amended by inserting ''and waste energy'' after ''renewable''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 83—REFERRING S. 846 ENTITLED ''A BILL FOR THE RELIEF OF J.L. SIMMONS COMPANY, INC., OF CHAMPAIGN, ILLINOIS'' TO THE CHIEF JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A REPORT THEREON

Mr. DURBIN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 83

Resolved,

SECTION 1. REFERRAL.

S. ____ entitled ''A bill for the relief of J.L. Simmons Company, Inc., of Champaign, Illinois'', now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims.

SEC. 2. PROCEEDING AND REPORT.

The chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code, notwithstanding the bar of any statute of limitations, laches, or bar of sovereign immunity; and

(2) report back to the Senate, at the earliest practicable date, providing—

(A) such findings of fact and conclusions as are sufficient to inform Congress of the nature, extent, and character of the claim for compensation referred to in such bill as a legal or equitable claim against the United States, or a gratuity; and

(B) the amount, if any, legally or equitably due from the United States to J.L. Simmons Company, Inc., of Champaign, Illinois.

SENATE RESOLUTION 84—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN TIMOTHY A. HOLT V. PHIL GRAMM

Mr. LOTT (for himself, and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 84

Whereas, Senator Phil Gramm has been named as a defendant in the case of Timothy A. Holt v. Phil Gramm, Case No. JC00–541, now pending in the Small Claims and Justice Court of Dallas County, Texas;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978 (2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Phil Gramm in the case of Timothy A. Holt v. Phil Gramm.

AMENDMENTS SUBMITTED AND PROPOSED

SA 383. Mr. WARNER (for himself, Ms. COLLINS, and Mr. ALLEN) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

SA 384. Mr. MCCONNELL (for himself, Mr. MILLER, Mr. SESSIONS, and Mr. INHOFE) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 385. Mrs. CARNAHAN (for herself and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 386. Mr. BIDEN proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 387. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 388. Mr. SPECTER proposed an amendment to amendment SA 378 proposed by Mr. KENNEDY to the amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 389. Mr. VOINOVICH (for himself, Mr. BAYH, Mr. NELSON of Nebraska, and Mr. HAGEL) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 390. Mr. CRAPO (for himself, Mr. HUTCHINSON, and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill S. 388, to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes; which was referred to the Committee on Energy and Natural Resources.

SA 391. Mr. CAMPBELL (for himself, Mr. GRASSLEY, Mr. AKAKA, Mr. INOUYE, and Mr. INHOFE) submitted an amendment intended to be proposed by him 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.

SA 392. Mrs. FEINSTEIN proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 393. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 394. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 395. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 383. Mr. WARNER (for himself, Ms. COLLINS, and Mr. ALLEN) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING TAX RELIEF FOR ELEMENTARY AND SECONDARY EDUCATORS.

(a) FINDINGS.—The Senate finds the following:

(1) The average salary for an elementary and secondary school teacher in the United States with a Master's degree and 16 years of experience is approximately $40,582.

(2) The average starting salary for teachers in the United States is $26,000.

(3) Our educators make many personal and financial sacrifices to educate our youth.

(4) Teachers spend on average $408 a year, out of their own money, to bring educational supplies into their classrooms.

(5) Educators spend significant money out of their own pocket every year on professional development expenses so they can better educate our youth.

(6) Many educators accrue significant higher education student loans that must be repaid and whereas these loans are accrued by educators in order for them to obtain degrees necessary to become qualified to serve in our nation's schools.

(7) As a result of these numerous out of pocket expenses that our teachers spend every year, and other factors, 6% of the nation's teaching force leaves the profession every year, and 20% of all new hires leave the teaching profession within three years.

(8) This country is in the midst of a teacher shortage, with estimates that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement, and increased student enrollment.

(9) The federal government can and should play a role to help alleviate the nation's teaching shortage.

(10) The current tax code provides little recognition of the fact that our educators spend significant money out of their own pocket to better the education of our children.

(11) President Bush has recognized the importance of providing teachers with additional tax relief, in recognition of the many financial sacrifices our teachers make.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should—

(1) should pass legislation providing elementary and secondary level educators with additional tax relief in recognition of the many out of pocket unreimbursed expenses educators incur to improve the education of our Nation's students.

SA 384. Mr. MCCONNELL (for himself, Mr. MILLER, Mr. SESSIONS, and Mr. INHOFE) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the end, add the following:

TITLE ____—TEACHER PROTECTION

SEC. ____1. TEACHER PROTECTION.

The Act (20 U.S.C. 6301 et seq.) is amended by adding at the end the following:

''TITLE ____—TEACHER PROTECTION

''SEC. ____1. SHORT TITLE.

''This title may be cited as the 'Paul D. Coverdell Teacher Protection Act of 2001'.

''SEC. ____2. FINDINGS AND PURPOSE.

''(a) FINDINGS.—Congress makes the following findings:

''(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

''(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

''(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

''(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities, which are critical for the continued economic development of the United States.

''(5) Frivolous lawsuits against teachers maintaining order in the classroom impose significant financial burdens on local educational agencies, and deprive the agencies of funds that would best be used for educating students.

''(6) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

''(A) the scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers is of national importance; and

''(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of children.

''(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment.

''SEC. ___3. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

''(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

''(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher with respect to claims arising within that State if such State enacts a statute in accordance with State requirements for enacting legislation—

''(1) citing the authority of this subsection;

''(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

''(3) containing no other provisions.

''SEC. ___4. LIMITATION ON LIABILITY FOR TEACHERS.

''(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

''(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

''(2) the actions of the teacher were carried out in conformity with local, State, and Federal laws, rules and regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

''(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

''(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

''(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

''(A) possess an operator's license; or

''(B) maintain insurance.

''(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

''(c) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

''(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

''(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

''(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

''(d) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

''(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action or omission of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action or omission of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

''(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

''(e) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

''(1) IN GENERAL.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

''(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

''(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

''(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

''(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

''(2) HIRING.—The limitations on the liability of a teacher under this title shall not apply to misconduct during background investigations, or during other actions, involved in the hiring of a teacher.

''SEC. ___5. LIABILITY FOR NONECONOMIC LOSS.

''(a) GENERAL RULE.—In any civil action against a teacher, based on an action or omission of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

''(b) AMOUNT OF LIABILITY.—

''(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

''(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the claimant's harm, whether or not such person is a party to the action.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt or supersede any Federal or State law that further limits the application of joint liability in a civil action described in subsection (a), beyond the limitations established in this section.

''SEC. ___6. DEFINITIONS.

''For purposes of this title:

''(1) ECONOMIC LOSS.—The term 'economic loss' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

''(2) HARM.—The term 'harm' includes physical, nonphysical, economic, and noneconomic losses.

''(3) NONECONOMIC LOSSES.—The term 'noneconomic losses' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

''(4) SCHOOL.—The term 'school' means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101, or a home school.

''(5) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

''(6) TEACHER.—The term 'teacher' means a teacher, instructor, principal, administrator, other educational professional that works in a school, or an individual member of a school board (as distinct from the board itself).

''SEC. ___7. EFFECTIVE DATE.

''(a) IN GENERAL.—This title shall take effect 90 days after the date of the enactment of the Paul D. Coverdell Teacher Protection Act of 2001.

''(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a teacher if that claim is filed on or after the effective date of the Paul D. Coverdell Teacher Protection Act of 2001, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.''.

SA 385. Mrs. CARNAHAN (for herself, and Mr. NELSON of Nebraska) 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 51, between lines 15 and 16, insert the following:

''(4) ASSESSMENTS NOT REQUIRED.—

''(A) IN GENERAL.—A State shall not be required to conduct any assessments under paragraph (3) in any school year if—

''(i) the assessments are not otherwise required under Federal law on the day preceding the date of enactment of the Better Education for Students and Teachers Act; and

''(ii) the amount made available to the State under section 6403(a) for use in the school year involved for such assessments is less than 100 percent of the costs to the State of administering such assessments in the previous school year, or if such assessments were not administered in the previous school year (in accordance with this subparagraph), in the most recent school year in which such assessments were administered.

''(B) DETERMINATION OF TOTAL COSTS.—For purposes of making the determination required under subparagraph (A)(ii), the Secretary shall, not later than March 15 of each year, publish in the Federal Register a description of the total costs of developing and implementing the assessments required under the amendments made by the Better Education for Students and Teachers Act for the school year involved based on information submitted by the States, as required by the Secretary. Such total costs may include costs related to field testing, administration (including the printing of testing materials and reporting processes), and staff time. The Secretary shall include in any such publication a justification with respect to any category of costs submitted by a State that is excluded by the Secretary from the estimated total cost.

''(C) 2005–2006 SCHOOL YEAR.—Not later than March 15, 2005, the Secretary shall make the publication required under subparagraph (B) with respect to the 2005–2006 school year.

''(D) REPORT.—The Secretary annually report the information published under subparagraph (B) to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Education and the Workforce and Committee on Appropriations of the House of Representatives.

On page 59, line 21, after the period add the following: ''No funds shall be withheld under this subsection for any school year in which the Secretary determines that a State has received, under section 6403(a), less than 100 percent of the costs to the State of designing standards and developing and administering assessments for measuring and monitoring adequate yearly progress under this section. The Secretary shall determine the reasonable costs of designing, developing, and administering standards and assessments based on information submitted by the States, as required by the Secretary, except that the Secretary shall provide a written explanation of any category of costs that excluded from the Secretary's calculations.''.

On page 778, after line 21, add the following:

''(d) MISCELLANEOUS PROVISION.—Notwithstanding subsection (a)(3), there is authorized to be appropriated to carry out subsection (a)(1), such sums as may be necessary for fiscal year 2002 and for each of the 6 succeeding fiscal years.''.

SA. 386. Mr. BIDEN proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 893, after line 14, add the following:

SEC. ___. SCHOOL RESOURCE OFFICER PROJECTS.

(a) COPS PROGRAM.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (7) by inserting ''school officials,'' after ''enforcement officers''; and

(2) by striking paragraph (8) and inserting the following:

''(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;''.

(b) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;

(2) by striking subparagraph (E) and inserting the following:

''(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;''; and

(3) by adding at the end the following:

''(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

''(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

''(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

''(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended by adding at the end the following:

''(C) There are authorized to be appropriated to carry out school resource officer activities under sections 1701(d)(8) and 1709(4), to remain available until expended $180,000,000 for each of fiscal year 2002 through 2007.''.

SA 387. Mr. BAUCUS submitted an amendment intended to be proposed by him 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 794, after line 7, insert the following:

SEC. 902. LOAN FORGIVENESS FOR TEACHERS.

(a) SHORT TITLE.—This section may be cited as the ''Rural Teacher Recruitment Act of 2001''.

(b) FEDERAL FAMILY EDUCATION LOAN PROGRAM.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—

(1) in subsection (b)(1)(A), by inserting '', or in a school served by a local educational agency eligible for a grant under section 5232(b) of the Elementary and Secondary Education Act of 1965'' after ''such schools''; and

(2) in subsection (c)(1), by striking ''$5000'' and inserting ''$17,000''.

(c) WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(1) in subsection (b)(1)(A)(i), by inserting '', or in a school served by a local educational agency eligible for a grant under section 5232(b) of the Elementary and Secondary Education Act of 1965'' after ''such schools''; and

(2) in subsection (c)(1), by striking ''$5000'' and inserting ''$17,000''.

SA 388. Mr. SPECTER proposed an amendment to amendment SA 378 proposed by Mr. KENNEDY to the amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

In lieu of the matter proposed to be inserted, insert the following:

''SEC. ___. CLASS SIZE REDUCTION.

''(a) ALLOTMENT.—Notwithstanding any other provision of this law, from $1,625,000,000 of the amounts made available to carry out part A of title II (other than subpart 5 of such part A) for each fiscal year the Secretary—

''(1) shall make available a total of $6,000,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities under this section; and

''(2) shall allot the remainder by providing to each State the same percentage of that remainder as the State received of the funds allocated to States under section 307(a)(2) of the Department of Education Appropriations Act, 1999.

''(b) DISTRIBUTION TO LOCAL EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—Each State that receives funds under this section shall distribute 100 percent of such funds to local educational agencies in the State, of which—

''(A) 80 percent shall be allocated to such local educational agencies in proportion to the number of children aged 5 to 17, who reside in the school district served by such local educational agency and are from families below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data

are available compared to the number of such children who reside in the school districts served by all local educational agencies in the State for that fiscal year; and

''(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of the school district served by such agencies.

''(2) SPECIAL RULE.—Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher in that agency who is certified or licensed in the State (which may include certification or licensure through State or local alternative routes), has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the teacher's content areas, then that agency may use funds provided under this section—

''(A) to help pay the salary of a full- or part-time teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or

''(B) to pay for activities described in subsection (c)(2)(C) which may be related to teaching in smaller classes.

''(c) USES.—

''(1) MANDATORY.—The basic purpose and intent of this section is to reduce class size with fully qualified teachers. Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size with fully qualified teachers who are certified or licensed to teach within the State, including teachers certified or licensed through State or local alternative routes, and who demonstrate competency in the areas in which the teachers teach, to improve educational achievement for both regular and special needs children with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is the most effective.

''(2) PERMISSIVE.—Each such local educational agency may use funds provided under this section for—

''(A) recruiting (including through the use of signing bonuses or other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and nondisabled children) and teachers of special needs children, who are certified or licensed to teach within the State (including teachers certified or licensed through State or local alternative routes), have a baccalaureate degree, and demonstrate the general knowledge required to teach in their content areas;

''(B) testing new teachers for academic content, and to meet State certification or licensure requirements that are consistent with title II of the Higher Education Act of 1965; and

''(C) providing professional development (which may include such activities as promoting retention and mentoring) to teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which the teachers provide instruction, consistent with title II of the Higher Education Act of 1965.

''(d) SPECIAL RULE.—Notwithstanding subsection (c)(1), a local educational agency that has designed an educational program that is part of a local strategy for improving the educational achievement of all students, or that already has reduced class size in the early grades to 18 or less (or already has reduced class size to a State or local class size reduction goal that was in effect on the day before the date of enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency goal is 20 or fewer children), may use funds provided under this section—

''(1) to make further class size reductions in kindergarten through grade 3;

''(2) to reduce class size in other grades;

''(3) to carry out activities to improve teacher quality, including professional development; and

''(4) to carry out other activities authorized under title V.

''(e) REPORTS.—

''(1) REPORT TO SECRETARY.—Each State receiving funds under this section shall report to the Secretary regarding activities in the State that are assisted under this section, consistent with sections 5322 (1) and (2).

''(2) REPORT TO THE PUBLIC.—Each State and local educational agency receiving funds under this section shall publicly report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas that are taught by fully qualified teachers who are certified or licensed by the State and demonstrate competency in the content areas in which the teachers teach (as determined by the State), on the impact that hiring additional highly qualified teachers and reducing class size has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State) and on the impact that the locally defined program has had, if any, on increasing student achievement (as determined by the State) or student performance (as determined by the State).

''(f) SUPPLEMENT NOT SUPPLANT.—Each such agency shall use funds under this section only to supplement, and not supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

''(g) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative expenses.

''(h) REQUEST FOR FUNDS.—Each local educational agency that desires to receive funds under this section shall include in the application submitted under section 5333 a description of—

''(1) the agency's program to reduce class size by hiring additional highly qualified teachers; and

''(2) the agency's proposed educational program under this section that is part of its local strategy for improving educational achievement for all students.

SA 389. Mr. VOINOVICH (for himself, Mr. BAYH, Mr. NELSON of Nebraska, and Mr. HAGEL) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 7, line 21, add ''and the Governor'' after ''agency''.

On page 8, line 1, insert ''and the Governor'' after ''agency''.

On page 35, line 10, strike the end quotation mark and the second period.

On page 35, between lines 10 and 11, insert the following:

''(c) STATE PLAN.—Each Governor and State educational agency shall jointly prepare a plan to carry out the responsibilities of the State under sections 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.''.

On page 35, line 20, insert '', that is jointly prepared and signed by the Governor and the chief State school official,'' after ''a plan''.

On page 706, line 8, insert ''Governor and the'' after ''which a''.

On page 706, line 16, insert ''Governor and the'' after ''A''.

On page 707, line 2, insert ''Governor and the'' after ''A''.

SA 390. Mr. CRAPO (for himself, Mr. HUTCHINSON, and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill S. 388, to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes; which was referred to the Committee on Energy and Natural Resources; as follows:

On page 124, line 7 insert ''or agricultural or animal waste'' after ''biomass''.

On page 127, line 15, insert ''agricultural or animal waste,'' after ''biomass,''.

SA 391. Mr. CAMPBELL (for himself, Mr. GRASSLEY, Mr. AKAKA, Mr. INOUYE, and Mr. INHOFE) submitted an amendment intended to be proposed by him 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:

At the appropriate place, insert the following:

SEC. ____. SENIOR OPPORTUNITIES.

(a) TWENTY-FIRST CENTURY COMMUNITY LEARNING CENTERS.—Section 1609(a)(2) (as amended in section 151) is further amended—

(1) in subparagraph (G), by striking ''and'' after the semicolon;

(2) in subparagraph (H), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(I) if the organization plans to use seniors as volunteers in activities carried out through the center, a description of how the organization will encourage and use appropriately qualified seniors to serve as the volunteers.''.

(b) SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES; GOVERNOR'S PROGRAMS.—Section 4114(d) (as amended in section 401) is further amended—

(1) in paragraph (14), by striking ''and'' after the semicolon;

(2) in paragraph (15), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(15) drug and violence prevention activities that use the services of appropriately qualified seniors for activities that include mentoring, tutoring, and volunteering.''.

(c) SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES; LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.—Section 4116(b) (as amended in section 401) is further amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting ''(including mentoring by appropriately qualified seniors)'' after ''mentoring''; and

(B) in subparagraph (C)—

(i) in clause (i), by striking ''and'' after the semicolon;

(ii) in clause (ii), by inserting ''and'' after the semicolon; and

(iii) by adding at the end the following:

''(iii) drug and violence prevention activities that use the services of appropriately qualified seniors for such activities as mentoring, tutoring, and volunteering;'';

(2) in paragraph (4)(C), by inserting ''(including mentoring by appropriately qualified seniors)'' after ''mentoring programs''; and

(3) in paragraph (8), by inserting '', which may involve appropriately qualified seniors working with students'' after ''settings''.

(d) SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES; FEDERAL ACTIVITIES.—Section 4121(a) (as amended in section 401) is further amended—

(1) in paragraph (10), by inserting '', including projects and activities that promote the interaction of youth and appropriately qualified seniors'' after ''responsibility''; and

(2) in paragraph (13), by inserting '', including activities that integrate appropriately qualified seniors in activities, such as mentoring, tutoring, and volunteering'' after ''title''.

(e) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; FORMULA GRANTS.—Section 7115(b) (as amended in section 701) is further amended—

(1) in paragraph (10), by striking ''and'' after the semicolon;

(2) in paragraph (11), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(12) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors.''.

(f) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; SPECIAL PROGRAMS AND PROJECTS.—Section 7121(c)(1) (as amended in section 701) is further amended—

(1) in subparagraph (K), by striking ''or'' after the semicolon;

(2) in subparagraph (L), by striking ''(L)'' and inserting ''(M)''; and

(3) by inserting after subparagraph (K) the following:

''(L) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; or''.

(g) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; PROFESSIONAL DEVELOPMENT.—The second sentence of section 7122(d)(1) (as amended in section 701) is further amended by striking the period and inserting '', and may include programs designed to train tribal elders and seniors.''.

(h) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; NATIVE HAWAIIAN PROGRAMS.—Section 7205(a)(3)(H) (as amended in section 701) is further amended—

(1) in clause (ii), by striking ''and'' after the semicolon;

(2) in clause (iii), by inserting ''and'' at the end; and

(3) by adding at the end the following:

''(iv) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;''.

(i) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; ALASKA NATIVE PROGRAMS.—Section 7304(a)(2)(F) (as amended in section 701) is further amended—

(1) in clause (i), by striking ''and'' after the semicolon;

(2) in clause (ii), by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(iii) may include activities that recognize and support the unique cultural and educational needs of Alaskan Native children, and incorporate appropriately qualified Alaskan Native elders and seniors;''.

SA 392. Mrs. FEINSTEIN proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 327, after line 10, add the following:

(7) Carrying our programs and activities related to Master Teachers.

(2) MASTER TEACHER.—The term ''master teacher'' means a teacher who—

(A) is licensed or credentialed under State law in the subject or grade in which the teacher teaches;

(B) has been teaching for at least 5 years in a public or private school or institution of higher education;

(C) is selected upon application, is judged to be an excellent teacher, and is recommended by administrators and other teachers who are knowledgeable of the individual's performance;

(D) at the time of submission of such application, is teaching and based in a public school;

(E) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs mentoring, develops curriculum, and offers other professional development; and

(F) enters into a contract with the local educational agency to continue to teach and serve as a master teacher for at least 5 additional years.

A contract described in subparagraph (F) shall include stipends, employee benefits, a description of duties and work schedule, and other terms of employment.

(e) STUDY AND REPORT.—

(1) IN GENERAL.—Not later than July 1, 2005, the Secretary shall conduct a study and transmit a report to Congress pertaining to the utilization of funds under section 2123 for Master Teachers.

(2) CONTENTS OF REPORT.—The report shall include an analysis of:

(A)(i) the recruitment and retention of experienced teachers;

(ii) the effect of master teachers on teaching by less experienced teachers;

(iii) the impact of mentoring new teachers by master teachers;

(iv) the impact of master teachers on student achievement; and

(v) the reduction in the rate of attrition of beginning teachers; and

(B) recommendations regarding—

(ii) establishing activities to expand the project to additional local educational agencies and school districts.

SA 393. Mr. ENSIGN submitted an amendment intended to be proposed by him 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 152, beginning with line 17, strike all through page 153, line 12, and insert the following:

''(3) POPULATION UPDATES.—

''(A) IN GENERAL.—In fiscal year 2001 and each subsequent year, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for counties or local educational agencies, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable.

''(B) INAPPROPRIATE OR UNRELIABLE DATA.—If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretary and the Secretary of Commerce shall—

''(i) publicly disclose their reasons;

''(ii) provide an opportunity for States to submit updated data on the number of children described in subparagraph (A); and

''(iii) review the data and, if the data are appropriate and reliable, use the data, for the purposes of this section, to determine the number of children described in subparagraph (A).

''(C) CRITERIA OF POVERTY.—In determining the families that are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, as the criteria have been updated by increases in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics.

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce for each fiscal year such sums as may be necessary to update the data described in subparagraph (A).

SA 394. Mr. ENSIGN submitted an amendment intended to be proposed by him 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:

At the end, add the following:

''PART B—HIGH GROWTH GRANT PROGRAM

''SEC. 9201. HIGH GROWTH GRANT PROGRAM.

''(a) STATE GRANTS.—From funds appropriated under subsection (e) for a fiscal year the Secretary shall award a grant to each State that has an increase in the number of children aged 5 through 17 who are from poor families, from the preceding fiscal year to the fiscal year for which the determination is made, in an amount that bears the same relation to such funds as the increase for the State bears to the increases for all States having such an increase.

''(b) LOCAL GRANTS.—Each State that receives a grant under subsection (a) shall use the grant funds to award grants to those local educational agencies in the State that have the highest increases, from the preceding fiscal year to the fiscal year for which the determination is made, in the number of children aged 5 through 17 who are from poor families.

''(c) USE OF FUNDS.—Each local educational agency receiving a grant under subsection (b) shall use the grant funds to carry out any activity authorized under part A of title I.

''(d) DATA.—The Secretary shall base the determinations described in subsection (a) on the most recent annual estimates available from the Secretary of Commerce regarding each State's total number of children aged 5 through 17 who are from poor families.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years.''.

SA 395. Mr. ENSIGN submitted an amendment intended to be proposed by

him 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 893, after line 14, add the following:

SEC. ___. ARTS IN EDUCATION.

Title IX (as added by section 901) is amended by adding at the end the following:

"PART B—ARTS IN EDUCATION

"SEC. 9201. FINDINGS AND PURPOSE.

''(a) FINDINGS.—Congress finds that—

''(1) there are inadequate arts and cultural programs available for children and youth in schools, especially at the elementary school level;

''(2) the arts promote progress in academic subjects as shown by research conducted by the National Assessment of Education Progress, the Arts Education Partnership, the President's Committee on the Arts and Humanities, and other entities;

''(3) children and youth who receive instruction in the arts and humanities, or who are involved in cultural activities, remain in school longer and are more successful than children who do not receive such instruction;

''(4) learning in the arts and humanities promotes progress in other academic subjects, and generates positive self-esteem and a greater sense of accomplishment in young people;

''(5) school-university and school-cultural institution partnerships that upgrade teacher training in the arts and humanities have significantly contributed to improved instruction and achievement levels of school-aged children;

''(6) museum outreach, cultural activities and informal education for at-risk children and youth have contributed significantly to the educational achievement and enhanced interest in learning of at-risk children and youth;

''(7) local, State, and national resources support the integration of the arts and humanities into the regular curriculum and school day for all children; and

''(8) while all children benefit from instruction in the arts and the humanities, at-risk children and youth have a special, additional need for arts and cultural programs both in school and after school;

''(b) PURPOSE.—The purpose of this subpart is to make grants to eligible entities to improve the educational performance and future potential of at-risk children and youth by providing comprehensive and coordinated educational and cultural services.

"SEC. 9202. SUPPORT FOR ARTS EDUCATION.

''(a) FINDINGS.—Congress finds that—

''(1) the arts are forms of understanding and ways of knowing that are fundamentally important to education;

''(2) the arts are important to excellent education and to effective school reform;

''(3) the most significant contribution of the arts to education reform is the transformation of teaching and learning;

''(4) such transformation is best realized in the context of comprehensive, systemic education reform;

''(5) participation in performing arts activities has proven to be an effective strategy for promoting the inclusion of persons with disabilities in mainstream settings;

''(6) opportunities in the arts have enabled persons of all ages with disabilities to participate more fully in school and community activities;

''(7) the arts can motivate at-risk students to stay in school and become active participants in the educational process; and

''(8) arts education should be an integral part of the elementary school and secondary school curriculum.

''(b) PURPOSES.—The purposes of this section are to—

''(1) support systemic education reform by strengthening arts education as an integral part of the elementary school and secondary school curriculum;

''(2) help ensure that all students have the opportunity to learn to challenging State content standards and challenging State student performance standards in the arts; and

''(3) support the national effort to enable all students to demonstrate competence in the arts.

''(c) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this section, the Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with—

''(1) State educational agencies;

''(2) local educational agencies;

''(3) institutions of higher education;

''(4) museums and other cultural institutions; and

''(5) other public and private agencies, institutions, and organizations.

''(d) AUTHORIZED ACTIVITIES.—Funds under this section may be used for—

''(1) research on arts education;

''(2) the development of, and dissemination of information about, model arts education programs;

''(3) the development of model arts education assessments based on high standards;

''(4) the development and implementation of curriculum frameworks for arts education;

''(5) the development of model preservice and inservice professional development programs for arts educators and other instructional staff;

''(6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum and Library Services, the John F. Kennedy Center for the Performing Arts, VSA Arts, and the National Gallery of Art;

''(7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;

''(8) supporting model projects and programs by VSA Arts which assure the participation in mainstream settings in arts and education programs of individuals with disabilities;

''(9) supporting model projects and programs to integrate arts education into the regular elementary school and secondary school curriculum; and

''(10) other activities that further the purposes of this section.

''(e) COORDINATION.—

''(1) IN GENERAL.—A recipient of funds under this section shall, to the extent possible, coordinate projects assisted under this section with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

''(2) SPECIAL RULE.—In carrying out this section, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum and Library Services, the John F. Kennedy Center for the Performing Arts, VSA Arts, and the National Gallery of Art.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $28,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years.

''(2) SPECIAL RULE.—If the amount appropriated under paragraph (1) for any fiscal year is $15,000,000 or less, then such amount shall only be available to carry out the activities described in paragraphs (7) and (8) of subsection (d).''.

NOTICES OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on May 9, 2001, in SR–328A at 9:30 a.m. The purpose of this hearing will be to consider nominations for positions at the Department of Agriculture.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on May 16, 2001, in SR–328A at 9 a.m. The purpose of this hearing will be to review the credit title of the upcoming farm bill.

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 Tuesday, May 15, 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 national energy policy with respect to Federal, State, and local impediments to the siting of energy infrastructure.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, 212 Hart Senate Office Building, Washington, DC 20510–6150.

For further information, please call Trici Heninger or Bryan Hannegan at (202) 224–7932.

AUTHORITY FOR COMMITTEES TO MEET

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 Tuesday, May 8, 2001, at 9:30 a.m., on election reform.

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 Tuesday, May 8, at 2:30 p.m., to conduct an oversight hearing. The committee will receive testimony on the President's proposed budget for FY2002 for the Forest Service.