

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,