

“(C) the employment of teachers and other instructional personnel, including providing teachers and instructional personnel with employee benefits;

“(D) the provision of instructional services to pre-kindergarten children to prepare such children for the transition to kindergarten;

“(E) the purchase of instructional resources, such as books, materials, computers, other instructional equipment, and wiring to support instructional equipment;

“(F) the development and administration of curricula, educational materials, and assessments; and

“(G) the transportation of students to assist the students in improving academic achievement; and

“(2) does not include—

“(A) the purchase or lease of privately owned facilities;

“(B) the purchase or provision of facilities maintenance, gardening, landscaping, or janitorial services, or the payment of utility costs;

“(C) the construction of facilities;

“(D) the acquisition of real property;

“(E) the payment of costs for food and refreshments;

“(F) the payment of travel and attendance costs at conferences or other meetings; or

“(G) the purchase or lease of vehicles.”.

**SA 370.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 302, between lines 7 and 8, insert the following:

#### Part School Construction

##### SEC. 01. SHORT TITLE.

This part may be cited as the “Excellence in Education Act of 2001”.

##### SEC. 02. DEFINITIONS.

In this part:

(1) **ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; SECRETARY.**—The terms “elementary school”, “local educational agency”, “secondary school”, and “Secretary” have the meanings given the terms in section 3 of the Elementary and Secondary Education Act of 1965.

(2) **CONSTRUCTION.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the term “construction” means—

(i) preparation of drawings and specifications for school facilities;

(ii) building new school facilities, or acquiring, remodeling, demolishing, renovating, improving, or repairing facilities to establish new school facilities; and

(iii) inspection and supervision of the construction of new school facilities.

(B) **RULE.**—An activity described in subparagraph (A) shall be considered to be construction only if the labor standards described in section 439 of the General Education Provisions Act (20 U.S.C. 1232b) are applied with respect to such activity.

(3) **SCHOOL FACILITY.**—The term “school facility” means a public structure suitable for use as a classroom, laboratory, library, media center, or related facility the primary purpose of which is the instruction of public elementary school or secondary school students. The term does not include an athletic stadium or any other structure or facility intended primarily for athletic exhibitions, contests, or games for which admission is charged to the general public.

##### SEC. 03. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part \$1,000,000,000 for each of the fiscal years 2002 through 2006.

##### SEC. 04. PROGRAM AUTHORIZED.

The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to carry out the construction of new public elementary school and secondary school facilities.

##### SEC. 05. CONDITIONS FOR RECEIVING FUNDS.

In order to receive funds under this part a local educational agency shall meet the following requirements:

(1) Reduce class and school sizes for public schools served by the local educational agency as follows:

(A) Limit class size to an average student-to-teacher ratio of 20 to 1, in classes serving kindergarten through grade 6 students, in the schools served by the agency.

(B) Limit class size to an average student-to-teacher ratio of 28 to 1, in classes serving grade 7 through grade 12 students, in the schools served by the agency.

(C) Limit the size of public elementary schools and secondary schools served by the agency to—

(i) not more than 500 students in the case of a school serving kindergarten through grade 5 students;

(ii) not more than 750 students in the case of a school serving grade 6 through grade 8 students; and

(iii) not more than 1,500 students in the case of a school serving grade 9 through grade 12 students.

(2) Provide matching funds, with respect to the cost to be incurred in carrying out the activities for which the grant is awarded, from non-Federal sources in an amount equal to the Federal funds provided under the grant.

##### SEC. 06. APPLICATIONS.

(a) **IN GENERAL.**—Each local educational agency desiring to receive a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(b) **CONTENTS.**—Each application shall contain—

(1) an assurance that the grant funds will be used in accordance with this part;

(2) a brief description of the construction to be conducted;

(3) a cost estimate of the activities to be conducted; and

(4) a description of available non-Federal matching funds.

**SA 371.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table; as follows:

On page 572, line 2, insert “, or to have possessed a weapon at a school,” after “to a school”.

On page 572, line 7, insert before the period the following: “if such modification is in writing”.

On page 573, line 3, strike “and”.

On page 573, line 9, strike “and”.

On page 573, line 10, strike the period and insert “; and”.

On page 573, between lines 10 and 11, insert the following:

“(D) the level of education of the students expelled from such school; and

“(E) a description of each modification of expulsion permitted under subsection (b)(1) with respect to such school; and

“(3) a description of all incidents involving weapons at local educational agency schools.”.

On page 573, between lines 13 and 14, insert the following:

“(f) **DEFINITION.**—In this section, the term ‘school’ means any setting that is under the

control and supervision of the local education agency.

“(g) **EXCEPTION.**—Nothing in this section shall apply to a weapon if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.”.

On page 573, line 20, strike “brings a firearm or weapon to a school” and insert “brings a weapon to a school, or is found to have possessed a weapon at a school.”.

On page 573, strike lines 22 through 25, and insert the following:

“(b) **DEFINITIONS.**—For the purpose of this section:

“(1) **SCHOOL.**—The term ‘school’ has the meaning given to such term by section 921(a) of title 18, United States Code.

“(2) **WEAPON.**—The term ‘weapon’ has the meaning given such term in section 4101(b)(3).”.

#### NOTICE OF HEARING

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the committee on Energy and Natural Resources.

The hearing will take place on Wednesday, May 9, 2001, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of Francis S. Blake to be the Deputy Secretary of the Department of Energy, Robert Gordon Card to be the Under Secretary of the Department of Energy, Bruce Marshall Carnes to be the Chief Financial Officer for the Department of Energy, and David Garman to be the Assistant Secretary for Energy Efficiency and Renewable Energy for the Department of Energy.

For further information, please contact David Dye of the Committee staff at (202) 224-0624.

##### SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 10, 2001, immediately following a hearing by the Subcommittee on National Parks, Historic Preservation, and Recreation scheduled at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on H.R. 880, a bill to provide for all right, title, and interest in certain property in Washington County, UT, to be vested in the United States.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mike Menge (202) 224-9607.

## SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold hearings entitled "Cross Border Fraud: Improving Transnational Law Enforcement." The upcoming hearings will examine the nature and scope of cross-border fraud problems and the state of binational U.S.-Canadian law enforcement coordination, and will explore what steps can be taken to fight such crime in the future.

The hearings will take place on Thursday, June 14 and Friday, June 15, 2001, at 9:30 a.m., each day, in room 342 of the Dirksen Senate Office Building. For further information, please contact Christopher A. Ford of the Subcommittee staff at 224-3721.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON ARMED SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 3, 2001, at 9:30 a.m., in open and closed sessions to receive testimony on the lessons learned from the attack on U.S.S. *Cole*, on the Report of the Crouch/Gehman Commission and on the Navy's Judge Advocate General manual investigation into the attack, including a review of appropriate standards of accountability for our military service.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 3, 2001, at 9:30 a.m., on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 3 at 2:30 p.m., to conduct an oversight hearing. The committee will review FERC's April 26, 2001, order addressing wholesale electricity prices in California and the Western United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON ENERGY AND NATURAL RESOURCES

## SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources and the Subcommittee on En-

ergy and Water Development of the Committee on Appropriations be authorized to meet during the session of the Senate on Thursday, May 3 at 9:30 a.m., to conduct a joint oversight hearing. The committee will receive testimony on the state of the nuclear power industry and the future of the industry in a comprehensive energy policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, May 3, 2001, at 10 a.m., for an oversight hearing on Federal election practices and procedures.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 3, 2001, at 10 a.m., in SD-226.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SPECIAL COMMITTEE ON AGING

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, May 3, 2001, from 2:30 p.m.-5 p.m., in Dirksen 608 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON IMMIGRATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Immigration Subcommittee be authorized to meet to conduct a hearing on Thursday, May 3, 2001, at 2 p.m., in SD-226.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Frances Coleman and Andrew Hartman, both assigned to my staff, be granted the privilege of the floor during consideration of S. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PERSONAL FINANCIAL DISCLOSURE

Financial Disclosure Reports required by the Ethics in Government Act of 1978, as amended and Senate Rule 34 must be filed no later than close of business on Tuesday, May 15, 2001. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510. The Public Records office will be open from 8:00 a.m. until 6:00 p.m. to accept these filings, and will provide written receipts for Senators' reports. Staff members may obtain written receipts upon request. Any written request for an extension should be directed to the

Select Committee on Ethics, 220 Hart Building, Washington, D.C. 20510.

All Senators' reports will be made available simultaneously on Thursday, June 14th. Any questions regarding the availability of reports should be directed to the Public Records office (224-0322). Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics (224-2981).

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. JEFFORDS. Mr. President, in executive session, I ask unanimous consent that the Senate proceed to the consideration of the following nominations: Calendar Nos. 46, 66, 67, 68, 69, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the record, the President be immediately notified of the Senate's action, and the Senate then return to legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

## DEPARTMENT OF DEFENSE

Charles S. Abell, of Virginia, to be an Assistant Secretary of Defense.

## DEPARTMENT OF COMMERCE

Brenda L. Becker, of Virginia, to be an Assistant Secretary of Commerce.

Theodore William Kassinger, of Maryland, to be General Counsel of the Department of Commerce.

## DEPARTMENT OF TRANSPORTATION

Michael P. Jackson, of Virginia, to be Deputy Secretary of Transportation.

## COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

*To be rear admiral*

Rear Adm. (lh) David R. Nicholson

Rear Adm. (lh) Ronald F. Silva

PN193. Coast Guard nominations (167) beginning Quincey N. Adams, and ending Kathryn L. Wunderlich, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2001.

PN203. Coast Guard nominations (236) beginning Benes Z. Aldana, and ending Marshall E. Wright, which nominations were received by the Senate and appeared in the Congressional Record of March 22, 2001.

PN223. Coast Guard nominations (112) beginning Pauline F. Cook, and ending Tarik L. Williams, which nominations were received by the Senate and appeared in the Congressional Record of April 3, 2001.

## NOMINATION OF CHARLES S. ABELL

Mr. WARNER. Mr. President, it is with mixed emotions that I come before my colleagues today to express my profound congratulations to Mr. Charles S. Abell on the occasion of his confirmation by the Senate as Assistant Secretary of Defense for Force