

launch sites or test ranges in the United States viable and competitive.

Mr. JEFFORDS. I ask unanimous consent that the Senate agree to the House amendment to the Senate amendment.

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

CHARTER SCHOOLS AMENDMENTS ACT OF 1997

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of H.R. 2616, and the Senate then proceed to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:
A bill (H.R. 2616) to amend titles 6 and 10 of the Elementary and Secondary Education Act of 1965 to improve and expand chartered schools.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

AMENDMENT NO. 3795

(Purpose: To provide a manager's amendment)

Mr. JEFFORDS. Senator COATS has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont (Mr. JEFFORDS), for Mr. COATS, Mr. LIEBERMAN, Mr. D'AMATO, Mr. KERREY, Ms. LANDRIEU and Mr. MCCAIN, proposes an amendment numbered 3795.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. KENNEDY. Mr. President, I strongly support the Charter School Expansion Act, and I commend Senator COATS for his leadership in bringing it before the Senate. The legislation builds on the current Charter School Program to ensure that these schools are given the greater flexibility that they have been promised, and to reaffirm that they must be accountable to the same high standards that we expect of all public schools.

In recent years, in response to the widespread movement to improve the quality of education in the nation's public schools, the innovative idea of charter schools began to develop broad bi-partisan support. Educators and community leaders took active parts in designing new schools that would receive public funds, like traditional public schools, but that would be free of many local regulations, and would also be held accountable for achieving the goals of their charter.

States have the primary role in defining the role of charter schools—34 states have now passed enabling legislation, and they vary widely in their applications of this innovative idea.

The Charter School Expansion Act continues to use Federal start-up grants as an incentive for local communities to design charter schools that provide significant options for parents within the public school system. The Act encourages the sharing of ideas and practices between charter schools and other public schools, so that schools benefit from the best lessons of each.

The pending legislation strengthens the accountability provisions for charter schools by giving funding preferences to states that review and evaluate the performance of their charter schools at least once every five years. Charter schools must continue to be open to all students. President Clinton has set a goal of having 3,000 charter schools in operation nationwide by the year 2002.

The Department of Education is conducting an ongoing study of charter school and the degree to which they are successful in improving student achievement. The results of that study will be very important in guiding the future of these schools.

The Charter School Expansion Act is an essential part of our overall effort to improve public schools, and I urge the Senate to approve it. We must continue to do all we can to ensure that all public schools get the support they need to provide every child a good education.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

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

The amendment (No. 3795) was agreed to.

The bill (H.R. 2616), as amended, was passed.

NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 521, S. 1970.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1970) to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, 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.)

S. 1970

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 "Neotropical Migratory Bird Conservation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) birds constitute one of the most widely recognized and appreciated components of North American wildlife;

(B) approximately 25,000,000 Americans travel to observe birds; and

(C) more than 60,000,000 adult Americans watch and feed birds at home;

(2) birds—

(A) are key indicators of environmental health;

(B) play important roles in plant pollination and seed dispersal;

(C) serve as critical links in the food web; and

(D) maintain the health of the environment.

(3)(A) healthy bird populations provide important economic benefits, such as control of noxious insects on agricultural crops, thereby preventing hundreds of millions of dollars in economic losses each year to farming and timber interests; and

(B) more than \$20,000,000,000 is spent in the United States each year on watching and feeding birds;

(4)(A) despite their irreplaceable value, many North American bird species, once considered common, are in decline;

(B) 90 North American bird species are listed as endangered or threatened in the United States;

(C) another 124 North American bird species are of high conservation concern; and

(D) Mexico's Secretariat of Environment, Natural Resources and Fisheries lists approximately 390 bird species as being endangered, threatened, vulnerable, or rare;

(5)(A) of the nearly 800 bird species known to occur in the United States, approximately 500 migrate among nations;

(B) the large majority of those species, the neotropical migrants, winter in Latin America and the Caribbean; and

(C) neotropical migrants in particular have received much attention because of their population declines;

(6)(A) the primary reason for the declines is habitat loss and degradation (including pollution and contamination);

(B) because neotropical migrants range across numerous international borders each year, their conservation requires that safeguards be established at both ends of the migration routes, as well as at critical stopover areas along the way; and

(C) establishing such safeguards necessitates the joint commitment and effort of all nations that support those species, as well as all levels of society; [and]

(7)(A) numerous initiatives exist to conserve migratory birds, including *Partners in Flight*, the *Western Hemisphere Shorebird Reserve Network*, the *North American Waterfowl Management Plan*, and *monitoring action plans and conservation plans for water birds, marsh birds, and raptors*; and

(B) those initiatives can be significantly strengthened and enhanced by coordination of their efforts to protect habitat shared by migratory birds; and

[(7)] (8) this Act constitutes an effort on the part of the United States to adopt appropriate measures for the protection of migratory birds in collaboration with—

(A) neighboring nations that are parties to the Convention Respecting Nature Protection and Wildlife Preservation in the Western Hemisphere, done at the Pan American Union, Washington, October 12, 1940 (56 Stat. 1354); [and]

(B) States, conservation organizations, corporations and business interests, and other private entities[.]; and

(C) other initiatives to conserve migratory birds throughout the Americas, by serving as a link among those initiatives.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to assist in the conservation of neotropical migratory birds by supporting neotropical migratory bird conservation programs in [Latin America and the Caribbean] Latin America, the Caribbean, and the United States with a focus on reversing habitat loss and degradation;

(2) to promote partnerships between Federal, State, and nongovernmental entities in the United States in the conservation of neotropical migratory birds;

(3) to foster active governmental and nongovernmental participation in neotropical migratory bird conservation by cooperating countries throughout Latin America and the Caribbean;

(4) to promote circumstances under which the conservation of neotropical migratory birds in Latin America and the Caribbean may be carried out [entirely] by local entities;

(5) to provide financial resources for projects that support neotropical migratory bird conservation; and

(6) to promote the effective conservation of neotropical migratory birds in the Western Hemisphere through collaboration at all levels of society.

SEC. 4. CONSERVATION ASSISTANCE.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (referred to in this Act as the “Secretary”), shall establish a program to provide financial assistance for projects to promote the conservation of neotropical migratory birds.

(b) PROJECT APPLICANTS.—An entity that is eligible to receive financial assistance for a project under this Act is an entity that—

(1) is—

(A) a Federal, State, or local governmental entity of the United States;

(B) a United States nongovernmental organization, corporation or business interest, or other private entity;

(C) a governmental or nongovernmental organization, corporation or business interest, or other private entity in Latin America or the Caribbean; or

(D) an international organization that is dedicated to achieving the purposes of this Act; and

(2) submits a project proposal to the Secretary.

(c) PROJECT PROPOSALS.—Each project proposal shall—

(1) demonstrate that the project will enhance the conservation of neotropical migratory birds in [Latin America or the Caribbean] Latin America, the Caribbean, or the United States by focusing on reversing habitat loss and degradation;

(2) include mechanisms to ensure adequate local public participation in project development and implementation;

(3) contain assurances that the project will be implemented in consultation with appropriate local and other government officials with jurisdiction over the resources addressed by the project;

(4) demonstrate sensitivity to local historic and cultural resources and comply with applicable laws; and

(5) provide any other information that the Secretary considers to be necessary for evaluating the proposal.

(d) PROJECT SUSTAINABILITY.—To the maximum extent practicable, each project shall aim to support or establish such structures as are necessary to ensure achievement of conservation objectives specified in this Act, including the long-term operation and main-

tenance of the project by local entities in the country in which the project is carried out.

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of each project shall be not greater than 33 percent.

(2) NON-FEDERAL SHARE.—

(A) PAYMENT BY UNITED STATES AND INTERNATIONAL ENTITIES.—Not less than 50 percent of the non-Federal share required to be paid for each project shall be paid, in cash, by—

(i) United States nongovernmental organizations;

(ii) international nongovernmental organizations;

(iii) States of the United States and other United States non-Federal entities; and

(iv) corporations, business interests, and other private entities.

[(B) PAYMENT BY LOCAL ENTITIES.—In addition to funds paid under subparagraph (A), the entity submitting the proposal for a project to be assisted under this Act shall seek matching funds, in the form of cash or in-kind contributions, from local entities in the country in which the project is carried out, including corporations and business interests.]

(B) PAYMENT BY LOCAL ENTITIES IN FOREIGN COUNTRIES.—A local entity in a foreign country in which a project is carried out may provide the non-Federal share required under this subsection in cash or in-kind contributions from local sources in the country.

SEC. 5. NEOTROPICAL MIGRATORY BIRD ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established a Neotropical Migratory Bird Advisory Committee (referred to in this Act as the “Committee”) to assist in carrying out this Act.

(b) MEMBERSHIP.—

(1) PERMANENT MEMBERS.—The [4] 9 permanent members of the Committee shall be—

(A) [2] representatives] 1 representative of the United States Fish and Wildlife Service, [1 of whom] who shall chair the Committee;

(B) 1 representative appointed by the International Association of Fish and Wildlife Agencies, who shall not be required to be an officer or employee of the Association; [and]

(C) 1 representative appointed by the National Fish and Wildlife Foundation established by the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), who shall not be required to be an officer or employee of the Foundation; ;

(D) 1 representative of the Department of State;

(E) 1 representative of the United States Agency for International Development; and

(F) 4 individuals, appointed by the Secretary of the Interior, each of whom—

(i) shall represent an entity (other than an entity specified in any of subparagraphs (A) through (E)) that has strong interest and involvement in neotropical bird conservation; and

(ii) shall serve for a 2-year term.

(2) NONVOTING [MEMBER] MEMBERS.—

(A) IN GENERAL.—The Committee shall include [1 nonvoting member who] 3 nonvoting members, each of whom—

(i) is a native and resident of Latin America or the Caribbean; and

(ii) is actively involved in local conservation efforts in Latin America or the Caribbean.

(B) CONDITIONS OF SERVICE AS MEMBER.—[The] Each member described in subparagraph (A) shall serve in an advisory capacity and for a 2-year term.

(c) DUTIES.—The Committee shall—

(1) assist in the development of guidelines for the solicitation of proposals for projects eligible for financial assistance under section 4;

(2) promote participation in the program established under section 4 by public and private non-Federal entities; [and]

(3) review and recommend to the Secretary proposals for financial assistance that meet the requirements specified in section [4 and any other criteria established by the Committee.] 4; and

(4) coordinate and facilitate grant processes among entities involved in neotropical bird conservation.

(d) MEETINGS.—The Committee shall hold such meetings as are necessary to carry out the duties of the Committee.

(e) COMPENSATION.—

(1) IN GENERAL.—Subject to paragraph (2), a member of the Committee shall not receive any compensation for the service of the member on the Committee.

(2) TRAVEL EXPENSES.—A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the Committee.

(f) ELIGIBILITY FOR FINANCIAL ASSISTANCE.—An entity represented by a member of the Committee shall not be eligible to receive financial assistance under this Act.

SEC. 6. DUTIES OF SECRETARY.

(a) ASSISTANCE TO COMMITTEE.—The Secretary shall facilitate consideration of projects described in section 4(a) by the Committee and otherwise assist the Committee in carrying out its duties under this Act.

(b) OTHER DUTIES.—In carrying out this Act, the Secretary shall—

(1) select proposals for financial assistance;

[(1)] (2) develop and oversee agreements to provide financial assistance under section 4;

[(2)] (3) seek cooperators described in section 7;

[(3)] (4) translate documents into Spanish as necessary; and

[(4)] (5) generally manage implementation of this Act.

(c) FUNDING.—The Secretary may use funds described in section 9(b) to carry out this section.

SEC. 7. COOPERATION.

In carrying out this Act, the Secretary shall cooperate with appropriate entities, including—

(1) appropriate officials in countries where projects authorized by this Act are proposed to be carried out or are being carried out;

(2) the heads of other Federal agencies; and

(3) entities carrying out, as of the date of enactment of this Act, initiatives that support bird conservation in Latin America and the Caribbean, such as Partners in Flight, the North American Waterfowl Management Plan, the Western Hemisphere Shorebird Reserve Network, Winged Ambassadors, the Latin America small grants program of the American Bird Conservancy, and Wings of the Americas.

SEC. 8. REPORT TO CONGRESS.

Not later than December 31, 2002, the Secretary shall submit to Congress a report on the results and effectiveness of the program carried out under this Act, including recommendations concerning how the Act might be improved and whether the program should be continued.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$4,000,000 for each of fiscal years 1999 through 2001, to remain available until expended.]

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary of the Interior to carry out this Act \$8,000,000 for each of fiscal years 1999 through 2001, to remain available until expended, of which not less than 50 percent and not more than 70 percent of the amounts made available for each fiscal year

shall be expended for projects carried out outside the United States.

(b) ADMINISTRATIVE EXPENSES.—For each fiscal year, of the amounts made available to carry out this Act under subsection (a), the Secretary may use not more than [10] 6 percent to pay administrative expenses incurred in carrying out this Act.

AMENDMENT NO. 3796

(Purpose: To provide a complete substitute)

Mr. JEFFORDS. I ask unanimous consent the committee amendments be withdrawn. Senator CHAFEE has a substitute at the desk, and I ask for its consideration.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont (Mr. JEFFORDS), for Mr. CHAFEE, proposes an amendment numbered 3796.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CHAFEE. Mr. President, I am pleased that the Senate is considering S. 1970, the Neotropical Migratory Bird Conservation Act of 1998, introduced by Senator ABRAHAM. I am also pleased to be a cosponsor of this legislation. The bill would establish a program to provide financial assistance for projects to promote the conservation of neotropical migratory birds in the United States, Latin America and the Caribbean.

Each autumn, some 5 billion birds from 500 species migrate between their breeding grounds in North America and tropical habitats in the Caribbean, Central and South America. These neotropical migrants—or New World tropical migrants—are birds that migrate between the biogeographic region stretching across Mexico, Central America, much of the Caribbean, and the northern part of South America.

The natural challenges facing these migratory birds are profound. These challenges have been exacerbated by human-induced impacts, particularly the continuing loss of habitat in the Caribbean and Latin America. As a result, populations of migratory birds have declined generally in recent years.

While there are numerous efforts underway to protect these species and their habitat, they generally focus on specific groups of migratory birds or specific regions in the Americas. There is a need for a more comprehensive program to address the varied and significant threats facing the numerous species of migratory birds across their range.

Frequently there is little, if any, coordination among the existing programs, nor is there any one program that serves as a link among them. A broader, more holistic approach would bolster existing conservation efforts and programs, fill the gaps between these programs, and promote new initiatives.

S. 1970 encompasses this new approach. Today, I am offering an amend-

ment in the nature of a substitute to the bill. This amendment makes numerous changes to the bill as approved by the EPW Committee. These changes have been incorporated based on very constructive, bipartisan negotiations with the sponsors of the bill, the House Resources Committee, the Administration, and the EPW Committee.

One major change between this amendment and the reported bill relates to the advisory group. Formation of the group is now discretionary on the part of the Secretary. I urge, however, that the Secretary convene a group to assist in implementing the legislation. The success of this initiative will depend on close collaboration with public and private organizations involved in the conservation of migratory birds.

Another significant change applies to the funding levels. While the Federal share remains no more than 33 percent, the non-Federal share has been changed so that for projects in the U.S., the non-Federal share must be paid in cash, while in projects outside the U.S., the non-Federal share may be entirely in-kind contributions. This change is intended to create an incentive, and provide flexibility, for undertaking projects outside the United States. To complement this change, the substitute amendment eliminates the limitation that no more than 70 percent of appropriated funds may be used for projects outside the United States.

Other changes include a clarification of the purposes section, inclusion of a definitions section, and changes to the section enumerating duties of the Secretary, given the elimination of the advisory committee. In addition, several changes were made to reflect a desire that projects be developed with the support of the relevant wildlife management authorities of the country. This change recognizes the need to collaborate conservation efforts among both public and private sectors, and at local and national levels.

I believe that this amendment greatly improves the bill, and I am very pleased with the legislation. I urge my colleagues to support, and urge its speedy enactment.

Thank you, Mr. President. I yield the floor.

Mr. ABRAHAM. Mr. President, the Senate today will pass compromise legislation worked out between the House and Senate, and between Congress and the President, regarding migratory birds.

I thank Senator DASCHLE, who is an original cosponsor of this legislation, along with Senator CHAFEE, for their support and assistance in formulating legislation which I have been told the President will sign.

Mr. President, the "Neotropical Migratory Bird Conservation Act of 1998" is designed to protect over 90 endangered species of bird spending certain seasons in the United States and the rest of the year in other nations of the

Western Hemisphere. In doing so, it will protect the environmental, economic, recreational, and aesthetic benefits these birds provide to the United States and to the Western Hemisphere as a whole.

Every year approximately 25 million Americans travel to observe birds, and 60 million American adults watch and feed birds at home.

Bird-watching is a source of great pleasure to many Americans, as well as a source of important revenue to states, like my own state of Michigan, which attract tourists to their scenes of natural beauty. Bird-watching and feeding generates fully \$20 billion every year in revenue across America.

Healthy bird populations also prevent hundreds of millions of dollars in economic losses each year to farming and timber interests. They help control insect populations, thereby preventing crop failures and infestations.

Despite the enormous benefits we derive from our bird populations, many of them are struggling to survive. Ninety species are listed as endangered or threatened in the United States. Another 124 species are of high conservation concern. The primary reason for these declines is the degradation and loss of bird habitat.

What makes this all the more troubling is that efforts in the United States to protect these birds' habitats can be of only limited utility.

Among bird watchers' favorites, many neotropical birds are endangered or of high conservation concern.

And several of the most popular neotropical species, including bluebirds, robins, goldfinches, and orioles, migrate to and from the Caribbean and Latin America.

Because neotropical migratory birds range across a number of international borders every year, we must work to establish safeguards at both ends of their migration routes, as well as at critical stopover areas along their way. Only in this way can conservation efforts prove successful.

Mr. President, this is the motivation behind the "Neotropical Migratory Bird Conservation Act." This legislation will protect bird habitats across international boundaries by establishing partnerships between the business community, nongovernmental organizations and foreign nations.

By teaming businesses with international organizations concerned to protect the environment we can combine capital with know-how. By partnering these entities with local organizations in countries where bird habitat is endangered we can see to it that local people receive the training they need to preserve this habitat and maintain this critical natural resource.

This act establishes an account with \$8 million appropriated from the treasury, to be supplemented by donations from private or public sources, to help establish programs in the U.S. Latin America and the Caribbean.

These programs will manage and conserve neotropical migratory bird populations.

Those eligible to participate will include national and international governmental and nongovernmental organizations and business interests, as well as U.S. government entities.

This act was formulated with the understanding that the key to environmental success is cooperation among nongovernmental organizations. Thus the federal share of each project's cost will never exceed 33 percent. In order to foster support in communities here and abroad, the nonfederal share for projects may be in cash or in kind contributions.

The approach taken by this legislation is different from all-too many existing programs. It is proactive, and it avoids a crisis management approach. I am convinced that it will prove significantly more cost effective than current programs.

In addition, Mr. President, this legislation will bring needed attention and expertise to areas now receiving relatively little attention in the area of environmental degradation.

By establishing partnerships between business, government and nongovernmental organizations both here and abroad we can greatly enhance the protection of migratory bird habitat throughout our hemisphere.

Mr. President, this bill is a major step forward for us, and I think it will be seen as one of the key environmental measures passed by this Congress. I thank my colleagues for the support of this legislation that I have received.

Mr. JEFFORDS. I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

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

The amendment (No. 3796) was agreed to.

The bill (S. 1970), as amended, was agreed to.

S. 1970

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 "Neotropical Migratory Bird Conservation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) of the nearly 800 bird species known to occur in the United States, approximately 500 migrate among countries, and the large majority of those species, the neotropical migrants, winter in Latin America and the Caribbean;

(2) neotropical migratory bird species provide invaluable environmental, economic, recreational, and aesthetic benefits to the United States, as well as to the Western Hemisphere;

(3)(A) many neotropical migratory bird populations, once considered common, are in decline, and some have declined to the point that their long-term survival in the wild is in jeopardy; and

(B) the primary reason for the decline in the populations of those species is habitat

loss and degradation (including pollution and contamination) across the species' range; and

(4)(A) because neotropical migratory birds range across numerous international borders each year, their conservation requires the commitment and effort of all countries along their migration routes; and

(B) although numerous initiatives exist to conserve migratory birds and their habitat, those initiatives can be significantly strengthened and enhanced by increased coordination.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to perpetuate healthy populations of neotropical migratory birds;

(2) to assist in the conservation of neotropical migratory birds by supporting conservation initiatives in the United States, Latin America, and the Caribbean; and

(3) to provide financial resources and to foster international cooperation for those initiatives.

SEC. 4. DEFINITIONS.

In this Act:

(1) ACCOUNT.—The term "Account" means the Neotropical Migratory Bird Conservation Account established by section 9(a).

(2) CONSERVATION.—The term "conservation" means the use of methods and procedures necessary to bring a species of neotropical migratory bird to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species, including—

(A) protection and management of neotropical migratory bird populations;

(B) maintenance, management, protection, and restoration of neotropical migratory bird habitat;

(C) research and monitoring;

(D) law enforcement; and

(E) community outreach and education.

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

SEC. 5. FINANCIAL ASSISTANCE.

(a) IN GENERAL.—The Secretary shall establish a program to provide financial assistance for projects to promote the conservation of neotropical migratory birds.

(b) PROJECT APPLICANTS.—A project proposal may be submitted by—

(1) an individual, corporation, partnership, trust, association, or other private entity;

(2) an officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government;

(3) a State, municipality, or political subdivision of a State;

(4) any other entity subject to the jurisdiction of the United States or of any foreign country; and

(5) an international organization (as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288)).

(c) PROJECT PROPOSALS.—To be considered for financial assistance for a project under this Act, an applicant shall submit a project proposal that—

(1) includes—

(A) the name of the individual responsible for the project;

(B) a succinct statement of the purposes of the project;

(C) a description of the qualifications of individuals conducting the project; and

(D) an estimate of the funds and time necessary to complete the project, including sources and amounts of matching funds;

(2) demonstrates that the project will enhance the conservation of neotropical migratory bird species in Latin America, the Caribbean, or the United States;

(3) includes mechanisms to ensure adequate local public participation in project development and implementation;

(4) contains assurances that the project will be implemented in consultation with relevant wildlife management authorities and other appropriate government officials with jurisdiction over the resources addressed by the project;

(5) demonstrates sensitivity to local historic and cultural resources and complies with applicable laws;

(6) describes how the project will promote sustainable, effective, long-term programs to conserve neotropical migratory birds; and

(7) provides any other information that the Secretary considers to be necessary for evaluating the proposal.

(d) PROJECT REPORTING.—Each recipient of assistance for a project under this Act shall submit to the Secretary such periodic reports as the Secretary considers to be necessary. Each report shall include all information required by the Secretary for evaluating the progress and outcome of the project.

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of each project shall be not greater than 33 percent.

(2) NON-FEDERAL SHARE.—

(A) SOURCE.—The non-Federal share required to be paid for a project shall not be derived from any Federal grant program.

(B) FORM OF PAYMENT.—

(i) PROJECTS IN THE UNITED STATES.—The non-Federal share required to be paid for a project carried out in the United States shall be paid in cash.

(ii) PROJECTS IN FOREIGN COUNTRIES.—The non-Federal share required to be paid for a project carried out in a foreign country may be paid in cash or in kind.

SEC. 6. DUTIES OF THE SECRETARY.

In carrying out this Act, the Secretary shall—

(1) develop guidelines for the solicitation of proposals for projects eligible for financial assistance under section 5;

(2) encourage submission of proposals for projects eligible for financial assistance under section 5, particularly proposals from relevant wildlife management authorities;

(3) select proposals for financial assistance that satisfy the requirements of section 5, giving preference to proposals that address conservation needs not adequately addressed by existing efforts and that are supported by relevant wildlife management authorities; and

(4) generally implement this Act in accordance with its purposes.

SEC. 7. COOPERATION.

(a) IN GENERAL.—In carrying out this Act, the Secretary shall—

(1) support and coordinate existing efforts to conserve neotropical migratory bird species, through—

(A) facilitating meetings among persons involved in such efforts;

(B) promoting the exchange of information among such persons;

(C) developing and entering into agreements with other Federal agencies, foreign, State, and local governmental agencies, and nongovernmental organizations; and

(D) conducting such other activities as the Secretary considers to be appropriate; and

(2) coordinate activities and projects under this Act with existing efforts in order to enhance conservation of neotropical migratory bird species.

(b) ADVISORY GROUP.—

(1) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of neotropical migratory birds.

(2) PUBLIC PARTICIPATION.—

(A) MEETINGS.—The advisory group shall—
(i) ensure that each meeting of the advisory group is open to the public; and

(ii) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(B) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(C) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(3) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

SEC. 8. REPORT TO CONGRESS.

Not later than October 1, 2002, the Secretary shall submit to Congress a report on the results and effectiveness of the program carried out under this Act, including recommendations concerning how the Act might be improved and whether the program should be continued.

SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACCOUNT.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund of the Treasury a separate account to be known as the "Neotropical Migratory Bird Conservation Account", which shall consist of amounts deposited into the Account by the Secretary of the Treasury under subsection (b).

(b) DEPOSITS INTO THE ACCOUNT.—The Secretary of the Treasury shall deposit into the Account—

(1) all amounts received by the Secretary in the form of donations under subsection (d); and

(2) other amounts appropriated to the Account.

(c) USE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may use amounts in the Account, without further Act of appropriation, to carry out this Act.

(2) ADMINISTRATIVE EXPENSES.—Of amounts in the Account available for each fiscal year, the Secretary may expend not more than 6 percent to pay the administrative expenses necessary to carry out this Act.

(d) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to carry out this Act. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Account.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Account to carry out this Act \$8,000,000 for each of fiscal years 1999 through 2002, to remain available until expended, of which not less than 50 percent of the amounts made available for each fiscal year shall be expended for projects carried out outside the United States.

AMENDING THE OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 2427, and the Senate then proceed to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 2427) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend legislative authority for the Black Patriots Foundation to establish a commemorative work.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

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

S. 2427

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

SECTION 1. BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL.

Section 506 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 1003 note; 110 Stat. 4155) is amended by striking "1998" and inserting "2000".

REFERRAL OF THE NOMINATION OF DAVID C. WILLIAMS

Mr. JEFFORDS. I ask unanimous consent that when the Finance Committee favorably reports the nomination of David C. Williams to be Inspector General at the Department of the Treasury on October 9, 1998, the nomination will be immediately referred to the Committee on Governmental Affairs for a period not to exceed 20 days.

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

WATER RESOURCES DEVELOPMENT ACT 1998

Mr. JEFFORDS. I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 523, S. 2131.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2131) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1998".

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

Sec. 1. Short title; table of contents.

TITLE I—WATER RESOURCES DEVELOPMENT

Sec. 101. Definitions.

Sec. 102. Project authorizations.

Sec. 103. Project modifications.

Sec. 104. Project deauthorizations.

Sec. 105. Studies.

Sec. 106. Flood hazard mitigation and riverine ecosystem restoration program.

Sec. 107. Shore protection.

Sec. 108. Small flood control projects.

Sec. 109. Use of non-Federal funds for compiling and disseminating information on floods and flood damages.

Sec. 110. Everglades and south Florida ecosystem restoration.

Sec. 111. Aquatic ecosystem restoration.

Sec. 112. Beneficial uses of dredged material.

Sec. 113. Voluntary contributions by States and political subdivisions.

Sec. 114. Recreation user fees.

Sec. 115. Water resources development studies for the Pacific region.

Sec. 116. Missouri and Middle Mississippi Rivers enhancement project.

Sec. 117. Outer Continental Shelf.

Sec. 118. Environmental dredging.

Sec. 119. Benefit of primary flood damages avoided included in benefit cost analysis.

Sec. 120. Control of aquatic plant growth.

Sec. 121. Environmental infrastructure.

Sec. 122. Watershed management, restoration, and development.

Sec. 123. Lakes program.

Sec. 124. Dredging of salt ponds in the State of Rhode Island.

Sec. 125. Upper Susquehanna River basin, Pennsylvania and New York.

Sec. 126. Repaupo Creek and Delaware River, Gloucester County, New Jersey.

Sec. 127. Small navigation projects.

Sec. 128. Streambank protection projects.

Sec. 129. Aquatic ecosystem restoration, Springfield, Oregon.

Sec. 130. Guilford and New Haven, Connecticut.

Sec. 131. Francis Bland, Arkansas Floodway Ditch No. 5.

Sec. 132. Point Judith breakwater.

Sec. 133. Caloosahatchee River basin, Florida.

Sec. 134. Cumberland, Maryland, flood project mitigation.

Sec. 135. Sediments decontamination policy.

Sec. 136. City of Miami Beach, Florida.

Sec. 137. Small storm damage reduction projects.

Sec. 138. Sardis Reservoir, Oklahoma.

Sec. 139. Upper Mississippi River and Illinois waterway system navigation modernization.

Sec. 140. Disposal of dredged material on beaches.

Sec. 141. Fish and wildlife mitigation.

Sec. 142. Upper Mississippi River management.

Sec. 143. Reimbursement of non-Federal interest.

Sec. 144. Research and development program for Columbia and Snake Rivers salmon survival.

TITLE II—CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION

Sec. 201. Definitions.

Sec. 202. Terrestrial wildlife habitat restoration.

Sec. 203. South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund.

Sec. 204. Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Funds.

Sec. 205. Transfer of Federal land to State of South Dakota.

Sec. 206. Transfer of Corps of Engineers land for Indian Tribes.

Sec. 207. Administration.

Sec. 208. Authorization of appropriations.

TITLE I—WATER RESOURCES DEVELOPMENT

SEC. 101. DEFINITIONS.

In this title, the term "Secretary" means the Secretary of the Army.

SEC. 102. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH REPORTS.—The following projects for water resources development and