sponsor a plan, while 14 percent lacked coverage because their company's plan did not include them.

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