The Small Business Job Protection Act of 1996. shall take effect as if included in section 1401 of 403(a).''.

A term includes a distribution made by an individual who is an employee for 2001 and 2005 in paragraph (4).''.

The amendments made by section 5012 of the Technical and Miscellaneous Revenue Act of 1988.

The Secretary is required thereunder to consult and cooperate and shall not be Federal, State, or local government employees.

May 1, 2001, May 1, 2005, and May 1, 2009, for each of the subsequent summits, respectively;''.

no later than 90 days prior to the date of the commencement of the National Summit,'' after "comment" in paragraph (1)(C);

in section (ii), by inserting "not more than 100 participants (needy for (III), and by inserting after subclause (I) the following new subclause: "(II) the amount of any designated non-deductible contribution (as defined in section 408(o)) on behalf of such spouse for such taxable year, and"

The amendments made by this subsection shall take effect as if included in the amendments made by section 1201 of the Small Business Job Protection Act of 1996.

A term includes a distribution made by an individual described in section 401(a)(10) which is from an annuity contract from which a distribution described in section 401(a)(9) was made.

A term includes a distribution made by an individual who is an employee for 2001 and 2005 in paragraph (4).''.

The amendments made by section 5012 of the Technical and Miscellaneous Revenue Act of 1988.

The Secretary is required thereunder to consult and cooperate and shall not be Federal, State, or local government employees.

May 1, 2001, May 1, 2005, and May 1, 2009, for each of the subsequent summits, respectively;''.

in section (ii)(1)(C), by inserting "no later than 90 days prior to the date of the commencement of the National Summit,'' after "comment" in paragraph (1)(C);

in subsection (g), by inserting "in consultation with the congressional leaders specified in subsection (e)(2)," after "report";

in section (i)—

by striking "beginning on or after October 2, 1998" in paragraph (1) and inserting "2001, 2005, and 2009;" and

by adding at the end the following new paragraph:

"(9) in subsection (k)—

(A) by striking "shall enter into a contract on a sole-source basis" and inserting "may enter into a contract on a sole-source basis"; and

(B) by striking "fiscal year 1998" and inserting "fiscal years 2001, 2005, and 2009''.

TITLe XV—COMPLIANCE WITH CONGRESSIONAL BUDGET ACT

SEC. 1501. SENTINEL OF THE FUTURE

All provisions of, and amendments made by, this Act which are in effect on September 30, 2009, shall cease to apply as of the close of September 30, 2009.

CHEMICAL SAFETY INFORMATION, SITE SECURITY AND FUELS REGULATORY RELIEF ACT

Mr. LUGAR. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 880) to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan programs.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 880) entitled "An Act to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program", do pass with the following amendments:

Strike out all after the enacting clause and insert:

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"(e) LUMP-SUM DISTRIBUTIONS.—

(1) Clause (ii) of section 219(c)(1)(B) is amended by striking "and" at the end of subclause (I), by redesignating subclause (I) as subclause (II), and by inserting after subclause (I) the following new subclause: "(II) the amount of any designated non-deductible contribution (as defined in section 408(o)) on behalf of such spouse for such taxable year, and"

The amendments made by this subsection shall take effect as if included in section 1427 of the Small Business Job Protection Act of 1996.

A term includes a distribution made by an individual described in section 401(a)(10) which is from an annuity contract from which a distribution described in section 401(a)(9) was made.

A term includes a distribution made by an individual who is an employee for 2001 and 2005 in paragraph (4).''.

The amendments made by section 5012 of the Technical and Miscellaneous Revenue Act of 1988.

The Secretary is required thereunder to consult and cooperate and shall not be Federal, State, or local government employees.

May 1, 2001, May 1, 2005, and May 1, 2009, for each of the subsequent summits, respectively;''.

in section (ii)(1)(C), by inserting "no later than 90 days prior to the date of the commencement of the National Summit,'' after "comment" in paragraph (1)(C);

in subsection (g), by inserting "in consultation with the congressional leaders specified in subsection (e)(2)," after "report";

in section (i)—

(A) by striking "beginning on or after October 2, 1998" in paragraph (1) and inserting "2001, 2005, and 2009;" and

(B) by adding at the end the following new paragraph:

"(9) in subsection (k)—

(A) by striking "shall enter into a contract on a sole-source basis" and inserting "may enter into a contract on a sole-source basis"; and

(B) by striking "fiscal year 1998" and inserting "fiscal years 2001, 2005, and 2009''.

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The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 880) entitled "An Act to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program", do pass with the following amendments:

Strike out all after the enacting clause and insert:
SECTION 1. SHORT TITLE.
This Act may be cited as the ‘‘Chemical Safety Information, Site Security and Fuels Regulatory Relief Act’’.

SEC. 2. REMOVAL OF PROPANE SOLD BY RETAILER FROM RISK MANAGEMENT LIST.
Section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)) is amended—
(1) by redesignating subparagraphs (A) through (D) of paragraph (4) as clauses (i) through (iv), respectively, and indented appropriately;
(2) by striking in paragraph (4) ‘‘Administer—
shall consider each of the following criteria—’’ and inserting the following: ‘‘Administer—
(A) shall consider—’’;
(3) in subparagraph (A)(iii) (as designated by paragraphs (1) and (2)), of paragraph (4) by striking the period at the end and inserting ‘‘;’’; and
(4) by adding at the end of paragraph (4) the following:
(D) The term ‘‘retail facility’’ means a facility where sale of fuel or fuel for sale as a fuel at a retail facility under this subsection solely because of heat effects from human exposure to the substance, unless a fire or explosion caused by the substance results in acute adverse heath effects from human exposure to the substance, including the unburned fuel or its combustion byproducts, other than those caused by the heat of the fire or impact of the explosion.’’;
and
by inserting the following new subparagraph at the end of paragraph (2):
‘‘(D) The term ‘‘retail facility’’ means a station- ary source at which more than one-half of the income is obtained from direct sales to end users or at which more than one-half of the fuel sold, bought, or sold, is sold through a cylinder ex-
change program.’’.

SEC. 3. PUBLIC ACCESS TO OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.
(a) In General.—Section 112(r)(7) of the Clean Air Act (42 U.S.C. 7412(r)(7)) is amended by adding at the end the following:

(H) PUBLIC ACCESS TO OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.—
(i) DEFINITIONS.—In this subparagraph:
(I) COVERED PERSON.—The term ‘‘covered person’’ means—
(aa) an officer or employee of the United States;
(bb) an officer or employee of an agent or contractor of the Federal Government;
(cc) an officer or employee of a State or local government;
(dd) an officer or employee of an agent or contractor of a State or local government;
(ee) an individual affiliated with an entity that has been given, by a State or local govern-
ment, responsibility for preventing, planning for, or responding to accidental releases;
(ff) an officer or employee or an agent or contractor of an entity described in item (ee); and
(gg) a qualified researcher under clause (vii).

(ii) OFFICIAL USE.—The term ‘‘official use’’ means an action of a Federal, State, or local govern-
ment agency or an entity referred to in subclause (I) intended to carry out a function required in preventing, planning for, or re-
sponding to accidental releases.

(iii) OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.—The term ‘‘off-site consequence analysis information’’ means those portions of a risk management plan submitted to the Administrator by an owner or operator of a stationary source under subparagraph (B)(iii).

(iv) REGULATIONS.—Not later than 1 year after the date of enactment of this subparagraph, the President shall—
(I) assess—
(a) the increased risk of terrorist and other criminal activity associated with the posting of off-site consequence analysis information on the Internet; and
(bb) the incentives created by public disclo-
sure of off-site consequence analysis informa-
tion for reduction in the risk of accidental re-
leases; and
(II) based on the assessment under subclause (I), promulgate regulations governing the dis-
tribution of off-site consequence analysis informa-
tion in a manner that, in the opinion of the President, minimizes the likelihood of accidental releases and the risk described in subclause (I)(aa) and the likelihood of harm to public health and safety from terrorism that is caused by the explosive or flammable properties of the substance will result in acute adverse heath effects from human exposure to the substance, including the unburned fuel or its combus-
tion byproducts, other than those caused by the heat of the fire or impact of the explosion.

and
by inserting the following new subparagraph at the end of paragraph (2):
‘‘(D) The term ‘‘retail facility’’ means a station-
yary source at which more than one-half of the income is obtained from direct sales to end users or at which more than one-half of the fuel sold, bought, or sold, is sold through a cylinder ex-
change program.’’.

(IV) RISK MANAGEMENT PLAN.—The term ‘‘risk management plan’’ means a risk management plan submitted to the Administrator by an owner or operator of a stationary source under subparagraph (B)(iii).

(III) Relief Act.—This Act may be cited as the ‘‘Chemical Safety Information, Site Security and Fuels Regulatory Relief Act’’.
an information technology system that provides for the public of facility accident consequence analysis information by means of a central data base under the control of the Federal Government that contains information that users may read, but that provides no means by which to create or mechanical copy of the information may be made.

(2) VOLUNTARY INDUSTRY ACCIDENT PREVENTION STANDARDS.—The Environmental Protection Agency, the Department of Justice, and other appropriate agencies may provide technical assistance to owners and operators of stationary sources and participate in the development of voluntary industry standards that will help achieve the objectives set forth in paragraph (1).

(3) REPORT ON COMPLIANCE WITH CERTAIN INFORMATION SUBMISSION REQUIREMENTS.—Not later than 5 years after the date of enactment of this Act, the Attorney General shall report to Congress on the status of compliance with the information submission requirements under this section.

(4) RÉÉVALUATION DE LA RÉGULATION.—E. The President shall reevaluate the regulations promulgated under this section within 6 years after the enactment of this Act. This section shall not apply to sources that are exempted from listing under section 112(r)(2) of the Clean Air Act (42 U.S.C. 7412(r)(2)).

OFF-SITE CONSEQUENCE ANALYSIS INFORMATION (NEW SECTION 112(r)(7)(H)(I)).—The amendment directs the President to promulgate regulations governing the disclosure of the off-site Consequence Analysis (OCA) information in a way that minimizes the likelihood of releases of the regulated chemicals, whether these releases are accidental or the result of criminal activity. In other words, the amendment calls for a balanced approach that reduces the threat of criminal activity at facilities, which requires a balanced approach, and nothing in this Act necessarily precludes the eventual electronic dissemination of the information.

Off-site consequence analysis information (New section 112(r)(7)(H)(i)(V) and (V), and (xiii)): The amendment defines “off-site consequence analysis information” (OCA information) as a portion of a “risk management plan,” which is in turn defined as referring only to information “submitted to the Administrator by an owner or operator of a stationary source under subparagraph (B) of section 112(r)(7)(I) of the Clean Air Act. Similarly, the amendment makes clear that its restrictions apply only to OCA information in the form submitted to the Administrator.
(New section 112(r)(7)(H)(xii)). In other words, no information, except OCA information submitted to the Administrator, which is withheld, is affected by the amendment. Even identical information that is made available to members of the public (unless there is a legally-binding restriction) or that is submitted to state or local agencies is not affected by the constraints on disclosure established by the Act.

Official use (New section 112(r)(7)(H)(i)(III) and (vi)): The amendment defines "official use" broadly—"an action . . . intended to carry out a function relevant to preventing, planning for or responding to accidental releases or criminal releases"—to reflect the sense that there are a broad range of official uses to which the OCA information may appropriately be put, as long as its public availability is constrained in accord with the regulations developed under the amendment. The bill does not authorize the Administrator to establish restrictions on such official use.

State and local official access to all OCA information (New section 112(r)(7)(H)(ii)(II)(ee)): The amendment requires that any covered State and local official be provided, upon request, OCA information on any facility in the country, not just on facilities in the individual's State or community. This reflects, among other things, the fact that a comprehensive evaluation of the facility next door should include comparison with other facilities, including those owned by the same company or its competitors. Similarly, a comprehensive evaluation of the neighboring hazardous reduction programs of Community A requires a comparison of the hazards presented by facilities in Community A with those in Community B in neighboring states.

Public access to OCA information regardless of geographic location (New section 112(r)(7)(H)(ii)(II)(aa)): The amendment makes clear that the regulations shall allow any member of the public access to the OCA information for a limited number of facilities regardless of geographic location. This reflects the fact that the need to compare the neighborhood facility with facilities in other locations, or to compare the facility with other facilities, is just as important and appropriate for the public as it is for officials.

Voluntary disclosure of OCA information: New section 112(r)(7)(H)(v)(III): The amendment directs any facility that chooses to provide its OCA information for public access to do so without legally-binding restriction to inform the public, through EPA, of that voluntary disclosure.

Qualified researchers (New section 112(r)(7)(H)(vii)): The amendment directs the Administrator, in consultation with the Attorney General, to develop a system for providing access to OCA information for "qualified researchers." The Administrator is given authority to determine whether researchers are "qualified" and is otherwise given the authority to screen researchers or to deny them access to OCA information on the basis of political persuasion, likely findings, purpose to which findings would be put, or any other such factor.

Reports on vulnerability to criminal activity (New section 112(r)(7)(H)(x)): The amendment directs the Attorney General to submit a preliminary report in one year and a final report in three years to the Senate and House with the Risk Management Program regulations have resulted in actions, by stationary sources among others, that are effective in detecting, preventing, and minimizing the consequences of releases caused by criminal activity. The Controller General is specifically directed to study the "design and maintenance of safe facilities" so that Congress may learn the extent to which the best protection against criminal activity is to maintain a facility that is inherently safe.

Reevaluation of disclosure regulations (Section 3(c)): The Act directs the President to reevaluate the regulations governing disclosure within six years. This reevaluation should be made on the same basis used to promulgate the regulations—i.e. the President should perform two separate assessments: (1) an assessment of the increased risk of criminal activity associated with the Internet posting of OCA information, and (2) an assessment of the incentives created by public disclosure of OCA information for reduction in the risk of accidental releases. Written documentation of the two assessments and all information and data the President utilizes in preparation of the assessments should be a part of the administrative record associated with any determination the President makes regarding the regulations, or any modification of the regulations.

General duty. Finally, the Act leaves the general duty clause of section 112(r) of the Clean Air Act unchanged, in recognition of the fact that the Environmental Protection Agency believes that the general duty clause applies to releases caused by criminal or terrorist activities.

Mr. INHOFE. Mr. President, I rise today to discuss my legislation, S. 880, the Fuels Regulatory Relief Act, which passed Congress today, and according to the President was signed into law shortly. This bill was passed in the Senate by unanimous consent on June 23, 1999, and passed by the House with amendments, on July 21, 1999.

I appreciate the speediness with which the House acted on this legislation and the support of my good friend Chairman TOM INTHOFF. Unfortunately the Senate is forced to act just as quickly on this legislation because of delays created by the administration. In early 1998, I raised concerns to the administration regarding the security risks posed by disseminating the worst-case scenario data on the Internet. The FBI agreed with my concerns. Despite the acknowledgment of the risks involved the administration did not cooperate with Congress to fix this problem until the eleventh hour.

Because of the urgency in passing this legislation I have decided that a conference would not be beneficial. While I agree with most of the changes incorporated in the House-passed version, due to the haste of their consideration, I feel the necessity to explain in more detail my view, as the lead sponsor, of one particular provision.

Section 3 of the act requires the "Attorney General, and in consultation with appropriate State, local, and Federal governmental agencies, affected industry, and the public, shall review the vulnerability of covered stationary sources to criminal and terrorist activity, current industry practices regarding site security, and security of transportation of regulated substances."

In carrying out this provision, I ask the Attorney General, in consulting with the Federal governmental agencies, to work with the Intelligence Community as well as the FBI. If any technical assistance regarding chemicals is needed I direct the Attorney General to work with the Department of Energy facilities, particularly the Hazardous Material Spill Center at the Nevada Test site and the Sandia laboratory in New Mexico. Regarding the transportation issues, the Attorney General should consult with the Department of Transportation. In addition, I would like to emphasize that any confidential information or national security information should be closely safeguarded.

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate concur in the amendments of the House.

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

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations en bloc: Executive Calendar Nos. 202, 205, 207, and 216.

I further ask unanimous consent that the nominations be confirmed en bloc,