

S. 1648. A bill to amend the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to take certain actions if the European Union does not reduce and subsequently eliminate agricultural export subsidies; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ABRAHAM (for himself, Mr. MACK, and Mr. MCCAIN):

S. 1649. A bill to provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 1650. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BAUCUS (for himself, Mr. GORTON, Mr. BINGAMAN, Mr. CRAIG, and Mrs. MURRAY):

S. 1651. A bill to amend the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to take certain actions if the European Union does not reduce and subsequently eliminate agricultural export subsidies; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. MOYNIHAN, Mr. SMITH of New Hampshire, Mr. WARNER, Mr. THOMAS, and Mr. LIEBERMAN):

S. 1652. A bill to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building; to the Committee on Environment and Public Works.

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. LOTT, Mr. DASCHLE, Mr. WARNER, Mr. BREAUX, Mr. CRAPO, Mr. LIEBERMAN, Mr. DOMENICI, Mr. MOYNIHAN, Ms. COLLINS, Mr. REID, and Mr. LAUTENBERG):

S. 1653. A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act; to the Committee on Environment and Public Works.

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

S. 1654. A bill to protect the coast of Florida; to the Committee on Energy and Natural Resources.

By Ms. SNOWE:

S. 1655. A bill to amend title XVIII of the Social Security Act to revise the criteria for designation as a critical access hospital; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1656. A bill to amend title XXI of the Social Security Act to permit children covered under a State child health plan (SCHIP) to continue to be eligible for benefits under the vaccine for children program; to the Committee on Finance.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. LINCOLN (for herself, Ms. LANDRIEU, Mr. SMITH of Oregon, Mr. BAYH, and Mrs. FEINSTEIN):

S. 1646. A bill to amend title XIX and XXI of the Social Security Act to improve the coverage of needy children

under the State Children's Health Insurance Program (SCHIP) and the Medicaid Program; to the Committee on Finance.

#### IMPROVED MATERNAL AND CHILDREN'S HEALTH COVERAGE ACT

• Mrs. LINCOLN. Mr. President, today I rise to introduce the Improved Maternal and Children's Health Coverage Act. I am joined by my colleagues Senator LANDRIEU, Senator GORDON SMITH, Senator EVAN BAYH and Senator DIANNE FEINSTEIN.

A similar bill was introduced in the House of Representatives by Congresswoman DEGETTE and Congresswoman MORELLA.

This legislation is intended to help increase the coverage of uninsured children under the Children's Health Insurance Program, better known as CHIP.

Right now there are 10.7 million uninsured children in the United States. The goal of CHIP is to insure 5 million children nationally.

However, we have only enrolled 1.3 million of the targeted 5 million children so far. We can do better. We must do better.

Let's get rid of barriers to coverage! There are several simple, administrative changes that we can make in this legislation that will help break down the barriers to enrollment.

First, we can reduce the need for excessive documentation. States would be required to develop and use a uniform, simplified application form to determine eligibility for both Medicaid and CHIP. This means families only have to fill out one form.

Second, families would only have to deal with one state agency to establish eligibility for either program. It is unfair to make parents go from agency to agency to enroll for state health insurance coverage.

Third, we can do a better job making a greater variety of application sites available to families. Rather than only being able to apply at a state agency, states could opt to expand application site options. Let's take the application process to the places that parents and their children go on a regular basis—examples include schools and child care centers.

This bill also expands health insurance coverage options to pregnant women who do not qualify for Medicaid because their incomes are slightly above Medicaid guidelines. Thousands of pregnant women earn just a bit too much to qualify for Medicaid, but they do not have health insurance because either their employer or their husband's employer doesn't offer it.

We all know the importance of prenatal care to the health of unborn children. If a mother receives proper prenatal care, her child has a much greater chance of being born healthy. That is why the National Academy of Pediatrics, the National Association of

Children's Hospitals and the March of Dimes—just to name a few organizations—support this legislation.

In an era of making every federal dollar stretch as far as possible, this provision makes sense. For every \$1 we spend on prenatal care, we save \$3 later on that would be spent on complicated deliveries and serious birth defects. Sometimes you have to spend money to save money.

Several years ago, the Arkansas governor and the state legislature implemented the AR Kids First health insurance program for children who did not qualify for Medicaid. AR Kids First precedes CHIP.

The statistics for enrollment in the CHIP program in Arkansas are a bit ahead of the national curve. So far, AR Kids First has enrolled half of all eligible children. Over 45,000 now have coverage as a result of the state's proactive efforts and commitment to children's health.

It has been so successful in enrolling eligible children for health insurance that the Department of Health and Human Services recently granted approval to allow AR Kids First to operate as the state's CHIP program.

I applaud their efforts and hope that other states can learn from the outreach success of AR Kids First.

Finally, this bill eliminates the sunset clause for a pot of money that Congress allocated for states to help them link families leaving welfare with the Medicaid and CHIP programs. As part of the 1996 welfare reform law, Congress gave \$500 million to states to see that families with children in the welfare system continue to receive health care coverage.

Prior to 1996, poor families with children automatically received health benefits through Medicaid when they signed up for AFDC. Since Congress passed welfare reform legislation, Medicaid and TANF are no longer legally connected. States must revamp their eligibility systems to see that families with children do not fall through the cracks.

There has been confusion between governors and the Department of Health and Human Services about the time period that this money could be spent.

States run the risk of losing this money just 2 days from now. On September 30th, 16 states are in jeopardy of losing this funding and 18 more states will lose funding by December 31, 1999.

So, as you see, this piece of the Maternal and Children's Health Coverage Act is critical—and timely.

I hope that the Congress and the President will act swiftly to eliminate the sunset clause and give states more time to spend this valuable pot of money.

Mr. President, Congress is currently engaged in a debate over the Patients'

Bill of Rights. I hope that we don't lose sight of an equally important goal of seeing that all children in America have health care insurance.

I believe this bill takes a positive step forward in helping states move closer to the goal of providing health insurance to 5 million uninsured children. We can do this. We must do this. ● Ms. LANDRIEU. Mr. President, today I join my colleagues, Senator LINCOLN from Arkansas, Senator BAYH from Indiana, Senator SMITH from Oregon, and Senator FEINSTEIN from California to introduce the "Improved Maternal and Children's Health Coverage Act of 1999," that would improve the health coverage of needy children under the State Children's Health Insurance Program (CHIP) and Medicaid. CHIP was implemented during the Balanced Budget Act of 1997 to ensure children living in working families that do not qualify for Medicaid, but still cannot afford health insurance, receive the care they need.

As part of the 1996 welfare reform law, Congress allocated \$500 million to states to provide children and families access to Medicaid. This fund will expire for 16 states on September 30, 1999, and for 18 more States, including Louisiana, on December 31, 1999. Our proposal would extend the life of this fund to allow states to continue to use these dollars as they carry out outreach efforts for both Medicare and CHIP providing our children with health care.

Eleven million of the nation's children remain uninsured despite the passage of the State Children's Health Insurance Program. Mr. President, we need to strengthen this essential program. In Louisiana alone, there are 268,000 children who still do not have health insurance. About half of these children are eligible for Medicaid or CHIP, but are not enrolled because of the lack of outreach. I know that in my colleague's state of Arkansas, they have insured just over half of the children who are eligible. The "Improved Maternal and Children's Health Coverage Act" will provide better outreach services to those families who may not know of their eligibility. It provides for a simplified and coordinated enrollment process that would determine eligibility for both Medicaid and CHIP.

Additionally, the measure gives the states the option to cover pregnant women. Studies have shown that prenatal care improves the health of new born children and reduces the risk of birth defects. It is so very important that our children have health coverage from the first day of life.

Parents are just beginning to be aware that this special program exists and that their children are eligible. It is our responsibility as leaders to make sure that our children are given the best possible opportunities for success. This means we must provide quality access to children's health services. We

must not let these children fall through the cracks. ●

By Mr. BAUCUS (for himself, Mr. GORTON, and Mr. BINGAMAN):

S. 1648. A bill to amend the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to take certain actions if the European Union does not reduce and subsequently eliminate agricultural export subsidies; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURE FAIR TRADE ACT OF 1999

Mr. BAUCUS. Mr. President, I rise to introduce the Agriculture Fair Trade Act of 1999. I am joined by Senator GORTON of Washington and Senator BINGAMAN of New Mexico.

I begin by saying I believe the next round of the WTO is vital to American farmers. As a Senator who represents Montana, a State whose primary industry is agriculture, this next round will decide the fate of our next generation of producers. It is that simple.

It is becoming increasingly clear that while the rest of the Nation continues to experience astounding economic growth and prosperity through open and global trade, America's farmers and ranchers across the Nation are suffering, and they have yet to reap the fruits of free trade's bounty.

During the last several months, we have worked to identify goals for agriculture in the next round of the WTO. The consensus is that we must step up our efforts dramatically in order to make genuine progress in leveling the playing field for our agriculture industry.

It is our intention that this bill will begin this process. The Agriculture Fair Trade Act provides a mechanism through which we can target unfair export subsidies and fight for their total elimination by January 1, 2003.

It is our hope that such legislation will provide an incentive for our trading partners to voluntarily reduce their export subsidies during the next round of the WTO. The elimination of these subsidies will benefit farmers on both sides of the Atlantic.

I believe this act provides a powerful two-tier trigger approach to the reduction of export subsidies.

First, the European Union must reduce its agriculture export subsidies by 50 percent by January 1, 2002. If the EU fails to do so, the U.S. Agriculture Secretary shall take appropriate measures to protect the interests of American agricultural producers and ensure the international competitiveness of U.S. agriculture.

In particular, the Secretary shall be authorized to target EU's most sensitive export market for grains and spend over \$1 billion in Export Enhancement Program funding in that market.

Step 2 requires the EU to enter into an agreement with the United States

by January 1, 2003. The EU must agree to completely eliminate its export subsidies, and if not, the U.S. Secretary of Agriculture shall be authorized to, again, target EU's most sensitive export market for grain, double the Export Enhancement Program to \$2 billion, and increase and utilize export funding for market promotion and direct ag export credit sales in the best interest of American ag producers.

It is high time the Senate takes action to ensure that the next round of negotiations result in benefits to our agricultural producers.

Why target EU export subsidies? I believe the United States has taken the high road in leading by example. That lead hurts U.S. producers. The United States has long taken the position that if we reduce support for agriculture, especially export subsidies, we will get a fair trading system.

That is not the case across the Atlantic, where the EU export subsidies are 60 times greater than export subsidies in the United States. In fact, the EU accounts for nearly 85 percent of the world's agricultural export subsidies.

I can remember in the 1980s when the U.S. and EU engaged in an "export subsidy war." At the same time, they both battled to undercut each other's prices in the world's wheat export markets. But over the decade, U.S. market share declined while EU market share increased dramatically.

Europe, formerly the world's largest net importer, suddenly became the world's largest net exporter of agricultural products. It had nothing to do with luck. It had everything to do with their aggressive use of export subsidies.

How did the United States fight back? We didn't. To date, the United States maintains an anemic Export Enhancement Program. Authorized at \$500 million a year, EEP operates well below its Uruguay Round reduction commitments. If EEP is to be a credible tool in international trade, it is high time we start flexing its muscle.

The United States will remain the most open market in the world. I am committed to that. At the same time, we must do everything possible to open foreign markets. A "trigger" is the first step—it has leverage—but one that must be taken as a very large stride in the path toward free trade.

Again, I thank Senators GORTON and BINGAMAN for cosponsoring this legislation. I urge my colleagues vested in the future of American agriculture to join us in this endeavor.

By Mr. ABRAHAM (for himself, Mr. MACK, and Mr. MCCAIN):

S. 1649. A bill to provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers; to the Committee on Health, Education, Labor, and Pensions.

## THE MERIT ACT

• Mr. ABRAHAM. Mr. President, today I rise with my good friend and colleague, Senator MACK, to introduce the Measures to Encourage Results in Teaching Act, or as it is frequently and aptly called, the MERIT Act.

Mr. President, there has been a great deal of discussion regarding our nation's schools and the state of elementary and secondary public school education. This country spends \$740 billion per year on education. This is more than the Gross Domestic Products of Spain, Canada or Brazil. Yet the results of the Third International Mathematics and Science Study for Eighth Grade Students ranked American students 28th in science and 17th in math when compared to students in other countries. This situation worsens by the twelfth grade, when our advanced students performed at the bottom of international comparisons.

Mr. President, 43 percent of our fourth graders cannot pass a basic reading test. Our children deserve the highest quality education possible and unfortunately, as just even these few statistics demonstrate, we are failing. Neither our children nor our nation can succeed unless we improve our educational system.

Without a good education and the strong skills it provides, our young people will not be able to get good jobs at good wages. Without skilled, educated workers, our businesses will lose their competitive edge in the world marketplace. The prosperity of our entire nation demands that we do more to improve our children's education.

The question then, Mr. President, is "how can we improve our kids' education?" There are a lot of fancy theories floating about on this topic. But one thing we know for certain: the most important educational tool in any classroom remains a qualified, highly trained teacher. Teachers play a special and indispensable role in our children's education. Nothing can replace the positive and long lasting impact a dedicated, knowledgeable teacher has on a child's learning process. And nothing can compensate for the weak teaching that, despite the best of intentions, can result from a teacher's lack of knowledge, preparation, skill and interest.

The bulk of our teachers are working hard, under difficult circumstances, to educate our children. Unfortunately, Mr. President, too many of them have not gained the training they need to succeed in educating young people. Currently, the Department of Education reports that one-third of high school math teachers, nearly 25 percent of high school English teachers and 20 percent of science teachers are teaching without a college major or even a college minor in their subjects.

The MERIT Act constitutes an important step toward providing better

education. It will ensure that teachers have the training they need to succeed, and that teachers are rewarded for their successes. Common sense dictates that teachers should have subject-matter knowledge in the areas they teach. Common sense also dictates that teachers who motivate and inspire their students, and who put forth the extra effort to improve and expand upon their own skills and knowledge, should be rewarded.

The MERIT Act puts common sense into action. It will provide incentives for states to establish teacher testing and merit pay policies. Specifically, this legislation would provide that 50 percent of the funds provided over the Fiscal Year 2000 appropriation level for the Eisenhower Professional Development Program will be made available to any state that has established periodic assessments of elementary and secondary school teachers, and implements a pay system to reward teachers based on merit and proven performance.

Mr. President, I'd like to be particularly clear on one point: This bill will not result in any reductions in funding for the Eisenhower Professional Development Program. This is an incentive program, not another Washington-knows-best mandate. No state will be penalized for its decision not to participate in the MERIT Act program. In fact, should the appropriation level for the Eisenhower Program increase, so will the amount provided to each state.

What this legislation will provide, Mr. President, is an important incentive for states to make certain that our kids are taught by committed teachers who have received the training they need to succeed. Day in and day out, teachers make a real difference for our kids. They inspire children to dream, and to work to make those dreams come true. They help our young people realize their full potential and work to achieve it. Their contributions are invaluable and their efforts demand commendation. The MERIT Act would reward these teachers for their commitment and ensure that our children will be taught by the most qualified and knowledgeable individuals available.

I urge my colleagues to support this important legislation.

I ask unanimous consent that a copy of the bill and a section by section analysis, be printed in the RECORD.

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

S. 1649

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

**SECTION 1. SHORT TITLE; FINDINGS; AND PURPOSES.**

(a) **SHORT TITLE.**—This Act may be cited as the "Measures to Encourage Results in Teaching Act of 1999".

(b) **FINDINGS.**—Congress makes the following findings:

(1) All students deserve to be taught by well-educated, competent, and qualified teachers.

(2) More than ever before, education has and will continue to become the ticket not only to economic success but to basic survival. Students will not succeed in meeting the demands of a knowledge-based, 21st century society and economy if the students do not encounter more challenging work in school. For future generations to have the opportunities to achieve success the future generations will need to have an education and a teacher workforce second to none.

(3) No other intervention can make the difference that a knowledgeable, skillful teacher can make in the learning process. At the same time, nothing can fully compensate for weak teaching that, despite good intentions, can result from a teacher's lack of opportunity to acquire the knowledge and skill needed to help students master the curriculum.

(4) The Federal Government established the Dwight D. Eisenhower Professional Development Program in 1985 to ensure that teachers and other educational staff have access to sustained and high-quality professional development. This ongoing development must include the ability to demonstrate and judge the performance of teachers and other instructional staff.

(5) States should evaluate their teachers on the basis of demonstrated ability, including tests of subject matter knowledge, teaching knowledge, and teaching skill. States should develop a test for their teachers and other instructional staff with respect to the subjects taught by the teachers and staff, and should administer the test every 3 to 5 years.

(6) Evaluating and rewarding teachers with a compensation system that supports teachers who become increasingly expert in a subject area, are proficient in meeting the needs of students and schools, and demonstrate high levels of performance measured against professional teaching standards, will encourage teachers to continue to learn needed skills and broaden teachers' expertise, thereby enhancing education for all students.

(c) **PURPOSES.**—The purposes of this Act are as follows:

(1) To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers.

(2) To encourage States to establish merit pay programs that have a significant impact on teacher salary scales.

(3) To encourage programs that recognize and reward the best teachers, and encourage those teachers that need to do better.

**SEC. 2. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.**

(a) **AMENDMENTS.**—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part E as part F;

(2) by redesignating sections 2401 and 2402 as sections 2501 and 2502, respectively; and

(3) by inserting after part D the following:

**"PART E—STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY**

**"SEC. 2401. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.**

"(a) **STATE AWARDS.**—Notwithstanding any other provision of this title, from funds described in subsection (b) that are made available for a fiscal year, the Secretary shall make an award to each State that—

"(1) administers a test to each elementary school and secondary school teacher in the State, with respect to the subjects taught by the teacher, every 3 to 5 years; and

“(2) has an elementary school and secondary school teacher compensation system that is based on merit.

“(b) AVAILALE FUNDING.—The amount of funds referred to in subsection (a) that are available to carry out this section for a fiscal year is 50 percent of the amount of funds appropriated to carry out this title that are in excess of the amount so appropriated for fiscal year 2000, except that no funds shall be available to carry out this section for any fiscal year for which—

“(1) the amount appropriated to carry out this title exceeds \$600,000,000; or

“(2) each of the several States is eligible to receive an award under this section.

“(c) AWARD AMOUNT.—A State shall receive an award under this section in an amount that bears the same relation to the total amount available for awards under this section for a fiscal year as the number of States that are eligible to receive such an award for the fiscal year bears to the total number of all States so eligible for the fiscal year.

“(d) USE OF FUNDS.—Funds provided under this section may be used by the States to carry out the activities described in section 2207.

“(e) DEFINITION OF STATE.—For the purpose of this section, the term ‘State’ means each of the 50 States and the District of Columbia.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2000.

### SEC. 3. TEACHER TESTING AND MERIT PAY.

(a) IN GENERAL.—Notwithstanding any other provision of law, a State may use Federal education funds—

(1) to carry out a test of each elementary school or secondary school teacher in the State with respect to the subjects taught by the teacher; or

(2) to establish a merit pay program for the teachers.

(b) DEFINITIONS.—In this section, the terms “elementary school” and “secondary school” have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

#### SECTION 1. SHORT TITLE; FINDINGS; AND PURPOSES

This section states that the short title of this bill is the “Measures to Encourage Results in Teaching Act of 1999.”

The findings section stresses the importance of having quality teachers in the classroom and the direct correlation between a teacher’s ability and the educational success of his or her students. The findings also state the importance of evaluating teachers on the basis of demonstrated ability, including tests of subject matter knowledge, teaching knowledge, and teaching skill.

The purpose of the legislation is to provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary and secondary school teachers.

#### SECTION 2. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY

Section 2(a) amends the Elementary and Secondary Education Act by adding Sec. 2401 “State Incentives for Teacher Testing and Merit Pay.”

Subsection (a) states that the Secretary of Education shall make awards to each State that tests each elementary and secondary school teacher in the subject he or she teaches every 3 to 5 years and that establishes a teacher compensation system based on merit.

Subsection (b) states that the available funding for the above section shall be 50 percent of the increase in funds appropriated for the Dwight D. Eisenhower Professional Development Program about the FY 2000 appropriated levels. This ensures that States will not have their Eisenhower funding cut below current fundings levels.

Subsection (c) divides the amount awarded under this section equally among States operating a teacher testing and merit pay program.

Subsection (d) stipulates that funds under this section can only be used to carry out teacher testing and merit pay activity.

Subsection (e) defines “State” to mean each of the 50 States and the District of Columbia.

#### SECTION 3. TEACHER TESTING AND MERIT PAY

Subsection (a) stipulates that States may use Federal education funds to carry out teacher testing programs and to establish merit pay programs for teachers.

Subsection (d) defines “elementary school” and “secondary school” as having the same meaning as under the Elementary and Secondary Education Act.●

● Mr. MACK. Mr. President, I rise today with my friend and colleague Senator ABRAHAM, to introduce the Merit Act, which is legislation to ensure that every classroom in America is staffed with a competent, qualified and caring teacher. Last Congress, the Senate debated a number of initiatives to further this goal and passed this legislation as an amendment to a comprehensive education reform bill, which was vetoed by the President. Earlier this year, I joined Senator GREGG in cosponsor the Teacher Empowerment Act. Both the TEA, and the MERIT ACT are important reform bills to enable local schools to staff their classrooms with the best and brightest teachers.

The 21st Century begins in just under 100 days. If our children are to be prepared for the challenges ahead, educational excellence must become our first order of business. As Congress continues to focus on a number of important reforms to federal K-12 education policy, I strongly believe that any real education reform must confront the most basic, the most important, and the most neglected aspect of public education: the quality of instruction in the classroom.

Parents all over the state of Florida, and I imagine the same is true around the country, are concerned that the success—or failure—of their child’s entire academic year will be determined by the quality and expertise of their child’s teacher. Studies show that the most important factor in determining student success on standardized tests is the teacher’s ability to present the material. Studies also show that when a student is assigned an ineffective teacher, the damage is not limited to one year. In fact, student test scores do not recover for three years, even if their subsequent teachers are excellent.

America’s classrooms are staffed with many dedicated, knowledgeable,

and hardworking teachers. Nevertheless, the case for sweeping reform is not difficult to make. While the United States already spends more money per pupil than virtually any industrialized democracy in the world, our children frequently score near the bottom in international exams in science and math. Without exceptional teaching, no amount of resources will be able to turn bad schools into good schools. Throwing more money at the problem is no longer the answer.

Our schools and classrooms should be staffed with teachers who have the appropriate training and background. Students deserve teachers with a thorough knowledge of the subjects they are teaching and the ability to convey complex material in ways that students can understand. One way to determine the competency of teachers would be to test them on their knowledge of the subject areas they teach.

At a time when states are raising the bar for student achievement, few are raising standards for teachers. Today, seven states have no licensing exams for new teachers, and of the 43 states that do have licensing exams, only 29 require high school teachers to pass an exam in the subject they plan to teach. However, in many cases, these requirements are waived when there is a shortage of qualified candidates.

We have a clear interest in ensuring that beginning teachers are able to meet high standards and are knowledgeable about the subject matter they are presenting, and a number of states have taken the initiative to test their prospective teachers. However, when you consider that many teachers—especially teachers in low income districts—do not even have a minor degree in the subject they teach, it is important to periodically evaluate the performance of all teachers. Schools are often strapped for good teachers and will simply staff a science class with a math teacher. These are cases where testing could provide valuable insight as to the mastery of the teacher in additional subjects, and would identify those teachers who need additional encouragement.

Common sense also dictates that we should not concentrate all our attention on under-performing teachers. We must also recognize that there are many great teachers who are successfully challenging their students on a daily basis. Today, our public schools compensate teachers based almost solely on seniority, not on their performance inside the classroom. Merit pay would differentiate between teachers who are hard-working and inspiring, and those who fall short.

The legislation we are introducing today, known as the MERIT ACT—which stands for Measures to Enhance Results in Teaching—is the same legislation that passed the Senate last Congress with bipartisan support by a

vote of 63–35. It rewards states that test its teachers on their subject matter knowledge, and pays its teachers based on merit.

Here is how it works: we will make half of any additional funding over the FY 2000 level for the Eisenhower Professional Development Program available to states that periodically test elementary and secondary school teachers, and reward teachers based on merit and proven performance. There will be no reduction in current funding to states under this program based on this legislation. As funding increases for this program, so will the amount each state receives. Incentives will and should be provided to those states that take the initiative to establish teacher testing and merit pay programs.

Again, I want to emphasize that all current money being spent on this program is unaffected by this legislation. Only additional money will be used as an incentive for states to enact teacher testing and merit pay programs.

Finally, this legislation enables states to also use federal education money to establish and administer teacher testing and merit pay programs. This broad approach will enable states to staff their schools with the best and most qualified teachers, thereby enhancing learning for all students. In turn, teachers can be certain that all of their energy, dedication and expertise will be rewarded. And it can be done without placing new mandates on states or increasing the federal bureaucracy.

It is interesting to note that as Governor of the State of Arkansas, Bill Clinton enthusiastically supported teacher testing, and as Governor of South Carolina, Secretary of Education Richard Riley advocated a merit-pay plan. In fact, then-Governor Clinton in 1984 said that he was more convinced than ever that competency tests were needed to take inventory of teachers' basic skills. He said, "Teachers who don't pass the test shouldn't be in the classroom". While President Clinton vetoed this legislation last year, I am hoping he will stand by his State of the Union address where he stated that new teachers should be required to pass performance exams and all teachers should know the subject matter they are teaching.

I would also like to mention the important steps being taken by schools around the country to address the need for merit-based pay. Most recently, in Denver, Colorado, schools have reached an agreement with the unions to commence a two year demonstration program which will pay teachers based on performance. It is important to note the two largest unions, the National Education Association and the American Federation of Teachers, have approached the Denver plan with an open mind. In this program, teachers can earn an additional \$1500 by the end of

an academic year if a majority of the teacher's students "improve." I am encouraged by the initiative taken by Denver's schools to implement innovative approaches to teacher compensation, and I look forward to the continued cooperation of America's teacher unions. Without their cooperation, reforms to education in America are often frustrated. In the end, I believe teachers, administrators, parents and students will be able to devise a system that is fair and one that works to improve teacher and student performance alike.

I look forward to working with my colleagues as we continue the fight to give dedicated professionals who teach our children a personal stake in the quality of the instruction they provide. I hope there will again be broad, bipartisan support for this bill. ●

● Mr. MCCAIN. Mr. President, I am proud to join my colleagues, Senators ABRAHAM and MACK to introduce legislation today which will help ensure that our children are being taught by the best, brightest and most competent teachers.

"A teacher affects eternity; they can never tell where their influence stops." I share this sentiment of Henry Adams—knowledgeable, enthusiastic teachers play a critical role in the development of our children.

Personally, I can attest to the lasting mark teachers can have on a child, for my life has greatly benefitted from the guidance, encouragement and support of many teachers. As many of my colleagues know, my years in school were not notable for individual academic achievement, but I was fortunate to have been taught by some of the finest leaders and role models our nation could offer a young person. Their efforts helped prepare me for the experiences and obstacles I faced later in life.

It is important for us to continue to work to ensure that all children have access to wonderful, intelligent and inspirational teachers. It is my strong belief that testing our teachers and providing merit pay for those that excel is critical for retaining smart, enthusiastic and talented teachers in our nation's classrooms. This is why I cosponsored this measure last year and have joined my colleagues again this year to reintroduce this legislation.

Too many teachers are receiving salaries which are not commensurate with the invaluable service they provide. It is unconscionable that a bad politician is paid more than a good teacher. I will continue fighting for better pay for our nation's teachers, but I will also continue fighting for programs which encourage our states to provide merit-based pay, and periodically test teachers for competence. By all means, we should reward good teachers. They have answered one of the highest callings in our society, and they should

be honored for the sacrifices they make on our children's behalf. But we should also weed out problem teachers who have lost the desire to teach or who have failed to improve their teaching skills in this high tech age.

The fact is that teachers who refuse to demonstrate their competency, are probably not competent to teach. Every child in every classroom deserves a teacher who is qualified and enthusiastic about teaching. Some people just aren't meant to be teachers, and we should help them find another line of work.

There are thousands of dedicated teachers around our nation working with parents, school officials and local communities to guide our children and provide them with the highest quality education necessary for ensuring the youth of our country have both the love in their hearts and the knowledge in their heads to not only dream, but to make their dreams a reality. These are precisely the teachers whom we should be fighting to keep in our schools and merit pay is crucial towards achieving that.

America's teachers are helping our youth develop the personal, professional and emotional skills necessary for successfully defining and achieving their goals. The impact of quality teachers on our children and our nation's future is immeasurable and irreplaceable, and we must continue developing and strengthening programs which encourage these teachers to continue teaching our children and building a better future for all of us. I urge my colleagues to support this measure we are introducing today and work with us to ensure the best teachers with the best skills are teaching our children. ●

By Mr. BAUCUS (for himself, Mr. GORTON, Mr. BINGAMAN, Mr. CRAIG, and Mrs. MURRAY):

S. 1651. A bill to amend the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to take certain actions if the European Union does not reduce and subsequently eliminate agricultural export subsidies; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL TRADE FAIRNESS ACT OF 1999

● Mr. BAUCUS. Mr. President, I rise today to introduce the "Agriculture Fair Trade Act of 1999." I am pleased to be joined in this bipartisan effort by the bill's leading cosponsors, Senator GORTON, Senator BINGAMAN, Senator CRAIG and Senator MURRAY. The measure is also supported by the Montana Grain Growers and the Montana Farm Bureau.

Let me begin by saying that this next round of WTO is vital. As a senator who represents Montana—a state whose primary industry is agriculture—this next round will decide the fate of our next generation of producers. It is becoming increasingly

clear that while the rest of the nation continues to experience astounding economic growth and prosperity through open and global trade, America's farmers and ranchers across the nation suffer. They have yet to reap the fruits of free trade's bounty.

During the past several months, we in the Senate, the Administration and farmers and ranchers back home have worked to identify the goals for agriculture in the next round in the WTO. And the consensus is that we must step up our efforts in order to make any genuine progress in leveling the playing field for the agricultural industry.

It is our intention that this bill will begin this process. The Agriculture Fair Trade Act provides a mechanism through which we can target unfair export subsidies and fight for their total elimination by January 1, 2003. It is our hope that such legislation will provide an incentive for our trading partners to voluntarily reduce their export subsidies during the next round of the WTO. The elimination of these subsidies will benefit farmers on both sides of the Atlantic.

I believe that the Agriculture Fair Trade Act provides a powerful, two-tiered "trigger" approach to the reduction of export subsidies.

First, the European Union must reduce its agricultural export subsidies by 50 percent by January 1, 2002. If the EU fails to do so, the U.S. Secretary of Agriculture shall take appropriate measures to protect the interests of American agricultural producers and ensure the international competitiveness of United States agriculture.

In particular, the Secretary shall be authorized to—

Target the EU's most sensitive export market for grains, and

Spend \$1 billion in Export Enhancement Program funding in that market.

Step two requires the European Union to enter into an agreement with the United States. By January 1, 2003, the EU must agree to completely eliminate its export subsidies. If not, the U.S. Secretary of Agriculture shall be authorized to—

Again, target the EU's most sensitive export market for grains,

Double the Export Enhancement Program to \$2 billion, and

Increase and utilize export funding for market promotion and direct ag export credit sales in the best interest of American ag producers.

It's high time, we in the U.S. Senate take action to ensure that the next round of negotiations results in benefits to our producers.

#### WHY TARGET EU EXPORT SUBSIDIES?

I believe that the U.S. has taken the high road in leading by example. That lead hurts U.S. producers. The United States has long taken the position that if we reduce support for agriculture we will get a fair trading system. That is not the case across the Atlantic, where

the EU export subsidies are 60 times greater than export subsidies in the United States. In fact, the EU accounts for nearly 85 percent of the world's export subsidies.

I can remember the 1980s when the U.S. and EU engaged in an "export subsidy war." At that time, both countries battled to undercut each other's prices in the world's wheat export markets. Over the decade, U.S. market share declined while EU market share increased dramatically. Europe, formerly the world's largest net importer, suddenly became the world's largest net exporter. It had nothing to do with luck. It had everything to do with their aggressive use of export subsidies.

And how did the United States fight back? We didn't. To date, the United States maintains the anemic Export Enhancement Program. Authorized at \$500 million a year, EEP operates well below its Uruguay Round reduction commitments. If EEP is to be a credible tool in international trade, its high time to start flexing its muscle.

The United States will remain the most open market in the world. I am committed to that. At the same time, we must do everything possible to open foreign markets. A "trigger" is the first step—but one that must be taken as a very large stride in the path toward fair trade.

I again thank Senators GORTON, BINGAMAN, CRAIG and MURRAY for co-sponsoring this important legislation. And I urge my colleagues vested in the future of America agriculture to join us in this endeavor. ●

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. LOTT, Mr. DASCHLE, Mr. WARNER, Mr. BREAUX, Mr. CRAPO, Mr. LIEBERMAN, Mr. DOMENICI, Mr. MOYNIHAN, Ms. COLLINS, Mr. REID, and Mr. LAUTENBERG):

S. 1653. A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act; to the Committee on Environment and Public Works.

#### NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT AMENDMENTS OF 1999

Mr. CHAFEE. Mr. President, I rise today to introduce legislation to reauthorize the National Fish and Wildlife Foundation Establishment Act of 1984. This legislation makes important changes in the Foundation's charter, changes that I believe will allow the Foundation to build on its fine record of providing funding for conservation of our Nation's fish, wildlife, and plant resources.

The National Fish and Wildlife Foundation was established in 1984, to bring together diverse groups to engage in conservation projects across America and, in some cases, around the world. Since its inception, the Foundation has made more than 3,400 grants totaling over \$435 million. This is an impressive

record of accomplishment. The Foundation has pioneered some notable conservation programs, including implementing the North American Waterfowl Management plan, Partners in Flight for neotropical birds, Bring Back the Natives Program, the Exxon Save the Tiger Fund, and the establishment of the Conservation Plan for Sterling Forest in New York and New Jersey, to name just a few.

Mr. President, the Foundation has funded these programs by raising private funds to match Federal appropriations on at least a 2 to 1 basis. During this time of fiscal constraint this is an impressive record of leveraging Federal dollars. Moreover, all of the Foundation's operating costs are raised privately, which means that Federal and private dollars given for conservation is spent only on conservation projects.

I am proud to count myself as one of the "Founding Fathers" of the National Fish and Wildlife Foundation. In 1984, I, along with my colleagues Senators Howard Baker, George Mitchell, and JOHN BREAUX, saw the need to create a private, nonprofit group that could build public-private partnerships and consensus, where previously there had only been acrimony and, many times, contentious litigation.

The National Fish and Wildlife Foundation has more than fulfilled the hopes of its original sponsors. It has helped to bring solutions to some difficult natural resource problems and is becoming widely recognized for its innovative approach to solving environmental problems. For example, when Atlantic salmon neared extinction in the United States due to overharvest in Greenland, the Foundation and its partners bought Greenland salmon quotas. I and many others in Congress want the Foundation to continue its important conservation efforts. So, today I am introducing amendments to the Foundation's charter that will allow it to do just that.

Mr. President, this legislation is quite simple. It makes three key changes to current law. First, the bill would expand the Foundation's governing board of directors from 15 members to 25 members. This will allow a greater number of those with a strong interest in conservation to actively participate in, and contribute to, the Foundation's activities.

The bill's second key feature authorizes the Foundation to work with other agencies within the Department of the Interior and the Department of Commerce, in addition to the Fish and Wildlife Service and the National Oceanic and Atmospheric Administration. Mr. President, it is my view that the Foundation should continue to provide valuable assistance to government agencies within the Departments of the Interior and Commerce that may be faced with conservation issues. Finally, it would reauthorize appropriations to

the Departments of the Interior and the Department of Commerce through 2004.

Mr. President, last year this bill passed the Senate by unanimous consent, but unfortunately the House was unable to duplicate our efforts. I believe that this legislation will produce real conservation benefits and I strongly urge my colleagues to once again give the bill their support.

• Mr. BAUCUS. Mr. President, in 1984, Congress created the National Fish and Wildlife Foundation, a charitable, non-profit corporation with the mission of conserving our nation's fish, wildlife, plant, and other natural resources. The Foundation's creation was championed by congressional members from both sides of the aisle, including my esteemed colleague on the Environment and Public Works Committee, Chairman JOHN CHAFEE. The bipartisan support the Foundation received in Congress reflected broad agreement that additional efforts were needed to protect and manage our natural resources.

Over the past 15 years, National Fish and Wildlife Foundation has established a solid track record. The Foundation has achieved on-the-ground results. It has also stretched federal dollars and built public-private partnerships essential to conservation efforts. The Foundation has provided more than 3,500 grants to over 940 private local organizations, state and county governments, tribes, federal and interstate agencies, and colleges and universities in all 50 states. By requiring grantees to match Foundation grants with non-federal funds, the \$135 million in federal funds invested by the Foundation have been leveraged to deliver more than \$440 million to natural resource conservation efforts. Significantly, these funds are used to help build public-private partnerships among individual landowners, government and tribal agencies, conservation organizations, and business. The result is the development of consensus, locally-driven solutions to the challenges involved in protecting and managing fish, wildlife, plants, and other natural resources.

In my home state of Montana, where fishing, hunting, and the enjoyment of our natural resources are deeply ingrained into our way of life, the National Fish and Wildlife Foundation has made important contributions to conservation efforts. These contributions include supporting environmental education, habitat restoration and protection, resource management, and the development of conservation policy. For example, public-private partnerships have been established to restore and protect native fish species, such as Arctic grayling, bull trout, and cutthroat trout, prized by anglers. Working with landowners, thousands of acres of lands have been purchased and easements acquired to benefit elk, big-

horn sheep, mule deer, other game animals. Support has been provided to county and tribal efforts to control the spread of noxious weed species that threaten farms, rangelands, wildlife habitat, and recreation areas. In total, the Foundation has funded 187 projects and delivered a total of almost \$13 million to conservation projects in Montana.

Mr. President, even with the accomplishments of the National Fish and Wildlife Foundation, the need to conserve the nation's natural resources remains. Today, in too many areas of the country, the health and sustainability of fish, wildlife, and plants, and the habitats on which they depend, are threatened. Bitter disputes continue to arise among interests when solutions to difficult natural resource problems are sought. Tight budgets often severely limit the ability of governments and private entities to adequately address conservation challenges. Because of this, the need for an organization such as the National Fish and Wildlife Foundation, which promotes conservation, builds partnerships and consensus, and stretches dollars, is as clear today as it was in 1984.

The bill we are introducing today, the National Fish and Wildlife Foundation Establishment Act Amendments of 1999, will increase the Foundation's ability to continue to carry out its important mission. First and foremost, the legislation authorizes federal appropriations through 2004 to support the Foundation's work. The legislation also strengthens the Foundation by increasing the size of its board of directors and allowing board members to be removed for nonperformance. Finally, the bill broadens the Foundation's authority by allowing it to work with all agencies within the Departments of Interior and Commerce. This legislation is nearly identical to the legislation passed by the Senate last year.

Mr. President, the National Fish and Wildlife Foundation has provided valuable assistance to this nation's natural resource conservation efforts over the past 15 years. If the legislation we are introducing today is passed, I have no doubt that the Foundation will continue its solid record of accomplishment. I urge my colleagues to join the bipartisan group of cosponsors and support this important legislation. •

Mr. LOTT. Mr. President, today Chairman CHAFEE has introduced legislation providing for the reauthorization of the National Fish and Wildlife Foundation. I appreciate the leadership that the chairman has taken in sponsoring this bipartisan bill, and anticipate that it will move quickly through the legislative process.

I have been a strong supporter of the Foundation and the programs and activities it undertakes to further conservation and management of our nation's fish and wildlife resources from

the beginning. Created by Congress in 1984, the Foundation has used its relationship with government, private, and corporate stakeholders to foster inter-agency cooperation and coordination. It has also brought private sector involvement, initiative, imagination, and technology to bear in solving conservation problems.

Mr. President, the National Fish and Wildlife Foundation Establishment Act requires that all federal money appropriated to the Foundation be matched by contributions from non-federal sources, such as: corporations, State and local government agencies, foundations and individuals. The Foundation's operating policy is to raise a match of at least 2 to 1, to maximize leverage for our federal funds. The Foundation takes the appropriated money and places it directly into conservation projects. What does this mean? This means that for every federally appropriated dollar we give the Foundation, an average of \$3.17 in on-the-ground conservation takes place. This is something we all should take credit for.

Mr. President, one of the things that distinguishes the Foundation from other conservation groups, is that its efforts yield results in the field, and that its projects include its trademark characteristics of partnership building, public-private coordination, community involvement, and sustainable economics. The Foundation has worked with over 700 agencies, universities, businesses and conservation groups, both large and small, over the last decade. These factors have helped the Foundation become one of the most effective conservation organizations in the nation. The Foundation's projects are all peer reviewed by agency staff, state resource officials, and other professionals in the natural resource field, and there is a process to solicit comments from members of Congress concerning grants in a member's district or state.

In Mississippi the Foundation has supported many local habitat restoration projects aimed specifically at helping private landowners restore wetlands and riparian areas to improve habitat for waterfowl and shorebirds. Further, the Foundation is an important partner in the work that local groups are going to market the conservation programs of the farm bill in Mississippi. With funds from the Foundation, local conservation groups are partnering with the USDA Natural Resources Conservation Service to reach farmers who had not participated in conservation programs. Finally, the Foundation is playing a key role in restoring bottomland hardwood habitats critical to migrating neotropical songbirds and other water-dependent wildlife species by working with utility companies to support tree planting throughout the region. These efforts

all help in regaining some the state's original wetlands habitats.

Mr. President, we are all aware of our deficit reduction challenges and the needs and concerns of our many constituencies. The Foundation provides us with a unique opportunity to meet these challenges and needs.

Mr. President, this bill should be acted upon quickly, and the chairman can count on my strong support for the bill's adoption.

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

S. 1654. A bill to protect the coast of Florida; to the Committee on Energy and Natural Resources.

FLORIDA COAST PROTECTION ACT OF 2000

Mr. MACK. Mr. President, Senator GRAHAM and I rise again to introduce the Florida Coast Protection Act of 2000. This legislation will amend current law to give states the ability to have all pertinent environmental information on hand before they are forced to rule on oil and gas drilling development plans, and it would also implement a permanent ban on leasing in the Eastern Gulf of Mexico.

Mr. President, Floridians have always been justifiably concerned about the prospect of oil and gas exploration in the waters off our coast. We are well aware of the risk this activity poses to our environment and our economy because, in Florida, a healthy environment means a healthy economy. Millions of people come to Florida each year to enjoy the climate, our beaches, and our fine quality of life. The tourism industry in Florida provides millions of jobs and generates revenues in the billion of dollars. It would take only one disaster to end Florida's good standing as America's vacationland. We cannot afford to let that happen.

Throughout my tenure in the Senate I have opposed exploration and drilling off Florida's coasts. My goal—and the goal of the entire Florida Congressional delegation—is to permanently remove this threat from Florida's coast. In recent years, we have stood together in opposition to drilling and have successfully extended the annual moratorium on all new leasing activities on Florida's continental shelf. While the opposition of Floridians to oil drilling is well-documented, the reality remains that leases have been issued, potential drilling sites have been explored, and it is likely that actual extraction of resources could take place within the next few years.

In order to prevent a repeat of the past mistake of leasing in the OCS off Florida, our legislation makes permanent the ban on any new leasing activity within 100 miles of our coast. In addition, it gives states the flexibility to make a determination regarding the consistency of oil and gas development and production plans as required by the Coastal Zone Management Act after an

environmental impact statement detailing the direct and cumulative impacts of the project is completed by the Minerals Management Service.

It is this second provision which is so important. Many in this body may not be aware that my state is currently engaged in a battle to keep drilling rigs off its coasts. In the process, the government of the state of Florida was forced, by current law, to make a consistency determination on a pending development plan without the benefit of the environmental impact statement. In fact, the state was forced to conclude that the plan is inconsistent with its own coastal zone management program months before the environmental impact statement was concluded. As I stand here, the EIS for this development plan is still not finalized and its draft is currently the subject of public hearings. Without the benefit of this detailed study, the state is unable to accurately assess the primary, secondary and cumulative impacts drilling will have on our coast, estuaries, marine life and our economy. No state should be put in a similar position and our bill seeks to correct this.

Mr. President, removing the threat of oil and gas exploration permanently from Florida's coast will require responsible leadership from the Congress. This reasonable legislation, in my view, will provide states with critical information needed to assess risks to my state's economic and environmental well-being. I urge my colleagues to support this worthwhile effort. We look forward to working with Senator MURKOWSKI, Chairman of the Senate Committee on Energy and Natural Resources, to meet this goal. I thank the Chair and 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. 1654

*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 "Florida Coast Protection Act of 1999".

**SEC. 2. ENVIRONMENTAL IMPACT STATEMENT REQUIREMENTS.**

Section 307(c)(3) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456(c)(3)) is amended by adding at the end the following:

"(C) NECESSARY DATA AND INFORMATION.—For purposes of subparagraph (B), a State shall not be considered to receive all necessary data and information with respect to a plan for exploration, development, or production before the date on which the State receives a copy of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) that applies to that exploration, development, or production."

**SEC. 3. UNIFORM DOCUMENTATION REQUIREMENTS.**

Section 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1351(a)) is amended—

(1) in paragraph (a)(1), by striking "other than the Gulf of Mexico," each place it appears; and

(2) by striking subsection (1).

**SEC. 4. OIL AND GAS DEVELOPMENT AND PRODUCTION.**

Section 25(e) of the Outer Continental Shelf Lands Act of 1972 (43 U.S.C. 1351(e)) is amended—

(1) by striking "(e)(1) At least" and inserting the following:

"(e) MAJOR FEDERAL ACTION.—

"(1) OUTSIDE THE GULF OF MEXICO.—

"(A) IN GENERAL.—At least";

(2) by striking "(2) The Secretary" and inserting the following:

"(B) PRELIMINARY AND FINAL PLANS.—The Secretary"; and

(3) by adding at the end the following:

"(2) IN THE GULF OF MEXICO.—

"(A) IN GENERAL.—The approval of a development and production plan in a covered area (as defined in section 8(p)(1)) shall be considered to be a major Federal action for the purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(B) TIME FOR REVIEW FOLLOWING RECEIPT OF ENVIRONMENTAL IMPACT STATEMENT.—In the case of a development and production plan in a covered area, the Secretary shall ensure that each affected State for which a development and production plan affects any land use or water use in the coastal zone of the State with a coastal zone management program approved under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455), receives the final environmental impact statement not less than 180 days before determining concurrence or objection to the coastal zone consistency certification that is required to accompany the environmental impact statement under section 307(c)(3)(B) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456(c)(3)(B))."

**SEC. 5. LEASING ACTIVITY OFF THE COAST OF FLORIDA.**

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended—

(1) in subsection (a)(1), by striking "The Secretary" and inserting "Except as provided in subsection (p), the Secretary"; and

(2) by adding at the end the following:

"(p) LEASING ACTIVITY OFF THE COAST OF FLORIDA.—

"(1) DEFINITIONS.—In this subsection:

"(A) COVERED AREA.—The term 'covered area' means—

"(i) the Eastern Gulf of Mexico Planning Area (as established by the Secretary) which is adjacent to the State of Florida as defined by 43 U.S.C. 1333(a)(2)(A);

"(ii) the Straits of Florida Planning Area (as established by the Secretary); and

"(iii) the South Atlantic Planning Area (as established by the Secretary) which is adjacent to the State of Florida as defined by 43 U.S.C. 1333 (a)(2)(A);

within 100 miles off the coast of Florida.

"(B) PRELEASING ACTIVITY.—

"(i) IN GENERAL.—The term 'preleasing activity' means an activity relating to a lease that is conducted before a lease sale is held.

"(ii) INCLUSIONS.—The term 'preleasing activity' includes—

"(I) the scheduling of a lease sale;

"(II) the issuance of a request for industry interest;

"(III) the issuance of a call for information or a nomination;

"(IV) the identification of an area for prospective leasing;

"(V) the publication of a draft or final environmental impact statement or a notice of sale; and

“(VI) the performance of any form of rotary drilling in a prospective lease area.

“(iii) EXCLUSIONS.—The term ‘preleasing activity’ does not include an environmental, geologic, geophysical, economic, engineering, or other scientific analysis, study, or evaluation.

“(2) PROHIBITION OF PRELEASING ACTIVITIES AND LEASE SALES.—The Secretary shall not conduct any preleasing activity or hold a lease sale under this Act in a covered area.”.

Mr. GRAHAM. Mr. President, I rise today with my colleague, Senator MACK, to introduce legislation that will protect the coast of Florida in the future from the damages of offshore drilling.

I introduced similar legislation in last year’s Congress that sought to codify the annual moratorium on leasing in the Gulf of Mexico and ensure that states receive all environmental documentation prior to making a decision on whether to allow drilling off of its shores. That legislation did not pass in the 105th Congress.

Today, I am introducing legislation that takes these steps, plus several others. The Florida Coast Protection Act of 2000 will protect Florida’s fragile coastline from outer continental shelf leasing and drilling in three important ways.

First, we transform the annual moratorium on leasing and preleasing activity off the coast of Florida into a permanent ban covering Planning Areas in the Eastern Gulf of Mexico, the Straits of Florida, and the South Atlantic Planning Area.

Second, the Florida Coast Protection Act corrects an egregious conflict in regulatory provisions where an effected state is required to make a consistency determination for proposed oil and gas production or development under the Coastal Zone Management Act prior to receiving the Environmental Impact Statement (EIS) from the Mineral Management Service.

Our bill requires that the EIS is provided to affected states 6 months before they make a consistency determination, and it requires that every oil and gas development plan have an EIS completed prior to development.

Third, our bill corrects the Outer Continental Shelf Lands Act and ensures that oil and gas leases in the Gulf of Mexico are subject to the same rules and regulations that apply to oil and gas leases in other areas.

What would this bill mean for Florida? The elimination of preleasing activity and lease sales off the coast of Florida protects our economic and environmental future.

More than 100 years ago, my grandfather settled in Northwest Florida. My mother grew up near the Gulf of Mexico in Walton County. For years, I have taken my children and grandchildren to places like Grayton Beach so that they can appreciate the natural treasures and local cultures that are part of both their own heritage and that of the Florida Panhandle.

We have a solemn obligation to preserve these important aspects of our state’s history for all of our children and grandchildren. Much of our identity as Floridians is tied to the thousands of miles of pristine coastline that link Jacksonville to Miami and Key West to Pensacola.

The Florida coastline will not be safe if offshore oil and gas resources are developed. For example, a 1997 Environmental Protection Agency (EPA) study indicated that even in the absence of oil leakage, a typical oil rig can discharge between 6,500 and 13,000 barrels of waste per year. The same study also warned of further harmful impact on marine mammal populations, fish populations, and air quality.

Nor are leakages or waste discharge the only drilling-related environmental consequences. Physical disturbances caused by anchoring, pipeline placement, rig construction, and the re-suspension of bottom sediments can also be destructive. Given these conclusions, it isn’t hard to imagine the environmental havoc that oil or natural gas drilling could wreak along the sensitive Panhandle coastline.

Because the Gulf of Mexico’s natural beauty and diverse habitats attract visitors from all over the world and support a variety of commercial activities, an oil or natural gas accident in the Gulf of Mexico could also have a crippling effect on the Northwest Florida economy. In 1996, the cities of Panama City, Pensacola, and Fort Walton Beach reported \$1.5 billion in sales to tourists. That same year, the Panhandle’s five westernmost counties generated more than \$8 million in public revenues from visitors paying the state’s tourist development tax. And Florida’s fishing industry benefits from the fact that nearly 90 percent of reef fish caught in the Gulf of Mexico come from the West Florida continental shelf.

Florida’s fishing industry benefits from the fact that nearly 90 percent of reef fish caught in the Gulf of Mexico come from the West Florida continental shelf.

For the last several years, I have been working with Senator CONNIE MACK, U.S. Congressman JOE SCARBOROUGH, and others to head off the threat of oil and natural gas drilling. In June of 1997, we introduced legislation to cancel six natural gas leases seventeen miles off the Pensacola coast and compensate Mobil Oil Corporation for its investment. Five days after the introduction of that legislation and two months before it was scheduled to begin exploratory drilling off Florida’s Panhandle, Mobile ended its operation and returned its leases to the federal government.

While that action meant that Panhandle residents faced one less economic and environmental catastrophe-in-the-making, it did not completely

eliminate the threats posed by oil and natural gas drilling off Florida’s Gulf Coast. Florida’s Congressional representatives fight hard each year to extend the federal moratorium on new oil and natural gas leases in the Gulf of Mexico. But that solution is temporary. So in June of 1998, we introduced the Florida Gulf Coast Protection Act to prevent the federal government from issuing leases in the future.

This legislation did not pass during the 105th Congress. Today we are introducing the Florida Gulf Coast Protection Act for the year 2000. I look forward to working with my colleagues on the Energy and Natural Resources Committee to move this legislation forward and protect the coast of Florida for our children and grandchildren.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1656. A bill to amend title XXI of the Social Security Act to permit children covered under a State child health plan (SCHIP) to continue to be eligible for benefits under the vaccine for children program; to the Committee on Finance.

KEEPING CHILDREN HEALTHY WITH IMMUNIZATIONS

• Mrs. FEINSTEIN. Mr. President, today I am introducing a bill to clarify that children receiving health insurance under the Children’s Health Insurance Program (CHIP) in states like California are eligible for free vaccines under the 1993 Federal Vaccines for Children (VFC) program.

I want to especially commend the leadership of Congresswoman NANCY PELOSI who is introducing a companion bill in the House today.

I am introducing this bill because the U.S. Department of Health and Human Services has interpreted the law so narrowly that as many as 528,000 children in California have lost or will lose their eligibility to receive free vaccines, under California’s Healthy Families program. Approximately 169,000 kids have lost eligibility to date.

California ranks 37th overall among States having children fully immunized by the age of 18 to 24 months. From 1993 to 1997, Orange County, California, had 85 hospitalizations and four deaths related to chicken pox. Across the State in 1996 there were 15 deaths and 1,172 hospitalizations related to chicken pox. More recently, the Immunization Branch in California reports that in 1998 over 1,000 whooping cough cases, including 5 deaths, were reported—the largest number of cases and deaths since the 1960’s. Whooping cough and chicken pox are diseases for which there are vaccinations. We must do more to increase access to vaccinations for our nation’s children.

The Federal Vaccines for Children program, created by Congress in 1993 (P.L. 105-33), provides vaccines at no cost to poor children. In 1998, as many

743,000 poor children in my state, who were uninsured or on Medicaid, received these vaccines. This number is down by approximately 32,000 children in comparison to the 1997 immunization figures for California's poor children. California received \$80.3 million in 1999 from the Federal Government to provide vaccines.

Mr. President, what can be so basic to public health than immunization against disease? Do we really want our children to get polio, measles, mumps, chicken pox, rubella, and whooping cough—diseases for which we have effective vaccines, diseases which we have practically eradicated by widespread immunization? Every parent knows that vaccines are fundamental to children's good health.

Congress recognized the importance of immunizations in creating the program, with many Congressional leaders at the time arguing that childhood immunization is one of the most cost-effective steps we can take to keep our children healthy. It makes no sense to me to withhold them from children who (1) have been getting them when they were uninsured and (2) have no other way to get them once they become insured.

According to an Annie E. Casey Foundation report, 28 percent of California's two-year old children are not immunized. Add to that the fact that we have one of the highest uninsured rates in the country. Our uninsured rate for non-elderly adults is 24 percent, the third highest in the U.S., while the national uninsured rate is 17 percent. As for children, 1.85 million or 19 percent of our children are without health insurance, compared to 15 percent nationally, according to UCLA's Center for Health Policy Research. Clearly, there is a need.

In creating the new children's health insurance program in California, the state chose to set up a program under which the state contracts with private insurers, rather than providing eligible children care through Medicaid (Medi-Cal in California). Unfortunately, HHS has interpreted this form of "health insurance" as making them "insured," as defined in the vaccines law, and thus ineligible for the federal vaccines. I disagree.

It is my view that in creating the federal vaccines program, Congress made eligible for these vaccines children who are receiving Medicaid, children who are uninsured, and native American children. I believe that in defining the term "insured" at that time Congress clearly meant private health insurance plans. Children enrolled in California's new Healthy Families program are participating in a federal-state, subsidized insurance plan. Healthy Families is a state-operated program. Families apply to the state for participation. They are not insured by a private, commercial plan, as tra-

ditionally defined or as defined in the Vaccine for Children's law (42 U.S.C. sec. 1396s(b)(2)(B)). On February 23, the California Medical Association wrote to HHS Secretary Donna Shalala, "As they are participants in a federal and state-subsidized health program, these individuals are not "insured" for the purposes of 42 U.S.C. sec. 1396s(b)(B)."

The California Managed Risk Medical Insurance Board, which is administering the new program with the Department of Health Services, wrote to HHS on February 5, "It is imperative that states like California, who have implemented the Children's Health Insurance Program (CHIP) using private health insurance, be given the same support and eligibility for the Vaccines for Children (VFC) program at no cost as states which have chosen to expand their Medicaid program." The San Francisco Chronicle editorialized on March 10, 1998, "More than half a million California children should not be deprived of vaccinations or health insurance because of a technicality . . ." calling the denial of vaccines "a game of semantics."

Children's health should not be a "game of semantics." Proper childhood immunizations are fundamental to a lifetime of good health. I urge my colleagues to join me in enacting this bill into law, to help me keep our children healthy. ●

#### ADDITIONAL COSPONSORS

S. 121

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 121, a bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, age, or disability, and for other purposes.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 774

At the request of Mr. BREAUX, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 774, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses.

S. 777

At the request of Mr. FITZGERALD, the name of the Senator from South

Dakota (Mr. DASCHLE) was added as a cosponsor of S. 777, a bill to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

S. 791

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 791, a bill to amend the Small Business Act with respect to the women's business center program.

S. 824

At the request of Mr. KERRY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 824, a bill to improve educational systems and facilities to better educate students throughout the United States.

S. 915

At the request of Mr. GRAMM, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 915, a bill to amend title XVIII of the Social Security Act to expand and make permanent the medicare subvention demonstration project for military retirees and dependents

S. 935

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 935, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1044

At the request of Mr. KENNEDY, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 1044, a bill to require coverage for colorectal cancer screenings.

S. 1053

At the request of Mr. BOND, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1142

At the request of Ms. MIKULSKI, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1142, a bill to protect the