

creating the Parents as Teachers program on the occasion that Mildred Winter steps down as Executive Director of such program.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 126) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 126

Whereas Mildred Winter has, with determination, expertise, and unflagging energy, dedicated her professional life to early childhood and parent education;

Whereas Mildred Winter began her remarkable career as an educator and leader as a teacher in the Berkeley and Ferguson-Florissant School Districts in Missouri;

Whereas Mildred Winter served as Missouri's first Early Childhood Education Director from 1972 until 1984, during which time the early childhood education services to Missouri families and children improved and increased dramatically;

Whereas Mildred Winter was a leader in initiating the Parents as Teachers program in Missouri in 1981 to address the critical problem of children entering school in need of special help;

Whereas the Parents as Teachers program gives all parents, regardless of social or economic circumstances, the support and guidance necessary to be their children's best teachers in the critical early years;

Whereas Mildred Winter worked to secure passage in the Missouri General Assembly of the Early Childhood Education Act of 1984, landmark legislation which led to the creation of Parents as Teachers programs in Missouri;

Whereas Mildred Winter is recognized as a visionary leader by her peers throughout the country for her unwavering commitment to early childhood education;

Whereas Mildred Winter and the Parents as Teachers program have received numerous prestigious awards at the State and national level;

Whereas today there are over 2,200 Parents as Teachers programs in 49 States, the District of Columbia, and 6 other countries;

Whereas while continually striving to move the Parents as Teachers program forward, in 1995 Mildred Winter recognized the importance of sharing with parents what is known about early brain development and the role parents play in promoting that development in their children, and used this foresight to develop the vanguard Born to Learn Curriculum; and

Whereas after nearly 2 decades of leadership of the Parents as Teachers program, Mildred Winter has chosen to step down as Executive Director of the organization: Now, therefore, be it

Resolved,

SECTION 1. RECOGNITION OF MILDRED WINTER.

That it is the sense of the Senate that—

(1) admiration and respect be shown for the visionary and innovative work of Mildred Winter in the field of childhood education; and

(2) appreciation be shown for the work that Mildred Winter has done through the Parents as Teachers program which has enriched

the lives of hundreds of thousands of children and provided such children with a far better chance of success and happiness in school and in life.

RETURN OF OFFICIAL PAPERS—S. 331

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 127, submitted earlier by Senator LOTT, and I further ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 127) was agreed to, as follows:

S. RES. 127

Resolved, That the Secretary of the Senate is directed to request the House of Representatives to return the official papers on S. 331.

FUELS REGULATORY RELIEF ACT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 141, S. 880.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A 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 program.

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, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 880

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 "Fuels Regulatory Relief Act".

SEC. 2. FINDINGS.

Congress finds that, because of their low toxicity and because they are regulated sufficiently under other programs, flammable fuels, such as propane, should not be included on the list of substances subject to the risk management plan program under section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)).

SEC. 3. REMOVAL OF FLAMMABLE FUELS FROM RISK MANAGEMENT LIST.

Section 112(r)(4) of the Clean Air Act (42 U.S.C. 7412(r)(4)) is amended—

(1) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(2) by striking "Administrator shall consider each of the following criteria—" and inserting the following: "Administrator—

"(A) shall consider—";

(3) in subparagraph (A)(iii) (as designated by paragraphs (1) and (2)), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

["(B) shall not regulate non-acute toxic flammable fuels when used or stored for fuel

purposes or retail sale unless the fuels are hazardous waste.".]

"(B) shall not list a flammable substance when used as a fuel or held for sale as a fuel under this subsection solely because of the explosive or flammable properties of the substance, unless a fire or explosion caused by the substance will result in acute adverse health 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."

SEC. 4. PUBLIC AVAILABILITY OF OFF-SITE CONSEQUENCE ANALYSIS INFORMATION IN RISK MANAGEMENT PLANS.

(a) DEFINITIONS.—In this section:

(1) ACCIDENTAL RELEASE.—The term "accidental release" has the meaning given the term in section 112(r)(2) of the Clean Air Act (42 U.S.C. 7412(r)(2)).

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(3) OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.—The term "off-site consequence analysis information" means those portions of a risk management plan, excluding the executive summary of the plan, consisting of an evaluation of 1 or more worst-case scenario or alternative scenario accidental releases.

(4) RISK MANAGEMENT PLAN.—The term "risk management plan" means a risk management plan submitted by an owner or operator of a stationary source under section 112(r)(7)(B) of the Clean Air Act (42 U.S.C. 7412(r)(7)(B)).

(5) STATE.—The term "State" means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Indian tribes (as defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a)).

(6) STATIONARY SOURCE.—The term "stationary source" has the meaning given the term in section 112(r)(2) of the Clean Air Act (42 U.S.C. 7412(r)(2)).

(b) EXEMPTION FROM AVAILABILITY UNDER FREEDOM OF INFORMATION ACT.—

(1) IN GENERAL.—Off-site consequence analysis information, or information derived from off-site consequence analysis information, shall not be made available under section 552 of title 5, United States Code.

(2) EFFECT ON CERTAIN AVAILABILITY.—Except as provided in subsection (c), nothing in this section affects the obligation of the Administrator under section 112(r)(7)(B)(iii) of the Clean Air Act (42 U.S.C. 7412(r)(7)(B)(iii)) to make available off-site consequence analysis information or information derived from that information.

(c) AVAILABILITY OF OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.—

(1) GENERAL AVAILABILITY.—

(A) ELECTRONIC FORM.—An officer or employee of the United States may make available in electronic form off-site consequence analysis information only in the manner provided in paragraphs (2), (5), and (6) and subsection (d).

(B) PAPER FORM.—An officer or employee of the United States may make available in paper form off-site consequence analysis information only in the manner provided in paragraphs (3), (4), and (5), and subsection (d).

(2) AVAILABILITY IN ELECTRONIC FORM FOR OFFICIAL USE BY STATE OR LOCAL GOVERNMENTS.—The Administrator may make available in electronic form off-site consequence analysis information to a State or local government officer or employee for official use.

(3) AVAILABILITY TO PUBLIC IN PAPER FORM.—

(A) IN GENERAL.—In response to a request for off-site consequence analysis information or for a risk management plan, the Administrator shall make available a copy of off-site consequence analysis information, but only in paper form.

(B) **CONDITIONS.**—The conditions under which off-site consequence analysis information shall be made available, including the maximum number of requests that any single requester may make, and the maximum number of stationary sources for which off-site consequence analysis information may be made available in response to any single request, shall be determined by the Administrator in guidance issued under subsection (e)(1).

(C) **PROMPT RESPONSE.**—Consistent with this paragraph, the Administrator shall promptly respond to off-site consequence analysis information requests.

(D) **FEE.**—The Administrator may levy a fee applicable to the processing of off-site consequence analysis information requests that covers the cost to the Administrator of processing the requests and reproducing the information in paper form.

(4) **AVAILABILITY TO STATES AND LOCAL GOVERNMENTS IN PAPER FORM.**—At the request of a State or local government officer acting in the officer's official capacity, the Administrator may provide to the officer in paper form, for official use only, the off-site consequence analysis information submitted for the stationary sources located in the State in which the State or local government officer serves.

(5) **AVAILABILITY FOR LIMITED PUBLIC INSPECTION.**—

(A) **IN GENERAL.**—The Administrator shall ensure that every risk management plan submitted to the Environmental Protection Agency is available in paper or electronic form for public inspection, but not copying, during normal business hours, including in depository libraries designated under chapter 19 of title 44, United States Code.

(B) **LIMITATION ON AVAILABILITY OF RISK MANAGEMENT PLANS IN ELECTRONIC FORM.**—For the purposes of this paragraph, the Administrator may make risk management plans available in electronic form only if the electronic form does not provide an electronic means of ranking stationary sources based on off-site consequence analysis information.

(C) **FEDERAL ASSISTANCE.**—The Public Printer and the Attorney General shall assist the Administrator in carrying out this paragraph in order to ensure that the information provided to the depository libraries is adequately protected.

(D) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Administrator and to the Public Printer such sums as are necessary to carry out this paragraph, to remain available until expended.

(6) **AVAILABILITY TO PUBLIC OF GENERAL INFORMATION IN ELECTRONIC FORM.**—

(A) **FROM THE ADMINISTRATOR.**—After consultation with the Attorney General and the heads of other appropriate Federal agencies, the Administrator may make off-site consequence analysis information available to the public in an electronic form that does not include information concerning the identity or the location of the stationary sources for which the information was submitted.

(B) **FROM OTHER GOVERNMENT OFFICERS AND EMPLOYEES.**—Except as provided in subparagraph (A), an officer or employee of the United States, or an officer or employee of a State or local government, shall not make off-site consequence analysis information available to the public in any form except as authorized by the Administrator.

(7) **AUTHORITY OF STATES AND LOCAL GOVERNMENTS TO MAKE INFORMATION AVAILABLE.**—Notwithstanding any provision of State or local law, and except as provided in subsection (d)(2), an officer or employee of a State or local government may make off-site consequence analysis information available only to the extent that an officer or employee of the United States would be permitted to make the information available, consistent with the guidance and any regulations promulgated under subsection (e), except that a State or local government officer or em-

ployee may make available only the information that concerns stationary sources located in the State in which the officer or employee serves.

(8) **COLLECTION AND MAINTENANCE OF RECORDS OF PERSONS SEEKING ACCESS TO INFORMATION.**—

(A) **LIMITATION ON AUTHORITY OF THE ADMINISTRATOR.**—

(i) **IN GENERAL.**—The Administrator may collect and maintain records that reflect the identity of individuals and other persons seeking access to information under this section only to the extent that the collection and maintenance is relevant to, and necessary to accomplish, a purpose of the Environmental Protection Agency that is required to be accomplished by statute or by executive order of the President.

(ii) **APPLICABILITY OF FREEDOM OF INFORMATION ACT.**—Records collected under clause (i) shall be subject to section 552a of title 5, United States Code.

(B) **LIMITATION ON AUTHORITY OF STATE OR LOCAL GOVERNMENTS.**—An officer or employee of a State or local government may collect and maintain records that reflect the identity of individuals and other persons seeking access to information under this section only to the extent that the collection and maintenance is relevant to, and necessary to accomplish, a purpose of the employing agency that is required to be accomplished by State statute.

(9) **CRIMINAL PENALTIES.**—An officer or employee of the United States, or an officer or employee of a State or local government, who knowingly violates a restriction or prohibition established by this subsection shall be fined under section 3571 of title 18, United States Code, imprisoned not more than 1 year, or both.

(D) **AVAILABILITY OF INFORMATION TO AND FROM AGENTS AND CONTRACTORS.**—

(1) **AVAILABILITY FROM UNITED STATES.**—

(A) **IN GENERAL.**—An officer or employee of the United States may make off-site consequence analysis information available in any form to officers and employees of agents and contractors of the Federal Government for official use only.

(B) **RESTRICTIONS AND PENALTIES.**—For the purposes of this section, with respect to information made available under subparagraph (A), officers and employees of agents and contractors shall be considered to be officers and employees of the United States and shall be subject to the same restrictions and penalties as apply to officers and employees of the United States under this section.

(2) **AVAILABILITY FROM STATE AND LOCAL GOVERNMENTS.**—

(A) **IN GENERAL.**—An officer or employee of a State or local government may make off-site consequence analysis information available in any form to officers and employees of agents and contractors of the State or local government for official use only.

(B) **RESTRICTIONS AND PENALTIES.**—For the purposes of this section, with respect to information made available under subparagraph (A), officers and employees of agents and contractors shall be considered to be officers and employees of the State or local government and shall be subject to the same restrictions and penalties as apply to officers and employees of the State or local government under this section.

(E) **GUIDANCE AND REGULATIONS.**—

(1) **ISSUANCE OF GUIDANCE.**—

(A) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Administrator shall issue guidance setting forth procedures and methods for making off-site consequence analysis information available to the public in a manner consistent with this section.

(B) **CONSULTATION.**—The Administrator shall consult with the heads of other appropriate Federal agencies in developing the guidance.

(C) **REVISION OF GUIDANCE.**—The Administrator may revise the guidance, as appropriate, in consultation with the heads of appropriate Federal agencies.

(D) **JUDICIAL REVIEW.**—Guidance issued under this paragraph, and any revision of the guidance, shall not be subject to judicial review.

(E) **REGULATIONS IN LIEU OF GUIDANCE.**—To the extent that the Administrator determines to be appropriate, the Administrator may promulgate regulations instead of issue guidance under this subsection.

(2) **REGULATIONS.**—

(A) **IN GENERAL.**—The Administrator may promulgate such regulations as are necessary to carry out the duties of the Administrator under this section.

(B) **JUDICIAL REVIEW.**—Regulations promulgated under this paragraph shall be subject to judicial review to the same extent and in the same manner as regulations promulgated under section 112(r)(7) of the Clean Air Act (42 U.S.C. 7412(r)(7)).

(f) **AUTHORITY TO ISSUE ORDERS.**—The Administrator may exercise the authority provided under section 112(r)(9) of the Clean Air Act (42 U.S.C. 7412(r)(9)) to withhold, or prevent the release of, off-site consequence analysis information if the Administrator determines that release of the information may present an imminent and substantial endangerment to human health or welfare or the environment.

(g) **DELEGATION.**—To the extent that the Administrator determines to be appropriate, the Administrator may delegate the powers or duties of the Administrator under this section to any officer or employee of the Environmental Protection Agency.

(h) **SITE SECURITY REVIEW AND PERIODIC RECOMMENDATIONS.**—

(1) **IN GENERAL.**—Subject to the availability of appropriations, the Attorney General may review industry practices regarding site security and the effectiveness of this section.

(2) **CONDITIONS OF REVIEW.**—A review under paragraph (1)—

(A) shall use, to the maximum extent practicable, data available as of the date of the review; and

(B) shall be conducted in consultation with appropriate governmental agencies, affected industries, and the public.

(3) **RECOMMENDATIONS.**—The Attorney General may periodically submit to Congress recommendations relating to the enhancement of site security practices and the need for continued implementation or modification of this section.

AMENDMENT NO. 735

(Purpose: To provide for controlled public access to off-site consequence analysis information)

Mr. GRASSLEY. Mr. President, I understand that Senator CHAFEE has an amendment at the desk, and I ask for the consideration of that amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. CHAFEE, proposes an amendment numbered 735 to the reported committee amendment.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CHAFEE. Mr. President, I rise in support of the managers' amendment to S. 880, the Fuels Regulatory Relief Act. S. 880 was voted out of the Senate Environmental and Public Works Committee on May 11. The risk management program, RMP, created by Section 112(r) of the Clean Air Act, was designed to focus companies and emergency response personnel on reducing the change of an accidental chemical release and on improving the response to releases when they happen. The RMP was partly a reaction to the Bhopal, India chemical disaster and is part

of a larger set of programs designed to reduce the likelihood of future accidental releases. In its regulation, EPA included propane and some other fuels in the program. This was seen as a problem because the RMP was not intended to address traditional fuel use. Senator INHOFE introduced S. 880 to relieve propane users from participation in the RMP.

During markup of S. 880, the Environment and Public Works Committee adopted an administration proposal to address public access to a part of a facility's risk management plan, known as off-site consequence analysis. The EPA had intended to release this information on its website, until the FBI raised concerns that posting this information on the Internet would provide an attractive targeting tool for terrorists and criminals. The administration's proposal, which the managers' amendment would modify, attempted to balance the benefits of public access to this information with the legitimate safety concerns raised by its public availability.

At the May 11 business meeting, members of the Environment and Public Works Committee raised some concerns about the administration's proposal. We had received the proposal little more than a day before the markup. Since then, committee staff from both sides of the aisle have worked diligently to resolve the difference and crafted a compromise that I believe improves upon the administration proposal. This amendment ensures that state and local emergency response officials have immediate and full access to this information. A greater measure of public access will be established within one year through a public notice and comment rulemaking.

There are two important differences between this amendment and the administration's proposal that the Environment and Public Works Committee adopted. First, this amendment requires a rulemaking process, with public notice and comment, in the final determination of the extent of public access. Second, the exemption from FOIA is only temporary, rather than the permanent exemption proposed by the administration. In this amendment, the FOIA exemption is waived unless the rule is finalized within one year. The entire provision, including the FOIA exemption, expires after six years. If it is appropriate at that time, Congress could reauthorize the FOIA exemption.

Both the managers' amendment and the administration language attempt to address the safety concerns raised by the availability of a national database of worst-case chemical accident information. To that end, the language in this bill will preempt State and local law regarding public access to government information. It makes little sense for us to limit public access at the federal level but not at the State level. As a former Governor, I believe the federal government must use the greatest restraint in exercising a pre-

emption of State law. With that in mind, the managers' amendment makes clear that the preemption only applies to that information collected by the federal government. In other words, if a State were to require the submission of similar—or even identical—information about chemical releases, no federal restrictions would apply to its distribution.

I believe most companies will want to work with community leaders and emergency response personnel to reduce the risks associated with their facility. This amendment includes several tools to assist in the process of reducing risks. First, this amendment ensures that emergency response personnel get full and immediate access to this information. Second, the regulation will allow access to a limited number of copies for any member of the public so each of us can have the information about facilities in our community. Third, this amendment will allow access to a national database of this information that does not identify the facilities. This will allow people to compare their local facility with others around the country.

Finally, this amendment directs the administrator to create an information technology system that allows public access to off-site consequence analysis information on a read-only basis. This database would be centrally controlled by the federal government, much like the system the FBI uses to do background checks. Terminals to access the database could be placed in libraries and government offices around the nation where users could assess the information for research purposes, but not make copies of the information.

This product is not perfect, everyone had to make concessions in order to reach agreement, but what we have is a product that strikes an appropriate balance between public access to this information and the safety concerns raised by posting it on the Internet. I want to thank Senator INHOFE and Senator BAUCUS for their efforts to achieve a reasonable and speedy solution acceptable to all parties.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 735) was agreed to.

Mr. GRASSLEY. I ask unanimous consent that the committee amendment, as amended, be agreed to.

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

The committee amendment, as amended, was agreed to.

Mr. BAUCUS. Mr. President, the Fuels Regulatory Relief Act is a good measure. It has two major pieces. The first exempts flammable substances used as fuels, including propane, from the regulatory requirements of the Clean Air Act's risk management program. The second is the matter of public access to worst case scenario data.

The committee and all of Congress has heard the concerns of propane users and distributors. I have met with propane distributors from Montana on this subject. They feel that the burden imposed by the EPA's risk management program is costly and provides little public health protection. They have achieved some relief in court, but prefer, and this bill provides, a clearer statement of Congress' intent.

In the Clean Air Act Amendments of 1990, Congress directed EPA to compile a list of at least 100 substances that "pose the greatest risk of causing death, injury, or serious adverse effects to human health or the environment from accidental releases." EPA was to consider the severity of acute health effects, the likelihood of releases, and the potential magnitude of exposure associated with accidental releases of a substance before putting it on the list.

I was a member of the conference committee on that bill. And, I believe that Congress did not intend that propane or flammables used as fuels would pass those tests and be listed. Congress was focused on preventing major toxic catastrophes, such as occurred in Bhopal, India, not the type of accidents that are covered by existing Federal or State fire safety or transportation laws. Because it was not Congress' intent that they be added, I am supporting removing them from the list.

As I mentioned during the committee's markup of S. 880, I wanted to be responsive to concerns of the firefighters and fire chiefs. They had hoped to get information on flammables used as fuels as part of the risk management program. But, as we discussed the matter further, it became clearer that their interests would be best served by the comprehensive GAO study we have placed in the bill on their information needs and the ability of Federal and State laws and programs to help them do their jobs.

The bill also directs the GAO to do an additional study on the status of changes to the National Fire Protection Association Code for propane (NFPA 58). This voluntary industry standard was often cited by members of the propane industry as sufficiently protective of the public so that no additional regulations were necessary. The GAO will report back on changes to NFPA 58 that will hopefully provide at least the same level of public benefit as would have been provided by the listing of propane under the RMP requirements. I look forward to seeing progress on NFPA 58 that is responsive to the fire fighting community.

I am pleased to note that we have been able to come to an agreement on a managers' amendment which is a substitute for section 4 of the reported version of S. 880. That was largely the Administration's proposal for providing appropriate public access to the sensitive parts of the risk management plans. Our amendment will help the administration continue implementing the accident prevention provisions of

the Clean Air Act in a sensible way. The amendment balances the public's right to know information about extremely hazardous substances with the need to place some limits on access to that information to prevent terrorists and other criminals from misusing it.

Section 4 is a response to a potential threat identified by the administration and industry. The Federal Bureau of Investigation (FBI) has testified before the Committee about its concerns that Internet posting of parts of the risk management plans (RMPs) required under section 112(r) of the Clean Air Act could increase the threat of criminal or terrorist actions. The FBI is particularly concerned about the possible use of off-site consequence or worst case scenario information in the RMPs by terrorists to rank targets and maximize harm to the public. That section of the Act was created to help prevent incidents like the one in Bhopal, India, where 3,000 people died and 200,000 were injured due to a chemical plant disaster.

I thank Senators LAUTENBERG, CHAFEE, INHOFE and representatives of the Administration for their work in developing the managers' amendment and moving this process along. It represents a real bipartisan team effort. Senator LAUTENBERG and his staff were particularly helpful in achieving a balanced agreement on the risk management plan portions of the amendment.

In early May, the administration sent up a legislative proposal to create a more secure system for handling sensitive RMP information. The administration's hope was that Congress would act before June 21, 1999, because that is the statutory deadline under the Clean Air Act for significant users of extremely hazardous substances to submit their RMP information to EPA. The act directs EPA to make that information available to local emergency responders, the States and the public. Unless this bill or similar legislation is passed soon, with a retroactivity clause included, the Administration cannot limit public access to this sensitive information and would not be able to prevent it from getting on the Internet. The Freedom of Information Act, FOIA, requires this kind of information be made available to the public, since it is not classified or considered confidential business information. The RMP information is a truly new category of government information.

The committee approved the administration's proposal on May 11, 1999, with the understanding that changes would have to be made before it would be ready for the full Senate's consideration. Fundamentally, this managers' amendment is similar to the Administration proposal. They both establish a system for accessing RMP information which is separate and distinct from the usual FOIA process. However, the approach in the managers' amendment provides a one-year exemption from FOIA while regulations are developed to govern the handling of and access to

worst-case scenario information. This rulemaking period is a recognition of the need to air the many issues rising from the creation of this new information access system. Concerns about it have been raised by the public, the States' Attorneys General, first responders, librarians and environmental groups, since the Administration proposal was approved.

To encourage an expedited rulemaking process, the FOIA exemption would be lifted if the rule is not completed within one year. In any event, the FOIA exemption would be lifted six years after enactment. This deadline ensures that Congress revisits and oversees the matter and is in keeping with the probable obsolescence of any information technology developed to satisfy the security concerns of the FBI and the public access concerns of the EPA.

State and local government personnel and affiliated individuals who need the worst case information for the official use of detecting, preventing, and responding to chemical facility accidents and their off-site consequences would be assured of getting it during the rulemaking period and after the rule is issued. However, to limit the chances that this information could get on the Internet, these people would be required to exercise great care in their use and distribution of it. The same restrictions would be placed on qualified researchers. Guidance will be issued by EPA, as part of the rulemaking, describing the official uses of the sensitive RMP information.

The amendment establishes penalties for those who knowingly or willfully violate the restrictions on the dissemination of the sensitive parts of the RMP. There would be a two-tiered approach. People who knowingly misuse the information could be fined up to \$5,000 for each infraction. People who violate willfully, meaning that they know what the law or regulations prohibit and proceed anyway regardless of potential consequences, could face fines up to \$1 million per calendar year.

The Clean Air Act's risk management program was created by Congress to help prevent chemical accidents that can harm our communities. People living near chemical plants do not care whether an accident occurs because of operator negligence or criminal activity. They want to feel and be secure from such threats. That is why we are taking this step today. We want to reduce the opportunity that Internet dissemination of worst case scenario information could be used by criminals to cause terror or destruction. We have even included an emphasis on preventing criminal releases of extremely hazardous substances, to make it clear that these should be an important focus of the accidental release prevention program.

But, we also want to preserve the important incentive created by public knowledge about chemical accidents and their consequences. That knowl-

edge encourages manufacturers to improve the efficiency of their processes and plant safety. That is why we have provided the maximum possible public access to RMP information in this amendment and the Clean Air Act.

The right-to-know effect has been very successful in reducing overall toxic emissions to air, water and land. Knowing more about the off-site consequences of these substances should encourage companies to build safer facilities and look for alternative manufacturing methods. After all, it is part of the general duty under section 112(r) for owners and operators of chemical plants "to design and maintain a safe facility taking such steps as are necessary to prevent [accidental] releases." Clearly, measures which entirely eliminate the presence of potential hazards, through substitution of less harmful substances or by minimizing the quantity of an extremely hazardous substance, as opposed to those which merely provide additional containment, are the most preferred and would be most effective in reducing the risk of accidental releases. The amendment specifically authorizes EPA and the Department of Justice to help owners and operators develop voluntary industry standards to carry out the various objectives of the general duty clause.

Mr. President, we are prepared for final passage. I urge my colleagues to support the measure, and I hope the House will take up this matter and send it quickly to the President.

Mr. INHOFE. Mr. President, after many weeks of intensive negotiations, I am pleased the members of the Environment and Public Works Committee and the administration were able to come to an agreement on S. 880, the Fuels Regulatory Relief Act. I take this opportunity to clarify certain points of this important legislation.

One item that is of particular concern is the possibility for circumvention by covered persons. New subparagraph (H)(xii)(II) states that it "does not restrict the dissemination of off-site consequence analysis information by any covered person in any manner or form except in the form of a risk management plan." My concern is that this provision would seem to allow a government official in possession of this information to alter it in some minor, trivial way—like white out the words "Risk Management Plan" at the top of the page—and then distribute it with complete impunity. That possibility would obviously undermine the entire purpose of the legislation.

The purpose of this part of the bill is simply to clarify that covered persons can talk generally to the public about off-site consequence information—so that they can prepare documents that discuss the overall effect of OCAs in a particular state or locality, or so that they can prepare summaries like the executive summaries of risk management plans. But this provision would not allow them to release OCA information about a particular facility, or

in a way that would tend to identify a particular facility, except to the extent allowed by the regulations envisioned in the bill, or in the event that the one-year moratorium expired without any regulations having been promulgated. The only exception would be where the covered person came into possession of information that could be described as "off-site consequence information," but which was generated by some totally different process than the Risk Management Program.

I am also troubled about the provision entitled "Effect on State or Local Law." On the one hand, subparagraph (H)(x)(I) states that the bill, and the regulations under it, shall supersede any inconsistent provision of state or local law. But on the other hand, that preemption is "subject to" subparagraph (H)(x)(II), which says "nothing in [the bill] precludes a State from making available off-site consequence analysis information collected in accordance with State law."

The issue of preemption of State laws is always a concern of mine, and I believe this legislation provides the proper balance of necessary protection of information and the guidance for States to follow. The bill prevents States from disseminating any information that they receive from a facility directly, or indirectly from any other person, that was generated in the course of complying with Clean Air Act section 112(r)(7). The only way a State can disseminate such information is pursuant to the regulations called for by the bill, or if the moratorium created by the bill expires without any regulations having been promulgated.

In plain language, what paragraph (H)(x)(II) does is say that where a State enacts its own, completely free-standing statute that calls for the independent collection of information that fits the definition of "offsite consequence analysis information," then the State is allowed to release that information in accordance with State law. So far as I am aware, no such State law currently exists. Obviously, I would hope that before a State enacted such a law, it would carefully consider the reasons that have led us to entertain this legislation today; the need to keep such sensitive information from being put on the Internet or otherwise made widely available without adequate assessment of the security risks created thereby.

Many responsible companies regulated by the RMP program realized a long time ago that they needed to reach out and engage their local communities about the possible offsite consequences of releases from their facilities. Many companies started this dialogue process years ago, and many more are engaged in it right now. Clearly this sort of voluntary outreach is precisely the sort of behavior that we want to encourage, not discourage. I am worried about subparagraph (H)(v)(III), which says that where a facility "makes off-site consequence

analysis information relating to that stationary source available to the public without restriction," the prohibitions and sanctions created by the bill would no longer apply. I'm concerned that this provision will lead facilities to be very hesitant to reveal any information about offsite consequences, for fear that they will thereby be authorizing government agencies to put their OCA data on the Internet.

Under the legislation, "offsite consequence analysis information" is a defined term which is defined as "those portions of a risk management plan, excluding the executive summary of the plan, consisting of an evaluation of 1 or more worst-case scenario or alternative scenario accidental releases * * *." So before a facility would lose the protections provided by this bill, it would have to release its risk management plan, or at least the OCA portion of that plan, and do so without any restrictions whatsoever. They would be free to summarize or repackage the information in a different form without triggering the provision in question. I think this creates a real bright-line test that should give facilities the kind of assurance they need to allow them to continue doing the sort of outreach I also want to encourage.

Section (H)(ii) of the amendment requires, first, that the President assess the risks associated with posting off-site consequence analyses on the Internet, and second, based on that assessment, to regulate in a manner that minimizes the likelihood of both accidental and criminal releases from covered facilities. At a minimum, these regulations should accomplish the following goals in providing access to off-site-consequence information:

Minimize the likelihood of accidental and criminal releases;

Allow limited access to paper copies of the analyses;

Allow other public access as appropriate; and

Provide access for official uses.

I note that the "other public access" contemplated under this provision relates to the availability of summaries or other discussions of off-site consequence analyses that do not identify the specific facility or location, and to mechanisms such as "read-only" approaches that preclude copying. Further, for the access by officials in contiguous states or localities indicated in (H)(ii)(II)(cc)-(ee), the intention is to provide official access to off-site consequence analyses in cases where the affected facilities have worst-case scenarios that impact the contiguous state or locality.

Mr. PRESIDENT, I thank the distinguished chairman, Senator CHAFEE, for his guidance and also the tremendous cooperation by the ranking member, Senator BAUCUS. Their work has ensured the passage of this important legislation. I yield the floor.

EXEMPTED SUBSTANCES

Mr. INHOFE. Mr. President, I rise to make a few remarks about S. 880, the

Fuels Regulatory Relief Act. This bill is designed to address the listing of certain flammable fuels under section 112(r)(3) of the Clean Air Act. The Committee determined that propane and flammables used as fuels should not be listed as a regulated or extremely hazardous substances because they do not comport with the Act's criteria for such listing. However, the National Association of Fire Fighters are concerned that removing these substances from Federal regulation under section 112(r) of the act will limit information regarding these fuels that would have been available to the public through the Risk Management Plans, RMP required by EPA's final rule implementing that section.

Mr. BAUCUS. Mr. President, I want to thank my colleague from Oklahoma for his work on this piece of legislation. I think it is responsive to the concerns that we heard from the fire fighters and the other first responders. They are concerned about losing access to information that would have been included in RMPs for those substances exempted by this bill. The RMP information was intended by Congress to aid emergency responders and communities in the prevention of loss of life and property that might occur due to accidental releases of hazardous substances. The component of the RMPs of greatest interest to the emergency responders is the hazard assessment required by section 112(r)(7)(B)(ii)(I).

Mr. INHOFE. I also thank my colleague from Montana for his work on this bill. We are very aware of the dangers fire fighters and other emergency response personnel face every day protecting the lives of our people and we want to provide them with the information they need to handle threats posed by extremely hazardous substances. Nonetheless, the substances generally addressed by S. 880, section 3, do not warrant coverage by a Clean Air Act requirement to submit RMPs. A voluntary, non-regulatory approach, such as the voluntary standards of the National Fire Protection Association for Liquefied Petroleum Gas (NFPA 58), can better supply the information needed by fire fighters to protect their and the public's health and welfare.

Mr. BAUCUS. I agree with my colleague, but NFPA 58 does not currently require the development of hazard assessment or off-site consequence analysis information. NFPA 58 also does not make specific provision for communicating or sharing this information with local emergency response authorities or personnel. Another problem with the NFPA Code is that state fire protection codes laws refer to NFPA 58 as of a certain date. Therefore, when the Code is updated, state laws do not automatically reflect subsequent changes to it.

Mr. INHOFE. That is true. There are two reports included in this legislation designed to address those specific problems. The first report will examine the status of amendments to NFPA 58 that

will provide to local emergency response personnel information concerning the off-site effects of accidental releases of those substances exempted from listing by section 3 of this legislation. We strongly encourage all the parties involved in this NFPA amendment process to work together in good faith and in a timely manner. The second report is designed to examine the sufficiency of the information local emergency response personnel receive to help them respond to chemical accidents. Specifically, the report will address the level of compliance with all federal and state requirements for submission of this information to emergency response personnel. Also, the report will examine the adequacy of the methods for delivering this information to emergency response personnel.

Mr. BAUCUS. I believe these reports will be of great help to firefighters and other emergency responders in looking at the adequacy of the information they need and get to do their jobs well. If the reports come back showing that the Federal government has not done its share to make their job of protecting the public easier, then this committee and others should take quick action to address any gaps in the system.

Mr. GRASSLEY. Mr. President, 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 this bill appear at the appropriate place in the RECORD.

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

The bill (S. 880), as amended, was read the third time and passed, as follows:

S. 880

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 "Fuels Regulatory Relief Act".

SEC. 2. FINDINGS.

Congress finds that, because of their low toxicity and because they are regulated sufficiently under other programs, flammable fuels, such as propane, should not be included on the list of substances subject to the risk management plan program under section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)).

SEC. 3. REMOVAL OF FLAMMABLE FUELS FROM RISK MANAGEMENT LIST.

Section 112(r)(4) of the Clean Air Act (42 U.S.C. 7412(r)(4)) is amended—

(1) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(2) by striking "Administrator shall consider each of the following criteria—" and inserting the following: "Administrator—

"(A) shall consider—";

(3) in subparagraph (A)(iii) (as designated by paragraphs (1) and (2)), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(B) shall not list a flammable substance when used as a fuel or held for sale as a fuel under this subsection solely because of the explosive or flammable properties of the substance, unless a fire or explosion caused by

the substance will result in acute adverse health 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."

SEC. 4. 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 government, responsibility for preventing, planning for, or responding to accidental releases and criminal 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) CRIMINAL RELEASE.—The term 'criminal release' means an emission of a regulated substance into the ambient air from a stationary source that is caused, in whole or in part, by a criminal act.

"(III) OFFICIAL USE.—The term 'official use' means an action of a Federal, State, or local government agency or an entity referred to in subclause (I)(ee) intended to carry out a function relevant to preventing, planning for, or responding to accidental releases or criminal releases.

"(IV) OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.—The term 'off-site consequence analysis information' means those portions of a risk management plan, excluding the executive summary of the plan, consisting of an evaluation of 1 or more worst-case scenario or alternative scenario accidental releases, and any electronic data base created by the Administrator from those portions.

"(V) 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).

"(ii) REGULATIONS.—Not later than 1 year after the date of enactment of this subparagraph, the President shall—

"(I) assess—

"(aa) 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 disclosure of off-site consequence analysis information for reduction in the risk of accidental releases and criminal releases; and

"(II) based on the assessment under subclause (I), promulgate regulations governing the distribution of off-site consequence analysis information in a manner that, in the opinion of the President, minimizes the likelihood of accidental releases and criminal releases and the likelihood of harm to public health and welfare, and—

"(aa) allows access by any member of the public to paper copies of off-site consequence analysis information for a limited number of stationary sources located anywhere in the United States;

"(bb) allows other public access to off-site consequence analysis information as appropriate;

"(cc) allows access for official use by a covered person described in any of items (cc) through (ff) of clause (i)(I) (referred to in this subclause as a 'State or local covered person') to off-site consequence analysis information relating to stationary sources located in the person's State;

"(dd) allows a State or local covered person to provide, for official use, off-site consequence analysis information relating to stationary sources located in the person's State to a State or local covered person in a contiguous State; and

"(ee) allows a State or local covered person to obtain for official use, by request to the Administrator, off-site consequence analysis information that is not available to the person under item (cc).

"(iii) AVAILABILITY UNDER FREEDOM OF INFORMATION ACT.—

"(I) FIRST YEAR.—Off-site consequence analysis information, and any ranking of stationary sources derived from the information, shall not be made available under section 552 of title 5, United States Code, during the 1-year period beginning on the date of enactment of this subparagraph.

"(II) AFTER FIRST YEAR.—If the regulations under clause (ii) are promulgated on or before the end of the period described in subclause (I), off-site consequence analysis information covered by the regulations, and any ranking of stationary sources derived from the information, shall not be made available under section 552 of title 5, United States Code, after the end of that period.

"(III) APPLICABILITY.—Subclauses (I) and (II) apply to off-site consequence analysis information submitted to the Administrator before, on, or after the date of enactment of this subparagraph.

"(iv) AVAILABILITY OF INFORMATION DURING TRANSITION PERIOD.—The Administrator shall make off-site consequence analysis information available to covered persons for official use in a manner that meets the requirements of items (cc) through (ee) of clause (ii)(I), and to the public in a form that does not make available any information concerning the identity or location of stationary sources, during the period—

"(I) beginning on the date of enactment of this subparagraph; and

"(II) ending on the earlier of the date of promulgation of the regulations under clause (ii) or the date that is 1 year after the date of enactment of this subparagraph.

"(v) PROHIBITION ON UNAUTHORIZED DISCLOSURE OF INFORMATION BY COVERED PERSONS.—

"(I) IN GENERAL.—Beginning on the date of enactment of this subparagraph, a covered person shall not disclose to the public off-site consequence analysis information in any form, or any statewide or national ranking of identified stationary sources derived from such information, except as authorized by this subparagraph (including the regulations promulgated under clause (ii)). After the end of the 1-year period beginning on the date of enactment of this subparagraph, if regulations have not been promulgated under clause (ii), the preceding sentence shall not apply.

"(II) CRIMINAL PENALTIES.—

"(aa) KNOWING VIOLATIONS.—A covered person that knowingly violates a restriction or prohibition established by this subparagraph (including the regulations promulgated under clause (ii)) shall be fined not more than \$5,000 for each unauthorized disclosure of off-site consequence analysis information. The disclosure of off-site consequence analysis information for each specific stationary source shall be considered a separate offense. Section 3571 of title 18, United States Code, shall not apply to an offense under this item. The total of all penalties that may be imposed on a single person or organization

under this item shall not exceed \$100,000 for violations committed during any 1 calendar year.

“(bb) WILLFUL VIOLATIONS.—A covered person that willfully violates a restriction or prohibition established by this subparagraph (including the regulations promulgated under clause (ii)) shall be fined under section 3571 of title 18, United States Code, for each unauthorized disclosure of off-site consequence analysis information, but shall not be subject to imprisonment. The total of all penalties that may be imposed on a single person or organization under this item shall not exceed \$1,000,000 for violations committed during any 1 calendar year.

“(III) APPLICABILITY.—If the owner or operator of a stationary source makes off-site consequence analysis information relating to that stationary source available to the public without restriction—

“(aa) subclauses (I) and (II) shall not apply with respect to the information; and

“(bb) the owner or operator shall notify the Administrator of the public availability of the information.

“(IV) LIST.—The Administrator shall maintain and make publicly available a list of all stationary sources that have provided notification under subclause (III)(bb).

“(vi) GUIDANCE.—

“(I) ISSUANCE.—Not later than 60 days after the date of enactment of this subparagraph, the Administrator, after consultation with the Attorney General and the States, shall issue guidance that describes official uses of off-site consequence analysis information in a manner consistent with the restrictions in items (cc) through (ee) of clause (ii)(II).

“(II) RELATIONSHIP TO REGULATIONS.—The guidance describing official uses shall be modified, as appropriate, consistent with the regulations promulgated under clause (ii).

“(III) DISTRIBUTION.—The Administrator shall transmit a copy of the guidance describing official uses to—

“(aa) each covered person to which off-site consequence analysis information is made available under clause (iv); and

“(bb) each covered person to which off-site consequence analysis information is made available for an official use under the regulations promulgated under clause (ii).

“(vii) QUALIFIED RESEARCHERS.—

“(I) IN GENERAL.—Not later than 180 days after the date of enactment of this subparagraph, the Administrator, in consultation with the Attorney General, shall develop and implement a system for providing off-site consequence analysis information, including facility identification, to any qualified researcher, including a qualified researcher from industry or any public interest group.

“(II) LIMITATION ON DISSEMINATION.—The system shall not allow the researcher to disseminate, or make available on the Internet, the off-site consequence analysis information, or any portion of the off-site consequence analysis information, received under this clause.

“(viii) READ-ONLY INFORMATION TECHNOLOGY SYSTEM.—In consultation with the Attorney General and the heads of other appropriate Federal agencies, the Administrator shall establish an information technology system that provides for the availability to the public of off-site 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 an electronic or mechanical copy of the information may be made.

“(ix) 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).

“(x) EFFECT ON STATE OR LOCAL LAW.—

“(I) IN GENERAL.—Subject to subclause (II), this subparagraph (including the regulations promulgated under this subparagraph) shall supersede any provision of State or local law that is inconsistent with this subparagraph (including the regulations).

“(II) AVAILABILITY OF INFORMATION UNDER STATE LAW.—Nothing in this subparagraph precludes a State from making available data on the off-site consequences of chemical releases collected in accordance with State law.

“(xi) REPORT ON ACHIEVEMENT OF OBJECTIVES.—

“(I) IN GENERAL.—Not later than 3 years after the date of enactment of this subparagraph, the Comptroller General shall submit to Congress a report that describes the extent to which the regulations promulgated under this paragraph have resulted in actions, including the design and maintenance of safe facilities, that are effective in detecting, preventing, and minimizing the consequences of releases of regulated substances that may be caused by criminal activity.

“(II) INTERIM REPORT.—Not later than 270 days after the date of enactment of this subparagraph, the Comptroller General shall submit to Congress an interim report that includes, at a minimum—

“(aa) the preliminary findings under subclause (I);

“(bb) the methods used to develop those findings; and

“(cc) an explanation of the activities expected to occur that could cause the findings of the report under subclause (I) to be different from the preliminary findings.

“(xii) SCOPE.—This subparagraph—

“(I) applies only to covered persons; and

“(II) does not restrict the dissemination of off-site consequence analysis information by any covered person in any manner or form except in the form of a risk management plan or an electronic data base created by the Administrator from off-site consequence analysis information.

“(xiii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator and the Attorney General such sums as are necessary to carry out this subparagraph (including the regulations promulgated under clause (ii)), to remain available until expended.”.

(b) REPORTS.—

(1) DEFINITION OF ACCIDENTAL RELEASE.—In this subsection, the term “accidental release” has the meaning given the term in section 112(r)(2) of the Clean Air Act (42 U.S.C. 7412(r)(2)).

(2) REPORT ON STATUS OF CERTAIN AMENDMENTS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the status of the development of amendments to the National Fire Protection Association Code for Liquefied Petroleum Gas that will result in the provision of information to local emergency response personnel concerning the off-site effects of accidental releases of substances exempted from listing under section 112(r)(4)(B) of the Clean Air Act (as added by section 3).

(3) REPORT ON COMPLIANCE WITH CERTAIN INFORMATION SUBMISSION REQUIREMENTS.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(A) describes the level of compliance with Federal and State requirements relating to the submission to local emergency response personnel of information intended to help

the local emergency response personnel respond to chemical accidents or related environmental or public health threats; and

(B) contains an analysis of the adequacy of the information required to be submitted and the efficacy of the methods for delivering the information to local emergency response personnel.

(c) TERMINATION OF AUTHORITY.—The authority provided by this section and the amendment made by this section terminates 6 years after the date of enactment of this Act.

ORDERS FOR THURSDAY, JUNE 24, 1999

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, June 24. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the Senate immediately resume consideration of the agriculture appropriations bill.

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

PROGRAM

Mr. GRASSLEY. For the information of all Senators, tomorrow the Senate will convene at 9:30 a.m. and immediately resume consideration of the agriculture appropriations bill. It is hoped that an agreement can be reached to consider agriculture-related amendments during Thursday's session of the Senate. All Senators can expect rollcall votes throughout the session tomorrow as the Senate works to make progress on the agriculture appropriations bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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

There being no objection, the Senate, at 6:28 p.m., adjourned until Thursday, June 24, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 23, 1999:

COMMODITY FUTURES TRADING COMMISSION

WILLIAM J. RANIER, OF NEW MEXICO, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION, VICE BROOKSLEY ELIZABETH BORN, RESIGNED.

WILLIAM J. RANIER, OF NEW MEXICO, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 2004, VICE BROOKSLEY ELIZABETH BORN, RESIGNED.

DEPARTMENT OF LABOR

IRASEMA GARZA, OF MARYLAND, TO BE DIRECTOR OF THE WOMEN'S BUREAU, DEPARTMENT OF LABOR, VICE KAREN BETH NUSSBAUM, RESIGNED.

T. MICHAEL KERR, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE MARIA ECHAVESTE, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO