

113TH CONGRESS  
1ST SESSION

# H. R. 68

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2013

Ms. JACKSON LEE 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

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## 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 2013”.

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.”.

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