

109TH CONGRESS
1ST SESSION

H. R. 1562

To protect human health and the environment from the release of hazardous substances by acts of terrorism.

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2005

Mr. FOSSELLA 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

A BILL

To protect human health and the environment from the release of hazardous substances by acts of terrorism.

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 Se-
5 curity Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Industries that manufacture, distribute, and
9 process chemicals are crucial components of the na-

1 tional economy and the critical infrastructure of the
2 United States—

3 (A) in their own right; and

4 (B) because those industries supply re-
5 sources essential to the functioning of other
6 critical infrastructure.

7 (2) A terrorist attack on a facility that manu-
8 factures, processes, or uses potentially dangerous
9 chemicals, or a theft of those chemicals from such
10 a facility for use in a terrorist attack, could pose a
11 serious threat to—

12 (A) public health, safety, and welfare;

13 (B) critical infrastructure; and

14 (C) national security.

15 (3) While Federal, State, and local governments
16 share primary responsibility for preventing, detect-
17 ing, and responding to terrorist attacks, the owners
18 and operators of facilities that manufacture, process,
19 or use potentially dangerous chemicals should make
20 every reasonable effort to protect those facilities
21 against the threat of such attacks.

22 (4) While programs to protect the health and
23 safety of workers, the public, and the environment
24 by reducing the potential for accidental releases of
25 potentially dangerous chemicals, including the con-

1 sequences of worst-case releases of those chemicals,
2 are in place as required by numerous Federal and
3 State laws, the events of September 11, 2001, dem-
4 onstrate the need to ensure that appropriate security
5 measures are taken to address the threat of acts of
6 terrorism against facilities that manufacture, use, or
7 process potentially dangerous chemicals.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) ADMINISTRATOR.—The term “Adminis-
11 trator” means the Administrator of the Environ-
12 mental Protection Agency.

13 (2) CHEMICAL SOURCE.—The term “chemical
14 source” means a stationary source as defined in sec-
15 tion 112(r)(2)(C) of the Clean Air Act (42 U.S.C.
16 7412(r)(2)(C)) at which a substance of concern is
17 present in more than a threshold quantity, as de-
18 fined in or established under paragraphs (3) and (5)
19 of section 112(r) of the Clean Air Act (42 U.S.C.
20 7412(r)), subject to the authority of the Secretary
21 under section 5(f) to designate additional categories
22 of stationary sources as chemical sources or to ex-
23 empt categories of existing chemical sources from
24 such designation.

1 (3) DEPARTMENT.—The term “Department”
2 means the Department of Homeland Security.

3 (4) ENVIRONMENT.—The term “environment”
4 has the meaning given the term in section 101 of the
5 Comprehensive Environmental Response, Compensation,
6 tion, and Liability Act of 1980 (42 U.S.C. 9601).

7 (5) OWNER OR OPERATOR.—The term “owner
8 or operator” has the meaning given the term in sec-
9 tion 112(a) of the Clean Air Act (42 U.S.C.
10 7412(a)).

11 (6) RELEASE.—The term “release” has the
12 meaning given the term in section 101 of the Com-
13 prehensive Environmental Response, Compensation,
14 and Liability Act of 1980 (42 U.S.C. 9601).

15 (7) SECRETARY.—The term “Secretary” means
16 the Secretary of Homeland Security.

17 (8) SECURITY MEASURE.—

18 (A) IN GENERAL.—The term “security
19 measure” means an action carried out to ensure
20 or enhance the security of a chemical source.

21 (B) INCLUSIONS.—The term “security
22 measure”, with respect to a chemical source, in-
23 cludes measures such as—

24 (i) employee training and background
25 checks;

1 (ii) the limitation and prevention of
2 access to controls of the chemical source;

3 (iii) the protection of the perimeter of
4 the chemical source;

5 (iv) the installation and operation of
6 intrusion detection sensors;

7 (v) the implementation of measures to
8 increase computer or computer network se-
9 curity;

10 (vi) the implementation of other secu-
11 rity-related measures to protect against or
12 reduce the threat of—

13 (I) a terrorist attack on the
14 chemical source; or

15 (II) the theft of a substance of
16 concern for offsite release in further-
17 ance of an act of terrorism; and

18 (vii) conduct of any similar security-
19 related activity, as determined by the Sec-
20 retary.

21 (9) SUBSTANCE OF CONCERN.—The term “sub-
22 stance of concern” means a chemical substance
23 present at a chemical source in more than a thresh-
24 old quantity, subject to the authority of the Sec-
25 retary under section 5(g) to designate new sub-

1 stances as substances of concern, exempt existing
2 substances of concern from such designation, or ad-
3 just the threshold quantity for a substance of con-
4 cern.

5 (10) **TERRORISM.**—The term “terrorism” has
6 the meaning given the term in section 2 of the
7 Homeland Security Act of 2002 (6 U.S.C. 101).

8 (11) **TERRORIST RELEASE.**—The term “ter-
9 rorist release” means—

10 (A) a release from a chemical source into
11 the environment of a substance of concern that
12 is caused by an act of terrorism; or

13 (B) the theft of a substance of concern by
14 a person for offsite release in furtherance of an
15 act of terrorism.

16 **SEC. 4. DESIGNATION OF AND REQUIREMENTS FOR HIGH-**
17 **PRIORITY CATEGORIES.**

18 (a) **DESIGNATION AND REGULATION OF HIGH-PRI-**
19 **ORITY CATEGORIES BY THE SECRETARY.**—Not later than
20 1 year after the date of enactment of this Act, the Sec-
21 retary, in consultation with the Administrator, shall pro-
22 mulgate regulations to designate certain combinations of
23 chemical sources and substances of concern as high-pri-
24 ority categories based on the severity of the threat posed
25 by a terrorist release from the chemical sources.

1 (b) FACTORS TO BE CONSIDERED.—In designating
2 high-priority categories under subsection (a), the Sec-
3 retary, in consultation with the Administrator, shall con-
4 sider—

5 (1) the severity of the harm that could be
6 caused by a terrorist release;

7 (2) the proximity to population centers;

8 (3) the threats to national security;

9 (4) the threats to critical infrastructure;

10 (5) the nature and quantity of substances of
11 concern at a given facility; and

12 (6) such other security-related factors as the
13 Secretary, in consultation with the Administrator,
14 determines to be appropriate.

15 **SEC. 5. VULNERABILITY ASSESSMENTS AND SITE SECURITY**

16 **PLANS.**

17 (a) REQUIREMENT.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this Act, the Secretary
20 shall promulgate regulations that require the owner
21 or operator of each chemical source—

22 (A) to conduct an assessment of the vul-
23 nerability of the chemical source to a terrorist
24 release, including identifying hazards that may
25 result from a terrorist release;

1 (B) to prepare and implement a site secu-
2 rity plan that addresses the results of the vul-
3 nerability assessment;

4 (C) in the case of a chemical source that
5 is in a high-priority category under regulations
6 under section 4, to provide to the Secretary a
7 copy of the vulnerability assessment conducted
8 under subparagraph (A) and the site security
9 plan prepared under subparagraph (B); and

10 (D) in the case of a chemical source that
11 is not in a high-priority category under regula-
12 tions promulgated under section 4, to provide to
13 the Department, on request, copies of the vul-
14 nerability assessment and site security plan for
15 review.

16 (2) DEADLINES.—

17 (A) IN GENERAL.—The Secretary shall
18 specify in regulations promulgated under para-
19 graph (1) specific deadlines for the completion
20 and certification of vulnerability assessments
21 and site security plans under subsection (b).

22 (B) ALTERNATIVE DEADLINES.—The Sec-
23 retary may establish deadlines other than dead-
24 lines described in subparagraph (A) for dif-
25 ferent categories of chemical sources based on

1 the regulatory criteria specified in subsection
2 (e).

3 (3) CONTENTS OF SITE SECURITY PLAN.—A
4 site security plan required under the regulations pro-
5 mulgated under paragraph (1)—

6 (A)(i) shall include security measures to
7 reduce the vulnerability of the chemical source
8 covered by the plan to a terrorist release; and

9 (ii) may include other actions and proce-
10 dures appropriate to reduce the vulnerability of
11 the chemical source to a terrorist release; and

12 (B) shall describe, at a minimum, par-
13 ticular equipment, plans, and procedures that
14 could be implemented or used by or at the
15 chemical source in the event of a terrorist re-
16 lease.

17 (4) THREAT INFORMATION.—To the maximum
18 extent practicable under applicable authority and in
19 the interests of national security, the Secretary shall
20 provide to an owner or operator of a chemical source
21 required to prepare a vulnerability assessment and
22 site security plan threat information that is relevant
23 to the chemical source.

24 (b) CERTIFICATION AND SUBMISSION.—

1 (1) IN GENERAL.—Each owner or operator of a
2 chemical source that is not in a high-priority cat-
3 egory shall certify in writing to the Secretary that
4 the owner or operator has completed a vulnerability
5 assessment, and has developed and implemented or
6 is implementing a site security plan, in accordance
7 with this Act, including—

8 (A) regulations promulgated under sub-
9 section (a)(1); and

10 (B) any applicable procedures, protocols,
11 or standards endorsed or recognized by the Sec-
12 retary under subsection (c)(2).

13 (2) OVERSIGHT.—The Secretary shall, at such
14 times and places as the Secretary determines to be
15 appropriate, conduct or require the conduct of vul-
16 nerability assessments and other activities to ensure
17 and evaluate compliance with—

18 (A) this Act (including regulations promul-
19 gated under subsection (a)(1)); and

20 (B) other applicable procedures, protocols,
21 or standards endorsed or recognized by the Sec-
22 retary under subsection (c)(2).

23 (c) SPECIFIED STANDARDS.—

24 (1) IN GENERAL.—The Secretary may—

1 (A) establish procedures, protocols, and
2 standards for vulnerability assessments and site
3 security plans;

4 (B) establish provisions identifying security
5 measures that, if implemented, would establish
6 the sufficiency of a vulnerability assessment or
7 site security plan; and

8 (C) require that a vulnerability assessment
9 and site security plan address a particular
10 threat or type of threat.

11 (2) EXISTING PROCEDURES, PROTOCOLS, AND
12 STANDARDS.—Upon petition by any person of the
13 Secretary, any procedures, protocols, and standards
14 established by the Secretary under paragraph (1)(A)
15 shall endorse or recognize procedures, protocols, and
16 standards—

17 (A) that are established by—

18 (i) industry;

19 (ii) Federal, State, or local authori-
20 ties; or

21 (iii) other applicable law; and

22 (B) the requirements of which the Sec-
23 retary determines to be—

24 (i) substantially equivalent to the re-
25 quirements under subsection (a); and

1 (ii) in effect on or after the date of
2 enactment of this Act.

3 (3) NO ACTION BY SECRETARY.—If the Sec-
4 retary does not endorse or recognize existing proce-
5 dures, protocols, and standards described in para-
6 graph (2)(A), the Secretary shall provide to each
7 person that submitted a petition under paragraph
8 (2) a written notification that includes a clear expla-
9 nation of the reasons why the endorsement or rec-
10 ognition was not made.

11 (d) PREPARATION OF ASSESSMENTS AND PLANS.—
12 As of the date of endorsement or recognition by the Sec-
13 retary of a particular procedure, protocol, or standard
14 under subsection (c)(2), any vulnerability assessment or
15 site security plan that is prepared by a chemical source
16 before, on, or after the date of endorsement or recognition
17 of, and in accordance with, that procedure, protocol, or
18 standard, shall be exempt from subsection (c) and para-
19 graphs (1) and (3) of subsection (a) (including such a vul-
20 nerability assessment or site security plan prepared before,
21 on, or after the date of enactment of this Act).

22 (e) REGULATORY CRITERIA.—In exercising the au-
23 thority under subsections (a) and (c) with respect to a
24 chemical source, the Secretary shall consider—

1 (1) the likelihood that a chemical source will be
2 the target of terrorism;

3 (2) the nature and quantity of the substances
4 of concern present at a chemical source;

5 (3) the potential extent of death, injury, or seri-
6 ous adverse effects to human health or the environ-
7 ment that would result from a terrorist release;

8 (4) the potential harm to critical infrastructure
9 and national security from a terrorist release;

10 (5) cost and technical feasibility;

11 (6) scale of operations; and

12 (7) such other security-related factors as the
13 Secretary determines to be appropriate and nec-
14 essary to protect the public health and welfare, crit-
15 ical infrastructure, and national security.

16 (f) DESIGNATION AND EXEMPTION OF CHEMICAL
17 SOURCES.—

18 (1) IN GENERAL.—The Secretary may, from
19 time to time, by regulation—

20 (A) designate certain categories of sta-
21 tionary sources as chemical sources under this
22 Act; or

23 (B) exempt certain categories of stationary
24 sources from designation as chemical sources,

1 without regard to whether a substance of concern is
2 present at such sources in more than a threshold
3 quantity.

4 (2) CONSIDERATIONS.—In designating or ex-
5 emptioning a chemical source under paragraph (1), the
6 Secretary shall consider the factors described in sub-
7 section (e).

8 (3) REGULATIONS.—The Secretary may make a
9 designation or exemption under paragraph (1) in
10 regulations promulgated under subsection (a)(1).

11 (4) FUTURE DETERMINATIONS.—Not later than
12 3 years after the date of promulgation of regulations
13 under subsections (a)(1) and (c), and every 3 years
14 thereafter, the Secretary shall, after considering the
15 criteria described in subsection (e), determine wheth-
16 er to designate or exempt particular categories of
17 chemical sources under this subsection.

18 (g) DESIGNATION, EXEMPTION, AND ADJUSTMENT
19 OF THRESHOLD QUANTITIES OF SUBSTANCES OF CON-
20 CERN.—

21 (1) IN GENERAL.—The Secretary may, by regu-
22 lation—

23 (A) designate certain chemical substances
24 in particular threshold quantities as substances
25 of concern under this Act;

1 (B) exempt certain chemical substances
2 from designation as substances of concern
3 under this Act; and

4 (C) adjust the threshold quantity of a
5 chemical substance.

6 (2) CONSIDERATIONS.—In designating or ex-
7 empting a chemical substance or adjusting the
8 threshold quantity of a chemical substance under
9 paragraph (1), the Secretary shall consider the po-
10 tential extent of death, injury, or serious adverse ef-
11 fects to human health or the environment that would
12 result from a terrorist release of the chemical sub-
13 stance.

14 (3) REGULATIONS.—The Secretary may make a
15 designation, exemption, or adjustment under para-
16 graph (1) in regulations promulgated under sub-
17 section (a)(1).

18 (h) FIVE-YEAR REVIEW.—Not later than 5 years
19 after the date of certification of a vulnerability assessment
20 and a site security plan under subsection (b)(1), and not
21 less often than every 5 years thereafter (or on such a
22 schedule as the Secretary may establish by regulation), the
23 owner or operator of the chemical source covered by the
24 vulnerability assessment or site security plan shall—

1 (1) review the adequacy of the vulnerability as-
2 sessment and site security plan; and

3 (2)(A) certify to the Secretary that the chemical
4 source has completed the review and implemented
5 any modifications to the site security plan; and

6 (B) upon request by the Secretary, submit to
7 the Secretary a description of any changes to the
8 vulnerability assessment or site security plan.

9 (i) SUBMISSION OF CHANGES FOR HIGH-PRIORITY
10 CHEMICAL SOURCES.—The owner or operator of a chem-
11 ical source that is in a high-priority category under regula-
12 tions under section 4 shall provide to the Secretary a de-
13 scription of any change made to the vulnerability assess-
14 ment or site security plan required for the chemical source
15 under this section, by not later than 90 days after the
16 date the change is made.

17 (j) PROTECTION OF INFORMATION.—

18 (1) DISCLOSURE EXEMPTION.—All information
19 obtained in accordance with this Act, and all infor-
20 mation derived from that information (including in-
21 formation shared with Federal, State, and local gov-
22 ernmental entities under paragraphs (2) and (3))—

23 (A) shall not be disclosed by any Federal
24 agency, under section 552 of title 5, United
25 States Code, or otherwise;

1 (B) shall not be disclosed under any State
2 or local law providing for public access to infor-
3 mation; and

4 (C) shall not be subject to discovery or ad-
5 mitted into evidence in any Federal or State
6 civil judicial or administrative proceeding, other
7 than an action under section 10.

8 (2) DEVELOPMENT OF PROTOCOLS.—

9 (A) IN GENERAL.—The Secretary, in con-
10 sultation with the Director of the Office of
11 Management and Budget and appropriate Fed-
12 eral law enforcement and intelligence officials,
13 and in a manner consistent with existing pro-
14 tections for sensitive or classified information,
15 shall, by regulation, establish confidentiality
16 protocols for maintenance and use of informa-
17 tion that is obtained from owners or operators
18 of chemical sources and provided to the Sec-
19 retary under this Act.

20 (B) REQUIREMENTS FOR PROTOCOLS.—A
21 protocol established under subparagraph (A)
22 shall ensure that—

23 (i) each copy of a vulnerability assess-
24 ment or site security plan submitted to the
25 Secretary, all information contained in or

1 derived from that assessment or plan, and
2 other information obtained under section
3 8, is maintained in a secure location; and

4 (ii) except as provided in paragraph
5 (3)(B), access to the copies of the vulner-
6 ability assessments and site security plans
7 submitted to the Secretary, and other in-
8 formation obtained under section 8, shall
9 be limited to persons designated by the
10 Secretary.

11 (3) PENALTIES FOR UNAUTHORIZED DISCLO-
12 SURE.—

13 (A) IN GENERAL.—Except as provided in
14 subparagraph (B), any individual who acquires
15 any information described in paragraph (2)(A)
16 (including any reproduction of that information
17 or any information derived from that informa-
18 tion), and who knowingly or recklessly discloses
19 the information, shall—

20 (i) be imprisoned not more than 1
21 year, fined in accordance with chapter 227
22 of title 18, United States Code (applicable
23 to class A misdemeanors), or both; and

24 (ii) if a Federal employee, be removed
25 from Federal office or employment.

1 (B) EXCEPTIONS.—

2 (i) IN GENERAL.—Subparagraph (A)
3 shall not apply to a person described in
4 that subparagraph that discloses informa-
5 tion described in paragraph (2)(A)—

6 (I) to an individual designated by
7 the Secretary under paragraph
8 (2)(B)(ii); or

9 (II) for use in any administrative
10 or judicial proceeding to impose a
11 penalty for failure to comply with a
12 requirement of this Act.

13 (ii) LAW ENFORCEMENT OFFICIALS
14 AND FIRST RESPONDERS.—Notwith-
15 standing subparagraph (A), an individual
16 referred to in paragraph (2)(B)(ii) who is
17 an officer or employee of the United States
18 may share with a State or local law en-
19 forcement or other official (including a
20 first responder) the contents of a vulner-
21 ability assessment or site security plan, or
22 other information described in that para-
23 graph, to the extent disclosure is necessary
24 to carry out this Act.

1 **SEC. 6. ENFORCEMENT.**

2 (a) **FAILURE TO CERTIFY OR SUBMIT.**—If an owner
3 or operator of a chemical source fails to certify or submit
4 a vulnerability assessment or site security plan in accord-
5 ance with this Act, the Secretary may issue an order re-
6 quiring the certification and submission of a vulnerability
7 assessment or site security plan in accordance with this
8 Act.

9 (b) **DISAPPROVAL.**—The Secretary may disapprove a
10 vulnerability assessment or site security plan if the Sec-
11 retary determines that—

12 (1) the vulnerability assessment or site security
13 plan does not comply with regulations promulgated
14 under subsections (a)(1) and (c) of section 5; or

15 (2) the site security plan, or the implementation
16 of the site security plan, is insufficient to address—

17 (A) the results of a vulnerability assess-
18 ment of a chemical source; or

19 (B) a threat of a terrorist release.

20 (c) **COMPLIANCE.**—If the Secretary disapproves a
21 vulnerability assessment or site security plan of a chemical
22 source under subsection (b), the Secretary shall—

23 (1) provide the owner or operator of the chem-
24 ical source a written notification of the determina-
25 tion that includes a clear explanation of deficiencies

1 in the vulnerability assessment, site security plan, or
2 implementation of the assessment or plan;

3 (2) consult with the owner or operator of the
4 chemical source to identify appropriate steps to
5 achieve compliance; and

6 (3) if, following that consultation, the owner or
7 operator of the chemical source does not achieve
8 compliance in accordance by such date as the Sec-
9 retary determines to be appropriate under the cir-
10 cumstances, issue an order requiring the owner or
11 operator to revise, recertify, and submit the assess-
12 ment or plan to correct deficiencies specified in the
13 order.

14 (d) PROTECTION OF INFORMATION.—Any determina-
15 tion of disapproval or order made or issued under this sec-
16 tion—

17 (1) shall not be disclosed by any Federal agen-
18 cy, under section 552 of title 5, United States Code,
19 or otherwise;

20 (2) shall not be disclosed under any State or
21 local law providing for public access to information;
22 and

23 (3) shall not be subject to discovery or admitted
24 into evidence in any Federal or State civil judicial or

1 administrative proceeding, other than an action
2 under section 10.

3 **SEC. 7. INTERAGENCY TECHNICAL SUPPORT AND CO-**
4 **OPERATION.**

5 The Secretary—

6 (1) may request other Federal agencies to pro-
7 vide technical and analytical support (other than
8 field work) in implementing this Act; and

9 (2) may provide reimbursement for such tech-
10 nical and analytical support received as the Sec-
11 retary determines to be appropriate.

12 **SEC. 8. RECORDKEEPING; SITE INSPECTIONS; PRODUCTION**
13 **OF INFORMATION.**

14 (a) **RECORDKEEPING.**—The owner or operator of a
15 chemical source that is required to prepare a vulnerability
16 assessment or site security plan under section 5(a) shall
17 maintain a current copy of those documents.

18 (b) **RIGHT OF ENTRY.**—In carrying out this Act, the
19 Secretary (or a designee), on presentation of credentials,
20 shall have a right of entry to, on, or through—

21 (1) any premises of an owner or operator of a
22 chemical source described in subsection (a); and

23 (2) any premises on which any record required
24 to be maintained under subsection (a) is located.

1 (c) REQUESTS FOR RECORDS.—In carrying out this
2 Act, the Secretary (or a designee) may require the submis-
3 sion of, or, on presentation of credentials, may at reason-
4 able times seek access to and copy—

5 (1) any records, reports, or other information
6 described in subsection (a); and

7 (2) any other documentation necessary for—

8 (A) review or analysis of a vulnerability as-
9 sessment or site security plan; or

10 (B) implementation of a site security plan.

11 (d) COMPLIANCE.—If the Secretary determines that
12 an owner or operator of a chemical source is not maintain-
13 ing, producing, or permitting access to records as required
14 by this section, the Secretary may issue an order requiring
15 compliance with the relevant provisions of this section.

16 **SEC. 9. INTEGRATION WITH OTHER AUTHORITIES.**

17 A chemical source that is required to prepare a facil-
18 ity vulnerability assessment and a facility security plan or
19 emergency response plan under the provisions of chapter
20 701 of title 46, United States Code, or section 1433 of
21 the Safe Drinking Water Act (42 U.S.C. 300i-2) shall not
22 be subject to the requirements of this Act, unless the
23 owner or operator petitions the Secretary to be subject to
24 the requirements of this Act in lieu of those established
25 by such provisions.

1 **SEC. 10. PENALTIES.**

2 (a) **JUDICIAL RELIEF.**—Any owner or operator of a
3 chemical source that violates or fails to comply with any
4 order issued by the Secretary under this Act or a site secu-
5 rity plan submitted to the Secretary under this Act (or,
6 in the case of an exemption described in section 5(d), a
7 procedure, protocol, or standard endorsed or recognized
8 by the Secretary under section 5(e)) may, in a civil action
9 brought in United States district court, be subject, for
10 each day on which the violation occurs or the failure to
11 comply continues, to—

12 (1) an order for injunctive relief; or

13 (2) a civil penalty of not more than \$50,000.

14 (b) **ADMINISTRATIVE PENALTIES.**—

15 (1) **PENALTY ORDERS.**—The Secretary may
16 issue an administrative penalty of not more than
17 \$250,000 for failure to comply with an order issued
18 by the Secretary under this Act.

19 (2) **NOTICE AND HEARING.**—Before issuing an
20 order described in paragraph (1), the Secretary shall
21 provide to the person against which the penalty is to
22 be assessed—

23 (A) written notice of the proposed order;

24 and

25 (B) the opportunity to request, not later
26 than 30 days after the date on which the per-

1 son receives the notice, a hearing on the pro-
2 posed order.

3 (3) PROCEDURES.—The Secretary may promul-
4 gate regulations outlining the procedures for admin-
5 istrative hearings and appropriate review, including
6 necessary deadlines.

7 (c) TREATMENT OF INFORMATION IN JUDICIAL PRO-
8 CEEDINGS.—Information submitted to or obtained by the
9 Secretary, information derived from that information, and
10 information submitted by the Secretary under this Act
11 shall be treated in any judicial or administrative action
12 as if the information were classified material.

13 **SEC. 11. PROVISION OF TRAINING.**

14 The Secretary may provide training to State and local
15 officials and owners and operators in furtherance of the
16 purposes of this Act.

17 **SEC. 12. PROVISION OF ASSESSMENTS AND RESPONSE**
18 **PLANS UNDER SAFE DRINKING WATER ACT.**

19 Section 1433 of the Safe Drinking Water Act (42
20 U.S.C. 300i-2) is amended by adding at the end the fol-
21 lowing:

22 “(f) PROVISION OF ASSESSMENTS AND RESPONSE
23 PLANS TO SECRETARY OF HOMELAND SECURITY.—Pur-
24 suant to section 202 of the Homeland Security Act of
25 2002 (Public Law 107-296; 6 U.S.C. 122), the Adminis-

1 trator shall, upon request by the Secretary of Homeland
2 Security, provide to the Secretary any vulnerability assess-
3 ment or emergency response plan received by the Adminis-
4 trator under this section.”.

5 **SEC. 13. NO EFFECT ON REQUIREMENTS UNDER OTHER**
6 **LAW.**

7 Except as provided in section 5(j), section 6(c), sec-
8 tion 9, and section 12, nothing in this Act affects any duty
9 or other requirement imposed under any other Federal or
10 State law.

○