

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "Concerning the suspension of exit permit issuance by the Government of the Democratic Republic of the Congo for adopted Congolese children seeking to depart the country with their adoptive parents."

A motion to reconsider was laid on the table.

□ 1615

PRECLEARANCE AUTHORIZATION ACT OF 2014

Mr. MEEHAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3488) to establish the conditions under which the Secretary of Homeland Security may establish preclearance facilities, conduct preclearance operations, and provide customs services outside the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preclearance Authorization Act of 2014".

SEC. 2. DEFINITION.

In this Act, the term "appropriate congressional committees" means the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate.

SEC. 3. ESTABLISHMENT OF PRECLEARANCE OPERATIONS.

Pursuant to section 1629 of title 19, United States Code, and subject to section 5, the Secretary of Homeland Security may establish U.S. Customs and Border Protection preclearance operations in a foreign country to—

- (1) prevent terrorists, instruments of terrorism, and other security threats from entering the United States;
- (2) prevent inadmissible persons from entering the United States;
- (3) ensure merchandise destined for the United States complies with applicable laws;
- (4) ensure the prompt processing of persons eligible to travel to the United States; and
- (5) accomplish such other objectives as the Secretary determines necessary to protect the United States.

SEC. 4. NOTIFICATION AND CERTIFICATION TO CONGRESS.

(a) NOTIFICATION.—Not later than 180 days before entering into an agreement with the government of a foreign country to establish U.S. Customs and Border Protection preclearance operations in such foreign country, the Secretary of Homeland Security shall provide to the appropriate congressional committees the following:

(1) A copy of the proposed agreement to establish such preclearance operations, including an identification of the foreign country with which U.S. Customs and Border Protection intends to enter into a preclearance agreement, and the location at which such preclearance operations will be conducted.

(2) An estimate of the date on which U.S. Customs and Border Protection intends to establish preclearance operations under such agreement.

(3) The anticipated funding sources for preclearance operations under such agreement, and other funding sources considered.

(4) An assessment of the impact such preclearance operations will have on legitimate trade and travel, including potential impacts on passengers traveling to the United States.

(5) A homeland security threat assessment for the country in which such preclearance operations are to be established.

(6) An assessment of the impacts such preclearance operations will have on U.S. Customs and Border Protection domestic port of entry staffing.

(7) Information on potential economic, competitive, and job impacts on United States air carriers associated with establishing such preclearance operations.

(8) Information on the anticipated homeland security benefits associated with establishing such preclearance operations.

(9) Information on potential security vulnerabilities associated with commencing such preclearance operations, and mitigation plans to address such potential security vulnerabilities.

(10) A U.S. Customs and Border Protection staffing model for such preclearance operations, and plans for how such positions would be filled.

(11) Information on the anticipated costs over the next five fiscal years associated with commencing such preclearance operations.

(12) A copy of the agreement referred to in subsection (a) of section 5.

(13) Other factors that the Secretary of Homeland Security determines to be necessary for Congress to comprehensively assess the appropriateness of commencing such preclearance operations.

(b) CERTIFICATIONS RELATING TO PRECLEARANCE OPERATIONS ESTABLISHED AT AIRPORTS.—In the case of an airport, in addition to the notification requirements under subsection (a), not later than 90 days before entering into an agreement with the government of a foreign country to establish U.S. Customs and Border Protection preclearance operations at an airport in such foreign country, the Secretary of Homeland Security shall provide to the appropriate congressional committees the following:

(1) A certification that preclearance operations under such preclearance agreement would provide homeland security benefits to the United States.

(2) A certification that preclearance operations within such foreign country will be established under such agreement only if—

(A) at least one United States passenger carrier operates at such airport; and

(B) the access of all United States passenger carriers to such preclearance operations is the same as the access of any non-United States passenger carrier.

(3) A certification that the Secretary of Homeland Security has considered alternative options to preclearance operations and has determined that such options are not the most effective means of achieving the objectives specified in section 3.

(4) A certification that the establishment of preclearance operations in such foreign country will not significantly increase customs processing times at United States airports.

(5) An explanation of other objectives that will be served by the establishment of preclearance operations in such foreign country.

(6) A certification that representatives from U.S. Customs and Border Protection consulted publicly with interested parties, including providers of commercial air service in the United States, employees of such providers, security experts, and such other parties as the Secretary determines to be appropriate, before entering into such an agreement with such foreign government.

(7) A report detailing the basis for the certifications referred to in paragraphs (1) through (6).

(c) MODIFICATION OF EXISTING AGREEMENTS.—Not later than 30 days before substantially modifying a preclearance agreement with the government of a foreign country in effect as of the date of the enactment of this Act, the Secretary of Homeland Security shall provide to the appropriate congressional committees a copy of the proposed agreement, as modified, and the justification for such modification.

(d) REMEDIATION PLAN.—

(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection shall monthly measure the average customs processing time to enter the 25 United States airports that support the highest volume of international travel (as determined by available Federal passenger data) and provide to the appropriate congressional committees such measurements.

(2) ASSESSMENT.—Based on the measurements described in paragraph (1), the Commissioner of U.S. Customs and Border Protection shall quarterly assess whether the average customs processing time referred to in such paragraph significantly exceeds the average customs processing time to enter the United States through a preclearance operation.

(3) SUBMISSION.—Based on the assessment conducted under paragraph (2), if the Commissioner of U.S. Customs and Border Protection determines that the average customs processing time referred to in paragraph (1) significantly exceeds the average customs processing time to enter the United States through a preclearance operation described in paragraph (2), the Commissioner shall, not later than 60 days after making such determination, provide to the appropriate congressional committees a remediation plan for reducing such average customs processing time referred to in paragraph (1).

(4) IMPLEMENTATION.—Not later than 30 days after submitting the remediation plan referred to in paragraph (3), the Commissioner of United States Customs and Border Protection shall implement those portions of such plan that can be carried out using existing resources, excluding the transfer of personnel.

(5) SUSPENSION.—If the Commissioner of U.S. Customs and Border Protection does not submit the remediation plan referred to in paragraph (3) within 60 days in accordance with such paragraph, the Commissioner may not, until such time as such remediation plan is submitted, conduct any negotiations relating to preclearance operations at an airport in any country or commence any such preclearance operations.

(6) STAKEHOLDER RECOMMENDATIONS.—The remediation plan described in paragraph (3) shall consider recommendations solicited from relevant stakeholders.

(e) CLASSIFIED REPORT.—The assessment required pursuant to subsection (a)(5) and the report required pursuant to subsection (b)(7) may be submitted in classified form if the Secretary of Homeland Security determines that such is appropriate.

SEC. 5. AVIATION SECURITY SCREENING AT PRECLEARANCE AIRPORTS.

(a) AVIATION SECURITY STANDARDS AGREEMENT.—Prior to the commencement of preclearance operations at an airport in a foreign country under this Act, the Administrator of the Transportation Security Administration shall enter into an agreement with the government of such foreign country that delineates and requires the adoption of aviation security screening standards that are determined by the Administrator to be comparable to those of the United States.

(b) AVIATION SECURITY RESCREENING.—If the Administrator of the Transportation Security Administration determines that the government of a foreign country has not maintained security standards and protocols comparable to those of the United States at airports at which preclearance operations have been established in accordance with an agreement entered into pursuant to subsection (a), the Administrator

shall require the rescreeing in the United States by the Transportation Security Administration of passengers and their property before such passengers may deplane into sterile areas of airports in the United States.

(c) **SELECTEES.**—Any passenger who is determined to be a selectee based on a check against a terrorist watch list and arrives on a flight originating from a foreign airport at which preclearance operations have been established in accordance with an agreement entered into pursuant to subsection (a), shall be required to undergo security rescreeing by the Transportation Security Administration before being permitted to board a domestic flight in the United States.

SEC. 6. LOST AND STOLEN PASSPORTS.

The Secretary of Homeland Security may not enter into or renew an agreement with the government of a foreign country to establish or maintain U.S. Customs and Border Protection preclearance operations at an airport in such foreign country unless such government certifies—

(1) that it routinely submits information about lost and stolen passports of its citizens and nationals to INTERPOL's Stolen and Lost Travel Document database; or

(2) makes available to the United States Government such information through another comparable means of reporting.

SEC. 7. EFFECTIVE DATE.

Except for subsection (c) of section 4, this Act shall apply only to the establishment of preclearance operations in a foreign country in which no preclearance operations have been established as of the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. MEEHAN) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. MEEHAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MEEHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of my bill, H.R. 3488. This legislation would require that the Secretary of Homeland Security meet certain conditions and requirements prior to establishing any new U.S. Customs and Border Protection preclearance operations in foreign countries.

The Customs and Border Protection's preclearance operations overseas inspect and examine travelers and their merchandise in foreign locations prior to their arrival in the United States. Once cleared on foreign soil, passengers do not have to clear customs upon arrival in the United States.

Now, Congress has a long history of supporting limited and specific preclearance operations. These serve to facilitate travel, and they improve homeland security. However, earlier this year, Customs and Border Patrol, or CBP, commenced preclearance oper-

ations in Abu Dhabi without prior notification to Congress, without concern to American jobs, and without a clear homeland security benefit.

This legislation ensures that the DHS takes into account the impact on American jobs and our global competitiveness as we enhance our security through future preclearance facilities. My bill requires DHS to meet a series of benchmarks to establish a preclearance operation and requires transparency and prompt notification to Congress while the Department negotiates preclearance agreements with foreign governments. This legislation will go a long way towards preventing a repeat of CBP's mismanaged rollout of the preclearance facility in Abu Dhabi earlier this year.

I have long had serious concerns about the agreement with Abu Dhabi, especially the way it was handled by the Department and, ultimately, the disregard DHS had for the domestic airline industry. To correct that error, this bill requires extensive consultation with key stakeholders so that that never happens again.

Abu Dhabi was the first new preclearance location established since 9/11. Prior to Abu Dhabi, the U.S. had preclearance locations in places like Ireland, the Bahamas, and Canada. We had an obligation to get this right, and CBP did not. Despite the security-focused rationale, this agreement was conducted without suitable congressional notification or a thorough explanation for the rationale of preclearance operations in Abu Dhabi.

We know that a significant number of watch list hits and suspicious travel pattern information originates from the region, but that does not excuse the lack of notification or, more importantly, not taking into account how such agreements affect American workers and their employers.

The establishment of a preclearance facility in Abu Dhabi, where no domestic carrier currently flies—let me repeat that, no domestic carrier currently flies—puts U.S. carriers at a competitive and significant disadvantage, as customs wait times are generally shorter at preclearance facilities compared to wait times in the United States.

This facility provides a clear facilitation benefit to foreign airlines at the expense of U.S. carriers and U.S. jobs, and this is particularly egregious where the foreign-based airline is given subsidies designed to tilt the market unfairly in their direction. By requiring the Secretary to consider the economic impact in establishing preclearance facilities, we protect American jobs and American workers.

I support giving our security professionals the tools needed in their effort to “push out our borders,” but we must do so in a way that makes us more secure, does not divert limited CBP staffing resources, or threaten U.S. jobs and a vital economic engine provided by U.S. carriers.

I am pleased that over 150 of my colleagues from both sides of the aisle co-sponsored this measure, and I urge all of my colleagues to support this important bill.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3488, the Preclearance Authorization Act of 2014.

As a Member who represents a major international airport, I had deep reservations about the Department of Homeland Security's decision to open a preclearance facility in Abu Dhabi earlier this year. I was concerned about the prospect that limited Customs and Border Protection personal resources would be diverted from domestic airports like Newark Liberty International Airport to overseas posts, which could result in wait times for clearing customs exceeding anyone's definition of reasonable. I also had concerns about DHS' decision to conduct preclearance at an overseas airport where U.S. carriers do not have a presence, thus giving a competitive advantage to a foreign-owned airline.

H.R. 3488 addresses both of my concerns. Regarding customs processing times, the bill requires DHS to certify to Congress that the establishment of preclearance operations in an additional country will not significantly increase processing times at airports in the United States. As for opening preclearance facilities at airports where U.S. carriers do not operate, this bill would prohibit DHS from doing so going forward.

United States airlines and the jobs they create and support across the country are critical to our economy. Efforts to “push out our borders” for security reasons must not come at the expense of the competitiveness of U.S.-owned and -operated airlines. I commend the gentleman from Pennsylvania (Mr. MEEHAN) for recognizing this fact and for bringing forth this legislation before us today.

If enacted, H.R. 3488 will result in stricter requirements as well as enhanced oversight and accountability regarding how DHS decides to expand preclearance operations.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. MEEHAN. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, first of all, I certainly want to thank Mr. MEEHAN for his diligent work on this issue—for quite a long time, actually. He raised concerns with the Department of Homeland Security preclearance operations very early on, and his leadership has been so important to the success of this bill and where we are today.

You know, really, I think there have been few issues that have kept CBP leadership busier over the last year

than preclearance. The troubled rollout of the preclearance in Abu Dhabi caused an awful lot of consternation in the Congress.

The preclearance facility in Abu Dhabi was the first such operation established since 9/11 based primarily on a security rationale. Therefore, the lack of appropriate congressional coordination and notification troubled many Members on both sides of the aisle.

In fact, preclearance operations were the subject of a limitation amendment to last year's Department of Homeland Security Appropriations bill that I cosponsored with Mr. MEEHAN.

The bill under consideration today is sort of a fusion of Mr. MEEHAN's original text and then the FY14 Consolidated Appropriations Act, as well as Ms. JACKSON LEE's bill on this topic also, and it was very carefully crafted after numerous consultations with the Department of Homeland Security, the airline industry, and, again, Members from both sides of the aisle.

It really sets the contours for future preclearance operations which incorporate a series of notifications and certifications, including a justification that outlines the homeland security benefit and impact to domestic staffing and wait times that any new preclearance operations would have. Moreover, Mr. Speaker, this bill requires Congress to be notified in the event that the Department of Homeland Security modifies or changes an existing agreement.

I certainly want to be clear that the House Homeland Security Committee supports preclearance where it makes sense. Preclearance, of course, has been around as a security screening and trade facilitation tool since the early 1950s actually, and since 9/11, the security value of these operations has only been heightened. However, this bill makes it absolutely clear that the Department of Homeland Security cannot repeat the mistakes of the past.

I would also like to just thank Chairman CAMP of the Ways and Means Committee, who helped work with us with the Homeland Security Committee to get this bill to the floor today. Again, I certainly want to thank Mr. MEEHAN and other Members who have worked hard to make sure that the American airlines are not negatively impacted by future preclearance operations overseas.

Mr. PAYNE. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. THOMPSON), the ranking member of the Committee on Homeland Security.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of H.R. 3488, the Preclearance Authorization Act of 2014.

Earlier this year, the Department of Homeland Security decided to alter the focus of Customs and Border Protection's preclearance program from one aimed at passenger facilitation to one intended to enhance security—or, at

least, that is what we were told when a bipartisan group of Members led by Representatives MEEHAN and DEFAZIO began asking hard questions about why a preclearance facility was being opened in Abu Dhabi, an airport at which no U.S. flag carriers operate.

Since preclearance operations commenced in Abu Dhabi earlier this year, representatives from DHS, including Secretary Johnson, have repeatedly stated that they are looking to expand the program to other high-risk overseas airports. Enactment of H.R. 3488 would ensure that, before DHS entered into another preclearance agreement, thoughtful consideration is given to the potential homeland security benefits of such an expansion, as well as the potential impacts to CBP staff at domestic ports of entry. Importantly, the bill also requires DHS to report to Congress on the potential economic, competitive, and job-related impacts opening such a facility would have on United States air carriers.

During committee consideration of the bill, an amendment that I offered was accepted that would require any passenger arriving in the U.S. who is determined to be a selectee to undergo security rescreening by the Transportation Security Administration before being permitted to board a domestic flight in the United States. This provision would ensure that any traveler that is determined to be potentially dangerous undergoes security screening on U.S. soil before being allowed to board a domestic flight.

Finally, the bill prohibits the opening of a new preclearance facility unless at least one United States passenger carrier operates at the airport where preclearance operations would be established. This provision will ensure that we do not see a repeat of the circumstances surrounding the opening of the preclearance facility in Abu Dhabi, where a foreign airline was provided a significant competitive advantage over U.S. carriers.

With that, Mr. Speaker, I urge my colleagues to vote "yes" on H.R. 3488, the Preclearance Authorization Act of 2014.

□ 1630

Mr. MEEHAN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. MCCAUL), the chairman of the Committee on Homeland Security.

Mr. MCCAUL. Mr. Speaker, I would first like to commend the gentleman from Pennsylvania (Mr. MEEHAN) for his hard work and leadership on this issue, this bill. He rallied more than 150 Members of Congress—no small feat in this institution—to express his concern over the way the DHS preclearance operations in Abu Dhabi were set up last year. The commonsense bill before us today should be supported by every Member of this body. Pushing out the border through operations like preclearance allows Customs and Border Protection to identify and inter-

cept threats, including dangerous people and cargo, long before they ever reach our shores. So it is a noble concept.

Preclearance facilities have served America's interests by facilitating secure trade and travel since the 1950s. Since 9/11, the security value of these facilities has only increased.

However, I share the concerns of many of my colleagues regarding the rollout of a preclearance facility that was recently established in Abu Dhabi, which was the first such facility set up after 9/11. The process by which CBP announced and created this facility was not transparent, raising several questions about the suitability of that location.

I recently had the opportunity to visit this preclearance facility in Abu Dhabi on a delegation that I led to the region, and I came away convinced that there is real security value in putting our CBP officers overseas. However, I think it is appropriate that Congress weigh in on how we go about establishing future preclearance operations, given the controversy and mismanaged rollout of Abu Dhabi.

This bill strengthens the homeland security elements of preclearance operations by requiring that comparable aviation security screening standards are in place prior to beginning preclearance operations. It would also require rescreening of passengers and cargo if security standards are not maintained overseas.

This bill takes steps to reduce the potential for missteps by requiring a series of notifications and certifications to the Congress long before new preclearance facilities are established. Under the requirements of this bill, DHS must now certify that future facilities serve the national interests, stakeholders must be properly consulted, and U.S. airlines must have equal access to locations under consideration. This legislation we are considering is a result of extensive consultation with industry, the Department itself, and Members from both parties.

Again, I want to thank Chairman MEEHAN for his hard work and oversight on this important program. I want to thank the ranking member of the full committee, BENNIE THOMPSON, and the ranking member of the subcommittee for, once again, on our committee, showing great bipartisanship to get the will of the people done in this House.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as you heard, H.R. 3488 enjoys the support of members of the Committee on Homeland Security. Indeed, this bill has a bipartisan collection of 154 cosponsors.

With that, Mr. Speaker, I urge all Members to support H.R. 3488, the Preclearance Authorization Act of 2014, and I yield back the balance of my time.

Mr. MEEHAN. Mr. Speaker, I want to express my deep appreciation to my

colleagues from both sides of the aisle for responding so collectively to the importance of this issue.

First and foremost, the principle that I think we stand for on both sides of the aisle is, when important issues like this are raised, that there be appropriate consultation with Congress and an appropriate understanding of the clear articulation by Homeland Security of the benefit that they expect to reach.

As the chairman has identified, once he visited Abu Dhabi, he came away convinced that there was a benefit. But the idea that that would not have been shared with us prior to entering that agreement is one of the critical things that we want to see addressed by this legislation.

But it is also the inability of the Department to appreciate or to take into consideration the impact that this will have, that it may have, and, in fact, it will have when there is no United States airline flying from Abu Dhabi. And the competitive disadvantage of that, which is generated by the fact that individuals who choose to fly the foreign airline currently get right into our country once they get into the preclearance facility, while those on American airlines coming into the same airport will wait in long lines. It creates a competitive disadvantage and the real possibility of a loss of American jobs.

Mr. Speaker, I urge all Members to join me in supporting this bill, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Homeland Security Committee and the Ranking Member of the Border and Maritime Security Subcommittee, I rise in support of H.R. 3488, the "Preclearance Authorization Act of 2014."

The legislation before the House today is the product of regular order, having been considered and approved by the Subcommittee on Border and Maritime Security in May and the Full Committee on Homeland Security in June.

H.R. 3488 stipulates the conditions under which the Secretary of Homeland Security may establish and conduct preclearance operations.

It is imperative that as we seek to "push out our Nation's borders" through preclearance and other programs, we do so in a risk-based manner that is mindful of impacts to our economy and the traveling public.

That guiding principle is what prompted me to introduce legislation last November, H.R. 3575, the "Putting Security First in Preclearance Act."

I am pleased that several of the provisions and policy goals contained in my legislation have been incorporated into the bill before the House today.

During subcommittee consideration of H.R. 3488, I offered two amendments that were adopted.

The first amendment requires the Secretary of Homeland Security to report to Congress on the anticipated homeland security benefits associated with establishing preclearance operations at a foreign airport.

As the Department of Homeland Security seeks to expand preclearance operations to

potentially high-risk airports around the world, we should have a full understanding of the homeland security benefits associated with opening such facilities.

My second amendment, also adopted during subcommittee consideration of the bill, requires that any country seeking to enter into a preclearance agreement with the United States submit lost and stolen passport information to INTERPOL or another source that is searchable by the United States.

The tragic loss of Malaysian Airlines Flight 370 in March brought into focus a number of vulnerabilities in the international aviation arena, not the least of which is gaps related to lost and stolen passports.

On April 4th, the Subcommittee on Border and Maritime Security held a hearing on the vulnerabilities of passport fraud.

One of the major takeaways from that hearing was the need for more countries to regularly submit information about lost and stolen passports to INTERPOL.

The provision in H.R. 3488 requiring countries seeking to open Preclearance facilities to submit information on lost and stolen passports to INTERPOL will serve as an impetus for bringing would-be international partners into the fold and make the INTERPOL database more complete.

Enactment of H.R. 3488 will ensure greater Congressional oversight of the process associated with commencing preclearance operations and ensure the economic interest of U.S. airlines are considered when new Preclearance facilities are contemplated.

I urge all of my colleagues to join me in supporting passage of H.R. 3488.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MEEHAN) that the House suspend the rules and pass the bill, H.R. 3488, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CHEMICAL FACILITY ANTI-TERRORISM STANDARDS PROGRAM AUTHORIZATION AND ACCOUNTABILITY ACT OF 2014

Mr. MEEHAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4007) to recodify and reauthorize the Chemical Facility Anti-Terrorism Standards Program, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chemical Facility Anti-Terrorism Standards Program Authorization and Accountability Act of 2014".

SEC. 2. CHEMICAL FACILITY ANTI-TERRORISM STANDARDS PROGRAM.

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

"TITLE XXI—CHEMICAL FACILITY ANTI-TERRORISM STANDARDS"

"SEC. 2101. CHEMICAL FACILITY ANTI-TERRORISM STANDARDS PROGRAM.

"(a) PROGRAM ESTABLISHED.—There is in the Department a Chemical Facility Anti-Terrorism Standards Program. Under such Program, the Secretary shall establish risk-based performance standards designed to protect covered chemical facilities and chemical facilities of interest from acts of terrorism and other security risks and require such facilities to submit security vulnerability assessments and to develop and implement site security plans.

"(b) SECURITY MEASURES.—Site security plans required under subsection (a) may include layered security measures that, in combination, appropriately address the security vulnerability assessment and the risk-based performance standards for security for the facility.

"(c) APPROVAL OR DISAPPROVAL OF SITE SECURITY PLANS.—

"(1) IN GENERAL.—The Secretary shall review and approve or disapprove each security vulnerability assessment and site security plan under subsection (a). The Secretary may not disapprove a site security plan based on the presence or absence of a particular security measure, but the Secretary shall disapprove a site security plan if the plan fails to satisfy the risk-based performance standards established under subsection (a).

"(2) ALTERNATIVE SECURITY PROGRAMS.—The Secretary may approve an alternative security program established by a private sector entity or a Federal, State, or local authority or pursuant to other applicable laws, if the Secretary determines that the requirements of such program meet the requirements of this section. A covered chemical facility may meet the site security plan requirement under subsection (a) by adopting an alternative security program that has been reviewed and approved by the Secretary under this paragraph.

"(3) SITE SECURITY PLAN ASSESSMENTS.—In approving or disapproving a site security plan under this subsection, the Secretary shall employ the risk assessment policies and procedures developed under this title. In the case of a covered chemical facility for which a site security plan has been approved by the Secretary before the date of the enactment of this title, the Secretary may not require the resubmission of the site security information solely by reason of the enactment of this title.

"(4) CONSULTATION.—The Secretary may consult with the Government Accountability Office to investigate the feasibility and applicability a third party accreditation program that would work with industry stakeholders to develop site security plans that may be applicable to all similarly situated facilities. The program would include the development of Program-Specific Handbooks for facilities to reference on site.

"(d) COMPLIANCE.—

"(1) AUDITS AND INSPECTIONS.—

"(A) IN GENERAL.—The Secretary shall conduct the audit and inspection of covered chemical facilities for the purpose of determining compliance with this Act. The audit and inspection may be carried out by a non-Department or nongovernment entity, as approved by the Secretary.

"(B) REPORTING STRUCTURE.—Any audit or inspection conducted by an individual employed by a nongovernment entity shall be assigned in coordination with the head of audits and inspections for the region in which the audit or inspection is to be conducted. When in the field, any individual employed by a nongovernment entity shall report to