

PN465 Army nominations (320) beginning PAUL F ABEL, JR., and ending X4432, which nominations were received by the Senate and appeared in the Congressional Record of March 26, 2003

PN507 Army nominations of William T. Boyd, which nominations were received by the Senate and appeared in the Congressional Record of April 7, 2003

PN508 Army nominations (5) beginning RICHARD D DANIELS, and ending GEORGE G PERRY, III, which nominations were received by the Senate and appeared in the Congressional Record of April 7, 2003

PN509 Army nominations (5) beginning GARY L HAMMETT, and ending DAVID L SMITH, which nominations were received by the Senate and appeared in the Congressional Record of April 7, 2003

PN522 Army nominations (3) beginning EDWARD A HEVENER, and ending ZEB S REGAN, JR., which nominations were received by the Senate and appeared in the Congressional Record of April 10, 2003

MARINE CORPS

PN327 Marine Corps nominations of Kenneth O. Spittler, which was received by the Senate and appeared in the Congressional Record of February 11, 2003

PN329 Marine Corps nominations (3) beginning THOMAS DUHS, and ending WILLIAM M LAKE, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2003

PN339 Marine Corps nominations (3) beginning PATRICK W BURNS, and ending DANIEL S RYMAN, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2003

PN424 Marine Corps nominations (112) beginning DONALD J ANDERSON, and ending DONALD W ZAUTCKE, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2003

PN445 Marine Corps nominations (2) beginning SEAN T MULCAHY, and ending STEVEN H MATTOS, which nominations were received by the Senate and appeared in the Congressional Record of March 24, 2003

PN446 Marine Corps nomination of Franklin McLain, which was received by the Senate and appeared in the Congressional Record of March 24, 2003

PN447 Marine Corps nominations (29) beginning BRYAN DELGADO, and ending PAUL A ZACHARZUK, which nominations were received by the Senate and appeared in the Congressional Record of March 24, 2003

PN466 Marine Corps nomination of Michael H. Gamble, which was received by the Senate and appeared in the Congressional Record of March 26, 2003

PN467 Marine Corps nomination of Jeffrey L. Miller, which was received by the Senate and appeared in the Congressional Record of March 26, 2003

PN489 Marine Corps nomination of Barrett R. Byrd, which was received by the Senate and appeared in the Congressional Record of April 2, 2003

PN510 Marine Corps nominations (99) beginning JEFFREY ACOSTA, and ending JOHN G WEMETT, which were received by the Senate and appeared in the Congressional Record of April 7, 2003

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

UNDERGROUND STORAGE TANK COMPLIANCE ACT OF 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Sen-

ate proceed to the immediate consideration of calendar item No. 25, S. 195.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

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

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

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 195

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

SECTION 1. SHORT TITLE.

[This Act may be cited as the "Underground Storage Tank Compliance Act of 2003".

SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.

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

["(f) TRUST FUND DISTRIBUTION.—

["(1) IN GENERAL.—

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

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

["(ii) necessary administrative expenses, as determined by the Administrator, that are directly related to corrective action and compensation programs under subsection (c)(1);

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

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

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

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

["(C) PROHIBITED USES.—Except as provided in subparagraph (A)(iii), under any similar requirement of a State program approved under this section, or in any similar State or local provision as determined by the Administrator, funds provided to a State by

the Administrator under subparagraph (A) shall not be used by the State to provide financial assistance to an owner or operator to meet any requirement relating to underground storage tanks under part 280 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

["(2) ALLOCATION.—

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

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

["(i) consulting with—

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

["(II) owners; and

["(III) operators; and

["(ii) taking into consideration, at a minimum—

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

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

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

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

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

["(VI) the financial needs of the State; and

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

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

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

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

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

SEC. 3. INSPECTION OF UNDERGROUND STORAGE TANKS.

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

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

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

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

SEC. 4. OPERATOR TRAINING.

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

["SEC. 9010. OPERATOR TRAINING.

["(a) GUIDELINES.—

["(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Underground Storage Tank Compliance Act of 2003,

in cooperation with States, owners, and operators, the Administrator shall publish in the Federal Register, after public notice and opportunity for comment, guidelines that specify methods for training operators of underground storage tanks.

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

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

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

“(C) the high turnover rate of operators;

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

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

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

“(b) STATE PROGRAMS.—

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

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

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

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

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

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

SEC. 5. REMEDIATION OF MTBE CONTAMINATION.

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

“(1) in paragraph (7)(A)—

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

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

“(2) by adding at the end the following:

“(12) REMEDIATION OF MTBE CONTAMINATION.—

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

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

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

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

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

“(a) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal

Act (42 U.S.C. 6991 et seq.) (as amended by section 4) is amended by adding at the end the following:

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

“(1) FUNDS MADE AVAILABLE UNDER SECTION 9014(2)(D) FROM THE TRUST FUND MAY BE USED TO CONDUCT INSPECTIONS, ISSUE ORDERS, OR BRING ACTIONS UNDER THIS SUBTITLE—

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

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

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

“(i) GOVERNMENT-OWNED TANKS.—

“(1) IMPLEMENTATION REPORT.—

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

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

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

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

“(i) regulated under this subtitle; and

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

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

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

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

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

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

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

“(A) this subtitle; or

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

“(2) has repeatedly violated—

“(A) this subtitle; or

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

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

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

“(f) AUTHORITY TO PROHIBIT CERTAIN DELIVERIES.—

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

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

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

“(2) LIMITATIONS.—

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

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

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

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

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

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

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

“(d) PUBLIC RECORD.—

“(1) IN GENERAL.—The Administrator shall require each State and Indian tribe that receives Federal funds to carry out this subtitle to maintain, update at least annually, and make available to the public, in such manner and form as the Administrator shall prescribe (after consultation with States and Indian tribes), a record of underground storage tanks regulated under this subtitle.

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

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

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

“(i) this subtitle; or

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

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

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

SEC. 7. FEDERAL FACILITIES.

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

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

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

“(2) IMPLEMENTATION REPORT.—

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

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

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

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

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

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

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

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

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

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

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

“(A) giving priority to releases that present the greatest threat to human health or the environment, to take necessary corrective action in response to releases from leaking underground storage tanks located wholly within the boundaries of—

“(i) an Indian reservation; or

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

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

“(i) an Indian reservation; or

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

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

“(A) the boundaries of Indian reservations; and

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

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

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

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

SEC. 9. STATE AUTHORITY.

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

SEC. 9013. STATE AUTHORITY.

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

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 9014. AUTHORIZATION OF APPROPRIATIONS.

“(There are authorized to be appropriated to the Administrator—

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

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

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

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

“(C) to carry out section 9005(a)—

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

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

“(D) to carry out section 9011—

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

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

SEC. 11. CONFORMING AMENDMENTS.

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

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

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

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

“(1) INDIAN TRIBE.—

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

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

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

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

“(b) CONFORMING AMENDMENTS.—

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

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

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

“Sec. 9010. Operator training.

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

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

“Sec. 9013. State authority.

“Sec. 9014. Authorization of appropriations.”.

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

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

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

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

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

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

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

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

SEC. 12. TECHNICAL AMENDMENTS.

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

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

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

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

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

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Underground Storage Tank Compliance Act of 2003”.

SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.

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

“(f) TRUST FUND DISTRIBUTION.—

“(1) IN GENERAL.—

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

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

“(ii) necessary administrative expenses, as determined by the Administrator, that are directly related to corrective action and compensation programs under subsection (c)(1);

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

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

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

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

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

“(2) ALLOCATION.—

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

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

“(i) consulting with—

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

“(II) owners; and

“(III) operators; and

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 3. INSPECTION OF UNDERGROUND STORAGE TANKS.

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

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

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

“(a) INSPECTION REQUIREMENTS.—Not later than 2 years after the date of enactment of the Underground Storage Tank Compliance Act of 2003, and at least once every 2 years thereafter, the Administrator or a State with a program ap-

proved under section 9004, as appropriate, shall require that all underground storage tanks regulated under this subtitle undergo onsite inspections for compliance with regulations promulgated under section 9003(c).”.

SEC. 4. OPERATOR TRAINING.

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

“SEC. 9010. OPERATOR TRAINING.

“(a) GUIDELINES.—

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

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

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

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

“(C) the high turnover rate of operators;

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

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

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

“(b) STATE PROGRAMS.—

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

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

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

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

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

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

SEC. 5. REMEDIATION OF MTBE CONTAMINATION.

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

(1) in paragraph (7)(A)—

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

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

(2) by adding at the end the following:

“(12) REMEDIATION OF MTBE CONTAMINATION.—

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

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

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

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

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

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

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

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

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

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

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

“(i) GOVERNMENT-OWNED TANKS.—

“(1) IMPLEMENTATION REPORT.—

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

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

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

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

“(i) regulated under this subtitle; and

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

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

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

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

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

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

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

“(A) this subtitle; or

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

“(2) has repeatedly violated—

“(A) this subtitle; or

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

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

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

“(f) **AUTHORITY TO PROHIBIT CERTAIN DELIVERIES.**—

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

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

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

“(2) **LIMITATIONS.**—

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

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

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

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

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

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

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

“(d) **PUBLIC RECORD.**—

“(1) **IN GENERAL.**—The Administrator shall require each State and Indian tribe that receives Federal funds to carry out this subtitle to maintain, update at least annually, and make available to the public, in such manner and form as the Administrator shall prescribe (after consultation with States and Indian tribes), a record of underground storage tanks regulated under this subtitle.

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

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

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

“(i) this subtitle; or

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

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

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

SEC. 7. FEDERAL FACILITIES.

Section 9007 of the Solid Waste Disposal Act (42 U.S.C. 6991f) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **APPLICABILITY OF SUBTITLE.**—

“(1) **IN GENERAL.**—Section 6001(a) shall apply to each department, agency, and instrumen-

tality in the executive, legislative, or judicial branch of the Federal Government having jurisdiction over—

“(A) any underground storage tank or underground storage tank system (as defined in section 280.12 of title 40, Code of Federal Regulations (or any successor regulation)); or

“(B) any release response activity relating to an underground storage tank or underground storage tank system.

“(2) **REQUIREMENTS.**—For purposes of this section, requirements respecting the control and abatement of solid waste or hazardous waste disposal and management referred to in section 6001(a) include requirements respecting—

“(A) control, installation, operation, management, or closure of any underground storage tank or underground storage tank system containing any regulated substance; and

“(B) release response activities relating to an activity described in subparagraph (A).”; and

(2) by adding at the end the following:

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

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

“(2) **IMPLEMENTATION REPORT.**—

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

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

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

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

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

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

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

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

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

“(A) giving priority to releases that present the greatest threat to human health or the environment, to take necessary corrective action in response to releases from leaking underground storage tanks located wholly within the boundaries of—

“(i) an Indian reservation; or

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

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

“(i) an Indian reservation; or

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

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

“(A) the boundaries of Indian reservations; and

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

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

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

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

SEC. 9. STATE AUTHORITY.

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

“(a) **SEC. 9013. STATE AUTHORITY.**

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

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

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

“(a) **SEC. 9014. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to the Administrator—

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

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

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

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

“(C) to carry out section 9005(a)—

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

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

“(D) to carry out section 9011—

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

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

SEC. 11. CONFORMING AMENDMENTS.

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

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

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

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

“(1) **INDIAN TRIBE.**—

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

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

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

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

(b) **CONFORMING AMENDMENTS.**—

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

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

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

“Sec. 9010. Operator training.

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

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

“Sec. 9013. State authority.

“Sec. 9014. Authorization of appropriations.”.

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

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

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

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

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

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

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

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

SEC. 12. TECHNICAL AMENDMENTS.

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

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

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

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

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

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

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

Mr. McCONNELL. I ask unanimous consent that the committee substitute be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 195), as amended, was read the third time and passed.

PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 61, S. 243.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 243) concerning participation of Taiwan in the World Health Organization.

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

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

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

The bill (S. 243) was read the third time and passed, as follows:

S. 243

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

SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION (WHO).

(a) FINDINGS.—The Congress makes the following findings:

(1) Good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health.

(2) Direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially with today's greater potential for the cross-border spread of various infectious diseases such as the human immunodeficiency virus (HIV), tuberculosis, and malaria.

(3) Taiwan's population of 23,500,000 people is greater than that of three-fourths of the member states already in the World Health Organization (WHO).

(4) Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, and the first to eradicate polio and provide children with hepatitis B vaccinations.

(5) The United States Centers for Disease Control and Prevention and its Taiwan counterpart agencies have enjoyed close collaboration on a wide range of public health issues.

(6) In recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO.

(7) On January 14, 2001, an earthquake, registering between 7.6 and 7.9 on the Richter scale, struck El Salvador. In response, the Taiwanese government sent 2 rescue teams, consisting of 90 individuals specializing in firefighting, medicine, and civil engineering. The Taiwanese Ministry of Foreign Affairs also donated \$200,000 in relief aid to the Salvadoran Government.

(8) The World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950s.

(9) The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations.

(10) Public Law 106-137 required the Secretary of State to submit a report to the Congress on efforts by the executive branch to support Taiwan's participation in international organizations, in particular the WHO.

(11) In light of all benefits that Taiwan's participation in the WHO can bring to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its

23,500,000 people should have appropriate and meaningful participation in the WHO.

(12) On May 11, 2001, President Bush stated in his letter to Senator Murkowski that the United States “should find opportunities for Taiwan's voice to be heard in international organizations in order to make a contribution, even if membership is not possible”, further stating that his Administration “has focused on finding concrete ways for Taiwan to benefit and contribute to the WHO”.

(13) In his speech made in the World Medical Association on May 14, 2002, Secretary of Health and Human Services Tommy Thompson announced “America's work for a healthy world cuts across political lines. That is why my government supports Taiwan's efforts to gain observership status at the World Health Assembly. We know this is a controversial issue, but we do not shrink from taking a public stance on it. The people of Taiwan deserve the same level of public health as citizens of every nation on earth, and we support them in their efforts to achieve it”.

(14) The Government of the Republic of China on Taiwan, in response to an appeal from the United Nations and the United States for resources to control the spread of HIV/AIDS, donated \$1,000,000 to the Global Fund to Fight AIDS, Tuberculosis and Malaria in December 2002.

(b) PLAN.—The Secretary of State is authorized—

(1) to initiate a United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly in May 2003 in Geneva, Switzerland; and

(2) to instruct the United States delegation to Geneva to implement that plan.

(c) REPORT.—Not later than 14 days after the date of the enactment of this Act, the Secretary of State shall submit a report to Congress in unclassified form describing the action taken under subsection (b).

HUMAN RIGHTS IN CENTRAL ASIA

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 63, S.J. Res. 63.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 63) expressing the sense of the Congress with respect to human rights in Central Asia.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. McCONNELL. I ask unanimous consent that the Lugar amendment, which is at the desk, be agreed to; further, that the joint resolution, as amended, be read a third time and passed and the motion to reconsider be laid upon the table; further, that the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The amendment (No. 533) was agreed to, as follows:

Strike all after the resolving clause and insert the following:

That it is the sense of Congress that—

(1) the governments of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and