

115TH CONGRESS
2D SESSION

H. R. 6992

To reauthorize the Chemical Facility Anti-Terrorism Standards Program of
the Department of Homeland Security.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2018

Mr. KATKO (for himself, Mr. MOOLENAAR, and Mr. CUELLAR) 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 reauthorize the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Protecting and Securing Chemical Facilities from Ter-
6 rorist Attacks Act of 2018”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Expedited approval program.
- Sec. 4. CFATS Recognition Program.
- Sec. 5. Frequency of audits and inspections.
- Sec. 6. Personnel surety program.
- Sec. 7. Security risk assessment approach and corresponding tiering methodology.
- Sec. 8. Annual performance reporting.
- Sec. 9. Specific products and mixtures containing chemicals of interest.
- Sec. 10. CFATS regulations.
- Sec. 11. Explosive materials.
- Sec. 12. Changes to Appendix A to part 27 of title 6, Code of Federal Regulations.
- Sec. 13. Assessment, report, briefing, and updated retrospective estimate on costs.
- Sec. 14. Effective date.
- Sec. 15. Termination.
- Sec. 16. Technical and conforming amendment.

1 **SEC. 2. DEFINITIONS.**

2 Section 2101(8) of the Homeland Security Act of
 3 2002 (6 U.S.C. 621(8)) is amended by striking “section
 4 2102(c)(4)(B)(i)” and inserting “section 2102(c)(4) by
 5 the Secretary that identifies specific security measures
 6 that are sufficient to meet the risk-based performance
 7 standards for facilities in tiers 3 and 4 that elect to utilize
 8 the expedited approval program”.

9 **SEC. 3. EXPEDITED APPROVAL PROGRAM.**

10 Section 2102(c)(4) of the Homeland Security Act of
 11 2002 (6 U.S.C. 622(c)(4)) is amended—

12 (1) in subparagraph (A)(i), by striking “sub-
 13 paragraph (C)” and inserting “subparagraph
 14 (C)(i)”;

15 (2) in subparagraph (B)—

1 (A) in clause (i), by striking “Not later
2 than” and all that follows through “the Sec-
3 retary shall issue” and inserting “The Sec-
4 retary shall maintain”; and

5 (B) by striking clause (iii);

6 (3) in subparagraph (C)—

7 (A) in clause (iii), by redesignating sub-
8 clauses (I) through (III) as items (aa) through
9 (cc), respectively, and adjusting the margins ac-
10 cordingly;

11 (B) by redesignating clauses (i) through
12 (viii) as subclauses (I) through (VIII), respec-
13 tively, and adjusting the margins accordingly;

14 (C) in the matter preceding subclause (I),
15 as so redesignated, by striking “The owner”
16 and inserting the following:

17 “(i) IN GENERAL.—The owner”; and

18 (D) by adding at the end the following:

19 “(ii) RISK-BASED PERFORMANCE
20 STANDARDS.—In submitting a site security
21 plan and certification under subparagraph
22 (A)(i), an owner or operator of an exped-
23 ited approval facility should consider
24 using the guidance for expedited approval
25 facilities to determine appropriate meas-

1 ures for the site security plan of the expedited approval facility.”;

2 (4) in subparagraph (D)—

3 (A) in clause (i), by striking “subpara-

4 graph (C)” and inserting “subparagraph

5 (C)(i)”; and

6 (B) in clause (iii)—

7 (i) by striking “30” and inserting

8 “7”; and

9 (ii) by striking “subparagraph (C)”

10 and inserting “subparagraph (C)(i)”; and

11 (5) in subparagraph (F)(i)(I), by striking “sub-

12 paragraph (C)” and inserting “subparagraph

13 (C)(i)”; and

14 (6) by striking subparagraph (I) and inserting

15 the following:

16 “(I) NOTICE BY THE SECRETARY.—The

17 Secretary shall provide notice to each covered

18 chemical facility of the expedited approval pro-

19 gram under this paragraph.”.

20

21 **SEC. 4. CFATS RECOGNITION PROGRAM.**

22 Section 2102(c) of the Homeland Security Act of

23 2002 (6 U.S.C. 622(c)) is amended by adding the fol-

24 lowing at the end:

25 “(5) CFATS RECOGNITION PROGRAM.—

1 “(A) DEFINITIONS.—In this paragraph—

2 “(i) the term ‘CFATS Recognition
3 Program’ means the program established
4 under subparagraph (B);

5 “(ii) the term ‘participating facility’
6 means a covered chemical facility that is a
7 member of a participating industry stew-
8 ardship program;

9 “(iii) the term ‘participating industry
10 stewardship program’ means an industry
11 stewardship program that—

12 “(I) meets the eligibility require-
13 ments under subparagraph (C)(i); and

14 “(II) provides regulatory recogni-
15 tion to covered chemical facilities that
16 meet industry best practices; and

17 “(iv) the term ‘sponsor organization’
18 means the governing body of a partici-
19 pating industry stewardship program.

20 “(B) ESTABLISHMENT.—

21 “(i) IN GENERAL.—Not later than
22 270 days after the date of enactment of
23 this paragraph, the Secretary shall estab-
24 lish a program that shall be known as the
25 CFATS Recognition Program—

1 “(I) with the goal of leveraging
2 CFATS regulations and industry
3 stewardship programs to further en-
4 hance security relating to hazardous
5 chemicals; and

6 “(II) under which the Secretary
7 shall—

8 “(aa) establish—

9 “(AA) eligibility criteria
10 under subparagraph (C)(i)
11 for industry stewardship
12 programs seeking to partici-
13 pate in the CFATS Recogni-
14 tion Program; and

15 “(BB) performance re-
16 quirements under subpara-
17 graph (C)(ii) for partici-
18 pating facilities;

19 “(bb) provide incentives
20 under subparagraph (C)(iii) to
21 encourage participation in the
22 CFATS Recognition Program;
23 and

24 “(cc) issue such guidance as
25 the Secretary deems necessary or

1 appropriate for the implementa-
2 tion of the CFATS Recognition
3 Program.

4 “(ii) APPLICABILITY OF OTHER
5 LAWS.—During the period before the Sec-
6 retary has met the deadline under clause
7 (i), in developing and issuing, or amending,
8 the guidance relating to carrying out the
9 CFATS Recognition Program and col-
10 lecting information from industry steward-
11 ship programs, sponsor organizations, and
12 participating facilities, the Secretary shall
13 not be subject to—

14 “(I) section 553 of title 5, United
15 States Code;

16 “(II) subchapter I of chapter 35
17 of title 44, United States Code; or

18 “(III) section 2107(b) of this
19 Act.

20 “(C) ELIGIBILITY CRITERIA; FACILITY
21 PERFORMANCE REQUIREMENTS; INCENTIVES.—

22 “(i) ELIGIBILITY CRITERIA FOR IN-
23 DUSTRY STEWARDSHIP PROGRAMS.—Not
24 later than 270 days after the date of en-
25 actment of this paragraph, the Secretary

1 shall establish minimum eligibility criteria
2 for industry stewardship programs desiring
3 to be considered by the Secretary for par-
4 ticipation in the CFATS Recognition Pro-
5 gram that shall include—

6 “(I) a requirement that any in-
7 dustry stewardship program desiring
8 to participate in the CFATS Recogni-
9 tion Program be governed by an in-
10 dustry association or technical organi-
11 zation that is an entity described in
12 paragraph (3) or (6) of section 501(c)
13 of the Internal Revenue Code of 1986;

14 “(II) a documented top manage-
15 ment commitment to chemical facility
16 security;

17 “(III) criteria relating to—

18 “(aa) program auditing re-
19 quirements and frequency;

20 “(bb) security vulnerability
21 assessment requirements and fre-
22 quency; and

23 “(cc) security measures that
24 align with the risk-based per-
25 formance standards established

1 under subsection (a)(2)(C), in-
2 cluding—

3 “(AA) detection meas-
4 ures;

5 “(BB) delay measures;

6 “(CC) cybersecurity
7 measures;

8 “(DD) response meas-
9 ures; and

10 “(EE) security manage-
11 ment; and

12 “(dd) reporting required to
13 be done by any industry steward-
14 ship program desiring to partici-
15 pate in the CFATS Recognition
16 Program.

17 “(ii) PERFORMANCE REQUIREMENTS
18 FOR PARTICIPATING FACILITIES.—The
19 Secretary shall require that each partici-
20 pating facility—

21 “(I) submit an acknowledgment
22 by the sponsor organization of the
23 participating industry steward pro-
24 gram, of which the participating facil-

1 ity is a member, that the participating
2 facility is—

3 “(aa) a member in good
4 standing of the participating in-
5 dustry stewardship program; and

6 “(bb) in full compliance with
7 the requirements of the partici-
8 pating industry stewardship pro-
9 gram; and

10 “(II) promptly notify the Sec-
11 retary if the participating facility
12 ceases to be—

13 “(aa) a member in good
14 standing of the participating in-
15 dustry stewardship program; or

16 “(bb) in full compliance with
17 the requirements of the partici-
18 pating industry stewardship pro-
19 gram.

20 “(iii) PROGRAM INCENTIVES.—Not
21 later than 270 days after the date of en-
22 actment of this paragraph, the Secretary
23 shall—

1 “(I) establish incentives for par-
2 ticipation in the CFATS Recognition
3 Program, which shall include—

4 “(aa) a reduction in the fre-
5 quency of compliance inspections,
6 except—

7 “(AA) in the case of
8 any inspection relating to
9 any planned measure in the
10 site security plan of a par-
11 ticipating facility that has
12 not been fully implemented;
13 or

14 “(BB) in a case in
15 which a participating facility
16 is not in full compliance
17 with the requirements under
18 the Chemical Facility Anti-
19 Terrorism Standards Pro-
20 gram;

21 “(bb) streamlined vulner-
22 ability assessment and site secu-
23 rity plan processes; and

1 “(cc) any other regulatory
2 relief as determined appropriate
3 by the Secretary; and

4 “(II) provide written guidance on
5 any incentive established under sub-
6 clause (I).

7 “(D) EVALUATION.—Not later than 1 year
8 after the date on which the CFATS Recognition
9 Program is established under subparagraph
10 (B)(i), the Secretary shall provide a briefing to
11 the Committee on Homeland Security and Gov-
12 ernmental Affairs of the Senate and the Com-
13 mittees on Homeland Security and Energy and
14 Commerce of the House of Representatives on
15 the progress in carrying out the CFATS Rec-
16 ognition Program.”.

17 **SEC. 5. FREQUENCY OF AUDITS AND INSPECTIONS.**

18 Section 2102(d)(1) of the Homeland Security Act of
19 2002 (6 U.S.C. 622(d)(1)) is amended—

20 (1) in subparagraph (B), by striking “The Sec-
21 retary” and inserting “Subject to subparagraph (G),
22 the Secretary”; and

23 (2) by adding at the end the following:

24 “(G) FREQUENCY OF AUDITS AND INSPEC-
25 TIONS.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clauses (ii) and (iii), the Secretary
3 may not conduct any audit or inspection
4 under this paragraph of a covered chemical
5 facility more frequently than once every 2
6 years.

7 “(ii) CFATS RECOGNITION PRO-
8 GRAM.—Except as provided in clause (iii),
9 in the case of a covered chemical facility
10 that participates in the CFATS Recogni-
11 tion Program under subsection (c)(5) and
12 meets compliance, audit, and inspection re-
13 quirements under that program, the Sec-
14 retary may not conduct any audit or in-
15 spection under this paragraph of that cov-
16 ered chemical facility more frequently than
17 once every 3 years.

18 “(iii) INCREASED FREQUENCY OF AU-
19 DITS AND INSPECTIONS.—The Secretary
20 may conduct audits and inspections more
21 frequently than provided in clauses (i) and
22 (ii) when—

23 “(I) the covered chemical facility
24 has identified planned enhancements

1 that have not yet been validated by an
2 audit or inspection;

3 “(II) a deficiency or infraction at
4 the covered chemical facility has been
5 identified that may result in an en-
6 forcement action against the covered
7 chemical facility;

8 “(III) an elevated or specific
9 threat has been identified;

10 “(IV) a security incident or sus-
11 picious activity has occurred at the
12 covered chemical facility; or

13 “(V) the Secretary determines
14 that an inspection or audit is war-
15 ranted by exigent circumstances.”.

16 **SEC. 6. PERSONNEL SURETY PROGRAM.**

17 Section 2102(d)(2)(A) of the Homeland Security Act
18 of 2002 (6 U.S.C. 622(d)(2)(A)) is amended—

19 (1) in the matter preceding clause (i), by insert-
20 ing “is mandatory for each owner or operator of a
21 covered chemical facility assigned to tier 1 or 2 and
22 optional for each owner or operator of a covered
23 chemical facility assigned to tier 3 or tier 4 that”
24 after “carry out a Personnel Surety Program that”;
25 and

1 (2) in clause (ii), by inserting “who will have
2 access to any chemical of interest designated under
3 Appendix A to part 27 of title 6, Code of Federal
4 Regulations, or any successor thereto,” after “about
5 an individual”.

6 **SEC. 7. SECURITY RISK ASSESSMENT APPROACH AND COR-**
7 **RESPONDING TIERING METHODOLOGY.**

8 Section 2102(e) of the Homeland Security Act of
9 2002 (6 U.S.C. 622(e)) is amended—

10 (1) in paragraph (2)(A), by striking “develop”
11 and inserting “maintain”; and

12 (2) in paragraph (3)—

13 (A) in subparagraph (B)—

14 (i) by striking the period at the end
15 and inserting “, including—”; and

16 (ii) by adding at the end the fol-
17 lowing:

18 “(i) each input and assumption under
19 the tiering methodology;

20 “(ii) the rationale for each input; and

21 “(iii) the output of the tiering meth-
22 odology.”; and

23 (B) by adding at the end the following:

24 “(C) REPORTS.—Not later than 30 days
25 after the Secretary makes a determination that

1 tiering for a covered chemical facility is
2 changed, or that a covered chemical facility is
3 no longer subject to the requirements under
4 this title, the Secretary shall submit to the
5 owner or operator of the covered chemical facil-
6 ity a written report that contains—

7 “(i) the information described in sub-
8 paragraphs (A) and (B); and

9 “(ii) a controlled unclassified state-
10 ment—

11 “(I) of the criteria under para-
12 graph (2)(B) and how the security
13 risk of terrorism associated with the
14 covered chemical facility was evalu-
15 ated under those criteria; and

16 “(II) that includes any chemical-
17 terrorism vulnerability information (as
18 defined in section 27.105 of title 6,
19 Code of Federal Regulations, or any
20 successor thereto) relating to the de-
21 termination.

22 “(D) PUBLIC DISCLOSURE.—Reports sub-
23 mitted to the owner or operator of the covered
24 chemical facility under subparagraph (C) shall

1 be protected from public disclosure under sec-
2 tion 2103.”.

3 **SEC. 8. ANNUAL PERFORMANCE REPORTING.**

4 Section 2102(e)(4) of the Homeland Security Act of
5 2002 (6 U.S.C. 622(e)(4)) is amended—

6 (1) in the paragraph heading, by striking
7 “SEMIANNUAL” and inserting “ANNUAL”;

8 (2) in the matter preceding subparagraph (A)—

9 (A) by striking “6 months after the date”
10 and inserting “1 year after the date”;

11 (B) by striking “2014” and inserting
12 “2018”; and

13 (C) by striking “once every 6 months” and
14 inserting “once each year”;

15 (3) by striking subparagraph (C);

16 (4) by redesignating subparagraph (D) as sub-
17 paragraph (C);

18 (5) by inserting after subparagraph (C), as so
19 redesignated, the following:

20 “(D) the effectiveness of the Chemical Fa-
21 cility Anti-Terrorism Standards Program at—

22 “(i) managing security risks; and

23 “(ii) developing and using appropriate
24 metrics and analysis capabilities to meas-
25 ure risk reduction, including—

1 “(I) vulnerability and con-
2 sequence mitigation indicators; and

3 “(II) outcome metrics that meas-
4 ure cumulative risk reduction over
5 time; and”;

6 (6) by striking subparagraph (E); and

7 (7) by redesignating subparagraph (F) as sub-
8 paragraph (E).

9 **SEC. 9. SPECIFIC PRODUCTS AND MIXTURES CONTAINING**
10 **CHEMICALS OF INTEREST.**

11 Section 2102(e) of the Homeland Security Act of
12 2002 (6 U.S.C. 622(e)) is amended by adding at the end
13 the following:

14 “(5) SPECIFIC PRODUCTS AND MIXTURES CON-
15 TAINING CHEMICALS OF INTEREST.—

16 “(A) DEFINITIONS.—In this paragraph—

17 “(i) the term ‘chemical of interest’
18 means a chemical designated as a chemical
19 of interest under Appendix A to part 27 of
20 title 6, Code of Federal Regulations, or
21 any successor thereto; and

22 “(ii) the term ‘covered product or
23 mixture’ means a specific product or mix-
24 ture that contains a chemical of interest at
25 or above the minimum concentration listed

1 under Appendix A to part 27 of title 6,
2 Code of Federal Regulations, or any suc-
3 cessor thereto.

4 “(B) IN GENERAL.—The Secretary may
5 exclude a covered product or mixture from the
6 designation as a chemical of interest for the
7 purposes of the definition of the term ‘chemical
8 facility of interest’ if, in the sole and
9 unreviewable discretion of the Secretary, the
10 Secretary determines that the covered product
11 or mixture does not present the same hazards
12 for which the chemical of interest contained in
13 the covered product or mixture was designated
14 as a chemical of interest.

15 “(C) REGULATIONS.—

16 “(i) PROMULGATION.—Not later than
17 1 year after the date of enactment of this
18 paragraph, the Secretary shall promulgate
19 regulations to prescribe a process under
20 which an interested party may petition the
21 Secretary for exclusion of a covered prod-
22 uct or mixture under subparagraph (B).

23 “(ii) FEDERAL INFORMATION POL-
24 ICY.—In collecting information from peti-
25 tioners pursuant to this subparagraph, the

1 Secretary shall not be subject to sub-
2 chapter I of chapter 35 of title 44, United
3 States Code.”.

4 **SEC. 10. CFATS REGULATIONS.**

5 Section 2107(b) of the Homeland Security Act of
6 2002 (6 U.S.C. 627(b)) is amended—

7 (1) in paragraph (1), by inserting “(Public Law
8 113–254; 128 Stat. 2919)” after “2014”; and

9 (2) in paragraph (2), by striking “2014” and
10 inserting “2018”.

11 **SEC. 11. EXPLOSIVE MATERIALS.**

12 (a) IN GENERAL.—Title XXI of the Homeland Secu-
13 rity Act of 2002 (6 U.S.C. 621 et seq.) is amended by
14 striking section 2109 (6 U.S.C. 629) and inserting the fol-
15 lowing:

16 **“SEC. 2109. EXPLOSIVE MATERIALS.**

17 “The Secretary may not designate any explosive ma-
18 terial subject to regulation by the Department of Justice
19 under chapter 40 of title 18, United States Code, or by
20 the Bureau of Alcohol, Tobacco, Firearms, and Explosives
21 under part 555 of title 27, Code of Federal Regulations,
22 as a chemical of interest under Appendix A to part 27
23 of title 6, Code of Federal Regulations, or any successor
24 thereto.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 2 The table of contents in section 1(b) of the Homeland Se-
 3 curity Act of 2002 (Public Law 107–196; 116 Stat. 2135)
 4 is amended by striking the item relating to section 2109
 5 and inserting the following:

“Sec. 2109. Explosive materials.”.

6 **SEC. 12. CHANGES TO APPENDIX A TO PART 27 OF TITLE 6,**
 7 **CODE OF FEDERAL REGULATIONS.**

8 (a) IN GENERAL.—Title XXI of the Homeland Secu-
 9 rity Act of 2002 (6 U.S.C. 621 et seq.), as amended by
 10 section 12 of this Act, is amended by adding at the end
 11 the following:

12 **“SEC. 2110. CHANGES TO APPENDIX A TO PART 27 OF TITLE**
 13 **6, CODE OF FEDERAL REGULATIONS.**

14 “(a) DEFINITION.—In this section, the term ‘Appen-
 15 dix A’ means Appendix A to part 27 of title 6, Code of
 16 Federal Regulations, or any successor thereto.

17 “(b) NOTICE OF PROPOSED RULEMAKING.—The
 18 Secretary shall publish a notice of proposed rulemaking
 19 in the Federal Register relating to any proposed change
 20 to Appendix A if the Secretary determines that—

21 “(1) a chemical should be designated as a
 22 chemical of interest under Appendix A;

23 “(2) a chemical designated as a chemical of in-
 24 terest under Appendix A should not be so des-
 25 ignated; or

1 “(3) a chemical amount, concentration, or
 2 threshold quantity described in Appendix A should
 3 be modified.”.

4 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
 5 The table of contents in section 1(b) of the Homeland Se-
 6 curity Act of 2002 (Public Law 107–196; 116 Stat. 2135)
 7 is amended by inserting after the item relating to section
 8 2109 the following:

“Sec. 2110. Changes to Appendix A to part 27 of title 6, Code of Federal Reg-
 ulations.”.

9 **SEC. 13. ASSESSMENT, REPORT, BRIEFING, AND UPDATED**
 10 **RETROSPECTIVE ESTIMATE ON COSTS.**

11 (a) **DEFINITIONS.**—In this section—

12 (1) the term “applicable committee” means—

13 (A) the Committee on Homeland Security
 14 and Governmental Affairs of the Senate;

15 (B) the Committee on Homeland Security
 16 of the House of Representatives; and

17 (C) the Committee on Energy and Com-
 18 merce of the House of Representatives;

19 (2) the terms “CFATS regulation” and “cov-
 20 ered chemical facility” have the meanings given
 21 those terms in section 2101 of the Homeland Secu-
 22 rity Act of 2002 (6 U.S.C. 621);

23 (3) the term “Chemical Facility Anti-Terrorism
 24 Standards Program” means—

1 (A) the Chemical Facility Anti-Terrorism
2 Standards Program initially authorized under
3 section 550 of the Department of Homeland Se-
4 curity Appropriations Act, 2007 (Public Law
5 109–295; 120 Stat. 1355); and

6 (B) the Chemical Facility Anti-Terrorism
7 Standards Program subsequently authorized
8 under section 2102(a) of the Homeland Secu-
9 rity Act of 2002 (6 U.S.C. 622(a));

10 (4) the term “Department” means the Depart-
11 ment of Homeland Security;

12 (5) the term “inspector” means an individual
13 used by the Department as an inspector for pur-
14 poses of ensuring compliance with title XXI of the
15 Homeland Security Act of 2002 (6 U.S.C. 621 et
16 seq.); and

17 (6) the term “Secretary” means the Secretary
18 of Homeland Security.

19 (b) THIRD-PARTY ASSESSMENT.—

20 (1) IN GENERAL.—Not later than 90 days after
21 the date of enactment of this Act, using amounts ap-
22 propriated to the Department before the date of en-
23 actment of this Act, the Secretary shall commission
24 a third-party study, which shall be completed not
25 later than 1 year after the date on which the third-

1 party study is commissioned, to assess the effective-
2 ness of the Chemical Facility Anti-Terrorism Stand-
3 ards Program in—

4 (A) managing security risks;

5 (B) developing and using appropriate
6 metrics and analysis capabilities to measure
7 risk reduction, including—

8 (i) vulnerability and consequence miti-
9 gation indicators; and

10 (ii) outcome metrics that measure cu-
11 mulative risk reduction over time; and

12 (C) engaging with and making necessary
13 information available to first responders and
14 emergency planners and, if necessary, improv-
15 ing the degree of situational awareness of first
16 responders and emergency planners that is
17 needed to prepare for and respond to security
18 incidents at high-risk chemical facilities.

19 (2) BRIEFING AND SUBMISSION OF STUDY.—

20 Not later than 90 days after the date on which the
21 third-party study described in paragraph (1) is com-
22 pleted, the Secretary shall—

23 (A) brief each applicable committee on the
24 results of the third-party study; and

1 (B) submit a copy of the completed third-
2 party study to each applicable committee.

3 (c) GAO REPORT.—Not later than 2 years after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall submit to each applicable com-
6 mittee a report on inspector training that contains rec-
7 ommendations for improving inspector training, including
8 recommendations relating to—

9 (1) how the Department selects inspectors;

10 (2) initial training required for inspectors be-
11 fore the inspectors are selected by the Department
12 to be used to conduct inspections;

13 (3) qualification standards required to be met
14 by inspectors before they are selected by the Depart-
15 ment to be used to conduct inspections;

16 (4) on-the-job training required for inspectors
17 and how that training is documented;

18 (5) final qualification and approval standards
19 required to be met by inspectors before the inspec-
20 tors are initially used by the Department to conduct
21 inspections;

22 (6) continuing qualification standards required
23 to be met by inspectors while the inspectors are used
24 by the Department to conduct inspections;

1 (7) continuous training required for inspectors
2 while the inspectors are used by the Department to
3 conduct inspections; and

4 (8) improving cybersecurity training.

5 (d) ANNUAL BRIEFING.—Not later than 1 year after
6 the date of enactment of this Act, and each year thereafter
7 for 5 years, the Secretary shall brief each applicable com-
8 mittee on the activities carried out under this section and
9 under title XXI of the Homeland Security Act of 2002
10 (6 U.S.C. 621 et seq.) that shall include—

11 (1) detailed information relating to—

12 (A) as of the date on which the briefing is
13 made—

14 (i) threats to covered chemical facili-
15 ties; and

16 (ii) how chemicals of interest are
17 being utilized by bad actors in the threat
18 environment—

19 (I) in the United States; and

20 (II) globally;

21 (B) how CFATS regulations play a role in
22 making the United States safer; and

23 (C) how the Chemical Facility Anti-Ter-
24 rorism Standards Program is effectively ad-
25 dressing the threat landscape; and

1 (2) data, rationale, and metrics on how the
2 Chemical Facility Anti-Terrorism Standards Pro-
3 gram effectively reduces risks.

4 (e) UPDATED RETROSPECTIVE ESTIMATE ON
5 COSTS.—Not later than 1 year after the date of enactment
6 of this Act, the Secretary shall complete a retrospective
7 estimate of the costs, including costs to the Government,
8 regulated entities, and the public, of carrying out the
9 Chemical Facility Anti-Terrorism Standards Program
10 during the period beginning on the first day of fiscal year
11 2006 and ending on the last day of fiscal year 2018.

12 (f) REPEAL.—Section 3 of the Protecting and Secur-
13 ing Chemical Facilities from Terrorist Attacks Act of
14 2014 (Public Law 113–254; 128 Stat. 2917) is repealed.

15 **SEC. 14. EFFECTIVE DATE.**

16 This Act, and the amendments made by this Act,
17 shall take effect on the date that is 30 days after the date
18 of enactment of this Act.

19 **SEC. 15. TERMINATION.**

20 The authority provided under title XXI of the Home-
21 land Security Act of 2002 (6 U.S.C. 621 et seq.), as
22 amended by this Act, shall terminate on the date that is
23 5 years after the date of enactment of this Act.

1 **SEC. 16. TECHNICAL AND CONFORMING AMENDMENT.**

2 The table of contents in section 1(b) of the Homeland
3 Security Act of 2002 (Public Law 107–196; 116 Stat.
4 2135) is amended, in the item relating to section 2103,
5 by striking the em dash at the end.

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