

112TH CONGRESS
1ST SESSION

H. R. 225

To provide that no Federal funds may be used by the Secretary of Homeland Security to approve a site security plan for a chemical facility, unless the facility meets or exceeds security standards and requirements to protect the facility against acts of terrorism established for such a facility by the State or local government for the area where the facility is located, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2011

Ms. JACKSON LEE of Texas introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide that no Federal funds may be used by the Secretary of Homeland Security to approve a site security plan for a chemical facility, unless the facility meets or exceeds security standards and requirements to protect the facility against acts of terrorism established for such a facility by the State or local government for the area where the facility is located, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Chemical Facility Se-
3 curity Improvement Act of 2011”.

4 **SEC. 2. PERFORMANCE STANDARDS FOR SECURITY OF**
5 **CHEMICAL FACILITIES.**

6 (a) LIMITATION ON USE OF FUNDS.—

7 (1) LIMITATION.—No Federal funds may be
8 used by the Secretary of Homeland Security to ap-
9 prove a site security plan for a chemical facility un-
10 less the facility meets or exceeds security standards
11 and requirements to protect the facility against acts
12 of terrorism established for such a facility by the
13 State or local government for the area where the fa-
14 cility is located.

15 (2) DEFINITIONS.—In this subsection, each of
16 the terms “site security plan” and “chemical facil-
17 ity” has the meaning that the term has in section
18 550 of the Department of Homeland Security Ap-
19 propriations Act, 2007 (Public Law 109–295; 120
20 Stat. 1388), as amended by this Act.

21 (b) AMENDMENTS TO EXISTING LAW RELATING TO
22 APPROVAL OF SECURITY PLANS.—Section 550 of the De-
23 partment of Homeland Security Appropriations Act, 2007
24 (Public Law 109–295; 120 Stat. 1388) is amended—

25 (1) in subsection (a)—

1 (A) by inserting “from a terrorist attack”
2 after “shall issue interim final regulations es-
3 tablishing risk-based performance standards for
4 security of chemical facilities”;

5 (B) by inserting “of a terrorist attack”
6 after “in the discretion of the Secretary,
7 present high levels of security risk”; and

8 (C) by striking “the Secretary may not dis-
9 approve a site security plan submitted under
10 this section based on the presence or absence of
11 a particular security measure, but”;

12 (2) in subsection (c)—

13 (A) by striking “consistent with similar”
14 and inserting “identical to”;

15 (B) by striking “vulnerability assessments,
16 site security plans, and other information sub-
17 mitted to or obtained by the Secretary under
18 this section, and related vulnerability or secu-
19 rity information,” and inserting “vulnerability
20 assessments and site security plans”; and

21 (C) by striking “classified material” and
22 inserting “sensitive security information (as
23 that term is used in section 1520.5 of title 49,
24 Code of Federal Regulations)”; and

1 (3) in subsection (d), by striking: “: *Provided*,
2 That nothing in this section confers upon any person
3 except the Secretary a right of action against an
4 owner or operator of a chemical facility to enforce
5 any provision of this section.”.

○