

in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; to the Committee on Indian Affairs.

By Mr. DURBIN:

S. 2164. A bill to suspend temporarily the duty on certain compound optical microscopes; to the Committee on Finance.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 2165. A bill to amend the Harmonized Tariff Schedule of the United States to provide for temporary duty-free treatment for certain semiconductor mold compounds; to the Committee on Finance.

By Mr. KENNEDY:

S. 2166. A bill to suspend until June 30, 2003, the duty on transformers for use in certain radiobroadcast receivers with compact disc players and capable of receiving signals on AM and FM frequencies; to the Committee on Finance.

By Mr. KENNEDY:

S. 2167. A bill to suspend until June 30, 2003, the duty on transformers for use in certain radiobroadcast receivers capable of receiving signals on AM and FM frequencies; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2168. A bill to extend the temporary suspension of duty on certain methyl esters; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2169. A bill to reduce temporarily the duty on certain methyl esters; to the Committee on Finance.

By Mr. THOMPSON:

S. 2170. A bill to provide for the reliquidation of certain entries of printing cartridges; to the Committee on Finance.

By Mr. THOMPSON:

S. 2171. A bill to reliquidate certain entries of N,N-dicyclohexyl-2-benzothiazole-sulfenamide; to the Committee on Finance.

By Mr. THOMPSON:

S. 2172. A bill to suspend temporarily the duty on thionyl chloride; to the Committee on Finance.

By Mr. THOMPSON:

S. 2173. A bill to suspend temporarily the duty on PHBA (p-hydroxybenzoic acid); to the Committee on Finance.

By Mr. THOMPSON:

S. 2174. A bill to suspend temporarily the duty on THQ (Toluhydroquinone); to the Committee on Finance.

By Mr. THOMPSON:

S. 2175. A bill to suspend temporarily the duty on 1-fluoro-2-nitro-benzene; to the Committee on Finance.

By Mr. THOMPSON (for himself and Mr. FRIST):

S. 2176. A bill to reliquidate certain entries; to the Committee on Finance.

By Mr. THOMPSON:

S. 2177. A bill to extend the duty suspension on DMT; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2178. A bill to amend the Higher Education Act of 1965 to require colleges and universities to disclose to students and their parents the incidents of fires in dormitories, and their plans to reduce fire safety hazards in dormitories, to require the United States Fire Administration to establish fire safety standards for dormitories, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself, Mr. WARNER, Mr. MURKOWSKI, and Mr. KYL):

S. 2179. A bill to provide for the term of office of the first person appointed to the position of under Secretary for Nuclear Security of the Department of Energy; to the Committee on Armed Services.

By Mr. ABRAHAM:

S. 2180. A bill to repeal the increase in the tax on social security benefits, to eliminate

the earnings test for individuals who have attained retirement age, and to gradually raise the age for required minimum distributions from pension plans, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MACK (for himself and Mr. GRAHAM):

S. Res. 265. A resolution commending the Florida State University football team for winning the 1999 Division I-A collegiate football national championship; considered and agreed to.

By Mr. COLLINS (for herself, Mr. SCHUMER, Mr. JEFFORDS, Ms. SNOWE, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. LEVIN, Mr. LEAHY, and Mr. DODD):

S. Con. Res. 88. A concurrent resolution expressing the sense of Congress concerning drawdowns of the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL (for himself and Mr. DODD):

S. Con. Res. 89. A concurrent resolution to establish the Joint Congressional Committee on Inaugural Ceremonies for the inauguration of the President-elect and Vice President-elect of the United States on January 20, 2001; considered and agreed to.

By Mr. MCCONNELL (for himself and Mr. DODD):

S. Con. Res. 90. A concurrent resolution to authorize the use of the rotunda of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States; considered and agreed to.

By Mr. DURBIN (for himself, Mr. GORTON, Mr. LOTT, Mr. HELMS, Mr. CAMPBELL, Mrs. FEINSTEIN, Mr. ABRAHAM, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. SMITH OF OREGON, Mr. ROBB, and Mr. FITZGERALD):

S. Con. Res. 91. A concurrent resolution congratulating the Republic of Lithuania on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 2146. A bill to amend the Harmonized Tariff Schedule of the United States to provide for temporary duty-free treatment for certain semi-manufactured forms of gold; to the Committee on Finance.

LEGISLATION TO AMEND THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES TO PROVIDE FOR THE DUTY-FREE TREATMENT FOR CERTAIN SEMI-MANUFACTURED FORMS OF GOLD

Mr. CRAPO. Mr. President, I rise today to introduce legislation that will help our domestic semiconductor industry continue to thrive. The proposal

that I am introducing today, along with my colleague from Idaho, Senator Larry CRAIG, merely extends an existing temporary duty suspension for certain semi-manufactured forms of gold. Specifically, the bill amends the U.S. Harmonized Tariff Schedule to extend, until December 31, 2005, the duty-free treatment of gold bonding wire. This product is critical to the manufacture of semiconductors and integrated circuits.

The Miscellaneous Trade and Technical Corrections Act of 1996 suspended the 4.9 percent duty given to gold bond wiring classified under Harmonized Tariff Number 7108.13.7000. This temporary duty suspension expires on December 31, 2000 and should be renewed. This is particularly true given that the duty on most other products used in the manufacture of semiconductors were removed during the General Agreement on Tariffs and Trade Uruguay Round of multilateral trade negotiations which concluded in 1994. Members of the U.S. semiconductor industry believe the failure to include gold bonding wire in the list of duty eliminations was more of an oversight than anything else. This legislation helps rectify this situation.

The gold bonding wire essential to the manufacture of semiconductors and integrated circuits is unique in its fineness, purity and application. The nearly 100 percent pure gold wire whose diameter measures 0.05 millimeters or less has no other known purposes or uses other than those associated with the assembly of semiconductors.

U.S. semiconductor manufacturers that assemble their products domestically rather than abroad will be adversely impacted if this duty suspension lapses. A duty of almost five percent on gold bond wiring would increase the cost of doing business for American companies that choose to assemble their goods in this country. We should support, not hinder, efforts like this one that are a win-win for the American labor force and our nation's economy. More hardworking Americans are employed when the assembly process occurs domestically. Furthermore, lower costs encourage more U.S. companies to conduct these activities at home. In the end, this provides a boost to the overall economic well-being of the United States.

This duty suspension proposal lacks domestic opposition and its passage has only a de minimis revenue impact. I hope my colleagues will join me in supporting this measure. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2146

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY ON CERTAIN SEMI-MANUFACTURED FORMS OF GOLD.

(a) IN GENERAL.—Subheading 9902.71.08 of the Harmonized Tariff Schedule of the United States is amended by striking “12/31/2000” and inserting “12/31/2005”.

(b) EFFECTIVE DATE.—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 enactment of this Act.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2148. A bill to suspend through December 31, 2004, the duty on certain other single yarn of viscose rayon; to the Committee on Finance.

S. 2149. A bill to suspend through December 31, 2004, the duty on certain other single yarn of viscose rayon; to the Committee on Finance.

S. 2150. A bill to suspend through December 31, 2004, the duty on certain other single yarn of viscose rayon; to the Committee on Finance.

S. 2151. A bill to suspend through December 31, 2004, the duty on high tenacity multiple (folded) or cabled yarn of viscose rayon; to the Committee on Finance.

S. 2152. A bill to suspend through December 31, 2004, the duty on high tenacity single yarn of viscose rayon; to the Committee on Finance.

S. 2153. A bill to suspend temporarily duty on cobalt boron; to the Committee on Finance.

S. 2154. A bill to extend the temporary suspension of duty on ferroboration; to the Committee on Finance.

S. 2155. A bill to suspend through December 31, 2003, on metachlorobenzaldehyde, propiophenone, 4-bromo-2-fluoroacetanilide, and 2,6-dichlorotoluene; to the Committee on Finance.

S. 2156. A bill to suspend through December 31, 2003, the duty on textured rolled glass sheets; to the Committee on Finance.

S. 2157. A bill to suspend through December 31, 2004, the duty on other yarn, multiple (folded) or cabled, of viscose rayon; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. HOLLINGS. Mr. President, today I, along with Senator THURMOND, introduce a series of duty suspensions designed to permit the import of raw materials into the United States duty free. The materials are not indigenous to or made in the United States. Therefore, their importation will not displace domestic sourcing. Moreover, because of the nature of the products at issue, they will assist in the creation of additional jobs in the United States.

I believe this is the most appropriate use of such legislation. The imported product will not displace any that is manufactured in the United States. Moreover, the imported product will assist in enhancing American productive capacity. I am, therefore, hopeful that this new capacity can be used to supply both domestic and foreign needs

and will increase employment in the United States.

By Mr. ASHCROFT:

S. 2159. A bill to provide flexibility when merited and accountability when warranted in the Nation's elementary schools and secondary schools, to amend the Higher Education Act of 1965 to provide achievement-based college scholarships to students in failing schools or failing school districts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EXCELLENT SCHOOLS FOR ALL OUR CHILDREN ACT

• Mr. ASHCROFT. Mr. President, today I am introducing legislation to address a serious and specific crisis that has occurred in my home state of Missouri.

In October of 1999, the Missouri State Board of Education canceled accreditation for Kansas City's schools, effective May 1, 2000, and gave St. Louis a court-required probationary period in lieu of accreditation withdrawal. Today, 80,000 young people are trapped in these failing urban school districts. It is hard for students to be successful in these types of settings. Both of these school districts receive substantial financial resources from the federal government, yet we are not seeing positive results on our investment. It is time for taxpayers to have accountability so that they know their tax dollars are spent in classrooms to boost academic achievement.

This is especially true since Congress is continuing to increase its financial commitment to education. Federal education funding has increased by 40% since 1994. And most recently, last year Congress approved a budget that proposes to increase federal resources for education by an additional 40% over the next five years. The final budget bill passed by Congress for FY2000—and that I supported—pays the first installment by increasing these resources by 6%, or \$2 billion, \$35 billion for Fiscal Year 2000.

In light of this increase in federal education resources, I want to encourage better, smarter use of federal funds where the need is greatest—in failing schools—so that the children languishing in these schools will have a real opportunity to achieve academic excellence and create a brighter future for themselves.

Therefore, today I am introducing the Excellent Schools for All Our Children Act, a three-part program to help students trapped in failing urban schools in St. Louis, Kansas City, and other U.S. cities. This bill was developed in response to my state's challenge to the accreditation of Missouri's two largest school districts.

This new legislation would channel federal aid in failing schools to teaching the academic basics, in order to raise student achievement levels; would provide funds for failing schools to use in recruiting, retaining, and re-

warding highly qualified teachers; and would double the amount of federal aid for college costs for high-achieving students in failing schools.

While focusing on an overall plan to streamline and simplify federal education programs for all schools, my plan incorporates a two-tiered “flexibility when merited and accountability when warranted” approach to the use of federal education resources.

First, this legislation proposes a major reduction in paperwork and “red tape” for all schools, by consolidating a number of federal education programs so that funds may be sent directly to local schools. Schools will be free to use the funds in ways they believe will be most effective in elevating student achievement. The programs included in this consolidation are: Goals 2000, School-to-Work, Class Size Reduction (the “100,000 Teachers” funding); Title III, Technology for Education; Comprehensive School Reform under Title I; Title VI block grant; Immigrant Education under Title VII C; the Fund for Improvement of Education under Title X, Part A; and the McKinney Homeless Assistance Act. This provision is modeled after the Bond-Ashcroft “Direct Check for Education” legislation introduced in 1999.

For school districts that fail to meet their state's performance-based accreditation standards and, are thus failing their students, these “direct check” funds may be spent only for purposes relating directly to improving academic performance. This will include focusing on “the basics;” funding mentoring programs to help students who can't read, write or do arithmetic; and using proven methods of instruction, such as phonics. These federal funds can also be used to recruit, retain, and reward high quality teachers. Districts in trouble need help in finding and keeping the very best teachers, and my legislation provides resources for this purpose.

These school districts will be asked to report on how they have spent their federal resources and on their students' academic performance using state and local measurements. Parents and others in the community need to see how their federal tax dollars have been spent on educating their children.

When these school districts attain state accreditation for two consecutive years, they will gain the authority to use federal resources under new standards for expanded local control created by this legislation for non-failing schools. These school districts regaining accreditation will also have access to \$10 million annually in new federal funding to reward teachers and principals for improved student performance, and for professional development opportunities.

Finally, the Excellent Schools for All Our Children Act encourages students in failing school districts to be high achievers. As an incentive to their studies, I am proposing special college aid awards that would at a minimum

double the amount of federal aid now available for students' college costs. Students who rank in the top ten percent of their high school class and have an ACT or SAT score that is at or above the national average would be eligible for these "Good Student Scholarships," which would be equal to the maximum appropriated Pell Grant award, presently \$3,300 per year. Thus, a high-achieving student eligible for a Pell Grant of \$1,500 would also receive a Good Student Scholarship of \$3,300, for a total federal aid package of \$4,800.

Mr. President, as a parent and public servant, I want to help thousands of young Missourians who are trapped in failing urban schools. It is clear to me that federal resources should be doing more to benefit these children. My plan to target resources to fund programs that will encourage and elevate student achievement will provide our students in failing school districts with the opportunity to succeed. We cannot risk losing an entire generation to the snares of education mediocrity. The federal government can—and should—be a critical partner in providing education funding in a manner that will help all our school children attain academic excellence.

I ask for unanimous consent that the bill be printed in its entirety at the conclusion of my remarks.

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

S. 2159

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Excellent Schools for All Our Children Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I— FUNDING FOR ELEMENTARY AND SECONDARY EDUCATION

Sec. 101. Findings; purposes.

Sec. 102. Definitions.

Sec. 103. Direct awards to local educational agencies.

Sec. 104. Requirements for failing local educational agencies.

Sec. 105. Audit.

Sec. 106. Authorization of appropriations.

Sec. 107. Repeals.

TITLE II—GOOD STUDENT SCHOLARSHIPS

Sec. 201. Good student scholarships.

TITLE I— FUNDING FOR ELEMENTARY AND SECONDARY EDUCATION

SEC. 101. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) education should be a national priority, but must remain a local responsibility;

(2) elementary schools and secondary schools perform best when controlled by parents, teachers, local school boards, and communities;

(3) only through initiatives led by parents, teachers, and local communities with the power to act can the United States elevate the educational performance of its students toward excellence;

(4) parental involvement, high-quality teacher performance, and teaching basic

skills are fundamental to improving student achievement;

(5) educational resources are most effective when deployed in the classroom and unencumbered by burdensome regulations;

(6) schools and education professionals must be accountable to the people and children they serve;

(7) flexibility when merited and accountability when warranted should be the Federal Government's approach to the use of Federal education resources; and

(8) the Federal Government should encourage better, smarter uses of Federal funds where the need is greatest, specifically, in failing school districts, so that children in those districts will have a real opportunity to achieve academic excellence and create a brighter future for themselves.

(b) PURPOSES.—The purposes of this title are—

(1) to promote excellence in elementary and secondary education programs in the Nation;

(2) to increase parental involvement in the education of their children;

(3) to boost student achievement in academic subjects to high levels;

(4) to improve basic skills instruction, and to increase teacher performance and accountability;

(5) to return the responsibility and control for education to parents, teachers, schools, and local communities;

(6) to improve the academic achievement of all students, and to focus the resources of the Federal Government upon such achievement, especially in failing school districts; and

(7) to give States and communities maximum freedom in determining how to boost academic achievement and implement education reforms.

SEC. 102. DEFINITIONS.

In this title:

(1) FAILING LOCAL EDUCATIONAL AGENCY.—The term "failing local educational agency" means a local educational agency that has been classified as unaccredited or failing (or would be so classified if not for a court order or pending court settlement agreement involving the local educational agency) under its State's performance-based accreditation or categorization standards.

(2) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

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

(4) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

SEC. 103. DIRECT AWARDS TO LOCAL EDUCATIONAL AGENCIES.

(a) DIRECT AWARDS.—Except as provided in section 104, from amounts appropriated under section 106(a) and not used to carry out section 106(b), the Secretary shall make direct awards to local educational agencies in amounts determined under subsection (b) to enable the local educational agencies to support programs or activities, for kindergarten through grade 12 students, that the local educational agencies deem appropriate.

(b) DETERMINATION OF AWARD AMOUNT.—

(1) PER CHILD AMOUNT.—The Secretary, using the information provided under subsection (c), shall determine a per child amount for a year by dividing the total

amount appropriated under section 106(a) for the year, by the average daily attendance of kindergarten through grade 12 students in all States for the preceding year.

(2) LOCAL EDUCATIONAL AGENCY AWARD.—The Secretary, using the information provided under subsection (c), shall determine the amount to be provided to each local educational agency under this section for a year by multiplying—

(A) the per child amount determined under paragraph (1) for the year; by

(B) the average daily attendance of kindergarten through grade 12 students that are served by the local educational agency for the preceding year.

(c) CENSUS DETERMINATION.—

(1) IN GENERAL.—Not later than December 1 of each year, each local educational agency shall conduct a census to determine the average daily attendance of kindergarten through grade 12 students served by the local educational agency.

(2) SUBMISSION.—Not later than March 1 of each year, each local educational agency shall submit the number described in paragraph (1) to the Secretary.

(3) PENALTY.—If the Secretary determines that a local educational agency has knowingly submitted false information under paragraph (1) for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received under this section if the agency had submitted accurate information under paragraph (1).

SEC. 104. REQUIREMENTS FOR FAILING LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—In the case of a failing local educational agency receiving an award under section 103(a) for a fiscal year, such failing local educational agency shall use such award only for purposes directly related to improving elementary school and secondary school students' academic performance consistent with subsection (d).

(b) TITLE I FUNDING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, funds provided to a failing local educational agency under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall be spent in accordance with this section.

(2) APPLICABILITY PROVISION.—The provisions of parts A, B, C, and D of title I of the Elementary and Secondary Education Act of 1965 shall not apply to a failing local educational agency other than the allocation and allotment provisions under part A of such title.

(c) FAILING LOCAL AGENCY PLAN.—

(1) PLAN REQUIRED.—Each failing local educational agency shall submit a plan to the Secretary at such time and in such manner as the Secretary may require. A plan submitted under this subsection—

(A) shall describe the activities to be funded by the failing local educational agency under subsections (a) and (b) consistent with subsection (d); and

(B) may request an exemption from the uses of funds restrictions under subsection (d) for elementary schools and secondary schools served by the failing local educational agency that met the State's performance-based accreditation or categorization standards for the previous fiscal year.

(2) PLAN APPROVAL.—The Secretary shall approve a plan submitted under paragraph (1) if the plan meets the requirements described in paragraph (1).

(3) PLAN DISSEMINATION.—Each failing local educational agency having a plan approved under paragraph (2) shall widely disseminate

such plan, throughout the area served by such agency, and post the plan on the Internet.

(d) **USES OF FUNDS.**—Each failing local educational agency having a plan approved under subsection (c)(2) for a fiscal year may use the award provided under section 103(a) and funds provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for such fiscal year only for the following activities:

(1) To recruit, retain, and reward high-quality teachers.

(2) To focus on teaching basic educational skills.

(3) To provide remedial instruction in core academic subjects that are assessed by standards set by the State educational agency or local educational agency.

(4) To fund mentoring programs for elementary school and secondary school students who need assistance in reading, writing, or arithmetic.

(5) To use proven methods of instruction, such as phonics, that are based upon reliable research.

(6) To provide for extended day learning.

(7) To ensure that parents of elementary school and secondary school students realize that parents play a significant role in their child's educational success, and to encourage parents to become active in their child's education.

(8) To provide any other activity that a local educational agency proposes, and the Secretary approves, as an activity that relates directly to improving students' academic performance.

(e) **ANNUAL REPORT.**—

(1) **REPORT.**—A failing local educational agency shall annually submit a report to the Secretary describing—

(A) the use of funds under this section; and

(B) the annual performance of all children served by the failing local educational agency as measured by its State's performance-based accreditation or categorization standards.

(2) **PRIVACY.**—The report required under this section shall not contain any information, such as names, addresses, or grades, that might be used to identify the children whose performance is described in the report.

(3) **DISSEMINATION.**—A failing local educational agency shall widely disseminate the report submitted under paragraph (1) throughout the area served by such agency, and post the report on the Internet, so that parents and others in the community can account for Federal education funding under this title.

(f) **MEETING STANDARDS.**—

(1) **IN GENERAL.**—If, for 2 consecutive fiscal years after a failing local educational agency is required to use funds in accordance with subsection (d), such local educational agency succeeds in meeting its State's performance-based accreditation or categorization standards, then the provisions of this section shall cease to apply to such local educational agency.

(2) **BONUS AWARDS.**—

(A) **IN GENERAL.**—A local educational agency described in paragraph (1) may receive a bonus award from amounts appropriated under subparagraph (C), to use for purposes such as rewarding elementary school and secondary school teachers and principals who improved student performance, and for professional development opportunities for such teachers and principals.

(B) **DISTRIBUTION.**—A local educational agency receiving a bonus award under this paragraph shall determine how to distribute the award to individual elementary schools and secondary schools. An elementary school or a secondary school receiving such an

award shall determine how such award shall be spent.

(C) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this paragraph \$10,000,000 for each of fiscal years 2003 through 2007.

(g) **PENALTY.**—If a failing local educational agency spends funds subject to the use of funds restrictions described in subsection (d) in a manner inconsistent with subsection (d) for a fiscal year, then the Secretary shall reduce the funds such agency receives under section 103(a) for the succeeding fiscal year by an amount equal to the amount spent improperly by such agency.

SEC. 105. AUDIT.

(a) **IN GENERAL.**—The Secretary may conduct audits of the expenditures of local educational agencies to ensure that the funds made available under this title are used in accordance with this title.

(b) **SANCTIONS AND PENALTIES.**—If the Secretary determines that the funds made available under this title were not used in accordance with the title, the Secretary may use the enforcement provisions available to the Secretary under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this title \$3,100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(b) **MULTIYEAR AWARDS.**—The Secretary shall use funds appropriated under subsection (a) for each fiscal year to continue to make payments to eligible recipients pursuant to any multiyear award made prior to the date of enactment of this Act under the provisions of law repealed under section 103(b). The payments shall be made for the duration of the multiyear award.

(c) **DISBURSAL.**—The Secretary shall disburse the amount awarded to a local educational agency under this title for a fiscal year not later than July 1 of each year.

SEC. 107. REPEALS.

The following provisions of law are repealed:

(1) Section 1502 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6492).

(2) Section 3132 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. et seq.).

(3) Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301).

(4) Part C of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7541).

(5) Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(6) Title III of The Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.).

(7) Title IV of The Goals 2000: Educate America Act (20 U.S.C. 5911 et seq.).

(8) The School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

(9) Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11431 et seq.).

(10) Section 307 of the Department of Education Appropriations Act of 1999.

TITLE II—GOOD STUDENT SCHOLARSHIPS

SEC. 201. GOOD STUDENT SCHOLARSHIPS.

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

“Subpart 9—Good Student Scholarships

“SEC. 420N. GOOD STUDENT SCHOLARSHIPS.

“(a) **PURPOSE.**—The purpose of this section is to provide achievement-based scholarships for undergraduate education to eligible students graduating from schools or school districts that are failing or unaccredited.

“(b) **DEFINITION OF ELIGIBLE STUDENT.**—In this section, the term ‘eligible student’ means a secondary school student—

“(1) who graduates from a public secondary school or a public or private secondary school in a school district that is failing or unaccredited, as determined by the State educational agency serving the State in which the secondary school or school district is located;

“(2) who has been in attendance at the school referred to in paragraph (1) for not less than 2 years;

“(3) who ranks in the top 10 percent academically in such student's class;

“(4) who has an average ACT or SAT score that is equal to or greater than the national average such score; and

“(5) whose family income is not more than \$100,000.

“(c) **DESIGNATION.**—Scholarships made under this section shall be referred to as ‘Good Student Scholarships’.

“(d) **SCHOLARSHIPS AUTHORIZED.**—

“(1) **IN GENERAL.**—From amounts appropriated under subsection (f) for a fiscal year, the Secretary shall award scholarships to each eligible student submitting an application consistent with paragraph (2) to enable the eligible student to pay the cost of attendance at an institution of higher education during the eligible student's first 4 academic years of undergraduate education.

“(2) **APPLICATION REQUIRED.**—Each eligible student desiring a scholarship under this section for year shall submit for each such year an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(3) **AMOUNT OF AWARD.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the amount of a scholarship awarded under this section for an academic year shall be equal to the maximum appropriated Federal Pell Grant for such year.

“(B) **ADJUSTMENT FOR INSUFFICIENT APPROPRIATIONS.**—If, after the Secretary determines the total number of eligible applicants for an academic year, funds available to carry out this section are insufficient to fully fund all scholarship awards under subparagraph (A) for such academic year, the amount of the scholarship paid to each eligible student shall be reduced proportionately.

“(C) **ASSISTANCE NOT TO EXCEED COST OF ATTENDANCE.**—The amount of a scholarship awarded under this paragraph to an eligible student, in combination with Federal Pell Grant assistance and any other student financial assistance the eligible student receives, may not exceed the eligible student's cost of attendance.

“(e) **LISTS FROM STATE EDUCATIONAL AGENCIES.**—Each State educational agency shall annually provide a list to the Secretary identifying each public secondary school and each public school district within the State that the State educational agency determines is failing or unaccredited.

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

“(1) \$75,000,000 for fiscal year 2001;

“(2) \$150,000,000 for fiscal year 2002;

“(3) \$225,000,000 for fiscal year 2003; and

“(4) \$300,000,000 for fiscal year 2004.”.

By Mr. TORRICELLI:

S. 2160. A bill to require health plans to include infertility benefits, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE FAIR ACCESS TO INFERTILITY TREATMENT
AND HOPE (FAITH) ACT

• Mr. TORRICELLI. Mr. President, I rise today to introduce legislation that would greatly improve the lives of millions of Americans, thousands of whom live in my State of New Jersey, who are infertile.

For many American families, the blessing of raising a family is one of the most basic human desires. Unfortunately almost fifteen percent of all married couples, over six million American families, are unable to have children due to infertility.

The physical and emotional toll that infertility has on families is impossible to ignore. I have heard from a number of men and women from New Jersey who have experienced the pain and trauma of discovering that their bodies, which appear normal and function perfectly, are somehow deficient in the one area that matters most to them. This is only compounded when patients discover that their insurer, which they rely on for all of their critical health needs, refuse to cover treatment for this disease. The deep sense of loss expressed by those who desire a family as a result of this gap in coverage is real and significant. Their pain should no longer be ignored.

Infertility is a treatable disease. New technologies and procedures that have been developed in the past two decades make starting a family a real possibility for many couples previously unable to conceive. In fact, up to two thirds of all married couples who seek infertility treatment are subsequently able to have children.

Unfortunately, due to the high cost of treating this illness, only 20 percent of infertile couples seek medical treatment each year. Even worse, only four out of every ten couples that seek infertility treatment receive coverage from health insurers, and only one quarter of all health plans provide coverage for infertility services.

My bill, the Fair Access to Infertility Treatment and Hope (FAITH) Act, will end this inequity by requiring all health insurance plans to ensure testing and coverage of infertility treatment. Specifically, FAITH requires health plans to cover all infertility procedures considered non-experimental that are deemed appropriate by patient and physician, up to four attempts (with two additional attempts provided for those successful couples that desire a second child).

One reason often cited by health insurers for their continued refusal to provide infertility treatment is the negative impact that this coverage would have on monthly premiums. However, recent studies demonstrate that FAITH would raise the costs of health coverage by as little as \$.21 cents per month per person, an insignificant amount compared to the enormous premium increases we have recently seen from HMOs.

Similar legislation that recognizes the vital right of families to infertility

treatments has already been passed in thirteen states, including Texas, California, New York, Illinois, Ohio, Massachusetts, Maryland, Connecticut, Rhode Island, Arkansas, Hawaii, Montana, and West Virginia. In my home state, both branches of the New Jersey Legislature recently passed legislation that mandates this coverage.

Reproduction is one of the most important values for both men and women, and those individuals who desire the gift of family should have access to the necessary treatments that make life possible.

Mr. President, I ask at this time that the text of the bill, in its entirety, be printed in the RECORD.

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

S. 2160

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Access to Infertility Treatment and Hope Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

- (1) infertility affects 6,100,000 men and women;
- (2) infertility is a disease which affects men and women with equal frequency;
- (3) approximately 1 in 10 couples cannot conceive without medical assistance;
- (4) recent medical breakthroughs make infertility a treatable disease; and
- (5) only 25 percent of all health plan sponsors provide coverage for infertility services.

SEC. 3. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. REQUIRED COVERAGE FOR INFERTILITY BENEFITS.

"(a) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall ensure that coverage is provided for infertility benefits.

"(b) INFERTILITY BENEFITS.—In subsection (a), the term 'infertility benefits' at a minimum includes—

- "(1) diagnostic testing and treatment of infertility;
- "(2) drug therapy, artificial insemination, and low tubal ovum transfers;
- "(3) in vitro fertilization, intracytoplasmic sperm injection, gamete donation, embryo donation, assisted hatching, embryo transfer, gamete intra-fallopian tube transfer, zygote intra-fallopian tube transfer; and
- "(4) any other medically indicated non-experimental services or procedures that are used to treat infertility or induce pregnancy.

"(c) IN VITRO FERTILIZATION.—

"(1) LIMITATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), coverage of procedures under subsection (b)(3) may be limited to 4 completed embryo transfers.

"(B) ADDITIONAL TRANSFERS.—If a live birth follows a completed embryo transfer under a procedure described in subparagraph (A), not less than 2 additional completed embryo transfers shall be provided.

"(2) REQUIREMENT.—Coverage of procedures under subsection (b)(3) shall be provided if—

"(A) the individual has been unable to attain or sustain a successful pregnancy through reasonable, less costly medically appropriate covered infertility treatments; and

"(B) the procedures are performed at medical facilities that conform with the minimal guidelines and standards for assisted reproductive technology of the American College of Obstetric and Gynecology or the American Society for Reproductive Medicine.

"(d) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

"(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section; or

"(3) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from a covered individual services described in subsection (a).

"(e) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed—

"(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to benefits for services described in this section under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any similar service otherwise covered under the plan;

"(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational treatments of services described in this section, except to the extent that the plan or issuer provides coverage for other experimental or investigational treatments or services.

"(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes restricting the type of health care professionals that may provide such treatments or services.

"(f) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply."

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Required coverage for infertility benefits for federal employees health benefits plans."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2001.

SEC. 4. PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act

(42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

"SEC. 2707. REQUIRED COVERAGE FOR INFERTILITY BENEFITS.

"(a) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall ensure that coverage is provided for infertility benefits.

"(b) INFERTILITY BENEFITS.—In subsection (a), the term 'infertility benefits' at a minimum includes—

"(1) diagnostic testing and treatment of infertility;

"(2) drug therapy, artificial insemination, and low tubal ovum transfers;

"(3) in vitro fertilization, intracytoplasmic sperm injection, gamete donation, embryo donation, assisted hatching, embryo transfer, gamete intra-fallopian tube transfer, zygote intra-fallopian tube transfer; and

"(4) any other medically indicated non-experimental services or procedures that are used to treat infertility or induce pregnancy.

"(c) IN VITRO FERTILIZATION.—

"(1) LIMITATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), coverage of procedures under subsection (b)(3) may be limited to 4 completed embryo transfers.

"(B) ADDITIONAL TRANSFERS.—If a live birth follows a completed embryo transfer under a procedure described in subparagraph (A), not less than 2 additional completed embryo transfers shall be provided.

"(2) REQUIREMENT.—Coverage of procedures under subsection (b)(3) shall be provided if—

"(A) the individual has been unable to attain or sustain a successful pregnancy through reasonable, less costly medically appropriate covered infertility treatments; and

"(B) the procedures are performed at medical facilities that conform with the minimal guidelines and standards for assisted reproductive technology of the American College of Obstetric and Gynecology or the American Society for Reproductive Medicine.

"(d) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

"(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section; or

"(3) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from a covered individual services described in subsection (a).

"(e) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed—

"(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to benefits for services described in this section under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any similar service otherwise covered under the plan;

"(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or inves-

tigational treatments of services described in this section, except to the extent that the plan or issuer provides coverage for other experimental or investigational treatments or services.

"(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes restricting the type of health care professionals that may provide such treatments or services.

"(f) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply."

(b) INDIVIDUAL MARKET.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following new section:

"SEC. 2753. REQUIRED COVERAGE FOR INFERTILITY BENEFITS.

"The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated on or after January 1, 2001.

SEC. 5. REQUIRED COVERAGE FOR INFERTILITY BENEFITS FOR FEDERAL EMPLOYEES HEALTH BENEFITS PLANS.

(a) TYPES OF BENEFITS.—Section 8904(a)(1) of title 5, United States Code, is amended by adding at the end the following:

"(G) Infertility benefits."

(b) HEALTH BENEFITS PLAN CONTRACT REQUIREMENT.—Section 8902 of title 5, United States Code, is amended by adding at the end the following:

"(p)(1) Each contract under this chapter shall include a provision that ensures infertility benefits as provided under this subsection.

"(2) Infertility benefits under this subsection shall include—

"(A) diagnostic testing and treatment of infertility;

"(B) drug therapy, artificial insemination, and low tubal ovum transfers;

"(C) in vitro fertilization, intracytoplasmic sperm injection, gamete donation, embryo donation, assisted hatching, embryo transfer, gamete intra-fallopian tube transfer, zygote intra-fallopian tube transfer; and

"(D) any other medically indicated non-experimental services or procedures that are used to treat infertility or induce pregnancy.

"(3)(A)(i) Subject to clause (ii), procedures under paragraph (2)(C) shall be limited to 4 completed embryo transfers.

"(ii) If a live birth follows a completed embryo transfer, 2 additional completed embryo transfers shall be provided.

"(B) Procedures under paragraph (2)(C) shall be provided if—

"(i) the individual has been unable to attain or sustain a successful pregnancy through reasonable, less costly medically appropriate covered infertility treatments; and

"(ii) the procedures are performed at medical facilities that conform with the minimal

guidelines and standards for assisted reproductive technology of the American College of Obstetric and Gynecology or the American Society for Reproductive Medicine."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contract years beginning on or after January 1, 2001.●

By Mr. CAMPBELL (for himself, Mr. DASCHLE, Mr. CRAIG, Mr. BIDEN, Mr. BUNNING, Mr. CONRAD, Ms. LANDRIEU, Mr. KERREY, Mr. GREGG, Ms. COLLINS, Mr. HUTCHINSON, and Mrs. HUTCHISON):

S. 2161. A bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes and to require the Secretary of the Treasury to transfer amounts to the Highway Trust Fund to cover any shortfall; to the Committee on Finance.

AMERICAN TRANSPORTATION RECOVERY AND HIGHWAY TRUST FUND PROTECTION ACT OF 2000

Mr. CAMPBELL. Mr. President, today I am introducing the "American Transportation Recovery and Highway Trust Fund Protection Act of 2000." This is a new revised version of S. 2090 which I introduced on February 24, 2000, to address the escalating prices of fuel which supports our nation's truckers, farmers, public transportation, and other users.

Based on discussions with my colleagues and testimony presented at this morning's Senate Energy and Natural Resources Committee hearing, I have drafted a new bill which would replace the lost revenues from the temporary suspension of the excise tax with monies from the budget surplus in the general fund to fully protect the Highway Trust Fund. Similar to the original bill, S. 2090, my new bill still would temporarily suspend the federal excise tax on diesel fuel for one year or until the price of crude oil is reduced to the December 31, 1999 level.

Americans fought their war in the Persian Gulf, lives were lost out in the sand, some came home with undiagnosed illnesses, defended them from their cousins while the Kuwaiti ruling family relaxed, and this is how we get repaid, with soaring fuel costs, jeopardizing America's livelihood.

While OPEC grows fat, Americans are growing thin, not because they want to, but because they have to choose between food or heating oil. Nice choice for some Americans, freeze or starve? The American people deserve better.

This problem will continually revisit us as long as we are dependent on foreign oil. I have seen news reports that OPEC will not boost production at least until July, and that quote came from Iran's oil minister. Norway, who is not a member of OPEC and is the world's second largest oil exporter, made no promise to increase oil production either. It is unfortunate that we, a global super power, are reduced to begging.

One of the things I have learned in my time in Congress is that too often we get bogged down in the details. The

current fuel crisis an example where the discussion tends toward international price fixing and our foreign dependence, rather than focusing on the daily effect on American people.

If we do not recognize the economic devastation the skyrocketing cost of fuel is already taking, wait until shipping by truck, rail, and ship starts to collapse. The total value of freight carried by truckers in 1996 was approximately \$368 billion. This number would be higher today, but these were the most recent numbers that CRS could provide. If these current increases in oil prices do not stop, some trucks can not afford to run. If just 10 percent of the trucks on the road stop running, if you do the general math, it could amount to a \$36.8 billion value decrease in freight. This is a hit to the economy I do not want to see. If the rigs stop rolling, this nation stops rolling.

Also, if we do not recognize the national security component of being dependent on OPEC oil, I want to know how many more American lives we have to risk to recognize it? We should have to grovel in front of the altars of the almighty oil ministries.

I urge my colleagues to support prompt passage of this bill to provide immediate relief for America's truckers, farmers, and other diesel fuel users. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2161

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Transportation Recovery and Highway Trust Fund Protection Act of 2000".

SEC. 2. 1 YEAR MORATORIUM ON CERTAIN DIESEL FUEL EXCISE TAXES.

(a) IN GENERAL.—Section 4081(d) of the Internal Revenue Code of 1986 (relating to termination) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(2) by inserting after paragraph (1) the following new paragraph:

"(2) DIESEL FUEL.—The rate of tax specified in subsection (a)(2)(A)(iii) with respect to diesel fuel shall be—

"(A) zero during the 1 year period beginning on the date of the enactment of this paragraph, and

"(B) 4.3 cents per gallon after September 30, 2005.", and

(3) by striking "clauses (i) and (iii) of subsection (a)(2)(A)" in paragraph (1) and inserting "subsections (a)(2)(A)(i) and (a)(2)(A)(iii) with respect to kerosene".

(b) CONFORMING AMENDMENTS.—

(1) Subclause (I) of section 4041(a)(1)(C)(iii) of the Internal Revenue Code of 1986 (relating to rate of tax on certain buses) is amended by striking "shall be 7.3 cents per gallon (4.3 cents per gallon after September 30, 2005)." and inserting "shall be—

"(aa) zero during the 1 year period beginning on the date of the enactment of the American Transportation Recovery and Highway Trust Fund Protection Act of 2000,

"(bb) 7.3 cents per gallon after the end of the 1 year period under item (aa), and before October 1, 2005, and

"(cc) 4.3 cents per gallon after September 30, 2005.".

(2) Section 4081(c)(6) of such Code is amended by inserting "(other than paragraph (5))" after "subsection".

(3) Section 6412(a)(1) of such Code is amended—

(A) by inserting "(the date of the enactment of the American Transportation Recovery and Highway Trust Fund Protection Act of 2000, in the case of diesel fuel)" after "October 1, 2005" both places it appears,

(B) by inserting "(the date which is 6 months after the date of the enactment of such Act, in the case of diesel fuel) after "March 31, 2006" both places it appears, and

(C) by inserting "(the date which is 3 months after the date of the enactment of such Act, in the case of diesel fuel) after "January 1, 2006".

(4) Section 6427(f)(4) of such Code is amended by inserting "(during the 1 year period beginning on the date of the enactment of the American Transportation Recovery and Highway Trust Fund Protection Act of 2000, in the case of diesel fuel)" after "September 30, 2007".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this section.

(2) DECREASE IN CRUDE OIL PRICES.—If the Secretary of Treasury determines that the average refiner acquisition costs for crude oil are equal to or less than such costs were on December 31, 1999, the amendments made by this section shall cease to take effect and the Internal Revenue Code shall be administered as if such amendments did not take effect.

SEC. 3. TRANSFER OF AMOUNTS TO HIGHWAY TRUST FUND TO COVER SHORTFALL DUE TO MORATORIUM.

The Secretary of the Treasury shall from time to time transfer from the general fund, out of amounts not otherwise appropriated, to the Highway Trust Fund (established under section 9503 of the Internal Revenue Code of 1986) amounts equal to the amounts which the Secretary determines are not appropriated to such Fund as a result of the amendments made by section 2 of this Act.

By Mr. GORTON:

S. 2163. A bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; to the Committee on Indian Affairs.

YAKIMA RIVER BASIN WATER ENHANCEMENT PROGRAM

• Mr. GORTON. Mr. President, today I am introducing legislation that will amend the Yakima River Basin Water Enhancement Program (YRBWEP), first approved by Congress in 1994 (PL 103-434). That legislation established a comprehensive framework for increasing critical flows in the Yakima River in order to reverse a longstanding trend of declining salmon and steelhead runs.

One portion of that legislation, Section 1208, authorized a specific project to electrify hydraulic turbines at the Chandler Pumping Plant near Prosser, Washington. By converting these pumps from hydraulic to electrical power, an additional 400 second feet of water would be added to a 12-mile stretch of the Yakima River below Prosser Dam called Chandler Reach.

This project would increase survival rates and provide important new habitat for both the anadromous and resident fisheries in this critical section of the Yakima River. This electrification project is still a good approach to augmenting Yakima River flows, but early in its implementation an even better idea was developed that can nearly double the benefits projected from electrification.

This new approach could result in completely eliminating the need to divert water at Prosser Dam and Wanawish Dam for use by the Kennewick Irrigation District (K.I.D.) and the Columbia River Irrigation District (C.I.D.). This plan will require building a new pumping plant on the Columbia River and a pipeline to connect this new facility to K.I.D. This approach could add back to the Yakima River during critical flow periods the entire 759 second feet of water now diverted at Prosser Dam. This project might well be the key to the success of the rest of the YRBWEP program. For the extensive efforts being made farther upstream to be entirely successful, the lower sections of the Yakima River must provide the conditions necessary for salmon and steelhead to survive their journey to and from the upper river and its tributaries. The Chandler Reach and the lower Yakima must have sufficient water at the right time for anadromous fish to be able to transit this area. Without it, the programs upstream will be less effective.

The legislation I will introduce today authorizes the Bureau of Reclamation to spend some of the funds previously authorized for the electrification project to develop this new approach. There are several studies and undertakings necessary to determine with certainty the efficacy and cost of this pump exchange project. These include carrying out a feasibility study, including an estimate of project benefits, an environmental impact analysis, and preparing a feasibility level design and cost estimate as well as securing critical right-of-way areas and such other studies as may be required.

This change in approach to enhancing flows in the lower Yakima is enthusiastically supported by the resource agencies of the State of Washington, including the Washington State Department of Ecology, as well as by the National Marine Fisheries Service, the United States Fish and Wildlife Service, and many other primary stakeholders on the Yakima River, such as the Yakama Indian Nation. To date all organizations and agencies contacted want to see the necessary work done to develop this project further, and this legislation will provide the crucial resources to complete the feasibility and engineering studies.●

By Mr. KENNEDY.

S. 2166. A bill to suspend until June 30, 2003, the duty on transformers for use in certain radiobroadcast receivers with compact disc players and capable

of receiving signals on AM and FM frequencies; to the Committee on Finance.

LEGISLATION TO PROVIDE FOR A TEMPORARY DUTY SUSPENSION ON CERTAIN PRODUCTS

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

• Mr. KENNEDY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 2166

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

SECTION 1. SUSPENSION OF DUTY ON TRANSFORMERS FOR USE IN CERTAIN RADIOBROADCAST RECEIVERS WITH COMPACT DISC PLAYERS AND CAPABLE OF RECEIVING SIGNALS ON AM AND FM FREQUENCIES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.85.05	120/60Hz electrical transformers (provided for in subheading 8504.31.40), with dimensions not exceeding 51.7mm by 78mm by 91mm and each containing a layered and uncut round core with two balanced bobbins, imported for use as components in radio recorder combinations, incorporating optical disc (including compact disc) players or recorders (provided for in subheading 8527.31.60), the foregoing which include a resonant system tuned to at least five audible frequencies	Free	No change	No change	On or before 6/30/2003	”.
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(b) EFFECTIVE DATE.—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.●

By Mr. KENNEDY:

S. 2167. A bill to suspend until June 30, 2003, the duty on transformers for use in certain radiobroadcast receivers capable of receiving signals on AM and FM frequencies; to the Committee on Finance

TO PROVIDE FOR A TEMPORARY DUTY SUSPENSION FOR CERTAIN PRODUCTS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2167

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

SECTION 1. SUSPENSION OF DUTY ON TRANSFORMERS FOR USE IN CERTAIN RADIOBROADCAST RECEIVERS CAPABLE OF RECEIVING SIGNALS ON AM AND FM FREQUENCIES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.85.04	120/60Hz electrical transformers (provided for in subheading 8504.31.40), with dimensions not exceeding 78mm by 64.5mm by 88.7mm and containing stacked EI laminations with an integral bobbin, imported for use as components in radiobroadcast receivers with digital clock or clock-timer, valued over \$40 each (provided for in subheading 8527.32.50), the foregoing which include a resonant system tuned to at least five audible frequencies	Free	No change	No change	On or before 6/30/2003	”.
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(b) EFFECTIVE DATE.—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.

By Mr. LAUTENBERG:

S. 2178. A bill to amend the Higher Education Act of 1965 to require colleges and universities to disclose to students and their parents the incidents of fires in dormitories, and their plans to reduce fire safety hazards in dormitories, to require the United States Fire Administration to establish fire safety standards for dormitories, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

FIRE SAFE DORM ACT OF 2000

• Mr. LAUTENBERG. Mr. President, I rise to introduce the Fire Safe Dorm Act of 2000. I am pleased that my colleagues in the House, Representatives CAROLYN MALONEY and RUSH HOLT, will join me in offering this important legislation.

On Wednesday, January 19, 2000, a fire in a Seton Hall University dormitory claimed the lives of three students and injured 58 others, including at least 54 students, two police officers and two firefighters. The dormitory, Boland hall, was built in 1952, and although it was equipped with smoke detectors, it was not required to be equipped with a fire sprinkler system.

Nothing is as painful as a senseless accident that takes the lives of young people. And unfortunately, the Seton Hall community is not alone in its grief. In fact, in the last decade, at least 18 young people lost their lives in dormitory fires. We must do all we can to prevent future tragedies. Students have a fundamental right to pursue an education in a safe, secure environment. Parents have a right to know that their children are protected from harm while on school property.

That is why I am pleased to offer the Fire Safe Dorm Act of 2000. This legislation is straightforward. It takes two important steps to ensure the safety of student housing.

First, the bill requires nationwide standards. Under the Fire Safe Dorm Act, the U.S. Fire Administration would develop comprehensive standards for dormitory fire safety. These standards would include such safety devices as fire sprinklers, smoke detectors, and flame resistant furniture and mattresses. Colleges and universities would be required to develop plans to adopt these new standards within 10 years of the bill's enactment.

Second, the Fire Safe Dorm Act requires disclosure. It requires colleges and universities to tell students, prospective students, and their parents, about the safety of campus housing. Specifically, are dormitories equipped with sprinklers? Are the furniture and mattresses fire resistant? Learning institutions are already required to disclose statistics about crime on campus. They should also have to tell the public about the steps they've taken to protect students from fire.

Mr. President, the Fire Safe Dorm Act takes important steps to safeguard against another tragedy like the fire at Seton Hall. I urge all my colleagues to support this important measure.

I ask unanimous consent that the text of the Fire Safe Dorm Act of 2000 be printed in the RECORD.

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

S. 2178

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fire Safe Dorm Act of 2000".

TITLE I—OBLIGATIONS OF INSTITUTIONS OF HIGHER EDUCATION

SEC. 101. IMPROVED DISCLOSURE OF FIRES AND FIRE PREVENTION MEASURES IN COLLEGE DORMITORIES.

Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)) is amended—

(1) in paragraph (1), by adding at the end the following new subparagraphs:

"(I) Statistics concerning the occurrence of fires and fire alarms in dormitories on campus during the most recent calendar year, and during the 5 preceding calendar years for which data are available.

"(J) A statement describing whether the institutions' dormitory rooms currently have sprinklers, smoke detectors, and furniture made of flame retardant material.";

(2) in paragraph (4), by adding at the end the following new subparagraph:

"(C) Each institution participating in any program under this title shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording all fires reported to local fire departments, including the nature, date, time, and general location of each fire. Such logs shall be open to public inspection."; and

(3) in paragraph (5)—

(A) in the matter preceding subparagraph (A), by inserting "or paragraph (1)(I)" after "paragraph (1)(F)"; and

(B) in subparagraph (C), by inserting "and campus fires" after "campus crime".

SEC. 102. DISCLOSURE OF PLANS TO BRING RESIDENTIAL FACILITIES INTO COMPLIANCE WITH NEW BUILDING CODES.

Section 485(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) by striking "and" at the end of subparagraph (N);

(2) by striking the period at the end of subparagraph (O) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(P) a summary of the specific plans that the institution has adopted for construction or renovation to ensure that all campus residential facilities comply, by January 1, 2010, with the standards established by the Administrator of the United States Fire Administration under section 201 of the Fire Safe Dorm Act of 2000."

SEC. 103. COMPLIANCE WITH FIRE SAFETY STANDARDS FOR DORMITORIES.

Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by adding at the end the following new paragraph:

"(24) The institution will adopt, within 10 years after the date of enactment of the Fire Safe Dorm Act of 2000, plans to install sprinklers, smoke detectors, and open flame resistant furniture in dormitories in compliance with the standards established by the Administrator of the United States Fire Administration under section 201 of such Act."

SEC. 104. EXEMPTION.

The amendments made by this title shall not be construed to require the installation of sprinklers in any building or other structure that is listed on the National Register for Historic Places as maintained by the National Park Service under the authority of the National Historic Preservation Act (16 U.S.C. 470 et seq.), if such installation would destroy historic materials, features, and spatial relationships that characterize the historic nature of the property. The Secretary of Education shall determine disputes concerning the application of this exemption by reference of the matter to the Secretary of the Interior.

TITLE II—DORMITORY FIRE SAFETY STANDARDS

SEC. 201. STANDARDS.

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Administrator of the United States Fire Administration shall establish measurable standards for dormitory fire safety. Such standards shall include mandatory fire sprinklers, smoke detectors, and open flame resistant furniture and mattresses.

(b) OUTREACH.—The Administrator of the United States Fire Administration shall undertake appropriate activities to encourage the adoption by State and local authorities of the standards established under subsection (a).●

By Mr. ABRAHAM:

S. 2180. A bill to repeal the increase in the tax on social security benefits, to eliminate the earnings test for individuals who have attained retirement

age, and to gradually raise the age for required minimum distributions from pension plans, and for other purposes; to the Committee on Finance.

THE SENIOR CITIZENS' FINANCIAL FREEDOM ACT

Mr. ABRAHAM. Mr. President, I rise today to introduce the Senior Citizens' Financial Freedom Act, a bill which would accomplish three objectives. First, it rolls back the Clinton Administration's 1993 tax increase on Social Security benefits. Second, it repeals the Social Security Earnings Test working penalty on Seniors. Finally, it returns to our Seniors the ability to control their own savings, by increasing the age when minimum IRA distributions must begin, from 70½ to 85.

Mr. President, our tax code mercilessly penalizes Seniors. In fact, Seniors are double taxed. First the government takes money from their paycheck to pay for the Social Security system. Then, when the senior receives their benefits, they are taxed again. The Government also penalizes Seniors for working by placing an "Earnings Test" just to receive Social Security benefits. Finally, the Government forces Seniors to withdraw benefits from their IRAs, whether they want to or not, and penalizes them with a 50% tax if they do not.

This is immoral, illogical and simply wrong.

Mr. President, I applaud our colleagues in the House for passing a bill to eliminate the Social Security Earnings Test, which takes away Social Security benefits simply because a 60 year old works. We should be celebrating those between 60 and 70 years old who can work, but instead, we punish them. For a Senior between 60 and 65, if they earn over \$9,600 in income beyond Social Security benefits (which is just above the poverty level), they lose 50% of their benefits. For those between 65 and 70 years old, they lose 33% of their benefits for earning over \$15,500. It's not until they turn 70 can they both work and keep their benefits. This represents a marginal tax rate for someone under 65 of almost 60%. While I agree that the Earnings Test must be eliminated, Congress should go beyond this.

In 1993, President Clinton proposed, and the Democratic-controlled Congress passed by one vote, a 70% increase on Social Security benefits. These benefits should not be taxed at all, but the fact that they were raised so much gives us the opportunity, during these large surpluses, to provide immediate relief for our Seniors. When coupled with the Earnings Test, these two taxes can result in some couples suffering under a 103% marginal tax rate. Seniors could lose more than a dollar for making another dollar.

Finally, Mr. President, we must amend the IRA distribution requirements. When a person reaches 70½ years old, the Government forces them to begin taking out money from their IRA, which they personally have saved up for it's their money. They have to

take all of it out of their account within their life expectancy at the time they start making withdrawals, which for someone 70½, is currently about 15 years. They must make these withdrawals whether they need to do so or not. And if they do not take out the money, or cannot because they're invested in long-term projects, they lose 50% of the money to punitive taxes. Essentially, they are penalized for their foresight in saving for retirement, and their industry for finding other sources of income than these retirement assets. Mr. President, this is a policy that only the federal government could think up, and it comes from the bureaucratic mentality that says the people's money belongs to the government, and not the people. What is particularly worrisome, is that although the current rules assume someone 70½ has a life expectancy of 15 years, people are living longer and retiring later, and these rules could result in individuals not having the money available when they really do need it.

Mr. President, I ask my colleagues to support reducing the tax burden on Seniors, to give those Seniors who want to work the freedom to work, without the fear of penalty and to restore their control over their savings. In short, I ask my colleagues to restore to Seniors their financial freedom.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. SESSIONS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 71

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 71, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

S. 512

At the request of Mr. GORTON, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 809

At the request of Mr. BURNS, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 809, a bill to require the Federal Trade Commission to prescribe regulations to protect the privacy of personal information collected from and about private individuals who are not covered by the Children's Online Privacy Protection Act of 1998 on the Internet, to provide greater individual control over the collection and use of that information, and for other purposes.

S. 864

At the request of Mr. BINGAMAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 864, a bill to designate April 22 as Earth Day.

S. 1017

At the request of Mr. MACK, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1028

At the request of Mr. HATCH, the names of the Senator from Texas (Mr. GRAMM) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1266

At the request of Mr. GORTON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 1409

At the request of Mr. MCCONNELL, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1409, a bill to amend the Internal Revenue Code of 1986 to reduce from 24 months to 12 months the holding period used to determine whether horses are assets described in section 1231 of such Code.

S. 1488

At the request of Mr. HUTCHINSON, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1642

At the request of Mr. COCHRAN, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1642, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve

veterans' claims and appellate procedures.

S. 1874

At the request of Mr. GRAHAM, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1940

At the request of Mr. LEAHY, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 1940, a bill to amend the Immigration and Nationality Act to reaffirm the United States historic commitment to protecting refugees who are fleeing persecution or torture.

S. 1954

At the request of Mr. BINGAMAN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1954, a bill to establish a compensation program for employees of the Department of Energy, its contractors, subcontractors, and beryllium vendors, who sustained beryllium-related illness due to the performance of their duty; to establish a compensation program for certain workers at the Paducah, Kentucky, gaseous diffusion plant; to establish a pilot program for examining the possible relationship between workplace exposure to radiation and hazardous materials and illnesses or health conditions; and for other purposes.

S. 1997

At the request of Mr. BINGAMAN, the names of the Senator from Alaska (Mr. MURKOWSKI) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1997, a bill to simplify Federal oil and gas revenue distributions, and for other purposes.

S. 2001

At the request of Mr. GRAMS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2001, a bill to protect the Social Security and Medicare surpluses by requiring a sequester to eliminate any deficit.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2005

At the request of Mr. BURNS, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Kansas (Mr. BROWNBACK), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2005, a bill to repeal the modification of the installment method.