

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), SENATOR TOM DASCHLE, DEMOCRATIC LEADER FOR TRAVEL FROM SEPT. 30 TO DEC. 31, 2002

Name	Country	Name of currency	Per diem (U.S. Dollar Equivalent)	Transportation (U.S. Dollar Equivalent)	Miscellaneous (U.S. Dollar Equivalent)	Total
Senator Joseph Lieberman:						
United States	Dollar			5,742.50		5,742.50
Israel	Shekel		2,368.00			2,368.00
Bahrain	Dinar		321.00			321.00
Saudi Arabia	Riyal		271.13			271.13
Fred Downey:						
United States	Dollar			5,990.50		5,990.50
Israel	Shekel		2,900.00			2,900.00
Bahrain	Dinar		321.00			321.00
Saudi Arabia	Riyal		171.00			171.00
Delegation Expenses*:						
Israel	Shekel				20,653.00	20,653.00
Saudi Arabia	Riyal				823.34	823.34
Total			6,352.13	11,733.00	21,476.34	39,561.47

*Delegation expenses include payments and reimbursements to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

TOM DASCHLE,
Democratic Leader, Mar. 31, 2003.

UNANIMOUS CONSENT AGREEMENT—S. 14

Mr. McCONNELL. Mr. President, I ask unanimous consent that on Tuesday, May 6, at a time to be determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of calendar No. 79, S. 14, the energy bill; provided further, that no amendments be in order to the bill prior to Thursday, May 8, or one day following the report's availability, whichever is later.

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

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

Mr. McCONNELL. Mr. President, in executive session, I ask unanimous consent that the Senate resume consideration of calendar No. 21, the nomination of Miguel Estrada.

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

The clerk will report the nomination. The assistant legislative clerk read as follows:

Nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 21, the nomination of Miguel A. Estrada to be United States Circuit Judge for the District of Columbia Circuit.

Bill Frist, Orrin Hatch, Judd Gregg, Norm Coleman, John E. Sununu, John

Cornyn, Larry E. Craig, Saxby Chambliss, Lisa Murkowski, Jim Talent, Olympia Snowe, Mike DeWine, Michael B. Enzi, Lindsey Graham, Jeff Sessions.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the live quorum under Rule XXII be waived.

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

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to consider the following nominations on today's executive calendar: Calendar Nos. 56, 103, 157, 158, 159, 161, 162, 163, 164, and all nominations on the Secretary's desk in the Army and Marine Corps.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF ENERGY

Linton F. Brooks, of Virginia, to be Under Secretary for Nuclear Security, Department of Energy.

DEPARTMENT OF THE TREASURY

Mark W. Everson, of Texas, to be Commissioner of Internal Revenue for a term of five years.

DEPARTMENT OF DEFENSE

Lawrence Mohr, Jr., of South Carolina, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2003.

Sharon Falkenheimer, of Texas, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2007.

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Henry P. Osman, 9358
The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Douglas M. Stone, 0227

NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Thomas K. Burkhard, 8249

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James J. Lovelace, Jr., 0304

TENNESSEE VALLEY AUTHORITY

Richard W. Moore, of Alabama, to be Inspector General, Tennessee Valley Authority. (New Position)

NOMINATIONS PLACED ON THE SECRETARY'S DESK

ARMY

PN208 Army nominations (68) beginning CURTIS J ALITX, and ending MARY J WYMAN, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN210 Army nominations (24) beginning RICHARD P BEIN, and ending KELLY E TAYLOR, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN211 Army nominations (18) beginning DEBORAH K BETTS, and ending DAVID WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN444 Army nominations of James R. Kerin, Jr., which was received by the Senate and appeared in the Congressional Record of March 26, 2003

PN462 Army nominations (60) beginning HENRY E ABERCROMBIE, and ending MICHELLE F YARBOROUGH, which nominations were received by the Senate and appeared in the Congressional Record of March 26, 2003

PN463 Army nominations (27) beginning MICHAEL P ARMSTRONG, and ending CRAIG M WHITEHILL, which nominations were received by the Senate and appeared in the Congressional Record of March 26, 2003

PN464 Army nominations (47) beginning JOHN F AGOGLIA, and ending JEFFREY R WITSKEN, which nominations were received by the Senate and appeared in the Congressional Record of March 26, 2003

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,