

111TH CONGRESS
2D SESSION

H. R. 5186

To extend the chemical facility security program of the Department of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2010

Mr. DENT 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 extend the chemical facility security program of the Department of Homeland Security, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Continuing Chemical
5 Facilities Antiterrorism Security Act of 2010”.

6 **SEC. 2. EXTENSION OF CHEMICAL FACILITIES**
7 **ANTITERRORISM SECURITY PROGRAM.**

8 (a) IN GENERAL.—Section 550(b) of the Department
9 of Homeland Security Appropriations Act, 2007 (6 U.S.C.

1 121 note) is amended by striking “October 4, 2010” and
2 inserting “October 4, 2015”.

3 (b) CHEMICAL FACILITY SECURITY ENHANCE-
4 MENTS.—

5 (1) IN GENERAL.—The Homeland Security Act
6 of 2002 (6 U.S.C. 101 et seq.) is amended by add-
7 ing at the end the following:

8 **“TITLE XXI—CHEMICAL**
9 **FACILITY SECURITY**

10 **“SEC. 2101. CHEMICAL SECURITY TRAINING PROGRAM.**

11 “(a) ESTABLISHMENT.—Acting through the Admin-
12 istrator of the Federal Emergency Management Agency
13 and in coordination with the Under Secretary for National
14 Protection and Programs, the Secretary shall establish a
15 voluntary chemical security training program (referred to
16 in this section as the ‘training program’) for the purpose
17 of enhancing the capabilities of high-risk chemical facili-
18 ties to prevent, prepare for, respond to, mitigate against,
19 and recover from threatened or actual acts of terrorism,
20 natural disasters, and other man-made disasters.

21 “(b) REQUIREMENTS.—The training program shall
22 provide validated voluntary training that—

23 “(1) reaches multiple disciplines, including Fed-
24 eral, State, and local government officials, commer-

1 cial personnel and management, and governmental
2 and nongovernmental emergency response providers;

3 “(2) provides training at the awareness, per-
4 formance, and management and planning levels;

5 “(3) uses multiple training mediums and meth-
6 ods;

7 “(4) is coordinated with training provided by
8 government training facilities, academic institutions,
9 private organizations, and other entities that provide
10 specialized, state-of-the-art training for govern-
11 mental and nongovernmental emergency responder
12 providers or commercial personnel and management;

13 “(5) uses, as appropriate, government training
14 facilities, courses provided by community colleges,
15 public safety academies, State and private univer-
16 sities, and other facilities;

17 “(6) is consistent with, and supports implemen-
18 tation of, the National Incident Management Sys-
19 tem, the National Response Framework, the Na-
20 tional Infrastructure Protection Plan, the National
21 Preparedness Guidance, the National Preparedness
22 Goal, the National Maritime Transportation Security
23 Plan, and other such national initiatives, and any
24 successors thereto;

1 “(7) is evaluated against clear and consistent
2 performance measures;

3 “(8) addresses security requirements under
4 chemical facility security plans; and

5 “(9) educates, trains, and involves individuals
6 in neighborhoods around chemical facilities on how
7 to observe and report security risks.

8 **“SEC. 2102. CHEMICAL SECURITY EXERCISE PROGRAM.**

9 “(a) IN GENERAL.—Acting through the Adminis-
10 trator of the Federal Emergency Management Agency and
11 in coordination with Under Secretary for National Protec-
12 tion and Programs, the Secretary shall develop a voluntary
13 chemical security exercise program (referred to in this sec-
14 tion as the ‘exercise program’) for the purpose of offering
15 voluntary testing and evaluation of the capabilities of the
16 Federal Government, State governments, commercial per-
17 sonnel and management, governmental and nongovern-
18 mental emergency response providers, the private sector,
19 or any other organization or entity, as the Secretary deter-
20 mines to be appropriate, to prevent, prepare for, mitigate
21 against, respond to, and recover from acts of terrorism,
22 natural disasters, and other emergencies at chemical facili-
23 ties.

1 “(b) REQUIREMENTS.—Under the exercise program,
2 the Secretary shall conduct, on a periodic basis, voluntary
3 joint security exercises at chemical facilities that are—

4 “(1) scaled and tailored to the needs of each
5 chemical facility;

6 “(2) for the highest risk chemical facilities, as
7 determined by the Secretary, live training exercises;

8 “(3) as realistic as practicable and based on
9 current risk assessments, including credible threats,
10 vulnerabilities, and consequences;

11 “(4) consistent with the National Incident Man-
12 agement System, the National Response Framework,
13 the National Infrastructure Protection Plan, the Na-
14 tional Preparedness Guidance, the National Pre-
15 paredness Goal, the National Maritime Transpor-
16 tation Security Plan, and other such national initia-
17 tives, and any successors thereto;

18 “(5) evaluated against clear and consistent per-
19 formance measures;

20 “(6) assessed to learn best practices, which
21 shall be shared with appropriate Federal, State, and
22 local officials, commercial personnel and manage-
23 ment, governmental and nongovernmental emergency
24 response providers, and the private sector;

1 “(7) followed by remedial action in response to
2 lessons learned; and

3 “(8) designed to assist State and local govern-
4 ments and chemical facilities in designing, imple-
5 menting, and evaluating exercises that—

6 “(A) conform to the requirements of this
7 paragraph; and

8 “(B) are consistent with any applicable
9 Buffer Zone Protection Plan, State homeland
10 security plan, or urban area homeland security
11 plan.

12 **“SEC. 2103. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated to the Sec-
14 retary such sums as are necessary to carry out this title.”.

15 (2) TABLE OF CONTENTS.—The table of con-
16 tents in section 2 of the Homeland Security Act of
17 2002 (6 U.S.C. 101 et seq.) is amended by inserting
18 after the item relating to section 2022 the following:

“TITLE XXI—CHEMICAL FACILITY SECURITY

“Sec. 2101. Chemical security training program.

“Sec. 2102. Chemical security exercise program.

“Sec. 2103. Authorization of appropriations.”.

