

# Union Calendar No. 366

113TH CONGRESS  
2D SESSION

# H. R. 4007

**[Report No. 113–491, Part I]**

To recodify and reauthorize the Chemical Facility Anti-Terrorism Standards Program.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2014

Mr. MEEHAN (for himself, Mr. McCAUL, Mr. KING of New York, Mr. GENE GREEN of Texas, Mrs. MILLER of Michigan, and Mr. ROGERS of Alabama) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, 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

JUNE 23, 2014

Additional sponsors: Mr. MARINO, Mr. DAINES, Mr. PERRY, and Mr. VELA

JUNE 23, 2014

Reported from the Committee on Homeland Security with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JUNE 23, 2014

The Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 6, 2014]

# **A BILL**

To recodify and reauthorize the Chemical Facility Anti-Terrorism Standards Program.

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

3 **SECTION 1. SHORT TITLE.**

4        *This Act may be cited as the “Chemical Facility Anti-*  
5 *Terrorism Standards Program Authorization and Account-*  
6 *ability Act of 2014”.*

7 **SEC. 2. CHEMICAL FACILITY ANTI-TERRORISM STANDARDS**  
8                                    **PROGRAM.**

9        (a) *IN GENERAL.—The Homeland Security Act of*  
10 *2002 (6 U.S.C. 101 et seq.) is amended by adding at the*  
11 *end the following:*

12 **“TITLE XXI—CHEMICAL FACILITY**  
13 **ANTI-TERRORISM STANDARDS**

14 **“SEC. 2101. CHEMICAL FACILITY ANTI-TERRORISM STAND-**  
15 **ARDS PROGRAM.**

16        *“(a) PROGRAM ESTABLISHED.—There is in the De-*  
17 *partment a Chemical Facility Anti-Terrorism Standards*  
18 *Program. Under such Program, the Secretary shall establish*  
19 *risk-based performance standards designed to protect cov-*  
20 *ered chemical facilities and chemical facilities of interest*  
21 *from acts of terrorism and other security risks and require*  
22 *such facilities to submit security vulnerability assessments*  
23 *and to develop and implement site security plans.*

24        *“(b) SECURITY MEASURES.—Site security plans re-*  
25 *quired under subsection (a) may include layered security*

1 *measures that, in combination, appropriately address the*  
2 *security vulnerability assessment and the risk-based per-*  
3 *formance standards for security for the facility.*

4 “(c) *APPROVAL OR DISAPPROVAL OF SITE SECURITY*  
5 *PLANS.—*

6 “(1) *IN GENERAL.—The Secretary shall review*  
7 *and approve or disapprove each security vulnerability*  
8 *assessment and site security plan under subsection*  
9 *(a). The Secretary may not disapprove a site security*  
10 *plan based on the presence or absence of a particular*  
11 *security measure, but the Secretary shall disapprove*  
12 *a site security plan if the plan fails to satisfy the*  
13 *risk-based performance standards established under*  
14 *subsection (a).*

15 “(2) *ALTERNATIVE SECURITY PROGRAMS.—The*  
16 *Secretary may approve an alternative security pro-*  
17 *gram established by a private sector entity or a Fed-*  
18 *eral, State, or local authority or pursuant to other*  
19 *applicable laws, if the Secretary determines that the*  
20 *requirements of such program meet the requirements*  
21 *of this section. A covered chemical facility may meet*  
22 *the site security plan requirement under subsection*  
23 *(a) by adopting an alternative security program that*  
24 *has been reviewed and approved by the Secretary*  
25 *under this paragraph.*

1           “(3) *SITE SECURITY PLAN ASSESSMENTS.*—*In*  
2           *approving or disapproving a site security plan under*  
3           *this subsection, the Secretary shall employ the risk as-*  
4           *essment policies and procedures developed under this*  
5           *title. In the case of a covered chemical facility for*  
6           *which a site security plan has been approved by the*  
7           *Secretary before the date of the enactment of this title,*  
8           *the Secretary may not require the resubmission of the*  
9           *site security information solely by reason of the enact-*  
10          *ment of this title.*

11          “(4) *CONSULTATION.*—*The Secretary may con-*  
12          *sult with the Government Accountability Office to in-*  
13          *vestigate the feasibility and applicability a third*  
14          *party accreditation program that would work with*  
15          *industry stakeholders to develop site security plans*  
16          *that may be applicable to all similarly situated facili-*  
17          *ties. The program would include the development of*  
18          *Program-Specific Handbooks for facilities to reference*  
19          *on site.*

20          “(d) *COMPLIANCE.*—

21                  “(1) *AUDITS AND INSPECTIONS.*—

22                          “(A) *IN GENERAL.*—*The Secretary shall*  
23                          *conduct the audit and inspection of covered*  
24                          *chemical facilities for the purpose of determining*  
25                          *compliance with this Act. The audit and inspec-*

1            *tion may be carried out by a non-Department or*  
2            *nongovernment entity, as approved by the Sec-*  
3            *retary.*

4            *“(B) REPORTING STRUCTURE.—Any audit*  
5            *or inspection conducted by an individual em-*  
6            *ployed by a nongovernment entity shall be as-*  
7            *signed in coordination with the head of audits*  
8            *and inspections for the region in which the audit*  
9            *or inspection is to be conducted. When in the*  
10           *field, any individual employed by a nongovern-*  
11           *ment entity shall report to the respective head of*  
12           *audits and inspections for the region in which*  
13           *the individual is operating.*

14           *“(C) REQUIREMENTS FOR NONGOVERNMENT*  
15           *PERSONNEL.—If the Secretary arranges for an*  
16           *audit or inspection under subparagraph (A) to*  
17           *be carried out by a nongovernment entity, the*  
18           *Secretary shall require, as a condition of such*  
19           *arrangement, that any individual who conducts*  
20           *the audit or inspection be a citizen of the United*  
21           *States and shall prescribe standards for the qual-*  
22           *ification of the individuals who carry out such*  
23           *audits and inspections that are commensurate*  
24           *with the standards for a Government auditor or*  
25           *inspector. Such standards shall include—*

1                   “(i) *minimum training requirements*  
2                   *for new auditors or inspectors;*

3                   “(ii) *retraining requirements;*

4                   “(iii) *minimum education and experi-*  
5                   *ence levels;*

6                   “(iv) *the submission of information as*  
7                   *required by the Secretary to enable deter-*  
8                   *mination of whether the auditor or inspec-*  
9                   *tor has a conflict of interest;*

10                  “(v) *the maintenance of a secret secu-*  
11                  *rity clearance;*

12                  “(vi) *reporting any issue of non-com-*  
13                  *pliance with this section to the Secretary*  
14                  *within 24 hours; and*

15                  “(vii) *any additional qualifications for*  
16                  *fitness of duty as the Secretary may estab-*  
17                  *lish.*

18                  “(D) *TRAINING OF DEPARTMENT AUDITORS*  
19                  *AND INSPECTORS.—The Secretary shall prescribe*  
20                  *standards for the training and retraining of in-*  
21                  *dividuals employed by the Department as audi-*  
22                  *tors and inspectors. Such standards shall in-*  
23                  *clude—*

24                  “(i) *minimum training requirements*  
25                  *for new auditors and inspectors;*

1                   “(ii) retraining requirements; and  
2                   “(iii) any additional requirements the  
3                   Secretary may establish.

4                   “(2) NOTICE OF NONCOMPLIANCE.—

5                   “(A) NOTICE.—If the Secretary determines  
6                   that a covered chemical facility or a chemical fa-  
7                   cility of interest is not in compliance with this  
8                   section, the Secretary shall—

9                   “(i) provide the owner or operator of  
10                  the facility with—

11                   “(I) written notification (includ-  
12                  ing a clear explanation of any defi-  
13                  ciency in the security vulnerability as-  
14                  sessment or site security plan) by not  
15                  later than 14 days after the determina-  
16                  tion is made; and

17                   “(II) an opportunity for consulta-  
18                  tion with the Secretary or the Sec-  
19                  retary’s designee; and

20                   “(ii) issue an order to comply by such  
21                  date as the Secretary determines to be ap-  
22                  propriate under the circumstances.

23                   “(B) CONTINUED NONCOMPLIANCE.—If the  
24                  owner or operator continues to be in noncompli-  
25                  ance after the date specified in such order, the



1            *Secretary may enter an order assessing a civil*  
2            *penalty, an order to cease operations, or both.*

3            *“(3) PERSONNEL SURETY.—*

4                    *“(A) PERSONNEL SURETY PROGRAM.—For*  
5            *purposes of this title, the Secretary shall carry*  
6            *out a Personnel Surety Program that—*

7                            *“(i) does not require an owner or oper-*  
8                            *ator of a covered chemical facility that vol-*  
9                            *untarily participates to submit information*  
10                           *about an individual more than one time;*

11                           *“(ii) provides a participating owner or*  
12                           *operator of a covered chemical facility with*  
13                           *feedback about an individual based on vet-*  
14                           *ting the individual against the terrorist*  
15                           *screening database, to the extent that such*  
16                           *feedback is necessary for the facility’s com-*  
17                           *pliance with regulations promulgated under*  
18                           *this title; and*

19                           *“(iii) provides redress to an individual*  
20                           *whose information was vetted against the*  
21                           *terrorist screening database under the pro-*  
22                           *gram and who believes that the personally*  
23                           *identifiable information submitted to the*  
24                           *Department for such vetting by a covered*

1           *chemical facility, or its designated rep-*  
2           *resentative, was inaccurate.*

3           “(B) *PERSONNEL SURETY IMPLEMENTA-*  
4           *TION.—To the extent that a risk-based perform-*  
5           *ance standard under subsection (a) is directed*  
6           *toward identifying individuals with terrorist*  
7           *ties—*

8                   “(i) *a covered chemical facility may*  
9                   *satisfy its obligation under such standard*  
10                  *with respect to an individual by utilizing*  
11                  *any Federal screening program that peri-*  
12                  *odically vets individuals against the ter-*  
13                  *rorist screening database, or any successor,*  
14                  *including the Personnel Surety Program*  
15                  *under subparagraph (A); and*

16                   “(ii) *the Secretary may not require a*  
17                  *covered chemical facility to submit any in-*  
18                  *formation about such individual unless the*  
19                  *individual—*

20                           “(I) *is vetted under the Personnel*  
21                           *Surety Program; or*

22                           “(II) *has been identified as pre-*  
23                           *senting a terrorism security risk.*

24           “(C) *RESPONSIBILITIES OF SECURITY*  
25           *SCREENING COORDINATION OFFICE.—*

1           “(i) *IN GENERAL.*—*The Secretary shall*  
2           *direct the Security Screening Coordination*  
3           *Office of the Department to coordinate with*  
4           *the National Protection and Programs Di-*  
5           *rectorate to expedite the development of a*  
6           *common credential that screens against the*  
7           *terrorist screening database on a recurrent*  
8           *basis and meets all other screening require-*  
9           *ments of this title.*

10           “(ii) *REPORT.*—*Not later than March*  
11           *1, 2015, and annually thereafter, the Sec-*  
12           *retary shall submit to Congress a report on*  
13           *the progress of the Secretary in meeting the*  
14           *requirements of clause (i).*

15           “(4) *FACILITY ACCESS.*—*For purposes of the*  
16           *compliance of a covered chemical facility with a risk-*  
17           *based performance standard established under sub-*  
18           *section (a), the Secretary may not require the facility*  
19           *to submit any information about an individual who*  
20           *has been granted access to the facility unless the indi-*  
21           *vidual—*

22                   “(A) *was vetted under the Personnel Surety*  
23           *Program; or*

24                   “(B) *has been identified as presenting a ter-*  
25           *rorism security risk.*

1           “(5) *AVAILABILITY OF INFORMATION.*—*The Sec-*  
2           *retary shall share with the owner or operator of a*  
3           *covered chemical facility such information as the*  
4           *owner or operator needs to comply with this section.*

5           “(e) *RESPONSIBILITIES OF THE SECRETARY.*—

6           “(1) *IDENTIFICATION OF FACILITIES OF INTER-*  
7           *EST.*—*In carrying out this title, the Secretary shall*  
8           *consult with the heads of other Federal agencies,*  
9           *States and political subdivisions thereof, and relevant*  
10           *business associations to identify all chemical facilities*  
11           *of interest.*

12           “(2) *RISK ASSESSMENT.*—

13           “(A) *IN GENERAL.*—*For purposes of this*  
14           *title, the Secretary shall develop a risk assess-*  
15           *ment approach and corresponding tiering meth-*  
16           *odology that incorporates all relevant elements of*  
17           *risk, including threat, vulnerability, and con-*  
18           *sequence.*

19           “(B) *CRITERIA FOR DETERMINING SECUR-*  
20           *ITY RISK.*—*The criteria for determining the se-*  
21           *curity risk of terrorism associated with a facility*  
22           *shall include—*

23                   “(i) *the relevant threat information;*

24                   “(ii) *the potential economic con-*  
25                   *sequences and the potential loss of human*

1           *life in the event of the facility being subject*  
2           *to a terrorist attack, compromise, infiltra-*  
3           *tion, or exploitation; and*

4                     *“(iii) the vulnerability of the facility*  
5           *to a terrorist attack, compromise, infiltra-*  
6           *tion, or exploitation.*

7           “(3) *CHANGES IN TIERING.—Any time that*  
8           *tiering for a covered chemical facility is changed and*  
9           *the facility is determined to no longer be subject to the*  
10          *requirements of this title, the Secretary shall main-*  
11          *tain records to reflect the basis for this determination.*  
12          *The records shall include information on whether and*  
13          *how the information that was the basis for the deter-*  
14          *mination was confirmed by the Secretary.*

15          “(f) *DEFINITIONS.—In this title:*

16                     *“(1) The term ‘covered chemical facility’ means*  
17          *a facility that the Secretary identifies as a chemical*  
18          *facility of interest and, based upon review of a Top-*  
19          *Screen, as such term is defined in section 27.105 of*  
20          *title 6 of Code of Federal Regulations, determines*  
21          *meets the risk criteria developed pursuant subsection*  
22          *(e)(2)(B). Such term does not include any of the fol-*  
23          *lowing:*

1           “(A) A facility regulated pursuant to the  
2           *Maritime Transportation Security Act of 2002*  
3           *(Public Law 107–295)*.

4           “(B) A *Public Water System*, as such term  
5           is defined by section 1401 of the *Safe Drinking*  
6           *Water Act (Public Law 93–523; 42 U.S.C. 300f)*.

7           “(C) A *Treatment Works*, as such term is  
8           defined in section 212 of the *Federal Water Pol-*  
9           *lution Control Act (Public Law 92–500; 33*  
10          *U.S.C. 12920)*.

11          “(D) Any facility owned or operated by the  
12          *Department of Defense or the Department of En-*  
13          *ergy*.

14          “(E) Any facility subject to regulation by  
15          the *Nuclear Regulatory Commission*.

16          “(2) The term ‘chemical facility of interest’  
17          means a facility that holds, or that the Secretary has  
18          a reasonable basis to believe holds, a *Chemical of In-*  
19          *terest*, as designated under in Appendix A of title 6  
20          of the *Code of Federal Regulations*, at a threshold  
21          quantity that meets relevant risk-related criteria de-  
22          veloped pursuant to subsection (e)(2)(B).

23          **“SEC. 2102. PROTECTION AND SHARING OF INFORMATION.**

24          “(a) *IN GENERAL*.—Notwithstanding any other provi-  
25          sion of law, information developed pursuant to this title,

1 *including vulnerability assessments, site security plans,*  
2 *and other security related information, records, and docu-*  
3 *ments shall be given protections from public disclosure con-*  
4 *sistent with similar information developed by chemical fa-*  
5 *cilities subject to regulation under section 70103 of title 46,*  
6 *United States Code.*

7       “(b) *SHARING OF INFORMATION WITH STATES AND*  
8 *LOCAL GOVERNMENTS.—This section does not prohibit the*  
9 *sharing of information developed pursuant to this title, as*  
10 *the Secretary deems appropriate, with State and local gov-*  
11 *ernment officials possessing the necessary security clear-*  
12 *ances, including law enforcement officials and first re-*  
13 *sponders, for the purpose of carrying out this title, if such*  
14 *information may not be disclosed pursuant to any State*  
15 *or local law.*

16       “(c) *SHARING OF INFORMATION WITH FIRST RE-*  
17 *SPONDERS.—The Secretary shall provide to State, local,*  
18 *and regional fusion centers (as such term is defined in sec-*  
19 *tion 210A(j)(1) of this Act) and State and local government*  
20 *officials, as determined appropriate by the Secretary, such*  
21 *information as is necessary to help ensure that first re-*  
22 *sponders are properly prepared and provided with the situ-*  
23 *ational awareness needed to respond to incidents at covered*  
24 *chemical facilities. Such information shall be disseminated*

1 *through the Homeland Security Information Network or the*  
2 *Homeland Secure Data Network, as appropriate.*

3       “(d) *ENFORCEMENT PROCEEDINGS.—In any pro-*  
4 *ceeding to enforce this section, vulnerability assessments,*  
5 *site security plans, and other information submitted to or*  
6 *obtained by the Secretary under this section, and related*  
7 *vulnerability or security information, shall be treated as*  
8 *if the information were classified material.*

9       **“SEC. 2103. CIVIL PENALTIES.**

10       “(a) *VIOLATIONS.—Any person who violates an order*  
11 *issued under this title shall be liable for a civil penalty*  
12 *under section 70119(a) of title 46, United States Code.*

13       “(b) *RIGHT OF ACTION.—Nothing in this title confers*  
14 *upon any person except the Secretary a right of action*  
15 *against an owner or operator of a covered chemical facility*  
16 *to enforce any provision of this title.*

17       **“SEC. 2104. WHISTLEBLOWER PROTECTIONS.**

18       “*The Secretary shall publish on the Internet website*  
19 *of the Department and in other materials made available*  
20 *to the public the whistleblower protections that an indi-*  
21 *vidual providing such information would have.*

22       **“SEC. 2105. RELATIONSHIP TO OTHER LAWS.**

23       “(a) *OTHER FEDERAL LAWS.—Nothing in this title*  
24 *shall be construed to supersede, amend, alter, or affect any*  
25 *Federal law that regulates the manufacture, distribution in*



1 *commerce, use, sale, other treatment, or disposal of chemical*  
2 *substances or mixtures.*

3       “(b) *STATES AND POLITICAL SUBDIVISIONS.—This*  
4 *title shall not preclude or deny any right of any State or*  
5 *political subdivision thereof to adopt or enforce any regula-*  
6 *tion, requirement, or standard of performance with respect*  
7 *to chemical facility security that is more stringent than a*  
8 *regulation, requirement, or standard of performance issued*  
9 *under this section, or otherwise impair any right or juris-*  
10 *isdiction of any State with respect to chemical facilities with-*  
11 *in that State, unless there is an actual conflict between this*  
12 *section and the law of that State.*

13       “(c) *RAIL TRANSIT.—*

14               “(1) *DUPLICATIVE REGULATIONS.—The Sec-*  
15 *retary shall coordinate with the Assistant Secretary of*  
16 *Homeland Security (Transportation Security Admin-*  
17 *istration) to eliminate any provision of this title ap-*  
18 *plicable to rail security that would duplicate any se-*  
19 *curity measure under the Rail Transportation Secu-*  
20 *rity Rule under section 1580 of title 49 of the Code*  
21 *of Federal Regulations, as in effect as of the date of*  
22 *the enactment of this title. To the extent that there is*  
23 *a conflict between this title and any regulation under*  
24 *the jurisdiction of the Transportation Security Ad-*  
25 *ministration, the regulation under the jurisdiction of*

1       *the Transportation Security Administration shall*  
2       *prevail.*

3               “(2) *EXEMPTION FROM TOP-SCREEN.—A rail*  
4       *transit facility or a rail facility, as such terms are*  
5       *defined in section 1580.3 of title 49 of the Code of*  
6       *Federal Regulations, to which subpart 3 of such title*  
7       *applies pursuant to section 1580.100 of such title*  
8       *shall not be required to complete a Top-Screen as*  
9       *such term is defined in section 27.105 of title 6 of the*  
10       *Code of Federal Regulations.*

11       **“SEC. 2106. REPORTS.**

12               “(a) *REPORT TO CONGRESS.—Not later than 18*  
13       *months after the date of the enactment of this title, the Sec-*  
14       *retary shall submit to Congress a report on the Chemical*  
15       *Facilities Anti-Terrorism Standards Program. Such report*  
16       *shall include each of the following:*

17               “(1) *Certification by the Secretary that the Sec-*  
18       *retary has made significant progress in the identifica-*  
19       *tion of all chemical facilities of interest pursuant to*  
20       *section 2101(e)(1), including a description of the steps*  
21       *taken to achieve such progress and the metrics used*  
22       *to measure it, information on whether facilities that*  
23       *submitted Top-Screens as a result of such efforts were*  
24       *tiered and in what tiers they were placed, and an ac-*

1        *tion plan to better identify chemical facilities of in-*  
2        *terest and bring those facilities into compliance.*

3            *“(2) Certification by the Secretary that the Sec-*  
4        *retary has developed a risk assessment approach and*  
5        *corresponding tiering methodology pursuant to section*  
6        *2101(e)(2).*

7            *“(3) An assessment by the Secretary of the im-*  
8        *plementation by the Department of any recommenda-*  
9        *tions made by the Homeland Security Studies and*  
10       *Analysis Institute as outlined in the Institute’s*  
11       *Tiering Methodology Peer Review (Publication Num-*  
12       *ber: RP12–22–02).*

13          *“(b) SEMIANNUAL GAO REPORT.—During the 3-year*  
14       *period beginning on the date of the enactment of this title,*  
15       *the Comptroller General of the United States shall submit*  
16       *a semiannual report to Congress containing the assessment*  
17       *of the Comptroller General of the implementation of this*  
18       *title. The Comptroller General shall submit the first such*  
19       *report by not later than the date that is 180 days after*  
20       *the date of the enactment of this title.*

21        **“SEC. 2107. CFATS REGULATIONS.**

22          *“(a) IN GENERAL.—The Secretary is authorized, in*  
23       *accordance with chapter 5 of title 5, United States Code,*  
24       *to promulgate regulations implementing the provisions of*  
25       *this title.*

1           “(b) *EXISTING CFATS REGULATIONS.*—*In carrying*  
2 *out the requirements of this title, the Secretary shall use*  
3 *the CFATS regulations, as in effect immediately before the*  
4 *date of the enactment of this title, that the Secretary deter-*  
5 *mines carry out such requirements, and may issue new reg-*  
6 *ulations or amend such regulations pursuant to the author-*  
7 *ity in subsection (a).*

8           “(c) *DEFINITION OF CFATS REGULATIONS.*—*In this*  
9 *section, the term ‘CFATS regulations’ means the regula-*  
10 *tions prescribed pursuant to section 550 of the Department*  
11 *of Homeland Security Appropriations Act, 2007 (Public*  
12 *Law 109–295; 120 Stat. 1388; 6 U.S.C. 121 note), as well*  
13 *as all Federal Register notices and other published guidance*  
14 *concerning section 550 of the Department of Homeland Se-*  
15 *curity Appropriations Act, 2007.*

16           “(d) *AUTHORITY.*—*The Secretary shall exclusively rely*  
17 *upon authority provided in this title for determining com-*  
18 *pliance with this title in—*

19                   “(1) *identifying chemicals of interest;*

20                   “(2) *designating chemicals of interest; and*

21                   “(3) *determining security risk associated with a*  
22 *chemical facility.*

23 **“SEC. 2108. SMALL COVERED CHEMICAL FACILITIES.**

24           “(a) *IN GENERAL.*—*The Secretary may provide guid-*  
25 *ance and, as appropriate, tools, methodologies, or computer*

1 *software, to assist small covered chemical facilities in devel-*  
2 *oping their physical security.*

3       “(b) *REPORT.*—*The Secretary shall submit to the Com-*  
4 *mittee on Homeland Security of the House of Representa-*  
5 *tives and the Committee on Homeland Security and Gov-*  
6 *ernmental Affairs of the Senate a report on best practices*  
7 *that may assist small chemical facilities, as defined by the*  
8 *Secretary, in development of physical security best prac-*  
9 *tices.*

10       “(c) *DEFINITION.*—*For purposes of this section, the*  
11 *term ‘small covered chemical facility’ means a covered*  
12 *chemical facility that has fewer than 350 employees em-*  
13 *ployed at the covered chemical facility, and is not a branch*  
14 *or subsidiary of another entity.*

15       “**SEC. 2109. OUTREACH TO CHEMICAL FACILITIES OF INTER-**  
16   **EST.**

17       “*Not later than 90 days after the date of the enactment*  
18 *of this title, the Secretary shall establish an outreach imple-*  
19 *mentation plan, in coordination with the heads of other ap-*  
20 *propriate Federal and State agencies and relevant business*  
21 *associations, to identify chemical facilities of interest and*  
22 *make available compliance assistance materials and infor-*  
23 *mation on education and training.*

1 **“SEC. 2110. AUTHORIZATION OF APPROPRIATIONS.**

2       *“There is authorized to be appropriated to carry out*  
 3 *this title \$87,436,000 for each of fiscal years 2015, 2016,*  
 4 *and 2017.”.*

5       **(b) CLERICAL AMENDMENT.**—*The table of contents in*  
 6 *section 1(b) of such Act is amended by adding at the end*  
 7 *the following:*

*“TITLE XXI—CHEMICAL FACILITY ANTI-TERRORISM STANDARDS*

*“Sec. 2101. Chemical Facility Anti-Terrorism Standards Program.*

*“Sec. 2102. Protection and sharing of information.*

*“Sec. 2103. Civil penalties.*

*“Sec. 2104. Whistleblower protections.*

*“Sec. 2105. Relationship to other laws.*

*“Sec. 2106. Reports.*

*“Sec. 2107. CFATS regulations.*

*“Sec. 2108. Small covered chemical facilities.*

*“Sec. 2109. Outreach to chemical facilities of interest.*

*“Sec. 2110. Authorization of appropriations.”.*

8       **(c) THIRD-PARTY ASSESSMENT.**—*Using amounts au-*  
 9 *thorized to be appropriated under section 2110 of the Home-*  
 10 *land Security Act of 2002, as added by subsection (a), the*  
 11 *Secretary of Homeland Security shall commission a third-*  
 12 *party study to assess vulnerabilities to acts of terrorism as-*  
 13 *sociated with the Chemical Facility Anti-Terrorism Stand-*  
 14 *ards program, as authorized pursuant to section 550 of the*  
 15 *Department of Homeland Security Appropriations Act,*  
 16 *2007 (Public Law 109-295; 120 Stat. 1388; 6 U.S.C. 121*  
 17 *note).*

18       **(d) METRICS.**—*Not later than 180 days after the date*  
 19 *of the enactment of this Act, the Secretary shall submit to*  
 20 *Congress a plan for the utilization of metrics to assess the*

1 *effectiveness of the Chemical Facility Anti-Terrorism*  
2 *Standards program to reduce the risk of a terrorist attack*  
3 *or other security risk to those citizens and communities sur-*  
4 *rounding covered chemical facilities. The plan shall include*  
5 *benchmarks on when the program will begin utilizing the*  
6 *metrics and how the Department of Homeland Security*  
7 *plans to use the information to inform the program.*

8 **SEC. 3. EFFECTIVE DATE.**

9 *This Act, and the amendments made by this Act, shall*  
10 *take effect on the date that is 30 days after the date of the*  
11 *enactment of this Act.*

Union Calendar No. 366

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4007**

[Report No. 113-491, Part I]

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## **A BILL**

To recodify and reauthorize the Chemical Facility  
Anti-Terrorism Standards Program.

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JUNE 23, 2014

Reported from the Committee on Homeland Security  
with an amendment

JUNE 23, 2014

The Committee on Energy and Commerce discharged;  
committed to the Committee of the Whole House on  
the State of the Union and ordered to be printed