

(Mr. SESSIONS) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 350, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 409

At the request of Mrs. HUTCHISON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 409, a bill to amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes.

S. 414

At the request of Mr. CLELAND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 414, a bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes.

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Connecticut (Mr. DODD), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Kansas (Mr. BROWNBACK), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. CON. RES. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 15

At the request of Mr. BROWNBACK, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. CON. RES. 15, a concurrent resolution to designate a National Day of Reconciliation.

S. RES. 19

At the request of Mr. SPECTER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. RES. 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by \$3,400,000,000 in fiscal year 2002.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GREGG:

S. 489. A bill to amend the Family and Medical Leave Act of 1993 to clarify the Act, and for other purposes; to

the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, the Family and Medical Leave Act was intended to be used by families for critical periods such as after the birth or adoption of a child and leave to care for a child, spouse, or one's own "serious medical condition."

Since its passage, the Family and Medical Leave Act has had a significant impact on employers' leave practices and policies. According to the Commission on Family and Medical Leave two-thirds of covered work sites have changed some aspect of their policies in order to comply with the Act.

Unfortunately, the Department of Labor's implementation of certain provisions of the Act has resulted in significant unintended administrative burden and costs on employers; resentment by co-workers when the act is misapplied; invasions of privacy by requiring employers to ask deeply personal questions about employees and family members planning to take FMLA leave; disruptions to the workplace due to increased unscheduled and unplanned absences; unnecessary record keeping; unworkable notice requirements; and conflicts with existing policies. Despite these problems, which have been well documented in five separate congressional hearings, including one I chaired and a House hearing where I testified, the previous administration choose to ignore those problems and instead pushed for a back door expansion of the Act through a rule known as Baby U.I., the Birth and Adoption Unemployment Compensation Rule. The Baby U.I. rule allows states to raid their unemployment compensation trust funds for an unrelated program, paid family leave. As a former Governor, I am very concerned about the impact of the rule on state unemployment trust funds, which should be preserved for tough economic times.

The Department of Labor's vague and confusing implementing regulations and interpretations have resulted in the FMLA being misapplied, misunderstood and mistakenly ignored. Employers aren't sure if situations like pink eye, ingrown toenails and even the common cold will be considered by the regulators and the courts to be serious health conditions. Because of these concerns and well-documented problems with the Act, I am today introducing the Family and Medical Leave Clarification Act to make reasonable and much needed technical corrections to the Family and Medical Leave Act and restore it to its original congressional intent.

The need for FMLA technical corrections has been confirmed and strengthened by five congressional hearings and by the recent release of key surveys. Conclusive evidence of the need for corrections has now been established. The Congressional hearings demonstrated that the FMLA's definition of serious health condition is vague and overly

broad due to DOL's interpretations. Additionally, the hearings documented that the intermittent leave provisions, notification and certification problems are causing many serious workplace problems. In addition, some companies testified that Congress should consider allowing employers to permit employees to take either a paid leave package under an existing collective bargaining agreement or the 12 weeks of FMLA protected leave, whichever is greater.

I am concerned that a recent decrease in paid leave for employees has been attributed to the Administration's problematic FMLA interpretations. Some research shows a decline in voluntarily provided paid sick leave and vacation leave by the private sector. The 2000 SHRM, Society for Human Resource Management, Benefits Survey found that paid vacation was provided by 87 percent of companies in the year 2000 while the year before it was 94 percent. Paid sick leave was at 85 percent last year and 74 percent this year.

A recent survey conducted by former President Clinton's Department of Labor confirmed FMLA implementation problems. The Labor Department report found that the share of covered establishments reporting that it was somewhat or very easy to comply with the FMLA has declined 21.5 percent from 1995 to 2000.

The recent release of the SHRM, Society for Human Resource Management, 2000 FMLA Survey strongly reinforces the need for FMLA technical corrections. Respondents to the SHRM survey stated that, on average, 60 percent of employees who take FMLA leave do not schedule the leave in advance. Consequently, managers often do not have the ability to plan for work disruptions. Respondents also reported that, in most cases, the burden of the workload from the employee on leave falls to employees who are not on leave. When asked whether they have had to grant FMLA requests they felt were not legitimate, more than half, 52 percent, said they had. Additionally, more than one-third, 34 percent, of respondents said they were aware of employee complaints over the past year regarding a co-worker's questionable use of FMLA leave. The issue of intermittent leave also continues to be extremely difficult. Three-quarters, 76 percent, of respondents said they would find compliance easier if the Department of Labor allowed FMLA leave to be offered and tracked in half-day increments rather than by minutes.

I am very concerned that both the SHRM and the Labor Department surveys show that FMLA implementation is becoming more difficult, not easier seven years after it has been in place. I am hopeful that the Family and Medical Leave Clarification Act will advance in the 107th Congress on a bipartisan basis to address this problem.

The FMLA Clarification Act has the strong support of the Society for Human Resource Management, the

U.S. Chamber of Commerce, the National Association of Manufacturers, the American Society of Healthcare Human Resources Professionals and close to 300 other leading companies and associations who make up the Family and Medical Leave Act Technical Corrections Coalition. I have received a letter of support from the Coalition and ask that it be printed in the RECORD. This broad based coalition, shares my belief that both employers and employees would benefit from making certain technical corrections to the FMLA, corrections that are needed to restore congressional intent and to reduce administrative and compliance problems experienced by employers who are making a good faith effort to comply with the act.

The bill I am introducing today does several important things:

First, it repeals the Department of Labor's current regulations for "serious health condition" and includes language from the Democrats' own original Committee Report on what types of medical conditions, such as heart attacks, strokes, spinal injuries, etc., were intended to be covered. In passing the FMLA, Congress stated that the term "serious health condition" is not intended to cover short-term conditions, for which treatment and recovery are very brief, recognizing that "it is expected that such condition will fall within the most modest sick leave policies." The Department of Labor's current regulations are extremely confusing and expansive, defining the term "serious health condition" as including, among other things, any absence of more than 3 days in which the employee sees any health care provider and receives any type of continuing treatment, including a second doctor's visit, or a prescription, or a referral to a physical therapist, such a broad definition potentially mandates FMLA leave where an employee sees a health care provider once, receives a prescription drug, and is instructed to call the health care provider back if the symptoms do not improve; the regulations also define as a "serious health condition" any absence for a chronic health problem, such as arthritis, asthma, diabetes, etc., even if the employee does not see a doctor for that absence and is absent for less than three days.

Second, the bill amends the Act's provisions relating to intermittent leave to allow employers to require that intermittent leave be taken in minimum blocks of 4 hours. This would minimize the misuse of FMLA by employees who use FMLA as an excuse for regular tardiness and routine justification for early departures.

Third, the bill shifts to the employee the responsibility to request leave be designated as FMLA leave, and requires the employee to provide written application within 5 working days of providing notice to the employer for foreseeable leave. With respect to unforeseeable leave, the bill requires the employee to provide, at a minimum,

oral notification of the need for the leave not later than the date the leave commences unless the employee is physically or mentally incapable of providing notice or submitting the application. Under that circumstance the employee is provided such additional time as necessary to provide notice.

Shifting the burden to the employee to request leave be designated as FMLA leave eliminates the need for the employer to question the employee and pry into the employee's and the employee's family's private matters, as required under current law, and helps eliminate personal liability for employer supervisors who should not be expected to be experts in the vague and complex regulations which even attorneys have a difficult time understanding. Under current law, it is the employer's responsibility in all circumstances to designate leave, paid or unpaid, as FMLA-qualifying. Failure to do so in a timely manner or to inform an employee that a specific event does not qualify as FMLA leave may result in that unqualified leave becoming qualified leave under FMLA. This scenario has actually been upheld in Court and has placed an enormous burden on employers to respond within 48 hours of an employee's leave request. In addition, the courts have held that there is personal liability for employers under the FMLA and that an individual manager may be sued and held individually liable for acts taken based upon or relating to the FMLA. See *Freemon v. Foley*, 911 F. Supp. 326, N.D. Ill. 1995, in case of first impression in 7th Circuit, court stated, "We believe the FMLA extends to all those who controlled 'in whole or in part' [plaintiff's] ability to take leave of absence and return to her position".

Fourth, with respect to leave because of the employee's own serious health condition, the bill permits an employer to require the employee to choose between taking unpaid leave provided by the FMLA or paid absence under an employer's collective bargaining agreement or other sick leave, sick pay, or disability plan, program, or policy of the employer. This change provides incentive for employers to continue their generous sick leave policies while providing a disincentive to employers considering getting rid of such employee-friendly plans, including those negotiated by the employer and the employee's union representative. Paid leave would be subject to the employer's normal work rules and procedures for taking such leave, including work rules and procedures dealing with attendance requirements.

The FMLA Clarification Act is a reasonable response to the concerns that have been raised about the Act. It leaves in place the fundamental protections of the law while attempting to make changes necessary to restore FMLA to its original intent and to respond to the very legitimate concerns that have been raised. I urge my colleagues to restore the FMLA to its

original Congressional intent. I ask that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 489

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Family and Medical Leave Clarification Act".

(b) **REFERENCES.**—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(c) **TABLE OF CONTENTS.**—The table of contents is as follows:

Sec. 1. Short title; references; table of contents.

Sec. 2. Findings.

Sec. 3. Definition of serious health condition.

Sec. 4. Intermittent leave.

Sec. 5. Request for leave.

Sec. 6. Substitution of paid leave.

Sec. 7. Regulations.

Sec. 8. Effective date.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Family and Medical Leave Act of 1993 (referred to in this section as the "Act") is not working as Congress intended when Congress passed the Act in 1993. Many employers, including those employers that are nationally recognized as having generous family-friendly benefit and leave programs, are experiencing serious problems complying with the Act.

(2) The Department of Labor's overly broad regulations and interpretations have caused many of these problems by greatly expanding the Act's coverage to apply to many non-serious health conditions.

(3) Documented problems generated by the Act include significant new administrative and personnel costs, loss of productivity and scheduling difficulties, unnecessary paperwork and recordkeeping, and other compliance problems.

(4) The Act often conflicts with employers' paid sick leave policies, prevents employers from managing absences through their absence control plans, and results in most leave under the Act becoming paid leave.

(5) The Commission on Leave, established in title III of the ACT (29 U.S.C. 2631 et seq.), which reported few difficulties with compliance with the Act, failed to identify many of the problems with compliance because the study on which the report was based was conducted too soon after the date of enactment of the Act and the most significant problems with compliance arose only when employers later sought to comply with the Act's final regulations and interpretations.

**SEC. 3. DEFINITION OF SERIOUS HEALTH CONDITION.**

Section 101(1) (29 U.S.C. 2611(11)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by aligning the margins of those clauses with the margins of clause (i) of paragraph (4)(A);

(3) by inserting before "The" the following: "(A) IN GENERAL.—"; and

(4) by adding at the end the following: "(B) EXCLUSIONS.—The term does not include a short-term illness, injury, impairment, or condition for which treatment and recovery are very brief.

**“(C) EXAMPLES.**—The term includes an illness, injury, impairment, or physical or mental condition such as a heart attack, a heart condition requiring extensive therapy or a surgical procedure, a stroke, a severe respiratory condition, a spinal injury, appendicitis, pneumonia, emphysema, severe arthritis, a severe nervous disorder, an injury caused by a serious accident on or off the job, an ongoing pregnancy, a miscarriage, a complication or illness related to pregnancy, such as severe morning sickness, a need for prenatal care, childbirth, and recovery from childbirth, that involves care or treatment described in subparagraph (A).”

#### SEC. 4. INTERMITTENT LEAVE.

Section 102(b)(1) (29 U.S.C. 2612(b)(1)) is amended by striking the period at the end of the second sentence and inserting the following: “, as certified under section 103 by the health care provider after each leave occurrence. An employer may require an employee to take intermittent leave in increments of up to ½ of a workday. An employer may require an employee who travels as part of the normal day-to-day work or duty assignment of the employee and who requests intermittent leave or leave on a reduced schedule to take leave for the duration of that work or assignment if the employer cannot reasonably accommodate the employee’s request.”.

#### SEC. 5. REQUEST FOR LEAVE.

Section 102(e) (29 U.S.C. 2612(e)) is amended by inserting after paragraph (2) the following:

“(3) REQUEST FOR LEAVE.—If an employer does not exercise, under subsection (d)(2), the right to require an employee to substitute other employer-provided leave for leave under this title, the employer may require the employee who wants leave under this title to request the leave in a timely manner. If an employer requires a timely request under this paragraph, an employee who fails to make a timely request may be denied leave under this title.

“(4) TIMELINESS OF REQUEST FOR LEAVE.—For purposes of paragraph (3), a request for leave shall be considered to be timely if—

“(A) in the case of foreseeable leave, the employee—

“(i) provides the applicable advance notice required by paragraphs (1) and (2); and

“(ii) submits any written application required by the employer for the leave not later than 5 working days after providing the notice to the employer; and

“(B) in the case of unforeseeable leave, the employee—

“(i) notifies the employer orally of the need for the leave—

“(I) not later than the date the leave commences; or

“(II) during such additional period as may be necessary, if the employee is physically or mentally incapable of providing the notification; and

“(ii) submits any written application required by the employer for the leave—

“(I) not later than 5 working days after providing the notice to the employer; or

“(II) during such additional period as may be necessary, if the employee is physically or mentally incapable of submitting the application.”.

#### SEC. 6. SUBSTITUTION OF PAID LEAVE.

Section 102(d)(2) (29 U.S.C. 2612(d)(2)) is amended by adding at the end the following:

“(C) PAID ABSENCE.—Notwithstanding subparagraphs (A) and (B), with respect to leave provided under subparagraph (D) of subsection (a)(1), where an employer provides a paid absence under the employer’s collective bargaining agreement, a welfare benefit plan under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), or

under any other sick leave, sick pay, or disability plan, program, or policy of the employer, the employer may require the employee to choose between the paid absence and unpaid leave provided under this title.”.

#### SEC. 7. REGULATIONS.

##### (a) EXISTING REGULATIONS.

(1) REVIEW.—Not later than 90 days after the date of enactment of this Act, the Secretary of Labor shall review all regulations issued before that date to implement the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), including the regulations published in sections 825.114 and 825.115 of title 29, Code of Federal Regulations.

(2) TERMINATION.—The regulations, and opinion letters promulgated under the regulations, shall cease to be effective on the effective date of final regulations issued under subsection (b)(2)(B), except as described in subsection (c).

##### (b) REVISED REGULATIONS.

(1) IN GENERAL.—The Secretary of Labor shall issue revised regulations implementing the Family and Medical Leave Act of 1993 that reflect the amendments made by this Act.

(2) NEW REGULATIONS.—The Secretary of Labor shall issue—

(A) proposed regulations described in paragraph (1) not later than 90 days after the date of enactment of this Act; and

(B) final regulations described in paragraph (1) not later than 180 days after that date of enactment.

(3) EFFECTIVE DATE.—The final regulations take effect 90 days after the date on which the regulations are issued.

(e) TRANSITION.—The regulations described in subsection (a) shall apply to actions taken by an employer prior to the effective date of final regulations issued under subsection (b)(2)(B), with respect to leave under the Family and Medical Leave Act of 1993.

#### SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

FMLA,  
TECHNICAL CORRECTIONS COALITION,  
Springfield, VA, February 7, 2001.

Hon. JUDD GREGG,  
Chairman,  
Subcommittee on Children and Families,  
Hart Senate Office Building,  
U.S. Senate,  
Washington, DC.

DEAR CHAIRMAN GREGG: the Family and Medical Leave Act Technical Corrections Coalition would like to commend you for reintroducing the Family and Medical Leave Clarification Act.

As you know, the Coalition is a diverse, broad-based, nonpartisan group of nearly 300 leading companies and associations. Members of the Coalition are fully committed to complying with both the spirit and the letter of the FMLA and strongly believe that employers should provide policies and programs to accommodate the individual work-life needs of their employees. At the same time, members of the Coalition believe that the FMLA should be fixed to protect those employees that Congress aimed to assist while streamlining administrative problems that have arisen. Since the FMLA is not working properly, the Coalition does not support expansions to the Act.

Unfortunately, FMLA implementation problems, which were well documented during your July 14, 1999 hearing and four other Congressional hearings, continue to grow. The need for your FMLA technical corrections legislation has been confirmed and even strengthened over the past year through additional Congressional hearings

and through the release of new survey information: (1) the SHRM® (Society for Human Resource Management) 2000 FMLA Survey and (2) the new Department of Labor (DOL) FMLA Survey. While the SHRM survey is a more accurate national measure of FMLA implementation since it was specifically directed to those actually charged with FMLA compliance, both the SHRM and DOL surveys essentially reached the same conclusion: FMLA problems are growing. For example:

Both the DOL and SHRM surveys found that more employers are finding the FMLA and its regulations and interpretations more difficult than they did several years ago.

The Labor Department report found that the share of covered establishments reporting that it was somewhat or very easy to comply with the FMLA declined 21.5 percent from 1995 to 2000. The fact that both the Labor Department and SHRM surveys show that FMLA implementation is becoming more difficult, not easier seven years after it has been in place is of great concern.

The DOL survey conducted by former President Clinton’s Labor Department casts significant doubt on the need for federally mandated FMLA expansions as the best way to provide increased flexibility for workers. For example, the Labor Department survey found that the gap between covered and non-covered establishments has narrowed since 1995, as non-covered establishments are significantly more likely to offer FMLA-type benefits in 2000 than they were five years earlier. Interestingly, non-covered employers are more likely than covered establishments to offer leave for school-related functions or routine medical appointments.

The SHRM report confirmed Congressional hearing findings that the issue of intermittent leave continues to be extremely difficult. Three-quarters (76 percent) of respondents said they would find compliance easier if the Department of Labor allowed FMLA leave to be offered and tracked in half-day increments rather than by minutes. Additionally, a survey by CORE, Inc. survey found that the majority (54%) does not feel confident that their company is tracking FMLA correctly.

In all SHRM and Labor Department surveys, past and present, the most commonly reported method of covering work when an employee takes leave was to assign the work temporarily to other employees. The SHRM survey showed that a full 34% of human resource professionals were aware of complaints by coworkers due to questionable use of FMLA.

The fact that both the Labor Department and SHRM surveys show that FMLA implementation is becoming more difficult, not easier, seven years after it has been in place is of great concern.

Thank you for your leadership and continued commitment to restoring the FMLA to its original Congressional intent through FMLA technical corrections while preserving the spirit of the Act. The entire FMLA Technical Corrections Coalition looks forward to working with you to ensure its success.

Respectfully,

DEANNA R. GELAK, SPHR,  
Executive Director.

By Mr. EDWARDS:

S. 490. A bill to provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agencies are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer; to the Committee on the Judiciary.

Mr. EDWARDS. Mr. President, I rise today to introduce the Law Enforcement Officers Due Process Act of 2001. Every day our nation's police officers put their lives on the line in the fight against crime. Every time they patrol a beat they put their own safety at risk to protect our children and make our country a better place to live and work. We all owe a great deal to these brave men and women.

Working police officers spend their lives among the public safeguarding the innocent and apprehending those who have committed crimes. Much of this contact can be stressful for everyone involved. Perhaps an individual has been stopped by an officer for the suspected violation of a law. Or maybe the officer is assisting someone who is the victim of a crime. Due to the circumstances, these are often unpleasant situations. And unfortunately, in some instances, contact with the police officer may become adversarial and generate complaints about the officer's actions.

These complaints range from accusations that an officer took too long to arrive at a crime scene, used too much force, or was not forceful enough, to claims that the officer was rude or didn't show proper respect. Some complaints against officers are legitimate. However, some complaints are generated to intimidate an officer who is simply doing his or her job, into dropping charges. Any one of these complaints can get an officer fired, suspended, or otherwise punished without the benefit of due process.

A patchwork of state and local laws currently governs the rights of officers when they are involved in a case that may lead to dismissal, demotion, suspension or transfer. Thirty-five states have state and/or local laws in place that govern the administrative due process rights of law enforcement officers. However, 15 states do not have any of these much-deserved due process protections for their law enforcement officers.

The Law Enforcement Officers Due Process Act is a common-sense measure designed to replace arbitrary and ad hoc investigatory procedures with consistent standards. The legislation will provide additional funding to law enforcement agencies that either have in place, or currently do not have but certify they will implement, administrative due process for their law enforcement officers. An agency will be eligible for grant money if its administrative procedures include the right of a law enforcement officer under investigation to: (1) a hearing before a fair and impartial board or hearing officer; (2) be represented by an attorney or other officer at the expense of the officer under investigation; (3) confront any witness testifying against him or her; and (4) record all meetings he or she attends. In many instances, an employer with direct control over an officer is also the investigator. That is why providing basic, explicitly stated

rights to officers under investigation is crucial to maintaining impartial investigations. These rights will not interfere with the management of state and local internal investigations. They will merely ensure that officers receive the benefit of fair and objective investigations, whether a complaint against them is legitimate or not.

Some individuals may be concerned that providing these rights would delay removal of an officer who is ultimately found to have deserved disciplinary action taken against them. However, I'd like to emphasize that my legislation would not prevent the immediate suspension of an officer whose continued presence on the job is considered to be a substantial and immediate threat to the welfare of the law enforcement agency or the public; who refuses to obey a direct order issued in conformance with the agency's rules and regulations; or who is accused of committing an illegal act.

The Law Enforcement Officers Due Process Act does not force a law enforcement agency to implement due process rights for its officers. Rather, it encourages agencies to do the right thing by offering them additional funds if they establish written procedures for determining if a complaint is valid or merely designed to cause trouble for the officer.

I urge my colleagues who represent states that do not have law enforcement officers' due process rights laws to cosponsor my bill and give their police officers the protections they deserve. I also urge my colleagues who represent states that have various local laws in place to cosponsor my bill. By doing so they will help eliminate the disparity that exists among local jurisdictions, and guarantee that every single officer in their state will have a minimum baseline of rights to help guarantee fair and impartial investigations.

Crime rates are down across the nation. We owe a tremendous debt of gratitude to our nation's police officers for helping make this happen. Our communities, our schools, and our places of business would not enjoy the level of security they have today without the efforts of law enforcement. Enacting the Law Enforcement Officers Due Process Act is the least we can do to show officers that we will fight for all of them just like they fight for all of us every day.

I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 490

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Law Enforcement Officers Due Process Act of 2001".

**SEC. 2. PROTECTION FOR LAW ENFORCEMENT OFFICERS.**

(a) PROGRAM AUTHORIZED.—The Attorney General is authorized to provide grants to

law enforcement agencies that are eligible under subsection (b).

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a law enforcement agency shall—

(1) have in effect an administrative process that complies with the requirements of subsection (c); or

(2) certify that it will establish, not later than 2 years after the date of enactment of this Act, an administrative process that complies with the requirements of subsection (c).

(c) OFFICER RIGHTS.—The administrative process referred to in subsection (b) shall require that a law enforcement agency that investigates a law enforcement officer for matters which could reasonably lead to disciplinary action against such officer, including dismissal, demotion, suspension, or transfer provide recourse for the officer that, at a minimum, includes the following:

(1) ACCESS TO ADMINISTRATIVE PROCESS.—The agency has written procedures to ensure that any law enforcement officer is afforded access to any existing administrative process established by the employing agency prior to the imposition of any such disciplinary action against the officer.

(2) SPECIFIC PROCEDURES.—The procedures used under paragraph (1) include, the right of a law enforcement officer under investigation—

(A) to a hearing before a fair and impartial board or hearing officer;

(B) to be represented by an attorney or other officer at the expense of such officer;

(C) to confront any witness testifying against such officer; and

(D) to record all meetings in which such officer attends.

(d) IMMEDIATE SUSPENSION.—Nothing in this section shall prevent the immediate suspension with pay of a law enforcement officer—

(1) whose continued presence on the job is considered to be a substantial and immediate threat to the welfare of the law enforcement agency or the public;

(2) who refuses to obey a direct order issued in conformance with the agency's written and disseminated rules and regulations; or

(3) who is accused of committing an illegal act.

(e) DISTRIBUTION OF FUNDS.—From the amount made available to carry out this section, the Attorney General shall allocate—

(1) 50 percent for law enforcement agencies that are eligible under paragraph (1) of subsection (b); and

(2) 50 percent for law enforcement agencies that are eligible under paragraph (2) of subsection (b).

(f) REGULATIONS.—The Attorney General may prescribe such regulations as may be necessary to carry out this section.

(g) DEFINITIONS.—For purposes of this section—

(1) the term "law enforcement agency" means any State or unit of local government within the State that employs law enforcement officers; and

(2) the term "law enforcement officer" means an officer with the powers of arrest as defined by the laws of each State and required to be certified under the laws of such State.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.

By Mr. CAMPBELL:

S. 491. A bill to amend the Reclamation Wastewater and Groundwater

Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project; to the Committee on Energy and Natural Resources.

Mr. CAMPBELL. Mr. President, I take this opportunity to reintroduce a bill that will help millions of water consumers throughout my home state of Colorado. My bill, the Denver Water Reuse Project, is based on legislation I previously introduced in the last Congress. The full Senate passed this legislation last year, but time ran out in the 106th Congress before the House could act.

The Denver Water Department has developed a plan to re-use non-potable water for irrigation and industrial uses. In the arid West, where growing populations and changing values are placing increasing demands on existing water supplies, water availability remains an important issue throughout the West. Recent conflicts are particularly apparent where agricultural needs for water are often in direct conflict with urban needs. This legislation will help remedy some of this conflict.

The State of Colorado, the Colorado Water Congress, the Denver Board of Water Commissioners, and the Mayor of Denver endorsed this legislation last year. I am pleased to assist these interested parties with this worthwhile proposal.

The Denver Water Department serves over a million customers and is one of the largest water suppliers in the Rocky Mountain region. Over the past several years Denver Water has developed a plan to treat and re-use some of its water supply for uses not involving human consumption. In this manner, Denver will stretch its water supply without the cost and potential environmental disruption of building new projects. It will also ease the demand on fresh drinking-quality water supplies.

The Denver Water Reuse Project will treat secondary wastewater which is water that has already been used once in Denver's system. It is an environmentally and economically viable method for extending and conserving our limited water supplies. The water quality will meet all Colorado and federal standards. The water will still be clean and odorless, but since it will be used for irrigation and industrial uses around the Denver International Airport and the Rocky Mountain Wildlife Refuge, the additional expense to treat it for consumption will be avoided.

In the West, naturally scarce water supplies and increasing urban populations have increased our need for water re-use, recycling, conservation, and storage proposals. These are all keys to successfully meet the water needs of everyone. This plan would benefit many Coloradans, and would help relieve many of the water burdens faced in the Denver region. Again, I'd like to thank the interested parties for their support, and I am hopeful this

bill can be quickly passed and put into effect.

I ask unanimous consent that the text of the bill and a copy of the letter of support from the Mayor of Denver be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 491

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DENVER WATER REUSE PROJECT.**

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended—

(1) by redesignating sections 1631, 1632, 1633, and 1634 (43 U.S.C. 390h-13, 390h-14, 390h-15, 390h-16) as sections 1632, 1633, 1634, and 1635, respectively; and

(2) by inserting after section 1630 the following:

**“SEC. 1631. DENVER WATER REUSE PROJECT.**

“(a) AUTHORIZATION.—The Secretary, in cooperation with the appropriate State and local authorities, may participate in the design, planning, and construction of the Denver Water Reuse project to reclaim and reuse water in the service area of the Denver Water Department of the city and county of Denver, Colorado.

“(b) COST SHARE.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost.

“(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation or maintenance of the project described in subsection (a).”

**(b) CONFORMING AMENDMENTS.—**

(1) The Reclamation Wastewater and Groundwater Study and Facilities Act (as amended by subsection (a)(1)) is amended—

(A) in section 1632(a), by striking “1630” and inserting “1631”;

(B) in section 1633(c), by striking “section 1633” and inserting “section 1634”; and

(C) in section 1634, by striking “section 1632” and inserting “section 1633”.

(2) The table of contents in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 is amended by striking the items relating to sections 1631 through 1634 and inserting the following:

“Sec. 1631. Denver water reuse project.

“Sec. 1632. Authorization of appropriations.

“Sec. 1633. Groundwater study.

“Sec. 1634. Authorization of appropriations.

“Sec. 1635. Willow Lake natural treatment system project.”

OFFICE OF THE MAYOR,  
Denver, CO, March 5, 2001.

Hon. BEN NIGHORSE CAMPBELL,  
U.S. Senator, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR CAMPBELL: Once again, I want to express my appreciation for your support of legislation adding the Denver Water Non-potable Reuse Project to the Bureau of Reclamation's approved projects list.

We are proud to include non-potable reuse, coupled with water conservation and system refinements, as core components of the Denver Water 20-year plan. We certainly acknowledge the importance and value of our limited water resources throughout Colorado. Reuse efforts allow us to reduce or minimize the Denver metro area's demands on limited Colorado River sources.

Once again, thank you for your support.

Yours truly,  
WELLINGTON E. WEBB,  
Mayor.

By Mr. DASCHLE (for himself  
and Mr. JOHNSON):

S. 493. A bill to provide for the establishment of a Sioux Nation Economic Development Council; the Committee on Indian Affairs.

Mr. DASCHLE. Mr. President, today I am introducing a bill along with Senator JOHNSON, to amend the Wakpa Sica Reconciliation Place legislation that was enacted in the final days of the 106th Congress.

The original version of the Wakpa Sica bill that the Senate approved last year established a center of law, history, culture and economic development for the Lakota, Dakota and Nakota tribes of the upper Midwest. The Reconciliation Place authorized by the bill will become a focal point for the preservation of Sioux law and culture. It will enhance the knowledge and understanding of the Sioux by displaying and interpreting their history, art, and culture. It will also provide an important repository for the Sioux Nation history and the family histories for members of tribes, and other important historical documents.

Regrettably, the Reconciliation Place law that ultimately passed in the 106th Congress did not include the economic development title to strengthen tribal communities and expand opportunities for tribal members and businesses. That provision, which I strongly support, was dropped due to objections from the House of Representatives that threatened enactment of the entire bill, which included Wakpa Sica.

The bill that I am introducing today would authorize a Sioux Nation Economic Development Council. It complements the Wakpa Sica Reconciliation Place by providing opportunities for further economic development and regional job creation for the Great Sioux Nation.

The Sioux Nation Economic Development Council will assist tribal governments and individuals in promoting economic growth on the reservations and surrounding communities. It will coordinate economic development and will centralize the expertise and technical support to help tribes obtain federal assistance. It will raise funds from private donations to match federal contributions. Finally, it will provide grants, loans, scholarships and technical assistance to tribes and their members, to ultimately help tribes generate jobs.

The strength of the Reconciliation Place lies in its diversity of purpose. It will have many funding sources, both public and private. Each agency mentioned in the bill will assist in providing funding and technical assistance to the tribes and tribal members through the Reconciliation Place. This assistance will not diminish the government-to-government policy established by the United States for individual tribes. Instead, it will provide a focal point for governmental and private organizations to expand their ability to help the entire Great Sioux Nation.

The United Sioux Tribes, the State of South Dakota and Mike Jandreau,

Chairman of the Lower Brule Sioux Tribe, have been working on this project for many years. I share their enthusiasm for the concept and commitment to building a comprehensive center for Sioux culture, law and economic development. Enactment of this legislation is necessary to fulfill that commitment to the Great Sioux Nation.

I strongly urge my colleagues to approve this legislation this year. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 493

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SIOUX NATION ECONOMIC DEVELOPMENT COUNCIL.**

Title IV of the Omnibus Indian Advancement Act (Public Law 106-568) is amended—

(1) in section 401—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(7) the establishment of a Native American Economic Development Council will assist in promoting economic growth and reducing poverty on reservations of the Sioux Nation by—

“(A) coordinating economic development efforts;

“(B) centralizing expertise concerning Federal assistance; and

“(C) facilitating the raising of funds from private donations to meet matching requirements under certain Federal assistance programs.”; and

(2) by adding at the end the following:

**“Subtitle C—Sioux Nation Economic Development Council**

**“SEC. 431. ESTABLISHMENT OF SIOUX NATION ECONOMIC DEVELOPMENT COUNCIL.**

“(a) ESTABLISHMENT.—There is established the Sioux Nation Economic Development Council (in this subtitle referred to as the ‘Council’) as a part of the Wakpa Sica Reconciliation Place. The Council shall be a charitable and nonprofit corporation and shall not be considered to be an agency or establishment of the United States.

“(b) PURPOSES.—The purposes of the Council are—

“(1) to encourage, accept, and administer private gifts of property;

“(2) to use those gifts as a source of matching funds necessary to receive Federal assistance;

“(3) to provide members of Indian tribes with the skills and resources necessary for establishing successful businesses;

“(4) to provide grants and loans to members of Indian tribes to establish or operate small businesses;

“(5) to provide scholarships for members of Indian tribes who are students pursuing an education in business or a business-related subject; and

“(6) to provide technical assistance to Indian tribes and members thereof in obtaining Federal assistance.

**“SEC. 432. BOARD OF DIRECTORS OF THE COUNCIL.**

“(a) ESTABLISHMENT AND MEMBERSHIP.—

“(1) IN GENERAL.—The Council shall have a governing Board of Directors (in this subtitle referred to as the ‘Board’).

“(2) MEMBERSHIP.—The Board shall consist of 11 directors, who shall be appointed by the Secretary as follows:

“(A)(i) Nine members appointed under this paragraph shall represent the 9 reservations of South Dakota.

“(ii) Each member described in clause (i) shall—

“(I) represent 1 of the reservations described in clause (i); and

“(II) be selected from among nominations submitted by the appropriate Indian tribe.

“(B) One member appointed under this paragraph shall be selected from nominations submitted by the Governor of South Dakota.

“(C) One member appointed under this paragraph shall be selected from nominations submitted by the most senior member of the South Dakota Congressional delegation.

“(3) CITIZENSHIP.—Each member of the Board shall be a citizen of the United States.

“(b) APPOINTMENTS AND TERMS.—

“(1) APPOINTMENT.—Not later than December 31, 2001, the Secretary shall appoint the directors of the Board under subsection (a)(2).

“(2) TERMS.—Each director shall serve for a term of 2 years.

“(3) VACANCIES.—A vacancy on the Board shall be filled not later than 60 days after that vacancy occurs, in the manner in which the original appointment was made.

“(4) LIMITATION ON TERMS.—No individual may serve more than 3 consecutive terms as a director.

“(c) CHAIRMAN.—The Chairman shall be elected by the Board from its members for a term of 2 years.

“(d) QUORUM.—A majority of the members of the Board shall constitute a quorum for the transaction of business.

“(e) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year. If a director misses 3 consecutive regularly scheduled meetings, that individual may be removed from the Board by the Secretary and that vacancy filled in accordance with subsection (b)(3).

“(f) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council in accordance with section 434(a).

“(g) GENERAL POWERS.—

“(1) POWERS.—The Board may complete the organization of the Council by—

“(A) appointing officers and employees;

“(B) adopting a constitution and bylaws consistent with the purposes of the Council under this subtitle; and

“(C) carrying out such other actions as may be necessary to carry out the purposes of the Council under this subtitle.

“(2) EFFECT OF APPOINTMENT.—Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

“(3) LIMITATIONS.—The following limitations shall apply with respect to the appointment of officers and employees of the Council:

“(A) Officers and employees may not be appointed until the Council has sufficient funds to pay them for their service.

“(B) Officers and employees of the Council—

“(i) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

“(ii) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

“(4) SECRETARY OF THE BOARD.—The first officer or employee appointed by the Board shall be the Secretary of the Board. The Secretary of the Board shall—

“(A) serve, at the direction of the Board, as its chief operating officer; and

“(B) be knowledgeable and experienced in matters relating to economic development and Indian affairs.

**“SEC. 433. POWERS AND OBLIGATIONS OF THE COUNCIL.**

“(a) CORPORATE POWERS.—To carry out its purposes under section 431(b), the Council shall have, in addition to the powers otherwise given it under this subtitle, the usual powers of a corporation acting as a trustee under South Dakota law, including the power—

“(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

“(2) to acquire by purchase or exchange any real or personal property or interest therein;

“(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income therefrom;

“(4) to borrow money and issue bonds, debentures, or other debt instruments;

“(5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the directors shall not be personally liable, except for gross negligence;

“(6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its function; and

“(7) to carry out any action that is necessary and proper to carry out the purposes of the Council.

“(b) OTHER POWERS AND OBLIGATIONS.—

“(1) IN GENERAL.—The Council—

“(A) shall have perpetual succession;

“(B) may conduct business throughout the several States, territories, and possessions of the United States and abroad;

“(C) shall have its principal offices in South Dakota; and

“(D) shall at all times maintain a designated agent authorized to accept service of process for the Council.

“(2) SERVICE OF NOTICE.—The serving of notice to, or service of process upon, the agent required under paragraph (1)(D), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Council.

“(c) SEAL.—The Council shall have an official seal selected by the Board, which shall be judicially noticed.

“(d) CERTAIN INTERESTS.—If any current or future interest of a gift, devise, or bequest under subsection (a)(1) is for the benefit of the Council, the Council may accept the gift, devise, or bequest under such subsection, even if that gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of 1 or more private persons.

**“SEC. 434. ADMINISTRATIVE SERVICES AND SUPPORT.**

“(a) PROVISION OF SERVICES.—The Secretary may provide personnel, facilities, and other administrative services to the Council, including reimbursement of expenses under section 432(f), not to exceed then current applicable Federal Government per diem rates, for a period ending not later than 5 years after the date of enactment of this subtitle.

“(b) REIMBURSEMENT.—

“(1) IN GENERAL.—The Council may reimburse the Secretary for any administrative service provided under subsection (a). The

Secretary shall deposit any reimbursement received under this subsection into the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

“(2) CONTINUATION OF CERTAIN ASSISTANCE.—Notwithstanding any other provision of this section, the Secretary is authorized to continue to provide facilities, and necessary support services for such facilities, to the Council after the date specified in subsection (a), on a space available, reimbursable cost basis.

**“SEC. 435. VOLUNTEER STATUS.**

“(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Council, the Board, and the officers and employees of the Board, without compensation from the Secretary, as volunteers in the performance of the functions authorized under this subtitle.

“(b) INCIDENTAL EXPENSES.—The Secretary is authorized to provide for incidental expenses, including transportation, lodging, and subsistence to the officers and employees serving as volunteers under subsection (a).

**“SEC. 436. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.**

“(a) AUDITS.—The Council shall be subject to auditing and reporting requirements under section 10101 of title 36, United States Code, in the same manner as is a corporation under part B of that title.

“(b) REPORT.—As soon as practicable after the end of each fiscal year, the Council shall transmit to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

“(c) RELIEF WITH RESPECT TO CERTAIN COUNCIL ACTS OR FAILURE TO ACT.—If the Council—

“(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with the purposes of the Council under section 431(b); or

“(2) refuses, fails, or neglects to discharge the obligations of the Council under this subtitle, or threatens to do so;

then the Attorney General of the United States may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

**“SEC. 437. UNITED STATES RELEASE FROM LIABILITY.**

The United States shall not be liable for any debts, defaults, acts, or omissions of the Council, the Board, or the officers or employees of the Council. The full faith and credit of the United States shall not extend to any obligation of the Council, the Board, or the officers or employees of the Council.

**“SEC. 438. GRANTS TO COUNCIL; TECHNICAL ASSISTANCE.**

“(a) GRANTS.—

“(1) IN GENERAL.—Not less frequently than annually, the Secretary shall award a grant to the Council, to be used to carry out the purposes specified in section 431(b) in accordance with this section.

“(2) GRANT AGREEMENTS.—As a condition to receiving a grant under this section, the secretary of the Board, with the approval of the Board, shall enter into an agreement with the Secretary that specifies the duties of the Council in carrying out the grant and the information that is required to be included in the agreement under paragraphs (3) and (4).

“(3) MATCHING REQUIREMENTS.—Each agreement entered into under paragraph (2) shall specify that the Federal share of a grant

under this section shall be 80 percent of the cost of the activities funded under the grant. No amount may be made available to the Council for a grant under this section, unless the Council has raised an amount from private persons or State or local government agencies equivalent to the non-Federal share of the grant.

“(4) PROHIBITION ON THE USE OF FEDERAL FUNDS FOR ADMINISTRATIVE EXPENSES.—Each agreement entered into under paragraph (2) shall specify that a reasonable amount of the Federal funds made available to the Council (under the grant that is the subject of the agreement or otherwise), but in no event more than 15 percent of such funds, may be used by the Council for administrative expenses of the Council, including salaries, travel and transportation expenses, and other overhead expenses.

“(b) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—Each agency head listed in paragraph (2) shall provide to the Council such technical assistance as may be necessary for the Council to carry out the purposes specified in section 431(b).

“(2) AGENCY HEADS.—The agency heads listed in this paragraph are as follows:

“(A) The Secretary of Housing and Urban Development.

“(B) The Secretary of the Interior.

“(C) The Commissioner of Indian Affairs.

“(D) The Assistant Secretary for Economic Development of the Department of Commerce.

“(E) The Administrator of the Small Business Administration.

“(F) The Administrator of the Rural Development Administration.

**“SEC. 439. AUTHORIZATION OF APPROPRIATIONS.**

“(a) AUTHORIZATION.—There are authorized to be appropriated to the Secretary, \$10,000,000 for each of fiscal years 2002 through 2006, to be used in accordance with section 438.

“(b) ADDITIONAL AUTHORIZATION.—The amounts authorized to be appropriated under this section are in addition to any amounts provided or made available to the Council under any other provision of Federal law.

**“SEC. 440. DEFINITION.**

“In this section the term ‘Secretary’ means the Secretary of Commerce.”

By Mr. HATCH.

S. 495. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for certain professional development expenses and classroom supplies of elementary and secondary school teachers; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce legislation designed to increase tax fairness for America’s primary and secondary school teachers.

Over the past few years, much has been said about the inequities of some of the provisions of the Internal Revenue Code. Indeed, one does not need to look very far in the Code to begin to see provisions that are just plain unfair. I would like to highlight just one egregious example of this unfairness today, and introduce legislation to begin to rectify it.

Mr. President, our public school teachers are some of the unheralded heroes of our society. These women and men dedicate their careers to educating the young people of America. School teachers labor in often difficult and even dangerous circumstances. In most places, including in my home

state of Utah, the salary of the average public school teacher is significantly below that of other similarly educated and experienced professionals in our society.

Moreover, school teachers find themselves further disadvantaged by unfair treatment from the tax code as to the deductibility of professional development expenses and of the out-of-pocket costs of classroom materials that practically all teachers find themselves supplying. Let me explain.

Like many other professionals, most elementary and secondary school teachers regularly incur expenses to keep themselves current in their field of knowledge. These include subscriptions to journals and other periodicals as well as the cost of courses and seminars designed to improve their knowledge or teaching skills. These expenditures are necessary to keep our teachers up to date on the latest ideas, techniques, and trends so that they can provide our children with the best education possible.

Furthermore, almost all teachers find themselves providing basic classroom materials for their students. Because of tight education budgets, most schools do not provide 100 percent of the material teachers need to adequately present their lessons. As a result, dedicated teachers incur personal expenses for copies, art supplies, books, puzzles and games, paper, pencils, and countless other needs. If not for the willingness of teachers to purchase these supplies themselves, many students would simply go without needed materials.

I realize that many employees incur expenses for professional development and out-of-pocket expenses. In many cases, however, these costs are fully reimbursed by the employer. This is seldom the case with school teachers. Other professionals who are self-employed are able to fully deduct these types of expenses.

Under the current tax law, unreimbursed employee expenses are deductible, as miscellaneous itemized deductions. However, there are two practical hurdles that effectively make these expenses non-deductible for most teachers. The first hurdle is that the total amount of a taxpayer’s deductible miscellaneous deductions must exceed 2 percent of adjusted gross income before they begin to be deductible. The second hurdle is that the amount in excess of the 2 percent floor, if any, combined with all other deductions the taxpayer has, must exceed the standard deduction before the teacher can itemize. Only about 30 percent of taxpayers have enough deductions to itemize. The unfortunate effect of these two limitations is that, as a practical matter, only a small proportion of teachers are able to deduct these expenses.

Let me illustrate this unfair situation with an example. Let us consider the case of a fifth-year high school chemistry teacher in Utah who I will call Wendy Ruffner. Wendy is single

and earns \$35,000 per year. Last year she incurred \$750 in expenses for chemistry periodicals and for a course she took over the summer to increase her knowledge of chemistry. Wendy also incurred \$100 in out-of-pocket expenses for classroom supplies such as copies, periodical charts, and equipment for classroom experiments.

Under current law, Wendy's expenditures are deductible, subject to the limitations I mentioned. The first limitation is that her expenses must exceed 2 percent of her income before they begin to be deductible. Two percent of \$35,000 is \$700. Thus only \$140 of her \$840 total expenses is deductible, that portion that exceeds \$700.

As a single taxpayer, Wendy's standard deduction for 2000 is \$4,400. Her total itemized deductions, including the \$140 miscellaneous deduction for professional expenses, fall short of the standard deduction threshold. Therefore, not even the \$140 of the original \$840 in professional expenses is deductible for Wendy. What the first limitation did not block, the second one did.

The legislation I introduce today, the Tax Equity for School Teachers, or TEST Act, would eliminate the unfairness teachers face in regards to these limitations by making all professional development and out-of-pocket expenses an above-the-line deduction. This means a teacher could deduct these expenses without regard to the 2 percent of AGI limitation and whether he or she itemizes or not.

Let us return to my previous example of Wendy Ruffner. Under this bill, Wendy would be allowed to deduct all \$840 of her professional expenses from her taxable income. This would help provide tax equity, and a measure of much-needed tax relief for an underpaid professional.

Some might argue that this would be giving teachers preferential treatment. I disagree. Most organizations provide training for their employees that is fully deductible to the organization and non-taxable to the employee. Yet, public teachers, who are some of the most vital professionals in our society, are left to foot the bill on their own. Office supplies and instructional materials are also fully deductible to businesses. Shouldn't teachers who provide these similar materials for their classrooms be afforded the same tax treatment?

School teachers deserve better tax treatment than what they receive. With the low pay teachers typically receive, it is no wonder that many areas of the country are facing severe shortages of experienced teachers. The tax code is compounding the problem by adding insult to injury. We need to remove the unfair disincentives that discourage motivated and qualified individuals from pursuing teaching as a profession.

I note that President Bush's tax cut plan also recognizes this need and provides for a deduction of up to \$400 in teachers' out-of-pocket classroom ex-

penses. This is a good step in the right direction. My bill, however, provides an unlimited deduction for out-of-pocket expenses and goes further and also includes the costs of professional development expenses. I do not believe we need to place a limit on these deductions. Teachers are going to provide their students with materials and take the professional development courses regardless of a tax deduction. They should be able to deduct these expenditures.

Mr. President, this bill would provide modest tax equity for teachers who, for too long, have been footing the bill for improving the quality of teaching by themselves. It is time we the tax code recognized this unfairness and corrected it. I thank the Senate for the opportunity to address this issue today, and I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 495

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Tax Equity for School Teachers Act of 2001".

**SEC. 2. DEDUCTION FOR CERTAIN PROFESSIONAL DEVELOPMENT EXPENSES AND CLASSROOM SUPPLIES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.**

(a) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Subsection (a)(2) of section 62 of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by adding at the end the following new subparagraph:

"(D) CERTAIN PROFESSIONAL DEVELOPMENT EXPENSES AND CLASSROOM SUPPLIES FOR TEACHERS.—The deductions allowed by section 162 which consist of qualified professional development expenses and qualified elementary and secondary education expenses paid or incurred by an eligible teacher."

(b) DEFINITIONS.—Section 62 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(d) QUALIFIED EXPENSES OF ELIGIBLE TEACHERS.—For purposes of subsection (a)(2)(D)—

"(1) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—

"(A) IN GENERAL.—The term 'qualified professional development expenses' means expenses for tuition, fees, books, supplies, equipment, and transportation required for the enrollment or attendance of an individual in a qualified course of instruction.

"(B) QUALIFIED COURSE OF INSTRUCTION.—The term 'qualified course of instruction' means a course of instruction which—

"(i) is—

"(I) directly related to the curriculum and academic subjects in which an eligible teacher provides instruction, or

"(II) designed to enhance the ability of an eligible teacher to understand and use State standards for the academic subjects in which such teacher provides instruction,

"(ii) may—

"(I) provide instruction in how to teach children with different learning styles, particularly children with disabilities and chil-

dren with special learning needs (including children who are gifted and talented), or

"(II) provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subclause (I) to learn,

"(iii) is tied to challenging State or local content standards and student performance standards,

"(iv) is tied to strategies and programs that demonstrate effectiveness in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of an eligible teacher, and

"(v) is part of a program of professional development which is approved and certified by the appropriate local educational agency as furthering the goals of the preceding clauses.

"(C) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect on the date of the enactment of this subsection.

"(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—The term 'qualified elementary and secondary education expenses' means expenses for any taxable year for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible teacher in the classroom.

"(3) ELIGIBLE TEACHER.—

"(A) IN GENERAL.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher, instructor, counselor, aide, or principal in an elementary or secondary school on a full-time basis for an academic year ending during a taxable year.

"(B) ELEMENTARY OR SECONDARY SCHOOL.—The term 'elementary or secondary school' means any school which provides elementary education or secondary education (through grade 12), as determined under State law".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

By Mr. SANTORUM:

S. 496. A bill to amend the Individuals with Disabilities Education Act to modify authorizations of appropriations for programs under such Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. SANTORUM. Mr. President, today, I am introducing legislation to dramatically increase funding for the Individuals with Disabilities Education Act, IDEA. My legislation would more than double the federal commitment to IDEA funding within four years. The legislation, "Growing Resources in Educational Achievement for Today and Tomorrow," GREATT IDEA, will take significant steps toward fulfilling the federal commitment to IDEA funding. The legislation will also free up additional funds for local school districts to be spent on their highest priorities, whether it be teacher training or salaries, reducing class sizes, school construction, library resources, technology, or music and arts education. The legislation is supported by the Pennsylvania School Boards Association and Pennsylvania Governor Tom Ridge.

Every child is deserving of a high-quality education in an environment that encourages them to learn and grow to the best of their ability. Thanks to IDEA, many students are learning and achieving at levels previously thought impossible, graduating from high school, going to college and entering the workforce as productive citizens. We must encourage this progress and continue to give parents and teachers the resources they need to create opportunities for special children. By boldly increasing the IDEA funding level, we can keep more students in schools and help them achieve new measures of success.

Prior to IDEA's implementation in 1975, approximately 1 million children with disabilities were shut out of schools and hundreds of thousands more were denied appropriate services. Since then, IDEA has helped change the lives of these children. Congress had originally committed to cover 40 percent of IDEA's costs when it passed the original IDEA bill in 1975, with the remaining balance to be met by local communities and states. Over the years, however, while the law itself continues to work and children are being educated, the intended cost-sharing partnership has not been realized. The federal commitment of 40 percent will be reached within eight years if the funding stream established in GREATT IDEA is sustained. This is my first priority in helping local school districts provide the best education possible for elementary and secondary education.

I urge my colleagues to support this effort to double funding for IDEA within the next four years as we continue to work to fulfill this long neglected federal commitment and free up educational resources for local education. I am pleased with the funding progress we were able to make this past year. Yet, this legislation goes further by fully funding approximately 700,000 additional IDEA students at an average cost of \$13,860 per student. We must accelerate the progress we have made by passing and funding this legislation.

By Mr. LEAHY (for himself, Ms. COLLINS, Mr. BINGAMAN, Mr. CRAPO, Mr. CONRAD, Mr. SPECTER, Mrs. FEINSTEIN, Mr. ROCKEFELLER, Mr. MCCONNELL, Mr. DORGAN, Mr. KERRY, Mr. SARBANES, Mr. JEFFORDS, Mr. HARKIN, Mr. TORRICELLI, Ms. MIKULSKI, Mr. REED, Mrs. MURRAY, Mr. FEINGOLD, and Mr. DURBIN):

S. 497. A bill to express the sense of Congress that the Department of Defense should field currently available weapons, other technologies, tactics and operational concepts that provide suitable alternatives to anti-personnel mines and mixed anti-tank mine systems and that the United States should end its use of such mines and join the Convention on the Prohibition of Anti-Personnel Mines as soon as possible, to

expand support for mine action programs including mine victim assistance, and for other purposes; to the Committee on Armed Services.

Mr. LEAHY. Mr. President, I am today introducing the Landmine Elimination Act of 2001. I am joined by Senators COLLINS, BINGAMAN, CRAPO, CONRAD, SPECTER, FEINSTEIN, ROCKEFELLER, MCCONNELL, KERRY, SARBANES, DORGAN, JEFFORDS, REED, HARKIN, MIKULSKI, MURRAY, FEINGOLD, TORRICELLI, and DURBIN.

This legislation does three things.

It expresses the sense of Congress that the Department of Defense should field currently available weapons, other technologies, tactics and operational concepts which provide suitable alternatives to landmines. It is our view that such alternatives exist and are, in fact, better suited than mines to protect United States Armed Forces in today's fast-moving battlefield. This view is shared by many active and retired military officers.

The bill calls on the United States to end its use of mines, and to join the Convention on the Prohibition of Anti-Personnel Mines as soon as possible. It also codifies the U.S. moratorium on mine exports, which has been in effect since 1992 and is official United States policy. Finally, it establishes an inter-agency working group to develop a comprehensive plan for expanded mine action programs, including programs to assist mine victims.

Mr. President, the havoc wreaked by landmines throughout the world is well known. They have been responsible for by far the majority of casualties of NATO and peacekeeping forces in the Balkans. They were a cause of American casualties in Somalia. They maimed and killed thousands of our troops in Vietnam. And, most often, they cripple and kill innocent civilians, thousands and thousands each year.

In 1992, the United States became the first country to stop exporting landmines. That led other countries to take similar action, and in 1994 President Clinton called for an international treaty banning the weapons. That treaty, which came into force in 1998, has been signed by 139 countries and ratified by 110.

The United States is not among them, because of concerns at the time about Korea and the fact that the treaty would require the United States to stop using most of its anti-vehicle mines. Those were not frivolous concerns, although I do not believe either issue was fully understood or examined when the decision was made, and I have worked to obtain the funds to develop alternatives to mines.

Over the past year, however, I and others have spent a great deal of time discussing these issues with both active and retired military officers. These discussions have revealed a number of interesting facts, which I intend to discuss with Secretary Rumsfeld, the Joint Chiefs, President Bush and

others. Most importantly, I and others have become convinced that landmines are inconsistent with current U.S. military doctrine. They are neither cost effective nor compatible with our highly mobile forces, and in fact they pose serious logistical problems and dangers for our troops. We can do better, and we should be working together to get rid of these outdated weapons. It is not necessary to waste years developing costly new alternatives. We have the "smart" weapons and other technologies to more effectively protect our Armed Forces.

I look forward to the day when the United States joins the Treaty, because I am convinced that without U.S. participation and leadership the Treaty will never achieve its promise. But having said that, I have never regarded the Treaty as a kind of "holy grail" of landmines. My interest in this issue, which dates to 1989 when I met a young Honduran boy who had lost a leg from a mine, has always been to achieve a mine-free world. That is an ambitious goal, but it is the right goal. And regardless of when the U.S. joins the Treaty, we can develop a mine-free military.

Ironically, when that happens, the United States, which at times has been unfairly blamed for causing the mine problem, will become the world's leader on this issue. We will have ended not only our use of anti-personnel mines, which the Treaty prohibits, but also of anti-vehicle mines, which, while not prohibited by the Treaty, are responsible for the indiscriminate deaths and injuries of countless innocent people.

I look forward to an opportunity to work with the Department of Defense and the White House to develop a common approach, because the issue is no longer whether we develop a mine-free military, but when. It is a far more political issue than a military issue, and it is time to leave past disagreements and disappointments behind and work together on this common goal.

The problem of landmines continues to be an issue of deep concern to people across this country and around the world. This week, hundreds of people from dozens of countries are in Washington to focus attention on this issue. Among them is Her Majesty Queen Noor, who I am honored to call a friend and who has been an eloquent advocate for a mine-free world and particularly for assistance for mine victims.

One of the purposes of this legislation is to develop more effective programs to address the urgent needs of mine victims. It is one thing for a person who has lost an arm or a leg from a mine to obtain an artificial limb. It is another to get the counseling and training to be able to earn income in poor countries where the disabled are often ostracized. We need to do what we can to help mine victims re-integrate into the social and economic life of their communities.

I want to thank the cosponsors of this legislation, who, like other legislation I have sponsored on landmines

span the political spectrum. This is not and has never been a partisan issue. It is a humanitarian issue. If landmines were a problem in our own country, they would have been prohibited years ago.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows.

S. 497

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE**

This Act may be cited as the "Landmine Elimination and Victim Assistance Act of 2001".

**SEC. 2 FINDINGS.**

Congress makes the following findings:

(1) The threat posed by tens of millions of unexploded landmines to innocent civilians is a global problem requiring strong United States leadership in cooperation with other governments.

(2) Landmines continue to maim and kill thousands of people, mostly civilians, each year, and most mine victims lack the care and rehabilitation services they need.

(3) Landmines, which remain active for hours, days or years, impeded the mobility and threaten the safety of United States Armed Forces, North Atlantic Treaty Organization forces, and other friendly forces in combat and other military operations.

(4) At least 139 countries have signed, and 110 countries have ratified, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (opened for signature at Ottawa, Canada, on December 3 and 4, 1997, and at the United Nations Headquarters beginning December 5, 1997). Many of these countries are former producers, exporters, and users of anti-personnel mines. Worldwide adherence to the Convention would greatly reduce the threat to future generations from anti-personnel mines.

(5) It is United States Government policy that the United States will search aggressively for alternatives to anti-personnel mines and mixed anti-tank mine systems and that the United States will join the Convention by 2006 if suitable alternatives are fielded by then.

(6) Since 1992, United States law has prohibited the export or transfer of anti-personnel mines.

(7) Since 1997, the United States has capped its inventory of anti-personnel mines and has not produced anti-personnel mines.

(8) The United States Government has contributed hundreds of millions of dollars to the costly, dangerous, and arduous task of humanitarian demining around the world.

**SEC. 3. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) The Department of Defense should field currently available weapons, other technologies, tactics and operational concepts that provide suitable alternatives to anti-personnel mines and mixed anti-tank mine systems; and

(2) The United States should end its uses of such mines and join the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction as soon as possible.

**SEC. 4. TRANSFERS OF ANTI-PERSONNEL MINES**

Section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (22 U.S.C. 2778 note) is amended by striking "During" and all that follows through

"1991—" and inserting "Beginning on October 23, 1992—".

**SEC. 5. INTER-AGENCY WORKING GROUP ON MINE ACTION.**

Not later than 90 days after the date of the enactment of this Act, the President shall establish an inter-agency working group to develop a comprehensive plan for expanded mine action programs, including mine victim rehabilitation, social support, and economic reintegration. The working group shall be composed of the Secretaries of State, Health and Human Services, Veterans Affairs, Defense, Education, and the Administrator of the Agency for International Development. The comprehensive plan shall be developed in close consultation with relevant nongovernmental organizations. As part of the development of the comprehensive plan, the working group shall determine an estimated cost of carrying out the plan.

**SEC. 6. REPORT ON ALTERNATIVES TO MINES.**

No later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives a report describing actions taken by the Department of Defense to field currently available weapons, other technologies, tactics and operational concepts that provide suitable alternatives to anti-personnel mines and mixed anti-tank mine systems.

By Mr. MURKOWSKI:

S. 498. A bill entitled "National Discovery Trails Act of 2001"; to the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. Mr. President, America's trails are one of our most treasured recreational resources. Each year millions of Americans hike, ski, jog, bike, ride horses, drive snow machines and all-terrain vehicles, observe nature, commute, and relax on trails throughout the country. The types of trails found across the nation are varied and range from urban bike paths to bridle paths, community green ways, abandoned railroad right-of-ways, historic trails, and long distance hiking trails.

This legislation proposes to establish the American Discovery Trail, or ADT. The ADT is being proposed as a continuous coast to coast trail that links the nation's principal north-south trails and east-west historic trails with shorter local and regional trails into a nationwide network.

National Discovery Trails are a new category of trails that recognize that use and enjoyment of trails close to home is equally as important as hiking remote wilderness trails. National Discovery Trails will connect people to large cities, small towns and urban areas and to mountains, forest, desert and natural areas by incorporating local, regional and national trails together.

The American Discovery Trail links towns and cities on America's long distance trail system. Existing long-distance trails are used mostly by people living close to the trail and by weekend users. Backpacking excursions are normally a few days to a couple of weeks long. For example, of the estimated three million users of the Appalachian

Trail each year, only about 150 to 200 are "through-hikers" who hike the trail from end to end. This will also be true of the American Discovery Trail as well, especially because of its proximity to urban areas.

The ADT, the first of the Discovery Trails, will connect six national scenic trails, 10 national historic trails, 23 national recreational trails, and hundreds of other local and regional trails. The ADT will be a thread that sews together a variety of events, cultures, and features that are all part of the American experience.

What makes the ADT so exciting is the way it has already brought people together. More than 100 organizations along the trail's 6,000 miles support the effort. Each state the trail pass through already has a volunteer coordinator who leads an active ADT committee. This strong grassroots effort, along with financial support from Backpacker magazine, Ford Motor Company, The Coleman Company and others have helped take the ADT from dream to reality.

Only one more very important step on the trail needs to be taken. Congress needs to authorize the trail as part of our National Trails System.

The American Discovery Trail begins (or ends) with your two feet in the Pacific Ocean at Point Reyes National Seashore, just north of San Francisco. Next are Berkeley and Sacramento before the climb to the Pacific Crest National Scenic Trail and Lake Tahoe, in the middle of the Sierra Nevada Mountains.

Nevada will offer Historic Virginia City, home of the Comstock Lode, the Pony Express National Historic Trail, Great Basin National Park with Lehman Caves and Wheeler Peak.

Utah will provide National Forests and Parks along with spectacular red rock country, until you get to Colorado and Colorado National Monument and its 20,445 acres of sandstone monoliths and canyons. Then there's Grand Mesa over Scofield Pass, and Crested Butte, in the heart of ski country as you follow the Colorado and Continental Divide Trails into Evergreen.

At Denver the ADT divides and becomes the Northern and Southern Midwest routes. The Northern Midwest Route winds through Nebraska, Iowa, Illinois, Indiana and Ohio. The Southern Midwest Route leaves Colorado and the Air Force Academy and follows the tracks and wagon wheel ruts of thousands of early pioneers through Kansas and Missouri as well as settlements and historic places in Illinois, Indiana, Kentucky until the trail joins the Northern route in Cincinnati.

West Virginia is next, then Maryland to the C&O Canal into Washington D.C. The Trail passed the Mall, the White House, the Capitol, and then heads on to Annapolis. Finally, in Delaware, the ADT reaches its eastern terminus at Cap Henlopen State Park and the Atlantic Ocean.

Between the Pacific and Atlantic Oceans one will experience some of the

most spectacular scenery in the world, thousands of historic sites, lakes, rivers and streams of every size. The trail offers an opportunity to discover America from small towns, to rural country side, to large metropolitan areas.

When the President signs this legislation into law, a twelve year effort will have been achieved—the American Discovery Trail will have become a reality. The more people who use it, the better.

By Mr. BURNS (for himself, Mr. BAUCUS, Mr. DASCHLE, Mrs. LINCOLN, and Mr. DORGAN):

S. 500. A bill to amend the Communications Act of 1934 in order to required the Federal Communications Commission to fulfill the sufficient universal service support requirements for high cost areas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 500

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Universal Service Support Act”.

**SEC. 2. REMOVAL OF IMPEDIMENTS TO SUFFICIENT SUPPORT MECHANISMS.**

Section 254 of the Communications Act of 1934 is amended by adding at the end the following new subsection:

(m) **REMOVAL OF IMPEDIMENTS TO SUFFICIENT SUPPORT MECHANISMS.**—

(1) **REMOVAL OF CAPS ON HIGH COST SUPPORT MECHANISMS.**—The caps and limitations on universal service support contained in sections 36.601(c), and 36.621(4) and 54.305 of the Commission’s regulations (47 CFR 36.601, [etc]) shall cease to be effective on the date of enactment of the Universal Service Support Act. The Commission shall not, on or after such date of enactment, enforce or reimpose caps or limitations on support mechanisms for rural telephone companies or exchanges they acquire based on fund size or other considerations unrelated to the sufficiency of support to achieve the purposes of this section.

(2) **HIGH COST SUPPORT AND NATIONWIDE AVERAGE CALCULATIONS.**—The Commission shall

(A) calculate that portion of the high cost support mechanism attributable to loops that have costs that are in excess of 115 percent of the nationwide average under section 36.631 of the Commission’s regulations (47 CFR 36.631) as in effect in the date of enactment of the Universal Service Support Act; and

(B) calculate the nationwide average unseparated loop cost for purposes of sections 36.621 (a)(1)–(3) and 36.622 of those regulations (47 CFR 36.621 and 36.622) as in effect on such date of enactment of such Act, taking into account the elimination of caps and limitations of support pursuant to paragraph (1) of this subsection.

By Mr. GRAHAM (for himself, Mr. JEFFORDS, Mr. ROCKFELLER, Ms. SNOWE, Mr. WELLSTONE, Mr. BREAX, Mr. LIEBERMAN, Mrs.

MURRAY, Mrs. LINCOLN, Mr. DODD, Mr. JOHNSON, Mr. CLELAND, Mr. SCHUMER, Mr. KERRY, Mrs. CLINTON, Ms. LAN-DRIEU, and Mr. TORRICELLI):

S. 501. A bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services, to the Committee on Finance.

Mr. GRAHAM. Mr. President, I rise today with my colleagues, Senators JEFFORDS, ROCKFELLER, and SNOWE, to introduce the Social Services Block Grant Restoration Act of 2001. This important block grant, commonly known as “SSBG,” is more than just money.

When SSBG was written into law two decades ago, the goals were spelled out clearly. SSBG was created to “prevent, reduce or eliminate dependency.” It exists to help people “achieve or maintain self-sufficiency.” It meant to “prevent or remedy neglect, abuse or exploitation of children and adults unable to protect their own interests,” and for “preserving, rehabilitating or reuniting families.”

In other words, SSBG is a commitment on the part of this country to the most vulnerable members of our society. SSBG has become a commitment by this country to help address the pressing needs of many of our senior citizens. SSBG dollars are used to provide training services for those making the transition from welfare to work.

It is a commitment to protect children. It is a commitment to those in need of mental health services and those with disabilities. It is a commitment to states that the federal government recognizes and shares the responsibility for providing human services programs.

For too long we shrugged off this commitment and directed these vital federal dollars to other programs. Data from the Department of Health and Human Services shows how many lives this has affected.

In 1998, SSBG accounted for 25 percent of all federal, state, and local expenditures for services for the disabled; 24 percent of all expenditures for child protective services; and 22 percent of all expenditures for adult protective services.

The state of Florida relies on SSBG for 25 percent of its budget to protect abused and neglected elderly persons.

These are all programs that touch the lives of the people who sent us here—people who are rarely able to lobby us here in our nation’s Capitol. This program directly relates to the goals that the new markets tax credit would achieve—enhancing peoples’ lives and giving vulnerable communities the ability to thrive.

I urge my colleagues to join us in co-sponsoring this critical piece of legislation.

**STATEMENTS ON SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 50—AUTHORIZING EXPENDITURES BY THE COMMITTEES OF THE SENATE FOR THE PERIODS MARCH 1, 2001, THROUGH SEPTEMBER 30, 2001, OCTOBER 1, 2001, THROUGH SEPTEMBER 30, 2002, AND OCTOBER 1, 2002, THROUGH FEBRUARY 28, 2003.**

Mr. McCONNELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 50

*Resolved,*

**SECTION 1. AGGREGATE AUTHORIZATION.**

(a) **IN GENERAL.**—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period March 1, 2001, through September 30, 2001, in the aggregate of \$39,909,797, for the period October 1, 2001, through September 30, 2002, in the aggregate of \$70,788,088, and for the period October 1, 2002, through February 28, 2003, in the aggregate of \$30,273,086, in accordance with the provisions of this resolution, for standing committees of the Senate (except the Committee on the Judiciary), the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) **AGENCY CONTRIBUTIONS.**—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2001, through September 30, 2001, for the period October 1, 2001, through September 30, 2002, and for the period October 1, 2002, through February 28, 2003, to be paid from the appropriations account for “Expenses of Inquiries and Investigations” of the Senate.

**SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2001, through February 28, 2003, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2001.**—The expenses of the committee for the period March 1, 2001, through September 30, 2001, under this section shall not exceed \$1,794,378, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$4,000, may be expended for the training of the professional staff of