I thank my colleagues for their attention.

Mr. KENNEDY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I withhold my request because I understand the acting majority leader has some further business.

MIGRATORY BIRD TREATY REFORM ACT OF 1998

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 699, H.R. 2863.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2863) to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes.

The PRESIDENT pro tempore. 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 an amendment; as follows:

(The parts of the bill intended to be inserted are shown in italic)

H.R. 2863

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Migratory Bird Treaty Reform Act of 1998''.

SEC. 2. ELIMINATING STRICT LIABILITY FOR BAITING.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting ''(a)'' after ''SEC. 3.''; and

(2) by adding at the end the following:

''(b) It shall be unlawful for any person to—

''(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

''(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.''.

SEC. 3. CRIMINAL PENALTIES.

Section 6(a) of the Migratory Bird Treaty Act (16 U.S.C. 707(a)) is amended—

(1) by striking ''thereof shall be fined not more than $500'' and inserting the following: ''thereof—

''(1) shall be fined not more than $10,000'';

(2) in paragraph (1) (as designated by paragraph (1)), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(2) in the case of a violation of paragraph (1) or (2) of section 3(b) that is committed in connection with guiding, outfitting, or providing any other service offered, provided, or obtained in exchange for money or other consideration, shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.''.

SEC. 4. REPORT.

Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report analyzing the effect of the amendments made by section 2, and the general practice of baiting, on migratory bird conservation and law enforcement efforts under the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.).

Mr. DEWINE. Mr. President, I ask unanimous consent that the committee amendment be agreed to. And Senator CHAFEE has two amendments at the desk. I ask that they be considered en bloc.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The committee amendment was agreed to.

AMENDMENT NO. 3819

(Purpose: To add other wildlife-related and water-related provisions to the bill)

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. DEWINE), for Mr. CHAFEE, proposes an amendment numbered 3819.

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

AMENDMENT NO. 3820

(Purpose: To increase and change the application of the criminal penalty provisions)

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. DEWINE), for Mr. CHAFEE, proposes an amendment numbered 3820.

The amendment is as follows:

On page 2, line 21, strike ''$10,000'' and insert ''$15,000''.

On page 3, strike lines 1 through 7 and insert the following:

''(2) in the case of a violation of section 3(b)(2), shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.''.

Mr. CHAFEE. Mr. President, I am pleased that this package of fish and wildlife bills is being considered by the Senate today. It is a package that combines some very popular bills with some wonderful conservation initiatives approved by the Committee on Environment and Public Works. It represents an effort on the part of both the Senate and the House to quickly move these bills in the waning days of the 105th Congress. I would like to enumerate the components of this package.

The first item is H.R. 2863, a bill that amends the Migratory Bird Treaty Act with respect to offenses relating to the baiting of migratory birds. This bill was reported by the Environment and Public Works Committee on Friday, October 2.

I am including an amendment that makes two changes to the bill, as it was reported out of the EPW Committee. The first change is to increase the penalty under section 6(a) of the Migratory Bird Treaty Act from $10,000 to $15,000. This change is not intended to affect the classification of the offense, which is currently a class B misdemeanor. Indeed, in *United States* v. *Clavette*, the ninth circuit held that the fine may be as much as $25,000 and still be considered a class B misdemeanor.

The second change is to eliminate the higher penalty for persons who violate section 3(b) of the Migratory Bird Treaty Act in connection with guiding, outfitting, or providing other service in exchange for money or other consideration. The intent of this provision was to discourage commercial operations from engaging in baiting in order to spur their business. However, the language in the reported bill was extremely broad. In addition, some existing laws, such as the Lacey Act, already provide that commercial operations may be subject to higher penalties.

In lieu of the higher penalty for commercial operations, the amendment that I offer today provides a higher penalty for persons who violate section 3(b)(2) of the Migratory Bird Treaty Act. Section 3(b)(2) prohibits the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area. This penalty would entail fines under title 28 of the United States Code, or imprisonment of not more than one year, or both. Baiting would thus be a class A misdemeanor. The purpose of this higher penalty is to send a strong message to the public that baiting is a serious offense.

Mr. President, these changes have been discussed with Senator BREAUX's staff, House Resources Committee staff, the administration, and the International Association of Fish and Wildlife Agencies, and have met with the approval of all interested parties. I believe that this amendment improves the bill as passed by the committee.

The second item included in the package is S. 2317, which makes several changes to the National Wildlife Refuge System Administration Act of 1966. First, it removes three areas from the Refuge System that have lost the habitat value that led to their being incorporated into the Refuge System. Second, it changes the name of the Klamath Forest National Wildlife Refuge in Oregon to the Klamath Marsh National Wildlife Refuge. The current name leads visitors to believe that it is a national forest, causing confusion over what activities are permitted. Finally, it reduces the penalty for unintentional violations of the National Wildlife Refuge System Administration Act. Currently, all violations of the act are class A misdemeanors, regardless of whether or not it was an intentional violation. Unintentional violations will now be a class B misdemeanor.

The third item included in the package is S. 361, sponsored by Senator JEFFORDS and approved by the Committee on Environment and Public Works on July 22, 1998. This item prohibits the import, export and trade in products that contain, or that are labeled or advertised as containing, rhino and tiger parts, in an effort to reduce the supply

and demand of those products in the United States. It requires a public outreach program in the United States to complement the prohibitions. Lastly, it reauthorizes the Rhinoceros and Tiger Conservation Act through 2002.

As a related matter, I would like to note that even as Congress reaffirms and strengthens the laws for the conservation of rhinos and tigers, funding for implementation of these laws is woefully inadequate. This year—the Year of the Tiger—the administration requested only $400,000 for implementing the Rhinoceros and Tiger Conservation Act. The Act is authorized to be appropriated up to $10 million annually. I strongly urge the administration, for fiscal year 2000, to request funding commensurate with the dire situation facing rhinos, and particularly tigers, in the wild.

The fourth item included in the package is S. 1677, the Wetlands and Wildlife Enhancement Act of 1998. This bill reauthorizes 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 introduced the bill last February, and have been 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.

The fifth item in the package includes provisions relating to protection of the Chesapeake Bay, and the research of pfiesteria.

Mr. President, this package contains some very popular bills and very worthwhile conservation programs. It represents the fruits of many months of work by both the House Resources Committee and the Senate Environment and Public Works Committee. In particular, I would like to thank Chairman DON YOUNG and his staff, Harry Burroughs, for their cooperation on these bills, and in putting together this package.

Mr. President, I also ask unanimous consent that the report by the Congressional Budget Office for the bill, H.R. 2863, as approved by the Committee on Environment and Public Works, be printed in the RECORD. When the Committee filed its report on the bill, CBO had not yet completed its analysis, so it was not included. I would now like it to be part of the public record.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 8, 1998.

Hon. JOHN F. CHAFEE,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2863, the Migratory Bird Treaty Reform Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis (for federal costs), who can be reached at 226–2860, and Hester Grippando (for revenues), who can be reached at 226–2720.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, OCTOBER 8, 1998

H.R. 2863: MIGRATORY BIRD TREATY REFORM ACT OF 1998

(As reported by the Senate Committee on Environment and Public Works on October 5, 1998)

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 2863 would cost the U.S. Fish and Wildlife Service (USFWS) less than $200,000 over the next five years to prepare a report on migratory bird conservation issues. Because sections 2 and 3 of the legislation may affect receipts from criminal fines, pay-as-you-go procedures would apply. We estimate that any changes in receipts would be negligible, however, and would be largely offset by resulting changes in direct spending from the Crime Victims Fund (into which criminal fines are deposited). H.R. 2863 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

Section 2 of H.R. 2863 would codify a standard for determining when someone is guilty of hunting migratory birds over an area baited with bird feed. At present, there is no statutory rule for deciding the issue; thus, the standard is determined by the courts and differs from jurisdiction to jurisdiction. In most areas of the country, courts usually apply strict liability—anyone found hunting over a baited field is guilty of violating federal law whether the person knew that the area was baited or not. In contrast, H.R. 2863 would establish a national standard, presently applied in only a few states, that would make it unlawful for a person to hunt over a field only if that person knows or reasonably should know that the area is baited.

It is possible that applying a new standard regarding the hunting of migratory birds, as would be required by section 2, could make it more difficult for some prosecutors to prove that the law has been violated, resulting in fewer convictions in some states. CBO estimates, however, that the aggregate decrease in federal revenues from fines would be insignificant because the overall conviction rate would be unlikely to fall by much—these rates are already extremely high in all states, regardless of which standard is applied.

Similarly, CBO estimates that section 3 of this legislation, which would raise from $500 to $10,000 the maximum criminal penalty for certain violations of the Migratory Bird Treaty Act, would not cause any significant increase in revenues from fines because we expect that prosecutors would be very unlikely to ask for higher penalties than they currently seek. (The government rarely imposes the current $500 maximum fine in the more than 1,000 cases it prosecutes annually.) In any case, changes in revenues from enacting H.R. 2863 would result in offsetting changes in direct spending from the Crime Victims Fund.

This estimate is based on information provided by the USFWS, the Office of Management and Budget, and federal law enforcement officers.

On May 14, 1998, CBO prepared a cost estimate for H.R. 2863, as ordered reported by the House Committee on Resources on April 29, 1998. This estimate, for the Senate version of H.R. 2863, differs from the previous one because it includes the budgetary effects of two added provisions: the reporting requirement contained in section 4 and the increase in certain maximum penalties contained in section 3.

The CBO staff contacts for this estimate are Deborah Reis (for federal costs), who can be reached at 226–2860, and Hester Grippando (for revenues), who can be reached at 226–2720. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Mr. DEWINE. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc and the bill be read a third time.

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

The amendments (Nos. 3819 and 3820) were agreed to.

The bill (H.R. 2863) was read the third time.

Mr. DEWINE. I further ask unanimous consent that the Environment Committee be immediately discharged from consideration of H.R. 2807, and the Senate proceed then to its consideration.

I further ask that all after the enacting clause be stricken and the text of H.R. 2863 be inserted in lieu thereof, 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 at this point in the RECORD.

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

The bill (H.R. 2807), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2807) entitled ''An Act to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

TITLE I—MIGRATORY BIRD TREATY REFORM

SEC. 101. SHORT TITLE.

This title may be cited as the ''Migratory Bird Treaty Reform Act of 1998''.

SEC. 102. ELIMINATING STRICT LIABILITY FOR BAITING.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting ''(a)'' after ''SEC. 3.''; and

(2) by adding at the end the following:

''(b) It shall be unlawful for any person to—

''(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

''(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.''.

SEC. 103. CRIMINAL PENALTIES.

Section 6(a) of the Migratory Bird Treaty Act (16 U.S.C. 707(a)) is amended—

(1) by striking ''thereof shall be fined not more than $500'' and inserting the following: ''thereof—

''(1) shall be fined not more than $15,000'';

(2) in paragraph (1) (as designated by paragraph (1)), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(2) in the case of a violation of section 3(b)(2), shall be fined under title 18, United

States Code, imprisoned not more than 1 year, or both.''.

SEC. 104. REPORT.

Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report analyzing the effect of the amendments made by section 2, and the general practice of baiting, on migratory bird conservation and law enforcement efforts under the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.).

TITLE II—NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Wildlife Refuge System Improvement Act of 1998''.

SEC. 202. UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), there are transferred to the Corps of Engineers, without reimbursement, approximately 37.36 acres of land of the Upper Mississippi River Wildlife and Fish Refuge in the State of Minnesota, as designated on the map entitled ''Upper Mississippi National Wildlife and Fish Refuge lands transferred to Corps of Engineers'', dated January 1998, and available, with accompanying legal descriptions of the land, for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) CONFORMING AMENDMENTS.—The first section and section 2 of the Upper Mississippi River Wild Life and Fish Refuge Act (16 U.S.C. 721, 722) are amended by striking ''Upper Mississippi River Wild Life and Fish Refuge'' each place it appears and inserting ''Upper Mississippi River National Wildlife and Fish Refuge''.

SEC. 203. KILLCOHOOK COORDINATION AREA.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 1,439.26 acres of land in the States of New Jersey and Delaware, known as the ''Killcohook Coordination Area'', as established by Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, is terminated.

(b) EXECUTIVE ORDERS.—Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, are revoked.

SEC. 204. LAKE ELSIE NATIONAL WILDLIFE REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 634.7 acres of land and water in Richland County, North Dakota, known as the ''Lake Elsie National Wildlife Refuge'', as established by Executive Order No. 8152, issued June 12, 1939, is terminated.

(b) EXECUTIVE ORDER.—Executive Order No. 8152, issued June 12, 1939, is revoked.

SEC. 205. KLAMATH FOREST NATIONAL WILDLIFE REFUGE.

Section 28 of the Act of August 13, 1954 (25 U.S.C. 564w–1), is amended in subsections (f) and (g) by striking ''Klamath Forest National Wildlife Refuge'' each place it appears and inserting ''Klamath Marsh National Wildlife Refuge''.

SEC. 206. VIOLATION OF NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended—

(1) in the first sentence of subsection (c), by striking ''knowingly''; and

(2) in subsection (f)—

(A) by striking ''(f) Any'' and inserting the following:

''(f) PENALTIES.—

''(1) KNOWING VIOLATIONS.—Any'';

(B) by inserting ''knowingly'' after ''who''; and

(C) by adding at the end the following:

''(2) OTHER VIOLATIONS.—Any person who otherwise violates or fails to comply with any of the provisions of this Act (including a regulation issued under this Act) shall be fined under title 18, United States Code, or imprisoned not more than 180 days, or both.''.

TITLE III—WETLANDS AND WILDLIFE ENHANCEMENT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Wetlands and Wildlife Enhancement Act of 1998''.

SEC. 302. 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. 303. 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. 304. 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)).

TITLE IV—RHINOCEROS AND TIGER CONSERVATION

SEC. 401. SHORT TITLE.

This title may be cited as the ''Rhinoceros and Tiger Conservation Act of 1998''.

SEC. 402. FINDINGS.

Congress finds that—

(1) the populations of all but 1 species of rhinoceros, and the tiger, have significantly declined in recent years and continue to decline;

(2) these species of rhinoceros and tiger are listed as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973 (27 UST 1087; TIAS 8249) (referred to in this title as ''CITES'');

(3) the Parties to CITES have adopted several resolutions—

(A) relating to the conservation of tigers (Conf. 9.13 (Rev.)) and rhinoceroses (Conf. 9.14), urging Parties to CITES to implement legislation to reduce illegal trade in parts and products of the species; and

(B) relating to trade in readily recognizable parts and products of the species (Conf. 9.6), and trade in traditional medicines (Conf. 10.19), recommending that Parties ensure that their legislation controls trade in those parts and derivatives, and in medicines purporting to contain them;

(4) a primary cause of the decline in the populations of tiger and most rhinoceros species is the poaching of the species for use of their parts and products in traditional medicines;

(5) there are insufficient legal mechanisms enabling the United States Fish and Wildlife Service to interdict products that are labeled or advertised as containing substances derived from rhinoceros or tiger species and prosecute the merchandisers for sale or display of those products; and

(6) legislation is required to ensure that—

(A) products containing, or labeled or advertised as containing, rhinoceros parts or tiger parts are prohibited from importation into, or exportation from, the United States; and

(B) efforts are made to educate persons regarding alternatives for traditional medicine products, the illegality of products containing, or labeled or advertised as containing, rhinoceros parts and tiger parts, and the need to conserve rhinoceros and tiger species generally.

SEC. 403. PURPOSES OF THE RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.

Section 3 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5302) is amended by adding at the end the following:

''(3) To prohibit the sale, importation, and exportation of products intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.''.

SEC. 404. DEFINITION OF PERSON.

Section 4 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5303) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) 'person' means—

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

''(B) an officer, employee, agent, department, or instrumentality of—

''(i) the Federal Government;

''(ii) any State, municipality, or political subdivision of a State; or

''(iii) any foreign government;

''(C) a State, municipality, or political subdivision of a State; or

''(D) any other entity subject to the jurisdiction of the United States.''.

SEC. 405. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED OR ADVERTISED AS RHINOCEROS OR TIGER PRODUCTS.

The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) is amended—

(1) by redesignating section 7 as section 9; and

(2) by inserting after section 6 the following:

''SEC. 7. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED OR ADVERTISED AS RHINOCEROS OR TIGER PRODUCTS.

''(a) PROHIBITION.—A person shall not sell, import, or export, or attempt to sell, import, or export, any product, item, or substance intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.

''(b) PENALTIES.—

''(1) CRIMINAL PENALTY.—A person engaged in business as an importer, exporter, or distributor that knowingly violates subsection (a) shall be fined under title 18, United States Code, imprisoned not more than 6 months, or both.

''(2) CIVIL PENALTIES.—

''(A) IN GENERAL.—A person that knowingly violates subsection (a), and a person engaged in business as an importer, exporter, or distributor

that violates subsection (a), may be assessed a civil penalty by the Secretary of not more than $12,000 for each violation.

''(B) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

''(c) PRODUCTS, ITEMS, AND SUBSTANCES.—Any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section or any regulation issued under this section shall be subject to seizure and forfeiture to the United States.

''(d) REGULATIONS.—After consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, the Secretary shall issue such regulations as are appropriate to carry out this section.

''(e) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this section in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

''(f) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).''.

SEC. 406. EDUCATIONAL OUTREACH PROGRAM.

The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) (as amended by section 405) is amended by inserting after section 7 the following:

''SEC. 8. EDUCATIONAL OUTREACH PROGRAM.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall develop and implement an educational outreach program in the United States for the conservation of rhinoceros and tiger species.

''(b) GUIDELINES.—The Secretary shall publish in the Federal Register guidelines for the program.

''(c) CONTENTS.—Under the program, the Secretary shall publish and disseminate information regarding—

''(1) laws protecting rhinoceros and tiger species, in particular laws prohibiting trade in products containing, or labeled or advertised as containing, their parts;

''(2) use of traditional medicines that contain parts or products of rhinoceros and tiger species, health risks associated with their use, and available alternatives to the medicines; and

''(3) the status of rhinoceros and tiger species and the reasons for protecting the species.''.

SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

Section 9 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306) (as redesignated by section 405(1)) is amended by striking ''1996, 1997, 1998, 1999, and 2000'' and inserting ''1996 through 2002''.

TITLE V—CHESAPEAKE BAY INITIATIVES

SEC. 501. SHORT TITLE.

This title may be cited as the ''Chesapeake Bay Initiatives Act of 1998''.

SEC. 502. CHESAPEAKE BAY.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

''SEC. 117. CHESAPEAKE BAY.

''(a) DEFINITIONS.—In this section:

''(1) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements, amendments, directives, and adoption statements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the ecosystem and signed by the Chesapeake Executive Council.

''(2) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

''(3) CHESAPEAKE BAY WATERSHED.—The term 'Chesapeake Bay watershed' shall have the meaning determined by the Administrator.

''(4) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

''(5) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

''(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

''(2) PROGRAM OFFICE.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office. The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

''(A) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

''(B) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay;

''(C) assisting the signatories to the Chesapeake Bay Agreement, in cooperation with appropriate Federal, State, and local authorities, in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

''(D) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

''(i) improve the water quality and living resources of the Chesapeake Bay; and

''(ii) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

''(E) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

''(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

''(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

''(1) IN GENERAL.—In consultation with other members of the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit private organizations and individuals, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with Environmental Protection Agency guidance.

''(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

''(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

''(4) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a person described in paragraph (1) in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the person under this subsection for the fiscal year.

''(e) IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate.

''(2) PROPOSALS.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement. The proposal shall include—

''(A) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and to meet applicable water quality standards; and

''(B) the estimated cost of the actions proposed to be taken during the fiscal year.

''(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for a fiscal year.

''(4) FEDERAL SHARE.—The Federal share of an implementation grant provided under this subsection shall not exceed 50 percent of the costs of implementing the management mechanisms during the fiscal year.

''(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

''(6) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a signatory jurisdiction in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the jurisdiction under this subsection for the fiscal year.

''(f) COMPLIANCE OF FEDERAL FACILITIES.—

''(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

''(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement.

''(g) CHESAPEAKE BAY WATERSHED, TRIBUTARY, AND RIVER BASIN PROGRAM.—

''(1) NUTRIENT AND WATER QUALITY MANAGEMENT STRATEGIES.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement for the tributaries of the Chesapeake Bay to achieve and maintain—

''(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the main stem Chesapeake Bay;

''(B) the water quality requirements necessary to restore living resources in both the tributaries and the main stem of the Chesapeake Bay;

''(C) the Chesapeake Bay basinwide toxics reduction and prevention strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources that inhabit the Bay or on human health; and

''(D) habitat restoration, protection, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, forest riparian zones, and other types of habitat associated with the Chesapeake Bay and the tributaries of the Chesapeake Bay.

''(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in consultation with other members of the Chesapeake Executive Council, may offer the technical assistance and assistance grants authorized under subsection (d) to local governments and nonprofit private organizations and individuals in the Chesapeake Bay watershed to implement—

''(A) cooperative tributary basin strategies that address the Chesapeake Bay's water quality and living resource needs; or

''(B) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies.

''(h) STUDY OF CHESAPEAKE BAY PROGRAM.—Not later than December 31, 2000, and every 3 years thereafter, the Administrator, in cooperation with other members of the Chesapeake Executive Council, shall complete a study and submit a comprehensive report to Congress on the results of the study. The study and report shall, at a minimum—

''(1) assess the commitments and goals of the management strategies established under the Chesapeake Bay Agreement and the extent to which the commitments and goals are being met;

''(2) assess the priority needs required by the management strategies and the extent to which the priority needs are being met;

''(3) assess the effects of air pollution deposition on water quality of the Chesapeake Bay;

''(4) assess the state of the Chesapeake Bay and its tributaries and related actions of the Chesapeake Bay Program;

''(5) make recommendations for the improved management of the Chesapeake Bay Program; and

''(6) provide the report in a format transferable to and usable by other watershed restoration programs.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 1999 through 2003.''.

SEC. 503. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS.

(a) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary''), in cooperation with the Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator''), shall provide technical and financial assistance, in cooperation with other Federal agencies, State and local governments, nonprofit organizations, and the private sector—

(A) to identify, conserve, restore, and interpret natural, recreational, historical, and cultural resources within the Chesapeake Bay Watershed;

(B) to identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Chesapeake Bay;

(C) to link the Chesapeake Bay Gateways sites with trails, tour roads, scenic byways, and other connections as determined by the Secretary;

(D) to develop and establish Chesapeake Bay Watertrails comprising water routes and connections to Chesapeake Bay Gateways sites and other land resources within the Chesapeake Bay Watershed; and

(E) to create a network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails.

(2) COMPONENTS.—Components of the Chesapeake Bay Gateways and Watertrails Network may include—

(A) State or Federal parks or refuges;

(B) historic seaports;

(C) archaeological, cultural, historical, or recreational sites; or

(D) other public access and interpretive sites as selected by the Secretary.

(b) CHESAPEAKE BAY GATEWAYS GRANTS ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator, shall establish a Chesapeake Bay Gateways Grants Assistance Program to aid State and local governments, local communities, nonprofit organizations, and the private sector in conserving, restoring, and interpreting important historic, cultural, recreational, and natural resources within the Chesapeake Bay Watershed.

(2) CRITERIA.—The Secretary, in cooperation with the Administrator, shall develop appropriate eligibility, prioritization, and review criteria for grants under this section.

(3) MATCHING FUNDS AND ADMINISTRATIVE EXPENSES.—A grant under this section—

(A) shall not exceed 50 percent of eligible project costs;

(B) shall be made on the condition that non-Federal sources, including in-kind contributions of services or materials, provide the remainder of eligible project costs; and

(C) shall be made on the condition that not more than 10 percent of all eligible project costs be used for administrative expenses.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 1999 through 2003.

SEC. 504. PFIESTERIA AND OTHER AQUATIC TOXINS RESEARCH AND GRANT PROGRAM.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, the Secretary of Commerce (acting through the Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration), the Secretary of Health and Human Services (acting through the Director of the National Institute of Environmental Health Sciences and the Director of the Centers for Disease Control and Prevention), and the Secretary of Agriculture shall—

(1) establish a research program for the eradication or control of Pfiesteria piscicida and other aquatic toxins; and

(2) make grants to colleges, universities, and other entities in affected States for the eradication or control of Pfiesteria piscicida and other aquatic toxins.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 1999 and 2000.

Mr. DEWINE. I finally ask consent that H.R. 2863 be placed back on the calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, there will now be a period of morning business until 12 noon.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as I understand it, under the previous order I have 20 minutes. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Will the Chair be kind enough to let me know when I have 2 minutes remaining?

The PRESIDING OFFICER. The Senator will be notified.

Mr. KENNEDY. I thank the Chair.

TRIBUTE TO PATRICK MURPHY, FOUNDER OF THE ''FOR THE LOVE OF LIFE'' FOUNDATION

Mr. KENNEDY. Mr. President, I rise today to pay tribute to a wonderful friend who has left us all too soon, Patrick Murphy of Provincetown, Massachusetts, who died last Friday from complication of AIDS.

The poet Yeats wrote about another young man who died too young, in lines that apply to Patrick Murphy, too—he was ''all life's epitome. What made us dream that he could comb grey hair?''

Patrick was a very special friend, and we grieve all the more today because his life was so tragically cut short. But he lived that life with great energy, passion and commitment. And these priceless qualities won him countless friends and enormous success throughout his lifetime. But even more important, they won him the enduring respect and genuine affection of the people whose lives he touched and helped.

Patrick succeeded where others failed because he would never allow himself to be distracted by the mean-spirited. He had a determination that could overcome any obstacle or criticism. He was seldom burdened by a sense of reality, which made him all the more endearing and all the more successful.

In the Patrick Murphy handbook on life, ''No you can't'' became ''Yes you can.'' You can fight the bureaucracy. You can make a difference. You can live with AIDS—and never let anyone tell you you can't.

All of us who knew Patrick knew that he never gave up and never gave in. He was the ''ever-ready bunny'' in the television commercial—the one who just keeps going and going—ever-ready to fight for all the causes we share.

I remember my own campaign in Massachusetts in 1994. Patrick had just left the hospital. But that didn't stop him for a second. Before we knew it, he had list after list of events and phone-banks and campaign stops he was planning—working skillfully and tirelessly until every last vote was counted and victory was won.

He did the same for Senator JOHN KERRY in his reelection campaign in 1996—and for President Clinton and Vice President GORE in their campaign that year too.

And he did it all over again for the impressive ''For the Love of Life'' Foundation that he founded in 1992 and that will be his lasting memorial.