Congress has armed regulators with the flexibility to adapt to changes in the marketplace. Indeed, in the coming years, I am confident the Federal Reserve Board and the Treasury Department will determine the effect that the Gramm-Leach-Bliley Act is having on the financial market place and on consumers. As the effects are analyzed and changes considered, I urge that safeguards be included that ensure the protection of consumers and existing business compliance with relevant emission standards.

Last year, there was tremendous support for this legislation in the House and Senate, and I look forward to working with my colleagues again this year to ensure that the Treasury Secretary hears loud and clear the intent of Congress to protect consumers, and to protect an industry from being put at a competitive disadvantage through executive action.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. Boxer):

S. 107. A bill to prohibit the exportation of natural gas from the United States to Mexico for use in electric energy generation units near the United States border that do not comply with air quality control requirements that provide air quality protection that is at least equivalent to the protection provided by requirements applicable in the United States; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation at the start of this new Congress to protect those living along the California-Mexican border from harmful power plant emissions. This bill, which Congresswoman DUNCAN HUNTER is also introducing today in the House of Representatives, will prevent power plants built in Mexico from using natural gas from the United States, unless firms operating these plants agree to comply with California's air pollution standards.

Currently there are two new power plants in Mexicali, Mexico, a city right across the border from Imperial County, California. The Imperial Valley produces much of our Nation's wintertime vegetables. The Valley is the region in Southern California that will be impacted most by pollution from these power plants in Mexico. And since Imperial County has some of the worst air quality in the United States and one of the highest childhood asthma rates in the State, I believe these new plants must meet California emission standards.

One of the Mexicali plants, which is being built by Sempra Energy, will have pollution mitigation technology to minimize the impact of air pollution on the residents of the Imperial Valley. However, the other plant, to be built by InterGen, will not. InterGen officials have repeatedly stated that their plant will be "less expensive, and it is not subject to domestic or International Environmental Protection Agency to determine if a power plant is in compliance with relevant emission standards.

I support the development of new energy projects for California because I believe we need to bring more power to the Valley. However, I do not believe the fact that we need more power in California should allow companies to take advantage of this need and use it as an excuse to devote less attention to clear air and public health. It is not unreasonable to ensure that companies making money in California energy market meet strict environmental standards. This legislation is meant to strike a balance between promoting new sources of energy south of the border and protecting the environment throughout the border region. It is not a final resolution of these cross-border issues, but I believe it is a good first step.

By Mr. EDWARDS (for himself and Mr. HOLLINGS):

S. 118. A bill to develop and coordinate a national emergency warning system; to the Committee on Commerce, Science, and Transportation.

Mr. EDWARDS. Mr. President, I rise to introduce, together with Senator HOLLINGS, the Emergency Warning Act of 2003.

In the event of a terrorist attack or natural disaster, Americans must know how to respond. In the first terrible hours on September 11, 2001, in Washington, New York, and across the country, most of us didn't know what to do. We didn't know if we was safer to pick our children up from school or safer to leave them there. We didn't know if we should stay at work or head for home.

For everything that's happened since September 11, the reality is that if an attack happened again, many of us still would not know what to do. That must change.

To prepare Americans to respond in time of attack, the first thing we need to do is to update our emergency warning system. Today, that system depends heavily on television and radio, and it has two big problems. First, the system doesn't reach millions of Americans who aren't near a TV and radio at a given moment. How many of us wake up to a warning read on TV at 3 a.m.? Second, the system doesn't provide all the information we need. For many of us, the new color-coded terrorism warnings have proven more confusing than helpful. We need practical information about what we can do to respond to threats or attacks.

While the terrorist attacks have highlighted the need for effective public warnings, they're also essential during natural disasters. In fact, most public warnings deal with weather hazards like hurricanes and floods. After Hurricane Floyd hit North Carolina, the Air Force had to rescue more than 200 people stranded in cars, on roofs, and in trees, people who weren't told to evacuate their homes until it was too late. More than 50 people died during that hurricane. In our State's neighbor, Tennessee, six people died during a 1999 tornado because tornado sirens failed. With all the technology that we have at our disposal, we can do better.

In short, we need sure effective warnings get to every American in time of danger, and we have to make sure those warnings tell folks just
The Emergency Warning Act will help achieve that goal. This legislation will require the Department of Homeland Security and the Department of Commerce, and we must ensure that comprehensive, easily understandable emergency warnings get to every American at risk. Whether from flood, hurricane or terrorist attack. This bill instructs Commerce and DHS to work with the government agencies that currently issue warnings, with first responders, with private industry, and with the media to make sure that our emergency warning system actually warns Americans who are at risk.

There are a lot of things the system could do using existing technology. For example, it could alert Americans in their homes through a special phone ring. These warnings could reach people as they sleep in their homes. For people on the move, the system could use cell phones, which can already be programmed to broadcast emergency warnings to all users in a certain area—even if those folks are just passing through. Pagers and beepers can achieve the same result. Televisions can be programmed to come on automatically and provide alerts in the event of a disaster.

We also can make sure that warnings provide the specific information people need—what to watch for, where to go, how to travel, what to bring. We should not have empty warnings. Instead, we should respond to specific threats with specific information that people can use.

This legislation was developed with a lot of help from the Partnership for Public Warning. Their comprehensive study of the problem, “Developing a Unified All-Hazard Public Warning System,” pointed the way to what we are doing. I am grateful for their help, as well as the indispensable help of Senators Bayh and Brownback.

Creating a better emergency warning system is only the first step we must take in order to empower Americans to respond to terrorist attack. As I’ve said in the past, I believe Americans want to contribute to our nation’s defense, they are just looking for ways to do it. In the coming weeks, I will introduce additional legislation to support civilian defense efforts across America. But this bill makes an important contribution to our efforts.

By Mrs. HUTCHISON (for herself, Mr. BAYH, Mr. BROWNBACK, Mr. HAGEL, Mr. BURNS, Mr. FITZGERALD, Mr. CORYN, and Mr. COCHRAN):

S. 120. A bill to eliminate the marriage tax penalty permanently in 2003; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a bill to provide permanent tax relief from one of the most egregious, anti-family aspects of the tax code, the marriage penalty. Relieving American taxpayers of this burden has been one of my highest priorities as a U.S. Senator.

Today, millions of couples across America are penalized by our tax code simply because they are married. The Treasury Department estimates that 48 percent of married couples pay this additional tax. In a recent study by the Congressional Budget Office, the average penalty paid is $1,400 per couple.

Fortunately, the 107th Congress took a step in the right direction. The Economic Growth and Tax Relief Reconciliation Act of 2001 will provide marriage penalty relief to millions of couples by increasing the size of the standard deduction and the width of the 15 percent tax bracket, so those applied to a married couple will be twice the size of those for an individual. In addition, the phase-out levels for the earned income tax credit will be adjusted so as to reduce the penalty on married couples.

But once again, we face the infamous "setsem provision" that will wipe away these reforms in 2011. Another problem is that relief does not begin to be phased in until 2005, with the full impact not taking effect until 2009. President Bush has called for making marriage penalty relief effective immediately as part of his economic stimulus package.

I agree that this is an important step. Given the state of the economy and the difficulty many families are having in making ends meet, we cannot wait any longer to give young couples the break they deserve.

The bi-partisan bill I am offering with Senator BAYH and others would make the 2001 reforms effective immediately and permanently. People will no longer have to decide between love and money.

The benefits for couples are significant. A couple earning $30,000 could keep $800 they now pay in taxes, while a couple earning $80,000 could save more than $1,300. 35 million couples will benefit from enacting marriage penalty relief in 2003, including 2.4 million Texas families.

The tax code provides a significant disincentive for people to take marriage vows. Marriage is a fundamental institution in our society and should not be discouraged by the IRS. The benefits of marriage are well established. Children living in a married household are far less likely to live in poverty or to suffer from child abuse. Research indicates they are less likely to be depressed or have developmental problems. Scourges such as adolescent drug use are less common in married families, and married mothers are less likely to be victims of domestic violence.

At the very least, marriage should not be taxed. I call on the Senate to finish the job we started and say “I do” to providing permanent marriage penalty relief today.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 120

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 “Marriage Penalty Relief Act of 2003.”

SEC. 2. ACCELERATION OF MARRIAGE PENALTY RELIEF PROVISIONS.

(a) ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.

(1) IN GENERAL.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to standard deduction) is amended—

(A) by striking “$5,000” in subparagraph (A) and inserting “200 percent of the dollar amount in effect under subparagraph (C) for the taxable year”;

(B) by adding “or” at the end of subparagraph (B);

(C) by striking “in the case of” and all that follows in subparagraph (C) and inserting “in any other case.”; and

(D) by striking subparagraph (D).

(2) TECHNICAL AMENDMENTS.—

(A) Subparagraph (3) of section 1(f) of such Code is amended by adding “other than with” and all that follows through “shall be applied” and inserting “other than with respect to sections 63(c)(4) and 151(d)(4)(A)” shall be applied”.

(B) Paragraph (4) of section 63(c) of such Code is amended by adding at the end the following flush sentence:

“The preceding sentence shall not apply to the amount referred to in paragraph (2)(A).”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2002.

(b) ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.

(1) IN GENERAL.—Section 1(f) of the Internal Revenue Code of 1986 (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended by adding at the end the following new paragraph:

“(8) ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.—

“(A) IN GENERAL.—With respect to taxable years beginning after December 31, 2002, in prescribing the tables under paragraph (1)—

“(i) the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (c) (the minimum taxable income in the next higher taxable income bracket in such table) shall be 200 percent of the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (c) (after any other adjustment under this subsection), and

“(ii) the comparable taxable income amount in the table contained in subsection (d) shall be 2 of the amounts determined under clause (i).

“(B) Rounding.—If any amount determined under subparagraph (A)(i) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.”.

(2) TECHNICAL AMENDMENTS.—

(A) Subparagraph (A) of section 1(f)(2) of such Code is amended by inserting “except as provided in paragraph (8),” before “by increasing”.

(B) The heading for subsection (f) of section 1 is amended by inserting “ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT Bracket,” before “ADJUSTMENTS”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2002.
(c) MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT.—

(A) IN GENERAL.—Section 32(b)(2)(B) of the Internal Revenue Code of 1986 (relating to amounts) is amended by striking "increased by"— and all that follows and inserting "increased by $3,000."

(B) INFLATION ADJUSTMENT.—Paragraph (1)(B)(ii) of section 32(j) of such Code (relating to inflation adjustments) is amended to read as follows:

"(ii) in the case of the $3,000 amount in subsection (b)(2)(B), by substituting "calendar year 2003" for "calendar year 1992" in subparagraph (B) of such section 1."

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to taxable years beginning after December 31, 2002.

(2) EXPANSION OF MATHEMATICAL ERROR AUTHORITY.

(A) IN GENERAL.—(Paragraph (2) of section 6213(g) of such Code is amended by striking "and" at the end of subparagraph (K), by striking the period at the end of subparagraph (L) and inserting "; and", and by inserting after subparagraph (L) the following new subparagraph:

"(M) a return on the return claiming the credit under section 32 with respect to a child if, according to the Federal Case Registry of Child Support Orders established under section 509(b)(1) of the Social Security Act, the taxpayer is a noncustodial parent of such child."

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect on January 1, 2003.

(d) CONFORMING AMENDMENTS.—

(1) REPEAL OF AMENDMENTS.—Sections 301, 302, and 303 of the Economic Growth and Tax Relief Reconciliation Act of 2001 are repealed.

(2) REPEAL OF SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 303 (other than subsection (g) of such section) of such Act (relating to marriage penalty relief).

By Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. HATCH, Mr. LEVIN, Mr. LEVINSON, Mr. MILLER, Mr. VONNOVICH, Mr. CRAPO, Mr. LUGAR, Mr. BINGAMAN, Ms. STABENOW, Mr. FITZGERALD, Mr. FEINGOLD, Mr. BIDEN, Mr. McCONNELL, Mr. NELSON of Florida, Mr. BENNETT, Mr. DODD, Ms. LANDREIT, Mr. SESSIONS, Ms. COLLINS, Mr. ALLARD, Mr. ROCKEFELLER, Mr. WYDEN, Mr. HARKIN, and Mr. DURBIN):

S. 121. A bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes; to add a new jurisdiction.

Mrs. HUTCHISON. Mr. President, I am introducing today with my friend from California, Senator FEINSTEIN, and 26 other senators, the National AMBER Network Act. This legislation will establish a National AMBER Network, to facilitate the current systems of AMBER Alert plans that exist in various states. Our legislation recognizes the tremendous work that those involved in AMBER Alerts are doing and seeks to build on their efforts.

In 1996, 9-year-old Amber Hagerman of Arlington, Texas was abducted and brutally murdered. Her death had such an impact on the community that local law enforcement agencies and broadcasters developed what is now known as AMBER Alert, America's Missing: Broadcast Emergency Response. An AMBER Alert is activated by law enforcement to find a child, when a child has been abducted. An Alert triggers highway notifications and broadcast messages throughout the area where the abduction occurred.

As we have seen, AMBER plans in different communities have worked to bring children home safely. To date, AMBER Alert has helped recover 42 children nationwide. Many communities and States have outstanding AMBER plans. However, the vast majority of States do not yet have comprehensive, statewide coverage and systems for AMBER Alerts.

Mr. President, it is a critical issue particularly when an abducted child is taken across State lines. The bill I am introducing today establishes an AMBER Alert Coordinator within the Department of Justice to assist states with their AMBER plans.

Last year, President Bush ordered the Attorney General to establish an AMBER Alert Coordinator, and this bill will codify that position for future Administrations. While we have witnessed successful stories of AMBER alerts helping to recover a child within a region, huge gaps exist among the AMBER plans around the country. The AMBER Alert Coordinator will facilitate appropriate regional coordination of AMBER alerts, particularly with interstate travel situations, and will assist states, broadcasters, and law enforcement in establishing additional AMBER plans.

The AMBER Alert Coordinator will set minimum, voluntary standards to help states work together, and will help to reconcile the different standards and criteria for issuing an AMBER Alert. In doing so, the Coordinator will work with the National Center for Missing and Exploited Children, local and State law enforcement and broadcasters to define minimum standards.

Overall, the AMBER Alert Coordinator's efforts will set safeguards to make sure the AMBER alert system is used for its intended purpose. In addition, the bill provides for matching grants to states with AMBER programs. The grant program will help localities and States build or further enhance their efforts to disseminate AMBER information. With this end, Federal matching grants will fund road signs and electronic message boards along highways, broadcasts of information on abducted children, education and training, and related equipment.

Our bill provides to support of the National Center of Missing and Exploited Children and the National Association of Broadcasters, who play essential roles in the AMBER Alert system. I urge the Senate to act expeditiously on this legislation to protect America's children.

Mrs. FEINSTEIN. Mr. President, today I am pleased to join Senator Sessions in introducing the National AMBER Alert Network Act. This legislation builds upon the proven successes of the AMBER Alert program.

AMBER Alerts are official bulletins transmitted over the airwaves and on roadways to enlist the public's help in tracking down child abductors fleeing a crime scene. AMBER Alerts are such powerful tools because they can be issued within minutes of an abduction and reach a wide public audience.

Statistics show that children in the most dangerous abduction cases have precious little time until their safety is compromised.

According to a study by the U.S. Department of Justice, 74 percent of children who were abducted, and later found murdered, are killed in the first hours after being taken.

Simply put, we need more AMBER Alerts because they may be the best tool law enforcement has to save kidnapped children facing imminent danger.

Last Fall, Senator HUTCHISON and I first introduced the "National AMBER Alert Network Act." The bill attracted tremendous support in the Senate. Just seven days after it was introduced, the bill passed the Senate.

While the legislation did not pass the House, President Bush issued an executive order putting some of the pieces of the National AMBER Alert Network Act into effect.

Specifically, on October 3, 2002, President Bush announced that the Administration would create a national AMBER Alert coordinator in the Department of Justice, would draft national standards for AMBER Alerts; and allocate $10 million in funding for the creation of new AMBER Alert programs.

While President Bush's actions were an important first step, we now need to ensure the long-term viability of the national AMBER Alert program by enacting authorizing legislation.

The bill we introduce today has three key components.

First, the legislation would authorize $25 million to the Department of Transportation and $5 million to the Department of Justice in FY 2004 to provide grants for the development of AMBER Alert systems, electronic message boards, and training and education programs in states that do not have AMBER Alerts.

To date, AMBER Alert systems exist in 33 States and a total of 83 local, regional and State jurisdictions. This bill would help the expansion of AMBER Alerts to new jurisdictions.

Second, the bill would build upon the President’s Executive Order by authorizing a national coordinator for AMBER Alerts in the Department of
Justice to expand the network of AMBER Alert systems and to coordinate the issuance of region-wide AMBER Alerts.

Third, the bill provides a framework for the Department of Justice to establish and fund the Regional AMBER Coordination centers that are the backbone of the AMBER Alert System. These centers are the central command and control centers for AMBER Alerts, and they are the first line of defense in the fight against child abduction.

The Department of Justice, working with the National Center for Missing and Exploited Children and other private organizations with expertise in this area, would build on the best practices currently in place.

Today, an AMBER Alert is typically issued only when: a law enforcement agency confirms that a predatory child abduction has occurred, the child is in imminent danger, and there is information available that, if disseminated to the public, could assist in the safe recovery of the child.

The effectiveness of AMBER Alerts depends on the continued judicious use of the system so that the public does not grow to ignore the warnings.

Furthermore, it is the specific intent of this bill not to interfere with the operation of the 83 AMBER plans that are working today.

Participation in regional AMBER plans is voluntary, and any plan that wishes to go it alone may still do so.

I urge members to support this bill because AMBER Alerts have a proven track record.

Nationally, since 1996, the AMBER Alert has been credited with the safe return of 42 children to their families, including one case in which an abductor reportedly released the child after hearing the Alert himself. I would like to briefly describe two of these cases: the rescues of 10-year-old Nichole Timmons from Riverside and four-year-old Jessica Cortez from Los Angeles.

Last fall, Nichole Timmons and her mother Sharon attended a hearing of the Senate Judiciary Subcommittee on Technology, Terrorism, and Government information on the AMBER Alert program.

In moving testimony, Sharon described how Nichole was abducted from their Riverside home on August 20, 2002 and how an AMBER Alert brought her daughter back to her within hours of the abduction.

In Nichole’s case, an Alert was issued not just in California, but in Nevada as well.

After learning about the Alert, a tribal police officer in Nevada spotted the truck of Nichole’s abductor and stopped him within 24 hours of the abduction.

He was found with duct tape and a metal pipe.

The AMBER Alert was the only reason that Nichole was able to return home to her mother, safe.

I can’t think of any testimony in support of a bill more powerful than the sight of a mother sitting next to her daughter who she thought might be gone forever.

The second case I want to mention is that of Jessica Cortez. Jessica dis-appeared from Echo Park in Los Angeles on August 11, 2002.

But when Jessica’s abductor took her to a clinic for medical care, receptionist Denise Leon recognized Jessica from AMBER Alert and notified law enforcement.

Without the publicity generated by the Alert, Jessica could have been lost to her parents forever.

Through this legislation, we will extend to every corner of the Nation a network of AMBER Alerts that will protect our children.

This program will increase the odds that an abducted child will return to his or her family safely.

But importantly, it will deter potential abductors from taking a child in the first place.

As Mark Klaas said at a hearing on the bill last Fall, this legislation will “save kids lives.”

Once again, let me thank Senator Kay Bailey Hutchison for her tremendous leadership on this issue.

It is my hope that this bill will continue to see the strong, bipartisan support that led to its swift passage in the Senate last year. Thank you.

By Mr. SHELBY (for himself, Mr. SARBANES, Mr. BOND, Ms. MIKULSKI, Mr. BUNNING, Mr. BENNETT, Mr. ALLARD, Mr. ENZI, Mr. HAGEL, Mr. CHAFFEE, Mr. JOHNSON, Mr. SCHUMER, Mr. BAYH, Mr. MILLER, Ms. STABENOW, and Mr. CORZINE):

S. 122. A bill to extend the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SHELBY. Mr. President, I rise today to introduce the “National Flood Insurance Program Reauthorization Act of 2003.” This bill, which is cosponsored by the Ranking Democrat on the Subcommittee on Commerce, Mr. SARBANES, as well as Senators BOND and MIKULSKI, the Chairman and Ranking Member, respectively, of the Subcommittee on VA, HUD and Independent Agencies Appropriations, will provide a one-year extension of the lapsed federal flood insurance program.

The National Flood Insurance Program, “NFIP,” expired on December 31, 2002. The expiration of the program has prevented homeowners and home buyers from obtaining or renewing flood insurance policies in the intervening time. Since anyone buying or refinancing a home in a flood plain must have flood insurance, NFIP’s expiration will block the path to homeownership for many Americans, and have a disruptive effect on the residential real estate and mortgage markets.

I have a December 6, 2002 letter from Anthony S. Lowe, the Administrator of the Federal Insurance and Mitigation Administration, which goes into greater detail regarding the consequences of the expiration of the NFIP. As Director Low indicates in this letter the lapse of this authority could effect as many as 400,000 households in the month of January alone. I ask unanimous consent that this letter be printed in the Record.

The bill that I am introducing today simply extends the NFIP through the end of this calendar year, retroactive to January 1, 2003. It’s purpose is the same as S. 13, which the Senate passed last November 20th.

The House passed companion legislation this week, and it is our hope to have a short term extension of the NFIP enacted into law as soon as possible. This will permit the two Houses of Congress to consider the larger issues confronting the NFIP in a deliberate manner, without creating hardship for homeowners and undue turmoil in our nation’s real estate market.

There being no objection, the letter was ordered to be printed in the Record, as follows:

FEDERAL EMERGENCY MANAGEMENT AGENCY,
Washington, DC, December 6, 2002.

U.S. Senate,
Washington, DC.

Dear Senator: On December 31, 2002, certain basic authorities for the Federal Emergency Management Agency’s National Flood Insurance Program (NFIP) will expire. The continuing resolution (P.L. 107–294), which extends FY 02 baseline funding through January 11, 2003, does not extend NFIP authorization. This lapse in authority in January track record could affect as many as 400,000 household seeking to obtain or renew a flood insurance policy in nearly 20,000 communities in all 50 States and territories.

In particular, the lack of Authorization for NFIP to issue and renew policies will cause significant disruption to policyholders, the lending and real estate industries, secondary mortgage market, many private insurance companies writing flood insurance under arrangements with the NFIP, and particularly those seeking home loans or mortgage refinance that requires flood insurance as a precondition to settlement.

The lapse in authorization will also have a negative impact on public entities that provide or require flood insurance, including Fannie Mae and Freddie Mac, which together control about 85% of the secondary mortgage market in the country. In addition, since pre-expiration billing conducted 45–90 days prior to expiration of a policy, unless our authority to renew policies is reauthorized immediately, many more individuals will be impacted than the above initial estimate.

The four authorities requiring reauthorization are sections 1309(a)(2), 1391, 1336 and 1396c of the National Flood Insurance Act of 1968 (P.L. 90–448). Should they lapse, the resulting uninsured flood losses could impose significant hardship on citizens, and increase costs to the Federal government and the States. I would urge Congress to act as quickly as possible to reauthorize this important program effective January 1, 2003. Should you have any questions on this issue, please do not hesitate to contact our Congressional and Intergovernmental Affairs Division at (202) 446–4500. Thank you for your consideration.

Sincerely,
 Anthony S. LOWE,
Administrator,
Federal Insurance and Mitigation Administration.

Mr. SARBANES. Mr. President, I am pleased to join with Senator SHELBY
and others of my colleagues in introducing the National Flood Insurance Program Reauthorization Act of 2003. This legislation is similar to legislation I introduced last year S. 13, which would have reauthorized the National Flood Insurance Program (NFIP), for one year. A one year extension in the current authority of the Federal Emergency Management Agency's authority to administer this important program. The Senate passed this bill on November 20, 2002, but unfortunately, the House of Representatives did not consider it before adjourning for the year. FEMA's authority to manage the NFIP expired on December 31, 2002.

FEMA has estimated that even a brief lapse in its authority to run the NFIP could affect approximately 500,000 households seeking to obtain or maintain flood insurance, which in many cases is a precondition for settlement of a mortgage or home loan. The NFIP was created by Congress in 1968 in response to the lack of such insurance being offered by the private sector. This program made flood insurance available in communities that adopted floodplain management regulations designed to reduce future damages from flooding, and it is now available in almost 20,000 participating communities nationwide. As of September 30, 2002, the NFIP had almost 4 million policies in force, representing more than 90 percent of the flood insurance in the United States. The availability of flood insurance helps millions of Americans to prepare for floods, while reducing the need for federal disaster assistance after a flood.

The unfortunate lapse in FEMA's authority has caused confusion and uncertainty in the real estate industry for both lenders and borrowers. The Federal Insurance and Mitigation Administration within FEMA has made efforts to work with the banking regulators, the lending community, and others to address these concerns about the lapse in FEMA's authority. While these efforts have been helpful, the only effective solution is a rapid reauthorization of this program by the Congress.

The legislation we are introducing today makes reauthorization of the NFIP retroactive to December 31, 2002, to minimize any disruption that would be caused by a lapse in FEMA's authority. We have worked closely with FEMA stakeholders in this language, and it is supported by a coalition of industry representatives, including America's Community Bankers, the American Bankers Association, the American Insurance Association, the American Society of Appraisers, the Appraisal Institute, Fannie Mae, Farmers Insurance Group, Freddie Mac, Independent Insurance Agent & Brokers of America, the Mortgage Bankers Association, the National Association of Homebuilders, the National Association of Mortgage Brokers, the National Association of Professional Insurance Agents, and the National Association of Realtors.

Property owners and mortgage lenders throughout the country rely on the NFIP to insure their properties against flood damage. Unless the NFIP is reauthorized, that protection will disappear. I urge my colleagues to support swift passage of this urgently needed legislation.

By Mr. KYL:

S. 123. A bill to exclude United States persons from the definition of "foreign intelligence surveillance" under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism; to the Committee on the Judiciary.

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

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

S. 123

Be it enacted by the Senate and House of Representatives of the United States of America in Co-ordination:

SECTION 1. EXCLUSION OF UNITED STATES PERSONS FROM DEFINITION OF FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 RELATING TO INTERNATIONAL TERRORISM.

Paragraph (4) of section 101(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)) is amended to read as follows: "(4) a person, other than a United States person, or group that is engaged in international terrorism or activities in preparation therefor;".

By Mrs. FEINSTEIN (for herself and Mr. CHAFEE):

S. 126. A bill to amend the Internal Revenue Code of 1986 to suspend future reductions of the highest income tax rate if there exists a Federal on-budget deficit; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce a bill, with Senator CHAFEE, to freeze the top income tax rate at its current level of 38.6 percent, until such time as the Federal budget returns to surpluses. We believe the ballooning deficit is bad for the economy, bad for interest rates, and bad for the health of the Nation.

Under current law, the top income tax rate is scheduled to drop from 38.6 percent to 37.6 percent in 2004 and then to 35 percent in 2006. This rate is applied to the adjusted gross income of those who earn over $312,000. This top rate freeze would save $88 billion between now and 2010, and $32 billion through 2012, every penny of which would go toward reducing the Federal deficit.

Everyone should understand that this top income tax rate is paid by just 908,000 of the more than 120 million taxpayers nationwide, just 0.7 percent of American taxpayers. This is not a time for tax policies which benefit only a small portion of the population. It is a time for fiscally responsible policies that will ensure long-term growth and provide an immediate stimulus to our economy.

In June 2001, I voted for the President's tax plan. It was truly a different time: 9/11 had not taken place; war had not appeared on the horizon; revelations of corporate fraud had not surfaced; and a recession was not evident.

Those times are as different from today as day is from night. At the time, Senator CHAFEE and I, along with twenty-six other Senators from both parties, supported a "trigger" on the 2001 tax reduction. This would have frozen future tax reductions under the Bush Tax Cut if the budget returned to deficit. Unfortunately, we were able to attract only 49 votes in support. I wish we had that trigger today.

Now, it is estimated that we face $1.4 trillion in cumulative budget deficits between now and 2012. And that is why I return to the idea of the trigger. I believe that we should not allow the rate reduction for the top rate to proceed, until we return to budget surpluses.

And that brings us to the Bush Administration's $674 billion tax cut and $1.3 trillion in cumulative deficits. The proposal would result in a budget deficit of approximately $842 billion this year alone, if the social security trust fund surpluses were not used to fund the budget. Using the social security trust fund, the deficit would still be $312 billion. This does not include the costs of a possible war with Iraq, an extension of Federal unemployment benefits, and the FY 2003 and FY 2004 appropriations bills.

Furthermore, as the Federal debt increases, the government will spend billions more in tax dollars on servicing the increased debt. This includes interest payments for homeland security, health care, education, transportation, or the environment. Interest on the debt over ten years is already projected to be $1.3 trillion higher than expected, even before this new package, and this package would add more than $100 billion in new interest payments over the next ten years. Unlike home mortgage payments, interest on the debt is rolled over and compounds, which makes a rising debt extremely dangerous over the long-term.

Second, the President's tax cut is skewed to the wealthiest 1 percent of Americans. Taxpayers with income over $1 million would receive an average of more than $360,000 in benefits, while this typical middle-income taxpayer would only benefit by $265. This is clearly unfair. In fact one-third of all benefits would go to the wealthiest 1 percent, while less than 10 percent of the benefits would go to the 60 percent of Americans with incomes under $50,000.

Third, the proposal is not stimulative. The central feature of the Administration's plan, an elimination of
By Mrs. BOXER (for herself and Ms. SNOWE):

S. 127. A bill to allow a custodial parent a bad debt deduction for unpaid child support payments, and to require a parent who is chronically delinquent in child support to include the amount of the unpaid obligation in gross income, to the Committee on Finance.

Mrs. BOXER. Mr. President, today I am reintroducing the child Support Enforcement Act. This bill will bring much-needed relief to the millions of families who are not receiving the child support they desperately need.

The importance of this bill is clear. Each year, nearly 60 percent of the 20 million children who are owed child support receive less than the amount they are due. And more than 30 percent receive no payment at all. California is no exception; preliminary findings from the 2000 Census Report found that of more than 2.3 million Californians who were owed child support, only 39 percent received those payments.

Clearly, millions of individuals, largely women and children, are in crisis when it comes to child support. It is time to treat delinquent child support the same way all other bad debt is treated in the tax law.

The Child Support Enforcement Act would allow custodial parents to deduct the amount of child support they are owed from their adjusted gross income on their income taxes. This is true for all taxpayers, regardless of whether they itemize.

This bill will also penalize the non-custodial parent who is not paying his or her legally obligated child support. It will force the deadbeat parent to add the owed amount to his adjusted gross income.

This is not creating new tax law. It is extending current tax law on bad debts to delinquent child support payments. It’s that simple.

The relief provided in this bill is extremely important for single parents. Child support payments can literally mean the difference between paying rent or being homeless; the difference between putting food on the table or being forced to choose which child to go hungry; the difference between making ends meet or going on welfare.

I am pleased to be joined in the effort by Senator SNOWE. And Representative Cox has introduced the House version of the bill this week as well. As you can see, this is not a partisan issue. This is a family issue. It will help families and children nationwide. I urge my colleagues to cosponsor this bill.

By Mr. FEINGOLD:

S. 120. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise...
in crane conservation, financial resources for the conservation programs of countries in activities of which directly or indirectly affect cranes; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, I rise today to introduce the Crane Conservation Act of 2003. I am very pleased that the Senator from Louisiana, Ms. LANDREOU, has joined me as a cosponsor of this bill. I propose this legislation in the hope that Congress will do its part to protect the existence of these birds, whose cultural significance and popular appeal can be seen worldwide. This legislation is important to the people of Wisconsin, as our State provides habitat and refuge to several crane species. But this legislation, which authorizes the United States Fish and Wildlife Service to distribute funds and grants to crane conservation efforts both domestically and in developing countries, promises to have a larger environmental impact that will go far beyond the boundaries of my home State. This bill is similar to legislation that I introduced in the 107th Congress, which was reported by the Environment and Public Works Committee last year, and I hope that, by doing so, this bill can be swiftly passed.

In October of 1994, Congress passed the President signed the Rhinoceros and Tiger Conservation Act. The passage of this act provided support for multinational rhino and tiger conservation through the creation of the Rhinoceros and Tiger Conservation Fund, or RTCF. Administered by the United States Fish and Wildlife Service, the RTCF distributes up to $10 million in grants every year to conservation projects in countries. Since its establishment in 1994, the RTCF has been expanded by Congress to cover other species, such as elephants and great apes.

Today, with the legislation I am introducing, I am asking Congress to add cranes to this list. Cranes are the most endangered family of birds in the world, with ten of the world’s fifteen species at risk of extinction. Specifically, this legislation would authorize up to $10 million per year to be distributed in the form of conservation project grants to protect cranes and their habitat. The financial resources authorized by this bill can be made available to qualifying conservation groups operating in Asia, Africa, and North America. The program is authorized from Fiscal Year 2004 through Fiscal Year 2008.

In keeping with my belief that we should balance the budget, this bill proposes that the $15 million in authorized spending over five years for the Crane Conservation Act established in this legislation should be offset by rescinding $18 million in unspent funds from funds carried over by the Department of Energy’s Clean Coal Technology Program in the Fiscal Year 2002 Energy and Water Appropriations Bill. The Secretary of the Interior would be required to transfer any funds it does not expend under the Crane Conservation Act back to the Treasury at the end of Fiscal Year 2007. I do not intend my bill to make any particular judgments about the Clean Coal program or its effectiveness, but I do think, in general, that programs should expend resources that we appropriate in a timely fashion.

I am offering this legislation due to the serious and significant decline that can be expected in crane populations worldwide without conservation efforts. The decline of the North American whooping crane, the rarest crane on earth, perfectly illustrates the dangers faced by these birds. In 1941, only 21 whooping cranes existed in the entire world. This stands in contrast to the almost 400 birds that populate the continent today. The North American whooping crane’s resurgence is attributed to the birds’ tenacity for survival and to the efforts of conservationists in the United States and Canada. Today, the only wild flock of North American whooping cranes breeds in northwest Canada, and spends its winters in coastal Texas. Two new flocks of cranes are currently being reintroduced to the wild, one of which is a migratory flock on the Wisconsin-Minnesota border.

This flock of birds illustrates that any effort by Congress to regulate crane conservation needs to cross both national and international lines. As this flock of birds makes its journey from Wisconsin to Florida, the birds rely on the ecosystems of a multitude of states in this country. In its journey from the Necedah National Wildlife Refuge in Wisconsin to the Chassawawitza National Wildlife Refuge in Florida in the fall and eventual return to Wisconsin in the spring, this flock also faces threats from pollution of traditional watering grounds, collision with utility lines, human disturbance, disease, predation, loss of genetic diversity within the population, and vulnerability to catastrophes, both natural and man-made. Despite the conservation efforts taken since 1941, this symbol of conservation is still very much in danger of extinction.

While over the course of the last half-century, North American whooping cranes have begun to make a slow recovery, many species of crane in Africa and Asia have declined, including the sarus crane of Asia and the wattled crane of Africa. The sarus crane stands four feet tall and can be found in the wetlands of northern India and south Asia. These birds require large, open, well watered plains or marshes to breed and survive. Due to agricultural expansion, industrial development, pollution, warfare, and heavy use of pesticides prevalent in India and southeast Asia, the sarus crane population has been in decline. Furthermore, in many areas, a high human population concentration compounds these factors. On the Mekong River, which runs through Cambodia, Vietnam, Laos, Thailand, and China, human population growth and development projects threaten the sarus crane. Reports from India, Cambodia, and Thailand have also cited incidences of the trading of adult birds and chicks, as well as hunting and egg collecting, in the drop-in population of the sarus crane.

Only three subspecies of the sarus crane exist today. One resides in northern India and Nepal, one resides in southeast Asia, and one resides in eyebrows, and India. Their population is about 8,000 in the main Indian population, with recent numbers showing a rapid decline. In southeast Asia, only 1,000 birds remain.

The situation of the sarus crane in Asia is mirrored by the situation of the wattled crane in Africa. In Africa, the wattled crane is found in the southern and eastern regions, with an isolated population in the mountains of Ethiopia. Current population estimates range between 6,000 to 8,000 and are declining rapidly, due to loss and degradation of wetland habitats, as well as intensified agriculture, dam construction, and industrialization. In other parts of the range, the creation of dams has changed the dynamics of the flood plains, thus further endangering these cranes and their habitats. Human disturbance at or near breeding sites also continues to be a major threat. Lack of oversight and enforcement of the actions of people, industry, and agriculture is leading to reduced preservation for the lands on which cranes live, thereby threatening the ability of cranes to survive in these regions.

If we do not act now, not only will cranes face extinction, but the ecosystems that depend on their contributions will suffer. With the decline of the crane population, the wetlands and marshes they inhabit can potentially become off balanced. I urge my colleagues to join me in supporting legislation that can provide funding to the local farming, education and enforcement projects that can have the greatest positive effect on the preservation of both cranes and fragile habitats. This small investment can secure the future of these exemplary birds and the beautiful areas in which they live. Therefore, I ask my colleagues to support the Crane Conservation Act of 2003.

By Mrs. BOXER (for herself, Mr. BIDEN, Mr. HOLLINGS, Mr. KERRY, and Ms. CANTWELL): S. 130. A bill to amend the labeling requirements of the Dolphin Protection Consumer Information Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today I am introducing the “Truth in Tuna Labeling Act.” This important legislation
will ensure that the fishing of tuna labeled "dolphin safe" does not kill, harm or attack dolphins, and that consumers are given accurate information on how the tuna they purchase is caught. My bill will guarantee that tuna purchased labeled "dolphin safe" will be truly safe for dolphins.

In 1990, the Dolphin Protection Consumer Information Act, introduced by myself in the House and Senator Biden in the Senate, created a "dolphin safe" label for consumers. This legislation was passed with overwhelming bipartisan support, and it allowed American consumers to buy tuna bearing the "dolphin safe" label with confidence, knowing that their purchase did not trade dolphin mortalities for tuna fishing profit.

Dolphin and yellowfin tuna tend to run together in some waters. Dolphin swim closer to the surface to breathe. Under the destructive "chase and encirclement" practice, helicopters spot the schools of tuna. Speedboats deliberately encircle the dolphins and cast a mile-wide net, knowing that the tuna will be below. While the tunas are to be harvested, the hope is that the dolphins will escape the edges of the net and suffocation or capture. This practice is termed "purse seine netting."

According to the annual reports of the Marine Mammal Commission and the Inter-American Tropical Tuna Commission, dolphin mortality in the eastern tropical Pacific alone has decreased from more than 100,000 dolphin kills each year to fewer than 2,000 kills each year since the passage of the "dolphin safe" label in 1990.

Unfortunately, on New Year's Eve, the Commerce Department announced its plans to make the labeling standard largely meaningless by changing the definition of "dolphin safe" tuna to allow the label to be put on tuna harvested through deadly purse seine netting.

This flies in the face of all available scientific information. According to the Marine Mammal Commission, the results of the National Marine Fisheries Service's research program provide evidence that the practice of chasing and encircling dolphins is having adverse effects on the recovery of depleted dolphin stocks and that the magnitude of those effects, at both the individual and population levels, may be significant.

The report prepared by the Commerce Department reached a similar conclusion. It said, "... despite considerable effort by fishery scientists, there is little evidence of recovery, and concerns remain that the practice of chasing and circling dolphins somehow is adversely affecting the ability of those depleted stocks to recover."

The new rule completely undermines the purpose of the "dolphin safe" label, allowing "dolphin safe" labels to be placed on dolphin deadly tuna, and misleading the public. These changes fly in the face of the bipartisan legislation that was enacted in response to public outcry and consumer demand.

As one who fought in the past to protect dolphins and inform consumers, I believe that the effectiveness of the label will be severely undermined by the changes, and will allow the continued deterioration of dolphin populations. This administration has once again continued its attack on the environment by weakening protections for marine mammals, ignoring science, and providing yet another favor to industry.

Therefore, I am introducing the "Truth in Tuna Labeling Act" to reinstate the original "dolphin safe" label.

By Mr. REID (for himself, Mrs. CLINTON, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. HARKIN, and Mr. EDWARDS):


Mr. REID. Mr. President. Today I am joined by Senators CLINTON, JEFFORDS, LIEBERMAN, HARKIN and Edwards in introducing the Nuclear Security Act of 2003.

The tragedy of September 11 taught us many things. It taught us the vulnerability of our Nation's buildings and the strength of our nation's resolve. We also learned how important our first responders the brave men and women who arrive at the scene when there is an emergency. Finally, we are reminded that we must be prepared for today's threats because they could become tomorrow's attacks.

Last year, I introduced legislation to improve the safety of our Nation's nuclear power plants. Nearly one year has passed since the President warned us in his last State of the Union address how vulnerable these facilities are, but the Nuclear Regulatory Commission has still not taken any clear steps to improve the safety and security of our nation's nuclear power plants. That is not acceptable.

Recent reports by the Nuclear Regulatory Commission's Inspector General paint a bleak picture of the NRC's commitment to safety and security.

Just a few days ago, the Inspector General released a survey of NRC employees.

According to the Associated Press, the survey found that a third of the Agency's employees question the agency's commitment to public safety and nearly half are not comfortable raising concerns about safety issues within the agency.

The survey also found that some NRC employees worry that safety training requirements for nuclear facilities are outdated and "leave the security of the nuclear sites ... vulnerable to sabotage."

So today, we are reintroducing legislation to protect our nation's commercial nuclear facilities.
January 9, 2003

CONGRESSIONAL RECORD — SENATE

S161

Illinois Governor George Ryan to the Federal Government and all States that authorize the use of capital punishment. The bill would place a moratorium on Federal executions and urge States to do the same. The bill would also authorize a National Commission on the Death Penalty to review the fairness of the administration of the death penalty at the State and Federal levels. This Commission would be an independent, blue ribbon panel of distinguished prosecutors, defense attorneys, jurists, and others.

I am pleased that my distinguished colleagues, Senators Levin, Corzine, and Durbin, have joined me in cosponsoring this bill.

The University of Maryland study was conducted by Professor Raymond Paternoster of the University’s Institute of Criminal Justice and Criminology, and is the most exhaustive study of Maryland’s application of the death penalty in history. Professor Paternoster and other researchers examined records of every homicide prosecution in which the death penalty could have been sought, dating back to 1978.

The study released this week found that blacks accused of killing whites are simply more likely to receive a death sentence than blacks who kill blacks, or than white killers. According to the report, black offenders who kill whites are four times as likely to be sentenced to death as blacks who kill blacks, and twice as likely to get a death sentence as whites who kill whites.

The study also confirms geographic disparity in Maryland’s death penalty system. Those convicted of murder in Baltimore County, a jurisdiction with a high number of white murder victims, are 26 times as likely to be sentenced to death as those convicted in Baltimore City, and 14 times as likely as those convicted in Montgomery County.

Two years ago, when Governor Glendening learned of these suspected disparities, he did not look the other way. Then last year, faced with the rapid approach of a scheduled execution, he acknowledged that it was unacceptable to allow executions to take place while the study he had ordered was not yet complete. So, in May 2002, he placed a moratorium on executions. That was the right thing to do.

I urge Governor-elect Ehrlich to do the right thing by extending the moratorium. It would be contrary to our Nation’s founding principles of fairness and justice to execute anyone in Maryland before the questions raised by the study are addressed.

The year 2002 was a landmark year for the examination of the death penalty. Last year the 102nd person was exonerated from death row in the modern death penalty era; 102 innocent people have been exonerated, in some cases just days from execution, after being sentenced to death for crimes for which they served sometimes years on death row. That is not a small number.

In the modern death penalty era, our Nation has executed 820 people. That means that according to our best estimates, since the death penalty was re-instituted in 1976, for every 8 people executed, one who had been convicted and sentenced to death has been found innocent.

That is an unacceptable high error rate in the administration of a punishment for which errors caught too late cannot be fixed. That’s a rate of error with which none of us should be comfortable.

We should learn from the example set by Governor Glendening and by Governor Ryan. Their voices are two of the many that have chimed in over recent years to express doubt about the fairness of our Nation’s system of capital punishment. As evidence of the flaws in our system mounts, it has created an awareness that has not escaped the attention of the public.

Now they can be heard from the bench, from court rooms and podiums across the nation, to the Senate Judiciary Committee hearing room, to the Supreme Court. We must not ignore them.

In 2002, Governor Ryan’s Commission on Capital Punishment issued its report, which concluded with 85 recommendations for reforming the death penalty system. In June 2002, I held a hearing in the Judiciary Subcommittee to assess the progress the Illinois Governor’s Commission on Capital Punishment. We were fortunate to have Governor Ryan and other members of the Commission testify about the many flaws in the Illinois death penalty system and their recommendations for reform.

The Illinois study and report are invaluable to the study of fairness in our justice system. Governor Ryan’s Commission provides a model for the nation. All the more reason why we need to join the Illinois study to ferret out the indisputable proof of errors in our justice system.

I am confident that as Governor Ryan leaves office next week, his courage he showed three years ago will continue to inspire others. The voices of the many who seek to reform the administration of the death penalty continue to grow louder and louder. Now they can be heard from our halls of justice.

We must not ignore them. We should learn from the example set by Governor Glendening and Governor Ryan. Their voices are two of the many that have chimed in over recent years to express doubt about the fairness and indications of problems with the modern death penalty. It is also needed to ensure that we do not execute a single innocent person. The stakes are too high and the consequences are far too devastating to allow executions to proceed.

Also in 2002, in a significant turning point for our Nation, the Supreme Court reversed itself and ruled unconstitutional the execution of the mentally retarded in Atkins versus Virginia. The Court’s decision further confirms that our Nation’s standards of decency concerning the ultimate punishment are indeed evolving and maturing.

While last year’s events are steps toward fairness and indications of progress, they also serve as shocking reminders that our system is seriously flawed. The statistics reflecting unfairness and stories of innocent people wrongly convicted are clear and disturbing to all Americans who believe in the founding principles of our Nation, liberty and justice for all.

When examined collectively, these facts paint a devastating picture that needs to be examined in much greater detail.

That is why I urge my colleagues to join me in cosponsoring the National Death Penalty Moratorium Act.

The courts in this country have already made, by our best, conservative estimates, 102 very grave mistakes. One hundred and two mistakes in the death penalty system qualifies as a crisis. And a crisis calls for immediate action. The time for a moratorium is now.

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. 132

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Death Penalty Moratorium Act of 2003”.

TITLE I—MORATORIUM ON THE DEATH PENALTY

SEC. 101. FINDINGS.

Congress makes the following findings:
making subsequent scrutiny of the legality and reliability of such interrogations more difficult.

(iv) Federal prosecutors rely heavily on confessions made during interrogations, and many in both prosecution and defense believe that confessions are more reliable than other forms of evidence. This belief is based, in part, on the assumption that confessions are less subject to manipulation or coercion than other forms of evidence. However, recent research suggests that confessions may be influenced by factors such as the use of psychological tactics and the presence of law enforcement officers, which may lead to false confessions. For example, the Innocence Project, a non-profit organization dedicated to exonerating individuals wrongfully convicted of crimes, has documented over 300 cases of wrongful convictions based on confessions, with over two-thirds of these cases occurring in the United States. The Innocence Project's work has highlighted the importance of ensuring that confessions are not obtained through coercion or manipulation and that they are scrutinized carefully to ensure their reliability.

(v) Federal prosecutors are also required to consider the reliability of confessions in their decision-making process. For example, in the case of United States v. Brooks, 640 F.3d 715 (9th Cir. 2011), the court held that an confession is admissible only if the government proves by clear and convincing evidence that the confession was voluntary. This approach is known as the "clear and convincing evidence" standard, and it requires the government to demonstrate beyond reasonable doubt that the confession was obtained voluntarily and without coercion.

(vi) Federal prosecutors must also consider the reliability of confessions in the context of the government's burden of proof. For example, in the case of United States v. Kelly, 668 F.3d 411 (9th Cir. 2011), the court held that the government must prove beyond a reasonable doubt that a confession was voluntary and reliable. This approach is known as the "beyond a reasonable doubt" standard, and it requires the government to demonstrate that the confession was obtained voluntarily and without coercion.

(vii) Federal prosecutors must also consider the reliability of confessions in the context of the government's burden of proof. For example, in the case of United States v. Kelly, 668 F.3d 411 (9th Cir. 2011), the court held that the government must prove beyond a reasonable doubt that a confession was voluntary and reliable. This approach is known as the "beyond a reasonable doubt" standard, and it requires the government to demonstrate that the confession was obtained voluntarily and without coercion.
all executions in 2000 were conducted in the south. Only 3 States outside the south, Arizona, California, and Missouri, conducted an execution in 2000. Texas accounted for almost all executions as the remaining States combined.

(G) The Supreme Court recently reversed itself and has ruled the execution of the mentally retarded, constitutional and in violation of the Eighth Amendment. (Atkins v. Virginia, 536 U.S. 304 (2002)).

SEC. 102. FEDERAL AND STATE DEATH PENALTY COMMISSION.

(a) In General.—The Federal Government shall not carry out any sentence of death imposed under Federal law until the Congress, in consultation with the Attorney General, has authorized the administration of the death penalty in the States in accordance with constitutional requirements of fairness, justice, equality, and due process.

(b) Sense of Congress.—It is the sense of Congress that each State that authorizes the use of the death penalty shall enact a moratorium on executions to allow time to view and review the administration of the death penalty by that State is consistent with constitutional requirements of fairness, justice, equality, and due process.

TITLE II—NATIONAL COMMISSION ON THE DEATH PENALTY

SEC. 201. ESTABLISHMENT OF COMMISSION.

(a) Establishment.—There is established a commission to be known as the National Commission on the Death Penalty (in this title referred to as the “Commission”).

(b) Membership.—

(1) Appointment.—Members of the Commission shall be appointed by the President in consultation with the Attorney General and the Chairmen and Ranking Members of the Committees on the Judiciary of the House of Representatives and the Senate, which may include—

(i) officers or employees of the Federal Government or State or local governments;
(ii) members of academia, nonprofit organizations, the religious community, or industry; and
(iii) other interested individuals.

(2) Term.—In appointing the members of the Commission, the President shall, to the maximum extent practicable, ensure that the membership of the Commission is fairly balanced with respect to the opinions of the members of the Commission regarding support for or opposition to the use of the death penalty.

(c) Date.—The appointments of the initial members of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(d) Initial Meeting.—Not later than 30 days after all initial members of the Commission have been appointed, the Commission shall hold the first meeting.

(e) Minutes.—The Commission shall meet at the call of the Chairperson.

(f) Quorum.—A majority of the members of the Commission constitute a quorum for conducting business, but a lesser number of members may hold hearings.

(g) Chair.—The Commission shall designate 1 member appointed under subsection (a) to serve as the Chair of the Commission.

(h) Rules and Procedures.—The Commission shall adopt rules and procedures to govern the proceedings of the Commission.

SEC. 202. DUTIES OF THE COMMISSION.

(a) Study.—

(1) In General.—The Commission shall conduct a thorough study of all matters relating to the administration of the death penalty to determine whether the administration of the death penalty comports with constitutional principles and requirements of fairness, justice, equality, and due process.

(2) Matters Studied.—The matters studied by the Commission shall include the following:

(A) Racial disparities in capital charging, prosecuting, and sentencing decisions;
(B) Disproportionality in capital charging, prosecuting, and sentencing decisions based on geographic location and income status of defendants or any other factor resulting in such disproportionality;
(C) Adequacy of representation of capital defendants, including consideration of the American Bar Association Guidelines for the Appointment and Performance of Counsel in Death Penalty Cases” (adopted February 1989) and American Bar Association policies intended to encourage competence of counsel in capital cases (adopted February 1979, February 1988, February 1990, and August 1986);
(D) Whether innocent persons have been sentenced to death and the reasons these wrongful convictions have occurred;
(E) Whether the Federal Government should seek the death penalty in a State with no death penalty;
(F) Whether courts are adequately exercising independent judgment on the merits of constitutional claims in death penalty and habeas corpus proceedings.

(b) Hearings.—The Commission or, at the direction of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out the provisions of this title—

(1) hold hearings, sit and act at times and places the Commission determines; and
(2) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, documents, tapes, and other materials that are intended to enable the Commission to carry out the purposes of this title.

(c) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) Officers of States, or members of the Congress, may be summoned to appear before the Commission.

SEC. 203. POWERS OF THE COMMISSION.

(a) Information from Federal and State Agencies.

(1) General.—The Commission may secure directly from any Federal or State department or agency information that the Commission considers necessary to carry out the provisions of this Act.

(b) Postal Services.—The Commission may use the United States post office and the post office of any other department or agency of the Federal Government, in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(c) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) Hearings.—The Commission or, at the direction of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out the provisions of this title—

(1) hold hearings, sit and act at times and places the Commission determines; and
(2) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, documents, tapes, and other materials that are intended to enable the Commission to carry out the purposes of this title.

(e) Issuance and Enforcement of Subpoenas.

(1) Issuance.—Subpoenas issued pursuant to subsection (d)—

(A) shall bear the signature of the Chairperson of the Commission; and
(B) shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) Enforcement.

(A) In General.—In the case of contempt or failure to obey a subpoena issued under subsection (d), the district court of the United States for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring that person to appear at any designated place to testify or to produce documents or other evidence.

(B) Contempt.—Any failure to obey a court order issued under subparagraph (A) may be punished by the court as a contempt.

(f) Appellate Jurisdiction of the Supreme Court.—A court of the United States within the jurisdiction in which testimony of a person held in custody is sought by the Commission or a subcommittee or member of the Commission, may, upon application by the Attorney General, issue a writ of habeas

January 9, 2003

CONGRESSIONAL RECORD — SENATE
By Mr. ROCKEFELLER (for himself, Ms. COLLINS, Mrs. NELSON of Nebraska, Mr. SMITH, Mrs. COLLINS, Mr. NELSON of Florida, Ms. S. CLINTON, Mr. GRAHAM of Florida):

S. 138. A bill to temporarily increase the Federal medical assistance percentage for the medicaid program; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, this budget cycle State legislators face the largest deficits in 50 years. To balance combined budget deficits of $60 to $85 billion, many States are forced to raise taxes and cut spending. In July of last year, 75 Senators voted to provide meaningful fiscal relief to the States. That is why I return to the floor today to introduce "The State Budget Relief Act of 2003...". In this time of State budget crises, we must, in turn, ensure that there will be a safety net for low-income people and that States are not placing a further drag on the economy in efforts to balance their budgets. Several States have completed Medicaid economic impact studies within the last year. These reports conclude that in addition to the personal toll that loss of coverage takes on people, Medicaid cuts create an economic ripple effect by contributing to job and income losses for individuals and reduced output for businesses. The President's proposed economic stimulus package ignores this storm brewing in the States. It provides no fiscal relief for states and, in fact, worsens the problem by reducing state revenues by more than $1 billion a year through the individual tax cut on dividends.

In contrast, our bipartisan proposal provides immediate, temporary relief to States that will complement other economic stimulus efforts while protecting the health of millions of Americans. It will be effective for 18 months from April 2003. I am extremely disappointed that the Administration failed to include any real relief for the states in its own massive stimulus package. I think that is a serious mistake, and I will fight to include the proposal introduced by Senators COLLINS, BEN NELSON, GORDON SMITH and myself in any stimulus package we deal with in the Senate Finance Committee on the floor.

I ask unanimous consent that the text of this bill be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 138

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

SEC. 204. COMMISSION PERSONNEL MATTERS.

(a) COMMISSION MEMBERS.—Members of the Commission shall serve without compensation for the services of the member to the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service retirement system, appoint and terminate an executive director and such other personnel as may be necessary to enable the Commission to perform the duties of the Commission.

(2) EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—The Chairperson of the Commission or a member of the staff of the Commission or a member of the staff of the Commission or the Department of Justice shall be made available to produce such person before the Commission.

SEC. 205. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 202.

SEC. 206. FUNDING.

(a) IN GENERAL.—The Commission may expend an amount not to exceed $850,000, as provided by subsection (b), to carry out this title.

(b) AVAILABILITY.—Sums appropriated to the Department of Justice shall be made available to carry out this title.
subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2004 is less than the FMAP as so determined for fiscal year 2003, the FMAP for fiscal year 2004 shall be substituted for the State’s FMAP for each calendar quarter of fiscal year 2004, before the application of this subsection.

(ii) PERCENTAGE POINTS INCREASE FOR LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2003 AND FISCAL YEAR 2004.—Notwithstanding any other provision of law, but subject to paragraph (5), and if, for each State for the third and fourth calendar quarters of fiscal year 2003 and each calendar quarter of fiscal year 2004, the FMAP determined taking into account the application of paragraph (1) and (2) shall be increased by 2.45 percentage points.

(c) APPLY WITH RESPECT TO—

(i) MEDICAID PAYMENTS TO TERRITORIES.—Notwithstanding any other provision of law, subject to paragraph (6), with respect to the third and fourth calendar quarters of fiscal year 2003 and each calendar quarter of fiscal year 2004, the FMAP determined taking into account the application of paragraph (1) and (2) shall be increased by 2.45 percentage points.

(d) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Notwithstanding any other provision of law, but subject to paragraph (6), the increases determined under section 1905(b) of the Social Security Act (42 U.S.C. 1396 et seq.) (including payments under title IV or XXI of such Act (42 U.S.C. 1396a et seq.)) (B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan or waiver as in effect on September 2, 2003.

(ii) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan or waiver as in effect on September 2, 2003.

(iii) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or (B) shall be construed as affecting a State’s flexibility with respect to benefits offered under the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or section 1115 of such Act (42 U.S.C. 1315)).

(d) USE OF FUNDS.—Funds appropriated under this subsection may be used by a State for any fiscal year for services directed at the goals set forth in section 2001, subject to the requirements of this title.

(1) IN GENERAL.—Title XX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting at the end the following:

"SEC. 2008. ADDITIONAL TEMPORARY GRANTS FOR STATE MEDICAID PAYMENT RELIEF.

"(a) IN GENERAL.—For the purpose of providing fiscal relief allotments to States under this section, there are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, $10,000,000,000. Such funds shall be available for obligation by the State through January 31, 2006, and for expenditure by the State through calendar year 2006. Such section shall institute budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide funds for the payment to States of amounts provided under this section.

"(b) ALLOTMENT.—Funds appropriated under subsection (a) shall be allotted by the Secretary among the States in accordance with the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Allotment (in dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>$113,960,992</td>
</tr>
<tr>
<td>Alaska</td>
<td>$28,050,916</td>
</tr>
<tr>
<td>Amer. Samoa</td>
<td>$278,065</td>
</tr>
<tr>
<td>Arizona</td>
<td>$17,063,500</td>
</tr>
<tr>
<td>Arkansas</td>
<td>$88,932,492</td>
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<tr>
<td>Calif.</td>
<td>$11,090,700</td>
</tr>
<tr>
<td>Colorado</td>
<td>$95,353,555</td>
</tr>
<tr>
<td>Connecticut</td>
<td>$138,136,104</td>
</tr>
<tr>
<td>Del.</td>
<td>$25,691,623</td>
</tr>
<tr>
<td>Dist. of Co-</td>
<td>$34,356,542</td>
</tr>
<tr>
<td>Florida</td>
<td>$416,437,302</td>
</tr>
<tr>
<td>Georgia</td>
<td>$245,721,379</td>
</tr>
<tr>
<td>Guam</td>
<td>$446,563</td>
</tr>
<tr>
<td>Hawaii</td>
<td>$332,906,959</td>
</tr>
<tr>
<td>Idaho</td>
<td>$32,499,936</td>
</tr>
<tr>
<td>Illinois</td>
<td>$302,420,355</td>
</tr>
<tr>
<td>Indiana</td>
<td>$118,966,804</td>
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<tr>
<td>Iowa</td>
<td>$96,873,236</td>
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<tr>
<td>Kansas</td>
<td>$62,913,302</td>
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<tr>
<td>Kentucky</td>
<td>$141,415,311</td>
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<tr>
<td>Louisiana</td>
<td>$159,884,723</td>
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<tr>
<td>Maine</td>
<td>$61,854,394</td>
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<tr>
<td>Maryland</td>
<td>$157,583,510</td>
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<tr>
<td>Mass.</td>
<td>$15,175,172</td>
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<tr>
<td>Mich.</td>
<td>$269,300,805</td>
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<tr>
<td>Minnesota</td>
<td>$201,619,700</td>
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<tr>
<td>Mississippi</td>
<td>$177,970,775</td>
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<tr>
<td>Missouri</td>
<td>$240,887,988</td>
</tr>
<tr>
<td>Montana</td>
<td>$24,291,445</td>
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<tr>
<td>Neb.</td>
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<tr>
<td>Nevada</td>
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<tr>
<td>New Hamp.</td>
<td>$366,076,567</td>
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<tr>
<td>New Jersey</td>
<td>$748,636,614</td>
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<tr>
<td>New Mexico</td>
<td>$763,446</td>
</tr>
<tr>
<td>New York</td>
<td>$5,084,884,965</td>
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<tr>
<td>N. Carolina</td>
<td>$247,462</td>
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<tr>
<td>North Dakota</td>
<td>$18,169,187</td>
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<tr>
<td>Ohio</td>
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<td>Okl.</td>
<td>$9,470,984</td>
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<tr>
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<td>Tex.</td>
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<td>Utah</td>
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<tr>
<td>Verm.</td>
<td>$755,142</td>
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<tr>
<td>Virgin Islands</td>
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<tr>
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<td>$43,436,733</td>
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<tr>
<td>Wash.</td>
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<tr>
<td>W. Virginia</td>
<td>$63,879,139</td>
</tr>
<tr>
<td>Wis.</td>
<td>$160,600,752</td>
</tr>
<tr>
<td>Wyo.</td>
<td>$13,491,526</td>
</tr>
<tr>
<td>Total</td>
<td>$10,000,000,000</td>
</tr>
</tbody>
</table>

(2) DEFINITIONS.—For purposes of this section, the terms "State" and "eligibility", as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396a(b)), and the term "Secretary", as defined in section 2001, subject to the requirements of this title.

"(c) USE OF FUNDS.—Funds appropriated under this section may be used by a State for any fiscal year for services directed at the goals set forth in section 2001, subject to the requirements of this title.

(2) REPEAL.—Effective as of October 1, 2004, section 2008 of the Social Security Act, as added by paragraph (1), is repealed.
By Mr. LIEBERMAN (for himself and Mr. MCCAIN):

S. 139. A bill to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States, to establish a market-based system of greenhouse gas tradeable allowances that could be used interchangeably with passenger vehicle fuel economy standard credits, to limit greenhouse gas emissions in the United States, to increase our dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, I rise today to join my friend and colleague, Senator McCaIN, to introduce the first ever comprehensive legislation to limit the emissions of greenhouse gases in the United States. Today we take the first step up a long mountain road, a road that will culminate in our country taking credible action to address the global problems of our warming planet. The rest of the world is now taking on the challenge this problem presents. The United States, as the world’s largest emitter of greenhouse gases and the home of the world’s strongest economy, must not have its head in the clouds.

Climate change is not a new problem. Recently, I had come across my desk a 1979 document produced by the National Academy of Sciences at the request of then-President Carter. The document says, “When it is assumed that the CO2 content of the atmosphere has doubled, the more realistic of the modeling effort predicts a global surface warming of between 2 degrees and 3.5 degrees with greater increases at higher altitudes.” That is remarkably similar to last year’s national communication on climate change that predicted a warming of 2.5 degrees to 4 degrees over the next century. So in some sense, we have known about this problem for over two decades. That’s two decades of neglect. We don’t need to spin our wheels in the mud any longer. It is time to get traction. It is time to take action.

I do not believe there is any longer any credible dissent on the central question: namely, whether human-caused climate change is happening. The thermometer mercury is creeping up, glaciers are melting, and waters are rising. According to a NASA study released last month, the permanent, summer ice cap over the Arctic Ocean is disappearing far faster than previously thought and will at this rate be gone by the end of the century. And just last week, two major new research studies said global warming is already posing a dire threat to the world’s plants and animals, a danger that is likely to rise dramatically, with the temperature, in the coming years. The scientific evidence is poignant and persuasive. But we’ve witnessed other changes across the globe that have anecdotally announced the arrival of global warming to human populations. I noticed two examples recently that resonated with me; both come from the Arctic north, and in my view are canaries in the climate change coalmine.

The first example comes from the Native American villages of Alaska and Northern Canada. In just the past few years, a robin appeared in an Inupiat village in Alaska. Unfortunately, the elders, despite an intimate awareness of their 10,000 year old language, did not know what to call the bird. You supplied no word for robin in their language.

A second example comes from the town of Nenana, AK, which has an annual lottery to determine when a tripod placed on the frozen Tenana River would break through the ice. And over the past 50 years, that breakthrough has occurred earlier and earlier. So, it’s not only in the language of statistics that climate change is occurring. It’s in the language of everyday life.

The nature of this problem is that it gets worse every year we fail to face it head on. It’s not unlike the federal budget deficit. The weight of the interest payments bearing down on us grow deeper and deeper into a hole of our own making. So too with global warming. Today the problem is manageable. Tomorrow, quite literally, we could be up to our waists in it.

There are a few remaining skeptics who still doubt that human greenhouse gas emissions are contributing to climate change but even they should understand the wisdom of taking preventative action. Even they should realize that reducing greenhouse gas emissions now is the best insurance policy against the possibility of future catastrophe.

The question remains, then, what we should do about it. There is no easy fix. Carrying on as if there’s no crisis in our atmosphere for about a century, so any solution needs to be long-term. But I believe that the legislation we have drafted and will soon introduce will take us on the path to that ultimate solution, and do so in a way that can provide an economic boost, not an economic burden, to American businesses. Given our flagging economy, this is a critical point for us all to absorb.

Our approach works like this. The country’s overall emissions will be capped, then individual companies will have the flexibility to find the most innovative and cost-effective ways to drive their emissions down. They will trade pollution credits, also called allowances, with each other rather than paying penalties to the government.

The result of that innovative model is that we will unleash and focus the genius of American enterprise to take on a critical common challenge. And the innovation unleashed as companies compete will create a boomlet of new, high-paying jobs. It’s no wonder the Wall Street Journal editorial page endorsed this approach saying that it would achieve the same amount of overall pollution reduction at a lower cost than traditional regulation, and urging the Bush Administration to sign on.

As I mentioned making its endorsement, The Wall Street Journal looked, as we did, at the record. Many similar programs have helped solve pollution problems throughout the country and the world. The most well-known is the Acid Rain Trading Program in the 1990 Clean Air Act, one of the most successful environmental programs in history and something I was proud to have a hand in creating. This program secured strict cuts in sulfur dioxide emissions from power plants at less than a quarter of the predicted costs to industry.

We have some initial reaction to our proposal from our country’s leading technologies, as well as the establishment of a national emissions database and funding for new research. All of these features of the Bill are components of a strategy that can enable the United States to make meaningful reductions in greenhouse gas emissions in a way that is supportive of economic growth and beneficial to our standard of living. It is entirely clear that the risks of global climate change be addressed in specific legislation at this time.

But this bill is more than a broad policy proposal. It is a detailed legislative design for the system. Our staffs have been working ardently over the past 16 months to craft a detailed proposal that could find support both in the halls of industry and amongst the nation’s leading environmental organizations. Hopefully, that both sides of the aisle in Congress will find something to their liking. I hope all involved realized that this is no marker bill; it is a comprehensive proposal. Please indulge me as I run through a few of the key details.

Our bill covers the four main sectors of the U.S. economy that emit greenhouse gases: electric utilities, industrial plants, transportation, and large commercial facilities. For each of these sectors, the greenhouse gas accelerator, spreading the burden equally amongst the companies. The progress required is real but
realistic. By the year 2010, we ask only that they return to 2000 levels. By 2016, we ask that they return to their 1990 levels, in keeping with our treaty commitment under the Rio Convention.

In doing so, we provide each participant with numerous options of flexibility on how to comply with their obligations. There is no limit on the amount of allowances that they may obtain from other participants in the system. Moreover, companies in the system are free to devise their own approach of “alternative compliance” options, including sequestration projects, international reductions, and verified reductions made by parties outside the system. Such “alternative compliance” options can be used to satisfy 300 percent of the average companies’ obligations.

These alternative compliance options will have other benefits as well. As many members of this committee already know, sequestration projects can produce environmental benefits beyond the benefits to the climate, including reduced deforestation and more sustainable agricultural practices. Such projects also bring a needed infusion of money into the farm economy not through subsidies, but through the sale of a commodity that is recognized and traded carbon dioxide. Even now, with a purely speculative market in greenhouse gases, Entergy Services and Pacific Northwest Direct Seed Association brokered a deal for 30,000 metric tons of carbon credits 10 years. The sale price was not divulged, but the point is that the deal was made even in the absence of a real market. Our program would greatly increase the opportunity for these types of sales by farmers.

Our businesses will benefit dramatically from the regulatory certainty that our bill will provide. Businesses now receive a confusing set of messages from the Federal Government. On the one hand, they know that, with climate change looming every year, government will somehow and sometime have to require them to reduce their emissions. As the Conference Board recently noted in a June 2002 report, “Climate change is an issue business executives ignore at their peril.” On the other hand, businesses are being left uncertain about Washington’s ultimate global warming policy plans, and therefore have a perverse incentive to put off any real anti-pollution technology investment.

Indeed, our innovation economy more broadly is unwilling or unable to engage while the Federal Government continues to vacillate. As a result, we are losing countless dollars in new market and job opportunities. Europe and Japan already have an early head start in the pollution reduction industry. That lead will only grow if our government stands pat.

Finally, I want to mention one other, perhaps unlike reason to support this legislation beyond our economic and environmental well being, and that’s foreign policy. Many of our most important allies are much more worried about climate change than we in the United States have historically been. When the Bush administration plays down the risks of global warming and shows no interest in devising a serious solution, it frays our relationship with those allies. That’s especially true since we as a Nation are responsible for about a quarter of the world’s climate change problem.

We should never compromise critical American policy simply to satisfy the international community. But in this case, doing what’s in our own best environmental and economic interests will also earn respect and support around the world. And lest we forget it also happens to be the right thing to do.

The Earth is not only ours to use; we are stewards of it, who must hold it in trust for future generations to live in, breathe in, and, yes, prosper in. Regrettably, this Nation’s climate change policy to date has not respected our role as stewards of this planet; it is time we reverse that trend, and our bill will help do exactly that.

I ask unanimous consent that the text of the bill be ordered to be printed in the Record.

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

S. 139

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Climate Stewardship Act of 2003.”

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—FEDERAL CLIMATE CHANGE RESEARCH AND RELATED ACTIVITIES

Sec. 101. National Science Foundation scholarship programs.
Sec. 102. Commerce Department study of barriers to technology transfer.
Sec. 103. Report on United States impact of Kyoto protocol.
Sec. 104. Research grants.
Sec. 105. Avert climate change research.
Sec. 106. NIST greenhouse gas functions.
Sec. 107. Development of new measurement technologies.
Sec. 108. Enhanced environmental measurement standards and technologies.
Sec. 109. Technology development and diffusion.

TITLE II—NATIONAL GREENHOUSE GAS REDUCTIONS

Sec. 201. National greenhouse gas database and registry established.
Sec. 202. Inventory of greenhouse gas emissions for covered entities.
Sec. 203. Greenhouse gas reduction reporting.
Sec. 204. Measurement and verification.

TITLE III—MARKET-DRIVEN GREENHOUSE GAS REDUCTIONS

Subtitle A—Emission Reduction Requirements; Use of Tradable Allowances
Sec. 311. Covered entities must submit allowances for emissions.
Sec. 312. Development of new measurement technologies.
Sec. 313. Tradable allowances and fuel economy standard credits.

Sec. 314. Borrowing against future reductions.
Sec. 315. Other uses of tradable allowances.
Sec. 316. Exemption of source categories.

Subtitle B—Establishment and Allocation of Tradable Allowances
Sec. 331. Establishment of tradable allowances.
Sec. 332. Determination of tradable allowances.
Sec. 333. Allocation of tradable allowances.
Sec. 334. Initial allocations for early participation accelerated participation.
Sec. 335. Bonus for accelerated participation.
Sec. 336. Ensuring target adequacy.

Subtitle C—Climate Change Credit Corporation
Sec. 351. Establishment.
Sec. 352. Purposes and functions.

Subtitle D—Sequestration Accounting; Penalties
Sec. 371. Sequestration accounting.
Sec. 372. Penalties.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) BASELINE.—The term “baseline” means the historic greenhouse gas emission levels for an entity, as adjusted upward by the Administrator to reflect actual reductions that are verified in accordance with—

(A) regulations promulgated under section 201(c)(1); and

(B) relevant standards and methods developed under this title.

(3) COVERED SECTORS.—The term “covered sectors” means the electricity, transportation, industry, and commercial sectors, as such terms are used in the Inventory.

(4) COVERED ENTITY.—The term “covered entity” means an entity (including a branch, department, agency, or instrumentality of Federal, State, or local government) that—

(A) owns or controls a source of greenhouse gas emissions in the electric power, industrial, or commercial sectors of the United States economy (as defined in the Inventory), refines or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride; and

(B) emits or has the potential to emit over 10,000 metric tons of greenhouse gas per year, measured in units of carbon dioxide equivalence, or produces or imports—

(i) petroleum products that, when combusted, will emit,

(ii) hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that, when combusted, will emit,

(iii) other greenhouse gases that, when combusted, will emit, over 10,000 metric tons of greenhouse gas per year, measured in units of carbon dioxide equivalence.

(5) DATABASE.—The term “database” means the National Greenhouse Gas Database established under section 201.

(6) DIRECT EMISSIONS.—The term “direct emissions” means greenhouse gas emissions by an entity from a facility that is owned or controlled by that entity.

(7) FACILITY.—The term “facility” means a building, structure, or installation located on any one or more contiguous or adjacent properties of an entity in the United States.

(8) GREENHOUSE GAS.—The term “greenhouse gas” means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;
(E) perfluorocarbons; and (F) sulfur hexafluoride.

9 INDIRECT EMISSIONS.—The term "indirect emissions" means greenhouse gas emissions that are—
(A) a result of the activities of an entity; but
(B) emitted from a facility owned or controlled by another entity; and
(C) not reported as direct emissions by the entity from which they were emitted.


11 PHASE I ALLOTMENT.—The term "Phase I allotment" means—
(A) the amount of allowances allocated by early allotment for the calendar year preceding the calendar year in which this Act is enacted (reduced by the amount of allowances allocated by early and accelerated participants under section 334 of this Act); multiplied by—
(B) the result of—
(i) the total greenhouse emissions for all covered sectors for the calendar year preceding the date of enactment of this Act, as identified in the Inventory; divided by
(ii) the total greenhouse emissions for all covered sectors for the year 1990, as identified in the 1990 Inventory; divided by
(iii) the total greenhouse emissions for all covered sectors for the calendar year preceding the date of enactment of this Act, as identified in the Inventory.

12 PHASE II ALLOTMENT.—The term "Phase II allotment" means—
(A) the amount of emissions emitted by a covered sector, as identified in the Inventory for the calendar year preceding the calendar year in which this Act is enacted (reduced by the amount of allowances allocated to early and accelerated participants under section 334 of this Act); multiplied by—
(B) the result of—
(i) the total greenhouse emissions for all covered sectors for the year 1990, as identified in the 1990 Inventory; divided by
(ii) the total greenhouse emissions for all covered sectors for the calendar year preceding the date of enactment of this Act, as identified in the Inventory.

13 REGISTRY.—The term "registry" means the registry of greenhouse gas emission reductions established under section 201(b)(2).

14 SECRETARY.—The term "Secretary" means the Secretary of Commerce.

15 III. RESEARCH AND DEVELOPMENT.

(A) IN GENERAL.—The term "sequestration" means the capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere, as determined by the Administrator.

(B) INCLUSIONS.—The term "sequestration" includes—
(i) agricultural and conservation practices;
(ii) reforestation;
(iii) forest preservation; and
(iv) any other appropriate method of capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere, as determined by the Administrator.

(C) EXCLUSIONS.—The term "sequestration" does not include—
(i) any conversion of, or negative impact on, a native ecosystem; or
(ii) any introduction of non-native species or genetically modified organisms.

16 SOURCE CATEGORY.—The term "source category" means a process or activity that one or more greenhouse gases associated with global warming, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulfur hexafluoride; and"

17 TITLE IV. CLIMATE CHANGE RESEARCH AND RELATED ACTIVITIES.

SEC. 101. NATIONAL SCIENCE FOUNDATION SCHOLARSHIPS.

The Director of the National Science Foundation shall develop a scholarship program for post-secondary students studying global climate change, including capability in observation, analysis, modeling, paleoclimatology, consequences, and adaptation.

SEC. 102. COMMERCE DEPARTMENT STUDY OF TECHNOLOGY TRANSFER BARRIERS.

(a) STUDY.—(1) The Secretary of Technology Policy at Department of Commerce shall conduct a study of technology transfer barriers, best practices, and outstanding innovation and education opportunities at Federal laboratories related to the licensing and commercialization of energy efficient technologies. The study shall be submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act. The study shall work with the existing interagency working group to address identified barriers.

(b) AGENCY REPORT TO INCLUDE INFORMATION ON TECHNOLOGY TRANSFER INCOME AND ROYALTIES.—(Paragaph (2) of section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3716(f)) is amended—
(1) by striking ‘‘and’’ after the semicolon in clause (v);
(2) by redesigning clause (vi) as clause (ix); and
(3) by inserting after clause (vi) the following—
‘‘(vii) the number of fully-executed licenses which received royalty income in the preceding fiscal year for climate-change or energy-efficient technology;’’.

(c) INCREASED INCENTIVES FOR DEVELOPMENT OF CLIMATE-CHANGE OR ENERGY-EFFICIENT TECHNOLOGY.—Section 14(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3720c(a)) is amended—
(1) by striking ‘‘15 percent (25 percent in paragraph (1a) and inserting ‘‘15 percent (25 percent for climate change-related technologies);’’;
and
(2) by inserting ‘‘$250,000 for climate change-related technologies’’ after ‘‘$350,000’’ each place it appears in paragraph (3).

SEC. 103. REPORT ON UNITED STATES IMPACT OF KYOTO PROTOCOL.

Within 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the extent to which the United States is affected by the Kyoto Protocol. The report shall include—
(1) the status and potential for energy efficiency and conservation measures to meet Kyoto Protocol standards and measurement technologies
(2) international cooperation on scientific research and development; and
(3) United States participation in international environmental climate change mitigation efforts and technology deployment.

SEC. 104. RESEARCH GRANTS.

(a) IN GENERAL.—The Secretary, through the National Oceanic and Atmospheric Administration, shall carry out a program of research on potential abrupt climate change designed—
(1) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order sufficiently to identify and describe past instants of abrupt climate change;
(2) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change;
(3) to incorporate these mechanisms into advanced geophysical models of climate change; and
(4) to test the output of these models against an improved global array of records of past abrupt climate changes.

(b) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term "abrupt climate change" means a change in climate that occurs so rapidly or unexpectedly that human or natural systems may have difficulty adapting to it.

SEC. 105. NIST GREENHOUSE GAS FUNCTIONS.

The term ‘‘greenhouse gas functions’’ means each of the following:
(1) the amount of emissions of a greenhouse gas associated with global warming, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulfur hexafluoride; and"

SEC. 106. DEVELOPMENT OF NEW MEASUREMENT TECHNOLOGIES.

The Secretary shall initiate a program to develop enhanced measurements, calibrations, standards, and technologies which will enable the reduced measurement error in the entry into force of the Kyoto Protocol will have on—
(1) United States industry and its ability to compete globally;
(2) international cooperation on scientific research and development; and
(3) United States participation in international environmental climate change mitigation efforts and technology deployment.

SEC. 107. ENHANCED ENVIRONMENTAL MEASUREMENTS AND STANDARDS.

The National Institute of Standards and Technology (15 U.S.C. 272 et seq.) is amended—
(1) by striking ‘‘and’’ after the semicolon in paragraph (21);
(2) by redesigning paragraph (22) as paragraph (23);
and
(3) by inserting after paragraph (21) the following—
‘‘(22) perform research to develop enhanced technologies, calibrations, standards, and measurements which will enable the reduced measurement error in the entry into force of the Kyoto Protocol will have on—
(1) greenhouse gas emissions and reductions from agriculture, forestry, and land use practices;
(2) noncarbon dioxide greenhouse gas emissions from transportation;
(3) greenhouse gas emissions from facilities or sources using remote sensing technology; and
(4) any other greenhouse gas emission or reductions for which no accurate or reliable measurement technology exists.

SEC. 108. ENHANCED ENVIRONMENTAL MEASUREMENTS AND STANDARDS.

The term ‘‘enhanced environmental measurements and standards’’ means the (including technologies to measure carbon changes due to changes in land use cover) to calculate—
(1) greenhouse gas emissions and reductions from agriculture, forestry, and other land use practices;
(2) noncarbon dioxide greenhouse gas emissions from transportation;
(3) greenhouse gas emissions from facilities or sources using remote sensing technology; and
(4) any other greenhouse gas emission or reductions for which no accurate or reliable measurement technology exists.

The National Institute of Standards and Technology Act (15 U.S.C. 272 et seq.) is amended—
(1) by redesigning sections 17 through 32 as sections 18 through 43, respectively; and
(2) by inserting after section 16 the following:

SEC. 109. THE NATIONAL SCIENCE FOUNDATION SCHOLARSHIP PROGRAM.
SEC. 17. CLIMATE CHANGE STANDARDS AND PROCESSES.

(a) IN GENERAL.—The Director shall establish within the Institute a program to perform research on global climate change standards and processes, with the goal of providing scientific and technical knowledge applicable to the reduction of greenhouse gases (as defined in section 3(b) of the Climate Stewardship Act of 2003).

(b) RESEARCH PROGRAM.—(1) IN GENERAL.—The Director is authorized to conduct, directly or through contracts or grants, a global climate change standards and processes research program.

(2) DELEGATIONS.—The specific contents and priorities of the research program shall be determined in consultation with appropriate Federal agencies, including the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration. The program generally shall include basic and applied research—

(A) to develop and provide the enhanced measurements, calibrations, data, models, and reporting standards that will enable the monitoring of greenhouse gases;

(B) to assist in establishing a baseline reference point for future trading in greenhouse gases and the measurement of progress in emissions reductions;

(C) that will be exchanged internationally as scientific or technical information which has the stated purpose of developing nationally recognized measurements, standards, and procedures for reducing greenhouse gases, and

(D) to assist in developing improved industrial processes designed to reduce or eliminate greenhouse gases.

(c) NATIONAL MEASUREMENT LABORATORIES.—

(1) IN GENERAL.—In carrying out this section, the Director shall utilize the collective skills of the National Measurement Laboratories of the National Institute of Standards and Technology to improve the accuracy of measurements that will permit better understanding and control of these industrial chemical processes and result in the reduction or elimination of greenhouse gases.

(2) MATERIAL, PROCESS, AND BUILDING RESEARCH PROGRAMS.—The National Measurement Laboratories shall conduct research under this subsection that includes—

(A) developing material and manufacturing technologies that are designed to improve energy efficiency and reduced greenhouse gas emissions into the environment;

(B) developing environmentally-friendly, 'green' chemical processes to be used by industry; and

(C) enhancing building performance with a focus on efficient standards or tools on which will help incorporate low- or no-emission technologies into building designs.

(d) STANDARDS AND TOOLS.—The National Measurement Laboratories shall develop standards and tools under this subsection that include software to assist designers in selecting alternate building materials, performance data on materials, artificial intelligence-aided design procedures for building subsystems and 'smart buildings', and improved test methods and rating procedures for evaluating the energy performance of residential and commercial appliances and products.

(e) NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM.—The Director shall utilize the National Voluntary Laboratory Accreditation Program under this section to establish a program to include specific calibration, testing, and verification procedures and protocols assembled to satisfy the unique needs for accreditation in measuring the production of greenhouse gases. In carrying out this subsection the Director may cooperate with other departments and agencies of the Federal Government, State and local governments, and private organizations.

SEC. 109. TECHNOLOGY DEVELOPMENT AND DIFFUSION.

The Director shall establish the National Institute of Standards and Technology, through the Manufacturing Extension Partnership Program, to develop a program to support the implementation of new, environmentally-friendly manufacturing technologies and techniques by businesses that employ more than 380,000 small manufacturers.

TITLE II—NATIONAL GREENHOUSE GAS INVENTORIES

SEC. 201. NATIONAL GREENHOUSE GAS DATABASE AND REGISTRY ESTABLISHED.

(a) ESTABLISHMENT.—As soon as practicable after the date of enactment of this Act, the Administrator, in coordination with the Secretary, the Secretary of Energy, the Secretary of Agriculture, and private sector and non-governmental organizations, shall establish a baseline database, to be known as the 'National Greenhouse Gas Database', to collect, verify, and analyze information on greenhouse gas emissions by entity.

(b) NATIONAL GREENHOUSE GAS DATABASE COMPONENTS.—The database shall consist of—

(1) an inventory of greenhouse gas emissions; and

(2) a registry of greenhouse gas emission reductions and increases in greenhouse gas sequestrations.

(c) COMPREHENSIVE SYSTEM.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to implement a comprehensive system for greenhouse gas emissions reporting, inventorying, and reductions registration.

(2) REQUIREMENTS.—The Administrator shall ensure, to the maximum extent practicable, that—

(A) the comprehensive system described in paragraph (1) is designed to—

(i) maximize completeness, transparency, and accountability of emissions reported; and

(ii) minimize costs incurred by entities in measuring and reporting greenhouse gas emissions; and

(B) the regulations promulgated under paragraph (1) establish procedures and protocols necessary—

(i) to prevent the reporting of some or all of the same greenhouse gas emissions or emission reductions by more than 1 reporting entity;

(ii) to provide for corrections to errors in data submitted to the database;

(iii) to provide for adjustment to data by reporting entities that have a significant ownership change (including mergers, acquisitions, and divestiture), in order to maintain comparability among data in the database over time;

(iv) to provide for adjustments to reflect new technologies or methods for measuring or calculating greenhouse gas emissions;

(v) to account for changes in registration of ownership of emission reductions resulting from a voluntary private transaction between reporting entities; and

(vi) to clarify the responsibility for reporting in the case of any facility owned or controlled by more than 1 entity.

(3) SERIAL NUMBERS.—Through regulations promulgated under this section, the Administrator shall develop and implement a system that provides—

(A) for the verification of submitted emissions reductions and increases in greenhouse gas emissions made by an entity relative to the baseline of the entity; and

(B) for the tracking of the reductions associated with the serial numbers.

SEC. 202. INVENTORY OF GREENHOUSE GAS EMISSIONS FOR COVERED ENTITIES.

(a) IN GENERAL.—Not later than July 1st of each calendar year after 2008, a covered entity may register greenhouse gas emissions in the report that describes, for the preceding calendar year, the entity-wide greenhouse gas emissions (as reported at the facility level), including—

(1) the total quantity of direct greenhouse gas emissions from stationary sources, expressed in units of carbon dioxide equivalence;

(2) the amount of petroleum products sold or imported and the amount of greenhouse gases, expressed in carbon dioxide equivalents, that would be produced when these products are used for transportation; and

(3) such other categories of emissions as the Administrator determines in the regulations promulgated under section 201(c)(1) may be practicable and useful for the purposes of this Act, such as—

(A) indirect emissions from imported electricity, heat, and steam;

(B) process and fugitive emissions; and

(C) production or importation of greenhouse gases.

(b) COLLECTION AND ANALYSIS OF DATA.—The Administrator shall collect and analyze information reported under subsection (a) for use under title III.

SEC. 203. GREENHOUSE GAS REDUCTION REPORTING.

(a) IN GENERAL.—Subject to the requirements described in subsection (b), upon registration a covered entity may register greenhouse gas emission reductions achieved after 1990 and before 2010 under this section; and

(b) REQUIREMENTS.—

(1) IN GENERAL.—The requirements referred to in subsection (a) are that an entity (other than an entity described in paragraph (2)) shall—

(A) establish a baseline; and

(B) submit the report described in subsection (c)(1).

(2) REQUIREMENTS APPLICABLE TO ENTITIES ENGAGED INTO CERTAIN PROJECTS.—In an entity that enters into an agreement with a participant in the registry for the purpose of projects is a covered entity shall not be required to comply with the requirements specified in paragraph (1) unless that entity is required to comply with the requirements by reason of an activity other than the agreement.

(c) REPORTS.—

(1) REQUIRED REPORT.—Not later than July 1st of the calendar year beginning more than 2 years after the date of enactment of this Act, but subject to paragraph (3), an entity described in subsection (a) shall submit to the Administrator a report that describes, for the preceding calendar year, the entity-wide greenhouse gas emissions (as reported at the facility level), including—

(A) the total quantity of direct greenhouse gas emissions from stationary sources, expressed in units of carbon dioxide equivalence;

(B) the amount of petroleum products sold or imported and the amount of greenhouse gases, expressed in carbon dioxide equivalents, that would be produced when these products are used for transportation; and

(C) such other categories of emissions as the Administrator determines in the regulations promulgated under section 201(c)(1)
may be practicable and useful for the purposes of this Act, such as—

(i) indirect emissions from imported electricity, heat, and steam;

(ii) the use of carbon credits; and

(iii) production or importation of greenhouse gases.

(2) ANNUAL REPORTING.—An entity described in subsection (a) may—

(A) submit a report described in paragraph (1) before the date specified in that paragraph for the purposes of achieving and commoditizing greenhouse gas reductions throughout the country; and

(B) submit to the Administrator, for inclusion in the registry, information that has been verified in accordance with regulations promulgated under section 201(c)(1) and that relates to—

(i) any entity-wide greenhouse gas emission reductions activities of the entity that were carried out during or after 1990 and before the establishment of the National Greenhouse Gas Database, verified in accordance with regulations promulgated under section 201(c)(1) and submitted to the Administrator before the date that is 4 years after the date of enactment of this Act; and

(ii) with respect to the calendar year preceding the date on which information is submitted, any project or activity that results in an entity-wide reduction of greenhouse gas emissions or an increase in net sequestration of greenhouse gas that is carried out by the entity.

(3) Provision of verification information by registry applicants.—Each entity that submits a report under paragraph (2) shall provide information sufficient for the Administrator to verify, in accordance with measurement and verification methods and standards developed by the Administrator, that the greenhouse gas report of the reporting entity—

(A) has been accurately reported; and

(B) in the case of each voluntary report paragraph (2), represents—

(i) actual reductions in direct greenhouse gas emissions;

(ii) relative to historic emission levels of the entity; and

(II) after accounting for any increases in indirect emissions described in paragraph (1)(C) or (D) or actual increases in net sequestration.

(4) FAILURE TO SUBMIT REPORT.—An entity that participates or has participated in the registry to submit a report required under this subsection shall be prohibited from using, or allowing another entity to use, its registered emissions reductions or increases in sequestration to satisfy the requirements of section 311.

(5) INDEPENDENT THIRD-PARTY VERIFICATION.—To meet the requirements of this section and section 203, an entity that is

(A) independent third-party verification; and

(B) present the results of the third-party verification to the Administrator.

(6) AVAILABILITY OF DATA.—

(A) IN GENERAL.—The Administrator shall ensure that information in the database is—

(i) published; and

(ii) available to the public, including in electronic format on the Internet.

(B) Exception.—Subparagraph (A) shall not apply in any case in which the Administrator determines that publishing or otherwise making available information described in that subparagraph poses a risk to national security.

(7) DATA INFRASTRUCTURE.—The Administrator shall ensure, to the maximum extent practicable, that the database uses, and is integrated with, Federal, State, and regional greenhouse gas data collection and reporting systems in effect as of the date of enactment of this Act.

(8) ADDITIONAL ISSUES TO BE CONSIDERED.—In promulgating the regulations under section 201(c)(1) and implementing the database, the Administrator shall take into consideration a broad range of issues in establishing an effective database, including—

(A) the appropriate allowances for reporting each greenhouse gas;

(B) the data and information systems and measures necessary to identify, track, and verify greenhouse gas emissions in a manner that will encourage private sector trading and exchanges;

(C) the greenhouse gas reduction and sequestration methods and standards applied in other countries, as applicable or relevant;

(D) the extent to which available fossil fuels, greenhouse gas emissions, and greenhouse gas production and importation data are adequate to implement the database; and

(E) the differences in, and potential uniqueness of, the facilities, operations, and business and other relevant practices of persons and entities in the public and private sectors that may be expected to participate in the database.

(9) ANNUAL REPORT.—The Administrator shall publish an annual report that—

(A) describes greenhouse gas emissions and emission reductions reported to the database during the year covered by the report;

(B) provides entity-by-entity and sector-by-sector analyses of the emissions and emission reductions reported;

(C) describes the atmospheric concentrations of greenhouse gases for use in the registry;

(D) provides a comparison of current and past atmospheric concentrations of greenhouse gases.

SEC. 204. MEASUREMENT AND VERIFICATION.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop comprehensive measurement and verification methods and standards to ensure a consistent and technically accurate record of greenhouse gas emissions, sequestration, and atmospheric concentrations for use in the registry.

(2) REQUIREMENTS.—The development of methods and standards under paragraph (1) shall include—

(A) a requirement that a covered entity use a continuous emissions monitoring system, or another system of measurement or estimating emissions that is determined by the Secretary to provide information with the same precision, reliability, accessibility, and timeliness as a continuous emissions monitoring system provides;

(B) establishment of standardized measurement and verification practices for reports made by all entities subject to section 203; and

(C) establishment of measurement and verification standards applicable to actions taken to reduce, avoid, or sequester greenhouse gas emissions;

(D) in coordination with the Secretary of Agriculture, standards to measure the reductions in the use of carbon and carbon recycling technologies, including—

(i) organic soil carbon sequestration practices and

(ii) forest preservation and reforestation activities that adequately address the issues of permanence, leakage, and verification;

(E) establishment of measurement and verification standards as the Secretary, in consultation with the Secretary of Agriculture, the Administrator, and the Secretary of Energy, determines to be appropriate;

(F) establishment of standards for obtaining the Secretary’s approval of the suitability of geological storage sites that include evaluation of both the geology of the site and the entity’s capacity to manage the site; and

(G) establishment of other features that, as determined by the Secretary, will allow entities to adequately establish a fair and reliable measurement and reporting system.

(2) REVIEW AND REVISION.—The Secretary shall periodically review, and revise as necessary, the methods and standards developed under subsection (a).

(3) PUBLIC PARTICIPATION.—The Secretary shall—

(A) make available to the public for comment in draft form and for a period of at least 90 days, the methods and standards developed under subsection (a); and

(B) after the 90-day period referred to in paragraph (1), in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator, adopt the methods and standards developed under subsection (a) for use in implementing the database.

(4) EXPERTS AND CONSULTANTS.—(1) IN GENERAL.—The Secretary may obtain the services of experts and consultants in the private and nonprofit sectors in accordance with section 3109 of title 5, United States Code, in the areas of greenhouse gas measurement, certification, and emission trading.

(2) AVAILABLE ARRANGEMENTS.—In obtaining any service described in paragraph (1), the Secretary may use any available grant, contract, cooperative agreement, or other arrangement authorized by law.

TITLE III—MARKET-DRIVEN GREENHOUSE GAS REDUCTIONS

SUBTITLE A—EMISSION REDUCTION REQUIREMENTS; USE OF TRADEABLE ALLOWANCES

SEC. 311. COVERED ENTITIES MUST SUBMIT ALLOWANCES FOR EMISSIONS.

(a) IN GENERAL.—Beginning with calendar year 2010—

(1) each covered entity in the electric generation, industrial, and commercial sectors shall submit to the Administrator one tradeable allowance for every unit of petrochemical product it sells that will produce one metric ton of greenhouse gases, measured in units of carbon dioxide equivalent, that it emits;

(2) the producer of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that is a covered entity shall submit to the Administrator one tradeable allowance for every metric ton of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride it produces or imports, measured in units of carbon dioxide equivalent; and

(3) each petroleum refiner or importer that is a covered entity shall submit one allowance for every metric ton of greenhouse gases, as measured in units of carbon dioxide equivalent, that it imports.

(b) DETERMINATION OF TRANSPORTATION SECTOR AMOUNT.—For the transportation...
sector, the Administrator shall determine the amount of greenhouse gases, measured in units of carbon dioxide equivalence, that will be emitted when petroleum products are used by any tradeable allowances. The Administrator shall determine the amount of greenhouse gases that would otherwise have been emitted from a source under the ownership or control of that entity if—

(1) the source of the tradeable allowances is a covered entity that met the requirements of this Act for that year; and

(2) the number of years beginning after the current year and before 2016, equal to—

(1) 10 percent for each credit borrowed from a year beginning more than 5 years before the current year; multiplied by

(2) the number of years beginning after the current year and before the source year.

SEC. 315. OTHER USES OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—Tradeable allowances may be sold, exchanged, purchased, retired, or otherwise provided in any manner provided under this Act.

(b) INTERSECTOR TRADING.—Covered entities may purchase or otherwise acquire tradeable allowances from other covered sectors to satisfy the requirements of section 311.

(c) CLIMATE CHANGE CREDIT ORGANIZATION.—The Climate Change Credit Corporation shall use all proceeds from such sales in accordance with the provisions of section 321.

(d) BANKING OF TRADEABLE ALLOWANCES.—Notwithstanding the requirements of section 311, a covered entity that has more than a sufficient amount of tradeable allowances may purchase from other covered sectors to satisfy the requirements of section 311.

SEC. 316. EXEMPTION OF SOURCE CATEGORIES.

(a) IN GENERAL.—The Administrator may grant an exemption from the requirements of this section to a source category if the Administrator determines, after public notice and comment, that it is not feasible to measure or estimate emissions from that source category.

(b) REDUCTION OF LIMITATIONS.—If the Administrator exempts a source category under subsection (a), the Administrator shall reduce the total tradeable allowances under section 311 by an amount equal to—

(1) 10 percent of the tradeable allowances under section 311 allocated to a year beginning after 2009 and before 2016, for each credit purchased from a tradeable allowance under this Act in any calendar year; and

(2) 10 percent of the tradeable allowances under section 311 allocated to a year beginning after 2009 and before 2016, for each credit purchased from a tradeable allowance under this Act in any calendar year.

SEC. 331. ESTABLISHMENT OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—The Administrator shall promulgate regulations to establish tradeable allowances, denominated in units of carbon dioxide equivalence—

(1) for calendar years beginning after 2009 and before 2016, equal to—

(A) 5896 million metric tons, measured in units of carbon dioxide equivalence, reduced by—

(B) the amount of emissions of greenhouse gases in calendar year 2000 from non-covered energy sectors.

(2) for calendar years beginning after 2015, equal to—

(A) the amount of emissions of greenhouse gases in calendar year 2010, for which the credit was granted, plus the amount determined under subsection (c); and

(B) the amount of emissions of greenhouse gases in calendar year 2010, for which the credit was granted, plus the amount determined under subsection (c).
(A) 5123 million metric tons, measured in units of carbon dioxide equivalence, reduced by the amount of emissions of greenhouse gases in calendar year 1990 from non-covered entities.

(b) Serial Numbers.—The Administrator shall assign a unique serial number to each tradeable allowance for the purposes of paragraph (1) of subsection (a). and shall take such action as may be necessary to prevent counterfeiting of tradeable allowances.

(c) Tradeable Allowances.—A tradeable allowance is not a property right, and nothing in this title or any other provision of law limits the authority of the United States to terminate or limit a tradeable allowance.

(d) Non-Covered Entity.—In this section:

(1) The term “non-covered entity” means an entity that:

(A) owns or controls a source of greenhouse gas emissions in the electric power, industrial, or commercial sectors of the United States economy (as defined in the Inventory), refines or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride; and

(B) is not a covered entity, determined by applying the definition in section 3 of the Act for the purpose of subsection (a)(1)(B) or the year 1990 (for the purpose of subsection (a)(2)(B)).

SEC. 332. DETERMINATION OF TRADEABLE ALLOWANCE ALLOCATIONS.

(a) In General.—The Secretary shall determine—

(1) the amount of tradeable allowances to be allocated to each covered sector of that sector’s Phase I and Phase II allotments; and

(2) the amount of tradeable allowances to be allocated to the Climate Change Credit Corporation established under section 334.

(b) Allocation Factors.—In making the determination required by subsection (a), the Secretary shall consider—

(1) the disbursements of the allowances on household income and net worth of individuals;

(2) the impact of the allocations on corporate income, taxes, and asset values;

(3) the impact of the allocations on income levels of consumers and on their energy consumption;

(4) the effects of the allocations in terms of economic efficiency;

(5) the ability of covered entities to pass through compliance costs to their customers; and

(6) the degree to which the amount of allocations to the covered sectors should decrease over time.

(c) Allocation Recommendations and Implementations.—Before allocating or providing tradeable allowances under subsection (a) and within 24 hours after the date of enactment of this Act, the Secretary shall submit the recommendations under subsection (a) to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce. The Secretary’s determinations under paragraph (1), including the allocations and provision of tradeable allowances pursuant to that determination, are deemed to be a major rule (as defined in section 804(2) of title 5, United States Code), and subject to the provisions of chapter 5 of that title.

SEC. 333. ALLOCATION OF TRADEABLE ALLOWANCES.

(a) In General.—Beginning with calendar year 2010 and after taking into account any initial allocations under section 334, the Administrator shall:

(1) allocate to each covered sector that sector’s Phase I and Phase II allotments deter- mined by the Administrator under section 332 (relative to the estimated national allocations and the allocation to the Climate Change Credit Corporation established under section 351); and

(2) allocate to the Climate Change Credit Corporation established under section 351 the tradeable allowances allocable to that Corporation.

(b) Intersectorial Allocations.—The Administrator shall, by regulation, establish a process for the allocation of tradeable allowances under this section, without cost to facilities within each sector, that will—

(1) encourage investments that increase the efficiency of the processes that produce greenhouse gases, to the extent that is not a cost-effective alternative;

(2) minimize the costs to the government of allocating the tradeable allowances;

(3) not penalize a covered entity for registered emissions reductions made before 2010; and

(4) provide sufficient allocation for new entrants into the sector.

(c) Point Source Allocation.—The Administrator shall allocate the tradeable allowances for the electricity generation, industrial, and other sectors to point sources of greenhouse gas emissions within that sector.

(d) Hydrofluorocarbons, Perfluorocarbons, and Sulfur Hexafluoride.—The Administrator shall allocate the tradeable allowances for producers or importers of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride one tradeable allowance for every metric ton of hydrofluorocarbon, perfluorocarbon, or sulfur hexafluoride produced or imported measured in units of carbon dioxide equivalence, in the year 2000 or 1990, respectively.

SEC. 334. INITIAL ALLOCATIONS FOR EARLY PARTICIPATION AND ACCELERATED PARTICIPATION.

Before making allocations under section 333, the Administrator shall allocate—

(1) to any covered entity an amount of tradeable allowances equivalent to the amount of greenhouse gas emissions reductions, in units of greenhouse gas emissions, for calendar year 1990 by the year 2010, in accordance with section 331(a)(1) and, in 2012, the level established under section 311(a)(2), and transmit a report on his reviews, together with any recommendations, in accordance with section 202(a) of title 5, United States Code, to the appropriate committees of the Senate and the House of Representatives;

(A) the covered entity has requested to use the registered reduction in the year of allocation;

(B) the reduction was registered prior to 2010; and

(C) the Administrator retires the unique serial number assigned to the reduction under section 331(a)(1)(B).

SEC. 335. BONUS FOR ACCELERATED PARTICIPATION.

(a) In General.—If a covered entity executes an agreement with the Administrator under which it agrees to reduce its level of greenhouse gas emissions to a level no greater than the level of its greenhouse gas emissions for calendar year 1990 by the year 2010, for the year 2011 and calendar year 2012, the Administrator shall—

(1) provide additional tradeable allowances to the covered entity that entered into an accelerated participation agreement under section 335, such tradeable allowances being the amount of additional emissions reductions that will be required of the covered entity;

(2) allow that entry to satisfy 20 percent of its requirements under section 311 by—

(A) submitting tradeable allowances from another nation’s market in greenhouse gas emissions to a level that is not a registered net increase in sequestration that was registered in the National Greenhouse Gas Database by a covered entity that is not a covered entity under section 201, and as adjusted by the appropriate sequestration discount rate established under section 372; or

(B) submitting a greenhouse gas emission reduction (other than a registered net increase in sequestration) that was registered in the National Greenhouse Gas Database by a person that is not a covered entity under section 201;

(b) Termination.—An entity that executes an agreement described in subsection (a) may terminate the agreement at any time.

(c) Use of Emissions Reduction.—If an entity executes an agreement described in subsection (a) fails to achieve the level of emissions to which it committed by calendar year 2010—

(1) its requirements under section 311 shall be increased by the amount of any tradeable allowances provided to it under subsection (a)(1); and

(2) any tradeable allowances submitted thereafter shall be counted first against the increase in those requirements.

SEC. 336. ENSURING TARGET ADEQUACY.

(a) In General.—Beginning 2 years after the date of enactment of this Act, the Under Secretary for Commerce for Oceans and Atmosphere shall review the allowances established by subsection (a) no less frequently than biennially—

(1) to re-evaluate the levels established by that subsection, after taking into account the best available science and the most current available data, and the state of the environment and public health impacts of specific concentration levels of greenhouse gases,

(b) Review of 2010 and 2016 Levels.—The Under Secretary shall specifically review in 2008 the level established under section 311(a)(1) and, in 2012, the level established under section 311(a)(2) and submit a report on his reviews, together with any recommendations, in accordance with section 202(a) of title 5, United States Code, to—

(1) the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce.

Subtitle C—Climate Change Credit Corporation

SEC. 351. ESTABLISHMENT.

(a) In General.—The Climate Change Credit Corporation is established as a non-profit corporation without stock. The Corporation shall not be considered to be an
agency or establishment of the United States Government.

(b) APPLICABLE LAWS.—The Corporation shall be subject to the provisions of this title and, to the extent consistent with this title, to the District of Columbia Business Corporation Act.

(c) BOARD OF DIRECTORS.—The Corporation shall be a board of directors of 5 individuals who are citizens of the United States, of whom 1 shall be elected annually by the board to serve as chairman. No more than 3 members of the board serving at any time may be affiliated with the same political party. The members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate and shall serve for terms of 5 years.

SEC. 352. PURPOSES AND FUNCTIONS.

(a) TRADING.—The Corporation—
(1) shall receive and manage tradeable allowances allocated to it under section 333(a)(2); and
(2) shall buy and sell tradeable allowances, whether allocated to it under that section or obtained by purchase, trade, or donation from other entities; but
(3) may not retire tradeable allowances unused.

(b) USE OF TRADEABLE ALLOWANCES AND PROCEDURES.—

(1) GENERAL.—The Corporation shall use the tradeable allowances, and proceeds derived from its trading activities in tradeable allowances, to reduce costs borne by consumers and taxpayers, and to provide transition assistance to dislocated workers and communities. Transition assistance may take the form of—
A grants to employers, employer associations, and representatives of employees—
(i) to provide training, adjustment assistance, and employment services to dislocated workers; and
(ii) to make income-maintenance and needs-related payments to dislocated workers; and
B grants to State and local governments to assist communities in attracting new employers or providing essential local government services.

(2) TRANSITION ASSISTANCE TO DISLOCATED WORKERS AND COMMUNITIES.—The Corporation shall allocate a percentage of the proceeds derived from its trading activities in tradeable allowances to provide transition assistance to dislocated workers and communities. Transition assistance may take the form of—
A grants to employers, employer associations, and representatives of employees—
(i) to provide training, adjustment assistance, and employment services to dislocated workers; and
(ii) to make income-maintenance and needs-related payments to dislocated workers; and
B grants to State and local governments to assist communities in attracting new employers or providing essential local government services.

(3) PHASE-OUT OF TRANSITION ASSISTANCE.—The Secretary to the District of Columbia Business Corporation Act.

and, to the extent consistent with this title, shall be subject to the provisions of this title 204, whether that net increase in sequestration continues to exist. Unless the Administrator determines that sequestration continues to exist, the covered entity shall offset any loss of sequestration by submitting additional tradeable allowances to the Secretary on an annual basis for the remainder of the calendar year following that determination.

(b) REGULATIONS REQUIRED.—The Secretary, acting through the Under Secretary for Science and Technology, in coordination with the Secretary of Agriculture, the Secretary of Energy, and the Administrator, shall issue regulations establishing sequestration accounting rules for all classes of sequestration projects.

(c) CRITERIA FOR REGULATIONS.—In issuing regulations under this section, the Secretary shall use the following criteria:

(1) If the range of possible amounts of net increase in sequestration for a particular class of sequestration project is not more than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the median value of that range.

(2) If the range of the amounts of net increase in sequestration for a particular class of sequestration project is more than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the fifth percentile of that range.

(3) The regulations shall include procedures for accounting for potential leakage from sequestration and for ensuring that any registered increase in sequestration is in addition that which would have occurred if this Act had not been enacted.

(d) UPDATE.—The Secretary shall update the sequestration accounting rules for every class of sequestration project at least once every 5 years.

SEC. 372. PENALTIES.

Any covered entity that fails to meet the requirements of section 311 for a year shall be liable for a civil penalty, payable to the Administrator, equal to thrice the market value (determined as of the last day of the year at issue) of the tradeable allowances that would be necessary for that covered entity to meet those requirements on the date of the emission that resulted in the violation.

Mr. MCCAIN. Mr. President, the National Academy of Science has said, "Greenhouse gases are accumulating in the Earth’s atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise. Temperatures are, in fact, rising. The changes observed over the last several decades are likely mostly due to human activities, but we cannot rule out that some significant part of these changes is also a reflection of natural variability."

Over the last five years, the Commerce Committee has held eight hearings on climate change. Two of the last five years, 1999 and 2002, have been the warmest, in terms of average global temperatures, ever recorded. According to a recent report from the National Academy of Sciences and the National Oceanic and Atmospheric Administration NOAA, nine of the warmest years have occurred since 1990. As reported in the New York Times on December 31, 2002, many experts think it is more likely than not 2003 will either match or exceed the warmest temperature record of 58 degrees Fahrenheit.

Researchers at the University of Texas, Wesleyan University, and Stanford University recently reported in the journal Nature that global warming is forcing species around the world, from California starfish to Alpine herbs, to move into new ranges or alter habits that could disrupt ecosystems. The report states there is "very high confidence" within the scientific community that global warming could cost $300 billion annually by 2050 in weather damage, pollution, industrial and agricultural losses, and other expenses.

Our international partners, the Senate, and private industry are reacting to this challenge. For example, California has enacted legislation that will regulate pipeline emissions of greenhouse gases. The European Union just recently approved an emissions trading system. The World Bank has estimated that greenhouse gas trading will be a $10 billion market by 2005. Financial ratification of the Kyoto Protocol rests with Russia.

Industry is also paying attention to what’s happening. Law firms and insurance companies are setting up business units to deal with climate-related risks.

Thus far, however, little has actually been accomplished to reduce greenhouse gas emissions. The United States must do something, but it must also do the right thing. Many have focused on what we do not know or the uncertainties. I prefer a more sound and scientific approach of starting with what is known or given and then proceeding to solve the problem at hand.

While we cannot say with 100 percent confidence what will happen in the future, we do know the mission of greenhouse gas emissions is the health of our environment. As many of the top scientists through the world have stated, the sooner we start to reduce these emissions, the better off we will be in the future.

In 2001, Senator LIEBERMAN and I announced our intention to develop legislation to require mandatory reductions in greenhouse gases emissions and provide for the trading of emission allowances. We have been working with industry and the environmental community to develop legislation to move the country in the right direction and demonstrate leadership on this important issue. It will be the first comprehensive
piece of legislation in this area. Not only will it not place the burden on any one sector, it would allow for the partnering across sectors through the trading system to most effectively meet the required reductions. The bill we are introducing will propose a "cap and trade" approach to reducing greenhouse gases emissions. It would require the promulgation of regulations to limit greenhouse gases emissions from the electricity generation, transportation, industrial and commercial economic sectors. The affected sectors request approximately 85 percent of the overall U.S. emissions for the year 2000. The bill also would provide for the trading of emissions allowances and reductions through the government provided greenhouse gas database, which would contain an inventory of emissions and a registry of reduction.

I thank Senator Lieberman for his commitment and leadership in bringing this legislation to the floor. We hope that our colleagues in the Senate and the Administration will work with us to improve upon and ultimately adopt this much needed legislation.

The U.S. is responsible for 25 percent of the worldwide greenhouse gases emissions. It is time for the U.S. government to do its part to address this global problem, and legislation on mandatory reductions is the form of leadership that is required to address this global problem.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 15—COMMENDING DAN L. CRIPPEN FOR HIS SERVICE TO CONGRESS AND THE NATION

Whereas Dr. Dan L. Crippen has served as the fifth Director of the Congressional Budget Office since February 3, 1999 and now has ended his service on January 3, 2003;

Whereas during his tenure as Director, he has continued to encourage the highest standards of analytical excellence within the staff of the Congressional Budget Office while maintaining the independent and non-partisan character of the organization;

Whereas he has provided expert testimony to all committees of the United States Senate;

Whereas during his tenure as Director, he has expanded and improved the accessibility of the Congressional Budget Office’s work produced in a cost-effective manner and the public;

Whereas he has led the agency’s development of an independent long-term economic modeling capability that examines demographic changes and their critical impact on economic and budget estimates;

Whereas he has performed his duties as Director at a time of extreme personal loss with courage, dignity, and intelligence; and

Whereas he has earned the respect and esteem of the United States Senate: Now, therefore, be it

Resolved, That the Senate of the United States commends Dr. Dan L. Crippen for his dedicated, faithful, and outstanding service to his country and to the Senate.

SENATE RESOLUTION 16—HONORING THE HILLTOPPERS OF WESTERN KENTUCKY UNIVERSITY FROM BOWLING GREEN, KENTUCKY, FOR WINNING THE 2002 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I-AA FOOTBALL CHAMPIONSHIP

Whereas the Hilltoppers showed tremendous dedication to each other, appreciation to their fans, sportsmanship to their opponents, and respect for the game of football throughout their 2002 season;

Whereas Western Kentucky University was represented with integrity and principled leadership under the direction of its head coach Jack Harbaugh, athletic director Dr. Wood Selig, and president Dr. Gary A. Ransdell; and

Whereas Western Kentucky University Hilltoppers from Bowling Green, Kentucky, won the 2002 NCAA Division I-AA Collegiate Football Championship since its football program began in 1913;

Resolved, That the Senate honors the Western Kentucky University football team for winning the 2002 NCAA Division I-AA Football Championship.

SENATE CONCURRENT RESOLUTION 4—RESOLVED, That it is the sense of the Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

Whereas for fiscal year 2003 the Administration requested a 4.1 percent pay raise for members of the uniformed services, while only a 3.1 percent pay raise for the dedicated civilian employees of the United States, a disparity in adjustments that violates the traditional principle of parity of pay adjustments; and

Whereas disparity in pay adjustments goes against the longstanding policy of parity for all those who serve the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

Mr. SARBANES. Mr. President, I am called to join with Senators Akaka, Bingaman, Cantwell, Clinton, Durbin, Kennedy, Levin, Lieberman, Mikulski, Murray, Nelson, E. Benjamín, and Warner in introducing a resolution that would express the sense of the Congress that the pay increases granted to Federal civilian and military employees should be maintained. A comparison of military and civilian pay increases by the Congressional Research Service finds that in 14 of the last 17 years military civilian pay increases have been identical.

Disparate treatment of civilian and military pay goes against the longstanding policy of parity for all those who have chosen to serve our Nation, whether that service is at the civilian workforce or in the armed services.

During this unprecedented time in our Nation’s history, both members of the armed services and civilian Federal employees are fighting the war on terrorism and making remarkable contributions to the safety of this country and our citizens. Both the armed forces and civilian employees are on the front lines in the fight against terrorism, and civilian employees are playing a significant role in that fight.