

## (b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) APPLICATION TO LIQUIDATIONS OR RELIQUIDATIONS.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law and subject to paragraph (3), any article described in subheading 8402.11.10 of the Harmonized Tariff Schedule of the United States, as added by subsection (a) that was entered, or withdrawn from warehouse for consumption—

(A) on or after January 1, 2000, and

(B) before the date that is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as if such subheading 8402.11.10 applied to such entry or withdrawal, and the Secretary of the Treasury shall refund any excess duty paid with respect to such entry.

(3) REQUESTS.—Liquidation or reliquidation may be made under paragraph (2) with respect to any entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 835. A bill to establish the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, I am pleased today to introduce the Detroit River International Wildlife Refuge Establishment Act. The Detroit River is one of North America's greatest rivers and is a part of our Michigan heritage. It not only joins the Upper Great Lakes to the Lower Great Lakes, but it also connects Canadians and Americans through an inseparable border. This great resource is one that we must work hard to protect so that generations to come can benefit from its economic, recreational and ecological value.

The Detroit River provides a home to communities of unique plants and animals and rare, threatened and endangered species. The Michigan Department of Natural Resources and Ontario Ministry of Natural Resources recognize the Detroit River as having one of the highest diversities of wildlife and fish in all of the Great Lakes. More than 29 species of waterfowl and 65 kinds of fish make their home in the Detroit River. The river is an important waterfowl migration corridor where an estimated three million ducks, geese, swans, and coots migrate annually. The Detroit Audubon Society has documented over 300 species of birds in the Detroit-Windsor area, and approximately 150 bird species nest near the river.

The Detroit River also provides shipping channels which link Detroit to a worldwide economy. Further, approximately half of the over 870,000 pleasure boats registered in Michigan are used on the Detroit River and Lake St. Clair, in part to fish for the estimated

10 million walleye that ascend the Detroit River each spring from Lake Erie to spawn. These walleye have helped create an internationally renowned sport fishery.

In 1998, the Detroit River was designated an American Heritage River which will assist the community in a revitalization effort to celebrate the river's history and heritage. Further, it is anticipated that the Detroit River will receive a Canadian Heritage River designation this year, making it the first international heritage river system in North America.

This is a river that we need to protect. Fish and wildlife habitat in the Lower Detroit River continue to be destroyed and degraded. It has been estimated that over 95 percent of the historical, coastal wetlands along the river have been lost to development. This legislation would protect remaining high quality habitat before they are lost to further development and rehabilitate and enhance degraded ones.

Specifically, this legislation would authorize the Secretary of Interior to acquire American lands adjacent to the Detroit River in order to protect its wildlife and habitat. It further authorizes the President and Secretary of Interior to negotiate with Canadian officials to create a Detroit River International Wildlife Corridor in the lands adjacent to the River, including both American and Canadian lands. The legislation authorizes the Secretary to procure land from willing sellers or donors, islands and other natural features along the Detroit River, running some 18 miles from Mud Island to Pt. Mouillee. The legislation would also authorize the Secretary to negotiate cooperative management agreements with landowners living along the Detroit River.

The Detroit River International Wildlife Refuge Establishment Act will provide the protections necessary to save and preserve this priceless treasure for generations to come.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 372. Mr. CRAIG 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 373. Mr. BYRD (for himself and Mr. DEWINE) proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 374. Mrs. CARNAHAN submitted an amendment intended to be proposed by her to the bill S. 1, supra; which was ordered to lie on the table.

SA 375. Mr. KENNEDY proposed an amendment to amendment SA 358 proposed by Mr. JEFFORDS to the bill (S. 1) supra.

SA 376. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 377. Mr. CLELAND 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 372. Mr. CRAIG proposed an amendment to amendment SA 358 pro-

posed 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 29, between lines 14 and 15, insert the following:

#### “SEC. 16. FUNDING RULE.

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

“(1) Adjusted for inflation, the amount of money Federal, State, and local governments spend per public school student has nearly doubled over the past 30 years.

“(2) This doubling of real, per-pupil spending has had no effect on test scores.

“(3) In 1965, the Federal Government enacted title I of the Elementary and Secondary Education Act of 1965 to eradicate the achievement gap between economically disadvantaged students and their more advantaged peers.

“(4) In 2001 that achievement gap persists, unaffected by the \$120,000,000,000 the Federal Government has spent on such title I.

“(5) In 1996 the Department of Education reported that ‘The progress of [part A of title I] participants on standardized tests and on criterion-referenced tests was no better than that of nonparticipants with similar backgrounds and prior achievement’.

“(b) FUNDING RULE.—Notwithstanding any other provision of this Act, a State shall be eligible for an increase in the amount of funds made available under this Act from one fiscal year to the next fiscal year (after adjusting for increases in the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics) when the State meets the requirements for adequate yearly progress for the State under section 1111(b)(2) for the school year preceding the fiscal year for which the determination is made, except that nothing in this subsection shall be construed to provide funds to a State under this Act for any fiscal year in an amount that is less than the amount of funds provided to the State under this Act for fiscal year 2001.”.

SA 373. Mr. BYRD (for himself and Mr. DEWINE) 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 586, between lines 18 and 19, insert the following:

#### SEC. 405. GRANTS TO REDUCE ALCOHOL ABUSE.

Title IV (20 U.S.C. 7101 et seq.) is further amended by adding at the end the following:

#### “PART E—GRANTS TO REDUCE ALCOHOL ABUSE

#### “SEC. 4501. GRANTS TO REDUCE ALCOHOL ABUSE.

“(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants, on a competitive basis, to local educational agencies to enable such agencies to develop and implement innovative and effective programs to reduce alcohol abuse in secondary schools.

“(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a local educational agency shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) a description of the activities to be carried out under the grant;

“(2) an assurance that such activities will include 1 or more of the proven strategies for reducing underage alcohol abuse as determined by the Substance Abuse and Mental Health Services Administration;

“(3) an explanation of how activities to be carried under the grant that are not described in paragraph (2) will be effective in reducing underage alcohol abuse, including references to the past effectiveness of such activities;

“(4) an assurance that the applicant will submit to the Secretary an annual report concerning the effectiveness of the programs and activities funded under the grant; and

“(5) such other information as the Secretary determines appropriate.

“(c) STREAMLINING OF PROCESS FOR LOW-INCOME AND RURAL LEAS.—The Secretary, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, shall develop procedures to make the application process for grants under this section more user-friendly, particularly for low-income and rural local educational agencies.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, \$25,000,000 for fiscal year 2002, and such sums as may be necessary in each of the 6 subsequent fiscal years.

“(2) RESERVATIONS.—

“(A) SAMHSA.—The Secretary shall reserve 20 percent of the amount appropriated for each fiscal year under paragraph (1) to enable the Administrator of the Substance Abuse and Mental Health Services Administration to provide alcohol abuse resources and start-up assistance to local educational agencies receiving grants under this section.

“(B) LOW-INCOME AND RURAL AREAS.—The Secretary shall reserve 25 percent of the amount appropriated for each fiscal year under paragraph (1) to award grants under this section to low-income and rural local educational agencies.”.

**SA 374.** Mrs. CARNAHAN 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 319, line 4, insert “, including teaching specialists in core academic subjects” after “principals”.

On page 326, line 1, insert “, including strategies to implement a year-round school schedule that will allow the local educational agency to increase pay for veteran teachers and reduce the agency’s need to hire additional teachers or construct new facilities” after “performance”.

On page 327, line 2, insert “as well as teaching specialists in core academic subjects who will provide increased individualized instruction to students served by the local educational agency participating in the eligible partnership” after “qualified”.

On page 517, line 18, strike “and”.

On page 517, line 20, strike the period and insert “; and”.

On page 517, between lines 20 and 21, insert the following:

“(I) alternative programs for the education and discipline of chronically violent and disruptive students.

On page 528, line 11, strike “and”.

On page 528, line 14, strike the period and insert “; and”.

On page 528, between lines 14 and 15, insert the following:

“(16) alternative programs for the education and discipline of chronically violent and disruptive students.

On page 539, line 10, strike “and”.

On page 539, between lines 10 and 11, insert the following:

“(E) alternative programs for the education and discipline of chronically violent and disruptive students; and”.

**SA 375.** Mr. KENNEDY 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:

**SEC. 902. SENSE OF THE SENATE; AUTHORIZATION OF APPROPRIATIONS.**

(a) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should appropriate \$3,000,000,000 for fiscal year 2002 to carry out part A title II of the Elementary and Secondary Education Act of 1965 and thereby—

(1) provide that schools, local educational agencies, and States have the resources they need to put a highly qualified teacher in every classroom in each school in which 50 percent or more of the children are from low income families, over the next 4 years;

(2) provide 125,000 new teachers with mentors and year-long supervised internships; and

(3) provide high quality pedagogical training for every teacher in every school.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out title II of the Elementary and Secondary Education Act of 1965—

(1) \$3,500,000,000 for fiscal year 2003;

(2) \$4,000,000,000 for fiscal year 2004;

(3) \$4,500,000,000 for fiscal year 2005;

(4) \$5,000,000,000 for fiscal year 2006;

(5) \$5,500,000,000 for fiscal year 2007;

(6) \$6,000,000,000 for fiscal year 2008.

**SA 376.** Mr. CLELAND 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 577, between lines 15 and 16, insert the following:

**SEC. 404. SCHOOL SAFETY ENHANCEMENT.**

Title IV (20 U.S.C. 7101 et seq.) is further amended by adding at the end the following:

**“PART D—SCHOOL SAFETY ENHANCEMENT**

**“SEC. 4351. SHORT TITLE.**

“This part may be cited as the ‘School Safety Enhancement Act of 2001’.

**“SEC. 4352. FINDINGS.**

“Congress makes the following findings:

“(1) While our Nation’s schools are still relatively safe, it is imperative that schools be provided with adequate resources to prevent incidents of violence.

“(2) Approximately 10 percent of all public schools reported at least 1 serious violent crime to a law enforcement agency over the course of the 1996–1997 school year.

“(3) In 1996, approximately 225,000 students between the ages of 12 and 18 were victims of nonfatal violent crime in schools in the United States.

“(4) From 1992 through 1994, 76 students and 29 non-students were victims of murders or suicides that were committed in schools in the United States.

“(5) The school violence incidents in several States across the Nation in 1998 and 1999 caused enormous damage to schools, families, and whole communities.

“(6) Because of escalating school violence, the children of the United States are increasingly afraid that they will be attacked or harmed at school.

“(7) A report issued by the Department of Education in August, 1998, entitled ‘Early Warning, Early Response’ concluded that the reduction and prevention of school violence is best achieved through safety plans which involve the entire community, policies which emphasize both prevention and intervention, training school personnel, parents, students, and community members to recognize the early warning signs of potential violent behavior and to share their concerns or observations with trained personnel, establishing procedures which allow rapid response and intervention when early warning signs of violent behavior are identified, and providing adequate support and access to services for troubled students.

**“SEC. 4353. NATIONAL CENTER FOR SCHOOL AND YOUTH SAFETY.**

“(a) ESTABLISHMENT.—The Secretary of Education and the Attorney General shall jointly establish a National Center for School and Youth Safety (in this section referred to as the ‘Center’). The Secretary of Education and the Attorney General may establish the Center at an existing facility, if the facility has a history of performing two or more of the duties described in subsection (b). The Secretary of Education and the Attorney General shall jointly appoint a Director of the Center to oversee the operation of the Center.

“(b) DUTIES.—The Center shall carry out emergency response, anonymous student hotline, consultation, and information and outreach activities with respect to elementary and secondary school safety, including the following:

“(1) EMERGENCY RESPONSE.—The staff of the Center, and such temporary contract employees as the Director of the Center shall determine necessary, shall offer emergency assistance to local communities to respond to school safety crises. Such assistance shall include counseling for victims and the community, assistance to law enforcement to address short-term security concerns, and advice on how to enhance school safety, prevent future incidents, and respond to future incidents.

“(2) ANONYMOUS STUDENT HOTLINE.—The Center shall establish a toll-free telephone number for students to report criminal activity, threats of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, depression, or other warning signs of potentially violent behavior. The Center shall relay the reports, without attribution, to local law enforcement or appropriate school hotlines. The Director of the Center shall work with the Attorney General to establish guidelines for Center staff to work with law enforcement around the Nation to relay information reported through the hotline.

“(3) CONSULTATION.—The Center shall establish a toll-free number for the public to contact staff of the Center for consultation regarding school safety. The Director of the Center shall hire administrative staff and individuals with expertise in enhancing school safety, including individuals with backgrounds in counseling and psychology, education, law enforcement and criminal justice, and community development to assist in the consultation.

“(4) INFORMATION AND OUTREACH.—The Center shall compile information about the best practices in school violence prevention, intervention, and crisis management, and shall serve as a clearinghouse for model school safety program information. The staff of the Center shall work to ensure local governments, school officials, parents, students,

and law enforcement officials and agencies are aware of the resources, grants, and expertise available to enhance school safety and prevent school crime. The staff of the Center shall give special attention to providing outreach to rural and impoverished communities.

“(c) FUNDING.—The Secretary of Education shall make available \$15,000,000 from amounts appropriated to carry out this title, and the Attorney General shall make available \$35,000,000 from amounts appropriated for programs administered by the Office of Justice Programs of the Department of Justice, for each of fiscal years 2002 through 2005 to carry out this section.

**“SEC. 4354. SAFE COMMUNITIES, SAFE SCHOOLS.**

“(a) GRANTS AUTHORIZED.—Using funds made available under subsection (c), the Secretary of Education, the Secretary of Health and Human Services, and the Attorney General shall award grants, on a competitive basis, to help communities develop community-wide safety programs involving students, parents, educators, guidance counselors, psychologists, law enforcement officials or agencies, civic leaders, and other organizations serving the community.

“(b) AUTHORIZED ACTIVITIES.—Funds provided under this section may be used for activities that may include efforts to—

“(1) increase early intervention strategies;

“(2) expand parental involvement;

“(3) increase students’ awareness of warning signs of violent behavior;

“(4) promote students’ responsibility to report the warning signs to appropriate persons;

“(5) promote conflict resolution and peer mediation programs;

“(6) increase the number of after-school programs;

“(7) expand the use of safety-related equipment and technology; and

“(8) expand students’ access to mental health services.

“(c) FUNDING.—The Secretary of Education shall make available \$24,000,000 for each of the fiscal years 2002 through 2005 to carry out this section from amounts appropriated to carry out this title.”

**SEC. 405. AMENDMENTS TO THE NATIONAL CHILD PROTECTION ACT OF 1993.**

Section 5(10) of the National Child Protection Act of 1993 (42 U.S.C. 5119c(10)) is amended to read as follows:

“(10) the term ‘qualified entity’ means—

“(A) a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services; or

“(B) an elementary or secondary school.”

**SA 377.** Mr. CLELAND 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 319, between lines 19 and 20, insert the following:

“(12) Supporting the activities of professional development schools and education councils, involving partnerships between elementary schools, secondary schools, and institutions of higher education, including community colleges, for the purpose of—

“(A) preparing out-of-field teachers to be qualified to teach all of the classes that the teachers are assigned to teach;

“(B) preparing paraprofessionals to become fully qualified teachers in areas served by high need local educational agencies;

“(C) supporting teams of master teachers, including teachers certified by the National Board for Professional Teaching Standards, and student teacher interns as a part of an extended teacher education program; and

“(D) supporting teams of master teachers, including teachers certified by the National Board for Professional Teaching Standards, to serve in low-performing schools.

On page 329, line 7, strike “; and” and insert a semicolon.

On page 329, line 13, strike the period and insert “; and”.

On page 329, between lines 13 and 14, insert the following:

“(C) may include activities carried out jointly with professional development schools and education councils, involving partnerships between elementary schools, secondary schools, and institutions of higher education, including community colleges, for the purpose of improving teaching and learning at low-performing schools.

On page 329, between lines 18 and 19, insert the following:

“(c) DEFINITIONS.—In this section:

“(1) EDUCATION COUNCIL.—The term ‘education council’ means a partnership that—

“(A) is established between—

“(i) an elementary school or a secondary school; and

“(ii) an institution of higher education; and

“(B) provides professional development to teachers to ensure that the teachers are prepared and meet high standards for teaching, particularly by educating and preparing prospective teachers in a classroom setting and enhancing the knowledge of in-service teachers while improving the education of the classroom students.

“(2) LOW-PERFORMING SCHOOL.—The term ‘low-performing school’ means an elementary school or secondary school that is determined to be low-performing by a State, on the basis of factors such as low student achievement, low student performance, unclear academic standards, high rates of student absenteeism, high dropout rates, and high rates of staff turnover or absenteeism.

“(3) PROFESSIONAL DEVELOPMENT SCHOOL.—The term ‘professional development school’ means a partnership that—

“(A) is established between—

“(i) an elementary school or a secondary school; and

“(ii) an institution of higher education; and

“(B)(i) provides sustained and high quality preservice clinical experience, including the mentoring of prospective teachers by veteran teachers;

“(ii) substantially increases interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools; and

“(iii) provides support, including preparation time, for such interaction.

**THE GREEN SCARE**

Mr. MURKOWSKI. Mr. President, our collective national memory is still haunted by images from the so-called “McCarthy Era.” This was a time in the middle of the last century when “The Red Scare” came to dominate both the headlines and the national consciousness, a time when no stone was left unturned in the search for the Communists beneath them.

Truth took a back seat during “The Red Scare,” with the result that innocent and guilty alike had their rights

trampled upon, and an entirely proper investigation became an exercise in hysteria. During “The Red Scare” we lost track of the facts and got wrapped-up in the emotions of the time.

The United States is now entering into an energy crisis. Demand for power is up and supplies are, if not down, at least not keeping up with that demand. As an example, gasoline prices are over \$2 a gallon, and the hot weather and travel season aren’t even here yet, Mr. President!

We all know there’s a real power crisis in the State of California. How it came about is well-documented and need not occupy us here today. Suffice it to say, all the elements conspired to come together at the right time and in the right place—much like the events told in “The Perfect Storm”—and this disaster is now upon us.

How are we going to get out of it, or, at least, mitigate the worst of its effects? How do we get there from here? I submit we are neither going to exclusively drill our way out of it, nor are we going to exclusively conserve our way out of it. Both those options may look good on paper, but they are doomed to failure in the real world.

This body is about to come to grips with designing a national energy policy. It will be an interesting time for us, as we work to blend effective conservation measures with ways to ensure that we have the power sources we need. It is my hope that this plan will be based on sound science, not on emotions or slogans. If it’s not, it’s eye-wash, not worth the paper the headlines it would generate are written on.

Mr. President, there is a five-part series entitled “Environment Inc.,” which ran between April 22 and April 26, 2001, in the “Sacramento Bee” newspaper.

This series was written by a “Bee” reporter named Tom Knudson. Mr. Knudson has won two Pulitzer Prizes for his writing on environmental issues.

This series examines the high-powered fund raising machine that now characterizes much of today’s Corporate Environmental Culture, a machine that increasingly funds, not environmental conservation efforts, but an unceasing flow of litigation and a spreading spill of public relations efforts. Conservation organizations have, themselves, become big businesses, complete with fund raising consultants and tremendous salaries.

Annual salaries for the heads of 9 of the 10 largest environmental groups now top \$200,000; one makes over \$300,000 a year. In 1997, and I quote here: “. . . one group fired its president and awarded him a severance payment of \$760,335.” We don’t see television ads of fat cats in their high-rise offices or swilling martinis in ritzy hotels. The article notes that some are now calling the Sierra Club, “Club Sierrra.” John Muir would be appalled, I think.

Make no mistake about it, the Corporate Environmental Culture has