(Rept. No. 106–248) on the resolution (H. Res. 258) providing for consideration of the bill (H.R. 1074) to provide Government-wide accounting of regulatory costs and benefits, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON H.R. 2465, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on the bill (H.R. 2465) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes:

Messrs. HOBSON, PORTER, WICKER, TIAHRT, WALSH, MILLER of Florida, ADERHOLT, Ms. GRANGER, Messrs. YOUNG of Florida, OLVER, EDWARDS, FARR of California, BOYD, DICKS, and OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2490, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on the bill (H.R. 2490) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes:

Mr. KOLBE, Mr. WOLF, Mrs. NORTHUP, Mrs. EMERSON, Messrs. SUNUNU, PETERSON of Pennsylvania, BLUNT, YOUNG of Florida, HOYER, Mrs. MEEK of Florida, Mr. PRICE of North Carolina, Ms. ROYBAL-ALLARD, and Mr. OBEY.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 987

Mr. BARCIA. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 987.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 23 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1018

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COMBEST) at 10 o'clock and 18 minutes p.m.

FUELS REGULATORY RELIEF ACT

Mr. BLUNT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate 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, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, and I do not intend to object, but I yield to the gentleman from Missouri (Mr. BLUNT) to explain his unanimous consent request.

Mr. BLUNT. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Speaker, I thank my friend, the gentleman from Ohio (Mr. BROWN), for yielding.

S. 880, as amended, would resolve the existing national security crisis presented by the EPA's distribution of chemical facility worst-case scenarios. It is critical that we resolve this issue immediately, as EPA already has received Freedom of Information Act requests for this material and cannot, without this bill, prevent inappropriate dissemination of the national database of worst-case scenarios.

The EPA also chose to include propane under the risk management program regulations intended to reduce the risks associated with toxic chemicals accidents. Propane, however, is not toxic.

While the threshold quantity for listed substances is determined by criteria that includes flammability and combustibility because propane is not toxic, it should not be on the list of covered substances in the first place. This legislation removes it from the list.

A bill I had in the House, H.R. 1301, that does this same thing, has 145 cosponsors. S. 880 successfully accomplishes this objective and also meets the important criteria of the risk criteria.

As the gentleman is well aware, S. 880 was amended through the cooperation and careful consideration of the minority and of the administration, and we will include a joint statement in the RECORD describing the bill. It is a balanced, bipartisan measure that will ensure that local citizens receive information concerning the risks presented by local chemical facilities while at the same time protecting our national security.

Mr. BROWN of Ohio. Mr. Speaker, further reserving my right to object, I wish to extend my thanks to my colleagues on both sides of the aisle for working together to reach agreement on the Chemical Safety Information, Site Security, and Fuels Regulatory Relief Act. I concur with the joint statement of the gentleman from Virginia (Mr. BLILEY), the gentleman from Michigan (Mr. DINGELL), the ranking member, the gentleman from Missouri (Mr. BLUNT), and the gentleman from Florida (Mr. BILIRAKIS) concerning S.88O.

This bill places a one-year moratorium on distribution of worst case scenario information to the general public and requires the administration to promulgate regulations on the dissemination of worst-case scenarios to the public after performing two separate assessments: One on the risk of terrorist activity associated with the posting of the information on the Internet and another on the incentives created by public disclosure of worst-case scenarios for reduction in the risk of accidental releases.

I expect the administration will find that the preparation in dissemination of these worst-case scenarios benefits the public in several ways. The public will be better prepared for accidental releases of extremely hazardous substances. The facilities that utilize these substances will manage them responsibly and the workers at these facilities will be able to engage in a productive dialogue with their employers about the use and management of these substances.

I know a number of responsible companies already have convened public meetings to share this worst case scenario information with emergency responders and other citizens in the communities that may be affected by the release of these substances.

To that end, I support the provisions of this bill that would require the facilities to submit worst-case scenarios to conduct an informational meeting in their communities during the moratorium period.

As well, it is my expectation that the regulations developed by the administration in the coming year will recognize the importance of community right to know. A citizen should be able to obtain worst case scenario information for all facilities that could affect her community or his community. With accurate information about chemical facilities in hand, neighbors, workers, local leaders, researchers and emergency response personnel can work with the owners and the managers of chemical facilities to build safer communities for everyone.

Mr. GREEN of Texas. Mr. Speaker, on June 17, with the support of every Democratic Member of the Commerce Health and Environment Subcommittee, I introduced H.R. 2257, the Chemical Security Act of 1999. This bill represented a consensus among Subcommittee Democrats that I believe would have recognized and respected the Right-to-Know laws while shielding chemical facilities and their employees from potential terrorist attacks.

However, after weeks of negotiations with our Republican colleagues, i believe the legislation before us today achieves the same goal and is worthy of all our support.

Most importantly, the House-amended version of S. 880 would preserve the intent of the Clean Air Act Amendments of 1990 by requiring public meetings to inform citizens who would be impacted by off-site worst case scenarios at each covered facility. These meetings, which will take place during the moratorium on information disclosure, will provide every interested resident with the relevant information about the potential dangers in their community.

It is our intent and hope that these meetings will not only include facility representatives, as required by the Act, but also local emergency planning responders who are most qualified to answer questions about safety and security as well as how to react to an accidental off-site chemical release. By bringing different community representatives together to discuss the off-site consequences of a worst case scenario, we maximize the probability that the damage caused by such an event will be minimized for the facility, its employees, and especially the surrounding community.

It is also our intent that the Administration will develop regulations that recognizes every individual's fundamental right to the Off-Site Consequence Analysis (OCA) information affecting their community—including their home, office and children's school. I have not heard any justifiable reason, based on either policy or security, that would allow this information to be compiled by the government but prevent citizens from receiving the OCA data impacting their own community. The widespread public release of public information is being delayed to give the Administration some time to determine how, not if, this information can be distributed safely to the people impacted by worst-case scenarios.

I am also supporting this legislation because it includes the appropriate and necessary site security studies to be completed by the Attorney General. If we agree that the legislation is necessary because of potential risks to site security, than we have a responsibility to aggressively investigate these concerns. With the results of this study, the Administration and Congress will have the necessary tools to base future decisions on site security on substantive and complete information. The results can also be used by the facilities to improve their internal safety procedures to minimize risk to the facility and its employees.

Again, I want to express my appreciation to the Chairmen and Ranking Members of both the full Commerce Committee and Health and Environment Subcommittee for working so hard to develop this consensus bill in a truly bipartisan manner.

Mr. DINGELL. Mr. Speaker, since the Senate passed this bill on June 23rd, Members of our Committee and staff have expended considerable effort to address several problematic issues presented by the Senate-passed version. I commend my colleagues, Mr. GREEN, Mr. WAXMAN, and Mr. BROWN, as well as Mr. BLILEY and Mr. BILIRAKIS for their diligent efforts to make the necessary revisions to this bill in an expeditious and cooperative manner.

This bill amends section 112 of the Clean Air Act, entitled ''Prevention of Accidental Releases.'' To achieve this purpose, the facilities that handle threshold amounts of extremely hazardous substances are required to implement risk management plans to detect and prevent or minimize accidental releases. An integral part of these plans is the evaluation of worst case accidental releases—also called the worst case scenario.

There is no question that the drafters of the Clean Air Act in 1990 required these risk management plans, as well as the worst case scenarios, be made available to the public on equal footing with emergency responders and other recipients. We may never have anticipated the complex issues posed by impending popularity of the Internet, but we certainly knew the inherent risk of a free and open society. We struck this balance in 1990, but today the national security agencies have urged us to consider that balance once again. I believe we have done so in an appropriate fashion in this bill, although I would not deem this bill perfect by any means.

I remain concerned about the imposition of any penalties, particularly criminal penalties, on the state and local officials who are the statutory recipients of the worst case scenario information. These are the very people we trust to respond in the unlikely event of tragedy, whether caused by accident or criminal act. I would not want to discourage these much-needed individuals from volunteering to serve on local emergency planning committees or emergency response teams, nor would I want to discourage them from obtaining and using this information for its intended purpose. It is not these people, who are performing their official duties, whom we intend to deter or punish. The House amendment to S. 880 improves the Senate product markedly. But by imposing criminal fines for willful violations of the Act or the yet to be promulgated regulations, we nevertheless will punish a local official for sharing this information by electronic means with his constituent, even if the information is related only to a facility in his own neighborhood. I do not believe that such sharing of information, by the very official the community relies upon to inform them, should be deemed a criminal act.

This bill makes clear, however, that state and local officials may summarize the information or discuss the information with constituents or with other local officials. As our only concern is that a national, searchable database of worst case scenario information should not be readily compiled, it is sound policy to freely allow any use of this information, such as discussion of the information or distribution of the information in any other format that avoids compilation of a national database.

We require that the President promulgate regulations that will govern the dissemination of worst case scenario information. As this requires an assessment and balancing of the national security against the public's need to be informed of hazards associated with extremely dangerous substances, I prefer that Congress perform that assessment. However, I believe that we have given clear direction in this bill to the President that he must follow in promulgating the regulations. The bill guarantees that the public will obtain the information, without geographical restriction. Although the President will decide on whether and how to limit the number of requests for this information that an individual may make, I believe that any person should be able to obtain all worst case scenario information on any facility that may affect his or her community.

Further, I would like to clarify the intent of the provisions pertaining to the preservation of state laws. This bill plainly provides that if a state, under an existing law or a law yet to be enacted, were to require the submission of similar or even identical information about chemical releases, no federal restrictions would apply to its distribution. I believe it is sound policy that we allow the state legislatures to strike the appropriate balance between security concerns and the value of this information to the public, as we have attempted to do on the federal level.

I urge my colleagues to support this bill.

Mr. BLILEY. Mr. Speaker, I rise in support of S. 880, the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act. This bipartisan measure proves what I have said all along: that communities can have access to information on chemical facilities in a manner that does not pose a threat to national security.

By way of background, in the Clean Air Act Amendments of 1990, Congress required tens of thousands of facilities to submit chemical accident prevention plans to the Environmental Protection Agency that ultimately would be made available to the public. Back then, Congress and the American people surely never imagined that the EPA would ever propose posting all of this information—including human injury estimates of a worst-case release from chemical facilities—on the Internet in a worldwide electronic database, easily searchable from Boston to Baghdad, from Los Angeles to Libya. But that is exactly what the EPA proposed to do some two years ago.

At that time, the FBI and other law enforcement groups told EPA that the worst-case scenario database should not be available on the Internet because it could be used as a targeting tool by terrorists. Yet EPA still went forward with its plan to put the national database of worst-case scenarios on the Internet. It was only last Fall that, in response to the security concerns raised by the FBI, CIA, the Commerce Committee and others, that EPA abandoned its original, reckless plan to put the worst-case scenario data at every terrorists' fingertips by posting it on EPA's own Internet website.

While this was a good first step, EPA did not have a plan to protect third parties from obtaining the national electronic database of worst-case scenarios from EPA and then posting this database on the Internet. In fact, as EPA admitted in hearings before the Commerce Committee, EPA is now powerless to protect the entire national electronic database of worst-case scenarios from a simple Freedom of Information Act Request. Such requests have been filed with EPA after the agency received the worst-case scenarios on June 21, 1999.

Last February, EPA said that it would quickly solve this problem. Months later, the Administration on May 7th sent a bill to Congress. I introduced that bill by request as H.R. 1790. It was also introduced in the Senate as S. 880. It was soon clear, however, that the Administration had not conducted sufficient public outreach on its proposal, and that the Administration's bill required significant fine tuning.

The Committee asked the Administration to perform this fine tuning, and to that end Commerce Committee staff conducted a number of extensive meetings with Administration officials. Unfortunately, the Administration never

supplied us with any suggested changes to H.R. 1790.

However, Congress has acted where the Administration has not. Recently, the Senate's version of the Administration bill, S. 880, was amended in a bipartisan fashion to address these problems. The amended S. 880 passed the Senate by unanimous consent. In a similar bipartisan fashion, a group of Commerce Committee members have developed an amendment to S. 880 that makes further perfecting changes. That amendment is before the House today.

This careful, compromise bill provides a temporary moratorium ensuring that the worst-case scenario information will be managed responsibly during the period in which the Administration develops—through public comment—a permanent distribution system. S. 880 requires that the distribution system be balanced to achieve both an informed local community and protection of national security. It is important to note that, even during this temporary moratorium period, local emergency responders such as fire fighters, police, and hospitals will have full access to the data.

Furthermore, during the moratorium, chemical facilities must conduct a one-time public outreach meeting to ensure that the community will have a point of contact. The meeting provision contains an alternative compliance mechanism for small businesses that takes into account the limited resources of these important enterprises.

Additonally, S. 880 provides that Attorney General will conduct a study of the threat of criminal and terrorist activity against these chemical facilities, and will report her findings on these matters to Congress. The bill also provides that EPA will provide technical assistance to industries that participate in voluntary industry standards to reduce the risk of terrorist activity.

S. 880 also makes an adjustment to the scope of EPA's Risk Management Program regulations. The bill recognizes that the use as a fuel of certain non-toxic flammable substances such as propane is adequately regulated under state and local law. Accordingly, S. 880 provides that non-toxic fuels like propane are not within section 112(r) of the Clean Air Act when used or sold as a fuel.

In addition to my remarks today, I have included a joint statement that discusses in greater detail the elements of S. 880 as amended by the House.

In closing, the amended, S. 880 will protect the public by providing information to communities and by ensuring that methods used to manage this information do not jeopardize national security. As amended, the bill is a bipartisan measure that is reasonable and balanced.

S. 880 shows what Congress can do when it works together to solve an important national policy issue. I ask that you vote in favor of S. 880 to provide an effective solution to the worst-case scenario problem, as Congress has been asked to do by groups such as the Fraternal Order of Police, the International Association of Fire Chiefs, the International Association of Chiefs of Police, and the National Volunteer Fire Council. Congress must act quickly to resolve this issue, and S. 880 gives us that opportunity. Accordingly, I urge that the House vote to approve S. 880, as amended.

Finally, I wish to thank our colleagues from the minority for their good faith efforts that have yielded this bipartisan legislation. I also wish to thank Chairman HYDE and Chairman BURTON for their cooperation in consideration of this bill, and have included for the RECORD exchanges of correspondence between committees of jurisdiction.

JOINT STATEMENT OF CHAIRMAN TOM BLILEY, RANKING MEMBER JOHN D. DINGELL, SUBCOMMITTEE CHAIRMAN MICHAEL BILIRAKIS AND SUBCOMMITTEE RANKING MEMBER SHERROD BROWN CONCERNING S. 880, AS APPROVED BY THE HOUSE OF REPRESENTATIVES

The House of Representatives has made certain changes to S. 880 as approved by the Senate. These changes both revise and clarify provisions of S. 880 as approved by the Senate, as well as add statutory provisions to that measure.

As approved by the House, Section 1 provides that the Act may be cited as ''The Chemical Safety Information, Site Security and Fuels Regulatory Relief Act.'' This title reflects the fact that the Act both clarifies the application of the section 112(r) of the Clean Air Act to flammable substances as well as addresses the dissemination of offsite consequence analysis information and provides for a review of site security and public meetings with respect to covered facilities.

Section 2 of the Act provides that flammable substances, when used as fuel or held for sale at retail facilities, shall not be listed under Section 112(r)(4) of the Clean Air Act solely because of the explosive or flammable properties of the substance absent certain identified conditions. This section makes it clear that end users and retailers of propane which meet the definition provided in the Act will not be required to file risk management plans under section 112(r)(7) of the Clean Air Act.

Section 3 of the Act adds a new subparagraph (H) to paragraph 112(r)(7) of the Clean Air Act. This new subparagraph provides that off-site consequence analysis information, and any ranking of stationary sources derived from that information, shall not be available under the Freedom of Information Act for a one-year period. During this one-year period, the President is required to complete an assessment of certain risks and incentives with respect to offsite consequence analysis information and, based on this assessment, to promulgate regulations governing the distribution of this information. These regulations are subject to certain identified minimum criteria. Section 3 also provides that off-site consequence analysis information shall not be available under State or local law, except where States make available certain data collected in accordance with State law.

Within one year after the date of enactment, Section 3 additionally provides that the Administrator of the Environmental Protection Agency (EPA) shall make off-site consequence analysis information available to covered persons for official use and provide notice of restrictions and penalties for further dissemination of this information. During this period, the Administrator of EPA is also required to make offsite consequence analysis information available to the public in a form that does not contain information on the identity or location of stationary sources and to qualified researchers, subject to certain limitations. The Administrator must also establish an information technology system that provides for public availability in a ''read only'' format.

Section 3 is intended to address the concerns of the Department of Justice and the Administration, as well as private commentators, that Internet posting of a database of worst case scenario information required of certain facilities under subsection 112(r) of the Clean Air Act could pose a danger to national security and to people who live around such facilities. We also recognize that subsection 112(r) requires that risk management plans shall be available to the public, and that the objective of EPA's risk management program is to prevent accidental releases of regulated substances and to minimize the consequences of any such releases.

The rulemaking required under Section 3 needs to consider and reach an appropriate balance between both public policy priorities. Accordingly, we require that the President perform two separate assessments: (1) an assessment of the increased risk of terrorist and other criminal activity associated with the Internet posting of off-site consequence analysis information, and (2) an assessment of the incentives created by public disclosure of off-site consequence analysis information for reduction in the risk of accidental releases. We intend that the President create written documentation of the two assessments. We also intend that this written documentation, and all information and data that the President utilizes in preparation of the assessments (except for information that will pose a threat to national security), be a part of the administrative record associated with the regulations required under Section 3.

Under new subclause (H)(ii)(II) of the Clean Air Act established by this Act, the regulations promulgated under the authority of Section 3 must meet several minimum criteria. One of these criteria is contained in (H)(ii)(II)(aa) which ensures that any member of the public can obtain a limited number of paper copies of off-site consequence analysis information for facilities whether or not they are located in his or her own community.

We note that other provisions contained in Section 3 of this Act also seek to ensure that citizens will enjoy effective public access to off-site consequence analysis information in their communities and elsewhere. In specific, as referenced above, (H)(ii)(II)(bb) establishes criteria which allows other public access to off-site consequence analysis information as appropriate and clause (H)(viii) requires the Administrator of the Environmental Protection Agency to establish a ''read only'' technology system to provide for the public availability of off-site consequence analysis. We believe that these provisions will work together with (H)(ii)(II)(aa) to allow effective public access to offsite consequence analysis information, while ensuring that risks associated with Internet posting of off-site consequence analysis information are assessed and minimized in the regulations promulgated under subclause (H)(ii)(II).

Section 3 of the Act further requires that the Attorney General, after consultation, shall submit a report to Congress regarding the extent to which regulations promulgated under the Act have resulted in effective actions to detect, prevent and minimize the consequences of releases caused by criminal activity. As part of this report, the Attorney General must also review the vulnerability of covered stationary sources to criminal and terrorist activity, current industry practices regarding site security and the security of transportation of regulated substances. An interim report is due 12 months after the date of enactment.

Section 4 of the Act requires each owner or operator of a stationary source covered by clause 112(r)(7)(B)(ii) of the Clean Air Act to convene a public meeting in order to describe and discuss the local implications of risk management plans. Certain small businesses of less than 100 employees may, in

lieu of a public meeting, publicly post a summary of the off-site consequence analysis information. The one-time meeting requirement in Section 5 reflects the temporary circumstances that are presented by the one year moratorium on the widespread distribution of off-site consequence analysis information.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,
Washington, DC, July 21, 1999.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the bill S. 880, the Chemical Safety Information, Site Security, and Fuels Regulatory Relief Act.

It is my understanding that your committee wishes to proceed immediately to the floor with this bill in an amended form which contain language inspections 3 and 4 which fall within the Rule X jurisdiction of this committee. Specifically, the amended bill would create new duties for the Attorney General and the Director of the Federal Bureau of Investigation.

Due to the pressure of time, I am willing to forgo this committee's right to referral of this bill in order to comply with the leadership's desire to proceed expeditiously. However, this action in no way waives our jurisdictional rights with regard to the subject matter contained in the bill. Furthermore, we retain our right to request conferees on this legislation should a House-Senate conference occur. I would appreciate your placing this exchange of correspondence in the Congressional Record when the legislation is considered by the House.

Thank you for working with me on this matter.

Sincerely,

HENRY J. HYDE.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, July 21, 1999.

Hon. HENRY HYDE,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR HENRY: Thank you for your letter regarding your Committee's jurisdictional interest in S. 880, the Chemical Safety Information, Site Security, and Fuels Regulatory Relief Act.

I acknowledge your committee's jurisdiction over sections 3 and 4 of this legislation, as amended by the House, and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forgo further action on the bill will not prejudice the Judiciary Committee with respect to its jurisdictional prerogatives on this or similar provisions, and recognize your right to request conferees on those provisions within the Committee on the Judiciary's jurisdiction should they be the subject of a House-Senate conference. I will also include a copy of your letter and this response in the Congressional Record when the legislation is considered by the House.

Thank you again for your cooperation.

Sincerely,

TOM BLILEY,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, July 21, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, Washington, DC.

DEAR MR. SPEAKER: In the interest of expediting floor consideration of S. 880, the Fuels Regulatory Relief Act, the Committee on Government Reform does not intend to exercise its jurisdiction over this bill.

As you know, House Rule X, Organization of Committees, grants the Government Reform Committee with jurisdiction over government management and accounting matters generally. In the interest of moving expeditiously on S. 880, the Committee on Government Reform has decided not to assert its jurisdiction over the bill. This action is not designed to limit our jurisdiction over any future consideration of these issues.

Thank you for your dedication and hard work on this issue. I look forward to working with you on this and other issues throughout the 106th Congress.

Sincerely,

DAN BURTON,
Chairman.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of the bipartisan agreement on S. 880, the Chemical Site Information, Site Security and Fuels Regulatory Relief Act.

As you know, this legislation is the product of hard work and good faith compromise between the majority and the minority members of the House Commerce Committee. The legislation recognizes that there are complex public policy issues to be resolved concerning the dissemination of ''worst case scenario'' data for chemical and industrial facilities. Thus, the legislation seeks to resolve these issues in a straightforward manner: first, by imposing a one-year moratorium on the release of such information, and second, by requiring the President to assess security risks and the incentives created by public disclosure and then to promulgate regulations based on specified criteria.

During hearings held by the Health and Environment Subcommittee, we learned that security experts inside and outside of the Administration had concerns that widespread dissemination of worst-case scenario data could provide a ''roadmap for terrorists.'' An estimated 35,000 facilities nationwide may eventually file such data with the Environmental Protection Agency (EPA). This data, especially if manipulated in an electronic format, could provide for a ranking of potential targets and a means to select targets of opportunity.

The bipartisan compromise requires additional review of this threat, which balancing such risks against the incentives created by public disclosure of off-site consequence analysis information. Regulations must be based on this analysis and provide for public access to a limited number of paper copies of off-site consequence analysis information and other public access as appropriate. Additionally, qualified researchers may obtain access to this information and the Attorney General must establish a ''read only'' technology information system to provide further public access.

Under the bipartisan agreement, facilities which are subject to the requirement to file off-site consequence analysis information are also required to inform surrounding communities of the local implications of the risk management plans through public meetings. Small businesses may fulfill this requirement through a public posting of such information, but altogether, it is clear that public outreach concerning risks to the surrounding community must occur. Under separate provisions of the legislation, the Attorney General is to further a review of the vulnerability of covered stationary sources to criminal and terrorist activity, practices concerning site security and transportation security. The Attorney General must then report back to Congress on these matters within 3 years.

The legislation also provides an exemption for certain retail facilities which sell flammable substances used as a fuel. This exemption recognizes that such facilities are regulated under state and local laws and codes and that section 112(r) of the Clean Air Act was designed to address accidental releases of toxic substances, not fuels which are subject to a myriad of other requirements and industry procedures.

Thus, it is clear that this legislation is fundamentally about protecting the public. Rather than cross our fingers and hope that nothing will happen if detailed off-site information on 35,000 facilities was released, our agreement asks for a cold-eye assessment and public rulemaking. During this process, all points of view on access to off-site information will have the opportunity to be heard. Yet, at the same time, we will not take the precipitous and irreversible step of releasing all information without a thorough assessment of the damage to national security and local communities that could occur.

Altogether then, the revisions we have made to S. 880 are prudent, reasonable and balanced. They are based on our committee's hearing record and consultations with the Administration. They protect the public without unduly burdening the flow of information in our free society. And they promote a deliberate process to resolve outstanding issues, instead of a quick legislative fix.

I want to thank my colleagues from the other side of the aisle for the free and frank exchanges which have occurred in reaching agreement on this important legislation. I urge my colleagues to support this agreement and vote to approve S. 880, as amended.

Mr. BROWN of Ohio. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the Senate bill, 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 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.''.

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)(II), 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.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BLUNT

Mr. BLUNT. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BLUNT:

Strike all after the enacting clause and insert the following:

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 RETAILERS AND OTHER FLAMMABLE FUELS 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 (C) of paragraph (4) as clauses (i) through (iii), respectively, and indenting appropriately;

(2) by striking in paragraph (4) ''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)), of paragraph (4)by striking the period at the end and inserting ''; and'';

(4) by adding at the end of paragraph (4) the following:

''(B) shall not list a flammable substance when used as a fuel or held for sale as a fuel at a retail facility 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 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

(5) by inserting the following new subparagraph at the end of paragraph (2):

''(D) The term 'retail facility' means a stationary 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, by volume, is sold through a cylinder exchange 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 government, 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 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.

''(III) 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 release scenarios or alternative release scenarios, and any electronic data base created by the Administrator from those portions.

''(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).

''(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

''(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 the risk described in subclause (I)(aa) 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, without any geographical restriction;

''(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)(II), 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.—Notwithstanding section 113, a covered person that willfully violates a restriction or prohibition established by this subparagraph (including the regulations promulgated under clause (ii)) shall, upon conviction, be fined for an infraction under section 3571 of title 18, United States Code, (but shall not be subject to imprisonment) for each unauthorized disclosure of off-site consequence analysis information, except that subsection (d) of such section 3571 shall not apply to a case in which the offense results in pecuniary loss unless the defendant knew that such loss would occur. The disclosure of off-site consequence analysis information for each specific stationary source shall be considered a separate offense. 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) NOTICE.—The Administrator shall provide notice of the definition of official use as provided in clause (i)(III) and examples of actions that would and would not meet that definition, and notice of the restrictions on further dissemination and the penalties established by this Act to each covered person who receives off-site consequence analysis information under clause (iv) and each covered person who receives off-site consequence analysis information 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.—

''(I) IN GENERAL.—Not later than 3 years after the date of enactment of this subparagraph, the Attorney General, in consultation with appropriate State, local, and Federal Government agencies, affected industry, and the public, shall submit to Congress a report that describes the extent to which 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. As part of this report, the Attorney General, using available data to the extent possible, and a sampling of covered stationary sources selected at the discretion of 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. The Attorney General shall submit this report, containing the results of the review, together with recommendations, if any, for reducing vulnerability of covered stationary sources to criminal and terrorist activity, to the Committee on Commerce of the United States House of Representatives and the Committee on Environment and Public Works of the United States Senate and other relevant committees of Congress.

''(II) INTERIM REPORT.—Not later than 12 months after the date of enactment of this subparagraph, the Attorney General shall submit to the Committee on Commerce of the United States House of Representatives and the Committee on Environment and Public Works of the United States Senate, and other relevant committees of Congress, an interim report that includes, at a minimum—

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

''(bb) the methods used to develop the 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 than the preliminary findings.

''(III) AVAILABILITY OF INFORMATION.—Information that is developed by the Attorney General or requested by the Attorney General and received from a covered stationary source for the purpose of conducting the review under subclauses (I) and (II) shall be exempt from disclosure under section 552 of title 5, United States Code, if such information would pose a threat to national security.

''(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) REEVALUATION OF REGULATIONS.—The President shall reevaluate the regulations promulgated under this section within 6 years after the enactment of this Act. If the President determines not to modify such regulations, the President shall publish a notice in the Federal Register stating that such reevaluation has been completed and that a determination has been made not to modify the regulations. Such notice shall include an explanation of the basis of such decision.

SEC. 4. PUBLIC MEETING DURING MORATORIUM PERIOD.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, each owner or operator of a stationary source covered by section 112(r)(7)(B)(ii) of the Clean Air Act shall convene a public meeting, after reasonable public notice, in order to describe and discuss the local implications of the risk management plan submitted by the stationary source pursuant to section 112(r)(7)(B)(iii) of the Clean Air Act, including a summary of the off-site consequence analysis portion of the plan. Two or more stationary sources may conduct a joint meeting. In lieu of conducting such a meeting, small business stationary sources as defined in section 507(c)(1) of the Clean Air Act may comply with this section by publicly posting a summary of the off-site consequence analysis information for their facility not later than 180 days after the enactment of this Act. Not later than 10 months after the date of enactment of this Act, each such owner or operator shall send a certification to the director of the Federal Bureau of Investigation stating that such meeting has been held, or that such summary has been posted, within 1 year prior to, or within 6 months after, the date of the enactment of this Act. This section shall not apply to sources that employ only Program 1 processes within the meaning of regulations promulgated under section 112(r)(7)(B)(i) of the Clean Air Act.

(b) ENFORCEMENT.—The Administrator of the Environmental Protection Agency may bring an action in the appropriate United States district court against any person who fails or refuses to comply with the requirements of this section, and such court may issue such orders, and take such other actions, as may be necessary to require compliance with such requirements.

Mr. BLUNT (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read:

''A bill 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 and for other purposes.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 880.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2488, FINANCIAL FREEDOM ACT OF 1999

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 256 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 256

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2488) to amend the Internal Revenue Code of 1986 to reduce individual income tax rates, to provide marriage penalty relief, to reduce taxes on savings and investments, to provide estate and gift tax relief, to provide incentives for education savings and health care, and for other purposes. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill, modified by the amendments printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) two hours of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) a further amendment in the nature of a substitute printed in part B of the report of the Committee on Rules, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 256 is a structured rule that provides for the consideration of H.R. 2488, the Financial Freedom Act. This fair rule provides for 2 hours of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Ways and Means. With the adoption of this rule, the House will amend the bill that was reported by the Committee on Ways and Means.

This amendment, which was printed in part A of the Committee on Rules report, will reduce the size of the bill from $864 billion to $792 billion in an effort to comply with the Senate's interpretation of the budget resolution.

To achieve this reduction, the amendment slows the phase-in period for several provisions in the bill, including the 10-percent reduction in income taxes, the repeal of the individual alternative minimum tax, the repeal of the death tax and the reduction of the corporate capital gains tax.

In addition, the small-saver provision, corporate AMT changes, and certain pension provisions are also modified by the amendment.

More importantly, this rule adds a new title to the Financial Freedom Act that strengthens our commitment to debt reduction. Tax relief and debt reduction are not at odds with one another and achieving both goals simultaneously makes good economic sense.

For years, Republicans fought tooth and nail to achieve the balanced budget we enjoy today. We argued that it was immoral to continue a pattern of deficit spending that adds to our debt and places a burden of higher interest payments on the backs of our children and grandchildren. We stand by those arguments today and will continue to pursue our priority of debt reduction through this legislation.

A vote for this rule will be a vote in favor of reducing our national public debt by $2 trillion over the next 10 years, and this is not an empty promise. The fact is that we are paying down debt as we speak. The Social Security surplus that we have locked away, which is not currently being used to pay benefits, is reducing our debt now. America's debt is shrinking fast. Debt as a share of our economy is rapidly heading toward its post-World War II low of 23.8 percent. This is compared to just 5 years ago when debt as a share of the economy was above 50 percent.

So we are making significant progress and by voting for this rule we will ensure that we continue down this path of steady debt reduction.

At the conclusion of the debate on the rule, I will seek to amend the rule to further address the issue of debt reduction. My amendment will self-execute a change requiring across-the-board tax relief to take effect only if specific debt reduction targets are met. In addition to these changes, the House will have the opportunity to debate and vote on a minority substitute to be offered by the gentleman from New York (Mr. RANGEL) or his designee.

This amendment, which provides an alternative to the Financial Freedom Act, is printed in part B of the Committee on Rules report and will be debatable for 1 hour. All points of order