

date for the aforementioned report is Monday, October 19, 1998, if post-marked by registered or certified mail. If this report is transmitted in any other manner it must be received by the filing date. All Principal Campaign Committees supporting Senate candidates in the 1998 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 8:00 a.m. until 7:00 p.m. on Thursday, October 22, to receive these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224-0322.

48 HOUR NOTIFICATIONS

The Office of Public Records will be open on three successive Saturdays and Sundays from 12:00 noon until 4:00 p.m. for the purpose of accepting 48 hour notifications of contributions required by the Federal Election Campaign Act, as amended. The dates are October 17th and 18th, October 24th and 25th, October 31st and November 1st. All principal campaign committees supporting Senate candidates in 1998 must notify the Secretary of the Senate regarding contributions of \$1,000 or more if received after the 20th day, but more than 48 hours before the day of the general election. The 48 hour notifications may also be transmitted by facsimile machine. The Office of Public Records FAX number is (202) 224-1851.

REGISTRATION OF MASS MAILINGS

The filing date for 1998 third quarter mass mailings is October 26, 1998. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailings registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Public Records office will be open from 8:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Office of Public Records on (202) 224-0322.

WETLANDS WILDLIFE ENHANCEMENT ACT OF 1998

Mr. SHELBY. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate now proceed to the consideration of S. 1677, as under the previously agreed unanimous consent.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1677) to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

There being no objection, the Senate proceed to consider the bill.

AMENDMENT NO. 3673

(Purpose: To designate a member of the North American Wetlands Conservation Council and to require the Secretary of the Interior to publish a policy for making certain appointments to the Council)

Mr. SHELBY. Mr. President, Senator CHAFEE has an amendment at the desk. The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. SHELBY), for Mr. CHAFEE, proposes an amendment numbered 3673.

Mr. SHELBY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 2, after line 19, add the following:

SEC. 4. MEMBERSHIP OF THE NORTH AMERICAN WETLANDS CONSERVATION COUNCIL.

(a) IN GENERAL.—Notwithstanding section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)), during the period of 1999 through 2002, the membership of the North American Wetlands Conservation Council under section 4(a)(1)(D) of that Act shall consist of—

(1) 1 individual who shall be the Group Manager for Conservation Programs of Ducks Unlimited, Inc. and who shall serve for 1 term of 3 years beginning in 1999; and

(2) 2 individuals who shall be appointed by the Secretary of the Interior in accordance with section 4 of that Act and who shall each represent a different organization described in section 4(a)(1)(D) of that Act.

(b) PUBLICATION OF POLICY.—Not later than June 30, 1999, the Secretary of the Interior shall publish in the Federal Register, after notice and opportunity for public comment, a policy for making appointments under section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)).

Mr. CHAFEE. Mr. President, I am pleased to have an opportunity to talk about S. 1677, the Wetlands and Wildlife Enhancement Act of 1998. This bill will reauthorize the North American Wetlands Conservation Act (NAWCA)—a law that has played a central role in the conservation of wetlands habitat across the continent.

I am joined by 58 of my colleagues from 42 states in sponsoring S. 1677. There are 35 Republican cosponsors and 23 Democrat cosponsors. This tremendous showing of bipartisan support is a tribute to one of the great success stories in wildlife conservation. NAWCA has helped to bring about the recovery of more than 30 species of ducks, geese, and other waterfowl and migratory birds from their lowest population numbers just 12 years ago to some of their highest population numbers this year.

Why was NAWCA originally enacted? In the early 1980's, we were alarmed to discover that populations of duck and other waterfowl had plummeted precipitously. The numbers were stark: in only ten years, breeding populations of ducks fell an average of 31 percent,

with some species declining by as much as 61 percent. This decline was due to several factors, including loss of habitat and an extended drought in many parts of the U.S.

In 1986, the U.S. and Canada worked cooperatively to develop the North American Waterfowl Management Plan. Mexico joined the plan in 1994, so that the entire continent now participates in this effort. The Plan established ambitious goals and innovative strategies for conserving waterfowl habitat.

Under the leadership of Senator George Mitchell, Congress approved NAWCA in 1989, primarily as a vehicle to implement the Plan. The law provides a permanent funding source for wetlands conservation projects, many of which fall under the auspices of the plan.

These sources include Federal appropriations, interest generated from short-term investments on the Pitman-Robertson Fund, money from the Wallop-Breaux Fund, and fines collected under the Migratory Bird Treaty Act. All told, NAWCA received \$43 million this past year, of which \$11.7 million was appropriated.

Since NAWCA's inception, 575 projects involving more than 800 partners have received \$240 million in Federal funds under NAWCA, matched by more than \$360 million in non-Federal funds. These projects have covered about 3.8 million acres throughout the continent.

These numbers are impressive, but in the scheme of things, NAWCA is a relatively modest law. Even so, it enjoys broad support. This is because, quite simply, NAWCA works. In fact, it works so well that it should serve as a model for other environmental laws. I would like to outline what I believe are the four components of its success—and thus, its popularity.

1. NAWCA focuses on habitat conservation as the key to saving species.

Ducks and other waterfowl are extraordinarily dependent on climate. They need wet weather to thrive. During years of drought, waterfowl populations dwindle. If their habitat vanishes as well, waterfowl populations do not stand a chance of rebounding when the rains return.

The beauty of NAWCA is that it seeks to protect the habitat itself, whether the waterfowl are there or not. That way, when the rains come and the waterfowl return, the habitat is waiting for them. Thus, habitat conservation is the means to achieve the end of waterfowl protection. If waterfowl—or any other creatures threatened with population decline or extinction—are going to survive, they must have available habitat capable of sustaining them.

In focusing on wetlands habitat, NAWCA reaches far beyond waterfowl species. Also sharing the same habitat are migratory birds, raptors, songbirds, shorebirds, and even black bears, otters, and other mammals. Among these

species, the habitat is the common currency—protect the habitat and you protect all of them.

Professor E.O. Wilson has said,

When a natural ecosystem, say a forest remnant or a freshwater stream, is protected to save a particular species, an umbrella is thrown over hundreds or thousands of other species . . . [and,] the great panoply of lesser known, often unknown, and frequently invisible organisms are what sustain natural environments.

This is a basic principle of biology. However, NAWCA has transformed this principle into design. Let me read from the 1989 Senate Committee Report on the original NAWCA:

One of the purposes of this legislation . . . is to broaden the focus of [the North American Waterfowl Management] Plan with respect to conservation of wetland ecosystems and the other migratory birds and other fish and wildlife dependent thereon.

This purpose was further reinforced in 1994, when the plan was amended to explicitly consider the needs of migratory birds when developing projects.

2. NAWCA makes use of coordinated, comprehensive, continent-wide planning to achieve its wetlands conservation goals.

It is important to protect habitat, but the key is knowing which land to protect. This is where the North American Waterfowl Management Plan comes in. Without the Plan, NAWCA would be just another grants program, giving money to worthy projects for a worthy cause, but without any sense of the whole picture. The Plan identifies broad goals and strategies for recovering waterfowl populations across North America. Ten joint ventures across all four flyways have been formed to refine the goals and strategies for their specific regions. The joint ventures also coordinate projects to conserve wetlands.

Partnerships among Federal, State, conservation groups, and landowners—big or small—form to develop projects and submit proposals for Federal matching money under NAWCA. The proposals are then reviewed by the North American Wetlands Conservation Council, which makes recommendations to the Migratory Bird Conservation Commission, which then approves the funding. The Council consists of nine members, as follows: the Director of the Service; the Secretary of the Board for the National Fish and Wildlife Foundation; four directors of State and wildlife agencies, one from each of the four flyways; and three representatives of charitable and nonprofit organizations actively participating in wetlands conservation projects. The State agency directors and the representatives of charitable and nonprofit organizations are appointed by the Secretary for three-year terms.

Thus, the plan and act work in concert with one another, beginning with broad planning guidelines for the entire continent, and ending with individual projects for protecting and managing specific acres in our very communities.

A perfect example of this holistic approach is an initiative in the Mississippi Alluvial Valley, which stretches from the mouth of the Mississippi River up into Tennessee. This is where the cutting edge of conservation planning is taking place. Through modern satellite imagery and GIS technology, habitat types can be identified and mapped. This ecological mapping is then compared with land ownership, giving Federal, State, and local governments, as well as private owners, an idea of the most important lands to conserve. The result? Areas of habitat fragmentation can be pinpointed, and reforestation and wetlands restoration can be targeted to meet the needs of sensitive and declining species.

3. NAWCA relies on public-private partnerships to achieve its wetlands conservation goals.

The partners are a big reason for NAWCA's success. Instead of the heavy hand of government regulation, NAWCA's wetlands conservation goals are achieved by voluntary cooperative partnerships involving very diverse people and organizations—businesses, nonprofit environmental groups, hunters, farmers, state, tribal, and local governments, and of course the federal government. Under the auspices of NAWCA, people and groups with widely divergent, often opposing points of view have found common ground in wetlands. The kind of cooperation that NAWCA has engendered is heartening indeed. Through this work to achieve the goals of the plan, a broad array of people have had the opportunity to develop a deep and abiding appreciation of wetlands and the need to protect them.

None has contributed to the program more than Ducks Unlimited, nor has anyone been more vital to its success. That organization alone has contributed in total about \$20 million to the projects in the U.S., and about another \$60 million to projects in Canada and Mexico. The Nature Conservancy has also been a tremendous supporter of the program, contributing \$17 million to projects in the U.S. and another \$4 million to projects in Canada. However, these groups do more than raise money. They educate landowners, coordinate partnerships, and give the program the exposure it deserves. Because DU plays such an important role, we are amending S. 1677 to place them on the Council for one additional term of 3 years, while at the same time requiring the Service to develop a policy, subject to notice and comment rule-making procedures, to develop a fair and formal process for making future appointments to the Council. I expect the Service to balance the policy between groups such as DU and TNC, whose support is invaluable, and between other groups that might be smaller but who bring new ideas and new forms of participation to the program.

NAWCA has also reached out to private landowners across the continent—

small, family owned farms, large developers, and private individuals. In my own State of Rhode Island, it is private individuals who have made the difference for some of the best remaining waterfowl habitat in the state, in conjunction with The Nature Conservancy and State and Federal government agencies. We have a phased restoration in progress to rectify years of damage as a result of dredge spoil deposited along a tidal channel, poorly planned road construction, and a recent oil spill. In Phase I of the South Shore Habitat Protection project, Mr. Oliver Hazard donated an 80 acre tract of land to The Nature Conservancy valued at \$900,000. In Phase II, William Viall donated 110 acres valued at \$640,000 to the town of North Kingston.

On the opposite side of the continent, it was a partnership among two State agencies, the Metropolitan Services District of Portland, several national and local conservation groups, and a local dairy farmer, E.F. Steinborn, who collaborated to restore 500 acres within the Tualatin River Floodplain near Portland, Oregon. The project converted a large dairy farm to seasonal and permanent wetlands providing habitat for thousands of waterfowl, shorebirds, and songbirds, complementing wetlands on the adjacent refuge. The project—located on the outskirts of Portland—is a wonderful example of how we can reclaim lands for conservation before they get swallowed up by urban expansion.

Another example is an area in Swan Lake basin, located in a wildlife refuge in the San Joaquin valley of California. Swan Lake basin was a dry channeled area, but with NAWCA funds and four months of restoration work it has been transformed into a lake with free-flowing drainage. The area now provides nesting and resting groups for hundreds of white pelicans, as well as double-crested cormorants, grebes, 8,000 canvasback ducks, 6,000 northern shovellers, and 40,000 gadwalls.

The benefits of these partnerships go far beyond specific projects, however. They facilitate the flow of ideas and innovations across borders. Only in the last decade, for example, has Canada begun to use conservation easements and servitudes to protect land from development. Legislation within the provinces has been enacted to broaden the use of this valuable tool for conservation. It is without doubt that the partnerships under NAWCA have stimulated this awareness and can take part of the credit for these new developments in Canada.

Here is a case where the United States, Canada and Mexico have come together to identify a common need. Consider just one NAWCA site in Quill Lake, Canada. Banding data reveal that waterfowl using that site have visited other NAWCA sites, represented by the blue circles, all across the continent. Imagine the synergies of all NAWCA projects helping each other. And, by enacting NAWCA, the United

States has lead the way in providing a reliable funding structure to address it. We have been able to turn good international intentions into superlative international action.

4. NAWCA leverages federal dollars with private funds for wetlands conservation.

We all know how tight the federal budget is. Innovative funding mechanisms are the best hope for ensuring the viability of important environmental programs. The North American Wetlands Conservation Fund, which was established by NAWCA, provides grant money with a matching requirement to leverage each federal dollar. In fact, the ratio of NAWCA funds to contributions from other partners usually approaches 1:2.

Now let me inject a word of caution. We cannot afford complacency. NAWCA has been a success, but part of the credit for the recovery of waterfowl species has to go to the heavy rains we've had in the past few years. This year is drier than it has been in the past. Already, duck counts are leveling off. In drier conditions, the need to conserve duck habitat is ever more urgent.

And this urgent need to conserve wetlands is in direct competition with severe development pressures on wetlands. By the year 2020, more than half of the U.S. population will live in coastal plains. Laws like NAWCA will become ever more important in protecting these fragile areas.

The proper tribute to the success of NAWCA is to let it inspire us to do more. Let us reauthorize this fine bill. Let us ensure it is adequately funded. Let us support the other important laws that protect wetlands—such as Swampbuster and Section 404 of the Clean Water Act. And most of all, let us build on the strengths of NAWCA in all our environmental protection endeavors. Again, those strengths are:

1. Focus on conserving habitat.
2. Use a comprehensive plan—continent-wide, if possible.
3. Rely on public-private partnerships—both national and international.
4. Leverage federal dollars with private funds.

I exhort my colleagues to support S. 1677, and reauthorize the very worthy North American Wetlands Conservation Act. I thank the Chair.

Mr. SHELBY. Mr. President, I ask unanimous consent that the amendment be agreed to, that all time be yielded and the bill be read a third time, and passed, with the motion to reconsider laid upon the table.

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

The amendment (No. 3673) was agreed to.

The bill (S. 1677), as amended, was passed, as follows:

S. 1677

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 "Wetlands and Wildlife Enhancement Act of 1998".

SEC. 2. REAUTHORIZATION OF NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking "not to exceed" and all that follows and inserting "not to exceed \$30,000,000 for each of fiscal years 1999 through 2003."

SEC. 3. REAUTHORIZATION OF PARTNERSHIPS FOR WILDLIFE ACT.

Section 7105(h) of the Partnerships for Wildlife Act (16 U.S.C. 3744(h)) is amended by striking "for each of fiscal years" and all that follows and inserting "not to exceed \$6,250,000 for each of fiscal years 1999 through 2003."

SEC. 4. MEMBERSHIP OF THE NORTH AMERICAN WETLANDS CONSERVATION COUNCIL.

(a) IN GENERAL.—Notwithstanding section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)), during the period of 1999 through 2002, the membership of the North American Wetlands Conservation Council under section 4(a)(1)(D) of that Act shall consist of—

(1) 1 individual who shall be the Group Manager for Conservation Programs of Ducks Unlimited, Inc. and who shall serve for 1 term of 3 years beginning in 1999; and

(2) 2 individuals who shall be appointed by the Secretary of the Interior in accordance with section 4 of that Act and who shall each represent a different organization described in section 4(a)(1)(D) of that Act.

(b) PUBLICATION OF POLICY.—Not later than June 30, 1999, the Secretary of the Interior shall publish in the Federal Register, after notice and opportunity for public comment, a policy for making appointments under section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)).

FEDERAL EMPLOYEES HEALTH CARE PROTECTION ACT OF 1998

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 484, H.R. 1836.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1836) to amend chapter 89, title 5, United States Code, to improve administration of sanctions against unfit health care providers under the Federal Employees Health Benefits Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 1836

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 "Federal Employees Health Care Protection Act of [1997] 1998".

SEC. 2. DEBARMENT AND OTHER SANCTIONS.

(a) AMENDMENTS.—Section 8902a of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "and" at the end of subparagraph (B);

(ii) by striking the period at the end of subparagraph (C) and inserting "and"; and

(iii) by adding at the end the following: "“(D) the term ‘should know’ means that a person, with respect to information, acts in deliberate ignorance of, or in reckless disregard of, the truth or falsity of the information, and no proof of specific intent to defraud is required;”"; and

(B) in paragraph (2)(A), by striking "subsection (b) or (c)" and inserting "subsection (b), (c), or (d)";

(2) in subsection (b)—

(A) by striking "The Office of Personnel Management may bar" and inserting "The Office of Personnel Management shall bar"; and

(B) by amending paragraph (5) to read as follows:

"“(5) Any provider that is currently debarred, suspended, or otherwise excluded from any procurement or nonprocurement activity (within the meaning of section 2455 of the Federal Acquisition Streamlining Act of 1994).”";

(3) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively, and by inserting after subsection (b) the following:

"“(c) The Office may bar the following providers of health care services from participating in the program under this chapter:

"“(1) Any provider—

"“(A) whose license to provide health care services or supplies has been revoked, suspended, restricted, or not renewed, by a State licensing authority for reasons relating to the provider's professional competence, professional performance, or financial integrity; or

"“(B) that surrendered such a license while a formal disciplinary proceeding was pending before such an authority, if the proceeding concerned the provider's professional competence, professional performance, or financial integrity.

"“(2) Any provider that is an entity directly or indirectly owned, or with a control interest of 5 percent or more held, by an individual who has been convicted of any offense described in subsection (b), against whom a civil monetary penalty has been assessed under subsection (d), or who has been debarred from participation under this chapter.

"“(3) Any individual who directly or indirectly owns or has a control interest in a sanctioned entity and who knows or should know of the action constituting the basis for the entity's conviction of any offense described in subsection (b), assessment with a civil monetary penalty under subsection (d), or debarment from participation under this chapter.

"“(4) Any provider that the Office determines, in connection with claims presented under this chapter, has charged for health care services or supplies in an amount substantially in excess of such provider's customary charge for such services or supplies (unless the Office finds there is good cause for such charge), or charged for health care services or supplies which are substantially in excess of the needs of the covered individual or which are of a quality that fails to meet professionally recognized standards for such services or supplies.

"“(5) Any provider that the Office determines has committed acts described in subsection (d).

Any determination under paragraph (4) relating to whether a charge for health care services or supplies is substantially in excess of the needs of the covered individual shall