

Ohio (Mr. DEWINE) were added as cosponsors of S. 85, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 120

At the request of Mr. BAYH, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 120, a bill to eliminate the marriage tax penalty permanently in 2003.

S. 145

At the request of Mr. KYL, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 145, a bill to prohibit assistance to North Korea or the Korean Peninsula Development Organization, and for other purposes.

S. 173

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 173, a bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund.

S. 185

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 185, a bill to authorize emergency supplemental assistance to combat the growing humanitarian crisis in sub-Saharan Africa.

AMENDMENT NO. 31

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 31 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 31

At the request of Mr. SCHUMER, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Dakota (Mr. DORGAN), the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Florida (Mr. GRAHAM), the Senator from New York (Mrs. CLINTON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 31 proposed to H.J. Res. 2, *supra*.

AMENDMENT NO. 32

At the request of Mr. HARKIN, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from New York (Mrs. CLINTON), the Senator from Florida (Mr. GRAHAM), the Senator from New York (Mr. SCHUMER) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 32 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

AMENDMENT NO. 33

At the request of Mr. CRAIG, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 33 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself, Mr. JEFFORDS, and Mr. LIEBERMAN):

S. 194. A bill to amend the Clean Air Act to establish an inventory, registry, and information system of United States greenhouse emissions to inform the public and private sector concerning, and encourage voluntary reductions in, greenhouse gas emissions; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President, I rise today to introduce a bill that represents an important step towards the goal of addressing the threats posed by global climate change. I am pleased to be joined on this bill by Senator JEFFORDS and Senator LIEBERMAN. They were cosponsors of this legislation in the 107th Congress, they are recognized environmental leaders in the Senate, and are long-standing, outspoken advocates for taking action to mitigate climate change. I appreciate their help in introducing this legislation today.

Climate change is a complex issue. Scientifically. Economically. Politically. But complexity is no excuse for inattention or inaction. Because the health and viability of the global ecosystems upon which we all depend are at stake. And the time to act is now.

In 2001, the Intergovernmental Panel on Climate Change released its Third Assessment Report. That report shows that climate change science is increasingly clear and alarming. We know that human activities, primarily fossil fuel combustion, have raised the atmospheric concentration of carbon dioxide to the highest levels in the last 420,000 years. We know that the planet is warming, and that the balance of the scientific evidence suggests that most of the recent warming can be attributed to increased atmospheric greenhouse gas levels. We know that without concerted action by the U.S. and other countries, greenhouse gases will continue to increase.

These findings were echoed by a National Academy Sciences report published later in 2001, which concluded that: "Greenhouse gases are accumulating in Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise. Temperatures are, in fact, rising. The changes observed over the last several decades are likely mostly due to human activities, but we cannot rule out that some significant part of these changes is also a reflection of natural variability. . . . "Despite the uncertainties, there is general agreement that the observed warming is real and particularly strong within the past 20 years."

Climate science and climate modeling have improved. These models predict warming under all scenarios that have been considered. Even the smallest warming predicted by current models, 2.5 degrees Fahrenheit over the next century, would represent the

greatest rate of increase in global mean surface temperature in the last 10,000 years.

If these trends continue, the results may be devastating. People in my State of New Jersey treasure their Jersey Shore. With the exception of the 50 mile northern border with New York, New Jersey is surrounded by water. The State's Atlantic coastline stretches 127 miles. Fourteen of 21 counties have estuarine or marine shorelines. Rising sea level is already having adverse impacts, by exacerbating coastal erosion, and causing inundation, flooding, and saline intrusions into ground water. The NJ coastal area also supports one of New Jersey's largest industries, tourism.

Sea level is rising more rapidly along the US coast than worldwide. Studies by EPA and others have estimated that along the Gulf and Atlantic coasts, a one-foot rise in the sea level is likely by 2050 and could occur as soon as 2025. In the next century, a two-foot rise is most likely but a four-foot rise is possible. The implications for New Jersey and many other coastal States are potentially very significant. I am concerned about this impact. And I am concerned about other climate change impacts across New Jersey, the country and the globe.

The time for inaction and delay is over. We need to take steps today to start dealing with this issue. This bill is a modest step. But I think it's an important one, and it's one that I believe we should be able to act on during the 108th Congress.

The main provisions of the bill establish a system that would require companies to estimate and report their emissions of greenhouse gases, and a place where companies can register greenhouse gas emissions reductions. In addition, the bill would require an annual report on U.S. greenhouse gas emissions. I'd like to go through each of these components in more detail.

First, the bill requires EPA to work with the Secretaries of Energy, Commerce and Agriculture, as well as the private sector and non-governmental organizations to establish a greenhouse gas emission information system. For the purposes of the bill, greenhouse gases are carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. EPA is directed to establish threshold quantities for each of these gases. The threshold quantities will trigger the requirement for a company to report to the system, and are included to enable EPA to exclude most small businesses from the reporting requirements.

Companies that emit more than a threshold quantity of each gas will be required to report their emissions on an annual basis to EPA. The requirements will be phased in, beginning with direct, stationary source emissions in 2004. The following year, in 2005, companies subject to the reporting requirements will need to submit to EPA estimates of other types of greenhouse gas

emissions, such as process emissions, fugitive emissions, mobile source emissions, forest product-sensor emissions, and indirect emissions from heat and steam. By reporting to the system, companies will be able to establish emissions baselines.

Perhaps more important than the reporting system is the greenhouse gas registry established by the bill. The bill requires EPA a greenhouse gas registry, which will enable companies to register greenhouse gas reductions. Many companies are voluntarily implementing projects to reduce emissions or sequester carbon. The registry would establish a place for companies to be able to put these projects on public record in a consistent and reliable way.

Taken together, these provisions of the bill will accomplish several important goals. First, they will create a reliable inventory of the sources of greenhouse gas emissions within our economy. But more importantly, these provisions will provide a powerful incentive for companies to continue to make voluntary greenhouse gas reductions. The reason is that the greenhouse registry will be a place where companies can register their greenhouse gas reductions in a consistent and uniform way. This will enable companies to publicly verify the actions they are taking to reduce their emissions. It also provides a place where farmers, ranchers and foresters can register their carbon sequestration projects. They can then trade these registered reductions with any companies that might wish to purchase them. This had the potential to create a new carbon market that our farmers can benefit from.

Prior efforts to provide "future credits" in a registry bill have run up against a Constitutional problem in that we cannot bind future Congresses in legislation. So the bill does not provide such credits, per se. But it does establish a robust and credible reporting system and registry. And if companies register their reductions in a strong registry, they will have as much assurance as we can provide them that their reductions will be taken into account if a mandatory greenhouse gas emission reduction program is enacted.

I believe that such a mandatory emissions reduction program will be necessary, and I already support such a program, for example, Senator JEFFORDS' Clean Power Act. I don't believe that a reporting and registry system such as I am proposing is a substitute for such a mandatory emissions reductions program. But a reporting and registry system is a necessary component of any such program, and is a step that Congress may be able to agree on now, despite differences of opinion about whether mandatory emissions reductions are necessary at this time. A greenhouse gas reporting system and registry is a step we ought to take now, because it would provide a structure that encourages companies to make

voluntary reductions now. That's the main purpose of the bill.

In addition, the bill requires EPA to annually publish a U.S. greenhouse gas emissions inventory. This will be a national account of greenhouse gas emissions for our nation, and will incorporate the information submitted to the greenhouse gas information system and registry. EPA has issued a similar report for several years now, and this provision is intended to explicitly authorize and specify the scope of that report going forward.

I want to add that I think that many of the emissions measurement challenges have been worked out or are being worked out now. Many advances have been made in recent years, often in a cooperative way, with industry, environmental groups and governments at the table working towards measurement protocols, such as the GHG Protocol Initiative. It's my intent that in developing the systems and protocols developed under this bill that EPA take advantage of the best practices that have been and continue to be developed in this fashion.

I first introduced this bill in December 2001. Since that time, I think it's fair to say that the Bush Administration has done literally nothing of consequence to address the climate change threat. But I think that there are many in industry who disagree with the Bush policy. Last September 16, the Pew Center ran an ad in the Washington Post that was signed by 40 major companies, including energy producers such as American Electric Power, BP, Cinergy, Entergy, and Sunoco. In that ad, these companies stated their support for policies to "disclose major sources of greenhouse gas emissions and recognize early action." In addition, ExxonMobil stated in their 2002 report, "Corporate Citizenship in a Changing World," that they are "working with governments and industry associations to promote development of procedures for mandatory reporting by all businesses, so that in the future we can report emissions for activities we operate and also those in which we share ownership with others." So there is a willingness on the part of many major U.S. corporations to move to emissions reporting. Congress needs to follow the leads of these companies.

I also want to note that I worked on a bipartisan greenhouse gas registry and reporting bill with Senator BROWNBACK last year. That bill passed the Senate by voice vote as a Brownback-Corzine amendment to the Senate energy bill. While it did not require reporting immediately, it ensured robust participation in the reporting and registry system in the near future through a trigger mechanism. And while I preferred a mandatory system, and still do, I am primarily concerned with getting results. And the Brownback-Corzine approach had the support of the full Senate. So while I still prefer a mandatory system, as this bill would create, I remain willing and

open to work with Senator BROWNBACK on an alternative again in this Congress.

In closing, it's clear that it's up to Congress to lead on climate change. I urge my colleagues to work with me this Congress to create a credible greenhouse gas reporting and registry system that will encourage voluntary reductions. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 194

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 "National Greenhouse Gas Emissions Inventory and Registry Act of 2003".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) human activities have caused rapid increases in atmospheric concentrations of carbon dioxide and other greenhouse gases in the last century;

(2) according to the Intergovernmental Panel on Climate Change and the National Research Council—

(A) the Earth has warmed in the last century; and

(B) the majority of the observed warming is attributable to human activities;

(3) despite the fact that many uncertainties in climate science remain, the potential impacts from human-induced climate change pose a substantial risk that should be managed in a responsible manner; and

(4) to begin to manage climate change risks, public and private entities will need a comprehensive, accurate inventory, registry, and information system of the sources and quantities of United States greenhouse gas emissions.

(b) PURPOSE.—The purpose of this Act is to establish a mandatory greenhouse gas inventory, registry, and information system that—

(1) is complete, consistent, transparent, and accurate;

(2) will create accurate data that can be used by public and private entities to design efficient and effective greenhouse gas emission reduction strategies;

(3) will encourage greenhouse gas emission reductions; and

(4) can be used to establish a baseline in the event of any future greenhouse gas emission reduction requirements affecting major emitters in the United States.

SEC. 3. GREENHOUSE GAS EMISSIONS.

The Clean Air Act (42 U.S.C. 1701 et seq.) is amended by adding at the end the following:

"TITLE VII—GREENHOUSE GAS EMISSIONS

"SEC. 701. DEFINITIONS.

"In this title:

"(1) COVERED ENTITY.—The term 'covered entity' means an entity that emits more than a threshold quantity of greenhouse gas emissions.

"(2) DIRECT EMISSIONS.—The term 'direct emissions' means greenhouse gas emissions from a source that is owned or controlled by an entity.

"(3) ENTITY.—The term 'entity' includes a firm, a corporation, an association, a partnership, and a Federal agency.

"(4) GREENHOUSE GAS.—The term 'greenhouse gas' means—

"(A) carbon dioxide;

"(B) methane;

- “(C) nitrous oxide;
- “(D) hydrofluorocarbons;
- “(E) perfluorocarbons; and
- “(F) sulfur hexafluoride.

“(5) GREENHOUSE GAS EMISSIONS.—The term ‘greenhouse gas emissions’ means emissions of a greenhouse gas, including—

“(A) stationary combustion source emissions, which are emitted as a result of combustion of fuels in stationary equipment such as boilers, furnaces, burners, turbines, heaters, incinerators, engines, flares, and other similar sources;

“(B) process emissions, which consist of emissions from chemical or physical processes other than combustion;

“(C) fugitive emissions, which consist of intentional and unintentional emissions from—

“(i) equipment leaks such as joints, seals, packing, and gaskets; and

“(ii) piles, pits, cooling towers, and other similar sources; and

“(D) mobile source emissions, which are emitted as a result of combustion of fuels in transportation equipment such as automobiles, trucks, trains, airplanes, and vessels.

“(6) GREENHOUSE GAS EMISSIONS RECORD.—The term ‘greenhouse gas emissions record’ means all of the historical greenhouse gas emissions and project reduction data submitted by an entity under this title, including any adjustments to such data under section 704(c).

“(7) GREENHOUSE GAS REPORT.—The term ‘greenhouse gas report’ means an annual list of the greenhouse gas emissions of an entity and the sources of those emissions.

“(8) INDIRECT EMISSIONS.—The term ‘indirect emissions’ means greenhouse gas emissions that are a consequence of the activities of an entity but that are emitted from sources owned or controlled by another entity.

“(9) NATIONAL GREENHOUSE GAS EMISSIONS INFORMATION SYSTEM.—The term ‘national greenhouse gas emissions information system’ means the information system established under section 702(a).

“(10) NATIONAL GREENHOUSE GAS EMISSIONS INVENTORY.—The term ‘national greenhouse gas emissions inventory’ means the national inventory of greenhouse gas emissions established under section 705.

“(11) NATIONAL GREENHOUSE GAS REGISTRY.—The term ‘national greenhouse gas registry’ means the national greenhouse gas registry established under section 703(a).

“(12) PROJECT REDUCTION.—The term ‘project reduction’ means—

“(A) a greenhouse gas emission reduction achieved by carrying out a greenhouse gas emission reduction project; and

“(B) sequestration achieved by carrying out a sequestration project.

“(13) REPORTING ENTITY.—The term ‘reporting entity’ means an entity that reports to the Administrator under subsection (a) or (b) of section 704.

“(14) SEQUESTRATION.—The term ‘sequestration’ means the long-term separation, isolation, or removal of greenhouse gases from the atmosphere, including through a biological or geologic method such as reforestation or an underground reservoir.

“(15) THRESHOLD QUANTITY.—The term ‘threshold quantity’ means a threshold quantity for mandatory greenhouse gas reporting established by the Administrator under section 704(a)(3).

“(16) VERIFICATION.—The term ‘verification’ means the objective and independent assessment of whether a greenhouse gas report submitted by a reporting entity accurately reflects the greenhouse gas impact of the reporting entity.

“SEC. 702. NATIONAL GREENHOUSE GAS EMISSIONS INFORMATION SYSTEM.

“(a) ESTABLISHMENT.—In consultation with the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Energy, States, the private sector, and nongovernmental organizations concerned with establishing standards for reporting of greenhouse gas emissions, the Administrator shall establish and administer a national greenhouse gas emissions information system to collect information reported under section 704(a).

“(b) SUBMISSION TO CONGRESS OF DRAFT DESIGN.—Not later than 180 days after the date of enactment of this title, the Administrator shall submit to Congress a draft design of the national greenhouse gas emissions information system.

“(c) AVAILABILITY OF DATA TO THE PUBLIC.—The Administrator shall publish all information in the national greenhouse gas emissions information system through the website of the Environmental Protection Agency, except in any case in which publishing the information would reveal a trade secret or disclose information vital to national security.

“(d) RELATIONSHIP TO OTHER GREENHOUSE GAS REGISTRIES.—To the extent practicable, the Administrator shall ensure coordination between the national greenhouse gas emissions information system and existing and developing Federal, regional, and State greenhouse gas registries.

“(e) INTEGRATION WITH OTHER ENVIRONMENTAL INFORMATION.—To the extent practicable, the Administrator shall integrate information in the national greenhouse gas emissions information system with other environmental information managed by the Administrator.

“SEC. 703. NATIONAL GREENHOUSE GAS REGISTRY.

“(a) ESTABLISHMENT.—In consultation with the Secretary of Commerce, the Secretary of Agriculture, the Secretary of Energy, States, the private sector, and nongovernmental organizations concerned with establishing standards for reporting of greenhouse gas emissions, the Administrator shall establish and administer a national greenhouse gas registry to collect information reported under section 704(b).

“(b) AVAILABILITY OF DATA TO THE PUBLIC.—The Administrator shall publish all information in the national greenhouse gas registry through the website of the Environmental Protection Agency, except in any case in which publishing the information would reveal a trade secret or disclose information vital to national security.

“(c) RELATIONSHIP TO OTHER GREENHOUSE GAS REGISTRIES.—To the maximum extent feasible and practicable, the Administrator shall ensure coordination between the national greenhouse gas registry and existing and developing Federal, regional, and State greenhouse gas registries.

“(d) INTEGRATION WITH OTHER ENVIRONMENTAL INFORMATION.—To the maximum extent practicable, the Administrator shall integrate all information in the national greenhouse gas registry with other environmental information collected by the Administrator.

“SEC. 704. REPORTING.

“(a) MANDATORY REPORTING TO NATIONAL GREENHOUSE GAS EMISSIONS INFORMATION SYSTEM.—

“(1) INITIAL REPORTING REQUIREMENTS.—

“(A) IN GENERAL.—Not later than April 30, 2004, in accordance with this paragraph and the regulations promulgated under section 706(e)(1), each covered entity shall submit to the Administrator, for inclusion in the national greenhouse gas emissions information system, the greenhouse gas report of the covered entity with respect to—

“(i) calendar year 2003; and

“(ii) each greenhouse gas emitted by the covered entity in an amount that exceeds the applicable threshold quantity.

“(B) REQUIRED ELEMENTS.—Each greenhouse gas report submitted under subparagraph (A)—

“(i) shall include estimates of direct stationary combustion source emissions;

“(ii) shall express greenhouse gas emissions in metric tons of the carbon dioxide equivalent of each greenhouse gas emitted;

“(iii) shall specify the sources of greenhouse gas emissions that are included in the greenhouse gas report;

“(iv) shall be reported on an entity-wide basis and on a facility-wide basis; and

“(v) to the maximum extent practicable, shall be reported electronically to the Administrator in such form as the Administrator may require.

“(C) METHOD OF REPORTING OF ENTITY-WIDE EMISSIONS.—Under subparagraph (B)(iv), entity-wide emissions shall be reported on the bases of financial control and equity share in a manner consistent with the financial reporting practices of the covered entity.

“(2) FINAL REPORTING REQUIREMENTS.—

“(A) IN GENERAL.—Not later than April 30, 2005, and each April 30 thereafter (except as provided in subparagraph (B)(vii)), in accordance with this paragraph and the regulations promulgated under section 706(e)(2), each covered entity shall submit to the Administrator the greenhouse gas report of the covered entity with respect to—

“(i) the preceding calendar year; and

“(ii) each greenhouse gas emitted by the covered entity in an amount that exceeds the applicable threshold quantity.

“(B) REQUIRED ELEMENTS.—Each greenhouse gas report submitted under subparagraph (A) shall include—

“(i) the required elements specified in paragraph (1);

“(ii) estimates of indirect emissions from imported electricity, heat, and steam;

“(iii) estimates of process emissions described in section 701(5)(B);

“(iv) estimates of fugitive emissions described in section 701(5)(C);

“(v) estimates of mobile source emissions described in section 701(5)(D), in such form as the Administrator may require;

“(vi) in the case of a covered entity that is a forest product entity, estimates of direct stationary source emissions, including emissions resulting from combustion of biomass;

“(vii) in the case of a covered entity that owns more than 250,000 acres of timberland, estimates, by State, of the timber and carbon stocks of the covered entity, which estimates shall be updated every 5 years; and

“(viii) a description of any adjustments to the greenhouse gas emissions record of the covered entity under subsection (c).

“(3) ESTABLISHMENT OF THRESHOLD QUANTITIES.—For the purpose of reporting under this subsection, the Administrator shall establish threshold quantities of emissions for each combination of a source and a greenhouse gas that is subject to the mandatory reporting requirements under this subsection.

“(b) VOLUNTARY REPORTING TO NATIONAL GREENHOUSE GAS REGISTRY.—

“(1) IN GENERAL.—Not later than April 30, 2004, and each April 30 thereafter, in accordance with this subsection and the regulations promulgated under section 706(f), an entity may voluntarily report to the Administrator, for inclusion in the national greenhouse gas registry, with respect to the preceding calendar year and any greenhouse gas emitted by the entity—

“(A) project reductions;

“(B) transfers of project reductions to and from any other entity;

“(C) project reductions and transfers of project reductions outside the United States;

“(D) indirect emissions that are not required to be reported under subsection (a)(2)(B)(ii) (such as product transport, waste disposal, product substitution, travel, and employee commuting); and

“(E) product use phase emissions.

“(2) TYPES OF ACTIVITIES.—Under paragraph (1), an entity may report activities that reduce greenhouse gas emissions or sequester a greenhouse gas, including—

“(A) fuel switching;

“(B) energy efficiency improvements;

“(C) use of renewable energy;

“(D) use of combined heat and power systems;

“(E) management of cropland, grassland, and grazing land;

“(F) forestry activities that increase carbon stocks;

“(G) carbon capture and storage;

“(H) methane recovery; and

“(I) carbon offset investments.

“(c) ADJUSTMENT FACTORS.—

“(1) IN GENERAL.—Each reporting entity shall adjust the greenhouse gas emissions record of the reporting entity in accordance with this subsection.

“(2) SIGNIFICANT STRUCTURAL CHANGES.—

“(A) IN GENERAL.—A reporting entity that experiences a significant structural change in the organization of the reporting entity (such as a merger, major acquisition, or divestiture) shall adjust its greenhouse gas emissions record for preceding years so as to maintain year-to-year comparability.

“(B) MID-YEAR CHANGES.—In the case of a reporting entity that experiences a significant structural change described in subparagraph (A) during the middle of a year, the greenhouse gas emissions record of the reporting entity for preceding years shall be adjusted on a pro-rata basis.

“(3) CALCULATION CHANGES AND ERRORS.—The greenhouse gas emissions record of a reporting entity for preceding years shall be adjusted for—

“(A) changes in calculation methodologies; or

“(B) errors that significantly affect the quantity of greenhouse gases in the greenhouse gas emissions record.

“(4) ORGANIZATIONAL GROWTH OR DECLINE.—The greenhouse gas emissions record of a reporting entity for preceding years shall not be adjusted for any organizational growth or decline of the reporting entity such as—

“(A) an increase or decrease in production output;

“(B) a change in product mix;

“(C) a plant closure; and

“(D) the opening of a new plant.

“(5) EXPLANATIONS OF ADJUSTMENTS.—A reporting entity shall explain, in a statement included in the greenhouse gas report of the reporting entity for a year—

“(A) any significant adjustment in the greenhouse gas emissions record of the reporting entity; and

“(B) any significant change between the greenhouse gas emissions record for the preceding year and the greenhouse gas emissions reported for the current year.

“(d) QUANTIFICATION AND VERIFICATION PROTOCOLS AND TOOLS.—

“(1) IN GENERAL.—The Administrator and the Secretary of Commerce, the Secretary of Agriculture, and the Secretary of Energy shall jointly work with the States, the private sector, and nongovernmental organizations to develop—

“(A) protocols for quantification and verification of greenhouse gas emissions;

“(B) electronic methods for quantification and reporting of greenhouse gas emissions; and

“(C) greenhouse gas accounting and reporting standards.

“(2) BEST PRACTICES.—The protocols and methods developed under paragraph (1) shall conform, to the maximum extent practicable, to the best practice protocols that have the greatest support of experts in the field.

“(3) INCORPORATION INTO REGULATIONS.—The Administrator shall incorporate the protocols developed under paragraph (1)(A) into the regulations promulgated under section 706.

“(4) OUTREACH PROGRAM.—The Administrator, the Secretary of Commerce, the Secretary of Agriculture, and the Secretary of Energy shall jointly conduct an outreach program to provide information to all reporting entities and the public on the protocols and methods developed under this subsection.

“(e) VERIFICATION.—

“(1) PROVISION OF INFORMATION BY REPORTING ENTITIES.—Each reporting entity shall provide information sufficient for the Administrator to verify, in accordance with greenhouse gas accounting and reporting standards developed under subsection (d)(1)(C), that the greenhouse gas report of the reporting entity—

“(A) has been accurately reported; and

“(B) in the case of each project reduction, represents actual reductions in greenhouse gas emissions or actual increases in net sequestration, as applicable.

“(2) INDEPENDENT THIRD-PARTY VERIFICATION.—A reporting entity may—

“(A) obtain independent third-party verification; and

“(B) present the results of the third-party verification to the Administrator for consideration by the Administrator in carrying out paragraph (1).

“(f) ENFORCEMENT.—The Administrator may bring a civil action in United States district court against a covered entity that fails to comply with subsection (a), or a regulation promulgated under section 706(e), to impose a civil penalty of not more than \$25,000 for each day that the failure to comply continues.

“SEC. 705. NATIONAL GREENHOUSE GAS EMISSIONS INVENTORY.

“Not later than April 30, 2004, and each April 30 thereafter, the Administrator shall publish a national greenhouse gas emissions inventory that includes—

“(1) comprehensive estimates of the quantity of United States greenhouse gas emissions for the second preceding calendar year, including—

“(A) for each greenhouse gas, an estimate of the quantity of emissions contributed by each key source category;

“(B) a detailed analysis of trends in the quantity, composition, and sources of United States greenhouse gas emissions; and

“(C) a detailed explanation of the methodology used in developing the national greenhouse gas emissions inventory; and

“(2) a detailed analysis of the information reported to the national greenhouse gas emissions information system and the national greenhouse gas registry.

“SEC. 706. REGULATIONS.

“(a) IN GENERAL.—The Administrator may promulgate such regulations as are necessary to carry out this title.

“(b) BEST PRACTICES.—In developing regulations under this section, the Administrator shall seek to leverage leading protocols for the measurement, accounting, reporting, and verification of greenhouse gas emissions.

“(c) NATIONAL GREENHOUSE GAS EMISSIONS INFORMATION SYSTEM.—Not later than January 31, 2004, the Administrator shall promulgate such regulations as are necessary to es-

tablish the national greenhouse gas emissions information system.

“(d) NATIONAL GREENHOUSE GAS REGISTRY.—Not later than January 31, 2004, the Administrator shall promulgate such regulations as are necessary to establish the national greenhouse gas registry.

“(e) MANDATORY REPORTING REQUIREMENTS.—

“(1) INITIAL REPORTING REQUIREMENTS.—Not later than January 31, 2004, the Administrator shall promulgate such regulations as are necessary to implement the initial mandatory reporting requirements under section 704(a)(1).

“(2) FINAL REPORTING REQUIREMENTS.—Not later than January 31, 2005, the Administrator shall promulgate such regulations as are necessary to implement the final mandatory reporting requirements under section 704(a)(2).

“(f) VOLUNTARY REPORTING PROVISIONS.—Not later than January 31, 2004, the Administrator shall promulgate such regulations and issue such guidance as are necessary to implement the voluntary reporting provisions under section 704(b).

“(g) ADJUSTMENT FACTORS.—Not later than January 31, 2004, the Administrator shall promulgate such regulations as are necessary to implement the adjustment factors under section 704(c).”.

By Mr. CHAFEE (for himself, Mr. INHOFE, Mr. JEFFORDS, Mr. CARPER, and Mr. WARNER.

S. 195. A bill to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes; to the Committee on Environment and Public Works.

Mr. CHAFEE. Mr. President, today I am introducing the Underground Storage Tank Compliance Act of 2003. While this bill is being introduced today, it already has a long history. The Superfund Subcommittee conducted two hearings on the bill last year. We have received solid testimony and input from interested parties throughout this process, and I believe that this measure goes a long way toward solving the problems we face with leaking underground storage tanks. In addition, the language in this bill was approved unanimously by the Environment and Public Works Committee in the 107th Congress.

The chief reason for pursuing this legislation today is to improve compliance with the December 22, 1998 deadline for tank owners and operators to upgrade, replace, or close tanks that didn't meet minimum Federal requirements. To assess the situation, I asked the U.S. General Accounting Office in April, 2000 to examine compliance of tanks with Federal requirements. GAO concluded in May, 2001 that approximately 76,000 tanks have never been upgraded to meet minimum Federal standards. In addition, GAO found that more than 200,000 tanks are not being operated and maintained properly due, in part, to infrequent tank inspections and limited funding.

Leaking tanks can have severe impacts on local communities. For example, the village of Pascoag, Rhode Island learned the hard way that the problems GAO outlined are real and have serious consequences. Twelve hundred households were without water with which to drink, bathe, or cook for over four months because MTBE contaminated fuel from a local gasoline station was leaking into the town's drinking water supply.

I believe the Underground Storage Tank Compliance Act of 2003 will assist communities that are grappling with these problems and will prevent such problems from recurring. The high cost of clean-up once a tank has leaked, demands the emphasis on prevention included in this legislation. The bill requires the inspection of all underground storage tanks every two years and for the first time focuses on the training of tank operators. It simply does not make sense to install modern, protective equipment if the people who operate them do not have the proper training. The bill also provides the Federal Government and States with the tools necessary to ensure that all parties are meeting Federal standards. In addition, the legislation emphasizes compliance of tanks owned by Federal, State, and local governments, and provides \$125 million per year for cleanup of sites contaminated by MTBE.

This bill enjoys broad support, including the support of the regulated community and the environmental community. We have worked extensively with the Administration to address issues raised by the Environmental Protection Agency. I believe that this legislation goes a long way toward solving many of the problems relating to leaking tanks, and I thank all of my colleagues for working with me on this.

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

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

S. 195

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 "Underground Storage Tank Compliance Act of 2003".

SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.

Section 9004 of the Solid Waste Disposal Act (42 U.S.C. 6991c) is amended by adding at the end the following:

“(f) TRUST FUND DISTRIBUTION.—

“(1) IN GENERAL.—

“(A) AMOUNT AND PERMITTED USES OF DISTRIBUTION.—The Administrator shall distribute to States not less than 80 percent of the funds from the Trust Fund that are made available to the Administrator under section 9014(2)(A) for each fiscal year for use in paying the reasonable costs, incurred under a cooperative agreement with any State, of—

“(i) actions taken by the State under section 9003(h)(7)(A);

“(ii) necessary administrative expenses, as determined by the Administrator, that are

directly related to corrective action and compensation programs under subsection (c)(1);

“(iii) any corrective action and compensation program carried out under subsection (c)(1) for a release from an underground storage tank regulated under this subtitle to the extent that, as determined by the State in accordance with guidelines developed jointly by the Administrator and the State, the financial resources of the owner or operator of the underground storage tank (including resources provided by a program in accordance with subsection (c)(1)) are not adequate to pay the cost of a corrective action without significantly impairing the ability of the owner or operator to continue in business;

“(iv) enforcement by the State or a local government of State or local regulations pertaining to underground storage tanks regulated under this subtitle; or

“(v) State or local corrective actions carried out under regulations promulgated under section 9003(c)(4).

“(B) USE OF FUNDS FOR ENFORCEMENT.—In addition to the uses of funds authorized under subparagraph (A), the Administrator may use funds from the Trust Fund that are not distributed to States under subparagraph (A) for enforcement of any regulation promulgated by the Administrator under this subtitle.

“(C) PROHIBITED USES.—Except as provided in subparagraph (A)(iii), under any similar requirement of a State program approved under this section, or in any similar State or local provision as determined by the Administrator, funds provided to a State by the Administrator under subparagraph (A) shall not be used by the State to provide financial assistance to an owner or operator to meet any requirement relating to underground storage tanks under part 280 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

“(2) ALLOCATION.—

“(A) PROCESS.—Subject to subparagraph (B), in the case of a State with which the Administrator has entered into a cooperative agreement under section 9003(h)(7)(A), the Administrator shall distribute funds from the Trust Fund to the State using the allocation process developed by the Administrator.

“(B) REVISIONS TO PROCESS.—The Administrator may revise the allocation process referred to in subparagraph (A) with respect to a State only after—

“(i) consulting with—

“(I) State agencies responsible for overseeing corrective action for releases from underground storage tanks;

“(II) owners; and

“(III) operators; and

“(ii) taking into consideration, at a minimum—

“(I) the total tax revenue contributed to the Trust Fund from all sources within the State;

“(II) the number of confirmed releases from federally regulated underground storage tanks in the State;

“(III) the number of federally regulated underground storage tanks in the State;

“(IV) the percentage of the population of the State that uses groundwater for any beneficial purpose;

“(V) the performance of the State in implementing and enforcing the program;

“(VI) the financial needs of the State; and

“(VII) the ability of the State to use the funds referred to in subparagraph (A) in any year.

“(3) DISTRIBUTIONS TO STATE AGENCIES.—Distributions from the Trust Fund under this subsection shall be made directly to a State agency that—

“(A) enters into a cooperative agreement referred to in paragraph (2)(A); or

“(B) is enforcing a State program approved under this section.

“(4) COST RECOVERY PROHIBITION.—Funds from the Trust Fund provided by States to owners or operators under paragraph (1)(A)(iii) shall not be subject to cost recovery by the Administrator under section 9003(h)(6).”.

SEC. 3. INSPECTION OF UNDERGROUND STORAGE TANKS.

Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting before subsection (b) (as redesignated by paragraph (1)) the following:

“(a) INSPECTION REQUIREMENTS.—Not later than 2 years after the date of enactment of the Underground Storage Tank Compliance Act of 2003, and at least once every 2 years thereafter, the Administrator or a State with a program approved under section 9004, as appropriate, shall require that all underground storage tanks regulated under this subtitle undergo onsite inspections for compliance with regulations promulgated under section 9003(c).”.

SEC. 4. OPERATOR TRAINING.

Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by striking section 9010 and inserting the following:

“SEC. 9010. OPERATOR TRAINING.

“(a) GUIDELINES.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Underground Storage Tank Compliance Act of 2003, in cooperation with States, owners, and operators, the Administrator shall publish in the Federal Register, after public notice and opportunity for comment, guidelines that specify methods for training operators of underground storage tanks.

“(2) CONSIDERATIONS.—The guidelines described in paragraph (1) shall take into account—

“(A) State training programs in existence as of the date of publication of the guidelines;

“(B) training programs that are being employed by owners and operators as of the date of enactment of this paragraph;

“(C) the high turnover rate of operators;

“(D) the frequency of improvement in underground storage tank equipment technology;

“(E) the nature of the businesses in which the operators are engaged; and

“(F) such other factors as the Administrator determines to be necessary to carry out this section.

“(b) STATE PROGRAMS.—

“(1) IN GENERAL.—Not later than 2 years after the date on which the Administrator publishes the guidelines under subsection (a)(1), each State shall develop and implement a strategy for the training of operators of underground storage tanks that is consistent with paragraph (2).

“(2) REQUIREMENTS.—A State strategy described in paragraph (1) shall—

“(A) be consistent with subsection (a);

“(B) be developed in cooperation with owners and operators; and

“(C) take into consideration training programs implemented by owners and operators as of the date of enactment of this subsection.

“(3) FINANCIAL INCENTIVE.—The Administrator may award to a State that develops and implements a strategy described in paragraph (1), in addition to any funds that the State is entitled to receive under this subtitle, not more than \$50,000, to be used to carry out the strategy.”.

SEC. 5. REMEDIATION OF MTBE CONTAMINATION.

Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(1) in paragraph (7)(A)—

(A) by striking “paragraphs (1) and (2) of this subsection” and inserting “paragraphs (1), (2), and (12)”; and

(B) by striking “, and including the authorities of paragraphs (4), (6), and (8) of this subsection” and inserting “and the authority under sections 9005(a) and 9011 and paragraphs (4), (6), and (8).”; and

(2) by adding at the end the following:

“(12) REMEDIATION OF MTBE CONTAMINATION.—

“(A) IN GENERAL.—The Administrator and the States may use funds made available under section 9014(2)(B) to carry out corrective actions with respect to a release of methyl tertiary butyl ether that presents a threat to human health or welfare or the environment.

“(B) APPLICABLE AUTHORITY.—The Administrator or a State shall carry out subparagraph (A)—

“(i) in accordance with paragraph (2), except that a release with respect to which a corrective action is carried out under subparagraph (A) shall not be required to be from an underground storage tank; and

“(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).”.

SEC. 6. RELEASE PREVENTION, COMPLIANCE, AND ENFORCEMENT.

(a) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 4) is amended by adding at the end the following:

“SEC. 9011. USE OF FUNDS FOR RELEASE PREVENTION AND COMPLIANCE.

“Funds made available under section 9014(2)(D) from the Trust Fund may be used to conduct inspections, issue orders, or bring actions under this subtitle—

“(1) by a State, in accordance with a grant or cooperative agreement with the Administrator, of State regulations pertaining to underground storage tanks regulated under this subtitle; and

“(2) by the Administrator, under this subtitle (including under a State program approved under section 9004).”.

(b) GOVERNMENT-OWNED TANKS.—Section 9003 of the Solid Waste Disposal Act (42 U.S.C. 6991b) is amended by adding at the end the following:

“(i) GOVERNMENT-OWNED TANKS.—

“(1) IMPLEMENTATION REPORT.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, each State shall submit to the Administrator an implementation report that—

“(i) lists each underground storage tank described in subparagraph (B) in the State that, as of the date of submission of the report, is not in compliance with this subtitle; and

“(ii) describes the actions that have been and will be taken to ensure compliance by the underground storage tank listed under clause (i) with this subtitle.

“(B) UNDERGROUND STORAGE TANK.—An underground storage tank described in this subparagraph is an underground storage tank that is—

“(i) regulated under this subtitle; and

“(ii) owned or operated by the State government or any local government.

“(C) PUBLIC AVAILABILITY.—The Administrator shall make each report received under subparagraph (A) available to the public on the Internet.

“(2) FINANCIAL INCENTIVE.—The Administrator may award to a State that develops an implementation report described in paragraph (1), in addition to any funds that the State is entitled to receive under this sub-

title, not more than \$50,000, to be used to carry out the implementation report.

“(3) NOT A SAFE HARBOR.—This subsection does not relieve any person from any obligation or requirement under this subtitle.”.

(c) INCENTIVES FOR PERFORMANCE.—Section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991e) is amended by adding at the end the following:

“(e) INCENTIVES FOR PERFORMANCE.—In determining the terms of a compliance order under subsection (a), or the amount of a civil penalty under subsection (d), the Administrator, or a State under a program approved under section 9004, may take into consideration whether an owner or operator—

“(1) has a history of operating underground storage tanks of the owner or operator in accordance with—

“(A) this subtitle; or

“(B) a State program approved under section 9004;

“(2) has repeatedly violated—

“(A) this subtitle; or

“(B) a State program approved under section 9004; or

“(3) has implemented a program, consistent with guidelines published under section 9010, that provides training to persons responsible for operating any underground storage tank of the owner or operator.”.

(d) AUTHORITY TO PROHIBIT CERTAIN DELIVERIES.—Section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991e) (as amended by subsection (c)) is amended by adding at the end the following:

“(f) AUTHORITY TO PROHIBIT CERTAIN DELIVERIES.—

“(1) IN GENERAL.—Subject to paragraph (2), beginning 180 days after the date of enactment of this subsection, the Administrator or a State may prohibit the delivery of regulated substances to underground storage tanks that are not in compliance with—

“(A) a requirement or standard promulgated by the Administrator under section 9003; or

“(B) a requirement or standard of a State program approved under section 9004.

“(2) LIMITATIONS.—

“(A) SPECIFIED GEOGRAPHIC AREAS.—Subject to subparagraph (B), under paragraph (1), the Administrator or a State shall not prohibit a delivery if the prohibition would jeopardize the availability of, or access to, fuel in any specified geographic area.

“(B) APPLICABILITY OF LIMITATION.—The limitation under subparagraph (A) shall apply only during the 180-day period following the date of a determination by the Administrator that exercising the authority of paragraph (1) is limited by subparagraph (A).

“(C) GUIDELINES.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall issue guidelines that define the term ‘specified geographic area’ for the purpose of subparagraph (A).

“(3) AUTHORITY TO ISSUE GUIDELINES.—Subject to paragraph (2)(C), the Administrator, after consultation with States, may issue guidelines for carrying out this subsection.

“(4) ENFORCEMENT, COMPLIANCE, AND PENALTIES.—The Administrator may use the authority under the enforcement, compliance, or penalty provisions of this subtitle to carry out this subsection.

“(5) EFFECT ON STATE AUTHORITY.—Nothing in this subsection affects the authority of a State to prohibit the delivery of a regulated substance to an underground storage tank.”.

(e) PUBLIC RECORD.—Section 9002 of the Solid Waste Disposal Act (42 U.S.C. 6991a) is amended by adding at the end the following:

“(d) PUBLIC RECORD.—

“(1) IN GENERAL.—The Administrator shall require each State and Indian tribe that re-

ceives Federal funds to carry out this subtitle to maintain, update at least annually, and make available to the public, in such manner and form as the Administrator shall prescribe (after consultation with States and Indian tribes), a record of underground storage tanks regulated under this subtitle.

“(2) CONSIDERATIONS.—To the maximum extent practicable, the public record of a State or Indian tribe, respectively, shall include, for each year—

“(A) the number, sources, and causes of underground storage tank releases in the State or tribal area;

“(B) the record of compliance by underground storage tanks in the State or tribal area with—

“(i) this subtitle; or

“(ii) an applicable State program approved under section 9004; and

“(C) data on the number of underground storage tank equipment failures in the State or tribal area.

“(3) AVAILABILITY.—The Administrator shall make the public record of each State and Indian tribe under this section available to the public electronically.”.

SEC. 7. FEDERAL FACILITIES.

Section 9007 of the Solid Waste Disposal Act (42 U.S.C. 6991f) is amended by adding at the end the following:

“(c) REVIEW OF, AND REPORT ON, FEDERAL UNDERGROUND STORAGE TANKS.—

“(1) REVIEW.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in cooperation with each Federal agency that owns or operates 1 or more underground storage tanks or that manages land on which 1 or more underground storage tanks are located, shall review the status of compliance of those underground storage tanks with this subtitle.

“(2) IMPLEMENTATION REPORT.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, each Federal agency described in paragraph (1) shall submit to the Administrator and to each State in which an underground storage tank described in paragraph (1) is located an implementation report that—

“(i) lists each underground storage tank described in paragraph (1) that, as of the date of submission of the report, is not in compliance with this subtitle; and

“(ii) describes the actions that have been and will be taken to ensure compliance by the underground storage tank with this subtitle.

“(B) PUBLIC AVAILABILITY.—The Administrator shall make each report received under subparagraph (A) available to the public on the Internet.

“(3) NOT A SAFE HARBOR.—This subsection does not relieve any person from any obligation or requirement under this subtitle.

“(d) APPLICABILITY OF CERTAIN REQUIREMENTS.—Section 6001(a) shall apply to each department, agency, and instrumentality covered by subsection (a).”.

SEC. 8. TANKS UNDER THE JURISDICTION OF INDIAN TRIBES.

Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 6(a)) is amended by adding at the end the following:

“SEC. 9012. TANKS UNDER THE JURISDICTION OF INDIAN TRIBES.

“(a) IN GENERAL.—The Administrator, in coordination with Indian tribes, shall—

“(1) not later than 1 year after the date of enactment of this section, develop and implement a strategy—

“(A) giving priority to releases that present the greatest threat to human health or the environment, to take necessary corrective action in response to releases from

leaking underground storage tanks located wholly within the boundaries of—

“(i) an Indian reservation; or
“(ii) any other area under the jurisdiction of an Indian tribe; and

“(B) to implement and enforce requirements concerning underground storage tanks located wholly within the boundaries of—

“(i) an Indian reservation; or
“(ii) any other area under the jurisdiction of an Indian tribe;

“(2) not later than 2 years after the date of enactment of this section and every 2 years thereafter, submit to Congress a report that summarizes the status of implementation and enforcement of the underground storage tank program in areas located wholly within—

“(A) the boundaries of Indian reservations; and

“(B) any other areas under the jurisdiction of an Indian tribe; and

“(3) make the report described in paragraph (2) available to the public on the Internet.

“(b) NOT A SAFE HARBOR.—This section does not relieve any person from any obligation or requirement under this subtitle.

“(c) STATE AUTHORITY.—Nothing in this section applies to any underground storage tank that is located in an area under the jurisdiction of a State, or that is subject to regulation by a State, as of the date of enactment of this section.”.

SEC. 9. STATE AUTHORITY.

Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 8) is amended by adding at the end the following:

“SEC. 9013. STATE AUTHORITY.

“Nothing in this subtitle precludes a State from establishing any requirement that is more stringent than a requirement under this subtitle.”.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 9) is amended by adding at the end the following:

“SEC. 9014. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Administrator—

“(1) to carry out subtitle I (except sections 9003(h), 9005(a), and 9011) \$25,000,000 for each of fiscal years 2004 through 2008; and

“(2) from the Trust Fund, notwithstanding section 9508(c)(1) of the Internal Revenue Code of 1986—

“(A) to carry out section 9003(h) (except section 9003(h)(12)) \$150,000,000 for each of fiscal years 2004 through 2008;

“(B) to carry out section 9003(h)(12), \$125,000,000 for each of fiscal years 2004 through 2008;

“(C) to carry out section 9005(a)—

“(i) \$35,000,000 for each of fiscal years 2004 and 2005; and

“(ii) \$20,000,000 for each of fiscal years 2006 through 2009; and

“(D) to carry out section 9011—

“(i) \$50,000,000 for fiscal year 2004; and

“(ii) \$30,000,000 for each of fiscal years 2005 through 2009.”.

SEC. 11. CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 9001 of the Solid Waste Disposal Act (42 U.S.C. 6991) is amended—

(1) by striking “For the purposes of this subtitle—” and inserting “In this subtitle:”;

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (10), (7), (4), (3), (8), (5), (2), and (6), respectively, and reordering the paragraphs so as to appear in numerical order;

(3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

“(1) INDIAN TRIBE.—

“(A) IN GENERAL.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community that is recognized as being eligible for special programs and services provided by the United States to Indians because of their status as Indians.

“(B) INCLUSIONS.—The term ‘Indian tribe’ includes an Alaska Native village, as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);”;

(4) by inserting after paragraph (8) (as redesignated by paragraph (2)) the following:

“(9) TRUST FUND.—The term ‘Trust Fund’ means the Leaking Underground Storage Tank Trust Fund established by section 9508 of the Internal Revenue Code of 1986.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended in the table of contents—

(A) in the item relating to section 9002, by inserting “and public records” after “Notification”; and

(B) by striking the item relating to section 9010 and inserting the following:

“Sec. 9010. Operator training.

“Sec. 9011. Use of funds for release prevention and compliance.

“Sec. 9012. Tanks under the jurisdiction of Indian tribes.

“Sec. 9013. State authority.

“Sec. 9014. Authorization of appropriations.”.

(2) Section 9002 of the Solid Waste Disposal Act (42 U.S.C. 6991a) is amended in the section heading by inserting “AND PUBLIC RECORDS” after “NOTIFICATION”.

(3) Section 9003(f) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)) is amended—

(A) in paragraph (1), by striking “9001(2)(B)” and inserting “9001(7)(B)”;

(B) in paragraphs (2) and (3), by striking “9001(2)(A)” each place it appears and inserting “9001(7)(A)”.

(4) Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended in paragraphs (1), (2)(C), (7)(A), and (11) by striking “Leaking Underground Storage Tank Trust Fund” each place it appears and inserting “Trust Fund”.

(5) Section 9009 of the Solid Waste Disposal Act (42 U.S.C. 6991h) is amended—

(A) in subsection (a), by striking “9001(2)(B)” and inserting “9001(7)(B)”;

(B) in subsection (d), by striking “section 9001(1) (A) and (B)” and inserting “subparagraphs (A) and (B) of section 9001(10)”.

(6) Section 9009 of the Solid Waste Disposal Act (42 U.S.C. 6991h) is amended—

(A) in subsection (a), by striking “9001(2)(B)” and inserting “9001(7)(B)”;

(B) in subsection (d), by striking “section 9001(1) (A) and (B)” and inserting “subparagraphs (A) and (B) of section 9001(10)”.

SEC. 12. TECHNICAL AMENDMENTS.

(a) Section 9001(4)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(4)(A)) (as amended by section 11(a)(2)) is amended by striking “stances” and inserting “substances”.

(b) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking “subsection (c) and (d) of this section” and inserting “subsections (c) and (d)”.

(c) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended by striking “in 9001(2) (A) or (B) or both” and inserting “in subparagraph (A) or (B) of section 9001(7)”.

(d) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) (as amended by section 3) is amended—

(1) in subsection (b), by striking “study taking” and inserting “study, taking”;

(2) in subsection (c)(1), by striking “relevant” and inserting “relevant”; and

(3) in subsection (c)(4), by striking “Environmental” and inserting “Environmental”.

By Mr. ALLEN (for himself, Mr. MCCAIN, Mr. STEVENS, Mr. HOLLINGS, and Mr. MILLER):

S. 196. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ALLEN. Mr. President, today I rise with my colleagues—Senators MCCAIN, STEVENS, HOLLINGS and MILLER to introduce the Digital & Wireless Network Technology Program Act of 2003.

Access to the Internet is no longer a luxury, but a necessity. Because of the rapid advancement and growing dependence on technology, being digitally connected becomes more essential to economic and educational advancement. 60 percent of all jobs require information technology skills and jobs in information technology pay significantly higher salaries than jobs in non-information technology fields. People who lack access to information technology tools are at an increasing disadvantage. Consequently, it is important that all institutions of higher education provide their students with access to the most current information technology and digital equipment.

As Governor of Virginia, I implemented a technology plan that created a blueprint of technology resources throughout the Virginia Community College System, VCCS. All 38 community college campuses are wired and each community college has a dedicated Commonwealth Classroom for compressed video distance education classes. Arrangements with Old Dominion University, Christopher Newport University, Virginia Tech and other institutions are offering senior level courses through distance education that actually take place on the community college campus.

Minority Serving Institutions, however, still lack basic information and digital technology infrastructure. A study completed by the Department of Commerce and the National Association for Equal Opportunity in Higher Education showed that most Historically Black Colleges and Universities do not have high-speed Internet access, and only 3 percent of these colleges and universities indicated that financial aid was available to help their students close the computer ownership gap, the digital divide.

The Digital & Wireless Network Technology Program Act of 2003 seeks to address the technology gap that exists at many Minority Serving Institutions, MSIs. Our legislation establishes a new grant program within the National Science Foundation, NSF, that provides up to \$250 million to help Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges bridge the digital divide.

The legislation allows eligible institutions the opportunity through grants, contracts or cooperative agreements to acquire equipment, instrumentation, networking capability,

hardware and software, digital network technology and wireless technology/infrastructure, such as wireless fidelity or WiFi, to develop and provide educational services. Additionally, the grants could be used for such activities as equipment upgrades, technology training and hardware/software acquisition. A Minority Serving Institution also could use the funds to offer its students universal access to campus networks, dramatically increase their connectivity rates, or make necessary infrastructure improvements.

Virginia has five Historically Black Colleges and Universities: Hampton University, Norfolk State University, St. Paul's College, Virginia Union University and Virginia State University.

The best jobs in the future will go to those who are the best prepared. However, I am increasingly concerned that when it comes to high technology jobs which pay higher wages this country runs the risk of economically limiting many college students in our society. It is important for ALL Americans that we close this opportunity gap. Since my election to the Senate, my goal has always been to continue the work that I began as Governor, to look for ways to improve education, create jobs and seek out new opportunities to benefit Virginia and its citizens. By improving technology-education programs, we can accomplish all three for students throughout our nation.

I want to thank my colleagues for joining me today cosponsoring this legislation and look forward to working with fellow Senators to push this important measure across the goal-line so that many more college students are provided access to better technology and education, and most importantly, even greater opportunities in life.

I ask unanimous consent that the text of the bill be printed in the RECORD.

Mr. MCCAIN. During this era of economic slowdown and global threat, it is imperative that our Nation's institutions of higher education are prepared to produce a technologically advanced workforce. Rita Colwell, Director of the National Science Foundation, NSF, stated in a recent letter to new Members of Congress that ". . . American science and technology is failing to tap a vast pool of talent among our women and ethnic minorities."

As the demographics of the Nation become more and more diverse, minority institutions of higher education take on an even greater importance. It is estimated that in 10 years, minorities will comprise 40 percent of the college-age Americans, the pool from which the Nation's future engineers and scientists will emerge. Therefore, to tap this underutilized pool of future engineers and scientists, it is essential to provide assistance to these minority institutions. The hundreds of minority-serving institutions, MSI, which include Historically Black Colleges and Universities (HBCU), Hispanic-serving institutions, and tribal colleges and

universities, should be provided with the resources to ensure that we are indeed utilizing their large student populations.

I am pleased to join Senator ALLEN and the other sponsors in introducing the Digital and Wireless Network Technology Act of 2003. This legislation would create an office at the NSF to draw upon its resources to strengthen the ability of MSIs to provide instructions in digital and wireless network technologies.

The legislation is not the result of any special interest groups or highly financial lobbying efforts. It is based upon data provided by 80 of the 118 HBCUs in a study, entitled "HBCU Technology Assessment Study," funded by the U.S. Department of Commerce and conducted by a national black college association and minority business. The study assessed the computing resources, networking, and connectivity of HBCUs and other institutions that provide educational services to predominately African-American populations.

The study concluded that "during this era of continuous innovation and change, continual upgrading of networking and connectivity systems is critical if HBCUs are to continue to cross the digital divide and not fall victim to it. Failure to do this may result in what is a manageable digital divide today, evolving into an unmanageable digital gulf tomorrow." I believe there is reason to conclude that the findings from the study also would apply to Hispanic-serving institutions, and tribal colleges and universities.

This bill would build upon the work of Senator Cleland and many others during the last Congress. In testimony before the Commerce Committee last year, the president of the United Negro College Fund, Congressman William Gray, stated that we can ill afford to promote college graduates who enter the workforce without mastering the basic computer skills and understanding how information technology applies to their work or profession.

I feel it is imperative that we do all we can to improve the quality of education for students at our minority serving institutions. These institutions will continue to play an important role in providing the Nation with a well-educated and talented workforce.

Mr. President, I urge my colleagues to support this bill.

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

S. 196

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 "Digital and Wireless Network Technology Program Act of 2003".

SEC. 2. ESTABLISHMENT OF OFFICE.

(a) IN GENERAL.—There is established within the National Science Foundation an Office of Digital and Wireless Network Technology to carry out the provisions of this Act.

(b) PURPOSE.—The Office shall—

(1) strengthen the ability of eligible institutions to provide capacity for instruction in digital and wireless network technologies by providing grants to, or executing contracts or cooperative agreements with, those institutions to provide such instruction; and

(2) strengthen the national digital and wireless infrastructure by increasing national investment in telecommunications and technology infrastructure at eligible institutions.

SEC. 3. ACTIVITIES SUPPORTED.

An eligible institution shall use a grant, contract, or cooperative agreement awarded under this Act—

(1) to acquire the equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure;

(2) to develop and provide educational services, including faculty development, to prepare students or faculty seeking a degree or certificate that is approved by the State, or a regional accrediting body recognized by the Secretary of Education;

(3) to provide teacher education, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or instructional process;

(4) to implement joint projects and consortia to provide education regarding technology in the classroom with a State or State education agency, local education agency, community-based organization, national non-profit organization, or business, including minority businesses;

(5) to provide leadership development to administrators, board members, and faculty of eligible institutions with institutional responsibility for technology education;

(6) to provide capacity-building technical assistance to eligible institutions through technical assistance workshops, distance learning, new technologies, and other technological applications; and

(7) to foster the use of information communications technology to increase scientific, mathematical, engineering, and technology instruction and research.

SEC. 4. APPLICATION AND REVIEW PROCEDURE.

(a) IN GENERAL.—To be eligible to receive a grant, contract, or cooperative agreement under this Act, an eligible institution shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require. The Director, in consultation with the advisory council established under subsection (b), shall establish a procedure by which to accept such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

(b) ADVISORY COUNCIL.—The Director shall establish an advisory council to advise the Director on the best approaches for involving eligible institutions in the activities described in section 3. In selecting the members of the advisory council, the Director may consult with representatives of appropriate organizations, including representatives of eligible institutions, to ensure that the membership of the advisory council reflects participation by technology and telecommunications institutions, minority businesses, eligible institution communities, Federal agency personnel, and other individuals who are knowledgeable about eligible institutions and technology issues.

(c) **DATA COLLECTION.**—An eligible institution that receives a grant, contract, or cooperative agreement under section 2 shall provide the Office with any relevant institutional statistical or demographic data requested by the Office.

(d) **INFORMATION DISSEMINATION.**—The Director shall convene an annual meeting of eligible institutions receiving grants, contracts, or cooperative agreements under section 2 for the purposes of—

(1) fostering collaboration and capacity-building activities among eligible institutions; and

(2) disseminating information and ideas generated by such meetings.

SEC. 5. MATCHING REQUIREMENT.

The Director may not award a grant, contract, or cooperative agreement to an eligible institution under this Act unless such institution agrees that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant, contract, or cooperative agreement was awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to ¼ of the amount of the grant, contract, or cooperative agreement awarded by the Director, or \$500,000, whichever is the lesser amount. The Director shall waive the matching requirement for any institution or consortium with no endowment, or an endowment that has a current dollar value lower than \$50,000,000.

SEC. 6. LIMITATIONS.

(a) **IN GENERAL.**—An eligible institution that receives a grant, contract, or cooperative agreement under this Act that exceeds \$2,500,000, shall not be eligible to receive another grant, contract, or cooperative agreement under this Act until every other eligible institution that has applied for a grant, contract, or cooperative agreement under this Act has received such a grant, contract, or cooperative.

(b) **AWARDS ADMINISTERED BY ELIGIBLE INSTITUTION.**—Each grant, contract, or cooperative agreement awarded under this Act shall be made to, and administered by, an eligible institution, even when it is awarded for the implementation of a consortium or joint project.

SEC. 7. ANNUAL REPORT AND EVALUATION.

(a) **ANNUAL REPORT REQUIRED FROM RECIPIENTS.**—Each institution that receives a grant, contract, or cooperative agreement under this Act shall provide an annual report to the Director on its use of the grant, contract, or cooperative agreement.

(b) **EVALUATION BY DIRECTOR.**—The Director, in consultation with the Secretary of Education, shall—

(1) review the reports provided under subsection (a) each year; and

(2) evaluate the program authorized by section 3 on the basis of those reports every 2 years.

(c) **CONTENTS OF EVALUATION.**—The Director, in the evaluation, shall describe the activities undertaken by those institutions and shall assess the short-range and long-range impact of activities carried out under the grant, contract, or cooperative agreement on the students, faculty, and staff of the institutions.

(d) **REPORT TO CONGRESS.**—The Director shall submit a report to the Congress based on the evaluation. In the report, the Director shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program, as may be appropriate.

SEC. 8. DEFINITIONS.

In this Act:

(1) **ELIGIBLE INSTITUTION.**—The term “eligible institution” means an institution that is—

(A) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)), an institution described in section 326(e)(1)(A), (B), or (C) of that Act (20 U.S.C. 1063b(e)(1)(A), (B), or (C)), or a consortium of institutions described in this subparagraph;

(B) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

(C) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

(D) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));

(E) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

(F) an institution determined by the Director, in consultation with the Secretary of Education, to have enrolled a substantial number of minority, low-income students during the previous academic year who received assistance under subpart I of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) for that year.

(2) **DIRECTOR.**—The term “Director” means the Director of the National Science Foundation.

(3) **MINORITY BUSINESS.**—The term “minority business” includes HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p))).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director of the National Science Foundation \$250,000,000 for each of the fiscal years 2004 through 2008 to carry out this Act.

By Mrs. BOXER.

S. 197. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to help States expand the education system to include at least 1 year of early education preceding the year a child enters kindergarten; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today I am reintroducing the Early Education Act. This bill will enable millions of children to be prepared when they begin their academic careers.

In 1989, the Nation’s governors established a goal that all children would have access to high quality prekindergarten programs by the year 2000. It is now the year 2003, and this goal is far from being met.

Of the nearly 8 million 3- and 4-year-olds that could be in early education, fewer than half are enrolled in an early education program.

The result is that too many children come to school ill-prepared to learn. They lack language skills, social skills, and motivation. Almost all experts now agree that an early education experience is one of the most effective strategies for improving later school performance.

Researchers have discovered that children have a learning capacity that can and should be developed at a much earlier age than was previously thought. The National Research Council reported that prekindergarten educational opportunities are necessary if children are going to develop the lan-

guage and literacy skills needed to read.

Furthermore, studies have shown that children who participate in pre-kindergarten programs are less likely to be held back a grade, show greater learning retention and initiative, have better social skills, are more enthusiastic about school, and are more likely to have good attendance records.

For every dollar invested in early education, about 7 dollars are saved in later costs.

My bill, the Early Education Act, would create a demonstration project in at least 10 States that want to provide one year of prekindergarten early education in the public schools. There is a 50 percent matching requirement, and the \$300 million authorized under this bill would be used by States to supplement—not supplant—other Federal, State or local funds.

Our children need a solid foundation that builds on current education system by providing them with early learning skills. I urge my colleagues to support this legislation.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 2—EXPRESSING THE SENSE OF THE CONGRESS THAT THE UNITED STATES POSTAL SERVICE SHOULD ISSUE COMMEMORATIVE POSTAGE STAMPS HONORING AMERICANS WHO DISTINGUISHED THEMSELVES BY THEIR SERVICE IN THE ARMED FORCES

Mr. CORZINE (for himself and Mr. WARNER) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 2

Whereas the United States Postal Service honored four distinguished American soldiers when it issued its Distinguished Soldiers commemorative postage stamps on May 3, 2000;

Whereas such stamps not only paid tribute to the patriotism and uncommon valor of those brave soldiers, but also served as a lasting tribute to the men and women of the Army who have dedicated their lives to the defense of our country; and

Whereas it is only fitting that similar recognition be given with respect to the other branches of the armed forces: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) commemorative postage stamps should be issued by the United States Postal Service honoring Americans who distinguished themselves by their service in the Navy, Air Force, Marine Corps, and Coast Guard, respectively; and

(2) the Citizens’ Stamp Advisory Committee should recommend to the Postmaster General that such stamps be issued.

Mr. WARNER. Mr. President, I join my colleague from New Jersey, Senator CORZINE, in support of a series of commemorative postage stamps to