

(2) calls upon the Government of the Russian Federation to provide a full accounting of Mr. Babitsky's detention;

(3) condemns the Russian Federation's harassment and intimidation of Radio Free Europe/Radio Liberty and other news organizations;

(4) calls upon the Government of the Russian Federation to adhere fully to the Universal Declaration of Human Rights, which declares in Article 19 that "everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers";

(5) urges the Government of the Russian Federation and the President of the United States to implement the recommendations in Senate Resolutions 223 and 262 of the One Hundred Sixth Congress; and

(6) urges the President of the United States to place these issues high on the agenda for his June 4-5 summit meeting with President Vladimir Putin of the Russian Federation.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator GRAMS and Senator LEAHY in offering this Senate resolution expressing our deep concern about the continuing plight of the Russian journalist Andrei Babitsky.

Mr. Babitsky, an accomplished journalist working for Radio Free Europe/Radio Liberty, still faces serious charges in Russia after being held captive by Russian authorities, beaten, and kept in a "filtration camp" for suspected Chechen collaborators.

For 10 years, Mr. Babitsky has helped fulfill the mission of RFE/RL to provide Russian listeners with objective and uncensored reporting. But Russian authorities, displeased with Mr. Babitsky's courageous reporting on the war in Chechnya, accused him of assisting the Chechen forces and had him arrested in the battle zone last January.

After six weeks in captivity, Mr. Babitsky was released, and then jailed again by Russian officials for carrying false identity papers. He says the papers were forced upon him. After an international outcry arose over his case, he was again released. But he still is not allowed to leave Moscow, and he still faces charges for carrying false papers and aiding the Chechens.

In addition, Russian authorities have continued to condemn Radio Liberty's coverage of the Chechen conflict, and have suggested that Radio Liberty should be forced to abandon its facilities in Moscow and throughout the Russian Republic. The authorities have taken steps to censor Radio Liberty and to intimidate its correspondents and others.

The United States should respond vigorously to this harassment and intimidation of Radio Free Europe/Radio Liberty. The Russian government should drop its trumped-up charges against Mr. Babitsky.

## AMENDMENTS SUBMITTED

### EDUCATIONAL OPPORTUNITIES ACT

#### ABRAHAM (AND OTHERS) AMENDMENT NO. 3117

Mr. ABRAHAM (for himself, Mr. MACK, Mr. COVERDELL, and Mr. FITZGERALD) proposed an amendment to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

Beginning on page 203, line 8, strike all through the period on page 213, line 15 and insert the following:

"(11)(A) Reforming teacher tenure systems.

"(B) Establishing teacher compensation systems based on merit and proven performance.

"(C) Testing teachers periodically in the academic subjects in which the teachers teach.

"(b) COORDINATION.—A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities carried out under this section and the activities carried out under that section 202.

#### "SEC. 2014. APPLICATIONS BY STATES.

"(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) CONTENTS.—Each application submitted under this section shall include the following:

"(1) A description of how the State will ensure that a local educational agency receiving a subgrant to carry out subpart 3 will comply with the requirements of such subpart.

"(2)(A) An assurance that the State will measure the annual progress of the local educational agencies and schools in the State with respect to—

"(i) improving student academic achievement and student performance, in accordance with content standards and student performance standards established under part A of title I;

"(ii) closing academic achievement gaps, reflected in disaggregated data described in section 1111(b)(3)(I), between minority and non-minority groups and low-income and non-low-income groups; and

"(iii) improving performance on other specific indicators for professional development, such as increasing the percentage of classes in core academic subjects that are taught by highly qualified teachers.

"(B) An assurance that the State will require each local educational agency and school in the State receiving funds under this part to publicly report information on the agency's or school's annual progress, measured as described in subparagraph (A).

"(3) A description of how the State will hold the local educational agencies and schools accountable for making annual progress as described in paragraph (2), subject to part A of title I.

"(4)(A) A description of how the State will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs, including those authorized under—

"(i) titles I and IV, part A of title V, and part A of title VII; and

"(ii) where applicable, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and title II of the Higher Education Act of 1965.

"(B) A description of the comprehensive strategy that the State will use as part of the effort to carry out the coordination, to ensure that teachers, paraprofessionals, and principals are trained in the utilization of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in all curriculum areas and academic subjects, as appropriate.

"(5) A description of how the State will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as through the use of technology and distance learning.

"(6) A description of how the activities to be carried out by the State under this subpart will be based on a review of relevant research and an explanation of why the activities are expected to improve student performance and outcomes.

"(c) APPLICATION SUBMISSION.—A State application submitted to the Secretary under this section shall be approved by the Secretary unless the Secretary makes a written determination, within 90 days after receiving the application, that the application is in violation of the provisions of this Act.

#### "Subpart 2—Subgrants to Eligible Partnerships

#### "SEC. 2021. PARTNERSHIP GRANTS.

"(a) IN GENERAL.—From the portion described in section 2012(c)(2)(A), the State agency for higher education, working in conjunction with the State educational agency (if such agencies are separate), shall award subgrants on a competitive basis under section 2012(c) to eligible partnerships to enable such partnerships to carry out activities described in subsection (b). The State agency for higher education shall ensure that such subgrants shall be equitably distributed by geographic area within the State, or ensure that eligible partnerships in all geographic areas within the State are served through the grants.

"(b) USE OF FUNDS.—An eligible partnership that receives funds under section 2012 shall use the funds for—

"(1) professional development activities in core academic subjects to ensure that teachers, paraprofessionals, and, if appropriate, principals have content knowledge in the academic subjects that the teachers teach; and

"(2) developing and providing assistance to local educational agencies and individuals who are teachers, paraprofessionals or principals of public and private schools served by each such agency, for sustained, high-quality professional development activities that—

"(A) ensure that the agencies and individuals are able to use State content standards, performance standards, and assessments to improve instructional practices and improve student academic achievement and student performance; and

"(B) may include intensive programs designed to prepare such individuals who will return to a school to provide such instruction to other such individuals within such school.

"(c) SPECIAL RULE.—No single participant in an eligible partnership may use more than 50 percent of the funds made available to the partnership under section 2012.

"(d) COORDINATION.—An eligible partnership that receives a grant to carry out this subpart and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under this

section and the activities carried out under that section 203.

“(e) ELIGIBLE PARTNERSHIP.—In this section, the term ‘eligible partnership’ means an entity that—

“(1) shall include—

“(A) a private or State institution of higher education and the division of the institution that prepares teachers;

“(B) a school of arts and sciences; and

“(C) a high need local educational agency; and

“(2) may include other local educational agencies, a public charter school, a public or private elementary school or secondary school, an educational service agency, a public or private nonprofit educational organization, other institutions of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers, a nonprofit cultural organization, an entity carrying out a prekindergarten program, a teacher organization, or a business.

#### “Subpart 3—Subgrants to Local Educational Agencies

##### “SEC. 2031. LOCAL USE OF FUNDS.

“(a) REQUIRED ACTIVITIES.—

“(1) IN GENERAL.—Each local educational agency that receives a subgrant to carry out this subpart shall use the subgrant to carry out the activities described in this subsection.

“(2) REQUIRED PROFESSIONAL DEVELOPMENT ACTIVITIES.—

“(A) MATHEMATICS AND SCIENCE.—

“(i) IN GENERAL.—Each local educational agency that receives a subgrant to carry out this subpart shall use a portion of the funds made available through the subgrant for professional development activities in mathematics and science in accordance with section 2032.

“(ii) GRANDFATHER OF OLD WAIVERS.—A waiver provided to a local educational agency under part D of title XIV prior to the date of enactment of the Educational Opportunities Act shall be deemed to be in effect until such time as the waiver otherwise would have ceased to be effective.

“(B) PROFESSIONAL DEVELOPMENT ACTIVITIES.—Each local educational agency that receives a subgrant to carry out this subpart shall use a portion of the funds made available through the subgrant for professional development activities that give teachers, paraprofessionals, and principals the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and student performance standards. Such activities shall be consistent with section 2032.

“(b) ALLOWABLE ACTIVITIES.—Each local educational agency that receives a subgrant to carry out this subpart may use the funds made available through the subgrant to carry out the following activities:

“(1) Recruiting and hiring certified or licensed teachers, including teachers certified through State and local alternative routes, in order to reduce class size, or hiring special education teachers.

“(2) Initiatives to assist in recruitment of highly qualified teachers who will be assigned teaching positions within their fields, including—

“(A) providing signing bonuses or other financial incentives, such as differential pay, for teachers to teach in academic subjects in which there exists a shortage of such teachers within a school or the area served by the local educational agency;

“(B) establishing programs that—

“(i) recruit professionals from other fields and provide such professionals with alternative routes to teacher certification; and

“(ii) provide increased opportunities for minorities, individuals with disabilities, and

other individuals underrepresented in the teaching profession; and

“(C) implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool of teachers, such as identifying teachers certified through alternative routes, and by implementing a system of intensive screening designed to hire the most qualified applicants.

“(3) Initiatives to promote retention of highly qualified teachers and principals, including—

“(A) programs that provide mentoring to newly hired teachers, such as mentoring from master teachers, and to newly hired principals; and

“(B) programs that provide other incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic success.

“(4) Programs and activities that are designed to improve the quality of the teacher force, and the abilities of paraprofessionals and principals, such as—

“(A) innovative professional development programs (which may be through partnerships including institutions of higher education), including programs that train teachers, paraprofessionals, and principals to utilize technology to improve teaching and learning, that are consistent with the requirements of section 2032;

“(B) development and utilization of proven, cost-effective strategies for the implementation of professional development activities, such as through the utilization of technology and distance learning;

“(C) professional development programs that provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented); and

“(D) professional development programs that provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subparagraph (C) to learn.

“(5) Activities that provide teacher opportunity payments, consistent with section 2033.

“(6) Programs and activities related to—

“(A) reforming teacher tenure systems;

“(B) establishing teacher compensation systems based on merit and proven performance; and

“(C) testing teacher periodically in the academic subjects in which the teachers teach.”

#### KENNEDY (AND MURRAY)

##### AMENDMENT NO. 3118

Mr. KENNEDY (for himself and Mrs. MURRAY) proposed an amendment to the bill, S. 2, supra; as follows:

On page 1 of the amendment in line 4, strike all after “Reforming” through the end of the amendment and insert the following:

“and implementing merit schools programs for rewarding all teachers in schools that improve student achievement for all students, including the lowest achieving students;

“(B) Providing incentives and subsidies for helping teachers gain advanced degrees in the academic fields in which the teachers teach;

“(C) Implementing rigorous peer review, evaluation, and recertification programs for teachers; and

“(D) Providing incentives for highly qualified teachers to teach in the neediest schools.”

#### CAMPBELL (AND OTHERS) AMENDMENT NO. 3119

(Ordered to lie on the table.)

Mr. CAMPBELL (for himself, Ms. COVERDELL, and Mr. AKAKA) submitted an amendment intended to be proposed by them to the bill, S. 2, supra; as follows:

On page 252, line 12, strike “and” after the semicolon.

On page 252, line 18, strike the period and insert “; and”.

On page 252, insert between lines 18 and 19 the following:

“(F) a description of how the school or consortium will encourage and use appropriately qualified seniors as volunteers in activities identified under section 3105.”

On page 286, line 17, insert “and appropriately qualified senior volunteers” after “personnel”.

On page 342, line 25, strike “and” after the semicolon.

On page 343, line 3, strike the period and insert “; and”.

On page 343, between lines 3 and 4, insert the following:

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

On page 351, lines 6 and 7, insert “(including mentoring by appropriately qualified seniors)” after “mentoring”.

On page 351, line 22, strike “and” after the semicolon.

On page 352, line 2, insert “and” after the semicolon.

On page 352, between lines 2 and 3, insert the following:

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

On page 353, line 7, insert “(including mentoring by appropriately qualified seniors)” after “mentoring programs”.

On page 354, line 12, insert “and which may involve appropriately qualified seniors working with students” after “settings”.

On page 364, line 15, insert “, including projects and activities that promote the interaction of youth and appropriately qualified seniors” after “responsibility”.

On page 365, line 4, insert “, including activities that integrate appropriately qualified seniors in activities, such as mentoring, tutoring, and volunteering” after “title”.

On page 756, line 12, strike “and” after the semicolon.

On page 756, line 13, strike the period and insert “; and”.

On page 756, between lines 13 and 14, insert 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.”

On page 778, line 7, strike “or” after the semicolon.

On page 778, between lines 7 and 8, insert 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”

On page 778, line 8, strike “(L)” and insert “(M)”.

On page 782, line 21, strike the period and insert “, and may include programs designed to train tribal elders and seniors.”

On page 830, line 22, strike “and” after the semicolon.

On page 830, line 24, insert “and” after the semicolon.

On page 830, after line 24, insert 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;"

On page 840, line 17, strike "and" after the semicolon.

On page 840, line 21, insert "and" after the semicolon.

On page 840, between lines 21 and 22, insert 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;"

#### WYDEN AMENDMENTS NOS. 3120–3121

(Ordered to lie on the table.)

Mr. WYDEN submitted two amendments intended to be proposed by him to the bill, S. 2, supra; as follows:

##### AMENDMENT NO. 3120

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ DETENTION OF JUVENILES WHO UNLAWFULLY POSSESS FIREARMS IN SCHOOLS.

Section 4112(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7112(a)) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

"(5) contains an assurance that the State has in effect a policy or practice that requires State and local law enforcement agencies to detain in an appropriate juvenile community-based placement or in an appropriate juvenile justice facility, for not less than 24 hours, any juvenile who unlawfully possesses a firearm in a school, upon a finding by a judicial officer that the juvenile may be a danger to himself or herself or to the community; and";

##### AMENDMENT NO. 3121

On page 489, strike lines 1 and 2 and insert the following:

#### "PART G—FUND FOR THE IMPROVEMENT OF EDUCATION AND RELATED PROGRAMS

##### "Subpart 1—Fund for the Improvement of Education

On page 515, between lines 9 and 10, insert the following:

#### "SEC. 5711. SHORT TITLE.

"This subpart may be cited as the 'Student Education Enrichment Demonstration Act'.

#### "SEC. 5712. FINDINGS.

"Congress finds that—

"(1) States are establishing new and higher academic standards for students in kindergarten through grade 12;

"(2) no Federal funding streams are specifically designed to help States and school districts with the costs of providing students who are struggling academically, with the extended learning time and accelerated curricula that the students need to meet high academic standards;

"(3) forty-eight States now require State accountability tests to determine student grade-level performance and progress;

"(4) nineteen States currently rate the performance of all schools or identify low-performing schools through State accountability tests;

"(5) sixteen States now have the power to close, take over, or overhaul chronically failing schools on the basis of those tests;

"(6) fourteen States provide high-performing schools with monetary rewards on the basis of those tests;

"(7) nineteen States currently require students to pass State accountability tests to graduate from high school;

"(8) six States currently link student promotion to results on State accountability tests;

"(9) excessive percentages of students are not meeting their State standards and are failing to perform at high levels on State accountability tests; and

"(10) while the Chicago Public School District implemented the Summer Bridge Program to help remediate their students in 1997, no State has yet created and implemented a similar program to complement the education accountability programs of the State.

#### "SEC. 5713. PURPOSE.

"The purpose of this subpart is to provide Federal support through a new demonstration program to States and local educational agencies, to enable the States and agencies to develop models for high quality summer academic enrichment programs that are specifically designed to help public school students who are not meeting State-determined performance standards.

#### "SEC. 5714. DEFINITIONS.

"In this subpart:

"(1) ELEMENTARY SCHOOL; SECONDARY SCHOOL; LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms 'elementary school', 'secondary school', 'local educational agency', and 'State educational agency' have the meanings given the terms in section 3.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(3) STUDENT.—The term 'student' means an elementary school or secondary school student.

#### "SEC. 5715. GRANTS TO STATES.

"(a) IN GENERAL.—The Secretary shall establish a demonstration program through which the Secretary shall make grants to State educational agencies, on a competitive basis, to enable the agencies to assist local educational agencies in carrying out high quality summer academic enrichment programs as part of statewide education accountability programs.

"(b) ELIGIBILITY AND SELECTION.—

"(1) ELIGIBILITY.—For a State educational agency to be eligible to receive a grant under subsection (a), the State served by the State educational agency shall—

"(A) have in effect all standards and assessments required under section 1111; and

"(B) compile and annually distribute to parents a public school report card that, at a minimum, includes information on student and school performance for each of the assessments required under section 1111.

"(2) SELECTION.—In selecting States to receive grants under this section, the Secretary shall make the selections in a manner consistent with the purpose of this subpart.

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONTENTS.—Such application shall include—

"(A) information describing specific measurable goals and objectives to be achieved in the State through the summer academic enrichment programs carried out under this subpart, which may include specific measurable annual educational goals and objectives relating to—

"(i) increased student academic achievement;

"(ii) decreased student dropout rates; or

"(iii) such other factors as the State educational agency may choose to measure; and

"(B) information on criteria, established or adopted by the State, that—

"(i) the State will use to select local educational agencies for participation in the summer academic enrichment programs carried out under this subpart; and

"(ii) at a minimum, will assure that grants provided under this subpart are provided to—

"(I) the local educational agencies in the State that have the highest percentage of students not meeting basic or minimum required standards for State assessments required under section 1111;

"(II) local educational agencies that submit grant applications under section 5716 describing programs that the State determines would be both highly successful and replicable; and

"(III) an assortment of local educational agencies serving urban, suburban, and rural areas.

#### "SEC. 5716. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) IN GENERAL.—

"(1) FIRST YEAR.—

"(A) IN GENERAL.—For the first year that a State educational agency receives a grant under this subpart, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of carrying out the summer academic enrichment programs, except as provided in subparagraph (B).

"(B) TECHNICAL ASSISTANCE AND PLANNING ASSISTANCE.—The State educational agency may use not more than 5 percent of the funds—

"(i) to provide to the local educational agencies technical assistance that is aligned with the curriculum of the agencies for the programs;

"(ii) to enable the agencies to obtain such technical assistance from entities other than the State educational agency that have demonstrated success in using the curriculum; and

"(iii) to assist the agencies in planning activities to be carried out under this subpart.

"(2) SUCCEEDING YEARS.—

"(A) IN GENERAL.—For the second and third year that a State educational agency receives a grant under this subpart, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of carrying out the summer academic enrichment programs, except as provided in subparagraph (B).

"(B) TECHNICAL ASSISTANCE AND PLANNING ASSISTANCE.—The State educational agency may use not more than 5 percent of the funds—

"(i) to provide to the local educational agencies technical assistance that is aligned with the curriculum of the agencies for the programs;

"(ii) to enable the agencies to obtain such technical assistance from entities other than the State educational agency that have demonstrated success in using the curriculum; and

"(iii) to assist the agencies in evaluating activities carried out under this subpart.

"(b) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing by such information as the Secretary or the State may require.

“(2) CONTENTS.—The State shall require that such an application shall include, to the greatest extent practicable—

“(A) information that—

“(i) demonstrates that the local educational agency will carry out a summer academic enrichment program funded under this section—

“(I) that provides intensive high quality programs that are aligned with challenging State content and student performance standards and that are focused on reinforcing and boosting the core academic skills and knowledge of students who are struggling academically, as determined by the State;

“(II) that focuses on accelerated learning, rather than remediation, so that students served through the program will master the high level skills and knowledge needed to meet the highest State standards or to perform at high levels on all State assessments required under section 1111;

“(III) that is based on, and incorporates best practices developed from, research-based enrichment methods and practices;

“(IV) that has a proposed curriculum that is directly aligned with State content and student performance standards;

“(V) for which only teachers who are certified and licensed, and are otherwise fully qualified teachers, provide academic instruction to students enrolled in the program;

“(VI) that offers to staff in the program professional development and technical assistance that are aligned with the approved curriculum for the program; and

“(VII) that incorporates a parental involvement component that seeks to involve parents in the program's topics and students' daily activities; and

“(ii) may include—

“(I) the proposed curriculum for the summer academic enrichment program;

“(II) the local educational agency's plan for recruiting highly qualified and highly effective teachers to participate in the program; and

“(III) a schedule for the program that indicates that the program is of sufficient duration and intensity to achieve the State's goals and objectives described in section 5715(c)(2)(A);

“(B) an outline indicating how the local educational agency will utilize other applicable Federal, State, local, or other funds, other than funds made available through the grant, to support the program;

“(C) an explanation of how the local educational agency will ensure that only highly qualified personnel who volunteer to work with the type of student targeted for the program will work with the program and that the instruction provided through the program will be provided by qualified teachers;

“(D) an explanation of the types of intensive training or professional development, aligned with the curriculum of the program, that will be provided for staff of the program;

“(E) an explanation of the facilities to be used for the program;

“(F) an explanation regarding the duration of the periods of time that students and teachers in the program will have contact for instructional purposes (such as the hours per day and days per week of that contact, and the total length of the program);

“(G) an explanation of the proposed student/teacher ratio for the program, analyzed by grade level;

“(H) an explanation of the grade levels that will be served by the program;

“(I) an explanation of the approximate cost per student for the program;

“(J) an explanation of the salary costs for teachers in the program;

“(K) a description of a method for evaluating the effectiveness of the program at the local level;

“(L) information describing specific measurable goals and objectives, for each academic subject in which the program will provide instruction, that are consistent with, or more rigorous than, the adequate yearly progress goals established by the State under section 1111;

“(M) a description of how the local educational agency will involve parents and the community in the program in order to raise academic achievement; and

“(N) a description of how the local educational agency will acquire any needed technical assistance that is aligned with the curriculum of the agency for the program, from the State educational agency or other entities with demonstrated success in using the curriculum.

“(c) PRIORITY.—In making grants under this section, the State educational agency shall give priority to applicants who demonstrate a high level of need for the summer academic enrichment programs.

“(d) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of the cost described in subsection (a) is 50 percent.

“(2) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

“SEC. 5717. SUPPLEMENT NOT SUPPLANT.

“Funds appropriated pursuant to the authority of this subpart shall be used to supplement and not supplant other Federal, State, and local public or private funds expended to provide academic enrichment programs.

“SEC. 5718. REPORTS.

“(a) STATE REPORTS.—Each State educational agency that receives a grant under this subpart shall annually prepare and submit to the Secretary a report. The report shall describe—

“(1) the method the State educational agency used to make grants to eligible local educational agencies and to provide assistance to schools under this subpart;

“(2) the specific measurable goals and objectives described in section 5715(c)(2)(A) for the State as a whole and the extent to which the State met each of the goals and objectives in the year preceding the submission of the report;

“(3) the specific measurable goals and objectives described in section 5716(b)(2)(L) for each of the local educational agencies receiving a grant under this subpart in the State and the extent to which each of the agencies met each of the goals and objectives in that preceding year;

“(4) the steps that the State will take to ensure that any such local educational agency who did not meet the goals and objectives in that year will meet the goals and objectives in the year following the submission of the report or the plan that the State has for revoking the grant of such an agency and redistributing the grant funds to existing or new programs;

“(5) how eligible local educational agencies and schools used funds provided by the State educational agency under this subpart; and

“(6) the degree to which progress has been made toward meeting the goals and objectives described in section 5715(c)(2)(A).

“(b) REPORT TO CONGRESS.—The Secretary shall annually prepare and submit to Congress a report. The report shall describe—

“(1) the methods the State educational agencies used to make grants to eligible local educational agencies and to provide assistance to schools under this subpart;

“(2) how eligible local educational agencies and schools used funds provided under this subpart; and

“(3) the degree to which progress has been made toward meeting the goals and objectives described in sections 5715(c)(2)(A) and 5716(b)(2)(L).

“(c) GOVERNMENT ACCOUNTING OFFICE REPORT TO CONGRESS.—The Comptroller General of the United States shall conduct a study regarding the demonstration program carried out under this subpart and the impact of the program on student achievement. The Comptroller General shall prepare and submit to Congress a report containing the results of the study.

“SEC. 5719. ADMINISTRATION.

“The Secretary shall develop program guidelines for and oversee the demonstration program carried out under this subpart.

“SEC. 5720. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—The Secretary shall make available to carry out this subpart, \$25,000,000 for each of fiscal years 2001 through 2003 from funds appropriated under section 3107.

“(b) AVAILABILITY.—Any amounts made available pursuant to the authority of subsection (a) shall remain available until expended.

“SEC. 5721. TERMINATION.

“The authority provided by this subpart terminates 3 years after the date of enactment of the Student Education Enrichment Demonstration Act.

#### MURRAY AMENDMENT NO. 3122

Mrs. MURRAY proposed an amendment to the bill, S. 2, supra; as follows:

Beginning on page 182, strike line 20 and all that follows through page 183, line 6 and insert the following:

#### “Subpart 5—Class Size Reduction

“SEC. 2051. GRANT PROGRAM.

“(a) PURPOSE.—The purposes of this section are—

“(1) to reduce class size through the use of fully qualified teachers;

“(2) to assist States and local educational agencies in recruiting, hiring, and training 100,000 teachers in order to reduce class sizes nationally, in grades 1 through 3, to an average of 18 students per regular classroom; and

“(3) to improve teaching in those grades so that all students can learn to read independently and well by the end of the 3rd grade.

“(b) ALLOTMENT TO STATES.—

“(1) RESERVATION.—From the amount made available to carry out this subpart for a fiscal year, the Secretary shall reserve not more than 1 percent for the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities carried out in accordance with this section.

“(2) STATE ALLOTMENTS.—

“(A) HOLD HARMLESS.—

“(i) IN GENERAL.—Subject to subparagraph (B) and clause (ii), from the amount made available to carry out this subpart for a fiscal year and not reserved under paragraph (1), the Secretary shall allot to each State an amount equal to the amount that such State received for the preceding fiscal year under this section or section 310 of the Department of Education Appropriations Act, 2000, as the case may be.

“(ii) RATABLE REDUCTION.—If the amount made available to carry out this subpart for a fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for such fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

“(B) ALLOTMENT OF ADDITIONAL FUNDS.—

“(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the amount made

available to carry out this subpart and not reserved under paragraph (I) exceeds the amount made available to the States for the preceding year under the authorities described in subparagraph (A)(i), the Secretary shall allot to each of those States the percentage of the excess amount that is the greater of—

“(I) the percentage the State received for the preceding fiscal year of the total amount made available to the States under section 1122; or

“(II) the percentage so received of the total amount made available to the States under section 2202(b), as in effect on the day before the date of enactment of the Educational Opportunities Act, or the corresponding provision of this title, as the case may be.

“(ii) **RATABLE REDUCTIONS.**—If the excess amount for a fiscal year is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for such fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

“(c) **ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.**—

“(1) **ALLOCATION.**—Each State that receives funds under this section shall allocate a portion equal to not less than 99 percent of those funds to local educational agencies, of which—

“(A) 80 percent of the portion shall be allocated to those local educational agencies in proportion to the number of children, age 5 through 17, from families with incomes 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, who reside in the school district served by that local educational agency for the most recent fiscal year for which satisfactory data are available, compared to the number of those children who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

“(B) 20 percent of the portion shall be allocated to those local educational agencies in accordance with the relative enrollments of children, age 5 through 17, in public and private nonprofit elementary schools and secondary schools within the areas served by those agencies.

“(2) **EXCEPTION.**—Notwithstanding paragraph (1) and subsection (d)(2)(B), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher for a school served by that agency who is certified or licensed within the State, has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teacher teaches, that agency may use funds made available under this section to—

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

“(B) pay for activities described in subsection (d)(2)(A)(iii) that may be related to teaching in smaller classes.

“(3) **STATE ADMINISTRATIVE EXPENSES.**—The State educational agency for a State that receives funds under this section may use not more than 1 percent of the funds for State administrative expenses.

“(d) **USE OF FUNDS.**—

“(1) **MANDATORY USES.**—Each local educational agency that receives funds under this section shall use those funds to carry out effective approaches to reducing class size through use of fully qualified teachers who are certified or licensed within the

State, have baccalaureate degrees, and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content 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 most effective.

“(2) **PERMISSIBLE USES.**—

“(A) **IN GENERAL.**—Each such local educational agency may use funds made available under this section for—

“(i) recruiting (including through the use of signing bonuses, and 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 non-disabled children) and teachers of special needs children, who are certified or licensed within the State, have a baccalaureate degree and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach;

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

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

“(B) **LIMITATION ON TESTING AND PROFESSIONAL DEVELOPMENT.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), a local educational agency may use not more than a total of 25 percent of the funds received by the agency under this section for activities described in clauses (ii) and (iii) of subparagraph (A).

“(ii) **WAIVERS.**—A local educational agency may apply to the State educational agency for a waiver that would permit the agency to use more than 25 percent of the funds the agency receives under this section for activities described in subparagraph (A)(iii) for the purpose of helping teachers who have not met applicable State and local certification or licensing requirements become certified or licensed if—

“(I) the agency is in an Ed-Flex Partnership State under the Education Flexibility Partnership Act of 1999; and

“(II) 10 percent or more of teachers in elementary schools served by the agency have not met the certification or licensing requirements, or the State educational agency has waived those requirements for 10 percent or more of the teachers.

“(iii) **USE OF FUNDS UNDER WAIVER.**—If the State educational agency approves the local educational agency's application for a waiver under clause (ii), the local educational agency may use the funds subject to the conditions of the waiver for activities described in subparagraph (A)(iii) that are needed to ensure that at least 90 percent of the teachers in the elementary schools are certified or licensed within the State.

“(C) **USE OF FUNDS BY AGENCIES THAT HAVE REDUCED CLASS SIZE.**—Notwithstanding subparagraph (B), a local educational agency that has already reduced class size in the early elementary grades to 18 or fewer children (or has already reduced class size to a

State or local class size reduction goal that was in effect on November 28, 1999 if that goal is 20 or fewer children) may use funds received under this section—

“(i) to make further class size reductions in kindergarten through third grade;

“(ii) to reduce class size in other grades; or

“(iii) to carry out activities to improve teacher quality, including professional development.

“(3) **SUPPLEMENT, NOT SUPPLANT.**—Each such agency shall use funds made available under this section only to supplement, and not to supplant, State and local funds that, in the absence of funds made available under this section, would otherwise be expended for activities described in this section.

“(4) **LIMITATION ON USE FOR SALARIES AND BENEFITS.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), no funds made available under this section may be used to increase the salaries of, or provide benefits (other than participation in professional development and enrichment programs) to, teachers who are not hired under this section.

“(B) **EXCEPTION.**—Funds made available under this section may be used to pay the salaries of teachers hired under section 310 of the Department of Education Appropriations Act, 2000.

“(e) **REPORTS.**—

“(1) **STATE ACTIVITIES.**—Each State receiving funds under this section shall prepare and submit to the Secretary a biennial report on activities carried out in the State under this section that provides the information described in section 6122(a)(2) with respect to the activities.

“(2) **PROGRESS CONCERNING CLASS SIZE AND QUALIFIED TEACHERS.**—Each State and local educational agency receiving funds under this section shall publicly report to parents on—

“(A) the agency's progress in reducing class size, and increasing the percentage of classes in core academic areas taught by fully qualified teachers who are certified or licensed within the State, have baccalaureate degrees, and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach; and

“(B) the impact that hiring additional fully qualified teachers and reducing class size, has had, if any, on increasing student academic achievement.

“(3) **PROFESSIONAL QUALIFICATIONS.**—Each school receiving funds under this section shall provide to parents, on request, information about the professional qualifications of their child's teacher.

“(f) **PRIVATE SCHOOLS.**—If a local educational agency uses funds made available under this section for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary schools and secondary schools in such activities in accordance with section 6142. Section 6142 shall not apply to other activities carried out under this section.

“(g) **LOCAL 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 required under section 2034 a description of the agency's program to reduce class size by hiring additional fully qualified teachers.

“(i) **CERTIFICATION, LICENSING, AND COMPETENCY.**—No funds made available under this section may be used to pay the salary of any teacher hired with funds made available

under section 310 of the Department of Education Appropriations Act, 2000, unless, by the start of the 2000-2001 school year, the teacher is certified or licensed within the State and demonstrates competency in the content areas in which the teacher teaches.

“(j) DEFINITION.—In this section:

“(1) CERTIFIED.—The term ‘certified’ includes certification through State or local alternative routes.

“(2) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

#### “Subpart 6—Funding

#### “SEC. 2061. AUTHORIZATION OF APPROPRIATIONS.

“(a) FISCAL YEAR 2001.—There are authorized to be appropriated to carry out this part \$2,000,000,000 for fiscal year 2001, of which—

“(1) \$40,000,000 shall be available to carry out subpart 4; and

“(2) \$1,750,000,000 shall be available to carry out subpart 5.

“(b) OTHER FISCAL YEARS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal years 2002 through 2005, of which \$1,750,000,000 shall be available to carry out subpart 5.

#### “Subpart 7—General Provisions

#### “SEC. 2071. DEFINITIONS.

#### HUTCHISON (AND COLLINS) AMENDMENT NO. 3123

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by them to the bill, S. 2, supra; as follows:

On page 545, strike lines 5 through 9, and insert the following:

“(L) education reform projects that provide single gender schools and classrooms as long as comparable educational opportunities are offered for students of both sexes;”.

#### MANUFACTURED HOUSING IMPROVEMENT ACT

#### GRAMM (AND SARBANES) AMENDMENT NO. 3124

Mr. GORTON (for Mr. GRAMM (for himself and Mr. SARBANES)) proposed an amendment to the bill (S. 1452) to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes; as follows:

On page 41, line 20, strike “appoint” and insert “recommend”.

On page 44, beginning on line 14, strike “, subject to the approval of the Secretary, by the administering organization” and insert “by the Secretary, after consideration of the recommendations of the administering organization under paragraph (2)(A)(ii)(I),”.

On page 44, line 23, strike “may” and all that follows through page 45, line 2, and insert “shall state, in writing, the reasons for failing to appoint under subparagraph (B)(i) of this paragraph any individual recommended by the administering organization under paragraph (2)(A)(ii)(I)”.

On page 46, strike lines 3 through 5 and insert the following:

sensus committee, the Secretary, in appointing the members of the consensus committee—

“(I) shall ensure

On page 46, line 11, strike “the Secretary”.

On page 48, strike lines 17 through 22, and insert the following:

“(iii) ETHICS IN GOVERNMENT ACT OF 1978.—

“(I) IN GENERAL.—Subject to subclause (II), the Ethics in Government Act of 1978 (5 U.S.C. App.) shall not apply to members of the consensus committee to the extent of their proper participation as members of the consensus committee.

“(II) FINANCIAL DISCLOSURE.—The Secretary shall collect from each member of the consensus committee the financial information required to be disclosed under section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.). Notwithstanding section 552 of title 5, United States Code, such information shall be confidential and shall not be disclosed to any person, unless such disclosure is determined to be necessary by—

“(aa) the Secretary;

“(bb) the Chairman or Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate; or

“(cc) the Chairman or Ranking Member of the Committee on Banking and Financial Services of the House of Representatives.

“(III) PROHIBITION ON GIFTS FROM OUTSIDE SOURCES.—

“(aa) IN GENERAL.—Subject to item (bb), an individual who is a member of the consensus committee may not solicit or accept a gift of services or property (including any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value), if the gift is solicited or given because of the status of that individual as a member of the consensus committee.

“(bb) EXCEPTIONS.—The Secretary shall by regulation establish such exceptions to item (aa) as the Secretary determines to be appropriate, which shall include an exception for de minimis gifts.

On page 55, line 2, insert “with respect to a proposed revised standard submitted by the consensus committee under paragraph (4)(A)” after “paragraph (5)”.

On page 55, line 5, strike “proposed standard or regulation” and insert “proposed revised standard”.

On page 55, strike lines 7 and 8, and insert the following:

“(A) the proposed revised standard—

On page 55, line 18, strike “or regulation”.

On page 55, line 19, strike “or regulation”.

On page 55, lines 21 and 22, strike “standards or regulations proposed by the consensus committee” and insert “standard”.

On page 71, strike line 3 and insert the following:

“(3) PAYMENTS TO STATES.—On and after the effective date of the Manufactured Housing Improvement Act of 2000, the Secretary shall continue to fund the States having approved State plans in the amounts which are not less than the allocated amounts, based on the fee distribution system in effect on the day before such effective date.”.

#### NOTICES OF HEARINGS

##### 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 the legislative hearing regarding S. 1756, the National Laboratories Partnership Improvement Act of 1999; and S. 2336, the Networking and Information Technology Research and Development for Department of Energy Missions Act, which had been previously scheduled for Tuesday, May 9,

2000 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C. has been cancelled.

For further information, please call Trici Heninger or Bryan Hannegan at (202) 224-7875.

##### SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 1584, a bill to establish the Schuylkill River Valley National Heritage Area in the State of Pennsylvania; S. 1685 and H.R. 2932, a bill to authorize the Golden Spike/Crossroads of the West National Heritage Area; S. 1998, a bill to establish the Yuma Crossing National Heritage Area; S. 2247, a bill to establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes; S. 2421, a bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley Heritage Area in Connecticut and Massachusetts; and S. 2511, a bill to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes.

The hearing will take place on Thursday, May 18, 2000 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

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, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224-6969.

##### SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on the potential ban on snowmobiles in Yellowstone and Grand Teton National Parks and the recent decision by the Department of the Interior to prohibit snowmobile activities in other units of the National Park System.

The hearing will take place on Thursday, May 25 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those