(New section 112(r)(7)(H)(xii)). In other words, no information, except OCA information submitted to the Administrator, which is not otherwise publicly disclosed, is covered 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 amendments 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)(I)(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 hazard reduction programs of Community A requires a comparison of the hazards presented by facilities in Community A with those in Communities B and C.

Public access to OCA information regardless of geographic location (New section 112(r)(7)(H)(ii)(I)(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 one company to its competitors, 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 the public without legally-binding restriction to inform the public, through EPA, of that voluntary disclosure.

Qualified researchers (New section 112(r)(7)(H)(vi)): 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" but is otherwise given authority to allow 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)(I)): The amendment directs the Attorney General to submit a preliminary report in one year and a final report in three years on which 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 Administrator 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 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 Clerk 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 Chairwoman TOM BILLEN. 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 indiscriminating the worst-case scenario data on the Internet. The FBI agreed with my concerns. Despite the administration’s refusal to consider 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 proviso.

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 Site in 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,
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the motions to reconsider be laid upon the table, and that any statements relating to the nominations be printed in the RECORD, 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 were considered and confirmed, as follows:

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

James Roger Angel, of Arizona, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring February 4, 2002.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Jack E. Hightower, of Texas, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1999.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Jerry D. Florence, of California, to be a Member of the National Museum Services Board for a term expiring December 6, 2002.

DEPARTMENT OF JUSTICE

Alejandro N. Mayorkas, of California, to be United States Attorney for the Central District of California.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR TUESDAY, AUGUST 3, 1999

Mr. LUGAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, August 3. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 10:30 a.m., with Senators speaking for up to 5 minutes each, with the following exceptions:

Senator Hagel, or his designee, from 9:30 to 10 a.m., to be followed by Senator Reed of Rhode Island for 10 minutes, Senator Baucus for 10 minutes, and Senator Durbin for 10 minutes.

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

Mr. LUGAR. Mr. President, further, I ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

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

PROGRAM

Mr. LUGAR. Mr. President, for the information of all Senators, the Senate will convene at 9:30 a.m. and be in a period of morning business until 10:30. Following morning business, the Senate will resume consideration of the pending disaster relief amendment to the Agriculture appropriations bill. It is hoped that a time agreement can be made so that votes on this issue can take place by tomorrow afternoon.

As a reminder, the Senate will recess tomorrow from 12:30 to 2:15 so that the weekly policy conferences can meet. Further, a cloture motion on the dairy compact amendment was filed today. Therefore, under the provisions of rule XXII, that cloture vote will take place 1 hour after the Senate convenes on Wednesday unless an agreement is made by the two leaders.

COMMENDING GENERAL WESLEY K. CLARK

Mr. LUGAR. Mr. President, I ask unanimous consent that Senate Resolution 169 be discharged from the Armed Services Committee and, further, that the Senate proceed to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 169) commending General Wesley K. Clark, United States Army.

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

Mr. LUGAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be read upon the table, and that any statements relating to S. Res. 169 be printed in the RECORD.

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

The resolution (S. Res. 169) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 169

Whereas General Wesley K. Clark has had a long and distinguished military career, which includes graduating first in the class of 1966 from the United States Military Academy at West Point and serving in command positions at every level in the United States Army, culminating in service concurrently in the positions of Supreme Allied Commander, Europe and Commander-in-Chief of the United States European Command;

Whereas General Clark was integral to the formulation of the Dayton Accords;

Whereas General Clark most recently distinguished himself by his tireless, resourceful, and successful leadership of the first military action of the North Atlantic Treaty Organization despite severe constraints; and

Whereas General Clark’s record of exemplary and dedicated service is an example which all military officers should seek to emulate and is deserving of special recognition: Now, therefore, be it

Resolved, That—

(1) the United States Senate commends and expresses its gratitude to General Wesley K. Clark, United States Army, for his outstanding record of military service to the United States of America; and

(2) the Secretary of the Senate shall transmit a copy of this resolution to General Wesley K. Clark.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LUGAR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:16 p.m., adjourned until Tuesday, August 3, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate August 2, 1999:

DEPARTMENT OF TRANSPORTATION

Stephen D. Van Beek, of the District of Columbia, to be Associate Deputy Secretary of Transportation, Vice John Charles Byrkle, Designated.

DEPARTMENT OF THE TREASURY

Neal S. Wolin, of Illinois, to be General Counsel for the Department of the Treasury, Vice Edward S. Knight, Resigned.

MISSISSIPPI RIVER COMMISSION

Sam Epstein Angel, of Arkansas, to be a Member of the Mississippi River Commission for a term of nine years. (Reappointment)

BRIGADIER GENERAL ROBERT H. GRIFFIN, UNITED STATES ARMY, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED JUNE 189 (12 STAT. 37) (33 USC 642).

CONFIRMATIONS

Executive nominations confirmed by the Senate August 2, 1999:

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

James Roger Angel, of Arizona, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring February 4, 2002.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Jack E. Hightower, of Texas, to be a Member of the National Commission on Libraries and Information Science for a term expiring for a term expiring December 6, 2022.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Jerry D. Florence, of California, to be a Member of the Board of Trustees of the National Foundation on the Arts and the Humanities for a term expiring for a term expiring December 6, 2022.

DEPARTMENT OF JUSTICE

Alejandro N. Mayorkas, of California, to be United States Attorney for the Central District of California.