

# APPOINTMENT OF MEMBER TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Without objection, and pursuant to clause 11 of rule X and clause 11 of rule I, the Chair announces the Speaker's appointment of the following Member of the House to the Permanent Select Committee on Intelligence to fill the existing vacancy thereon:

Mr. CRAMER of Alabama.

There was no objection.

## PENSION PROTECTION ACT

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GUTKNECHT. Mr. Speaker, later today the House will take up a bill called the Pension Protection Act of 2002; and as far as it is concerned, it is a pretty good bill. There is nothing really wrong with it. The problem is it is not strong enough. Most Americans do not know that right now employers have the right to change their pension plan at any moment, even vested employees. And, Mr. Speaker, when we look up in the dictionary the term "vested," it says "settled, fixed or absolute, being without contingency, as in a vested right."

The problem is that employers now have the right to change their pension plan in mid-course. Mr. Speaker, right now there are over 48 million American workers who are over the age of 45. Forty percent of all workers are engaged in what we call "defined benefit plans." Those can be changed and have tremendous cost to those employees.

Mr. Speaker, I have an amendment I would like to offer to that bill to make it clear that employers cannot raid the pension funds for their own benefit and deny people the benefits that they are vested in.

Mr. Speaker, this may be a good bill; but it really is not pension protection. I hope the Committee on Rules will make in order the amendment that I am offering today, and I hope my colleagues will join in supporting it.

Several years ago, thousands of IBM workers in my district came into work one morning to find that the defined pension plan they had been promised had been changed without warning. For years these employees had been able to calculate their future benefits with a pension calculator located on their computer, compliments of IBM. When the plan changed, the calculator disappeared. So did the employees' promised benefits.

Right now, companies can, at any time and for any reason, change a vested employee's pension plan—this is wrong.

Most often this change involves a company converting a traditional, defined benefit plan to a cash-balance plan, which usually results in anywhere from a 20–50% reduction in final benefits.

These conversions disproportionately burden older, career-oriented employees.

Bureau of Labor Statistics indicate there are more than 48 million workers over the age of 45.

More than 40 million workers or their spouses participate or receive benefits from defined benefit plans.

This amendment would:

(1) Provide 90 days notice of any pension plan conversion to all workers.

(2) Give fully vested employees the choice of staying in their current plan or switching to the new, amended plan.

This amendment exempts companies in financial distress from penalties (distress is to be determined by the Secretary of the Treasury, following guidelines set out in ERISA).

This amendment will have no adverse effect on profitable companies that simply keep their promises to their employees.

## WHAT DO YOUR CONSTITUENTS THINK "VESTED" MEANS?

DEAR COLLEAGUE: In my dictionary, "vested" is defined as follows:

vested, *adj.* 1. Settle, fixed, or absolute; being without contingency: *a vested right.*

Despite this definition, being "vested" in a pension plan does not mean what most employees think it means. Did you know that companies can, at any time and for any reason, change a vested employee's pension plan? Most often, this change in plans involves a company changing from a traditional, defined benefit pension plan to a "cash balance" pension plan. This usually results in anywhere from a 20–50% reduction in final pension benefits, with long "wear-away" periods during which employees do not accrue any new benefits.

Bureau of Labor statistics indicate there are more than 48 million American workers over the age of 45. The latest Bureau of Labor statistics also show that more than 40 million workers or their spouses participate or receive benefits from defined benefit plans! Many of these 40 million workers fall into the over-45 category. Pension plan conversions disproportionately burden these older, career-oriented employees—those employees who need the most protection.

This is wrong! When companies change their retirement plans in a way that may reduce employee benefits, vested employees should be allowed to stay in the original pension plan that they were promised. Next week, I will introduce the Vested Worker Protection Act of 2002, and I'm looking for original cosponsors. This bill will require healthy companies to:

(1) provide 90 days notice of any pension plan change to all workers; and

(2) give fully vested employees the choice of staying in their current plan or switching to the new, amended plan.

This bill exempts companies in financial distress from penalties, while otherwise healthy companies will be subject to an excise tax should they violate the provisions of this bill.

This bill will have no adverse effect on profitable companies that simply keep their promises to their employees. Support employees in your district by signing on as an original co-sponsor of the Vested Worker Protection Act of 2002. To co-sponsor, please call James Beabout at extension 5-2472.

Sincerely,

GIL GUTKNECHT,  
Member of Congress.

APRIL 10, 2002.

DEAR COLLEAGUE: When Congress considered major pension reform in 2000, I proposed an amendment to prevent healthy companies from changing the pension plans to the det-

rimment of their fully vested employees. Unfortunately, the Rules Committee did not allow debate on my amendment.

Congress will revisit pension reform as soon as this week. I strongly feel that any pension reform legislation must include a provision to protect fully vested employees from having their pension plans changed overnight.

Several years ago, thousands of IBM workers in my district came into work one morning to find that the defined benefit pension plan they had been promised had been changed without warning. For years these employees had been able to calculate their future benefits with a pension calculator located on their computer, compliments of IBM. When the plan changed the calculator disappeared. So did the employees' promised benefits.

Most Americans take protection of their pension plans for granted. The Enron situation has demonstrated the need for employees to carefully monitor how their employer handles their retirement benefits. As more companies change their pension plans and reduce future benefits for employees, we must provide, at a minimum, protection for vested workers who are planning for retirement based on promises made by their employers. Strengthening the definition of "vested" and providing employee choice will go a long way toward re-establishing balance and fairness for workers with respect to pensions.

Sincerely,

GIL GUTKNECHT,  
Member of Congress.

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## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## PATRICK HENRY: THE VOICE OF A REVOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, in the 1830s, the French observer Alexis de Tocqueville took a road trip through America. We were a very young Nation, less than 60 years old, progressing, as Thomas Jefferson said, "beyond the reach of the mortal eye."

De Tocqueville came to find out for himself whether the great democratic revolution he had been told about was really true. Believing that this young nation would "sway the destinies of half the globe", de Tocqueville wrote, "I sought for the greatness and genius of America in her commodious harbors and her ample rivers, and it was not there; in her fertile fields and boundless prairies, and it was not there; in her rich mines and her vast world commerce, and it was not there. Not until I went to the churches of America and heard her pulpits aflame with righteousness did I understand the secret of her genius and her power."

After all he saw and heard in this young republic, Mr. Speaker, de Tocqueville came to believe that the

church was the source of America's nascent greatness. And it should really come as no surprise that from the high steeples and the rows of pews have come some of America's greatest figures and most defining moments.

Chief among them was on March 23, 1775. It was a full year before the Declaration of Independence would be signed in Philadelphia. The seeds of revolution were sown in Virginia. The midnight hour of British tyranny was approaching, forcing the leaders of that Commonwealth to choose their course. The debates were fierce and divided. Some argued for revolution; others for a more diplomatic outcome.

In St. John's Church in Richmond, Virginia, the leaders met again to decide the people's fate, and a fiery orator named Patrick Henry rose from his chair. Murmurs and whispers greeted him. He was known for his lively speeches, entertaining visitors and leaders alike. But the opposition was growing increasingly uncomfortable with his claims and his call for liberty at any cost.

Patrick Henry's speech began like an approaching storm. His words grew with intensity and power. "Besides, sir, he said, we shall not fight our battle alone. There is a just God who presides over the destinies of nations, who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone, it is to the vigilant, the active, and the brave." And then, with growing momentum, he concluded, "Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God. I know not what course others may take, but as for me, give me liberty or give me death." This was, in fact, the rhetorical shot heard around the world.

For Patrick Henry, the church was the natural place to say such words. He grew up listening to the passionate teachings of traveling preachers. He studied their movements and tone. He watched as they swayed audiences towards belief.

But religion for Henry was not a side-show or politics, or something to be left to the pulpit. He knew true belief transformed lives, inspiring the heart and steeling the will. He said, "It cannot be emphasized too strongly or too often that this great Nation was founded not by religionists, but by Christians."

Patrick Henry would go on to be Governor of Virginia five times, and was instrumental in drafting its first constitution. But in all his experience, he grew more and more to believe in the importance and the centrality of the Christian faith.

Let us close with the words of Alexis de Tocqueville, who would write some 50 years later of the experiences of the Revolution that, as was the case with Patrick Henry, "Christianity is the companion of liberty in all its conflicts, the cradle of its infancy and the divine source of its claims."

Mr. Speaker, may we ever remember that from the fire of faith comes the future of freedom.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

(Mr. NETHERCUTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### CHILD NUTRITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, today I rise to speak about a serious problem that is affecting the health of our children. I am talking about childhood obesity.

In his recent "Call to action to prevent and decrease overweight and obesity," the surgeon general found that in 1999, over 13 percent of children ages 6 to 11 and 14 percent of adolescents ages 12 to 19 years are overweight. Nationwide, the number of overweight children has tripled over the last two decades.

This has led to a staggering increase in children with Type 2 diabetes, a disease that normally affects senior adults. Sixty percent of obese children ages 5 to 10 have at least one risk factor for heart disease, and 25 percent have two or more factors.

As obese children grow up, they are likely to remain obese as adults, and continue to be at risk for a variety of health problems. If we are to reverse this trend, parents, schools, and the government must work harder to address this problem early, before our children's health is affected.

I want to commend two organizations in my congressional district that are doing just that. The Region One Education Service Center in Edinburg, Texas, and the Texas School Food Service Association have taken the lead in working with our schools to improve nutrition and encourage physical activity to reduce childhood obesity.

Our schools are working hard to reverse this trend toward obesity. Many schools that eliminated physical education programs are reinstating them.

Mr. Speaker, I would like to show that there is a great need for improvement in school meals, with this poster. Our schools are working hard to reverse the trend, as I said earlier. Thanks to the work of the Texas Food Service Association and the National Food Service Association, between 1991

and 1998, there has been a significant trend toward lower levels of fat and saturated fat in school meals. More schools serve low-fat milk and provide healthful food choices in the school cafeterias.

Despite these successes, there still is work to be done. While school breakfasts are close to meeting all Federal nutrition standards, many of the school lunch programs still do not meet Federal nutrition guidelines.

The school meal programs also face competition from vending machines and fundraising food sales at schools that encourage children to skip the more nutritious school meal and eat snacks and sodas that are full of fat, salt, and sugar. Despite their good efforts, our schools cannot do it all. Parents need to take responsibility, and the Federal Government has to do its part.

I urge my colleagues here in Congress to join me in cosponsoring H.R. 2129, the Better Nutrition for Schoolchildren Act of 2001. This bill will give the U.S. Department of Agriculture the authority to extend nutrition guidelines to every food product in our schools, including those outside of the cafeteria.

As we look towards next year's reauthorization of the Child Nutrition Act, I hope that we in Congress will be a partner, not a hindrance, in improving the health and nutrition of our schoolchildren. Our children deserve no less.

Again, I urge my colleagues on both sides of the aisle to join me in cosponsoring H.R. 2129, and let us pass this legislation.

#### VIOLENCE IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. First, let me commend the House, Mr. Speaker, for its passage of the very, very important retirement security bill today, the Pension Security Act of 2002. I state emphatically, the bill brings about some necessary reform.

My best quote, if you will, relative to this important legislation is, if it is good enough for the brass, it ought to be the same for the middle-class workers. So hopefully we have leveled the playing field, provided some protection, and it is well overdue. I commend the gentleman from Ohio (Mr. PORTMAN) for his outstanding efforts on leading us in this direction. He has been working on this for years.

This is not as a result of Enron, but it certainly has been aided and abetted by that scandal that took place in Texas, so I am thrilled we are able to pass it to the floor today.

Let us turn our attention to a very serious issue that is confronting the world, if you will, and that is what is going on in the Middle East.

Mr. Speaker, I rise today to reiterate my strong support for Israel. There is no escaping the mire of violence that