

by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) extend programs and activities under the Elementary and Secondary Education Act of 1965.

TEXT OF AMENDMENTS

SA 649. Mr. ENZI (for himself, Ms. SNOWE, Mr. HAGEL, and Mr. DEWINE) proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed 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. ____ . FEDERAL PRIORITIES FOR SCHOOL REPAIR AND RENOVATION.

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

"PART B—SCHOOL RENOVATION PRIORITIES

"SEC. 9201. GENERALLY APPLICABLE PROVISIONS.

"(a) REQUIREMENT RELATING TO FUNDING OF CERTAIN SCHOOLS.—

"(1) REQUIREMENT.—Notwithstanding any other provision of law (including the provisions of this Act) and except as provided in section 9202(e)(1), in administering any Federal program to provide assistance for school construction, renovation, or repair the Secretary of Education shall ensure that assistance under such program is provided to meet the construction or renovation needs of schools receiving Impact Aid, schools under the jurisdiction of the Department of Defense, and Indian and Bureau of Indian Affairs funded schools prior to making any such assistance available under such program to other schools.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to apply to school construction bond programs or school renovation bond programs.

"(b) TARGETING OF CERTAIN SCHOOLS.—

"(1) GENERAL RULE.—Notwithstanding any other provision of law (including the provisions of this Act), amounts made available under any Federal program to provide assistance for school construction, renovation, or repair for a fiscal year and remaining available after the requirement of subsection (a) has been complied with and after amounts have been made available under section 9202(e)(1), shall be made available—

"(A) for qualified public school facility construction projects described in paragraph (2); and

"(B) to local educational agencies in States described in paragraph (3) for the renovation and construction of public education facilities in grades kindergarten through grade 12.

"(2) QUALIFIED PUBLIC SCHOOL FACILITY CONSTRUCTION PROJECT.—In paragraph (1)(A), the term 'qualified public school facility construction project' means a construction project selected by the State with respect to a public school facility—

"(A) 50 percent of the enrollment population of which is from families whose income does not exceed the poverty level, as determined by annual census data published by the Department of Labor;

"(B) that is located in a district in which the district bonded indebtedness or the indebtedness authorized by the district electorate and payable from general property tax levies of the districts within the agency's jurisdiction has reached or exceeded 90 percent of the debt limitation imposed upon school districts pursuant to State law;

"(C) with respect to which the local educational agency has made its best effort to maintain the existing facility; and

"(D) that is among the neediest 10 percent of all public elementary and secondary school facilities in the State, as determined by the State.

"(3) STATE ELIGIBILITY.—

"(A) IN GENERAL.—A State described in this paragraph shall be deemed an eligible State in which local educational agencies may receive grants for school renovation and construction if the State is appropriately participating in the renovation and construction of public education facilities in grades kindergarten through grade 12, as determined by the State. The State shall demonstrate that it has an operational plan to meet such an obligation.

"(B) RULE OF CONSTRUCTION.—In the case of a State with a school financing law separate from the State's education facilities capital construction plan, nothing in subparagraph (A) shall be construed as affecting the application of such financing law or the eligibility of such a State to receive a grant under this section.

"(4) FEDERAL SHARE.—The Federal share of the cost of any project funded under subparagraphs (A) and (B) of paragraph (1) shall not exceed 50 percent. The non-Federal share of the cost of such project may be provided in cash or in kind, fairly evaluated, including services.

"SEC. 9202. REVOLVING LOAN PROGRAM

"(a) DEFINITIONS.—In this section:

"(1) BOND.—The term 'bond' includes any obligation.

"(2) GOVERNOR.—The term 'Governor' includes the chief executive officer of a State.

"(3) PUBLIC SCHOOL FACILITY.—The term 'public school facility' shall not include—

"(A) any stadium or other facility primarily used for athletic contests or exhibitions, or other events for which admission is charged to the general public; or

"(B) any facility that is not owned by a State or local government or any agency or instrumentality of a State or local government.

"(4) QUALIFIED SCHOOL CONSTRUCTION BOND.—The term 'qualified school construction bond' means any bond (or portion of a bond) issued as part of an issue if—

"(A) 95 percent or more of the proceeds attributable to such bond (or portion) are to be used for the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a facility is to be constructed with part of the proceeds;

"(B) the bond is issued by a State, regional, or local entity, with bonding authority; and

"(C) the issuer designates such bond (or portion) for purposes of this section.

"(5) SECRETARIAL FUND.—The term 'Secretarial fund' means a fund established by the Secretary to carry out this section.

"(6) 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, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(b) LOAN AUTHORITY AND OTHER SUPPORT.—

"(1) LOANS AND STATE-ADMINISTERED PROGRAMS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), from funds made available to a State under subsection (e) the State, in consultation with the State educational agency—

"(i) may use the funds to make annual interest payment on qualified school construction bonds, to support State revolving fund

programs or for any other State-administered programs that assist State, regional, and local entities within the State in paying for the cost of construction, rehabilitation, repair, or acquisition described in subsection (a)(4)(A).

"(B) STATES WITH RESTRICTIONS.—If, on the date of enactment of this section, a State has in effect a law that prohibits the State from making certain loans described in subparagraph (A)(i), the State, in consultation with the State educational agency, may use the funds described in subparagraph (A) to support the other uses described in subparagraph (A)(i).

"(2) REQUESTS.—The Governor of each State desiring assistance under this section shall submit a request to the Secretary of Education at such time and in such manner as the Secretary may require.

"(3) ELIGIBILITY.—

"(A) IN GENERAL.—Only those States described in subparagraph (B) shall be eligible to receive assistance under this section with respect to a fiscal year.

"(B) STATES DESCRIBED.—With respect to a fiscal year, a State described in this subparagraph is a State that receives assistance under part A of title I for the fiscal year involved in an amount that is less than .4 percent of the total amount made available to all States under such part for such fiscal year.

"(4) PRIORITY.—In selecting entities to receive funds under paragraph (1) for projects involving construction, rehabilitation, repair, or acquisition of land for schools, the State shall give priority to entities with projects for schools with greatest need, as determined by the State. In determining the schools with greatest need, the State shall take into consideration whether a school—

"(A) is among the schools that have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

"(i) children living in areas with high concentrations of low-income families;

"(ii) children from low-income families; and

"(iii) children living in sparsely populated areas;

"(B) has inadequate school facilities and a low level of resources to meet the need for school facilities;

"(C) is located in a rural area;

"(D) is among the neediest 40 percent (except that schools described in section 9201(b)(2)(D) shall not be considered for purposes of this paragraph) of all public elementary and secondary schools in the State, as determined by the State; and

"(E) meets such criteria as the State may determine to be appropriate.

"(c) REPAYMENT.—

"(1) IN GENERAL.—Subject to paragraph (2), a State that uses funds made available under subsection (e) to make a loan or support a State-administered program under subsection (b)(1) shall repay to the Secretarial fund the amount of the loan or support, plus interest, at an annual rate of 4.5 percent. A State shall not be required to begin making such repayment until the year immediately following the 15th year for which the State is eligible to receive annual distributions from the fund (which shall be the final year for which the State shall be eligible for such a distribution under this Act). The amount of such loan or support shall be fully repaid during the 10-year period beginning on the expiration of the eligibility of the State under this section.

"(2) EXCEPTIONS.—

"(A) IN GENERAL.—The interest on the amount made available to a State under subsection (e) shall not accrue, prior to January 1, 2007, unless the amount appropriated to

carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for any fiscal year prior to fiscal year 2007 is sufficient to fully fund such part for the fiscal year at the originally promised level, which promised level would provide to each State 40 percent of the average per-pupil expenditure for providing special education and related services for each child with a disability in the State.

“(B) APPLICABLE INTEREST RATE.—Effective January 1, 2007, the applicable interest rate that will apply to an amount made available to a State under subsection (e) shall be—

“(i) 0 percent with respect to years in which the amount appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) is not sufficient to provide to each State at least 20 percent of the average per-pupil expenditure for providing special education and related services for each child with a disability in the State;

“(ii) 2.5 percent with respect to years in which the amount described in clause (i) is not sufficient to provide to each State at least 30 percent of such average per-pupil expenditure;

“(iii) 3.5 percent with respect to years in which the amount described in clause (i) is not sufficient to provide to each State at least 40 percent of such average per-pupil expenditure; and

“(iv) 4.5 percent with respect to years in which the amount described in clause (i) is sufficient to provide to each State at least 40 percent of such average per-pupil expenditure.

“(d) FEDERAL RESPONSIBILITIES.—The Secretary shall—

“(1) be responsible for ensuring that funds provided under this section are properly distributed;

“(2) ensure that funds provided under this section are used only to pay for—

“(A) the interest on qualified school construction bonds; or

“(B) a cost described in subsection (b)(1)(A)(ii); and

“(3) not have authority to approve or disapprove school construction plans assisted pursuant to this section, except to ensure that funds made available under this section are used only to supplement, and not supplant, the amount of school construction, rehabilitation, and repair, and acquisition of land for school facilities, in the State that would have occurred in the absence of such funds.

“(e) FUNDING.—

“(1) SET-ASIDE OF FEDERAL FUNDS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law (including section 9201(a) and the provisions of this Act) there shall be made available to carry out this section for each fiscal year, an amount equal to 20 percent of the total amount of Federal funds appropriated for such fiscal year for Federal programs to provide assistance for school construction, renovation, or repair.

“(B) TRANSFER OF FUNDS.—Not later than 60 days after the beginning of each fiscal year, the Secretary of the Treasury shall transfer to the Secretary of Education the amounts described in subparagraph with respect to the fiscal year involved and the Secretary shall utilize such amounts to carry out this section.

“(2) ALLOCATIONS.—

“(A) IN GENERAL.—Subject to subparagraph (C), of the amount available under paragraph (1) for a fiscal year, the Secretary shall make available to each State submitting a request under this section a loan amount that bears the same relation to such available amount as the amount the State received under part A of title I for fiscal year 2001 bears to the

loan amount received by all States under such part for such year.

“(B) DISBURSAL.—The Secretary shall disburse the amount made available to a State under subparagraph (A) or (C), on an annual basis, during the period beginning on October 1, 2001, and ending September 30, 2018.

“(C) SMALL STATE MINIMUM.—

“(i) MINIMUM.—No State shall receive a loan amount under subparagraph (A) for a fiscal year that is less than an amount equal to .5 percent of the total amount made available for such fiscal year under paragraph (1).

“(ii) STATES.—In this subparagraph, the term ‘State’ means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.”

NOTICE 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 a legislative hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, May 22, 2001, at 2:30 p.m., in room SH-216 of the Hart Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the Administration's energy plan and the following bills: S. 388, the National Energy Security Act of 2001; and S. 597, the Comprehensive and Balanced Energy Policy Act of 2001.

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

For further information, please call Trici Heninger, Staff Assistant, or Bryan Hannegan, Staff Scientist, at (202) 224-4971.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. 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 Water and Power.

The hearing will take place on Wednesday, May 23, 2001, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the Lower Klamath River Basin.

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 Subcommittee on Water and Power, Committee on Energy and Natural Resources, U.S. Senate, SH-212 Senate Hart Office Building, Washington, DC 20510-6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224-8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, May 16, 2001. The purpose of this hearing will be to review the credit title of the upcoming farm bill.

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

COMMITTEE ON ARMED SERVICES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 16, 2001, at 10 a.m., in executive session to consider certain pending nominations.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on the nominations of Maria Cine to be Assistant Secretary of Commerce and Director General of U.S. and Foreign Commercial Service; Kathleen Cooper to be Under Secretary of Commerce for Economic Affairs; Bruce Melman to be Secretary of Commerce for Technology Policy of the Department of Commerce; Sean O'Hollaren to be Assistant Secretary of Governmental Affairs; Donna McLean to be Assistant Secretary for Budget Programs and Chief Financial Officer of the Department of Transportation; and Tim Muris to be a Commissioner of the Federal Trade Commission on Wednesday, May 16, 2001, at 9:30 a.m.

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 Wednesday, May 16, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business, as follows:

Agenda Item No. 1, S. 230.—To direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center.

Agenda Item No. 2, S. 254.—To provide further protections for the watershed of the Little Sandy river as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes.

Agenda Item No. 3, S. 329.—To require the Secretary of the Interior to conduct a theme