

revenue generated from the sale of electricity provides a source of income to offset the cleanup costs, while providing important kilowatts to the power grid.

The bill I am introducing today would extend the 1.5 cent per kilowatt hour production tax credit that is currently available to wind, closed-loop biomass, and poultry waste by making it available to all agricultural and animal waste sources.

There have been other bills introduced that would extend the tax credit to additional renewable sources such as solar energy. I encourage efforts to broaden the definition of renewable sources and, for that reason, I am also proposing an amendment to S. 388, the comprehensive national energy bill introduced by Senator MURKOWSKI. The amendment would add agricultural and animal waste as a renewable energy resource listed under that bill.

The use of modern technology to generate electricity from waste should not be overlooked. The tax credit is an important incentive to encourage its wider use. I encourage my colleagues to join me in this important initiative. I ask unanimous consent that the text of the bill and the amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 845

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATIONS TO CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES AND EXTENSION TO WASTE ENERGY.

(a) EXPANSION OF QUALIFIED ENERGY RESOURCES.—

(1) IN GENERAL.—Section 45(c)(1) of the Internal Revenue Code of 1986 (defining qualified energy resources) is amended by striking subparagraph (C) and inserting the following:

“(C) agricultural and animal waste sources.”.

(2) DEFINITIONS.—Section 45(c) of such Code (relating to definitions) is amended by adding at the end the following new paragraph:

“(5) AGRICULTURAL AND ANIMAL WASTE SOURCES.—The term ‘agricultural and animal waste sources’ means all waste heat, steam, and fuels produced from the conversion of agricultural and animal wastes, including by-products, packaging, and any materials associated with the processing, feeding, selling, transporting, and disposal of agricultural and animal products or wastes (such as wood shavings, straw, rice hulls, and other bedding material for the disposition of manure).”.

(b) EXTENSION AND MODIFICATION OF PLACED-IN-SERVICE RULES.—Section 45(c)(3) of the Internal Revenue Code of 1986 (defining qualified facility) is amended by striking subparagraph (C) and inserting the following:

“(C) AGRICULTURAL AND ANIMAL WASTE FACILITY.—In the case of a facility using agricultural and animal waste to produce electricity, the term ‘qualified facility’ means any facility of the taxpayer which is originally placed in service—

“(i) in the case of a facility using poultry waste, after December 31, 1999, and before January 1, 2002, and

“(ii) in the case of any other facility, after the date of the enactment of this subparagraph and before July 1, 2011.

“(D) COMBINED PRODUCTION FACILITIES INCLUDED.—For purposes of this paragraph, the term ‘qualified facility’ shall include a facility using agricultural and animal waste to produce electricity and other biobased products such as chemicals and fuels from renewable resources.

“(E) SPECIAL RULES.—In the case of a qualified facility described in subparagraph (C)—

“(i) the 10-year period referred to in subsection (a) shall be treated as beginning no earlier than the date of the enactment of this paragraph, and

“(ii) subsection (b)(3) shall not apply to any such facility originally placed in service before January 1, 1997.”.

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 45 of the Internal Revenue Code of 1986 is amended by inserting “and waste energy” after “renewable”.

(2) The item relating to section 45 in the table of sections subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting “and waste energy” after “renewable”.

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

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SUBMITTED RESOLUTIONS
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SENATE RESOLUTION 83—REFER-
RING S. 846 ENTITLED “A BILL
FOR THE RELIEF OF J.L. SIM-
MONS COMPANY, INC., OF CHAM-
PAIGN, ILLINOIS” TO THE CHIEF
JUDGE OF THE UNITED STATES
COURT OF FEDERAL CLAIMS
FOR A REPORT THEREON

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

S. RES. 83

Resolved,

SECTION 1. REFERRAL.

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

SEC. 2. PROCEEDING AND REPORT.

The chief judge shall—

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

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

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

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

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

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

S. RES. 84

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

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

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

—————
AMENDMENTS SUBMITTED AND
PROPOSED

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

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

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

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

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

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

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

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

SA 391. Mr. CAMPBELL (for himself, Mr. GRASSLEY, Mr. AKAKA, Mr. INOUE, and Mr.

INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1, to extend programs and activities under the Elementary and Secondary Education Act of 1965; which was ordered to lie on the table.

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

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

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

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

TEXT OF AMENDMENTS

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

At the appropriate place, insert the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

At the end, add the following:

TITLE —TEACHER PROTECTION

SEC. 1. TEACHER PROTECTION.

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

"TITLE —TEACHER PROTECTION

"SEC. 1. SHORT TITLE.

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

"SEC. 2. FINDINGS AND PURPOSE.

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

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

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

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

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

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

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

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

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

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

"SEC. 3. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

"(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except

that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

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

"(1) citing the authority of this subsection;

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

"(3) containing no other provisions.

"SEC. 4. LIMITATION ON LIABILITY FOR TEACHERS.

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

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

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

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

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

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

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

"(B) maintain insurance.

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

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

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

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

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

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

"(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action or omission of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the