S.J. RES. 1

At the request of Mr. KYL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S.J. RES. 8

At the request of Mr. BROWNBACK, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S.J. Res. 8, a joint resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

S. CON. RES. 7

At the request of Mr. CAMPBELL, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences.

S. CON. RES. 31

At the request of Mr. LIEBERMAN, the names of the Senator from Oregon (Mr. SMITH), the Senator from Nebraska (Mr. HAGEL), the Senator from New Mexico (Mr. DOMENICI), the Senator from Georgia (Mr. MILLER), the Senator from Virginia (Mr. ALLEN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. Con. Res. 31, a concurrent resolution expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq.

S. CON. RES. 31

At the request of Mr. CORNYN, his name was added as a cosponsor of S. Con. Res. 31, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. KENNEDY, and Mr. BIDEN):

S. 826. A bill to amend the Violence Against Women Act of 1994 to provide for transitional housing assistance grants for child victims of domestic violence; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I rise today to introduce legislation that will provide much-needed grants for transitional housing services to victims of domestic violence who are brave enough to leave an abusive situation and seek a new life of safety and freedom. I am pleased that Senators KENNEDY and BIDEN join me as original cosponsors of this important legislation.

I witnessed the devastating effects of domestic violence early in my career as the Vermont State's Attorney for Chittenden County. Today, more than 50 percent of homeless individuals are women and children fleeing domestic violence. More than half the cities surveyed by the U.S. Conference of Mayors in 2000 cited domestic violence as a primary cause of homelessness. The women and children who leave their abusers tend to have few, if any, funds with which they can support themselves. Shelters offer short-term assistance, but are overcrowded and unable to provide the support needed. Transitional housing allows women to bridge the gap between leaving a domestic violence situation and becoming fully self-sufficient, but such assistance is limited because there is currently no Federal funding for transitional housing specifically for those victims.

If we truly seek an end to domestic violence, then transitional housing must be available to all those fleeing domestic abuse. The stable, sustainable home base for women and their children found in transitional housing allows women the opportunities to learn new job skills, participate in educational programs, work full-time jobs, and search for adequate child care in order to gain self-sufficiency. Without such resources, many women eventually return to situations where they are abused and even killed. This cycle of domestic abuse must end, and transitional housing assistance is one of the tools we can use to end it.

A transitional housing grant program was last authorized for only one year as part of the reauthorization of the Violence Against Women Act in 2000. This program would have been administered through the Department of Health and Human Services and provided $25 million in fiscal year 2001. Unfortunately, funds were never appropriated for the program, and the authorization has now expired.

The grant program established in the bill I introduce today with Senators KENNEDY and BIDEN would establish a new Department of Justice grant program that authorizes the Attorney General, acting in consultation with the Director of the Violence Against Women Office of the Department of Justice, in consultation with the Secretary of Housing and Urban Development and the Secretary of Health and Human Services. This program would have the benefit of a wide range of expertise in the three departments, and has enormous potential to improve people's lives. It would authorize $30 million in DOJ transitional housing grants for each of the fiscal years 2004 through 2008.

This new grant program administered through DOJ will make a big impact in many areas of the country where availability of affordable housing is at an all-time low. There are many dedicated people working to provide victims of domestic violence with resources, such as Rose Pulliam of the Vermont Network Against Domestic Violence and Sexual Assault, but they can not work alone. We should all be concerned with providing victims of domestic violence a safe place to gain the skills and stability needed to make the transition to independence. This is an important component of reducing and preventing crimes that take place in domestic situations, ranging from assault and child abuse to homicide, and helping the victims of these crimes.

I am please that our bill will be included in the conference report on the PROTECT Act, S. 151. I thank the conferees for including in the conference agreement this language for a grant program that will supply to victims fleeing domestic violence situations tangible means by which they may move on with their lives.

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

There being no objection, the additional materials were ordered to be printed in the RECORD, as follows:

A BILL TO AMEND THE VIOLENCE AGAINST WOMEN ACT OF 1994 TO PROVIDE FOR TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE—SECTION-BY-SECTION ANALYSIS

SECTION 1. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT.

This section amends Subtitle B of the Violence Against Women Act of 1994 (42 U.S.C. 13701 note; 108 Stat. 1925) to include a new Chapter 11—Transitional Housing Assistance Grants for Child Victims of Domestic Violence, Stalking, or Sexual Assault.

Subsection (a) of this section authorizes the Attorney General, acting in consultation with the Director of Violence Against Women Office of the Department of Justice, in consultation with the Secretary of Housing and Urban Development and the Secretary of Health and Human Services, to award grants to organizations, States, units of local government, and Indian tribes to carry out programs to provide assistance to minors, adults, and their dependents who are homeless or in need of transitional housing or related assistance as a result of fleeing a situation of domestic violence, and for whom emergency shelter services or other crisis intervention services are unavailable or insufficient.

Subsection (b) provides that the grants awarded may be used for programs that provide short-term housing assistance, which includes rental or utilities payments assistance and assistance with related expenses such as payment of security deposits and other costs incidental to relocation to transitional housing for minors, adults and their dependents. Grants will also be available for support services designed to help those fleeing a situation of domestic violence to locate and secure permanent housing, as well as integrate into a community by providing with services, such as transportation, counseling, child care services, case management, employment counseling, and other assistance.

Subsection (c) states that a minor, an adult, or a dependent who receives assistance under this section may receive that assistance for not more than 18 months. The recipient of a grant under this section may waive the time restriction for not more than an additional 6 month period with respect to any minor, adult, or dependent, so long as he or she has made a good-faith effort to acquire permanent housing; and has been unable to acquire permanent housing.

Subsection (d) specifies the application process for transitional housing grants. Each

eligible entity desiring such grants shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require. Each application shall describe the activities for which assistance under this section is sought; and provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of the grant program.

Subsection (e) states that a recipient of a Justice Department transitional housing grant must annually prepare and submit to the Attorney General a report describing the number of minors, adults, and dependents assisted, and the types of housing assistance and support services provided.

Subsection (f) provides that the Attorney General, with the Director of the Violence Against Women Office, must also annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted by grant recipients. Copies of this report will also be transmitted to the Office of Community Planning and Development at the United States Department of Housing and Urban Development and the Office of Women's Health at the United States Department of Health and Human Services.

Subsection (g) authorizes that there be appropriated to carry out the Department of Justice transitional housing grant program $30,000,000 for each of the fiscal years 2004 through 2008. Of the amount made available to carry out this section in any fiscal year, not more than 3 percent may be used by the Attorney General for salaries and administrative expenses. States, together with the grantees within the State (other than Indian tribes), shall be allocated in each fiscal year, not less than 0.75 percent of the total amount appropriated in the fiscal year for grants for transitional housing. The United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to this section.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. ALLEN, and Mr. SPECTER):

S. 827. A bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ALLEN, and Ms. MIKULSKI):

S. 828. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a pilot program to make grants to eligible institutions to develop, demonstrate, or disseminate information on practices, methods, or techniques relating to environmental education and training in the Chesapeake Bay watershed; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ALLEN, Ms. MIKULSKI, and Mr. SPECTER):

S. 829. A bill to reauthorize and improve the Chesapeake Bay Environmental Restoration and Protection Program; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ALLEN, and Ms. MIKULSKI):

S. 830. A bill to require the Secretary of Agriculture to establish a program to expand and strengthen cooperative efforts to restore and protect forests in the Chesapeake Bay watershed, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ALLEN, and Ms. MIKULSKI):

S. 831. A bill to establish programs to enhance protection of the Chesapeake Bay, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. SARBANES. Mr. President, today I am introducing a package of five measures to sustain and, indeed, renew the Federal commitment to restoring the water quality and living resources of the Chesapeake Bay watershed. Joining me in sponsoring one or more of these measures are my colleagues from Virginia, Pennsylvania, and Maryland, Senators WARNER, ALLEN, MIKULSKI and SPECTER.

This year marks the 20th anniversary of the Chesapeake Bay Agreement, the historic Federal-State compact that launched the Chesapeake Bay restoration effort. Over the past two decades, we have made important progress both in putting in place the comprehensive, coordinated Federal-State-local and private sector management structure to guide the program and in specific initiatives to address key problems in the watershed. Three subsequent agreements were signed in 1987, in 1992 and in 2000, respectively, setting specific goals and action plans to restore the Chesapeake watershed. There are today over 700 groups and some 40 committees involved in the Bay Program. More than twenty-five Federal agencies are partnering with EPA and the Bay area States and there are numerous State agencies, local governmental organizations and citizen groups actively engaged in the restoration efforts. The level of public support and the degree of cooperation and coordination among all parties is unparalleled.

Despite these efforts, the job of restoring the Chesapeake to levels of quality and productivity that existed earlier in this century is far from complete. In its latest report card issued in November, 2002, the Chesapeake Bay Foundation gave the Chesapeake Bay a score of 27 out of 100—far short of the ''70'' level believed necessary for the Bay to be declared ''saved.'' The index underscores the continuing serious challenges facing the Bay. Nitrogen pollution from farms and city streets, sewage treatment plants, and air deposition, among other so-called non-point sources, continue to overload the Bay. Many of the living resources—oysters, shad, white perch, crabs—which are indicators of the Bay's health, are still in decline. Toxic chemicals are still present in the Bay's surface and bottom waters, having untold impacts on water quality and wildlife. A recent analysis undertaken by the Chesapeake Bay Commission estimates that the costs to clean the Bay and achieve the goals of the Chesapeake 2000 agreement over the course of the next seven years will exceed projected income by nearly $13 billion. Pollution from all sources will have to be further reduced, thousands of acres of watershed property must be preserved, significant efforts must be made to restore living resources, buffer zones to protect rivers and streams need to be created, education and stewardship efforts must be dramatically expanded.

While $13 billion seems like an enormous sum, we should remember that the health of the Chesapeake Bay is vital not only to the more than 15 million people who live in the watershed, but to the Nation. It is one of our Nation's and the world's greatest natural resources covering 64,000 square miles within six States. It is a world-class fishery that still produces a significant portion of the finfish and shellfish catch in the United States. It provides vital habitat for living resources, including more than 3600 species of plants, fish and animals. It is a major resting area for migratory waterfowls and birds along the Atlantic including many endangered and threatened species. It is also a one-of-a-kind recreational asset enjoyed by millions of people, a major commercial waterway and shipping center for much of the eastern United States, and provides jobs for thousands of people. In short, the Chesapeake Bay is a magnificent, multifaceted resource worthy of the highest levels of protection and restoration.

The five measures that we are introducing today are intended to help address some of the highest priority needs in the watershed and provide a Federal blueprint for restoring the Bay in the years ahead. I want to address each of these measures briefly.

The first measure, the Chesapeake Bay Watershed Nutrient Removal Assistance Act, would establish a grants program in the Environmental Protection Agency to support the installation of nutrient reduction technologies at major wastewater treatment facilities in the Chesapeake Bay watershed. I first introduced this measure during the 107th Congress and provisions of the legislation were included as part of S. 1961, the Water Investment Act of 2002, reported favorably by the Senate Environment and Public Works Committee. Unfortunately, no further action was taken on that legislation. Despite important water quality improvements over the past decade, nutrient

over-enrichment remains the most serious pollution problem facing the Bay. The overabundance of the nutrients nitrogen and phosphorous continues to rob the Bay of life sustaining oxygen. Recent modeling of EPA's Bay Program has found that total nutrient discharges must be reduced by more than 35 percent from current levels to restore the Chesapeake Bay and its major tributaries to health. To do so, nitrogen discharges from all sources must be reduced drastically below current levels. Annual nitrogen discharges into the Bay will need to be cut by at least 110 million pounds from the current 300 million pounds to less than 190 million pounds. Municipal wastewater treatment plants, in particular, will have to reduce nitrogen discharges by nearly 75 percent.

There are 304 major wastewater treatment plants in the Chesapeake Bay watershed: Pennsylvania, 123, Maryland, 65, Virginia, 86, New York, 18, Delaware, 3, Washington, D.C., 1, and West Virginia, 8. These plants contribute about 60 million pounds of nitrogen per year—one-fifth—of the total load of nitrogen to the Bay. Upgrading these plants with nutrient removal technologies to achieve nitrogen reductions of 3 mg/liter would remove 46 million pounds of nitrogen in the Bay each year or 40 percent of the total nitrogen reductions needed. Nutrient removal technologies have other benefits, as well. They provide significant sayings in energy usage, 20 to 30 percent, in chemical usage, more than 50 percent, and in the amount of sludge produced, five to 15 percent. They are one of the most cost-effective methods of reducing nutrients discharged to the Bay.

My legislation would provide grants for 55 percent of the capital cost of upgrading the plants with nutrient removal technologies capable of achieving nitrogen reductions of 3 mg/liter. Any publicly owned wastewater treatment plant which has a permitted design capacity to treat an annual average of 0.5 million gallons per day within the Chesapeake Bay watershed portion of New York, Pennsylvania, Maryland, West Virginia, Delaware, Virginia and the District of Columbia would be eligible to receive these grants. As a signatory to the Chesapeake Bay Agreement, the EPA has an important responsibility to assist the states with financing these water infrastructure needs.

The second measure, the Chesapeake Bay Environmental Education Pilot Program Act, would establish a new environmental education program in the U.S. Department of Education for elementary and secondary school students and teachers within the Chesapeake Bay watershed. There is a growing consensus that a major commitment to education—to promoting an ethic of responsible stewardship and citizenship among the nearly 16 million people who live in the watershed—is necessary if all of the other efforts to ''Save the Bay'' are to succeed. Expanding environmental education and training opportunities will lead not only to a healthier Chesapeake Bay ecosystem, but a more educated and informed citizenry, with a deeper understanding and appreciation for the environment, their community and their role in society as responsible citizens.

One of the principal commitments of the Chesapeake 2000 Agreement, is to ''provide a meaningful Bay or stream outdoor experience for every school student in the watershed before graduation from high school'' beginning with the class of 2005. Despite important efforts by Bay area states and not-for-profit organizations, only a very small percentage of the more than 3.3 million K–12 students in the watershed have had the opportunity to engage in meaningful outdoor experiences or receive classroom environmental instruction. Many of the school systems in the Bay watershed are only at the beginning stages in developing and implementing environmental education into their curriculum, let alone exposing students to outdoor watershed experiences. What's lacking is not the desire or will, but the resources and training to undertake more comprehensive environmental education programs.

This legislation would authorize $6 million a year over the next three years in Federal grant assistance to help close the resource and training gap for students in the elementary and secondary levels in the Chesapeake Bay watershed. It would require a 50 percent non-Federal match, thus leveraging $12 million in assistance. The funding could be used to help design, demonstrate or disseminate environmental curricula and field practices, train teachers or other educational personnel, and support on-the-ground activities or Chesapeake Bay or stream outdoor educational experiences involving students and teachers, among other things. The program would complement the NOAA Bay Watershed Education and Training Program that we established last year.

The third measure would reauthorize and enhance the Chesapeake Bay Environmental Protection and Restoration Program. This program, which was first established in Section 510 of the Water Resources Development Act of 1996, Public Law 104–303, authorizes the U.S. Army Corps of Engineers to provide design and construction assistance to State and local authorities in the environmental restoration of the Chesapeake Bay. To date, the Corps of Engineers has constructed or approved $9.3 million in projects under the Chesapeake Bay Environmental Restoration and Protection Program including oyster restoration projects in Virginia, shoreline protection and wetland/sewage treatment projects at Smith Island in Maryland and the upgrade of the Scranton Wastewater Treatment Plant in Pennsylvania to reduce the amount of nutrients delivered to the Chesapeake Bay. These projects have nearly exhausted the current $10 million authorization.

This legislation increases the authorization for this program from $10 million to $30 million. Consistent with all other environmental restoration authorities of the Corps of Engineers, it enables States and local governments to provide all or any portion of the 25 percent non-Federal share required in the form of in-kind services. It also establishes a new small-grants program for local governments and nonprofit organizations to carry out small-scale restoration and protection projects in the Chesapeake Bay watershed. The program would be administered by the National Fish and Wildlife Foundation which has extensive experience and expertise in managing these kinds of grants for other Federal agencies. Ten percent of the funds appropriated each year under this program would be set-aside for these grants. In view of the great need and the many requests for assistance from the Bay area states, this legislation is clearly unwarranted.

The forth measure, the Chesapeake Bay Watershed Forestry Act, would continue and enhance the USDA Forest Service's role in the restoration of the Chesapeake Bay watershed. Forest loss and fragmentation are occurring rapidly in the Chesapeake Bay region and are among the most important issues facing the Bay and forest management today. According to the National Resources Inventory, the States closest to the Bay lost 350,000 acres of forest between 1987–1997 or almost 100 acres per day. More and more rural areas are being converted to suburban developments resulting in smaller contiguous forest tracts. These trends are leading to a regional forest land base that is more vulnerable to conversion, less likely to be economically viable in the future, and is losing its capacity to protect watershed health and other ecological benefits, such as controlling storm water runoff, erosion and air pollution, all critical to the Bay clean-up effort.

Since 1990, the USDA Forest Service has been an important part of the Chesapeake Bay Program. Administered through the Northeastern Area, State and Private Forestry, this program has worked closely with Federal, State and local partners in the six-state Chesapeake Bay region to demonstrate how forest protection, restoration and stewardship activities, can contribute to achieving the Bay restoration goals. Over the past 12 years, it has provided modest levels of technical and financial assistance, averaging approximately $300,000 a year, to develop collaborative watershed projects that address watershed forest conservation, restoration and stewardship.

With the signing of the Chesapeake 2000 Agreement, the role of the USDA Forest Service has become more important than ever. Among other provisions, this Agreement requires the signatories to conserve existing forests along all streams and shoreline; promote the expansion and connection of

contiguous forests; assess the Bay's forest lands; and provide technical and financial assistance to local governments to plan for or revise plans, ordinances and subdivision regulations to provide for the conservation and sustainable use of the forest and agricultural lands. To address these goals, the USDA Forest Service must have additional resources and authority, and that is what this measure seeks to provide.

This legislation codifies the role and responsibilities of the USDA Forest Service to the Bay restoration effort. It strengthens existing coordination, technical assistance, forest resource assessment and planning efforts. It authorizes a small grants program to support local agencies, watershed associations and citizen groups in conducting on-the-ground conservation projects. It also establishes a regional applied forestry research and training program to enhance urban, suburban and rural forests in the watershed. Finally it authorizes $3.5 million for each of fiscal years 2004 through 2010, a modest increase in view of the six-State, 64,000 square mile watershed.

The fifth measure, the NOAA Chesapeake Bay Watershed Education, Training, and Restoration Act, would enhance the National Oceanic and Atmospheric, NOAA, Chesapeake Bay Office's authorities to address the living resource restoration and education and training goals and commitments of the Chesapeake 2000 agreement. It builds upon provisions contained in the Hydrographic Services Improvement Act Amendments of 2003, and addresses several urgent and unmet needs in the watershed. To help meet Bay-wide living resource education and training goals, it codifies the Bay Watershed Education and Training or, B–WET, Program—the first federally funded environmental education program focused solely on the Chesapeake Bay watershed—that we initiated in the Fiscal 2002 Commerce, Justice, State Appropriations bill and establishes an aquaculture education program to assist with oyster and blue crab hatchery production.

To better coordinate and organize the substantial amounts of data collected and complied by Federal, State and local government agencies and academic institutions—data such as information on weather, tides, currents circulation, climate, land use, coastal environmental quality, aquatic living resources and habitat conditions—and make this information more useful to resource managers, scientists and the public, it establishes an internet-based Coastal Predictions Center for the Chesapeake Bay. It also authorizes a shallow water monitoring program to address critical gaps in information on near shore and river area water quality conditions needed for restoration of living resources. And to help meet Chesapeake 2000 living resource restoration goals, it codifies the ongoing oyster restoration program an authorizes a new submerged aquatic vegetation restoration program.

Mr. President, these measures would provide an important boost to our efforts to save the Chesapeake Bay and a blueprint for the course ahead. They are strongly supported by the Chesapeake Bay Commission, the Chesapeake Bay Foundation, and other organizations in the watershed. I ask unanimous consent that the text of the bills and supporting letters to printed in the RECORD. I urge my colleagues to join with us in supporting the measures and continue the momentum contributing to the improvement and enhancement of our Nation's most valuable and treasured natural resource.

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

S. 827

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 ''Chesapeake Bay Watershed Nutrient Removal Assistance Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) nutrient pollution from point sources and nonpoint sources continues to be the most significant water quality problem in the Chesapeake Bay watershed;

(2) a key commitment of the Chesapeake 2000 agreement, an interstate agreement among the Administrator, the Chesapeake Bay Commission, the District of Columbia, and the States of Maryland, Virginia, and Pennsylvania, is to achieve the goal of correcting the nutrient-related problems in the Chesapeake Bay by 2010;

(3) by correcting those problems, the Chesapeake Bay and its tidal tributaries may be removed from the list of impaired bodies of water designated by the Administrator of the Environmental Protection Agency under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d));

(4) nearly 300 major sewage treatment plants located in the Chesapeake Bay watershed annually discharge approximately 60,000,000 pounds of nitrogen, or the equivalent of 20 percent of the total nitrogen load, into the Chesapeake Bay; and

(5) nutrient removal technology is 1 of the most reliable, cost-effective, and direct methods for reducing the flow of nitrogen from point sources into the Chesapeake Bay.

(b) PURPOSES.—The purposes of this Act are—

(1) to authorize the Administrator of the Environmental Protection Agency to provide financial assistance to States and municipalities for use in upgrading publicly-owned wastewater treatment plants in the Chesapeake Bay watershed with nutrient removal technologies; and

(2) to further the goal of restoring the water quality of the Chesapeake Bay to conditions that are protective of human health and aquatic living resources.

SEC. 3. SEWAGE CONTROL TECHNOLOGY GRANT PROGRAM.

The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

''TITLE VII—MISCELLANEOUS

''SEC. 701. SEWAGE CONTROL TECHNOLOGY GRANT PROGRAM.

''(a) DEFINITION OF ELIGIBLE FACILITY.—In this section, the term 'eligible facility' means a municipal wastewater treatment plant that—

''(1) as of the date of enactment of this title, has a permitted design capacity to treat an annual average of at least 500,000 gallons of wastewater per day; and

''(2) is located within the Chesapeake Bay watershed in any of the States of Delaware, Maryland, New York, Pennsylvania, Virginia, or West Virginia or in the District of Columbia.

''(b) GRANT PROGRAM.—

''(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this title, the Administrator shall establish a program within the Environmental Protection Agency to provide grants to States and municipalities to upgrade eligible facilities with nutrient removal technologies.

''(2) PRIORITY.—In providing a grant under paragraph (1), the Administrator shall—

''(A) consult with the Chesapeake Bay Program Office;

''(B) give priority to eligible facilities at which nutrient removal upgrades would—

''(i) produce the greatest nutrient load reductions at points of discharge; or

''(ii) result in the greatest environmental benefits to local bodies of water surrounding, and the main stem of, the Chesapeake Bay; and

''(iii) take into consideration the geographic distribution of the grants.

''(3) APPLICATION.—

''(A) IN GENERAL.—On receipt of an application from a State or municipality for a grant under this section, if the Administrator approves the request, the Administrator shall transfer to the State or municipality the amount of assistance requested.

''(B) FORM.—An application submitted by a State or municipality under subparagraph (A) shall be in such form and shall include such information as the Administrator may prescribe.

''(4) USE OF FUNDS.—A State or municipality that receives a grant under this section shall use the grant to upgrade eligible facilities with nutrient removal technologies that are designed to reduce total nitrogen in discharged wastewater to an average annual concentration of 3 milligrams per liter.

''(5) COST SHARING.—

''(A) FEDERAL SHARE.—The Federal share of the cost of upgrading any eligible facility as described in paragraph (1) using funds provided under this section shall not exceed 55 percent.

''(B) NON-FEDERAL SHARE.—The non-Federal share of the costs of upgrading any eligible facility as described in paragraph (1) using funds provided under this section may be provided in the form of funds made available to a State or municipality under—

''(i) any provision of this Act other than this section (including funds made available from a State revolving fund established under title VI); or

''(ii) any other Federal or State law.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $132,000,000 for each of fiscal years 2004 through 2008, to remain available until expended.

''(2) ADMINISTRATIVE COSTS.—The Administrator may use not to exceed 4 percent of any amount made available under paragraph (1) to pay administrative costs incurred in carrying out this section.''.

S. 828

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 ''Chesapeake Bay Environmental Education Pilot Program Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) increasing public environmental awareness and understanding through formal environmental education and meaningful bay or stream field experiences are vital parts of the effort to protect and restore the Chesapeake Bay ecosystem;

(2) using the Chesapeake Bay watershed as an integrating context for learning can help—

(A) advance student learning skills;

(B) improve academic achievement in core academic subjects; and

(C)(i) encourage positive behavior of students in school; and

(ii) encourage environmental stewardship in school and in the community; and

(3) the Federal Government, acting through the Secretary of Education, should work with the Under Secretary for Oceans and Atmosphere, the Chesapeake Executive Council, State educational agencies, elementary schools and secondary schools, and nonprofit educational and environmental organizations to support development of curricula, teacher training, special projects, and other activities, to increase understanding of the Chesapeake Bay watershed and to improve awareness of environmental problems.

SEC. 3. CHESAPEAKE BAY ENVIRONMENTAL EDUCATION AND TRAINING GRANT PILOT PROGRAM.

Title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

“PART D—CHESAPEAKE BAY ENVIRONMENTAL EDUCATION AND TRAINING GRANT PILOT PROGRAM

“SEC. 4401. DEFINITIONS.

‘‘In this part:

‘‘(1) BAY WATERSHED STATE.—The term ‘Bay Watershed State’ means each of the States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia, and the District of Columbia.

‘‘(2) CHESAPEAKE EXECUTIVE COUNCIL.—The term ‘Chesapeake Executive Council’ has the meaning given the term in section 307(e) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d(e)).

‘‘(3) ELIGIBLE INSTITUTION.—The term ‘eligible institution’ means—

‘‘(A) a public elementary school or secondary school located in a Bay Watershed State; and

‘‘(B) a nonprofit environmental or educational organization located in a Bay Watershed State.

‘‘(4) PROGRAM.—The term ‘Program’ means the Chesapeake Bay Environmental Education and Training Grant Pilot Program established under section 4402.

“SEC. 4402. CHESAPEAKE BAY ENVIRONMENTAL EDUCATION AND TRAINING GRANT PILOT PROGRAM.

‘‘(a) IN GENERAL.—The Secretary shall establish a grant program, to be known as the ‘Chesapeake Bay Environmental Education and Training Grant Pilot Program’, to make grants to eligible institutions to pay the Federal share of the cost of developing, demonstrating, or disseminating information on practices, methods, or techniques relating to environmental education and training in the Chesapeake Bay watershed.

‘‘(b) FEDERAL SHARE.—The Federal share referred to in subsection (a) shall be 50 percent.

‘‘(c) ADMINISTRATION.—The Secretary may offer to enter into a cooperative agreement or contract with the National Fish and Wildlife Foundation established by the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), the Under Secretary for Oceans and Atmosphere, a State educational agency, or a nonprofit organization that carries out environmental education and training programs, for administration of the Program.

‘‘(d) USE OF FUNDS.—An eligible institution that receives a grant under the Program shall use the funds made available through the grant to carry out a project consisting of—

‘‘(1) design, demonstration, or dissemination of environmental curricula, including development of educational tools or materials;

‘‘(2) design or demonstration of field practices, methods, or techniques, including—

‘‘(A) assessments of environmental or ecological conditions; and

‘‘(B) analyses of environmental pollution or other natural resource problems;

‘‘(3) understanding and assessment of a specific environmental issue or a specific environmental problem;

‘‘(4) provision of training or related education for teachers or other educational personnel, including provision of programs or curricula to meet the needs of students in various age groups or at various grade levels;

‘‘(5) provision of an environmental education seminar, teleconference, or workshop for environmental education professionals or environmental education students, or provision of a computer network for such professionals and students;

‘‘(6) provision of on-the-ground activities involving students and teachers, such as—

‘‘(A) riparian forest buffer restoration; and

‘‘(B) volunteer water quality monitoring at schools;

‘‘(7) provision of a Chesapeake Bay or stream outdoor educational experience; or

‘‘(8) development of distance learning or other courses or workshops that are acceptable in all Bay Watershed States and apply throughout the Chesapeake Bay watershed.

‘‘(e) REQUIRED ELEMENTS OF PROGRAM.—In carrying out the Program, the Secretary shall—

‘‘(1) solicit applications for projects;

‘‘(2) select suitable projects from among the projects proposed;

‘‘(3) supervise projects;

‘‘(4) evaluate the results of projects; and

‘‘(5) disseminate information on the effectiveness and feasibility of the practices, methods, and techniques addressed by the projects.

‘‘(f) SOLICITATION OF APPLICATIONS.—Not later than 90 days after the date on which amounts are first made available to carry out this part, and each year thereafter, the Secretary shall publish a notice of solicitation for applications for grants under the Program that specifies the information to be included in each application.

‘‘(g) APPLICATIONS.—To be eligible to receive a grant under the Program, an eligible institution shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

‘‘(h) PRIORITY IN SELECTION OF PROJECTS.—In making grants under the Program, the Secretary shall give priority to an applicant that proposes a project that will develop—

‘‘(1) a new or significantly improved environmental education practice, method, or technique, in multiple disciplines, or a program that assists appropriate entities and individuals in meeting Federal or State academic standards relating to environmental education;

‘‘(2) an environmental education practice, method, or technique that may have wide application; and

‘‘(3) an environmental education practice, method, or technique that addresses a skill or scientific field identified as a priority by the Chesapeake Executive Council.

‘‘(i) MAXIMUM AMOUNT OF GRANTS.—Under the Program, the maximum amount of a grant shall be $50,000.

‘‘(j) NOTIFICATION.—Not later than 3 days before making a grant under this part, the Secretary shall provide notification of the grant to the appropriate committees of Congress.

‘‘(k) REGULATIONS.—Not later than 1 year after the date of enactment of the Chesapeake Bay Environmental Education Pilot Program Act, the Secretary shall promulgate regulations concerning implementation of the Program.

“SEC. 4403. EVALUATION AND REPORT.

‘‘(a) EVALUATION.—Not later than December 31, 2007, the Secretary shall enter into a contract with an entity that is not the recipient of a grant under this part to conduct a detailed evaluation of the Program. In conducting the evaluation, the Secretary shall determine whether the quality of content, delivery, and outcome of the Program warrant continued support of the Program.

‘‘(b) REPORT.—Not later than December 31, 2007, the Secretary shall submit a report to the appropriate committees of Congress containing the results of the evaluation.

“SEC. 4404. AUTHORIZATION OF APPROPRIATIONS.

‘‘(a) IN GENERAL.—There is authorized to be appropriated to carry out this part $6,000,000 for each of fiscal years 2004 through 2007.

‘‘(b) ADMINISTRATIVE EXPENSES.—Of the amounts made available under subsection (a) for each fiscal year, not more than 10 percent may be used for administrative expenses.’’.

S. 829

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

SECTION 1. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

Section 510 of the Water Resources Development Act of 1996 (110 Stat. 3759) is amended—

(1) in subsection (a)(2)—

(A) by striking ‘‘The assistance’’ and inserting the following:

‘‘(A) IN GENERAL.—The assistance’’; and

(B) by adding at the end the following:

‘‘(B) AGREEMENTS.—In providing assistance under this subsection, the Secretary may enter into 1 or more cooperative agreements, to provide for public involvement and education and other project needs, with—

‘‘(i) federally designated coastal ecosystem learning centers; and

‘‘(ii) such nonprofit, nongovernmental organizations as the Secretary determines to be appropriate.’’;

(2) in subsection (c), by adding at the end the following:

‘‘(3) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest for any project carried out under this section may include, with the consent of the affected local government, a nonprofit entity.’’;

(3) in subsection (d)(2)(A)—

(A) in the heading, by striking ‘‘AND RELOCATIONS’’ and inserting ‘‘RELOCATIONS, AND IN-KIND CONTRIBUTIONS’’; and

(B) by striking ‘‘and relocations’’ and inserting ‘‘relocations, and in-kind contributions’’;

(4) by striking subsection (i);

(5) by redesignating subsection (h) as subsection (i);

(6) by inserting after subsection (g) the following:

‘‘(h) SMALL WATERSHED GRANTS.—

‘‘(1) IN GENERAL.—The Secretary shall establish a program, to be administered by the National Fish and Wildlife Foundation, to

provide small watershed grants for technical and financial assistance to local governments and nonprofit organizations in the Chesapeake Bay region.

''(2) USE OF FUNDS.—A local government or nonprofit organization that receives a grant under paragraph (1) shall use funds from the grant only for implementation of cooperative tributary basin strategies that address the establishment, restoration, protection, or enhancement of habitat associated with the Chesapeake Bay ecosystem.''; and

(7) by inserting after subsection (i) (as redesignated by paragraph (5)) the following:

''(j) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

''(2) ANNUAL GRANT EXPENDITURE.—Of the amount made available under paragraph (1) to carry out this section for a fiscal year, not more than 10 percent may be used to carry out subsection (h) for the fiscal year.''.

S. 830

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 ''Chesapeake Bay Watershed Forestry Program Act of 2003''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) trees and forests are critical to the long-term health and proper functioning of the Chesapeake Bay and the Chesapeake Bay watershed;

(2) the Chesapeake Bay States are losing forest land to urban growth at a rate of nearly 100 acres per day; and

(3) the Forest Service has a vital role to play in assisting States, local governments, and nonprofit organizations in carrying out forest conservation, restoration, and stewardship projects and activities.

(b) PURPOSES.—The purposes of this Act are—

(1) to expand and strengthen cooperative efforts to protect, restore, and manage forests in the Chesapeake Bay watershed; and

(2) to contribute to the achievement of the goals of the Chesapeake Bay Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHESAPEAKE BAY AGREEMENT.—The term ''Chesapeake Bay Agreement'' means the formal, voluntary agreements—

(A) executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem; and

(B) signed by the Council.

(2) CHESAPEAKE BAY STATE.—The term ''Chesapeake Bay State'' means each of the States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia and the District of Columbia.

(3) COORDINATOR.—The term ''Coordinator'' means the Coordinator of the program designated under section 4(b)(1)(B).

(4) COUNCIL.—The term ''Council'' means the Chesapeake Bay Executive Council.

(5) PROGRAM.—The term ''program'' means the Chesapeake Bay watershed forestry program carried out under section 4(a).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service and the Coordinator.

SEC. 4. CHESAPEAKE BAY WATERSHED FORESTRY PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a Chesapeake Bay watershed forestry program under which the Secretary shall make grants and provide technical assistance to eligible entities to restore and conserve forests in the Chesapeake Bay watershed, including grants and assistance—

(1) to promote forest conservation and stewardship efforts in urban, suburban, and rural areas of the Chesapeake Bay watershed;

(2) to manage National Forest System land in the Chesapeake Bay watershed in a manner that protects water quality and sustains watershed health;

(3) to assist in developing and carrying out projects and partnerships in the Chesapeake Bay watershed;

(4) to conduct research, assessment, and planning activities to restore and protect forest land in the Chesapeake Bay watershed;

(5) to develop communication and education resources to enhance public understanding of the value of forests in the Chesapeake Bay watershed; and

(6) to contribute to the achievement of the goals of the Chesapeake Bay Agreement.

(b) OFFICE; COORDINATOR.—

(1) IN GENERAL.—The Secretary shall—

(A) maintain an office within the Forest Service to carry out the program; and

(B) designate an employee of the Forest Service as Coordinator of the program.

(2) DUTIES.—As part of the program, the Coordinator, in cooperation with the Secretary and the Chesapeake Bay Program, shall—

(A) provide grants and technical assistance to restore and protect forests in the Chesapeake Bay watershed;

(B) enter into partnerships to carry out forest restoration and conservation activities at a watershed scale using the resources and programs of the Forest Service;

(C) carry out activities, in collaboration with other units of the Forest Service, that contribute to the goals of the Chesapeake Bay Agreement;

(D) represent the Forest Service in deliberations of the Chesapeake Bay Program; and

(E) support and collaborate with the Forestry Work Group in planning and implementing program activities.

(c) ELIGIBLE ENTITIES.—To be eligible to receive assistance under the program, an entity shall be—

(1) a Chesapeake Bay State;

(2) a political subdivision of a Chesapeake Bay State;

(3) an organization operating in the Chesapeake Bay watershed that is described in section 501(c) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code; or

(4) any other person in the Chesapeake Bay watershed that the Secretary determines to be eligible.

(d) GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to eligible entities under the program to carry out projects to protect, restore, and manage forests in the Chesapeake Bay watershed.

(2) FEDERAL SHARE.—The Federal share of a grant made under the program shall not exceed 75 percent, as determined by the Secretary.

(3) TYPES OF PROJECTS.—The Secretary may make a grant to an eligible entity for any project in the Chesapeake Bay watershed that—

(A) improves habitat and water quality through the establishment, protection, or stewardship of riparian or wetland forests or stream corridors;

(B) builds the capacity of State and local organizations to implement forest conservation, restoration, and stewardship actions;

(C) develops and implements watershed management plans that—

(i) address forest conservation needs; and

(ii) reduce urban runoff;

(D) provides outreach and assistance to private landowners and communities to restore or conserve forests in the watershed;

(E) implements communication, education, or technology transfer programs that broaden public understanding of the value of trees and forests in sustaining and restoring the Chesapeake Bay watershed;

(F) coordinates and implements community-based watershed partnerships and initiatives that—

(i) focus on the restoration or protection of urban and rural forests; or

(ii) focus programs of the Forest Service on restoring or protecting watersheds;

(G) provides enhanced forest resource data to support watershed management;

(H) enhances upland forest health to reduce risks to watershed function and water quality; or

(I) conducts inventory assessment or monitoring activities to measure environmental change associated with projects carried out under the program.

(4) STATE WATERSHED FORESTERS.—Funds made available under section 6 may be used by a Chesapeake Bay State to employ a State watershed forester to carry out activities and coordinate watershed-level projects relating to the program.

(e) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Council, shall conduct a study of urban and rural forests in the Chesapeake Bay watershed, including—

(A) an assessment of forest loss and fragmentation in the Chesapeake Bay watershed;

(B) an identification of forest land within the Chesapeake Bay watershed that should be restored or protected; and

(C) recommendations for expanded and targeted actions and programs that are needed to achieve the goals of the Chesapeake Bay Agreement.

(2) REPORT.—Not later than 1 year after amounts are first made available under section 6, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study.

SEC. 5. WATERSHED FORESTRY RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary, in cooperation with the Council, shall establish a watershed forestry research program for the Chesapeake Bay watershed.

(b) ADMINISTRATION.—In carrying out the watershed forestry research program established under subsection (a), the Secretary shall—

(1) use a combination of applied research, modeling, demonstration projects, implementation standards, strategies for adaptive management, training, and education to meet the needs of the residents of the Chesapeake Bay States for managing forests in urban, developing, and rural areas;

(2) solicit input from local managers and Federal, State, and private researchers, with respect to air and water quality, social and economic implications, environmental change, and other Chesapeake Bay watershed forestry issues in urban and rural areas; and

(3) collaborate with the Chesapeake Bay Program Scientific and Technical Advisory Committee and universities in the Chesapeake Bay States to—

(A) address issues in the Chesapeake Bay Agreement; and

(B) support modeling and informational needs of the Chesapeake Bay program.

(c) WATERSHED FORESTRY RESEARCH STRATEGY.—Not later than 1 year after the date of

enactment of this Act, the Secretary, in collaboration with the Northeast Forest Research Station and the Southern Forest Research Station, shall submit to Congress a strategy for research to address Chesapeake Bay watershed goals.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out the program $3,500,000 for each of fiscal years 2004 through 2010, of which—

(1) not more than $500,000 shall be used to conduct the study required under section 4(e); and

(2) not more than $1,000,000 for any fiscal year shall be used to carry out the watershed forestry research program under section 5.

SEC. 7. REPORT.

Not later than December 1, 2005, and annually thereafter, the Coordinator shall submit to the Secretary a comprehensive report on activities carried out under the program.

S. 831

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 ''NOAA Chesapeake Bay Watershed Education, Training, and Restoration Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CENTER.—The term ''Center'' means the Coastal Prediction Center for the Chesapeake Bay established under paragraph (1) of section 3(a).

(2) CHESAPEAKE 2000 AGREEMENT.—The term ''Chesapeake 2000 agreement'' means the agreement between the United States, the States of Maryland, Pennsylvania, and Virginia, and the District of Columbia entered into on June 28, 2000.

(3) CHESAPEAKE EXECUTIVE COUNCIL.—The term ''Chesapeake Executive Council'' has the meaning given that term in subsection (d) of section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d).

(4) DIRECTOR.—The term ''Director'' means the Director of the Chesapeake Bay Office appointed under paragraph (2) of section 307(a) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d).

(5) ELIGIBLE ENTITY.—The term ''eligible entity'' means a State government, an institution of higher education, including a community college, a not-for-profit organization, or an appropriate private entity.

(6) CHESAPEAKE BAY OFFICE.—The term ''Chesapeake Bay Office'' means the Chesapeake Bay Office within the National Oceanic and Atmospheric Administration established under paragraph (1) of section 307(a) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d).

SEC. 3. COASTAL PREDICTION CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director, in collaboration with scientific institutions located in the Chesapeake Bay watershed, shall establish a Coastal Prediction Center for the Chesapeake Bay.

(2) PURPOSES.—The purposes of the Center established under paragraph (1) are to serve as a knowledge bank for—

(A) assembling, integrating, and modeling coastal information and data related to the Chesapeake Bay and the tributaries of the Chesapeake Bay from appropriate government agencies and scientific institutions;

(B) interpreting such information and data; and

(C) organizing such information and data into predictive products that are useful to policy makers, resource managers, scientists, and the public.

(b) ACTIVITIES.—

(1) INFORMATION AND PREDICTION SYSTEM.—The Center shall develop an Internet-based information system for integrating, interpreting, and disseminating coastal information and predictions concerning the Chesapeake Bay and the tributaries of the Chesapeake Bay related to—

(A) climate;

(B) land use;

(C) coastal pollution;

(D) coastal environmental quality;

(E) ecosystem health and performance;

(F) aquatic living resources and habitat conditions; and

(G) weather, tides, currents, and circulation that affect the distribution of sediments, nutrients, and organisms, coastline erosion, and related physical and chemical events.

(2) AGREEMENTS TO PROVIDE DATA, INFORMATION, AND SUPPORT.—The Director may enter into agreements with other entities of the National Oceanic and Atmospheric Administration, other appropriate Federal, State, and local government agencies, and academic institutions, to provide and interpret data and information, and provide appropriate support, relating to the activities of the Center.

(3) AGREEMENTS RELATING TO INFORMATION PRODUCTS.—The Director may enter into grants, contracts, and interagency agreements with eligible entities for the collection, processing, analysis, interpretation, and electronic publication of information products for the Center.

SEC. 4. CHESAPEAKE BAY WATERSHED EDUCATION AND TRAINING PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Director, in cooperation with the Chesapeake Executive Council, shall establish a Chesapeake Bay watershed education and training program.

(2) PURPOSES.—The program established under paragraph (1) shall continue and expand the Chesapeake Bay watershed education programs offered by the Chesapeake Bay Office for the purposes of—

(A) improving the understanding of elementary and secondary school students and teachers of the living resources of the ecosystem of the Chesapeake Bay; and

(B) meeting the educational goals of the Chesapeake 2000 agreement.

(b) GRANT PROGRAM.—

(1) AUTHORIZATION.—The Director is authorized to award grants to pay the Federal share of the cost of a project described in paragraph (3)—

(A) to a not-for-profit institution;

(B) to a consortia of not-for-profit institutions;

(C) to an elementary or secondary school located within the Chesapeake Bay watershed;

(D) to a teacher at a school described in subparagraph (C); or

(E) a State Department of Education if any part of such State is within the Chesapeake Bay watershed.

(2) CRITERIA.—The Director is authorized to award grants under this section based on the experience of the applicant in providing environmental education and training projects regarding the Chesapeake Bay watershed to a range of participants and in a range of settings.

(3) FUNCTIONS AND ACTIVITIES.—Grants awarded under this section may be used to support education and training projects that—

(A) provide classroom education, including the use of distance learning technologies, on the issues, science, and problems of the living resources of the Chesapeake Bay watershed;

(B) provide meaningful outdoor experience on the Chesapeake Bay, or on a stream or in a local watershed of the Chesapeake Bay, in the design and implementation of field studies, monitoring and assessments, or restoration techniques for living resources;

(C) provide professional development for teachers related to the science of the Chesapeake Bay watershed and the dissemination of pertinent education materials oriented to varying grade levels;

(D) demonstrate or disseminate environmental educational tools and materials related to the Chesapeake Bay watershed;

(E) demonstrate field methods, practices, and techniques including assessment of environmental and ecological conditions and analysis of environmental problems; and

(F) develop or disseminate projects designed to—

(i) enhance understanding and assessment of a specific environmental problem in the Chesapeake Bay watershed or of a goal of the Chesapeake Bay Program; or

(ii) protect or restore living resources of the Chesapeake Bay watershed.

(4) FEDERAL SHARE.—The Federal share of the cost of a project authorized under paragraph (1) shall not exceed 75 percent of the total cost of that project.

(c) REPORT.—Not later than December 31, 2006, the Director, in consultation with the Chesapeake Executive Council, shall submit to Congress a report through the Administrator of National Oceanic and Atmospheric Administration regarding the program established under subsection (a) and, on the appropriate role of Federal, State, and local governments in continuing such program.

SEC. 5. STOCK ENHANCEMENT AND HABITAT RESTORATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director, in cooperation with the Chesapeake Executive Council, shall establish a Chesapeake Bay watershed stock enhancement and habitat restoration program.

(2) PURPOSES.—The purposes of the program established in paragraph (1) are to support the restoration of oysters and submerged aquatic vegetation in the Chesapeake Bay and enhance education programs related to aquaculture.

(b) ACTIVITIES.—To carry out the purpose of the program established in paragraph (1) of subsection (a), the Director is authorized to enter into grants, contracts, and cooperative agreements with an eligible entity to support—

(1) the establishment of oyster hatcheries;

(2) the establishment of submerged aquatic vegetation propagation programs;

(3) the development of education programs related to aquaculture; and

(4) other activities that the Director determines are appropriate to carry out the purposes of such program.

SEC. 6. CHESAPEAKE BAY AQUACULTURE EDUCATION.

The Director is authorized to make grants and enter into contracts with an institution of higher education, including a community college, for the purpose of—

(1) supporting education in Chesapeake Bay aquaculture sciences and technologies; and

(2) developing aquaculture processes and technologies to improve production, efficiency, and sustainability of disease free oyster spat and submerged aquatic vegetation.

SEC. 7. SHALLOW WATER MONITORING PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director, in cooperation with the Chesapeake Executive Council and scientific institutions located in the Chesapeake Bay watershed, shall establish a program to monitor shallow water throughout the Chesapeake Bay.

(2) PURPOSE.—The purpose of the program established in paragraph (1) shall be to provide data on water quality conditions necessary for restoration of living resources in near-shore and tidal tributary areas of the Chesapeake Bay.

(b) ACTIVITIES.—To carry out the purpose of the program established in paragraph (1) of subsection (a), the Director is authorized to carry out, or enter into grants, contracts, and cooperative agreements with an eligible entity to carry out activities—

(1) to collect, analyze, and disseminate scientific information necessary for the management of living marine resources and the marine habitat associated with such resources;

(2) to interpret the information described in paragraph (1);

(3) to organize the information described in paragraph (1) into products that are useful to policy makers, resource managers, scientists, and the public; or

(4) that will otherwise further the purpose of such program.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) CHESAPEAKE BAY OFFICE.—Subsection (e) of section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d) is amended—

(1) by striking ''$6,000,000'' and inserting ''$8,000,000''; and

(2) by striking ''2006'' and inserting ''2008''.

(b) PROGRAMS.—There is authorized to be appropriated the following amounts to carry out the provisions of this Act:

(1) $500,000 for each of the fiscal years 2004 through 2008 to carry out the provisions of section 3.

(2) $6,000,000 for each of the fiscal years 2004 through 2008 to carry out the provisions of section 4.

(3) $7,000,000 for each of the fiscal years 2004 through 2008 to carry out the provisions of section 5.

(4) $1,000,000 for each of the fiscal years 2004 through 2008 to carry out the provisions of section 6.

(5) $3,000,000 for each of the fiscal years 2004 through 2008 to carry out the provisions of section 7.

CHESAPEAKE BAY FOUNDATION,
Annapolis, MD, April 8, 2003.

Hon. PAUL SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: We would like to express our deepest appreciation for your continued leadership on behalf of the Chesapeake Bay. Your proposed legislation for the 108th Congress will provide essential new resources and policy direction for top Chesapeake priorities, consistent with the ambitious goals of the 2000 Chesapeake Bay Agreement. We pledge our support for the legislation, and we stand ready to help you in any way possible to secure enactment.

We are particularly pleased with your proposed Chesapeake Bay Watershed Nutrient Removal Assistance Act, which will significantly help reduce nitrogen pollution by providing first-time federal assistance to local communities for improving sewage treatment throughout the watershed. The bill will provide $660 million over five years, and more than 300 major sewage treatment plants will be eligible to participate in the new federal program. Importantly, the legislation will limit assistance to only those treatment plants willing to install state-of-the-art pollution controls, which is precisely consistent with the scientific conclusions of the Chesapeake Bay Program.

Your other Chesapeake initiatives will strengthen environmental education, improve forestry management, and enhance the work of the Army Corps of Engineers. Together, these bills will authorize significant new federal financial support for the Chesapeake Bay Program.

This year marks the 20th anniversary of the modern Chesapeake Bay Program. While we have made significant progress in the past two decades, Chesapeake scientists now believe we must redouble our efforts if we are to succeed in the goals that we all share. Your legislation will provide new direction and federal resources to the Chesapeake at a key time.

We thank you for your continued leadership on behalf of the Chesapeake Bay.

Sincerely,

ROBERT M. FERRIS,
Vice President, Environmental Protection and Restoration.

CHESAPEAKE BAY COMMISSION,
Annapolis, MD, April 9, 2003.

Hon. PAUL S. SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: Federal funding has played a crucial role in supporting the Chesapeake Bay restoration. Thanks in large part to your efforts, federal funds have supported nearly one-fifth of the projects currently underway.

However, in signing Chesapeake 2000, the signatories (both state and federal) vowed to substantially enhance their efforts to reduce nutrient pollution and restore the Bay's fisheries. With science driving these decisions, the expenditure of some $18.7 billion dollars will be required to restore the Bay to its former health and abundance. A commitment of this size will require the substantial involvement of all partners, including the federal, state, and local governments and the private sector.

With this financial need solidly in focus, we are writing to convey our unanimous, tri-state support for your Chesapeake Bay legislative package. Together, these five bills promote the kinds of enhanced funding and technical assistance called for in Cheasapeake 2000 (C2K). We hope that the 108th Congress will join us in our support of:

1. The Chesapeake Bay Watershed Nutrient Removal Act;

2. The reauthorization and improvement of The Chesapeake Bay Environmental Restoration and Protection Program of WRDA.

3. The Chesapeake Bay Environmental Education Pilot Program Act;

4. The Chesapeake Bay Watershed Forestry Act; and

5. NOAA Chesapeake Bay Watershed Education, Training and Restoration Act.

The Chesapeake Bay Watershed Nutrient Removal Assistance Act is of keen interest to this Commission. As a signatory to C2K, we have committed to reducing the Bay's nitrogen loads by 110 million pounds. Translated, this goal represents a doubling of the load reductions achieved since 1983. If accomplished, it will restore the Bay waters to conditions that are clean, clear and productive.

The Act provides grants to upgrade the major wasterwater treatment plants (WWTP) in our six-state watershed with nutrient removal technologies. It will allow the region to demonstrate that state-of-the-art nutrient removal is possible on a large scale. It will single-handedly result in the removal of 41 million pounds of nitrogen, or 40 percent of the total nitrogen reduction needed. Only the federal government is in the position to trigger such remarkable reductions. It is an opportunity that should not and cannot be ignored.

In addition to the removal of nitrogen loads from our WWIPs, The Chesapeake Bay Watershed Forestry Act will help to control pollution running off the land. Forests and riparian buffers play a critical role in filtering and absorbing sediment and nutrient runoff, while providing valuable habitat for animals and birds and food and shelter for fish. Enhanced support for the Bay Program Forest Service will ramp up its provision of interstate coordination, technical assistance, and forest assessment and planning services that are otherwise limited or unavailable in our region.

Finally, let us emphasize the important support for education that this package provides. Sustaining hard won progress in the restoration of the Chesapeake Bay will ultimately rest in the hands of citizens and their communities. Sustainability, then, rests in our ability to provide ample education and opportunity for community involvement. This effort to supply financial and technical support is provided by the The Chesapeake Bay Environmental Education Pilot Program Act and the NOAA Chesapeake Bay Watershed Education, Training and Restoration Act. Education and community engagement are two activities of C2K that are woefully underfunded. The monies provided by these two acts will substantially improve our ability to keep our commitments on track and reach our stated goals.

Since the Bay Program's inception the federal government has been a strong partner, providing approximately 18 percent of the funds needed. For the federal government to maintain its level of support in the face of rising costs to attain our C2K objectives, it will need to triple its investment. Your five-bill package puts the federal government soundly on this track. As a Bay-region leader, you are to be commended. Please instruct us as to how we can further support these measures.

Sincerely,

Delegate ROBERT S. BLOXOM,
Chairman.

By Mr. GRASSLEY:

S. 832. A bill to provide that bonuses and other extraordinary or excessive compensation of corporate insiders and wrongdoers may be included in the bankruptcy estate; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today to introduce the ''Corporate Accountability in Bankruptcy Act.'' This bill would clarify that the bonuses and other excessive compensation of corporate directors and wrongdoers can be brought back into a bankruptcy estate when a company goes bankrupt. It is only fair that corporate officers and employees who have engaged in wrongdoing and violated the securities and accounting laws should not be able to make money off of a company which has gone bankrupt, while company employees, shareholders and creditors are left carrying the burden of the bankruptcy. Moreover, corporate officers and insiders should not be allowed to keep their bonuses and loans when a company has done so poorly to go bankrupt.

Currently, the Bankruptcy Code permits a trustee to recover assets which a debtor has previously distributed to

creditors within a certain time period prior to the filing of a bankruptcy petition. This allows a trustee to increase a debtor's assets for the fair treatment and equitable distribution of assets among all creditors, as well as to help shore up a debtor's assets during a reorganization.

Section 547 of the Bankruptcy Code currently allows a trustee to recover assets from an insider made within a year of the filing of a bankruptcy petition. Section 548 of the Bankruptcy Code allows a trustee to recover transfers of assets, made within one year, where there has been a fraudulent transaction or where a debtor has received less than what is reasonably equivalent in value. However, the Bankruptcy Code is not clear as to whether these sections would include the bonuses and other extraordinary or excessive compensation of officers, directors or other company employees. That needs to change.

The Corporate Accountability in Bankruptcy Act clarifies section 547 of the Bankruptcy Code to provide that a trustee may recover bonuses, loans, nonqualified deferred compensation, and any other extraordinary or excessive compensation as determined by the court, made to an insider, officer or director and made within one year before the date of the filing of the bankruptcy petition.

In addition, the bill amends section 548 of the Bankruptcy Code to provide that a trustee may recover bonuses, loans, nonqualified deferred compensation, and any other extraordinary or excessive compensation, as determined by the court, paid to an officer, director or employee who has committed securities or accounting violations, within 4 years of the filing of the bankruptcy petition. The reason that the bill extends the present one year reachback period for fraudulent transfers to four years is because a majority of States have adopted a four year time period or the Uniform Fraudulent Transfer Act, (which allows for 4 years).

The plain fact is that corporate officers and employees who have violated the law, as well as corporate officials who have not done a good job in managing a company, should not be allowed to benefit where their actions have contributed to the downfall of the company. Corporate mismanagement and irresponsibility should not be rewarded, and the bad guys need to be held accountable. The changes to the Bankruptcy Code contained in this bill are tied to excessiveness and wrongdoing and are fair. We need to do something about bringing more accountability and fairness to the system, and the Corporate Accountability in Bankruptcy Act does that.

By Mr. ALLARD:

S. 833. A bill to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Parks System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I ask unanimous consent that the Public Lands Fire Regulations Enforcement Act of 2003, a bill that I am introducing, be printed in the RECORD.

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

S. 833

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 ''Public Lands Fire Regulations Enforcement Act of 2003''.

SEC. 2. PENALTIES FOR VIOLATION OF PUBLIC LAND FIRE REGULATIONS RESULTING IN PROPERTY DAMAGE.

(a) INCREASED PENALTIES ON INTERIOR LANDS.—Notwithstanding section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) or section 3 of the Act of August 25, 1916 (16 U.S.C. 3), a violation of the rules regulating the use of fire by visitors and other users of lands administered by the Bureau of Land Management or National Park System lands shall be punished by a fine of not less than $1,000 or imprisonment for not more than one year, or both, if the violation results in damage to public or private property.

(b) INCREASED PENALTIES ON NATIONAL FOREST SYSTEM LANDS.—Notwithstanding the eleventh undesignated paragraph under the heading ''SURVEYING THE PUBLIC LANDS'' of the Act of June 4, 1897 (16 U.S.C. 551), a violation of the rules regulating the use of fire by visitors and other users of National Forest System lands shall be punished by a fine of not less than $1,000 or imprisonment for not more than one year, or both, if the violation results in damage to public or private property.

(c) RELATION TO OTHER SENTENCE OF FINE AUTHORITY.—The maximum fine amount specified in subsections (a) and (b) applies in lieu of the fine otherwise applicable under section 3571 of title 18, United States Code.

(d) USE OF COLLECTED FINES.—Any moneys received by the United States as a result of a fine imposed for a violation of fire rules applicable to lands administered by the Bureau of Land Management, National Park System lands, or National Forest System lands shall be available to the Secretary of the Interior or the Secretary of Agriculture, as the case may be, without further appropriation and until expended, for the following purposes:

(1) To cover the cost to the United States of any improvement, protection, or rehabilitation work rendered necessary by the action that resulted in the fine.

(2) To reimburse the affected agency for the cost of the response to the action that resulted in the fine, including investigations, damage assessments, and legal actions.

(3) To increase public awareness of rules, regulations, and other requirements regarding the use of fire on public lands.

By Ms. LANDRIEU:

S. 834. A bill for the relief of Tanya Andrea Goudeau; to the Committee on the Judiciary.

Ms. LANDRIEU. Mr. President, I rise today to offer a private bill on behalf of Tanya Andrea Goudeau and her family to grant Tanya immediate relative status. The Goudeaus adopted Tanya in 2001, but due to misinformation and an undue delay in the adoption process, the adoption was not completed until a week after Tanya's 16th birthday. As a result, Tanya was no longer considered a child under the law and therefore was not eligible to receive permanent resident status. Currently, Tanya faces deportation to Sri Lanka where she no longer has a family to care for her. What is more, she is now legally a part of the Goudeau family. Tanya is the Goudeau's daughter and they are her parents.

Tanya Goudeau was born to Mrs. Goudeau's sister in 1984 in Sri Lanka. During a visit with the Goudeaus in 1999 at their home in Baker, LA, Tanya's mother announced that she was moving and that she did not want any further contact with her daughter. Tanya's father had walked out on the family 11 years earlier and could not be located. The Goudeaus realized that Tanya had no family to return to and they decided to adopt her. They could not bear to send their niece back to her native home where she would be on her own at age 14. Without any children of their own, they lovingly took Tanya into their family and have lovingly cared for her for the past 4 years.

Tanya has overcome her mother's and father's abandonment and after a period of adjustment, she has grown to love her new home. She is currently a senior in high school with aspirations to earn an advanced medical degree. Without the passage of this private bill, Tanya could face deportation to Sir Lanka at a time when she should be focused on her college degree with the support of her parents. The Goudeaus' situation is an unintended consequence of the requirement to complete the adoption process before a child's sixteenth birthday. We need to grant Tanya immediate relative status to allow the Goudeaus to remain a family.

By Ms. LANDRIEU:

S. 835. A bill to amend the Higher Education Act of 1965 to provide student loan borrowers with a choice of lender for loan consolidation, to provide notice regarding loan consolidation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, throughout the next month, hundreds of thousands of high school seniors across this Nation will open up their mailboxes and receive acceptance letters for college. They will begin planning where they will live and what they will study for the next 2 or 4 years. These students will dream big and have grand ideas about what college will mean for them, but before they can officially enroll, they will be slapped in the face with a very real question: how are they going to pay for it?

Attending an institution of higher education can be expensive. According to the National Center for Higher Education, the cost of attending two or four year, public and private colleges has increased faster than both inflation and family income. In 2000, families in the lowest quartile of the income bracket spent as much as 25 percent of their annual income to send their children to a public, four year college, compared with only 13 percent in 1980. At the same time, though, sources of federal assistance are diminishing. The Federal Pell Grant program, which was designed to help alleviate the financial burden on low income families, covered only 57 percent of the cost of tuition at public, four year colleges in 1999, whereas Pell Grants covered 98 percent of the costs in 1986.

As the cost of college increases and the impact of Federal grants decreases, school loans have become a gateway to attending college for the majority of students. However, because of a provision in the 1998 re-authorization of the Higher Education Act, entitled the ''Single Lender Rule,'' students who have all of their student loans from a single lender are barred from getting a lower rate by consolidating their loans with a different lender. The financial benefits for the consumer by using a different lender for loan consolidation are easily seen in other areas of finance, such as homeowners refinancing their mortgage. What appears to me to be an arbitrarily contrived limitation that protects lenders more than students has prevented college graduates from consolidating their multiple student loans into a single, new loan, thus driving up the cost of attending college.

Having a college degree is fast becoming a necessary pre-requisite to long-term success. That is why I rise today to introduce to my colleagues the ''Consolidation Student Loan Flexibility Act of 2003.'' This bill would repeal the Single Lender rule, and knock down this arbitrarily contrived barrier that hinders students from gaining access to higher education.

Some of my colleagues may be asking, why now? Why not wait to repeal the Single Lender rule when we readdress the Higher Education Act? As the close of this school year fast approaches, and high school graduates begin making important decisions about their educational future, we cannot put off the repeal of the Single Lender rule. The effects of maintaining the Single Lender rule are devastating. In 2001, 143,504 students were forced to pay higher rates on their student loans because the Single Lender rule denied them benefits of loan consolidation. Over 3,300 of these students were from my home State of Louisiana. We cannot force another class of college students to pay more for college than necessary. Studies have shown that a major factor influencing a student's choice of college and degree program is the amount of debt connected with the type of institution of profession. These choices greatly impact not only the lives of the students themselves, but also society as a whole. At a time when our society is in dire need of nurses, teachers, and many other professions, we must not frighten students away from college for fear of substantial debt burdens after their graduation.

The greatest investment we can make in our future is in the education of our children. Today, with the changing world, educating our children includes assisting those who desire to obtain a college degree. By not repealing the Single Lender rule, we will be continuing to drive up the cost of college, thus impeding access, especially for lower-income students. According to the Census Bureau, the income gap between people receiving a bachelor's degree and people receiving only a high school diploma has increased from 57 percent in 1975, to 76 percent in 2002. By financially hindering the entrance into college, we will be adding to this income gap, which only further hurts our already recessed economy.

The Consolidation Student Loan Flexibility Act is an important first step to making college more affordable for all American families. I hope and urge my colleagues to join me in making the dream of a college education a reality for all.

By Mr. ROCKEFELLER:

S. 836. A bill to amend title 38, United States Code, to extend by five years the period for the provision by the Secretary of Veterans Affairs of noninstitutional extended care services and required nursing home care; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, today I rise to reintroduce a bill that is enormously important to veterans in my State of West Virginia and to all veterans across this great Nation. The bill I am reintroducing will extend VA's ability to provide long-term care under two specific authorities of the Veterans Millennium Health Care and Benefits Act of 1999.

In November of 1999, Congress passed comprehensive long-term care legislation that required VA for the first time to provide extended care services to enrolled veterans. Section 101 of Public Law 106–117 directed VA to provide nursing home care to any veteran who is in need of such care for a service-connected condition, or who is 70 percent or more service-connected disabled. In addition, VA was to have provided non-institutional care, such as respite care, adult day care, home-based primary care, homemaker/home health aide and skilled home health care to all enrolled veterans. Without extension, both authorities will expire in December, 2003.

Long-term care for veterans has been, and remains, a priority for me. And the extension of these services is critically important to veterans and their families in every State across this country.

Prior to the passage of the Millennium Health Care Bill, when families in West Virginia were told by VA that the long-term care services they needed were not available to them, they would turn to me in despair. I still frequently hear from families of aging, sick veterans who want desperately to keep their husbands, fathers or brothers at home, but in order to do that they need help.

Many of our aging veterans are suffering from debilitating diseases, such as Alzheimer's or Parkinson's, or a stroke. A large number of these veterans are WW II combat veterans, whose wives are lovingly caring for them at home with very limited resources. The noninstitutional long-term care services currently available within VA provide an array of care that can be a lifesaver for the dedicated care givers of critically ill veterans, and allow these veterans to remain at home.

While the purpose of this bill is clear, let me explain the reason it is so necessary. Within three years of the enactment of Public Law 106–117, VA was to evaluate and report to the House and Senate Committees on Veterans' Affairs on its experience in providing services under both the nursing home care and non-institutional care provisions, and to make recommendations on extending or making permanent these provisions. These programs were given an expiration date of four years.

But unfortunately, very little has happened with these long-term care programs. It was not until October, 2001, that VA addressed the requirements of the law by issuing a directive on such noninstitutional long-term care services as respite and adult day care. And even now, we find that how these services are being provided, if at all, varies widely throughout the VA health care system. The delay in implementing these programs will greatly impede our ability to adequately study their effects.

Additionally, in September, 2001, two years after Congress passed the Millennium Health Care and Benefits Act of 1999, I asked the General Accounting Office to identify the long-term care services that are available at each of VA's medical centers, and the standards and criteria used by VA to determine which veterans may receive these services.

GAO is expected to release their final report on VA long-term care by May 1, but their preliminary report confirms that VA has not made much progress in implementing noninstitutional long-term care services for veterans.

Therefore, I believe it is critical that both long-term care authorities, due to expire in December of this year, be extended for an additional five years, until December 31, 2008, so that we can be properly evaluate the services and, if need be, make appropriate adjustments.

By Mr. BROWNBACK (for himself, Mr. MILLER, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. CORNYN, Mr. ENSIGN, Mr. ENZI, Mr. FITZGERALD, Mr. GRAHAM of South Carolina, Mr. INHOFE, Mr. SANTORUM, Mr. THOMAS, and Mr. BUNNING):

S. 837. A bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes; to the Committee on Governmental Affairs.

Mr. BROWNBACK. Mr. President, I rise today to introduce the bipartisan Commission on the Accountability and Review of Federal Agencies, CARFA, Act.

We need accountability in Federal spending. With our Nation at war and with a recovering economy, the Congress needs to take concrete steps to ensure that hard-earned taxpayer dollars are being efficiently used by the Federal Government.

Indeed, few things are more upsetting to my Kansas constituents than to see wasteful Federal spending. Kansans often say to me: ''I do not mind paying my taxes, but it is infuriating to see my hard-earned money being poorly spent by the Federal Government. If I am going to work hard to earn this money, I want it spent wisely.'' These are real concerns that need to be addressed.

The bipartisan legislation that I introduce today with 13 original cosponsors would help to provide accountability to Federal spending by establishing a commission to review Federal domestic agencies and programs within agencies.

The Senate is already on record strongly supporting this concept through an amendment that I offered to the Senate Budget Resolution. On March 21, the Senate passed S.A. 282 to the budget resolution by a voice vote. S.A. 282 briefly describes the CARFA Act, expressing the sense of the Senate that a commission should be established to review Federal domestic agencies and programs within agencies, and that the commission should submit to Congress: (1) recommendations to realign or eliminate wasteful agencies and programs within agencies; and (2) legislation to implement its recommendations.

The CARFA Act is modeled on successful commissions of the past. If enacted, the 12-member presidentially appointed commission would conduct a 2-year review of Federal domestic agencies and programs within agencies, using a narrow set of criteria in its review.

Upon completion of its evaluation, the commission would submit to Congress both its recommendations of agencies and programs that should be realigned or eliminated, and proposed legislation to implement its recommendations. As with successful commissions of the past, the Congress would consider this legislation on an expedited basis with a comment period from the committees of jurisdiction. Within the expedited timeframe, the Congress would take an up-or-down vote on the legislation as a whole without amendment.

I urge my colleagues to support and pass this important piece of legislation.

By Mr. REID (for himself, Mr. BENNETT, Mr. ENSIGN, and Mr. HATCH):

S. 840. A bill to establish the Great Basin National Heritage Route in the States of Nevada and Utah; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today for myself, Senator ENSIGN, Senator HATCH, and Senator BENNETT to introduce this bill, which will establish a National Heritage Route in eastern Nevada and western Utah.

National Heritage areas, corridors, and routes are regions in which residents and businesses, as well as local and tribal governments join together in partnership to conserve and celebrate cultural heritage and special landscapes. The Great Basin National Heritage Route includes historic mining camps and ghost towns, Mormon and other pioneer settlements, as well as Native American communities. The Route passes through classic Great Basin country along the trails of the Pony Express and the Overland Stage. Cultural resources within the route include Native American archaeological sites dating back to the Fremont Culture.

Our bill will also help highlight some of the Great Basin's natural wonders. Passing through Millard County, Utah, and parts of the Duckwater Reservation and White Pine County in Nevada, the Route contains items of great biological and geological interest. In Nevada, it encompasses forests of bristlecone pine, the oldest living things on the earth. In Utah, the Route includes native Bonneville cutthroat trout as well as other distinctive species and ecological communities.

Designation of the corridor as a Heritage Route will ensure the protection of key educational and recreational opportunities in perpetuity without compromising traditional local use of the land. The Great Basin National Heritage Route will provide a framework for celebrating Nevada's and Utah's rich historic, archeological, cultural, and natural resources for both visitors and residents.

The bill will establish a board of directors consisting of local officials from both counties and tribes to manage the area designated by the route. The board will develop a management plan within 3 years of the bill's passage, and the Secretary of the Interior will enter into a memorandum of understanding with the Board of Directors for the management of the resources of the heritage route. Our legislation also authorizes up to $10 million to carry out the Act but limits Federal funding to no more then 50 percent of the project's cost. The bill allows the Secretary to provide assistance for 15 years after the bill is enacted.

Our bill benefits not just the people of Nevada and Utah, but citizens of all States. It highlights an area of outstanding cultural and natural value and brings people together to celebrate values that they can be proud of. 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. 840

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 ''Great Basin National Heritage Route Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the natural, cultural, and historic heritage of the North American Great Basin is nationally significant;

(2) communities along the Great Basin Heritage Route (including the towns of Delta, Utah, Ely, Nevada, and the surrounding communities) are located in a classic western landscape that contains long natural vistas, isolated high desert valleys, mountain ranges, ranches, mines, historic railroads, archaeological sites, and tribal communities;

(3) the Native American, pioneer, ranching, mining, timber, and railroad heritages associated with the Great Basin Heritage Route include the social history and living cultural traditions of a rich diversity of nationalities;

(4) the pioneer, Mormon, and other religious settlements, and ranching, timber, and mining activities of the region played and continue to play a significant role in the development of the United States, shaped by—

(A) the unique geography of the Great Basin;

(B) an influx of people of Greek, Chinese, Basque, Serb, Croat, Italian, and Hispanic descent; and

(C) a Native American presence (Western Shoshone, Northern and Southern Paiute, and Goshute) that continues in the Great Basin today;

(5) the Great Basin housed internment camps for Japanese-American citizens during World War II, 1 of which, Topaz, was located along the Heritage Route;

(6) the pioneer heritage of the Heritage Route includes the Pony Express route and stations, the Overland Stage, and many examples of 19th century exploration of the western United States;

(7) the Native American heritage of the Heritage Route dates back thousands of years and includes—

(A) archaeological sites;

(B) petroglyphs and pictographs;

(C) the westernmost village of the Fremont culture; and

(D) communities of Western Shoshone, Paiute, and Goshute tribes;

(8) the Heritage Route contains multiple biologically diverse ecological communities that are home to exceptional species such as—

(A) bristlecone pines, the oldest living trees in the world;

(B) wildlife adapted to harsh desert conditions;

(C) unique plant communities, lakes, and streams; and

(D) native Bonneville cutthroat trout;

(9) the air and water quality of the Heritage Route is among the best in the United States, and the clear air permits outstanding viewing of the night skies;

(10) the Heritage Route includes unique and outstanding geologic features such as numerous limestone caves, classic basin and range topography with playa lakes, alluvial fans, volcanics, cold and hot springs, and recognizable features of ancient Lake Bonneville;

(11) the Heritage Route includes an unusual variety of open space and recreational and educational opportunities because of the great quantity of ranching activity and public land (including city, county, and State parks, national forests, Bureau of Land Management land, and a national park);

(12) there are significant archaeological, historical, cultural, natural, scenic, and recreational resources in the Great Basin to merit the involvement of the Federal Government in the development, in cooperation with the Great Basin Heritage Route Partnership and other local and governmental entities, of programs and projects to—

(A) adequately conserve, protect, and interpret the heritage of the Great Basin for present and future generations; and

(B) provide opportunities in the Great Basin for education; and

(13) the Great Basin Heritage Route Partnership shall serve as the management entity for a Heritage Route established in the Great Basin.

(b) PURPOSES.—The purposes of this Act are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities within White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation;

(2) to enable communities referred to in paragraph (1) to conserve their heritage while continuing to develop economic opportunities; and

(3) to conserve, interpret, and develop the archaeological, historical, cultural, natural, scenic, and recreational resources related to the unique ranching, industrial, and cultural heritage of the Great Basin, in a manner that promotes multiple uses permitted as of the date of enactment of this Act, without managing or regulating land use.

SEC. 3. DEFINITIONS.

In this Act:

(1) GREAT BASIN.—The term ''Great Basin'' means the North American Great Basin.

(2) HERITAGE ROUTE.—The term ''Heritage Route'' means the Great Basin National Heritage Route established by section 4(a).

(3) MANAGEMENT ENTITY.—The term ''management entity'' means the Great Basin Heritage Route Partnership established by section 4(c).

(4) MANAGEMENT PLAN.—The term ''management plan'' means the plan developed by the management entity under section 6(a).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. GREAT BASIN NATIONAL HERITAGE ROUTE.

(a) ESTABLISHMENT.—There is established the Great Basin National Heritage Route to provide the public with access to certain historical, cultural, natural, scenic, and recreational resources in White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation in the State of Nevada, as designated by the management entity.

(b) BOUNDARIES.—The management entity shall determine the specific boundaries of the Heritage Route.

(c) MANAGEMENT ENTITY.—

(1) IN GENERAL.—The Great Basin Heritage Route Partnership shall serve as the management entity for the Heritage Route.

(2) BOARD OF DIRECTORS.—The Great Basin Heritage Route Partnership shall be governed by a board of directors that consists of—

(A) 4 members who are appointed by the Board of County Commissioners for Millard County, Utah;

(B) 4 members who are appointed by the Board of County Commissioners for White Pine County, Nevada; and

(C) a representative appointed by each Native American Tribe participating in the Heritage Route.

SEC. 5. MEMORANDUM OF UNDERSTANDING.

(a) IN GENERAL.—In carrying out this Act, the Secretary, in consultation with the Governors of the States of Nevada and Utah and the tribal government of each Indian tribe participating in the Heritage Route, shall enter into a memorandum of understanding with the management entity.

(b) INCLUSIONS.—The memorandum of understanding shall include information relating to the objectives and management of the Heritage Route, including—

(1) a description of the resources of the Heritage Route;

(2) a discussion of the goals and objectives of the Heritage Route, including—

(A) an explanation of the proposed approach to conservation, development, and interpretation; and

(B) a general outline of the anticipated protection and development measures;

(3) a description of the management entity;

(4) a list and statement of the financial commitment of the initial partners to be involved in developing and implementing the management plan; and

(5) a description of the role of the States of Nevada and Utah in the management of the Heritage Route.

(c) ADDITIONAL REQUIREMENTS.—In developing the terms of the memorandum of understanding, the Secretary and the management entity shall—

(1) provide opportunities for local participation; and

(2) include terms that ensure, to the maximum extent practicable, timely implementation of all aspects of the memorandum of understanding.

(d) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review any amendments of the memorandum of understanding proposed by the management entity or the Governor of the State of Nevada or Utah.

(2) USE OF FUNDS.—Funds made available under this Act shall not be expended to implement a change made by a proposed amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 6. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall develop and submit to the Secretary for approval a management plan for the Heritage Route that—

(1) specifies—

(A) any resources designated by the management entity under section 4(a); and

(B) the specific boundaries of the Heritage Route, as determined under section 4(b); and

(2) presents clear and comprehensive recommendations for the conservation, funding, management, and development of the Heritage Route.

(b) CONSIDERATIONS.—In developing the management plan, the management entity shall—

(1) provide for the participation of local residents, public agencies, and private organizations located within the counties of Millard County, Utah, White Pine County, Nevada, and the Duckwater Shoshone Reservation in the protection and development of resources of the Heritage Route, taking into consideration State, tribal, county, and local land use plans in existence on the date of enactment of this Act;

(2) identify sources of funding;

(3) include—

(A) a program for implementation of the management plan by the management entity, including—

(i) plans for restoration, stabilization, rehabilitation, and construction of public or tribal property; and

(ii) specific commitments by the identified partners referred to in section 5(b)(4) for the first 5 years of operation; and

(B) an interpretation plan for the Heritage Route; and

(4) develop a management plan that will not infringe on private property rights without the consent of the owner of the private property.

(c) FAILURE TO SUBMIT.—If the management entity fails to submit a management plan to the Secretary in accordance with subsection (a), the Heritage Route shall no longer qualify for Federal funding.

(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receipt of a management plan under subsection (a), the Secretary, in consultation with the Governors of the States of Nevada and Utah, shall approve or disapprove the management plan.

(2) CRITERIA.—In determining whether to approve a management plan, the Secretary shall consider whether the management plan—

(A) has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments associated with the Heritage Route;

(B) is consistent with and complements continued economic activity along the Heritage Route;

(C) has a high potential for effective partnership mechanisms;

(D) avoids infringing on private property rights; and

(E) provides methods to take appropriate action to ensure that private property rights are observed.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(A) advise the management entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 90 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(e) IMPLEMENTATION.—On approval of the management plan as provided in subsection (d)(1), the management entity, in conjunction with the Secretary, shall take appropriate steps to implement the management plan.

(f) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) USE OF FUNDS.—Funds made available under this Act shall not be expended to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 7. AUTHORITY AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES.—The management entity may, for purposes of preparing and implementing the management plan, use funds made available under this Act to—

(1) make grants to, and enter into cooperative agreements with, a State (including a political subdivision), an Indian tribe, a private organization, or any person; and

(2) hire and compensate staff.

(b) DUTIES.—In addition to developing the management plan, the management entity shall—

(1) give priority to implementing the memorandum of understanding and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) establishing and maintaining interpretive exhibits along the Heritage Route;

(ii) developing recreational resources along the Heritage Route;

(iii) increasing public awareness of and appreciation for the archaeological, historical, cultural, natural, scenic, and recreational resources and sites along the Heritage Route; and

(iv) if requested by the owner, restoring, stabilizing, or rehabilitating any private, public, or tribal historical building relating to the themes of the Heritage Route;

(B) encourage economic viability and diversity along the Heritage Route in accordance with the objectives of the management plan; and

(C) encourage the installation of clear, consistent, and environmentally appropriate signage identifying access points and sites of interest along the Heritage Route;

(2) consider the interests of diverse governmental, business, and nonprofit groups associated with the Heritage Route;

(3) conduct public meetings in the region of the Heritage Route at least semiannually regarding the implementation of the management plan;

(4) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for approval by the Secretary; and

(5) for any year for which Federal funds are received under this Act—

(A) submit to the Secretary a report that describes, for the year—

(i) the accomplishments of the management entity;

(ii) the expenses and income of the management entity; and

(iii) each entity to which any loan or grant was made;

(B) make available for audit all records pertaining to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available for audit all records pertaining to the expenditure of the funds.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this Act to acquire real property or any interest in real property.

(d) PROHIBITION ON THE REGULATION OF LAND USE.—The management entity shall not regulate land use within the Heritage Route.

SEC. 8. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, on request of the management entity, provide technical and financial assistance to develop and implement the management plan and memorandum of understanding.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall, on request of the management entity, give priority to actions that assist in—

(A) conserving the significant archaeological, historical, cultural, natural, scenic, and recreational resources of the Heritage Route; and

(B) providing education, interpretive, and recreational opportunities, and other uses consistent with those resources.

(b) APPLICATION OF FEDERAL LAW.—The establishment of the Heritage Route shall have no effect on the application of any Federal law to any property within the Heritage Route.

SEC. 9. LAND USE REGULATION; APPLICABILITY OF FEDERAL LAW.

(a) LAND USE REGULATION.—Nothing in this Act—

(1) modifies, enlarges, or diminishes any authority of the Federal, State, tribal, or local government to regulate by law (including by regulation) any use of land; or

(2) grants any power of zoning or land use to the management entity.

(b) APPLICABILITY OF FEDERAL LAW.—Nothing in this Act—

(1) imposes on the Heritage Route, as a result of the designation of the Heritage Route, any regulation that is not applicable to the area within the Heritage Route as of the date of enactment of this Act; or

(2) authorizes any agency to promulgate a regulation that applies to the Heritage Route solely as a result of the designation of the Heritage Route under this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of any activity assisted under this Act shall not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of in-kind contributions, donations, grants, and loans from individuals and State or local governments or agencies.

SEC. 11. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

By Mr. HARKIN (for himself, Ms. MIKULSKI, Mr. KENNEDY, Mrs. BOXER, Mr. AKAKA, Mr. LEAHY, Mrs. MURRAY, Mr. FEINGOLD, and Mr. DURBIN):

S. 841. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, on behalf of myself and Senators MURRAY, KENNEDY, MIKULSKI, DURBIN, LEAHY, AKAKA, FEINGOLD and BOXER, I am introducing the Fair Pay Act.

April 15, tax day, is also Equal Pay Day. If you add what women made last year and so far this year, that would be the same amount men made in all of last year. In other words, it takes women 16 months to make what men make in 12.

There's been a lot of tax talk from Congress and the White House lately. We've got more than 1 million people out of work. And we've got millions of families struggling to make ends meet. The White House believes a new $750 billion tax cut for the rich is the solution.

I disagree. One way we can put more money in the pockets of working families—pay women what they're worth. Nearly 40 years after the Equal Pay Act became law, women are still paid only 76 cents for every dollar a man earns.

Working women at all income and education levels are affected by the wage gap. Last year, the GAO found that the pay gap continues to effect women in management and that, for these women, the pay gap has actually widened since 1995.

Regardless of education, the impact is the same. These women work as hard as men, but have less money to pay the bills, to put food on the table, or to save for their retirement or their child's education. That is simply wrong and it must end. We must close the wage gap once and for all.

First, we need to do a better job by enforcing and strengthening the penalties for the law that demands equal pay for equal work. That's why I support the Paycheck Fairness Act, sponsored by Senator DASCHLE and Congresswoman DELAURO.

Another part of discrimination against women in the work place is the historic pattern of undervaluing and underpaying so-called ''women's jobs.''

Millions of women today working in female-dominated jobs—as social workers, teachers, child care workers and nurses—are ''equivalent'' in skills, effort, responsibility and working conditions to similar jobs dominated by men. But these women aren't paid the same as men.

That's what the Fair Pay Act—that Congresswoman NORTON and I are reintroducing today—would address. Unfairly low pay in jobs dominated by women is un-American, it is discriminatory and our bill would make it illegal.

20 States have ''fair pay'' laws and policies in place for their employees, including my State of Iowa. And Iowa had a Republican legislature and Governor when this bill passed into law. So, ending wage discrimination against women in a nonpartisan issue.

Some say we don't need any more laws; market forces will take care of the wage gap. If we had relied on market forces we would have never passed the Equal Pay Act, the Civil Rights Act, the Family Medical Leave Act or the Americans with Disabilities Act.

I first introduced the Fair Pay Act in 1996 after the Iowa Business and Professional Women alerted me to this problem. And as long as I'm in the U.S. Senate I will continue to fight to pass this important legislation so we can end wage discrimination against women once and for all.

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

S. 841

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

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the ''Fair Pay Act of 2003''.

(b) REFERENCE.—Except as provided in section 8, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

SEC. 2. FINDINGS.

Congress finds the following:

(1) Wage rate differentials exist between equivalent jobs segregated by sex, race, and national origin in Government employment and in industries engaged in commerce or in the production of goods for commerce.

(2) The existence of such wage rate differentials—

(A) depresses wages and living standards for employees necessary for their health and efficiency;

(B) prevents the maximum utilization of the available labor resources;

(C) tends to cause labor disputes, thereby burdening, affecting, and obstructing commerce;

(D) burdens commerce and the free flow of goods in commerce; and

(E) constitutes an unfair method of competition.

(3) Discrimination in hiring and promotion has played a role in maintaining a segregated work force.

(4) Many women and people of color work in occupations dominated by individuals of their same sex, race, and national origin.

(5)(A) A General Accounting Office analysis of wage rates in the civil service of the State of Washington found that in 1985 of the 44 jobs studied that paid less than the average of all equivalent jobs, approximately 39 percent were female-dominated and approximately 16 percent were male dominated.

(B) A study of wage rates in Minnesota using 1990 Decennial Census data found that 75 percent of the wage rate differential between white and non-white workers was unexplained and may be a result of discrimination.

(6) Section 6(d) of the Fair Labor Standards Act of 1938 prohibits discrimination in compensation for ''equal work'' on the basis of sex.

(7) Title VII of the Civil Rights Act of 1964 prohibits discrimination in compensation because of race, color, religion, national origin, and sex. The Supreme Court, in its decision in County of Washington v. Gunther, 452 U.S. 161 (1981), held that title VII's prohibition against discrimination in compensation also applies to jobs that do not constitute ''equal work'' as defined in section 6(d) of the Fair Labor Standards Act of 1938. Decisions of lower courts, however, have demonstrated that further clarification of existing legislation is necessary in order effectively to carry out the intent of Congress to implement the Supreme Court's holding in its Gunther decision.

(8) Artificial barriers to the elimination of discrimination in compensation based upon sex, race, and national origin continue to exist more than 3 decades after the passage of section 6(d) of the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964. Elimination of such barriers would have positive effects, including—

(A) providing a solution to problems in the economy created by discrimination through wage rate differentials;

(B) substantially reducing the number of working women and people of color earning low wages, thereby reducing the dependence on public assistance; and

(C) promoting stable families by enabling working family members to earn a fair rate of pay.

SEC. 3. EQUAL PAY FOR EQUIVALENT JOBS.

(a) AMENDMENT.—Section 6 (29 U.S.C. 206) is amended by adding at the end the following:

''(h)(1)(A) Except as provided in subparagraph (B), no employer having employees subject to any provision of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex, race, or national origin by paying wages to employees in such establishment in a job that is dominated by employees of a particular sex, race, or national origin at a rate less than the rate at which the employer pays wages to employees in such establishment in another job that is dominated by employees of the opposite sex or of a different race or national origin, respectively, for work on equivalent jobs.

''(B) Nothing in subparagraph (A) shall prohibit the payment of different wage rates to employees where such payment is made pursuant to—

''(i) a seniority system;

''(ii) a merit system;

''(iii) a system that measures earnings by quantity or quality of production; or

''(iv) a differential based on a bona fide factor other than sex, race, or national origin, such as education, training, or experience, except that this clause shall apply only if—

''(I) the employer demonstrates that—

''(aa) such factor—

''(AA) is job-related with respect to the position in question; or

''(BB) furthers a legitimate business purpose, except that this item shall not apply if the employee demonstrates that an alternative employment practice exists that would serve the same business purpose without producing such differential and that the employer has refused to adopt such alternative practice; and

''(bb) such factor was actually applied and used reasonably in light of the asserted justification; and

''(II) upon the employer succeeding under subclause (I), the employee fails to demonstrate that the differential produced by the reliance of the employer on such factor is itself the result of discrimination on the basis of sex, race, or national origin by the employer.

''(C) The Equal Employment Opportunity Commission shall issue guidelines specifying criteria for determining whether a job is dominated by employees of a particular sex, race, or national origin. Such guidelines shall not include a list of such jobs.

''(D) An employer who is paying a wage rate differential in violation of subparagraph (A) shall not, in order to comply with the provisions of such subparagraph, reduce the wage rate of any employee.

''(2) No labor organization or its agents representing employees of an employer having employees subject to any provision of this section shall cause or attempt to cause such an employer to discriminate against an employee in violation of paragraph (1)(A).

''(3) For purposes of administration and enforcement of this subsection, any amounts owing to any employee that have been withheld in violation of paragraph (1)(A) shall be deemed to be unpaid minimum wages or unpaid overtime compensation under this section or section 7.

''(4) In this subsection:

''(A) The term 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

''(B) The term 'equivalent jobs' means jobs that may be dissimilar, but whose requirements are equivalent, when viewed as a composite of skills, effort, responsibility, and working conditions.''.

(b) CONFORMING AMENDMENT.—Section 13(a) (29 U.S.C. 213(a)) is amended in the matter before paragraph (1) by striking ''section 6(d)'' and inserting ''sections 6(d) and 6(h)''.

SEC. 4. PROHIBITED ACTS.

Section 15(a) (29 U.S.C. 215(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(2) by adding after paragraph (5) the following new paragraphs:

''(6) to discriminate against any individual because such individual has opposed any act or practice made unlawful by section 6(h) or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce section 6(h); or

''(7) to discharge or in any other manner discriminate against, coerce, intimidate, threaten, or interfere with any employee or any other person because the employee inquired about, disclosed, compared, or otherwise discussed the employee's wages or the wages of any other employee, or because the employee exercised, enjoyed, aided, or encouraged any other person to exercise or enjoy any right granted or protected by section 6(h).''.

SEC. 5. REMEDIES.

(a) ENHANCED PENALTIES.—Section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)) is amended—

(1) by inserting after the first sentence the following: ''Any employer who violates subsection (d) or (h) of section 6 shall additionally be liable for such compensatory or punitive damages as may be appropriate, except that the United States shall not be liable for punitive damages.'';

(2) in the sentence beginning ''An action to'', by striking ''either of the preceding sentences'' and inserting ''any of the preceding sentences of this subsection'';

(3) in the sentence beginning ''No employees'', by striking ''No employees'' and inserting ''Except with respect to class actions brought under subsection (f), no employee'';

(4) in the sentence beginning ''The court in'', by striking ''in such action'' and inserting ''in any action brought to recover the liability prescribed in any of the preceding sentences of this subsection''; and

(5) by striking ''section 15(a)(3)'' each place it occurs and inserting ''paragraphs (3), (6), and (7) of section 15(a)''.

(b) ACTION BY SECRETARY.—Section 16(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(c)) is amended—

(1) in the first sentence—

(A) by inserting ''or, in the case of a violation of subsection (d) or (h) of section 6, additional compensatory or punitive damages,'' before ''and the agreement''; and

(B) by inserting before the period the following: '', or such compensatory or punitive damages, as appropriate'';

(2) in the second sentence, by inserting before the period the following: ''and, in the case of a violation of subsection (d) or (h) of section 6, additional compensatory or punitive damages''; and

(3) in the third sentence, by striking ''the first sentence'' and inserting ''the first or second sentence''.

(c) FEES.—Section 16 (29 U.S.C. 216) is amended by adding at the end the following:

''(f) In any action brought under this section for violation of section 6(h), the court shall, in addition to any other remedies awarded to the prevailing plaintiff or plaintiffs, allow expert fees as part of the costs. Any such action may be maintained as a class action as provided by the Federal Rules of Civil Procedure.''.

SEC. 6. RECORDS.

(a) TECHNICAL AMENDMENT.—Section 11(c) (29 U.S.C. 211(c)) is amended by inserting ''(1)'' after ''(c)''.

(b) RECORDS.—Section 11(c) (as amended by subsection (a)) is further amended by adding at the end the following:

''(2)(A) Every employer subject to section 6(h) shall preserve records that document and support the method, system, calculations, and other bases used by the employer in establishing, adjusting, and determining the wage rates paid to the employees of the employer. Every employer subject to section 6(h) shall preserve such records for such periods of time, and shall make such reports from the records to the Equal Employment Opportunity Commission, as shall be prescribed by the Equal Employment Opportunity Commission by regulation or order as necessary or appropriate for the enforcement of the provisions of section 6(h) or any regulation promulgated pursuant to section 6(h).''.

(c) SMALL BUSINESS EXEMPTIONS.—Section 11(c) (as amended by subsections (a) and (b)) is further amended by adding at the end the following:

''(B)(i) Every employer subject to section 6(h) that has 25 or more employees on any date during the first or second year after the effective date of this paragraph, or 15 or more employees on any date during any subsequent year after such second year, shall, in accordance with regulations promulgated by the Equal Employment Opportunity Commission under subparagraph (F), prepare and submit to the Equal Employment Opportunity Commission for the year involved a report signed by the president, treasurer, or corresponding principal officer, of the employer that includes information that discloses the wage rates paid to employees of the employer in each classification, position, or job title, or to employees in other wage groups employed by the employer, including information with respect to the sex, race, and national origin of employees at each wage rate in each classification, position, job title, or other wage group.''.

(d) PROTECTION OF CONFIDENTIALITY.—Section 11(c) (as amended by subsections (a) through (c)) is further amended by adding at the end the following:

''(ii) The rules and regulations promulgated by the Equal Employment Opportunity Commission under subparagraph (F), relating to the form of such a report, shall include requirements to protect the confidentiality of employees, including a requirement that the report shall not contain the name of any individual employee.''.

(e) USE; INSPECTIONS; EXAMINATIONS; REGULATIONS.—Section 11(c) (as amended by subsections (a) through (d)) is further amended by adding at the end the following:

''(C) The Equal Employment Opportunity Commission may publish any information and data that the Equal Employment Opportunity Commission obtains pursuant to the provisions of subparagraph (B). The Equal Employment Opportunity Commission may use the information and data for statistical and research purposes, and compile and publish such studies, analyses, reports, and surveys based on the information and data as the Equal Employment Opportunity Commission may consider appropriate.

''(D) In order to carry out the purposes of this Act, the Equal Employment Opportunity Commission shall by regulation make reasonable provision for the inspection and examination by any person of the information and data contained in any report submitted to the Equal Employment Opportunity Commission pursuant to subparagraph (B).

''(E) The Equal Employment Opportunity Commission shall by regulation provide for the furnishing of copies of reports submitted to the Equal Employment Opportunity Commission pursuant to subparagraph (B) to any person upon payment of a charge based upon the cost of the service.

''(F) The Equal Employment Opportunity Commission shall issue rules and regulations prescribing the form and content of reports required to be submitted under subparagraph (B) and such other reasonable rules and regulations as the Equal Employment Opportunity Commission may find necessary to prevent the circumvention or evasion of such reporting requirements. In exercising the authority of the Equal Employment Opportunity Commission under subparagraph (B), the Equal Employment Opportunity Commission may prescribe by general rule simplified reports for employers for whom the Equal Employment Opportunity Commission finds that because of the size of the employers a detailed report would be unduly burdensome.''.

SEC. 7. RESEARCH, EDUCATION, AND TECHNICAL ASSISTANCE PROGRAM; REPORT TO CONGRESS.

Section 4(d) (29 U.S.C. 204(d)) is amended by adding at the end the following:

''(4) The Equal Employment Opportunity Commission shall conduct studies and provide information and technical assistance to employers, labor organizations, and the general public concerning effective means available to implement the provisions of section 6(h) prohibiting wage rate discrimination between employees performing work in equivalent jobs on the basis of sex, race, or national origin. Such studies, information, and technical assistance shall be based on and include reference to the objectives of such section to eliminate such discrimination. In order to achieve the objectives of such section, the Equal Employment Opportunity Commission shall carry on a continuing program of research, education, and technical assistance including—

''(A) conducting and promoting research with the intent of developing means to expeditiously correct the wage rate differentials described in section 6(h);

''(B) publishing and otherwise making available to employers, labor organizations, professional associations, educational institutions, the various media of communication, and the general public the findings of studies and other materials for promoting compliance with section 6(h);

''(C) sponsoring and assisting State and community informational and educational programs; and

''(D) providing technical assistance to employers, labor organizations, professional associations and other interested persons on means of achieving and maintaining compliance with the provisions of section 6(h).

''(5) The report submitted biennially by the Secretary to Congress under paragraph (1) shall include a separate evaluation and appraisal regarding the implementation of section 6(h).''.

SEC. 8. CONFORMING AMENDMENTS.

(a) CONGRESSIONAL EMPLOYEES.—

(1) APPLICATION.—Section 203(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1313(a)(1)) is amended—

(A) by striking ''subsections (a)(1) and (d) of section 6'' and inserting ''subsections (a)(1), (d), and (h) of section 6''; and

(B) by striking ''206 (a)(1) and (d)'' and inserting ''206 (a)(1), (d), and (h)''.

(2) REMEDIES.—Section 203(b) of such Act (2 U.S.C. 1313(b)) is amended by inserting before the period the following: ''or, in an appropriate case, under section 16(f) of such Act (29 U.S.C. 216(f))''.

(b) EXECUTIVE BRANCH EMPLOYEES.—

(1) APPLICATION.—Section 413(a)(1) of title 3, United States Code, as added by section 2(a) of the Presidential and Executive Office Accountability Act (Public Law 104–331; 110 Stat. 4053), is amended by striking ''subsections (a)(1) and (d) of section 6'' and inserting ''subsections (a)(1), (d), and (h) of section 6''.

(2) REMEDIES.—Section 413(b) of such title is amended by inserting before the period the following: ''or, in an appropriate case, under section 16(f) of such Act''.

SEC. 9. EFFECTIVE DATE.

The amendments made by this Act shall take effect 1 year after the date of enactment of this Act.

By Mr. KERRY:

S. 842. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing a package of targeted, affordable tax relief provisions designed to help the Nation's small businesses during this time of economic stagnation. After the Easter recess, I know that the Finance Committee will be marking up a wide-ranging tax bill whose ultimate size is yet to be determined. I also know, however, that few of the proposals offered by the President will truly stimulate the economy or help the millions of struggling small businesses. Instead, the Bush tax proposal will reward the richest among us and pass the bill to our children. We can and must do better.

As the Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I have drafted legislation that will truly help small businesses and the Nation. It is a tax proposal with meaningful, affordable reforms that will make a difference without sticking our kids with a huge bill. I hope that all of part of this legislation can be incorporated into a Senate economic stimulus package. I have titled the bill that I am introducing today ''The Affordable Small Business Stimulus and Simplification Act of 2003,'' and it builds upon a bill that I introduced in the 107th Congress.

I call my bill an ''affordable'' stimulus package for small business because it targets the policies that can make the biggest difference and uses our limited resources as wisely and efficiently as possible. It does not include everything that I would like to do for small business, but it includes enough to help stimulate this essential component of our economy. Moreover, the bill will help address the tax complexity concerns of small businesses because it includes the Single Point Tax Filing Act that has passed the Senate on two previous occasions and a new standard deduction that will benefit millions of small businesses.

Let me briefly explain the contents of my bill.

First, my bill increases the expensing limitation for small businesses. It raises it to $35,000, rising to $40,000 in 2008, and it increases the phase-out level, above which expensing is not allowed, to $350,000, rising to $400,000 in 2008. I know that others have proposed raising this limit as high as $75,000, but such an increase is simply unaffordable while we face huge budget deficits. Raising it to $35,000 now, rising to $40,000 in 2008, is a more responsible approach and will provide an immediate investment incentive to many small businesses.

Second, my bill creates a new standard deduction of $500 for sole proprietorships. This provision provides tax relief and real tax simplification to the smallest of small businesses because it would relieve these businesses of the paperwork burden of having to itemize the myriad of small expenses on IRS forms. Of course, businesses with expenses greater than $500 would retain the option of full itemization. But for the very smallest businesses, many of them home-based or part-time, this new provision will be a significant step towards tax simplification.

Third, the bill modifies and expands a provision that was signed into law in 1993 regarding new equity investments in small businesses' stock. Under my bill, new investments in companies with capitalization of up to $100 million at the time of investment will have a 75 percent capital gains exclusion if the investments are held at least four years. The exclusion for such investments will be 100 percent if they are made in a business involved in such critical technologies as transportation or homeland security, defense-related technologies, anti-terrorism, pollution control, energy efficiency, or waste management. The 100-percent exclusion would also be allowed for investments in specialized small business investment companies, or SSBICs, whose investments are made solely in disadvantaged small businesses. Both the 75 and 100 percent exclusion levels would be available for investments made by both individuals and corporations. In addition, the rollover period for such investments would be increased from 60 days to 180 days. The provision passed in 1993 was crafted too narrowly to stimulate substantial new investment. I hope that this new, expanded capital gains treatment will prompt new investments in small and entrepreneurial businesses.

Fourth, my bill recognizes that the current depreciation schedules for high-tech equipment and software are out of date, given how quickly such items become obsolete in our fast-changing economy. My bill would reduce the recovery period for computers or peripheral equipment from five years to three, and for software from three years to two. This change would be permanent.

Fifth, my bill would fix a problem with the tax deductibility of health insurance expenses for the self-employed. Under current law, these expenses are fully deductible in 2003 for the first time—but the Internal Revenue Code denies the deduction to taxpayers who are eligible to participate in another plan, such as their spouse's employer's plan. My bill would clarify that the deduction is denied only if the taxpayer actually participates in the other plan.

Sixth, to simplify tax filing, my bill would include the Single Point Tax Filing Act. This section would simplify the tax filing process for employers that choose to participate by allowing the Internal Revenue Service and State agencies to combine, on one form, both State and Federal employment tax returns. This provision has been passed by the Senate twice before, but has not yet become law. There is currently a demonstration project along these lines in Montana, which is working very well. I believe such authority should extend to all States.

Seventh, my bill clarifies that married couples who co-own a business can elect to be sole proprietors for purposes of filing their Federal income taxes. This provision aligns the law with the way many married couples actually do business. Under present law, married couples who co-own a business technically own that business as a partnership for Federal income tax purposes. This treatment carries with it all the complications of the partnership provisions of the Internal Revenue Code, including having to file partnership returns. But in reality, many married couples in this situation consider themselves sole proprietors and are incorrectly filing tax returns as such. While the IRS may not be strictly enforcing the law against these taxpayers, this technical non-compliance can cause trouble down the road. Upon divorce, for example, it may not be clear that the business had been jointly owned. This same ambiguity might complicate a spouse's ability to get the full Social Security and Medicare benefits to which they are entitled. My bill makes clear that for Federal income tax purposes, married couples who co-own a business can be treated as sole proprietors.

Eighth, my bill would extend the existing income averaging provisions to cover fishing as well as farming. In other words, the choice to average income from a farming trade or business under present law would be extended to cover income from the trade or business of fishing as well. Under my bill, a farmer or fisherman electing to average his or her income would owe the alternative minimum tax, AMT, only to the extent he or she would have owed AMT had averaging not been elected. This is an important change that will benefit not only people in my state, but also throughout New England, the Pacific Northwest, the Gulf of Mexico region, Alaska, and in other areas of the country where fishing is an important industry.

Finally, my bill would modify the tax treatment of investments in debenture small business investment companies, or SBICs, so they are less likely to create unrelated business taxable income, UBTI, liability. The current tax treatment of money borrowed from the government by a debenture SBIC creates taxable income for an otherwise tax-exempt investor, which makes it almost impossible to raise capital from these investors. Free to choose, tax-exempt investors opt to invest in venture capital funds that do not create any UBTI liability. Therefore, my bill would assure that money borrowed from the government by an SBIC does not subject tax-exempt investors to UBTI. In so doing, the bill would encourage greater investment in SBICs, which provide critically needed venture capital to emerging small businesses. These venture capital funds are sorely needed in today's stalled economy.

I believe that ''The Affordable Small Business Stimulus and Stimulus Act of 2003'' will provide a much-needed stimulus to small business in a way that we can afford, particularly if we can find offsets to pay for the bill. I look forward to working with the Chairman and Ranking Member of the Finance Committee to have some or all of its provisions enacted into law.

By Mr. CARPER (for himself, Mr. CHAFEE, and Mr. GREGG):

S. 843. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Environment and Public Works.

Mr. CARPER. Mr. President, today along with Senators LINCOLN CHAFEE and JUDD GREGG, I am introducing comprehensive legislation to reduce harmful emissions from our Nation's power plants. Developed after extensive input from electric generators who would be affected by such legislation, leaders in the environmental community, and State and local regulators who will enforce any new requirements, the Clean Air Planning Act is a balanced approach to a difficult challenge.

The Clean Air Planning Act takes a market-based approach that would aggressively reduce electric power generators' emissions of sulfur dioxide, SO_2, by 80 percent, nitrogen oxides, NO_X, by 69 percent, mercury by 80 percent, and return carbon dioxide, CO_2, emissions to 2001 levels within a decade. It provides planning and regulatory certainty to electric generators who would be required to achieve these regulations.

The negative public health and environmental impacts of SO_2, NO_X and mercury emissions have been well documented. While there is bipartisan agreement that emissions of these three pollutants from power plants need further control, there is disagreement over how much and how fast. The bill includes a flexible trading system that allows for attainment of the caps

in the most efficient manner and updates the new source review program to help encourage emission reductions to occur.

There is also a growing consensus that greenhouse gases such as CO_2 emissions from power plants are contributing to climate change. The time has come to set up mechanisms that will address these emissions without impeding economic growth. The Clean Air Planning Act establishes modest goal of capping CO_2 emissions from electrical generators at 2001 levels by 2013. Generators could meet that goal with a flexible system that allows both trading between generators and earning credits through off-system reductions of greenhouse gases.

Today, America's power plants will emit over 6 million tons of harmful emissions. They will also power the world's most productive economy. Reducing emissions while retaining affordable electricity is the goal of the Clean Air Planning Act, and I urge others to join in this effort.

In the months ahead, this clean air bill and others will be compared and debated. Opponents and supporters will be heard, but at the outset I believe we should agree on a set of guiding principles.

Four is better than three: A comprehensive four-emission strategy that includes carbon reductions provides regulatory certainty and offers the greatest environmental and economic benefits.

Markets work: Cape and trade based emission standards provide the maximum incentive to achieve cleaner power.

Stairs are better than cliffs: Prompt but gradual reductions through multiphase or declining caps are more desirable than single phased cuts.

Eliminate redundancy: Existing regulatory programs will need some modernization in light of tight emission caps.

Clean air is a basic right all Americans deserve. The responsibility to ensure that right falls to Congress and the President. By putting our differences aside and focusing on the challenge at hand the result will be healthy citizens breathing clean air, a vibrant economy with abundant affordable electricity, and a model for the rest of the world to follow.

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. 843

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Clean Air Planning Act of 2003''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Integrated air quality planning for the electric generating sector.
Sec. 4. New source review program.
Sec. 5. Revisions to sulfur dioxide allowance program.
Sec. 6. Air quality forecasts and warnings.
Sec. 7. Relationship to other law.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) fossil fuel-fired electric generating facilities, consisting of facilities fueled by coal, fuel oil, and natural gas, produce nearly ⅔ of the electricity generated in the United States;

(2) fossil fuel-fired electric generating facilities produce approximately ⅔ of the total sulfur dioxide emissions, ⅓ of the total nitrogen oxides emissions, ⅓ of the total carbon dioxide emissions, and ⅓ of the total mercury emissions, in the United States;

(3)(A) many electric generating facilities have been exempt from the emission limitations applicable to new units based on the expectation that over time the units would be retired or updated with new pollution control equipment; but

(B) many of the exempted units continue to operate and emit pollutants at relatively high rates;

(4) pollution from existing electric generating facilities can be reduced through adoption of modern technologies and practices;

(5) the electric generating industry is being restructured with the objective of providing lower electricity rates and higher quality service to consumers;

(6) the full benefits of competition will not be realized if the environmental impacts of generation of electricity are not uniformly internalized; and

(7) the ability of owners of electric generating facilities to effectively plan for the future is impeded by the uncertainties surrounding future environmental regulatory requirements that are imposed inefficiently on a piecemeal basis.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect and preserve the environment and safeguard public health by ensuring that substantial emission reductions are achieved at fossil fuel-fired electric generating facilities;

(2) to significantly reduce the quantities of mercury, carbon dioxide, sulfur dioxide, and nitrogen oxides that enter the environment as a result of the combustion of fossil fuels;

(3) to encourage the development and use of renewable energy;

(4) to internalize the cost of protecting the values of public health, air, land, and water quality in the context of a competitive market in electricity;

(5) to ensure fair competition among participants in the competitive market in electricity that will result from fully restructuring the electric generating industry;

(6) to provide a period of environmental regulatory stability for owners and operators of electric generating facilities so as to promote improved management of existing assets and new capital investments; and

(7) to achieve emission reductions from electric generating facilities in a cost-effective manner.

SEC. 3. INTEGRATED AIR QUALITY PLANNING FOR THE ELECTRIC GENERATING SECTOR.

The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

''TITLE VII—INTEGRATED AIR QUALITY PLANNING FOR THE ELECTRIC GENERATING SECTOR

''Sec. 701. Definitions.
''Sec. 702. National pollutant tonnage limitations.
''Sec. 703. Nitrogen oxide and mercury allowance trading programs.
''Sec. 704. Carbon dioxide allowance trading program.

''SEC. 701. DEFINITIONS.

''In this title:

''(1) AFFECTED UNIT.—

''(A) MERCURY.—The term 'affected unit', with respect to mercury, means a coal-fired electric generating facility (including a cogenerating facility) that—

''(i) has a nameplate capacity greater than 25 megawatts; and

''(ii) generates electricity for sale.

''(B) NITROGEN OXIDES AND CARBON DIOXIDE.—The term 'affected unit', with respect to nitrogen oxides and carbon dioxide, means a fossil fuel-fired electric generating facility (including a cogenerating facility) that—

''(i) has a nameplate capacity greater than 25 megawatts; and

''(ii) generates electricity for sale.

''(C) SULFUR DIOXIDE.—The term 'affected unit', with respect to sulfur dioxide, has the meaning given the term in section 402.

''(2) CARBON DIOXIDE ALLOWANCE.—The term 'carbon dioxide allowance' means an authorization allocated by the Administrator under this title to emit 1 ton of carbon dioxide during or after a specified calendar year.

''(3) COVERED UNIT.—The term 'covered unit' means—

''(A) an affected unit;

''(B) a nuclear generating unit with respect to incremental nuclear generation; and

''(C) a renewable energy unit.

''(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) INCREMENTAL NUCLEAR GENERATION.—The term 'incremental nuclear generation' means the difference between—

''(A) the quantity of electricity generated by a nuclear generating unit in a calendar year; and

''(B) the quantity of electricity generated by the nuclear generating unit in calendar year 1990;

as determined by the Administrator and measured in megawatt hours.

''(6) MERCURY ALLOWANCE.—The term 'mercury allowance' means an authorization allocated by the Administrator under this title to emit 1 pound of mercury during or after a specified calendar year.

''(7) NEW RENEWABLE ENERGY UNIT.—The term 'new renewable energy unit' means a renewable energy unit that has operated for a period of not more than 3 years.

''(8) NEW UNIT.—The term 'new unit' means an affected unit that has operated for not more than 3 years and is not eligible to receive—

''(A) sulfur dioxide allowances under section 417(b);

''(B) nitrogen oxide allowances or mercury allowances under section 703(c)(2); or

''(C) carbon dioxide allowances under section 704(c)(2).

''(9) NITROGEN OXIDE ALLOWANCE.—The term 'nitrogen oxide allowance' means an authorization allocated by the Administrator under this title to emit 1 ton of nitrogen oxides during or after a specified calendar year.

''(10) NUCLEAR GENERATING UNIT.—The term 'nuclear generating unit' means an electric generating facility that—

''(A) uses nuclear energy to supply electricity to the electric power grid; and

''(B) commenced operation in calendar year 1990 or earlier.

''(11) RENEWABLE ENERGY.—The term 'renewable energy' means electricity generated from—

''(A) wind;

''(B) organic waste (excluding incinerated municipal solid waste);

''(C) biomass (including anaerobic digestion from farm systems and landfill gas recovery);

''(D) fuel cells; or

''(E) a hydroelectric, geothermal, solar thermal, photovoltaic, or other nonfossil fuel, nonnuclear source.

''(12) RENEWABLE ENERGY UNIT.—The term 'renewable energy unit' means an electric generating facility that uses exclusively renewable energy to supply electricity to the electric power grid.

''(13) SEQUESTRATION.—The term 'sequestration' means the action of sequestering carbon by—

''(A) enhancing a natural carbon sink (such as through afforestation); or

''(B)(i) capturing the carbon dioxide emitted from a fossil fuel-based energy system; and

''(ii)(I) storing the carbon in a geologic formation; or

''(II) converting the carbon to a benign solid material through a biological or chemical process.

''(14) SULFUR DIOXIDE ALLOWANCE.—The term 'sulfur dioxide allowance' has the meaning given the term 'allowance' in section 402.

''SEC. 702. NATIONAL POLLUTANT TONNAGE LIMITATIONS.

''(a) SULFUR DIOXIDE.—The annual tonnage limitation for emissions of sulfur dioxide from affected units in the United States shall be equal to—

''(1) for each of calendar years 2009 through 2012, 4,500,000 tons;

''(2) for each of calendar years 2013 through 2015, 3,500,000 tons; and

''(3) for calendar year 2016 and each calendar year thereafter, 2,250,000 tons.

''(b) NITROGEN OXIDES.—The annual tonnage limitation for emissions of nitrogen oxides from affected units in the United States shall be equal to—

''(1) for each of calendar years 2009 through 2012, 1,870,000 tons; and

''(2) for calendar year 2013 and each calendar year thereafter, 1,700,000 tons.

''(c) MERCURY.—

''(1) IN GENERAL.—The annual tonnage limitation for emissions of mercury from affected units in the United States shall be equal to—

''(A) for each of calendar years 2009 through 2012, 24 tons; and

''(B) for calendar year 2013 and each calendar year thereafter, 10 tons.

''(2) MAXIMUM EMISSIONS OF MERCURY FROM EACH AFFECTED UNIT.—

''(A) CALENDAR YEARS 2009 THROUGH 2012.—For each of calendar years 2009 through 2012, the emissions of mercury from each affected unit shall not exceed either, at the option of the operator of the affected unit—

''(i) 50 percent of the total quantity of mercury present in the coal delivered to the affected unit in the calendar year; or

''(ii) an annual output-based emission rate for mercury that shall be determined by the Administrator based on an input-based rate of 4 pounds per trillion British thermal units.

''(B) CALENDAR YEAR 2013 AND THEREAFTER.—For calendar year 2013 and each calendar year thereafter, the emissions of mercury from each affected unit shall not exceed—

''(i) 30 percent of the total quantity of mercury present in the coal delivered to the affected unit in the calendar year; or

''(ii) an annual output-based emission rate for mercury that shall be determined by the Administrator.

''(d) CARBON DIOXIDE.—Subject to section 704(d), the annual tonnage limitation for emissions of carbon dioxide from covered units in the United States shall be equal to—

''(1) for each of calendar years 2009 through 2012, the quantity of emissions projected to be emitted from affected units in calendar year 2006, as determined by the Energy Information Administration of the Department of Energy based on the projections of the Administration the publication of which most closely precedes the date of enactment of this title; and

''(2) for calendar year 2013 and each calendar year thereafter, the quantity of emissions emitted from affected units in calendar year 2001, as determined by the Energy Information Administration of the Department of Energy.

''(e) REVIEW OF ANNUAL TONNAGE LIMITATIONS.—

''(1) PERIOD OF EFFECTIVENESS.—The annual tonnage limitations established under subsections (a) through (d) shall remain in effect until the date that is 20 years after the date of enactment of this title.

''(2) DETERMINATION BY ADMINISTRATOR.—Not later than 15 years after the date of enactment of this title, the Administrator, after considering impacts on human health, the environment, the economy, and costs, shall determine whether 1 or more of the annual tonnage limitations should be revised.

''(3) DETERMINATION NOT TO REVISE.—If the Administrator determines under paragraph (2) that none of the annual tonnage limitations should be revised, the Administrator shall publish in the Federal Register a notice of the determination and the reasons for the determination.

''(4) DETERMINATION TO REVISE.—

''(A) IN GENERAL.—If the Administrator determines under paragraph (2) that 1 or more of the annual tonnage limitations should be revised, the Administrator shall publish in the Federal Register—

''(i) not later than 15 years and 180 days after the date of enactment of this title, proposed regulations implementing the revisions; and

''(ii) not later than 16 years and 180 days after the date of enactment of this title, final regulations implementing the revisions.

''(B) EFFECTIVE DATE OF REVISIONS.—Any revisions to the annual tonnage limitations under subparagraph (A) shall take effect on the date that is 20 years after the date of enactment of this title.

''(f) REDUCTION OF EMISSIONS FROM SPECIFIED AFFECTED UNITS.—Subject to the requirements of this Act concerning national ambient air quality standards established under part A of title I, notwithstanding the annual tonnage limitations established under this section, the Federal Government or a State government may require that emissions from a specified affected unit be reduced to address a local air quality problem.

''SEC. 703. NITROGEN OXIDE AND MERCURY ALLOWANCE TRADING PROGRAMS.

''(a) REGULATIONS.—

''(1) PROMULGATION.—

''(A) IN GENERAL.—Not later than January 1, 2005, the Administrator shall promulgate regulations to establish for affected units in the United States—

''(i) a nitrogen oxide allowance trading program; and

''(ii) a mercury allowance trading program.

''(B) REQUIREMENTS.—Regulations promulgated under subparagraph (A) shall establish requirements for the allowance trading programs under this section, including requirements concerning—

''(i)(I) the generation, allocation, issuance, recording, tracking, transfer, and use of nitrogen oxide allowances and mercury allowances; and

''(II) the public availability of all information concerning the activities described in subclause (I) that is not confidential;

''(ii) compliance with subsection (e)(1);

''(iii) the monitoring and reporting of emissions under paragraphs (2) and (3) of subsection (e); and

''(iv) excess emission penalties under subsection (e)(4).

''(2) MIXED FUEL, CO-GENERATION FACILITIES AND COMBINED HEAT AND POWER FACILITIES.—The Administrator shall promulgate such regulations as are necessary to ensure the equitable issuance of allowances to—

''(A) facilities that use more than 1 energy source to produce electricity; and

''(B) facilities that produce electricity in addition to another service or product.

''(3) REPORT TO CONGRESS ON USE OF CAPTURED OR RECOVERED MERCURY.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of this title, the Administrator shall submit to Congress a report on the public health and environmental impacts from mercury that is or may be—

''(i) captured or recovered by air pollution control technology; and

''(ii) incorporated into products such as soil amendments and cement.

''(B) REQUIRED ELEMENTS.—The report shall—

''(i) review—

''(I) technologies, in use as of the date of the report, for incorporating mercury into products; and

''(II) potential technologies that might further minimize the release of mercury; and

''(ii)(I) address the adequacy of legal authorities and regulatory programs in effect as of the date of the report to protect public health and the environment from mercury in products described in subparagraph (A)(ii); and

''(II) to the extent necessary, make recommendations to improve those authorities and programs.

''(b) NEW UNIT RESERVES.—

''(1) ESTABLISHMENT.—The Administrator shall establish by regulation a reserve of nitrogen oxide allowances and a reserve of mercury allowances to be set aside for use by new units.

''(2) DETERMINATION OF QUANTITY.—The Administrator, in consultation with the Secretary of Energy, shall determine, based on projections of electricity output for new units—

''(A) not later than June 30, 2005, the quantity of nitrogen oxide allowances and mercury allowances required to be held in reserve for new units for each of calendar years 2009 through 2013; and

''(B) not later than June 30 of each fifth calendar year thereafter, the quantity of nitrogen oxide allowances and mercury allowances required to be held in reserve for new units for the following 5-calendar year period.

''(c) NITROGEN OXIDE AND MERCURY ALLOWANCE ALLOCATIONS.—

''(1) TIMING OF ALLOCATIONS.—The Administrator shall allocate nitrogen oxide allowances and mercury allowances to affected units—

''(A) not later than December 31, 2005, for calendar year 2009; and

''(B) not later than December 31 of calendar year 2006 and each calendar year thereafter, for the fourth calendar year that begins after that December 31.

''(2) ALLOCATIONS TO AFFECTED UNITS THAT ARE NOT NEW UNITS.—

''(A) QUANTITY OF NITROGEN OXIDE ALLOWANCES ALLOCATED.—The Administrator shall allocate to each affected unit that is not a new unit a quantity of nitrogen oxide allowances that is equal to the product obtained by multiplying—

''(i) 1.5 pounds of nitrogen oxides per megawatt hour; and

''(ii) the quotient obtained by dividing—

''(I) the average annual net quantity of electricity generated by the affected unit during the most recent 3-calendar year period for which data are available, measured in megawatt hours; by

''(II) 2,000 pounds of nitrogen oxides per ton.

''(B) QUANTITY OF MERCURY ALLOWANCES ALLOCATED.—The Administrator shall allocate to each affected unit that is not a new unit a quantity of mercury allowances that is equal to the product obtained by multiplying—

''(i) 0.0000227 pounds of mercury per megawatt hour; and

''(ii) the average annual net quantity of electricity generated by the affected unit during the most recent 3-calendar year period for which data are available, measured in megawatt hours.

''(C) ADJUSTMENT OF ALLOCATIONS.—

''(i) IN GENERAL.—If, for any calendar year, the total quantity of allowances allocated under subparagraph (A) or (B) is not equal to the applicable quantity determined under clause (ii), the Administrator shall adjust the quantity of allowances allocated to affected units that are not new units on a pro-rata basis so that the quantity is equal to the applicable quantity determined under clause (ii).

''(ii) APPLICABLE QUANTITY.—The applicable quantity referred to in clause (i) is the difference between—

''(I) the applicable annual tonnage limitation for emissions from affected units specified in subsection (b) or (c) of section 702 for the calendar year; and

''(II) the quantity of nitrogen oxide allowances or mercury allowances, respectively, placed in the applicable new unit reserve established under subsection (b) for the calendar year.

''(3) ALLOCATION TO NEW UNITS.—

''(A) METHODOLOGY.—The Administrator shall promulgate regulations to establish a methodology for allocating nitrogen oxide allowances and mercury allowances to new units.

''(B) QUANTITY OF NITROGEN OXIDE ALLOWANCES AND MERCURY ALLOWANCES ALLOCATED.—The Administrator shall determine the quantity of nitrogen oxide allowances and mercury allowances to be allocated to each new unit based on the projected emissions from the new unit.

''(4) ALLOWANCE NOT A PROPERTY RIGHT.—A nitrogen oxide allowance or mercury allowance—

''(A) is not a property right; and

''(B) may be terminated or limited by the Administrator.

''(5) NO JUDICIAL REVIEW.—An allocation of nitrogen allowances or mercury allowances by the Administrator under this subsection shall not be subject to judicial review.

''(d) NITROGEN OXIDE ALLOWANCE AND MERCURY ALLOWANCE TRANSFER SYSTEM.—

''(1) USE OF ALLOWANCES.—The regulations promulgated under subsection (a)(1)(A) shall—

''(A) prohibit the use (but not the transfer in accordance with paragraph (3)) of any nitrogen oxide allowance or mercury allowance before the calendar year for which the allowance is allocated;

''(B) provide that unused nitrogen oxide allowances and mercury allowances may be carried forward and added to nitrogen oxide allowances and mercury allowances, respectively, allocated for subsequent years; and

''(C) provide that unused nitrogen oxide allowances and mercury allowances may be transferred by—

''(i) the person to which the allowances are allocated; or

''(ii) any person to which the allowances are transferred.

''(2) USE BY PERSONS TO WHICH ALLOWANCES ARE TRANSFERRED.—Any person to which nitrogen oxide allowances or mercury allowances are transferred under paragraph (1)(C)—

''(A) may use the nitrogen oxide allowances or mercury allowances in the calendar year for which the nitrogen oxide allowances or mercury allowances were allocated, or in a subsequent calendar year, to demonstrate compliance with subsection (e)(1); or

''(B) may transfer the nitrogen oxide allowances or mercury allowances to any other person for the purpose of demonstration of that compliance.

''(3) CERTIFICATION OF TRANSFER.—A transfer of a nitrogen oxide allowance or mercury allowance shall not take effect until a written certification of the transfer, authorized by a responsible official of the person making the transfer, is received and recorded by the Administrator.

''(4) PERMIT REQUIREMENTS.—An allocation or transfer of nitrogen oxide allowances or mercury allowances to an affected unit shall, after recording by the Administrator, be considered to be part of the federally enforceable permit of the affected unit under this Act, without a requirement for any further review or revision of the permit.

''(e) COMPLIANCE AND ENFORCEMENT.—

''(1) IN GENERAL.—For calendar year 2009 and each calendar year thereafter, the operator of each affected unit shall surrender to the Administrator—

''(A) a quantity of nitrogen oxide allowances that is equal to the total tons of nitrogen oxides emitted by the affected unit during the calendar year; and

''(B) a quantity of mercury allowances that is equal to the total pounds of mercury emitted by the affected unit during the calendar year.

''(2) MONITORING SYSTEM.—The Administrator shall promulgate regulations requiring the accurate monitoring of the quantities of nitrogen oxides and mercury that are emitted at each affected unit.

''(3) REPORTING.—

''(A) IN GENERAL.—Not less often than quarterly, the owner or operator of an affected unit shall submit to the Administrator a report on the monitoring of emissions of nitrogen oxides and mercury carried out by the owner or operator in accordance with the regulations promulgated under paragraph (2).

''(B) AUTHORIZATION.—Each report submitted under subparagraph (A) shall be authorized by a responsible official of the affected unit, who shall certify the accuracy of the report.

''(C) PUBLIC REPORTING.—The Administrator shall make available to the public, through 1 or more published reports and 1 or more forms of electronic media, data concerning the emissions of nitrogen oxides and mercury from each affected unit.

''(4) EXCESS EMISSIONS.—

''(A) IN GENERAL.—The owner or operator of an affected unit that emits nitrogen oxides or mercury in excess of the nitrogen oxide allowances or mercury allowances that the owner or operator holds for use for the affected unit for the calendar year shall—

''(i) pay an excess emissions penalty determined under subparagraph (B); and

''(ii) offset the excess emissions by an equal quantity in the following calendar year or such other period as the Administrator shall prescribe.

''(B) DETERMINATION OF EXCESS EMISSIONS PENALTY.—

''(i) NITROGEN OXIDES.—The excess emissions penalty for nitrogen oxides shall be equal to the product obtained by multiplying—

''(I) the number of tons of nitrogen oxides emitted in excess of the total quantity of nitrogen oxide allowances held; and

''(II) $5,000, adjusted (in accordance with regulations promulgated by the Administrator) for changes in the Consumer Price Index for All-Urban Consumers published by the Department of Labor.

''(ii) MERCURY.—The excess emissions penalty for mercury shall be equal to the product obtained by multiplying—

''(I) the number of pounds of mercury emitted in excess of the total quantity of mercury allowances held; and

''(II) $10,000, adjusted (in accordance with regulations promulgated by the Administrator) for changes in the Consumer Price Index for All-Urban Consumers published by the Department of Labor.

''SEC. 704. CARBON DIOXIDE ALLOWANCE TRADING PROGRAM.

''(a) REGULATIONS.—

''(1) IN GENERAL.—Not later than January 1, 2005, the Administrator shall promulgate regulations to establish a carbon dioxide allowance trading program for covered units in the United States.

''(2) REQUIRED ELEMENTS.—Regulations promulgated under paragraph (1) shall establish requirements for the carbon dioxide allowance trading program under this section, including requirements concerning—

''(A)(i) the generation, allocation, issuance, recording, tracking, transfer, and use of carbon dioxide allowances; and

''(ii) the public availability of all information concerning the activities described in clause (i) that is not confidential;

''(B) compliance with subsection (f)(1);

''(C) the monitoring and reporting of emissions under paragraphs (2) and (3) of subsection (f);

''(D) excess emission penalties under subsection (f)(4); and

''(E) standards, guidelines, and procedures concerning the generation, certification, and use of additional carbon dioxide allowances made available under subsection (d).

''(b) NEW UNIT RESERVE.—

''(1) ESTABLISHMENT.—The Administrator shall establish by regulation a reserve of carbon dioxide allowances to be set aside for use by new units and new renewable energy units.

''(2) DETERMINATION OF QUANTITY.—The Administrator, in consultation with the Secretary of Energy, shall determine, based on projections of electricity output for new units and new renewable energy units—

''(A) not later than June 30, 2005, the quantity of carbon dioxide allowances required to be held in reserve for new units and new renewable energy units for each of calendar years 2009 through 2013; and

''(B) not later than June 30 of each fifth calendar year thereafter, the quantity of carbon dioxide allowances required to be held in reserve for new units and renewable energy units for the following 5-calendar year period.

''(c) CARBON DIOXIDE ALLOWANCE ALLOCATION.—

''(1) TIMING OF ALLOCATIONS.—The Administrator shall allocate carbon dioxide allowances to covered units—

''(A) not later than December 31, 2005, for calendar year 2009; and

''(B) not later than December 31 of calendar year 2006 and each calendar year thereafter, for the fourth calendar year that begins after that December 31.

''(2) ALLOCATIONS TO COVERED UNITS THAT ARE NOT NEW UNITS.—

''(A) IN GENERAL.—The Administrator shall allocate to each affected unit that is not a new unit, to each nuclear generating unit with respect to incremental nuclear generation, and to each renewable energy unit that is not a new renewable energy unit, a quantity of carbon dioxide allowances that is equal to the product obtained by multiplying—

''(i) the quantity of carbon dioxide allowances available for allocation under subparagraph (B); and

''(ii) the quotient obtained by dividing—

''(I) the average net quantity of electricity generated by the unit in a calendar year during the most recent 3-calendar year period for which data are available, measured in megawatt hours; and

''(II) the total of the average net quantities described in subclause (I) with respect to all such units.

''(B) QUANTITY TO BE ALLOCATED.—For each calendar year, the quantity of carbon dioxide allowances allocated under subparagraph (A) shall be equal to the difference between—

''(i) the annual tonnage limitation for emissions of carbon dioxide from affected units specified in section 702(d) for the calendar year; and

''(ii) the quantity of carbon dioxide allowances placed in the new unit reserve established under subsection (b) for the calendar year.

''(3) ALLOCATION TO NEW UNITS AND NEW RENEWABLE ENERGY UNITS.—

''(A) METHODOLOGY.—The Administrator shall promulgate regulations to establish a methodology for allocating carbon dioxide allowances to new units and new renewable energy units.

''(B) QUANTITY OF CARBON DIOXIDE ALLOWANCES ALLOCATED.—The Administrator shall determine the quantity of carbon dioxide allowances to be allocated to each new unit and each new renewable energy unit based on the unit's projected share of the total electric power generation attributable to covered units.

''(d) ISSUANCE AND USE OF ADDITIONAL CARBON DIOXIDE ALLOWANCES.—

''(1) IN GENERAL.—

''(A) ALLOWANCES FOR PROJECTS CERTIFIED BY INDEPENDENT REVIEW BOARD.—In addition to carbon dioxide allowances allocated under subsection (c), the Administrator shall make carbon dioxide allowances available to projects that are certified, in accordance with paragraph (3), by the independent review board established under paragraph (2) as eligible to receive the carbon dioxide allowances.

''(B) ALLOWANCES OBTAINED UNDER OTHER PROGRAMS.—The regulations promulgated under subsection (a)(1) shall—

''(i) allow covered units to comply with subsection (f)(1) by purchasing and using carbon dioxide allowances that are traded under any other United States or internationally recognized carbon dioxide reduction program that is specified under clause (ii);

''(ii) specify, for the purpose of clause (i), programs that meet the goals of this section; and

''(iii) apply such conditions to the use of carbon dioxide allowances traded under programs specified under clause (ii) as are necessary to achieve the goals of this section.

''(2) INDEPENDENT REVIEW BOARD.—

''(A) IN GENERAL.—

''(i) ESTABLISHMENT.—The Administrator shall establish an independent review board to assist the Administrator in certifying projects as eligible for carbon dioxide allowances made available under paragraph (1)(A).

''(ii) REVIEW AND APPROVAL.—Each certification by the independent review board of a project shall be subject to the review and approval of the Administrator.

''(iii) REQUIREMENTS.—Subject to this subsection, requirements relating to the creation, composition, duties, responsibilities, and other aspects of the independent review board shall be included in the regulations promulgated by the Administrator under subsection (a).

''(B) MEMBERSHIP.—The independent review board shall be composed of 12 members, of whom—

''(i) 10 members shall be appointed by the Administrator, of whom—

''(I) 1 member shall represent the Environmental Protection Agency (who shall serve as chairperson of the independent review board);

''(II) 3 members shall represent State governments;

''(III) 3 members shall represent the electric generating sector; and

''(IV) 3 members shall represent environmental organizations;

''(ii) 1 member shall be appointed by the Secretary of Energy to represent the Department of Energy; and

''(iii) 1 member shall be appointed by the Secretary of Agriculture to represent the Department of Agriculture.

''(C) STAFF AND OTHER RESOURCES.—The Administrator shall provide such staff and other resources to the independent review board as the Administrator determines to be necessary.

''(D) DEVELOPMENT OF GUIDELINES.—

''(i) IN GENERAL.—The independent review board shall develop guidelines for certifying projects in accordance with paragraph (3), including—

''(I) criteria that address the validity of claims that projects result in the generation of carbon dioxide allowances;

''(II) guidelines for certifying incremental carbon sequestration in accordance with clause (ii); and

''(III) guidelines for certifying geological sequestration of carbon dioxide in accordance with clause (iii).

''(ii) GUIDELINES FOR CERTIFYING INCREMENTAL CARBON SEQUESTRATION.—The guidelines for certifying incremental carbon sequestration in forests, agricultural soil, rangeland, or grassland shall include development, reporting, monitoring, and verification guidelines, to be used in quantifying net carbon sequestration from land use projects, that are based on—

''(I) measurement of increases in carbon storage in excess of the carbon storage that would have occurred in the absence of such a project;

''(II) comprehensive carbon accounting that—

''(aa) reflects net increases in carbon reservoirs; and

''(bb) takes into account any carbon emissions resulting from disturbance of carbon reservoirs in existence as of the date of commencement of the project;

''(III) adjustments to account for—

''(aa) emissions of carbon that may result at other locations as a result of the impact of the project on timber supplies; or

''(bb) potential displacement of carbon emissions to other land owned by the entity that carries out the project; and

''(IV) adjustments to reflect the expected carbon storage over various time periods, taking into account the likely duration of the storage of the carbon stored in a carbon reservoir.

''(iii) GUIDELINES FOR CERTIFYING GEOLOGICAL SEQUESTRATION OF CARBON DIOXIDE.—The guidelines for certifying geological sequestration of carbon dioxide produced by a covered unit shall—

''(I) provide that a project shall be certified only to the extent that the geological sequestration of carbon dioxide produced by a covered unit is in addition to any carbon dioxide used by the covered unit in 2009 for enhanced oil recovery; and

''(II) include requirements for development, reporting, monitoring, and verification for quantifying net carbon sequestration—

''(aa) to ensure the permanence of the sequestration; and

''(bb) to ensure that the sequestration will not cause or contribute to significant adverse effects on the environment.

''(iv) DEADLINES FOR DEVELOPMENT.—The guidelines under clause (i) shall be developed—

''(I) with respect to projects described in paragraph (3)(A), not later than January 1, 2005; and

''(II) with respect to projects described in paragraph (3)(B), not later than January 1, 2006.

''(v) UPDATING OF GUIDELINES.—The independent review board shall periodically update the guidelines as the independent review board determines to be appropriate.

''(E) CERTIFICATION OF PROJECTS.—

''(i) IN GENERAL.—Subject to clause (ii), subparagraph (A)(ii), and paragraph (3), the independent review board shall certify projects as eligible for additional carbon dioxide allowances.

''(ii) LIMITATION.—The independent review board shall not certify a project under this subsection if the carbon dioxide emission reductions achieved by the project will be used to satisfy any requirement imposed on any foreign country or any industrial sector to reduce the quantity of greenhouse gases emitted by the foreign country or industrial sector.

''(3) PROJECTS ELIGIBLE FOR ADDITIONAL CARBON DIOXIDE ALLOWANCES.—

''(A) PROJECTS CARRIED OUT IN CALENDAR YEARS 1990 THROUGH 2008.—

''(i) IN GENERAL.—The independent review board may certify as eligible for carbon dioxide allowances a project that—

''(I) is carried out on or after January 1, 1990, and before January 1, 2009; and

''(II) consists of—

''(aa) a carbon sequestration project carried out in the United States or a foreign country;

''(bb) a project reported under section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)); or

''(cc) any other project to reduce emissions of greenhouse gases that is carried out in the United States or a foreign country.

''(ii) MAXIMUM QUANTITY OF ADDITIONAL CARBON DIOXIDE ALLOWANCES.—The Administrator may make available to projects certified under clause (i) a quantity of allowances that is not greater than 10 percent of the tonnage limitation for calendar year 2009 for emissions of carbon dioxide from affected units specified in section 702(d)(1).

''(iii) USE OF ALLOWANCES.—Allowances made available under clause (ii) may be used to comply with subsection (f)(1) in calendar year 2009 or any calendar year thereafter.

''(B) PROJECTS CARRIED OUT IN CALENDAR YEAR 2009 AND THEREAFTER.—The independent review board may certify as eligible for carbon dioxide allowances a project that—

''(i) is carried out on or after January 1, 2009; and

''(ii) consists of—

''(I) a carbon sequestration project carried out in the United States or a foreign country; or

''(II) a project to reduce the greenhouse gas emissions (on a carbon dioxide equivalency basis determined by the independent review board) of a source of greenhouse gases that is not an affected unit.

''(e) CARBON DIOXIDE ALLOWANCE TRANSFER SYSTEM.—

''(1) USE OF ALLOWANCES.—The regulations promulgated under subsection (a)(1) shall—

''(A) prohibit the use (but not the transfer in accordance with paragraph (3)) of any carbon dioxide allowance before the calendar year for which the carbon dioxide allowance is allocated;

''(B) provide that unused carbon dioxide allowances may be carried forward and added to carbon dioxide allowances allocated for subsequent years;

''(C) provide that unused carbon dioxide allowances may be transferred by—

''(i) the person to which the carbon dioxide allowances are allocated; or

''(ii) any person to which the carbon dioxide allowances are transferred; and

''(D) provide that carbon dioxide allowances allocated and transferred under this section may be transferred into any other market-based carbon dioxide emission trading program that is—

''(i) approved by the President; and

''(ii) implemented in accordance with regulations developed by the Administrator or the head of any other Federal agency.

''(2) USE BY PERSONS TO WHICH CARBON DIOXIDE ALLOWANCES ARE TRANSFERRED.—Any person to which carbon dioxide allowances are transferred under paragraph (1)(C)—

''(A) may use the carbon dioxide allowances in the calendar year for which the carbon dioxide allowances were allocated, or in a subsequent calendar year, to demonstrate compliance with subsection (f)(1); or

''(B) may transfer the carbon dioxide allowances to any other person for the purpose of demonstration of that compliance.

''(3) CERTIFICATION OF TRANSFER.—A transfer of a carbon dioxide allowance shall not take effect until a written certification of the transfer, authorized by a responsible official of the person making the transfer, is received and recorded by the Administrator.

''(4) PERMIT REQUIREMENTS.—An allocation or transfer of carbon dioxide allowances to a covered unit, or for a project carried out on behalf of a covered unit, under subsection (c) or (d) shall, after recording by the Administrator, be considered to be part of the federally enforceable permit of the covered unit under this Act, without a requirement for any further review or revision of the permit.

''(f) COMPLIANCE AND ENFORCEMENT.—

''(1) IN GENERAL.—For calendar year 2009 and each calendar year thereafter—

''(A) the operator of each affected unit and each renewable energy unit shall surrender to the Administrator a quantity of carbon dioxide allowances that is equal to the total tons of carbon dioxide emitted by the affected unit or renewable energy unit during the calendar year; and

''(B) the operator of each nuclear generating unit that has incremental nuclear generation shall surrender to the Administrator a quantity of carbon dioxide allowances that is equal to the total tons of carbon dioxide emitted by the nuclear generating unit during the calendar year from incremental nuclear generation.

''(2) MONITORING SYSTEM.—The Administrator shall promulgate regulations requiring the accurate monitoring of the quantity of carbon dioxide that is emitted at each covered unit.

''(3) REPORTING.—

''(A) IN GENERAL.—Not less often than quarterly, the owner or operator of a covered unit, or a person that carries out a project certified under subsection (d) on behalf of a covered unit, shall submit to the Administrator a report on the monitoring of carbon dioxide emissions carried out at the covered unit in accordance with the regulations promulgated under paragraph (2).

''(B) AUTHORIZATION.—Each report submitted under subparagraph (A) shall be authorized by a responsible official of the covered unit, who shall certify the accuracy of the report.

''(C) PUBLIC REPORTING.—The Administrator shall make available to the public, through 1 or more published reports and 1 or more forms of electronic media, data concerning the emissions of carbon dioxide from each covered unit.

''(4) EXCESS EMISSIONS.—

''(A) IN GENERAL.—The owner or operator of a covered unit that emits carbon dioxide in excess of the carbon dioxide allowances that the owner or operator holds for use for the covered unit for the calendar year shall—

''(i) pay an excess emissions penalty determined under subparagraph (B); and

''(ii) offset the excess emissions by an equal quantity in the following calendar year or such other period as the Administrator shall prescribe.

''(B) DETERMINATION OF EXCESS EMISSIONS PENALTY.—The excess emissions penalty shall be equal to the product obtained by multiplying—

''(i) the number of tons of carbon dioxide emitted in excess of the total quantity of carbon dioxide allowances held; and

''(ii) $100, adjusted (in accordance with regulations promulgated by the Administrator) for changes in the Consumer Price Index for All-Urban Consumers published by the Department of Labor.

''(g) ALLOWANCE NOT A PROPERTY RIGHT.—A carbon dioxide allowance—

''(1) is not a property right; and

''(2) may be terminated or limited by the Administrator.

''(h) NO JUDICIAL REVIEW.—An allocation of carbon dioxide allowances by the Administrator under subsection (c) or (d) shall not be subject to judicial review.''.

SEC. 4. NEW SOURCE REVIEW PROGRAM.

Section 165 of the Clean Air Act (42 U.S.C. 7475) is amended by adding at the end the following:

''(f) REVISIONS TO NEW SOURCE REVIEW PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) COVERED UNIT.—The term 'covered unit' has the meaning given the term in section 701.

''(B) NEW SOURCE REVIEW PROGRAM.—The term 'new source review program' means the program to carry out section 111 and this part.

''(2) REGULATIONS.—In accordance with this subsection, the Administrator shall promulgate regulations revising the new source review program.

''(3) APPLICABILITY CRITERIA.—Beginning January 1, 2009, the new source review program shall apply only to—

''(A) construction of a new covered unit (which construction shall include the replacement of an existing boiler); and

''(B) an activity that results in any increase in the maximum hourly rate of emissions from a covered unit of air pollutants regulated under the new source review program (measured in pounds per megawatt hour), after netting among covered units at a source.

''(4) PERFORMANCE STANDARDS.—Beginning in 2020, each affected unit (as defined in section 701(1)(B)) on which construction commenced before August 17, 1971, shall meet performance standards of—

''(A) 4.5 lbs/MWh for sulfur dioxide; and

''(B) 2.5 lbs/MWh for nitrogen oxides.

''(5) BIENNIAL IDENTIFICATION OF BEST AVAILABLE CONTROL TECHNOLOGIES AND LOWEST ACHIEVABLE EMISSION RATES.—Notwithstanding the definitions of 'best available control technology' under section 169 and 'lowest achievable emission rate' under section 171, the Administrator shall identify the best available control technologies and lowest achievable emission rates, on a biennial basis, as those rates and technologies apply to covered units.

''(6) REVISION OF LOWEST ACHIEVABLE EMISSION RATE WITH RESPECT TO CONSIDERED COSTS.—

''(A) IN GENERAL.—Notwithstanding the definition of 'lowest achievable emission rate' under section 171, with respect to technology required to be installed by the electric generating sector, costs may be considered in the determination of the lowest achievable emission rate, so that, beginning January 1, 2009, a covered unit (as defined in section 701) shall not be required to install technology required to meet a lowest achievable emission rate if the cost of the technology exceeds the maximum amount determined under subparagraph (B).

''(B) MAXIMUM AMOUNT OF COST.—The maximum amount referred to in subparagraph (A) shall be an amount (in dollars per ton) that—

''(i) is determined by the Administrator; but

''(ii) does not exceed an amount equal to twice the amount of the applicable cost guideline for best available control technology.

''(7) EMISSION OFFSETS.—No source within the electric generating sector that locates in a nonattainment area after December 31, 2008, shall be required to obtain offsets for emissions of air pollutants.

''(8) ADVERSE LOCAL AIR QUALITY IMPACTS.—The regulations shall require each State—

''(A) to identify areas in the State that adversely affect local air quality; and

''(B) to impose such facility-specific and other measures as are necessary to remedy the adverse effects in accordance with the national pollutant tonnage limitations under section 702.

''(9) NO EFFECT ON OTHER REQUIREMENTS.—Nothing in this subsection affects the obligation of any State or local government to comply with the requirements established under this section concerning—

''(A) national ambient air quality standards;

''(B) maximum allowable air pollutant increases or maximum allowable air pollutant concentrations; or

''(C) protection of visibility and other air quality-related values in areas designated as class I areas under part C of title I.''.

SEC. 5. REVISIONS TO SULFUR DIOXIDE ALLOWANCE PROGRAM.

(a) IN GENERAL.—Title IV of the Clean Air Act (relating to acid deposition control) (42 U.S.C. 7651 et seq.) is amended by adding at the end the following:

''SEC. 417. REVISIONS TO SULFUR DIOXIDE ALLOWANCE PROGRAM.

''(a) DEFINITIONS.—In this section, the terms 'affected unit' and 'new unit' have the meanings given the terms in section 701.

''(b) REGULATIONS.—Not later than January 1, 2004, the Administrator shall promulgate such revisions to the regulations to implement this title as the Administrator determines to be necessary to implement section 702(a).

''(c) NEW UNIT RESERVE.—

''(1) ESTABLISHMENT.—Subject to the annual tonnage limitation for emissions of sulfur dioxide from affected units specified in section 702(a), the Administrator shall establish by regulation a reserve of allowances to be set aside for use by new units.

''(2) DETERMINATION OF QUANTITY.—The Administrator, in consultation with the Secretary of Energy, shall determine, based on projections of electricity output for new units—

''(A) not later than June 30, 2005, the quantity of allowances required to be held in reserve for new units for each of calendar years 2009 through 2013; and

''(B) not later than June 30 of each fifth calendar year thereafter, the quantity of allowances required to be held in reserve for new units for the following 5-calendar year period.

''(3) ALLOCATION.—

''(A) REGULATIONS.—The Administrator shall promulgate regulations to establish a methodology for allocating allowances to new units.

''(B) NO JUDICIAL REVIEW.—An allocation of allowances by the Administrator under this subsection shall not be subject to judicial review.

''(d) EXISTING UNITS.—

''(1) ALLOCATION.—

''(A) REGULATIONS.—Subject to the annual tonnage limitation for emissions of sulfur dioxide from affected units specified in section 702(a), and subject to the reserve of allowances for new units under subsection (c), the Administrator shall promulgate regulations to govern the allocation of allowances to affected units that are not new units.

''(B) REQUIRED ELEMENTS.—The regulations shall provide for—

''(i) the allocation of allowances on a fair and equitable basis between affected units that received allowances under section 405 and affected units that are not new units and that did not receive allowances under that section, using for both categories of units the same or similar allocation methodology as was used under section 405; and

''(ii) the pro-rata distribution of allowances to all units described in clause (i), subject to the annual tonnage limitation for emissions of sulfur dioxide from affected units specified in section 702(a).

''(2) TIMING OF ALLOCATIONS.—The Administrator shall allocate allowances to affected units—

''(A) not later than December 31, 2005, for calendar year 2009; and

''(B) not later than December 31 of calendar year 2006 and each calendar year thereafter, for the fourth calendar year that begins after that December 31.

''(3) NO JUDICIAL REVIEW.—An allocation of allowances by the Administrator under this subsection shall not be subject to judicial review.

''(e) WESTERN REGIONAL AIR PARTNERSHIP.—

''(1) DEFINITIONS.—In this subsection:

''(A) COVERED STATE.—The term 'covered State' means each of the States of Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Wyoming.

''(B) COVERED YEAR.—The term 'covered year' means—

''(i)(I)(aa) the third calendar year after the first calendar year in which the Administrator determines by regulation that the total of the annual emissions of sulfur dioxide from all affected units in the covered States is projected to exceed 271,000 tons in calendar year 2018 or any calendar year thereafter; but

''(bb) not earlier than calendar year 2016; or

''(II) if the Administrator does not make the determination described in subclause (I)(aa)—

''(aa) the third calendar year after the first calendar year with respect to which the total of the annual emissions of sulfur dioxide from all affected units in the covered States first exceeds 271,000 tons; but

''(bb) not earlier than calendar year 2021; and

''(ii) each calendar year after the calendar year determined under clause (i).

''(2) MAXIMUM EMISSIONS OF SULFUR DIOXIDE FROM EACH AFFECTED UNIT.—In each covered year, the emissions of sulfur dioxide from each affected unit in a covered State shall not exceed the number of allowances that are allocated under paragraph (3) and held by the affected unit for the covered year.

''(3) ALLOCATION OF ALLOWANCES.—

''(A) IN GENERAL.—Not later than January 1, 2013, the Administrator shall promulgate regulations to establish—

''(i) a methodology for allocating allowances to affected units in covered States under this subsection; and

''(ii) the timing of the allocations.

''(B) NO JUDICIAL REVIEW.—An allocation of allowances by the Administrator under this paragraph shall not be subject to judicial review.''.

(b) DEFINITION OF ALLOWANCE.—Section 402 of the Clean Air Act (relating to acid deposition control) (42 U.S.C. 7651a) is amended by striking paragraph (3) and inserting the following:

''(3) ALLOWANCE.—The term 'allowance' means an authorization, allocated by the Administrator to an affected unit under this title, to emit, during or after a specified calendar year, a quantity of sulfur dioxide determined by the Administrator and specified in the regulations promulgated under section 417(b).''.

(c) TECHNICAL AMENDMENTS.—

(1) Title IV of the Clean Air Act (relating to noise pollution) (42 U.S.C. 7641 et seq.)—

(A) is amended by redesignating sections 401 through 403 as sections 801 through 803, respectively; and

(B) is redesignated as title VIII and moved to appear at the end of that Act.

(2) The table of contents for title IV of the Clean Air Act (relating to acid deposition control) (42 U.S.C. prec. 7651) is amended by adding at the end the following:

''Sec. 417. Revisions to sulfur dioxide allowance program.''.

SEC. 6. AIR QUALITY FORECASTS AND WARNINGS.

(a) REQUIREMENT FOR FORECASTS AND WARNINGS.—The Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, in cooperation with the Administrator of the Environmental Protection Agency, shall issue air quality forecasts and air quality warnings as part of the mission of the Department of Commerce.

(b) REGIONAL WARNINGS.—In carrying out subsection (a), the Secretary of Commerce shall establish within the National Oceanic and Atmospheric Administration a program to provide region-oriented forecasts and warnings regarding air quality for each of the following regions of the United States:

(1) The Northeast, composed of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

(2) The Mid-Atlantic, composed of Delaware, the District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia.

(3) The Southeast, composed of Alabama, Florida, Georgia, North Carolina, and South Carolina.

(4) The South, composed of Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

(5) The Midwest, composed of Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

(6) The High Plains, composed of Kansas, Nebraska, North Dakota, and South Dakota.

(7) The Northwest, composed of Idaho, Montana, Oregon, Washington, and Wyoming.

(8) The Southwest, composed of Arizona, California, Colorado, New Mexico, Nevada, and Utah.

(9) Alaska.

(10) Hawaii.

(c) PRIORITY AREA.—In establishing the program described in subsection (a), the Secretary of Commerce and the Administrator shall identify and expand, to the maximum extent practicable, Federal air quality forecast and warning programs in effect as of the date of establishment of the program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7. RELATIONSHIP TO OTHER LAW.

(a) EXEMPTION FROM HAZARDOUS AIR POLLUTANT REQUIREMENTS RELATING TO MERCURY.—Section 112 of the Clean Air Act (42 U.S.C. 7412) is amended—

(1) in subsection (f), by adding at the end the following:

''(7) MERCURY EMITTED FROM CERTAIN AFFECTED UNITS.—Not later than 8 years after the date of enactment of this paragraph, the Administrator shall carry out the duties of the Administrator under this subsection with respect to mercury emitted from affected units (as defined in section 701).''; and

(2) in subsection (n)(1)(A)—

(A) by striking ''(A) The Administrator'' and inserting the following:

''(A) STUDY, REPORT, AND REGULATIONS.—

''(i) STUDY AND REPORT TO CONGRESS.—The Administrator'';

(B) by striking ''The Administrator'' in the fourth sentence and inserting the following:

''(ii) REGULATIONS.—

''(I) IN GENERAL.—The Administrator''; and

(C) in clause (ii) (as designated by subparagraph (B)), by adding at the end the following:

''(II) EXEMPTION FOR CERTAIN AFFECTED UNITS RELATING TO MERCURY.—An affected unit (as defined in section 701) that would otherwise be subject to mercury emission standards under subclause (I) shall not be subject to mercury emission standards under subclause (I) or subsection (c).''.

(b) TEMPORARY EXEMPTION FROM VISIBILITY PROTECTION REQUIREMENTS.—Section 169A(c) of the Clean Air Act (42 U.S.C. 7491(c)) is amended—

(1) in paragraph (3), by striking ''this subsection'' and inserting ''paragraph (1)''; and

(2) by adding at the end the following:

''(4) TEMPORARY EXEMPTION FOR CERTAIN AFFECTED UNITS.—An affected unit (as defined in section 701) shall not be subject to subsection (b)(2)(A) during the period—

''(A) beginning on the date of enactment of this paragraph; and

''(B) ending on the date that is 20 years after the date of enactment of this paragraph.''.

(c) NO EFFECT ON OTHER FEDERAL AND STATE REQUIREMENTS.—Except as otherwise specifically provided in this Act, nothing in this Act or an amendment made by this Act—

(1) affects any permitting, monitoring, or enforcement obligation of the Administrator of the Environmental Protection Agency under the Clean Air Act (42 U.S.C. 7401 et seq.) or any remedy provided under that Act;

(2) affects any requirement applicable to, or liability of, an electric generating facility under that Act;

(3) requires a change in, affects, or limits any State law that regulates electric utility rates or charges, including prudency review under State law; or

(4) precludes a State or political subdivision of a State from adopting and enforcing any requirement for the control or abatement of air pollution, except that a State or political subdivision may not adopt or enforce any emission standard or limitation that is less stringent than the requirements imposed under that Act.

Mr. CHAFEE. Mr. President, I am pleased to join with Senator CARPER today to introduce the Clean Air Planning Act of 2003. Congress needs to advance four-pollutant legislation that offers the best chance for broad bipartisan support, and I believe this bill meets that test. The testimony received through hearings in the Environment and Public Works Committee over the past several years has clearly outlined the need for controlling the major emissions from power plants—sulfur dioxide, nitrogen oxide, mercury and carbon dioxide—while at the same time recognizing the added costs of these new controls. We know through experience that we will only be successful at passing legislation if we find middle ground.

The parameters of this debate have been established. Some will say this bill doesn't go far enough in some respects. Others will say the legislation goes too far, especially as it pertains to the mandatory control of carbon dioxide emissions. However, the relationship of fossil fuels to global warming is clear and scientifically validated. The ''U.S. Climate Action Report 2002'' released by the administration last May tells us we need to take real actions to address the problem. The longer we wait, the harder this problem will be to solve. The Rio Convention is a perfect example of why waiting is not reasonable. In 1992, we agreed to voluntarily reduce harmful emissions to 1990 levels. It didn't happen. Now, in 2003 we are told that reductions to 1990 levels will stall the economy. If we wait much longer before taking any action, imagine how much harder it will be to achieve real reductions without harming the economy.

The legislation we are introducing today would achieve significant reductions in a more cost effective way than other proposals. For sulfur dioxide, nitrogen oxide, and mercury, we will establish emissions caps that are superior to reductions that will be achieved under the existing Clean Air Act. In addition, for the first time, we will ensure real reductions of carbon dioxide emissions are achieved. By 2013, the utility sector will be required to reduce carbon dioxide emissions to 2001 levels. This proposal will allow the United States to address carbon pollution for the first time and, when compared to a three-pollutant bill, at very small incremental costs.

I believe that the Carper-Chafee bill offers a real opportunity to break the stalemate that exists today and begin an honest debate that will eventually lead to enactment of strong legislation. I look forward to working with all of my colleagues as we move forward to pass a bill that enjoys the broadest support and adequately addresses the serious health, environmental, and economic issues facing the Nation.

By Mr. CRAPO (for himself, Ms. MURKOWSKI, Mr. ENZI, Mr. ALLARD, Mr. KYL, and Mr. CRAIG):

S. 844. A bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications; to the Committee on the Judiciary.

Mr. CRAPO. Mr. President, I rise to introduce the Water Adjudication Fee Fairness Act. This bill would require the Federal Government to pay the same filing fees and costs associated with state water rights adjudications as is currently required of States and private parties.

To establish relative rights to water—water that is the lifeblood of many States, particularly in the West—States must conduct lengthy, complicated, and expensive proceedings in water rights' adjudications. In 1952, Congress recognized the necessity and benefit of requiring Federal claims to be adjudicated in these State proceedings by adopting the McCarran Amendment. The McCarran Amendment waives the sovereign immunity of the United States and requires the Federal Government to submit to State court jurisdiction and to file water rights' claims in State general adjudication proceedings.

These Federal claims are typically among the most complicated and largest of claims in State adjudications, and Federal agencies are often the primary beneficiary of adjudication proceedings where states officially quantify and record their water rights. However, in 1992, the United States Supreme Court held that, under existing law, the U.S. need not pay fees for processing Federal claims.

When the United States does not pay a proportionate share of the costs associated with adjudications, the burden of funding the proceedings unfairly shifts to other water users and often delays completion of the adjudications by diminishing the resources necessary to complete them. Delays in completing adjudications result in the inability to protect private and public property interests or determine how much unappropriated water may remain to satisfy important environmental and economic development priorities.

Additionally, because they are not subject to fees and costs like other water users in the adjudication, Federal agencies can file questionable claims without facing court costs, inflating the number of their claims for future negotiation purposes. This creates an unlevel playing field favoring the Federal agencies and places a further financial and resources burden on the system.

I recognize the Federal Government has a legitimate right to some water rights; however, the Federal Government should play by the same rules as the States and other private users. The Water Adjudication Fee Fairness Act is legislation that remedies this situation by subjecting the United States, when party to a general adjudication, to the same fees and costs as State and private users in water rights adjudications.

This measure has the full support of the Western States Water Council and the Western Governor's Association. I ask my colleagues to join me in supporting water users, taxpayers, the States, and welcome their co-sponsorship.

By Mr. GRAHAM of Florida (for himself, Mr. CHAFEE, Mr. MCCAIN, Mr. DASCHLE, Mr. JEFFORDS, Mr. BINGAMAN, Mrs. LINCOLN, Ms. COLLINS, Mr. KENNEDY, Mrs. LANDRIEU, Mrs. BOXER, Mr. KERRY, and Mr. NELSON of Florida):

S. 845. A bill to amend title XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs; to the Committee on Finance.

Mr. GRAHAM of Florida. Mr. President, I rise today with my friend and colleague from Rhode Island, Mr. CHAFEE, and a bipartisan group of cosponsors to introduce the Immigrant Children's Health Improvement Act of 2003.

This legislation will give states the option to provide Medicaid and State Children's Health Insurance Program, CHIP, coverage to legal immigrant children and pregnant women during their first five years in this country.

Medicaid and CHIP are vital components of our nation's health care safety net. They provide coverage to over 40 million non-elderly, low-income Americans, most of them children. These programs have helped dramatically reduce infant mortality, and they have provided health care financing for millions of poor children whose families cannot afford the high cost of private health insurance.

However, for many low-income families that are eligible for Medicaid and CHIP, these safety net programs are little more than a mirage in a desert—an illusion to those who need them most. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, commonly known as the welfare reform law, arbitrarily barred states from using federal funds to provide health coverage to low-income legal immigrants during their first five years in the United States. While the goal of welfare reform was to encourage self-sufficiency in adults, the legislation unintentionally punished children.

Prior to 1996, Medicaid coverage was available to qualified children, parents,

seniors, and people with disabilities in both citizen and legal immigrant families alike. After passage of the 1996 welfare reform law, many low-income and working legal immigrant families were left without a viable option for health insurance coverage.

In fact, while the percentage of our nation's children with health insurance has risen in recent years, the percentage of children in immigrant families with health insurance has fallen. According to the Kaiser Commission on Medicaid and the Uninsured, in 2000, half of low-income children in such families were uninsured.

Florida is home to over half a million uninsured children, many of whom are legal immigrants. Take the Sardinas family of Miami.

The Sardinas family immigrated to the United States from Cuba in 2001. Mr. Sardinas works in a factory assembling airplanes while Mrs. Sardinas maintains a low-wage job. The family's four children—Swani, 17; Sinai, 13; Samuel, 8; and Sentia, 5—have been on a State waiting list for health insurance for almost two years. Sentia has allergies and Swani suffers from asthma. Mrs. Sardinas worries about not having access to regular check-ups for her children, but she has no choice. She does not know what the family will do if Sentia has a severe allergic reaction or Swani is hospitalized after an asthma attack.

The Immigrant Children's Health Improvement Act eliminates the arbitrary designation of August 22, 1996, as a cutoff date for allowing children to get health care. More than 155,000 children like Swani, Sinai, Samuel, and Sentia will have access to health coverage each year, allowing them to receive preventive services, have their chronic conditions properly diagnosed and treated, and receive timely care for acute conditions.

States have asked for this option. In its 2003 Winter Policy Report, the National Governors Association endorsed this common-sense policy proposal. The National Council of State Legislators has also endorsed this bill.

Twenty-two States are already providing health coverage for legal immigrants through State-funded replacement programs. However, severe budget shortfalls may prevent such states from being able to continue these important programs in the future. Our bill provides immediate fiscal relief for these States by allowing them to draw down federal matching funds. It also gives states that are not currently providing health coverage to legal immigrant children and pregnant women the flexibility to do so.

Legal immigrants pay taxes, serve in the military, and have the same social obligations as United States citizens. Legal immigrant children are, as much as citizen children, the next generation of Americans. It is important that all children, both citizen children and legal immigrant children alike, start off on the right foot towards full civil participation.

Our bill is supported by Senators MCCAIN, DASCHLE, JEFFORDS, BINGAMAN, LINCOLN, COLLINS, KENNEDY, FEINSTEIN, CORZINE, LEVIN, SARBANES, DODD, LANDRIEU, BOXER, KERRY, and BILL NELSON.

Representatives LINCOLN DIAZ-BALART of Florida and HENRY WAXMAN of California have also introduced bipartisan companion legislation in the House.

We call upon Congress and the President to act this year and pass this important bill.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator GRAHAM and Senator CHAFEE in introducing the Immigrant Children's Health Insurance Act, which will benefit tens of thousands of immigrant children and families across the Nation.

The 1996 welfare reform legislation disqualified legal, taxpaying immigrants from major Federal assistance programs, including health coverage through Medicaid and the State Children's Health Insurance Program. As a result, many of these individuals and families go without needed care or rely on hospital emergency rooms for their care.

This bill will enable States to provide health insurance coverage for legal immigrant children and pregnant women under Medicaid and SCHIP. This is an important step in alleviating the health disparities that exist for immigrant children. Research shows that children of immigrant are twice as likely to be uninsured as children of U.S. citizens. They are more than three times as likely not to have regular care, and more than twice as likely to be in fair or poor health. Enacting this legislation will help to eliminate these inequalities.

This bill will also help to reduce the number of uninsured in our country. Today, there are 42 million uninsured, and 10 million are children. Most of the uninsured are earning incomes below or near the poverty line, and can't afford the high cost of private insurance. The 1996 legislation barring legal immigrants from federally funded health care has contributed to the increase in the number of uninsured. The Congressional Budget Office estimates that this bill will cover an additional 155,000 children and 06,000 pregnant women this year alone.

Throughout our history, immigrants have made important contributions to our country. They work hard, pay taxes, and play by the rules. In fact, immigrants and their children make significant contributions to our long-term economic well-being by adding an estimated $10 billion annually to our economy. However, they are disproportionately employed in low-wage, low-benefit jobs, and are more likely to be uninsured. This bill will enable legal immigrant families to receive the services they are paying for as taxpayers. It is a matter of basic fairness.

The bill makes good economic sense, as well. Twenty-six states and the District of Columbia already use their own State funds to provide medical coverage for legal immigrants, but continuing these programs is becoming increasingly difficult as state budget constraints worsen. In fact, Massachusetts, which currently provides health coverage at State expense, is proposing to eliminate Medicaid for adult immigrants. Allowing States to use Federal funds to support their health care initiatives will provide needed fiscal relief, and ensure that these children receive a health start.

Both good nutrition and adequate health care are fundamental for health child development. Last year, with President Bush's support, Congress restored food stamp benefits to legal immigrants in the farm bill. It is long past time for Congress to guarantee that legal immigrants also have access to health care.

America has a proud tradition of welcoming immigrants, and we must live up to our history and heritage as a nation of immigrants. Restoring these health benefits will ensure that children in immigrant families have the same opportunities for good health as every other child in the Nation. The Immigrant Children's Health Insurance Act is a needed step to achieve this goal, and I urge my colleagues to support this important legislation.

By Mr. SMITH (for himself and Mrs. LINCOLN):

S. 846. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today with my Finance Committee colleague, Senator LINCOLN, to introduce the The Mortgage Insurance Fairness Act. This legislation will extend the mortgage interest tax deduction to mortgage insurance payment premiums, both government and private. It will make mortgage insurance payments tax-deductible and will boost homeownership in Oregon and across the Nation, for those lower-income, minority and veteran borrowers that typically need mortgage insurance to purchase a home.

It is widely recognized that homeownership helps create stable and safe communities. Thus, the Federal Government has long sought to increase homeownership. The Bush Administration has announced a target of 5.5 million new homeowners by the year 2010. To achieve that goal, groups that have typically had difficulty purchasing homes—young people, low-income families, members of minority groups—must be able to participate in the housing market.

Government and private mortgage insurance programs help first-time, low-income and veteran borrowers afford to purchase a home. The Veterans Affairs, VA, Federal Housing Authority, FHA, Regional Housing Authority, RHA, and Private Mortgage Insurance,

PMI, programs allow buyers to make a down payment of 3 percent or less of the appraised value. Mortgage insurance is a critical factor in allowing middle-income families and minorities to become homeowners. In Oregon, more than 137,000 families held mortgages with either FHA or private mortgage insurance at the end of 2002 and insured mortgages covered 25 percent of home purchase loans originating in 2001. Sixty-two percent of the insured home purchases in Oregon in 2001 were low-income borrowers. The Mortgage Insurance Fairness Act will bring tax relief to those who need it the most.

In 2001, nationwide, mortgage insurance covered 57 percent percent of mortgage purchase loans made to African American and Hispanic borrowers and 54 percent percent of the loans to borrowers with incomes below the median income. The people who use mortgage insurance are regular working families who live in every community throughout the country. Currently, twelve million American families use mortgage insurance.

Presidently, these borrowers cannot deduct the cost of their mortgage insurance payments for Federal tax purposes. If mortgage insurance payments were made deductible, the cost of homeownership would be further reduced for these borrowers, enabling new buyers to get into a home that they might not have been able to afford. It is estimated that the Mortgage Insurance Fairness Act would increase the number of homeowners by 300,000 per year.

Extending the tax deduction for home mortgage interest payments to mortgage insurance payments will significantly contribute to making the American dream of owning a home come true for many more of our citizens. I urge my colleagues to support this important bi-partisan legislation and join us in working towards its enactment at the earliest opportunity this year. I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 846

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 ''Mortgage Insurance Fairness Act''.

SEC. 2. PREMIUMS FOR MORTGAGE INSURANCE.

(a) IN GENERAL.—Paragraph (3) of section 163(h) of the Internal Revenue Code of 1986 (relating to qualified residence interest) is amended by adding after subparagraph (D) the following new subparagraph:

''(E) MORTGAGE INSURANCE PREMIUMS TREATED AS INTEREST.—

''(i) IN GENERAL.—Premiums paid or accrued for qualified mortgage insurance by a taxpayer during the taxable year in connection with acquisition indebtedness with respect to a qualified residence of the taxpayer shall be treated for purposes of this subsection as qualified residence interest.

''(ii) PHASEOUT.—The amount otherwise allowable as a deduction under clause (i) shall be reduced (but not below zero) by 10 percent of such amount for each $1,000 ($500 in the case of a married individual filing a separate return) (or fraction thereof) that the taxpayer's adjusted gross income for the taxable year exceeds $100,000 ($50,000 in the case of a married individual filing a separate return).''.

(b) DEFINITION AND SPECIAL RULES.—Paragraph (4) of section 163(h) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new subparagraphs:

''(E) QUALIFIED MORTGAGE INSURANCE.—The term 'qualified mortgage insurance' means—

''(i) mortgage insurance provided by the Veterans Administration, the Federal Housing Administration, or the Rural Housing Administration, and

''(ii) private mortgage insurance (as defined by section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901), as in effect on the date of the enactment of this subparagraph).

''(F) SPECIAL RULES FOR PREPAID QUALIFIED MORTGAGE INSURANCE.—Any amount paid by the taxpayer for qualified mortgage insurance that is properly allocable to any mortgage the payment of which extends to periods that are after the close of the taxable year in which such amount is paid shall be chargeable to capital account and shall be treated as paid in such periods to which so allocated. No deduction shall be allowed for the unamortized balance of such account if such mortgage is satisfied before the end of its term. The preceding sentences shall not apply to amounts paid for qualified mortgage insurance provided by the Veterans Administration or the Rural Housing Administration.''.

SEC. 3. INFORMATION RETURNS RELATING TO MORTGAGE INSURANCE.

Section 6050H of the Internal Revenue Code of 1986 (relating to returns relating to mortgage interest received in trade or business from individuals) is amended by adding at the end the following new subsection:

''(h) RETURNS RELATING TO MORTGAGE INSURANCE PREMIUMS.—

''(1) IN GENERAL.—The Secretary may prescribe, by regulations, that any person who, in the course of a trade or business, receives from any individual premiums for mortgage insurance aggregating $600 or more for any calendar year, shall make a return with respect to each such individual. Such return shall be in such form, shall be made at such time, and shall contain such information as the Secretary may prescribe.

''(2) STATEMENT TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under paragraph (1) shall furnish to each individual with respect to whom a return is made a written statement showing such information as the Secretary may prescribe. Such written statement shall be furnished on or before January 31 of the year following the calendar year for which the return under paragraph (1) was required to be made.

''(3) SPECIAL RULES.—For purposes of this subsection—

''(A) rules similar to the rules of subsection (c) shall apply, and

''(B) the term 'mortgage insurance' means—

''(i) mortgage insurance provided by the Veterans Administration, the Federal Housing Administration, or the Rural Housing Administration, and

''(ii) private mortgage insurance (as defined by section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901), as in effect on the date of the enactment of this subparagraph).''.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to amounts paid or accrued after the date of enactment of this Act in taxable years ending after such date.

By Mr. SMITH (for himself, Mrs. CLINTON, Ms. COLLINS, Mr. BINGAMAN, Ms. CANTWELL, Mr. CORZINE, Mrs. FEINSTEIN, Ms. LANDRIEU, Mrs. MURRAY, and Mr. WYDEN):

S. 847. A bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low income individuals infected with HIV; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the Early Treatment for HIV Act, ETHA, of 2003. Senator CLINTON joins me in introducing this bill, and I want to thank her for her steadfast support for people living with HIV. HIV knows no party affiliation, and I am pleased to say that ETHA cosponsors sit on both sides of the aisle.

Simply stated, ETHA gives States the opportunity to extend Medicaid coverage to low-income, HIV-positive individuals before they develop full-blown AIDS. Today, the unfortunate reality is that AIDS must disable most patients before they can qualify for Medicaid coverage. We can do better, and we should do everything possible to ensure that all people living with HIV can get early, effective medical care.

Current HIV treatments are very successful in delaying the progression from HIV infection to AIDS, and help improve the health and quality of life for millions of people living with the disease. That is why it was so devastating for people in Oregon when, just a few weeks ago, the state announced that its Medically Needy program ran out of money, and that many patients, including those living with HIV, would have to go elsewhere for their treatments. The fact of the matter is that safety net programs all over the country are running out of money, and are generally unable to cover all of the people who need paying for their medical care. As other programs are failing, ETHA gives States another way to reach out to low-income, HIV-positive individuals.

Importantly, ETHA also offers states an enhanced Federal Medicaid match, which means more money for States that invest in treatments for HIV. This provision models the successful Breast and Cervical Cancer Treatment and Prevention Act of 2000, which allows states to provide early Medicaid intervention to women with breast and cervical cancer. Even in these difficult times, forty-five states are now offering early Medicaid coverage to women with breast and cervical cancer. We can build upon this success by passing ETHA and extending similar early intervention treatments to people with HIV.

HIV/AIDS touches the lives of millions of people living in every State in

the Union. Some get the proper medications, and too many do not. This is literally a life and death issue, and ETHA can help many more Americans enjoy long, healthy lives.

I want to thank Senators COLLINS, BINGAMAN, CANTWELL, CORZINE, FEINSTEIN, LANDRIEU, MURRAY, and WYDEN for joining us as cosponsors of ETHA. I also wish to thank all of the organizations around the country that have expressed support for this bill. I have received a stack of support letters from those organizations, and I ask unanimous consent that those letters be printed in the CONGRESSIONAL RECORD. In particular, I want to thank the ADAP Working Group and the Treatment Access Expansion Project, led by Robert Greenwald, for helping bring so much attention to ETHA. I hope all of my colleagues will join us in supporting this critical, life-saving legislation.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN FOUNDATION FOR AIDS RESEARCH,
Washington, DC, April 9, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND CLINTON: Thank you for your sponsorship of the Early Treatment for HIV Act of 2003 (ETHA), which would allow states to extend Medicaid coverage to low-income people living with HIV.

Currently, Medicaid coverage is limited to people who meet very strict income requirements and meet other qualifications, such as being disabled. The disability requirements for Medicaid are such that many low-income uninsured people living with HIV are unable to qualify for Medicaid until their disease has progressed to the point where they are fully disabled by AIDS. Since individuals who are HIV-positive generally do not qualify for Medicaid, many do not have access to the early intervention and treatment that can help slow the progression of HIV and prevent the onset of opportunistic infections.

There are many benefits to providing access to early intervention and treatment to low-income HIV-positive people. By delaying the progression from HIV to AIDS, savings in treatment costs are realized. Most important, however, the health and quality of life of individuals living with HIV is greatly improved.

The Early Treatment for HIV Act would provide states with the option of extending Medicaid coverage to low-income, non-disabled people living with HIV. As a result, ETHA could help provide early access to care for thousands of individuals around the country.

We thank you for your leadership and sponsorship of this very important legislation.

Sincerely,

JEROME J. RADWIN,
Chief Executive Officer.

HUMAN RIGHTS CAMPAIGN,
Washington, DC, April 7, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND CLINTON: Thank you, on behalf of the more than 500,000 members of the Human Rights Campaign, for your sponsorship of the Early Treatment for HIV Act of 2003.

Currently, childless adults living with HIV generally only qualify for Medicaid coverage once they become eligible for Supplemental Security Income (SSI). Because an individual is not eligible for SSI until they become disabled, a person with asymptomatic HIV infection is not eligible for Medicaid until he or she has progressed to full-blown AIDS. Since HIV-positive individuals do not qualify for Medicaid, many lack the ability to receive medical care and medicine to help slow the progression of the HIV and to prevent the onset of opportunistic infections.

Treating those who are HIV-positive early in the progression of the disease provides numerous benefits. By making therapeutics available earlier, treatment costs will diminish, new HIV infections will decrease because of the lower viral loads, the AIDS Drug Assistance Program will be able to provide care to more individuals with HIV because of savings, and most importantly, the quality of life for countless HIV-positive individuals will be improved. Simply put, providing coverage earlier rather than later is the right thing to do.

The Early Treatment for HIV Act would provide states with the option of covering low-income HIV-infected individuals as 'categorically needy'. In this way, this legislation is very similar to the successful effort in 2000 to provide states with the option of providing Medicaid coverage to women diagnosed, through a federally funded program, with breast or cervical cancer.

On behalf of the countless people whose lives will be improved by enactment of this legislation, we thank you for your leadership and your sponsoring this important legislation.

Sincerely,

WINNIE STACHELBERG,
Political Director.

L.A. GAY & LESBIAN CENTER,
Los Angeles, CA, April 4, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the L.A. Gay & Lesbian Center, I am writing to thank you for agreeing to be the lead sponsors of the Early Treatment For HIV Act (ETHA). We wholeheartedly support your efforts to ensure that low-income people with HIV have access to health care by allowing States the option to expand Medicaid programs to cover non-disabling HIV disease.

ETHA represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Current HIV treatments are successfully delaying the progression from HIV infection to AIDS, improving the health and quality of life for many people living with the disease. However, without access to early intervention health care and treatment, these advances remain out of reach for many non-disabled, low-income people with HIV.

Research has shown that providing highly active antiretroviral therapy produces significant cost-savings in reduced hospital costs. By preserving the health of people living with HIV, preventing opportunistic infections associated with the disease, and slowing the progression to AIDS, the Early Treatment for HIV Act could ultimately save taxpayer dollars. Most importantly, should ETHA become law, the United States will take an important step towards ensuring that all people living with HIV can get the medical care they need to stay healthy for as long as possible, enabling individuals to lead productive lives.

Increasing need as people with HIV live longer and the rise in new infections demand additional resources to provide care and treatment. It is unconscionable that low-income people with HIV should not have access to care and treatment. The demographics of the HIV epidemic have shifted into more impoverished and marginalized communities. Rates of HIV infection are staggeringly high in some communities, with one in ten gay men infected and one in three African American gay men living with HIV.

In an era of constrained federal resources for health care spending, we must aggressively fight for effective means to finance care for people with HIV. This bill will begin to address these challenges through a permanent funding solution, allowing states to expand the safety net to cover eligible persons with early-stage HIV disease.

Thank you again for your leadership on behalf of people living with HIV. Please let me know if there is anything I can do to help secure passage of this important legislation.

Sincerely,

REBECCA ISAACS,
Interim Executive Director.

SAN FRANCISCO AIDS FOUNDATION,
San Francisco, CA, April 8, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND CLINTON: The San Francisco AIDS Foundation would like to thank you for your sponsorship of the Early Treatment for HIV Act 2003.

The Act would provide states with the option of covering low-income people living with HIV as 'categorically needy' provide them with medical care and treatment, reduce long term health care costs to states, and address a serious gap in public health care access. Recent breakthroughs in medical science and clinical practice have transformed the possibilities in HIV/AIDS care in the United States. Today, we know that early intervention with medical care and treatment for HIV disease slows the progression of HIV and prevents the onset of opportunistic infections. Application of this knowledge lengthens the life expectancy and dramatically improves the quality of life for many. These changes in science and medical practice demand revisions in the treatment of HIV disease under Medicaid.

Currently Medicaid eligibility for childless adults is tied to the Supplemental Security Income (SSI) eligibility. The result of this determination is that people living with HIV must wait for Medicaid access until their disease has progressed to a disabling AIDS diagnosis. The cruel irony of this practice is that individuals are forced to incur often-irreparable damage to their immune systems before receiving treatments that could have delayed or avoided the damage. This is counter to sound public health practices and all but guarantees higher cost of care for thousands of affected individuals. This serious anomaly in public health care coverage must be rectified by the enactment of this legislation.

The AIDS Foundation thanks you both for your leadership and sponsorship of this important legislation.

Sincerely,

ERNEST HOPKINS,
Director of Federal Affairs.

TREATMENT ACCESS
EXPANSION PROJECT,
Boston, MA, April 7, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR: The Treatment Access Expansion Project (TAEP) would like to thank you on behalf of our broad-based coalition of members. Your leadership and support of the Early Treatment For HIV Act (ETHA) and your commitment to AIDS and to the HIV community are greatly appreciated.

As you are well aware, ETHA would allow states to extend Medicaid coverage to pre-disabled people living with HIV. This breakthrough in assuring early access to care for thousands of low-income people living with HIV is imperative. Under current law, AIDS must disable most patients before they can qualify for Medicaid coverage. Enacting ETHA into law would represent an important step toward ensuring that all people living with HIV could get the medical care necessary to remain healthy for as long as possible.

Current HIV treatments are successful in delaying the progression from HIV infection to AIDS, and thus help improve the health and quality of life for many people living with the disease. By preserving the health of people living with HIV, preventing opportunistic infections associated with the disease, and slowing the progression to AIDS, the ETHA would ultimately save taxpayer dollars.

The members of TAEP fully endorse the Early Treatment for HIV Act and thank you again for your dedication to the passage of this important legislation.

Sincerely,

ROBERT GREENWALD,
Project Director.

ENDORSERS OF THE EARLY TREATMENT FOR HIV ACT, AS OF FEBRUARY 6, 2003

BACKGROUND

The Early Treatment for HIV Act (ETHA) is currently pending in Congress. ETHA would allow states to extend Medicaid coverage to pre-disabled people living with HIV. It represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Currently, most individuals with HIV must become disabled by AIDS in orders to receive Medicaid coverage.

HIV/AIDS treatments are successfully delaying the progression from HIV infection to full-blown AIDS. These advancements have improved both the health and quality of life for many people living with this disease. However, without access to early intervention health care and treatment, these advances remain out of reach for thousands of non-disabled, low-income people living with HIV.

By preserving the health of people living with HIV, preventing opportunistic infections, and slowing the progression to AIDS, ETHA could ultimately save taxpayer dollars. Most importantly, if ETHA can garner the bipartisan support needed to become law, the United States will take an important step towards ensuring that all people living with HIV can get the medical care they need to stay healthy for as long as possible.

ENDORSEMENTS

The following organizations support passage of the Early Treatment for HIV Act:

ACT UP Atlanta, Atlanta, GA
ACT UP Philadelphia, Philadelphia, PA
ADAP Working Group, Washington, D.C.
AIDS Atlanta, Atlanta, GA
AIDS Action, Washington, D.C.
AIDS Action Baltimore, Baltimore, MD
AIDS Alabama, Birmingham, AL
AIDS Alliance for Children, Youth, and Families, Washington, D.C.
AIDS Foundation of Chicago, Chicago, IL
AIDS Healthcare Foundation, Los Angeles, CA
AIDS Project Los Angeles, Los Angeles, CA
AIDS Project Rhode Island, Providence, RI
AIDS Services Foundation Orange County, Irvine, CA
AIDS Survival Project, Atlanta, GA
AIDS Taskforce of Greater Cleveland, Cleveland, OH
AIDS Treatment Data Network, New York, NY
AIDS Vaccine Advocacy Coalition, New York, NY
AIDS Volunteers of Northern Kentucky, Covington, KY
Africa Eridge, Inc., West Linn, OR
American Foundation for AIDS Research, Washington, D.C.
American Society of Addiction Medicine, Chevy Chase, MD
Association of Maternal and Child Health Programs, Washington, D.C.
Association of Reproductive Health Professionals, Washington, D.C.
AsUR Volunteer Services, Oakland, CA
Beaver County AIDS Service Organization, Aliquippa, PA
Center for AIDS: Hope & Remembrance Project, Houston, TX
Center for Women Policy Studies, Washington, D.C.
Community Advisory Board of the Miriam ACTG, Providence, RI
Community Care Management, Johnstown, PA
Council on AIDS In Rockland, Rockland, NY
Critical Path AIDS Project, Philadelphia, PA
District of Columbia Primary Care Association, Washington, D.C.
Elizabeth Glaser Pediatric AIDS Foundation, Washington, D.C.
Florida AIDS Action, Tampa, FL
Florida Keys HIV Community Planning Partnership, Key West, FL
Foundation for Integrative AIDS Research, Brooklyn, NY
Gay and Lesbian Medical Association, San Francisco, CA
Gay Men's Health Crisis, New York, NY
Georgia AIDS Coalition, Inc., Snellville, GA
HIV/AIDS Alliance for Region Two, Inc. (HAART), Baton Rouge, LA
HIV/AIDS Dietetic Practice Group, American Dietetic Association, Chicago, IL/Washington, D.C.
HIV/AIDS Women's Caucus of Long Beach and South Bay, Long Beach, CA
HIV/Hepatitis C in Prison Committee/California Prison Focus, San Francisco, CA
HIV Medicine Association, Alexandria, VA
HUG-M3 Program at Orlando Regional Healthcare, Orlando, FL
Human Rights Campaign, Washington, D.C.
International AIDS Empowerment, El Paso, TX
Kitsap Human Rights Network, Silverdale, WA
Lifelong AIDS Alliance, Seattle, WA
Louisiana Lesbian and Gay Political Action Caucus, New Orleans, LA
Los Angeles Gay and Lesbian Center, Los Angeles, CA
Matthew 25 AIDS Services, Inc., Henderson, KY
Michigan Advocates Exchange, Ypsilanti, MI
Michigan Persons Living With AIDS Task Force, Okemos, MI
Montrose Clinic, Houston, TX
National Alliance of State and Territorial AIDS Directors, Washington, D.C.
National Association of People With AIDS, Washington, D.C.
National Association for Victims of Transfusion-Acquired AIDS, Bethesda, MD
National Coalition for LGBT Health, Washington, D.C.
National Center on Poverty Law, Chicago, IL
National Health Law Program, Los Angeles, CA
National Minority AIDS Council, Washington, D.C.
New York City AIDS Housing Network, New York, NY
NO/AIDS Task Force, New Orleans, LA
North Carolina Council for Positive Living, Raleigh, NC
Northern Manhattan Women & Children HIV Project, Mailman School of Public Health, Columbia University, New York, NY
Northland Cares, Flagstaff, AZ
Okaloosa AIDS Support and Informational Services (OASIS), Fort Walton Beach, FL
Parents, Families and Friends of Lesbians and Gays (PFLAG), Washington, D.C.
Philadelphia FIGHT, Philadelphia, PA
Pierce County AIDS Foundation, Tacoma, WA
Presbyterian Church (U.S.A.) Washington Office, Washington, D.C.
Primary Health Care, Inc., Des Moines, IA
Program for Wellness Restoration, Houston, TX
Project Inform, San Francisco, CA
Provincetown AIDS Support Group, Provincetown, MA
Power of Love Foundation, San Diego, CA
San Antonio AIDS Foundation, San Antonio, TX
San Francisco AIDS Foundation, San Francisco, CA
San Francisco Community Clinic Consortium, San Francisco, CA
Shelter Resources, Inc. d.b.a. Belle Reve New Orleans, New Orleans, LA
STOP AIDS Project, San Francisco, CA
Test Positive Aware Network, Chicago, IL
Title II Community AIDS Action Network, Washington, D.C.
Treatment Action Group, New York, NY
United Communities AIDS Network, Olympia, WA
University of IOWA HIV Program, Iowa City, IA
Vermont People With AIDS Coalition, Montpelier, VT
Visionary Health Concepts, New York, NY
Whitmar Walker Clinic, Washington, D.C.
Williamsburg/Greenpoint/Bushwick HIV CARE Network, Brooklyn, NY
Women Accepting Responsibility, Baltimore, MD
Women's HIV Collaborative of New York, New York, NY.

ADAP,
Washington, DC, April 4, 2003.

Hon. HILLARY RODHAM CLINTON,
Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

RE: ETHA—THE EARLY TREATMENT FOR HIV ACT

DEAR SENATOR CLINTON and SENATOR SMITH: I write on behalf of our membership to express our support and appreciation for your bipartisan efforts in introducing the Early Treatment for HIV Act.

Passage of this act into law is a priority for this coalition and we believe ETHA can eventually be a major step towards providing the medically desirable early access to treatment, medical care, support services and prevention education for Americans with HIV disease.

While we recognize that budgetary resources are constrained we also recognize the cost effectiveness potential ETHA would present to state government resources. Naturally we also realize the extreme health importance of insuring proper medical attention and access to care at the earliest possible moment for HIV + patients.

Thank you for your leadership in this very important effort to deliver health care to HIV + positive Americans who otherwise are likely to have to wait until diagnosed with full blown AIDS before receiving access to Medicare which would then be able to provide them with the care and treatment which could prevent them from progressing to full blown AIDS—in the first place.

Our membership intends to devote time and every towards passing ETHA into law as this session of Congress proceeds. We are aware of hundreds of other organizations that are equally committed to the passage of ETHA. We look forward to actively supporting your efforts and to a final passage of ETHA during the 108th Congress.

Sincerely,

WILLIAM E. ARNOLD,
Director.

WHITMAN-WALKER CLINIC,
April 8, 2003.

The Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
The Hon. HILARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH and CLINTON: On behalf of the thousands of men and women with HIV served by Whitman-Walker Clinic, the board of directors, staff and volunteers thank you for introducing the Early Treatment For HIV Act (ETHA). We strongly support the goals of this legislation and are grateful for your leadership.

As you know, ETHA would allow states to extend Medicaid coverage to pre-disabled people living with HIV. It represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Current HIV treatments are successfully delaying the progression from HIV infection to AIDS, as well as improving the health and quality of life for many people living with the disease. However, without access to early intervention, health care and treatment, these advances remain out of reach for many non-disabled, low-income people with HIV.

By preserving the health of people living with HIV, preventing opportunistic infections associated with the disease, and slowing the progression to AIDS, the Early Treatment for HIV Act could ultimately save taxpayer dollars. Most importantly, should ETHA become law, the United States will take an important step towards ensuring that all people living with HIV can get the medical care they need to stay healthy for as long as possible.

Whitman-Walker Clinic provides a broad range of services including HIV testing and counseling, medical and dental care, substance abuse and mental health services and housing. Yet maintaining access to these services for those in need is increasingly difficult.

Despite nearly two decades of success in HIV prevention and care which has kept tens of thousands alive and healthy in our community, Washington, DC has a rate of AIDS ten times the national average. And, our region, including Northern Virginia and Suburban Maryland, ranks 5th in reported number of cases.

Thank you again for your leadership on behalf of people living with HIV. We look forward to working with you to secure passage of this important legislation.

Sincerely,

MARK M. LEVIN,
Board Chair.
A. CORNELIUS BAKER,
Executive Director.

NATIONAL COALITION
FOR LGBT HEALTH,
Washington, DC, April 9, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND CLINTON: Thank you, on behalf of the more than 75 organizations of the National Coalition for Lesbian, Gay, Bisexual, and Transgender Health, for your sponsorship of the Early Treatment for HIV Act of 2003.

Currently, childless adults living with HIV generally only qualify for Medicaid coverage once they become eligible for Supplemental Security Income (SSI). Because an individual is not eligible for SSI until they become disabled, a person with a symptomatic HIV infection is not eligible for Medicaid until he or she has progressed to AIDS. Since HIV-positive individuals do not qualify for Medicaid, many lack the ability to receive medical care and medicine to help slow the progression of the HIV and to prevent the onset of opportunistic infections.

Treating those who are HIV-positive early in the progression of the disease provides numerous benefits. By making therapeutics available earlier, treatment costs will diminish, due to cost savings the AIDS Drug Assistance Program will be able to provide care to more individuals with HIV, and most importantly, the quality of life for countless HIV-positive individuals will be improved. Simply put, providing coverage earlier rather than later improved lives and reduces cost for all.

The Early Treatment for HIV Act would provide states with the option of covering low-income HIV-infected individuals as ''categorically needy.'' In this way, this legislation is very similar to the successful effort in 2000 to provide states with the option of providing Medicaid coverage to women diagnosed, through a federally funded program, with breast or cervical cancer.

On behalf of the countless people whose lives will be improved by enactment of this legislation, we thank you for your leadership and your sponsoring this important legislation.

Very truly yours,

A. CORNELIUS BAKER,
Co-Chair, Executive Committee.
EUGENIA HANDLER,
Co-Chair, Executive Committee.

GAY & LESBIAN MEDICAL ASSOCIATION,
San Francisco, CA, April 7, 2003.

Hon. GORDON SMITH,
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND CLINTON: Thank you, on behalf of the more than 1,500 members of the Gay & Lesbian Medical Association, for your sponsorship of the Early Treatment for HIV Act of 2003.

Currently, childless adults living with HIV generally only qualified for Medicaid coverage once they become eligible for Supplemental Security Income (SSI). Because an individual is not eligible for SSI until they become disabled, a person with asymptomatic HIV infection is not eligible for Medicaid until he or she has progressed to full-blown AIDS. Since HIV-positive individuals do not quality for Medicaid, many lack the ability to receive medical care and medicine to help slow the progression of the HIV and to prevent the onset of opportunistic infections.

Treating those who are HIV-positive early in the progression of the disease provides numerous benefits. By making therapeutics available earlier, treatment costs will diminish, new HIV infections will decrease because of the lower viral loads, the AIDS Drug Assistance Program will be able to provide care to more individuals with HIV because of savings, and most importantly, the quality of life for countless HIV-positive individuals will be improved. Simply put, providing coverage earlier rather than later is the right thing to do.

The Early Treatment for HIV Act would provide states with the option of covering low-income HIV-infected individuals as 'categorically needy'. In this way, this legislation is very similar to the successful effort in 2000 to provide states with the option of providing Medicaid coverage, through a federally funded program, to women diagnosed with breast or cervical cancer.

On behalf of the countless people whose lives will be improved by enactment of this legislation, we thank you for your leadership and your sponsoring this important legislation.

Sincerely,

KENNETH HALLER Jr.,
President.

VERMONT PWA COALITION,
Montpelier, VT, April 8, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the Vermont People with AIDS Coalition, I am writing to thank you for agreeing to be the lead sponsor of the Early Treatment For HIV Act (ETHA). We strongly support this legislation and are greatful for your leadership.

As you know, ETHA would allow states to extend Medicaid coverage to pre-disabled people living with HIV. It represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Current HIV treatments are successfully delaying the progression from HIV infection to AIDS, improving the health and quality of life for many people living with the disease. However, without access to early intervention health care and treatment, these advances remain out of reach for many non-disabled, low-income people with HIV.

Access to health care is an important issue for all Vermonters. Any program that will give people who are HIV+ early access to medical care gets our enthusiastic support. In the long run, early treatment will save money and, more importantly, keep people healthy and productive.

By preserving the health of people living with HIV, preventing opportunistic infections associated with the disease, and slowing the progression to AIDS, the Early Treatment for HIV Act could ultimately save taxpayer dollars. Most importantly, should ETHA become law, the United States will take an important step towards ensuring that all people living with HIV can get the medical care they need to stay healthy for as long as possible.

Thank you again for your leadership on behalf of people living with HIV. Please let me know if there is anything I can do to help secure passage of this important legislation.

Sincerely,

KATHY KILCOURSE,
Program Administrator.

BEAVER COUNTY AIDS SERVICE ORGANIZATION,
Aliquippa, PA, April 7, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the Beaver County AIDS Service Organization (BCASO), I am writing to thank you for agreeing to be the lead sponsors of the Early Treatment for HIV Act (ETHA). We strongly support this legislation and are grateful for your leadership.

As you know, ETHA would allow states to extend Medicaid coverage to pre-disabled people living with HIV. It represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Current HIV treatments are successfully delaying the progression from HIV infection to AIDS, improving the health and quality of life for many people living with the disease. However, without access to early intervention health care and treatment, these advances remain out of reach for many non-disabled, low-income people with HIV.

By preserving the health of people living with HIV, preventing opportunistic infections associated with the disease, and slowing the progression to AIDS, the Early Treatment for HIV Act could ultimately save taxpayer dollars. Most importantly, should ETHA become law, the United States will take an important step towards ensuring that all people living with HIV can get the medical care they need to stay healthy for as long as possible.

Thank you again for your leadership on behalf of people living with HIV. Please let me know if there is anything I can do to help secure passage of this important legislation.

Sincerely,

DAVID ADKINS,
Program Coordinator.

AIDS COUNCIL OF NORTHEASTERN NEW YORK,
Albany, NY, April 8, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR GORDON: On behalf of the AIDS Council of Northeastern New York, I am writing to thank you for agreeing to be the lead sponsors of the Early Treatment for HIV Act (ETHA). We strongly support this legislation and are grateful for your leadership.

As you know, ETHA would allow states to extend Medicaid coverage to pre-disabled people living with HIV. It represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Current HIV treatments are successfully delaying the progression from HIV infection to AIDS, improving the health and quality of life for many people living with the disease. However, without access to early intervention health care and treatment, these advances remain out of reach for many non-disabled, low-income people with HIV.

By preserving the health of people living with HIV, preventing opportunistic infections associated with the disease, and slowing the progression to AIDS, the Early Treatment for HIV Act could ultimately save taxpayer dollars. Most importantly, should ETHA become law, the United States will take an important step towards ensuring that all people living with HIV can get the medical care they need to stay healthy for as long as possible.

Thank you again for your leadership on behalf of people living with HIV. Please let me know if there is anything I can do to help secure passage of this important legislation.

Sincerely,

JULIE M. HARRIS,
Deputy Executive Director.

MORRISON CENTER,
PORTLAND, OR, APRIL 8, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the thousands of parents and children served by Parents Anonymous® of Oregon, I wish to thank you for the support you have provided to the Parents Anonymous® Programs in your State. These vital federal funds and support from Parents Anonymous® Inc. allow us to meet the ever increasing demand and ensure that the proven effective, child abuse prevention programs of Parents Anonymous® are available to strengthen families here at home.

For over twenty-five years, Parents Anonymous® of Oregon (PAO) has been dedicated to the prevention of child abuse and neglect by strengthening families in our community. Currently we provide 14 free weekly Parent Support Groups and Children's Programs to parents experiencing challenges and stress in their family and who have the courage to seek help. PAO is committed to providing services to anyone in parenting role, but particularly to at risk populations, including low income Latino families, women transitioning from federal prison and women in residential treatment for substance abuse.

I respectfully request your support and advocacy for two funding initiatives for Parents Anonymous® Inc. for fiscal year 2004.

$4 million in the current level of appropriations under the Commerce-Justice-State (''CJS'') appropriations bill, for strengthening and expanding nationwide services to families in local communities to prevent child abuse, neglect, and juvenile delinquency.

$3 million under the Labor-Health and Human Services (''LHHS'') appropriations bill for establishing, operating, and maintaining a national parent helpline.

Research demonstrates that child abuse and neglect is often a precursor to delinquent and adult criminal behavior and that children who are abused or neglected are 40% more likely to engage in delinquency or adult criminal behavior. In fact, being abused or neglected as a child increases the likelihood of an arrest as a juvenile by 59%, as an adult by 28%, and for a violent crime by 30%. The requested CJS funding will enable us to continue Parents Anonymous® Programs and address the needs of at-risk populations. In addition, this funding will help, in the long run, to reduce expenditures in other Department of Justice programs.

The requested LHHS funding for a national parent helpline run by Parents Anonymous® Inc. will enable parents throughout the country, in all states, on reservations, in urban and rural areas, to obtain immediate support and help, 24 hours a day, 7 days a week. Currently, thee is no national toll-free telephone system aimed at providing immediate support to parents seeking help with their child-raising crises and connecting them with effective community-based programs for assistance—the first cry for help needs to be answered in order to prevent child abuse and neglect.

Given your strong commitment and leadership to addressing the needs of families in your State, we wish to thank you in advance for championing these two FY 04 funding initiatives.

Very truly yours,

RUTH TAYLOR,
Program Director,
Parents Anonymous® of Oregon.

METROPOLITAN COMMUNITY CHURCH OF PORTLAND
Portlands, OR, April 9, 2003.

Hon. Gordon Smith,
U.S. Senate, Washington DC.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate, Washington, DC.

DEAR SENATORS SMITH AND CLINTON, I want to take this opportunity to thank you for your sponsorship of the Early Treatment for HIV Act of 2003. Esther's Pantry has been a food bank for individuals living with AIDS since 1985. As funding for AIDS programs such as ours continue to decline and disappear, it very important that individuals diagnosed with HIV receive medical benefits as soon as possible so they may maintain some level of health and be able to provide for themselves long term. We have learned so much about HIV/AIDS over the past several years and the most important lesson has been early detection and treatment. Your bill will address that further piece of the solution by providing some resources to enable those infected to follow through.

At Esther's Pantry, we regularly provide individually shopped food boxes to approximately 150 clients every month for a total annual population of clients numbering 250. We recently lost Ryan White Title 1 funding and now provide our service through local donation and grant funding from a variety of sources. All clients must have AIDS and be at less than twice the federal poverty level. We are a provider for these clients who are struggling to cope with increased medical costs. Earlier treatment of all these clients would have helped to maintain their health, and enable them to expend their resources for other life necessities. Failure to do this has only created a dire situation.

This is certainly a bill that takes the necessary steps to improve the situation for so many men, women and children suffering from this disease. Thank you for your continuing efforts.

In Gratitude,

DAVID R. BECKLEY,
Executive Director.

PARENTS, FAMILIES AND FRIENDS OF LESBIANS AND GAYS,
Washington, DC, April 7, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

Re: Early Treatment for HIV Act of 2003

DEAR SENATORS SMITH and CLINTON: I am the executive director of Parents, Families and Friends of Lesbians and Gays (PFLAG), the nation's foremost family organization dedicated to fair treatment for gay, lesbian, bisexual and transgender (GLBT) persons. Founded in 1973 by heterosexual parents who were brought together by their deep desire to understand and accept their GLBT loved ones, PFLAG consists of almost 500 chapters and represents over 250,000 members and supporters—Republicans and Democrats—throughout the country. On behalf of our national membership, I write to thank you for your sponsorship of the Early Treatment for HIV Act of 2003.

As a national organization whose mission focuses on the health and well-being of GLBT persons, PFLAG strongly believes that treating those who are HIV-positive early in the progression of the disease provides numerous benefits. By making therapeutics available earlier, treatment costs will diminish, new HIV infections will decrease because of the lower viral loads, the AIDS Drug Assistance Program will be able to provide care to more individuals with HIV because of savings, and most importantly,

the quality of life for countless HIV-positive individuals will be improved. Simply put, providing coverage earlier rather than later is the right thing to do.

The Early Treatment for HIV Act would provide states with the option of covering low-income HIV-infected individuals as ''categorically needy''. In this way, this legislation is very similar to the successful effort in 2000 to provide states with the option of providing Medicaid coverage to women diagnosed, through a federally funded program, with breast or cervical cancer.

PFLAG is proud to support you in calling for these critical steps to be taken in our national fight against AIDS/HIV, and we applaud you for your leadership in this important battle we must all win.

Sincerely,

DAVID TSENG,
Executive Director.

ELIZABETH GLASER PEDIATRIC AIDS FOUNDATION,
Washington, DC, April 8, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND CLINTON: On behalf of the Elizabeth Glaser Pediatric AIDS Foundation, I would like to express my strong support for the Early Treatment for HIV Act of 2003. We applaud your efforts to give states the option to extend critical Medicaid benefits to low-income HIV-infested individuals.

For children and adults infected with HIV the recent dramatic advances in treatment offer great hope for living long and healthy lives. Unfortunately, for too many low-income and uninsured individuals the cost of these live-saving medications is out of reach. A ''catch-22'' in the current Medicaid rules requires that they must be disabled by AIDS before Medicaid will begin to cover the drugs that would have prevented or delayed their becoming disabled in the first place.

Improving the access of HIV-positive individuals to treatment early in the progression of the disease is not only humane, but also cost-effective. Early treatment lowers the need for expensive medical interventions and, by decreasing viral loads, reduces the likelihood of new infections. Just as importantly, by preserving the ability of HIV-infected individuals to be productive and healthy workers, parents and citizens, early treatment also reduces the attendant social costs of AIDS.

Thank you for your leadership and commitment to this issue. We look forward to working with you toward passage of the Early Treatment for HIV Act.

Sincerely,

MARK ISAAC,
Vice President for Governmental and Public Affairs.

NATIONAL ALLIANCE OF STATE AND TERRITORIAL AIDS DIRECTORS,
Washington, DC, April 8, 2003.

Hon. GORDON SMITH,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the National Alliance of State and Territorial AIDS Directors (NASTAD), I am writing to offer our support for the ''Early Treatment for HIV Act.'' NASTAD represents the nation's chief state and territorial health agency staff who are responsible for HIV/AIDS prevention, care and treatment programs funded by state and federal governments. This legislation would give states an important option in providing care and treatment services to low-income Americans living with HIV.

The Early Treatment for HIV Act (ETHA) would allow states to expand their Medicaid programs to cover HIV positive individuals, before they become disabled, without having to receive a waiver. NASTAD believes this legislation would allow HIV positive individuals to access the medical care that is widely recommended, can postpone or avoid the onset of AIDS, and can enormously increase the quality of life for people living with HIV.

State AIDS directors continue to develop innovative and cost-effective HIV/AIDS programs in the face of devastating state budget cuts and federal contributions that fail to keep up with need. ETHA provides a solution to states by increasing health care access for those living with HIV/AIDS. ETHA will also save states money in the long-run by treating HIV positive individuals earlier in the disease's progression and providing states with a federal match for the millions of dollars they are presently spending on HIV/AIDS care.

Thank you very much for your continued commitment to persons living with HIV/AIDS. I look forward to working with you to gain support for this important piece of legislation.

Sincerely,

JULIE M. SCOFIELD,
Executive Director.

SOUTHERN CALIFORNIA HIV ADVOCACY COALITION,
April 7, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: on behalf of the Southern California HIV Advocacy Coalition, I am writing to thank you for agreeing to be the lead sponsors of the Early Treatment For HIV Act (ETHA). We strongly support this legislation and are grateful for your leadership.

As you know, ETHA would allow states to extend Medicaid coverage to pre-disabled people living with HIV. It represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Current HIV treatments are successfully delaying the progression from HIV infection to AIDS, improving the health and quality of life for many people living with the disease. However, without access to early intervention health care and treatment, these advances remain out of reach for many non-disabled, low-income people with HIV. The delay in getting individuals into a system of care is having a huge detrimental impact on the HIV delivery system and the entire health safety net in the Southern California area.

By preserving the health of people living with HIV, preventing opportunistic infections associated with the disease, and slowing the progression to AIDS, the Early Treatment for HIV Act could ultimately save taxpayer dollars. Most importantly, should ETHA become law, the United States will take an important step towards ensuring that all people living with HIV can get the medical care they need to stay healthy for as long as possible.

In an era of constrained federal resources for health care spending, we must aggressively fight for effective means to finance care for people with HIV. This bill will begin to address these challenges through a permanent funding solution, allowing states to expand the safety net to cover eligible persons with early-stage HIV disease.

Thank you again for your leadership on behalf of people living with HIV. Please let me know if there is anything I can do to help secure passage of this important legislation.

Sincerely,

TOM PETERSON,
Co-Chair, Southern California HIV Advocacy Coalition.

THE CENTER FOR AIDS,
Houston, Tx, April 4, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: on behalf of The Center for AIDS: Hope & Remembrance Project (CFA), I am writing to thank you for agreeing to be the lead sponsors of the Early Treatment For HIV Act (ETHA). We strongly support this legislation and are grateful for your leadership.

As you know, ETHA would allow states to extend Medicaid coverage to pre-disabled people living with HIV. It represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Current HIV treatments are successfully delaying the progression from HIV infection to AIDS, improving the health and quality of life for many people living with the disease. However, without access to early intervention health care and treatment, these advances remain out of reach for many non-disabled, low-income people with HIV. Moreover, without these treatments to stave off disease progression, hospitalizations and associated costs would unnecessarily add millions of dollars in burdens to the U.S. health care system.

The CFA has the largest collection HIV/AIDS-specific treatment information in the southwestern U.S. The CFA specializes in research/treatment information and advocacy. The proposed ETHA legislation will help The CFA's clients—those affected by HIV/AIDS both locally in Houston and nationally—stay healthier and lead productive lives in society.

By preserving the health of people living with HIV, preventing opportunistic infections associated with the disease, and slowing the progression to AIDS, ETHA could ultimately save taxpayer dollars. Most importantly, should ETHA become law, the United States will take an important step towards ensuring that all people living with HIV can get the medical care they need to stay healthy for as long as possible.

Thank you again for your leadership on behalf of people living with HIV. Please let me know if there is anything I can do to help secure passage of this important legislation.

Sincerely,

THOMAS GEGENY,
MS, ELS, Editor & Interim Director.

ASSOCIATION OF MATERNAL CHILD HEALTH PROGRAMS,
Washington, DC, April 4, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: on behalf of the Association of Maternal and Child Health Programs (AMCHP), I am writing to thank you for agreeing to be a lead sponsor of the Early Treatment For HIV Act (ETHA). We strongly support this legislation and are grateful for your leadership.

As you know, ETHA would allow states to extend Medicaid coverage to pre-disabled people living with HIV. It represents a breakthrough in assuring early access to care for thousands of low-income people living with HIV. Current HIV treatments are successfully delaying the progression from HIV infection to AIDS, improving the health and quality of life for many people living with the disease. However, without access to early intervention health care and treatment, these advances remain out of reach for

many non-disabled, low-income people with HIV.

AMCHP represents the directors and staff of state public health programs for maternal and child health (funded by the Federal Maternal and Child Health Services Block Grant), including children with special health care needs. These programs provided services to over 27 million Americans in FY 1999, including 18 million children between the ages of 1 and 22, 16% of whom had no known source of health insurance.

With this legislation, the United States will take an important step towards ensuring that all people living with HIV can get the medical care they need to stay healthy for as long as possible.

Thank you again for your leadership on this issue. Please let me know how I can help support your efforts to secure passage of this important legislation.

Sincerely,

DEBORAH DIETRICH,
Acting Executive Director.

SAN FRANCISCO
AIDS FOUNDATION,
San Francisco, CA, April 8, 2003.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH and CLINTON: the San Francisco AIDS Foundation would like to thank you for your sponsorship of the Early Treatment for HIV Act 2003.

The Act would provide states with the option of covering low-income people living with HIV as 'categorically needy' provide them with medical care and treatment, reduce long term health care costs to states, and address a serious gap in public health care access. Recent breakthroughs in medical science and clinical practice have transformed the possibilities in HIV/AIDS care in the United States. Today, we know that early intervention with medical care and treatment for HIV disease slows the progression of HIV and prevents the onset of opportunistic infections. Application of this knowledge lengthens the life expectancy and dramatically improves the quality of life for many. These changes in science and medical practice demand revisions in the treatment of HIV disease under Medicaid.

Currently Medicaid eligibility for childless adults is tied to Supplemental Security Income (SSI) eligibility. The result of this determination is that people living with HIV must wait for Medicaid access until their disease has progressed to a disabling AIDS diagnosis. The cruel irony of this practice is that individuals are forced to incur often-irreparable damage to their immune systems before receiving treatments that could have delayed or avoided the damage. This is counter to sound public health practices and all but guarantees higher cost of care for thousands of affected individuals. This serious anomaly in public health care coverage must be rectified by the enactment of this legislation.

The AIDS Foundation thanks you both for your leadership and sponsorship of this important legislation.

Sincerely,

ERNEST HOPKINS,
Director of Federal Affairs.

Mr. President, I ask unanimous consent that a copy of the Early Treatment for HIV Act of 2003 be printed in the RECORD.

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

S. 847

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 ''Early Treatment for HIV Act of 2003''.

SEC. 2. OPTIONAL MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(10)(A)(ii)—

(A) by striking ''or'' at the end of subclause (XVII);

(B) by adding ''or'' at the end of subclause (XVIII); and

(C) by adding at the end the following:

''(XIX) who are described in subsection (cc) (relating to HIV-infected individuals);''; and

(2) by adding at the end the following:

''(cc) HIV-infected individuals described in this subsection are individuals not described in subsection (a)(10)(A)(i)—

''(1) who have HIV infection;

''(2) whose income (as determined under the State plan under this title with respect to disabled individuals) does not exceed the maximum amount of income a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan; and

''(3) whose resources (as determined under the State plan under this title with respect to disabled individuals) do not exceed the maximum amount of resources a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan.''.

(b) ENHANCED MATCH.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by striking ''section 1902(a)(10)(A)(ii)(XVIII)'' and inserting ''subclause (XVIII) or (XIX) of section 1902(a)(10)(A)(ii)''.

(c) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(1) by striking ''or'' at the end of clause (xii);

(2) by adding ''or'' at the end of clause (xiii); and

(3) by inserting after clause (xiii) the following:

''(xiv) individuals described in section 1902(cc);''.

(d) EXEMPTION FROM FUNDING LIMITATION FOR TERRITORIES.—Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended by adding at the end the following:

''(3) DISREGARDING MEDICAL ASSISTANCE FOR OPTIONAL LOW-INCOME HIV-INFECTED INDIVIDUALS.—The limitations under subsection (f) and the previous provisions of this subsection shall not apply to amounts expended for medical assistance for individuals described in section 1902(cc) who are only eligible for such assistance on the basis of section 1902(a)(10)(A)(ii)(XIX).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning on or after the date of the enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 849. A bill to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am pleased to join with Senator KYL today to introduce the Northern Arizona National Forest Land Exchange Act of 2003. This bill facilitates an exchange of over 50,000 acres of Federal and private land in Arizona for the primary purpose of consolidating National Forest lands currently in checkerboard ownership in the northwestern portion of the State. Included in the exchange are a number of other Federal land parcels located in the communities of Flagstaff, Williams, Clarkdale, Cottonwood, and Camp Verde and other lands currently leased by six different camps.

This is a complex land exchange because of its size, the diverse nature of the lands involved, and the range of potential benefits and impacts that would result. The Forest Service has stated that the consolidation of the checkerboard in the Prescott National Forest will yield significant benefits and cost-savings to the public. In putting forth this exchange with the Yavapai Ranch Limited Partnership, the Forest Service has identified opportunities to achieve better and more cost-effective management of Federal lands and resources, to acquire lands that will meet the important public objectives of protection of wildlife habitat, cultural resources, watershed, wilderness and aesthetic values, and also meet the needs of State and local residents and their economies.

The communities of Flagstaff and Williams and the camps are strongly in favor of this bill as it will allow them to acquire federal lands that will be exchanged to Yavapai Ranch, providing them beneficial economic and land use management opportunities. The communities of Clarkdale, Cottonwood, and Camp Verde are also an important part of this exchange. Inclusion of these parcels, totaling more than 300 acres, has focused discussion on essential issues of available water supply, the limits of sustainable growth, and quality of life concerns.

The issue of potential adverse impacts of new development on limited water resources has been addressed in this bill through the establishment of conservation easements which limit water use on the Verde Valley parcels after private acquisition. This foresighted provision is intended to conserve precious surface and ground water resources and protect the water users and State water right holders dependent upon them. Given the uncertainty about available water supplies and future uses, I believe this is a responsible measure which is in the interest of both Arizona citizens and the American public.

Of primary importance to me are the procedural terms and conditions by which the land exchange will be conducted. The Forest Service has stated that the procedures set forth in this bill represent standard practice and will allow for the desired outcome of a fair and equal value exchange of public property. I have also made an effort to

solicit public input on the exchange in order to appreciate the potential benefits and costs involved. I held several public meetings in Arizona on the exchange and have heard and read the differing views of hundreds of interested Arizonans.

After careful consideration, I believe it is appropriate that the bill be introduced at this time. While the proposed exchange has the support of the Forest Service, the elected representatives of the affected communities, and the camps, introduction of this bill advances us to the next phase of public consideration of key aspects and procedural issues associated with the legislation.

I expect that public hearings will be held here and in Arizona on the bill in the near future. The Forest Service will have an opportunity to provide public statements concerning the specific provisions of the bill, as will other parties affected by the exchange. I anticipate that in the next phase of the legislative process, our state delegation will receive the information needed to address any remaining issues and ensure that this exchange will be conducted in a manner that benefits the citizens of Arizona and Federal taxpayers alike.

Mr. KYL. Mr. President, today, I am pleased to join with Senator MCCAIN to introduce the Northern Arizona National Forest Land Exchange Act of 2003. This bill, which facilitates a large and very complex land exchange in Arizona, is the product of months of discussions between the Forest Service, community groups, local officials, and other stakeholders. It will allow communities to accommodate growth and improve the management of our forests; it will also yield many environmental benefits to the public.

This bill will protect some of Arizona's most beautiful ponderosa pine forests from future development by placing approximately 35,000 acres of private land into public use. It consolidates a 110-square mile area in the Prescott National Forest near the existing Juniper Mesa Wilderness under Forest Service ownership, to preserve the area in its natural state and prevent its subdivision. This land has old growth ponderosa pine that is at least 250 years old and juniper that is 500 years old or older. Consolidation will preserve the area for watershed management, wildlife habitat, and outdoor recreation. Without consolidation, these tracts would be open to future development. I am pleased that this bill will preserve them for future generations.

This bill significantly improves management of the Prescott National Forest. The existing checkerboard ownership pattern in the Prescott makes management and access difficult. The exchange improves management of the forest by consolidating this land, and allowing the Forest Service to effectively apply forest-restoration treatments designed to improve forest health and reduce hazardous fuels. In turn, better management will help decrease the fire risk in Arizona's forests. The importance of improved management and efficient restoration treatments cannot be overstated given last year's devastating Rodeo-Chediski fire.

In addition to protecting Arizona's natural resources, this bill allows several Northern Arizona communities to accommodate future growth and economic development, and to meet other municipal needs. The exchange will allow the Cities of Williams and Flagstaff to expand their airports and water-treatment facilities, and develop town parks and recreation areas. The town of Camp Verde will have the opportunity to acquire lands for view shed protection. Several youth organizations throughout northern Arizona will be able to acquire land for their camps.

Even as it addresses environmental and community needs, this bill saves significant taxpayer dollars. It obviates the administrative route for land exchange—doing an exchange of this size administratively would require considerable financial and personnel resources within the Forest Service. The agency estimates that the legislative approach will cost half as much as the administrative alternative—resulting in potential savings to the taxpayers in excess of $500,000.

This land exchange is supported and endorsed by many municipalities, religious institutions, environmental groups, and other nongovernmental organizations in Arizona. Experts from the Arizona Game and Fish Department have reviewed the lands to be exchanged and strongly support the proposal. I have received hundreds of letters and petitions from residents expressing support for it. This exchange is extremely important to the residents of Arizona.

This land exchange is a unique opportunity to protect Arizona's natural resources while accommodating the tremendous growth that my State is experiencing. This bill is good for the state of Arizona and I plan to work with my colleagues to ensure that we pass this important legislation this year.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 112—DESIGNATING APRIL 11TH, 2003, AS ''NATIONAL YOUTH SERVICE DAY'', AND FOR OTHER PURPOSES

Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. BIDEN, Mr. DEWINE, Mr. JOHNSON, Mr. BAYH, Mr. BAUCUS, Mr. BROWNBACK, Mr. BUNNING, Mr. CAMPBELL, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. DOMENICI, Mr. DURBIN, Mr. KENNEDY, Ms. LANDRIEU, Mr. LUGAR, Ms. MIKULSKI, Mrs. MURRAY, and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 112

Whereas National Youth Service Day is an annual public awareness and education campaign that highlights the amazing contributions that young people make to their communities throughout the year;

Whereas the goals of National Youth Service Day are to mobilize youths to identify and address the needs of their communities through service, recruit the next generation of volunteers, and educate the public about the contributions young people make as community leaders throughout the year;

Whereas young people in the United States are volunteering more than has any generation in American history;

Whereas the ongoing contributions young people make to their communities throughout the year should be recognized and encouraged;

Whereas young people should be viewed as the hope not only of tomorrow, but of today, and should be valued for the inherent idealism, energy, creativity, and commitment that they employ in addressing the needs of their communities;

Whereas there is a fundamental and absolute correlation between youth service and lifelong adult volunteering and philanthropy;

Whereas, through volunteer service and related learning opportunities, young people build character and learn valuable skills, including time management, teamwork, needs-assessment, and leadership, that are sought by employers;

Whereas service-learning, an innovative teaching method combining service to the community with classroom curriculum, is a proven strategy to increase academic achievement;

Whereas National Youth Service Day was first organized in 1988 by Youth Service America and the Campus Outreach Opportunity League, and is now being observed in 2003 for the 15th consecutive year;

Whereas Youth Service America continues to expand National Youth Service Day, now engaging millions of young people nationwide with 50 Lead Agencies in nearly every State to organize activities across the United States;

Whereas Youth Service America has expanded National Youth Service Day to involve over 60 National Partners;

Whereas National Youth Service Day has inspired Global Youth Service Day, which occurs concurrently in 127 countries and is now in its fourth year; and

Whereas young people will benefit greatly from expanded opportunities to engage in meaningful volunteer service: Now, therefore, be it

Resolved,

SECTION 1. RECOGNITION AND ENCOURAGEMENT OF YOUTH COMMUNITY SERVICE.

The Senate recognizes and commends the significant contributions of American youth and encourages the cultivation of a common civic bond among young people dedicated to serving their neighbors, their communities, and the Nation.

SEC. 2. NATIONAL YOUTH SERVICE DAY.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate April 11, 2003, as ''National Youth Service Day''.

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating April 11, 2003, as ''National Youth Service Day''; and

(2) calling on the people of the United States to—

(A) observe the day by encouraging and engaging youth to participate in civic and community service projects;