

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 4007  
OFFERED BY MS. CLARKE OF NY**

In section 2, redesignate subsections (d) through (f) as subsections (e) through (g), respectively, and insert after subsection (c) the following new subsection (d):

1           (d) ASSISTANCE TO HIGH RISK CHEMICAL FACILI-  
2 TIES.—

3           (1) ASSESSMENT.—For each covered chemical  
4 facility that the Secretary determines pursuant to  
5 the tiering methodology under subsection (f) is a  
6 high risk facility, the Secretary, in consultation with  
7 the owner or operator of the facility, shall complete  
8 an assessment of methods to reduce the con-  
9 sequences of a terrorist attack on that chemical fa-  
10 cility for consideration by the owner or operator of  
11 the facility, including—

12                   (A) a description of the methods to reduce  
13 the consequences of a terrorist attack that have  
14 been implemented or considered for implemen-  
15 tation by the facility;

16                   (B) the degree to which each method to re-  
17 duce the consequences of a terrorist attack, if

1 already implemented, has reduced, or, if imple-  
2 mented, could reduce, the potential extent of  
3 death, injury, or serious adverse effects to  
4 human health resulting from a release of a sub-  
5 stance of concern;

6 (C) the feasibility, costs, avoided costs (in-  
7 cluding liabilities), personnel implications, sav-  
8 ings, and applicability of implementing each  
9 method to reduce the consequences of a ter-  
10 rorist attack; and

11 (D) any other information that the Sec-  
12 retary considered in conducting the assessment.

13 (2) DEFINITION OF FEASIBILITY.—In this sub-  
14 section, the term “feasibility” means the ability to  
15 achieve with the use of technology, techniques, and  
16 other means that the Secretary finds, after examina-  
17 tion for efficacy under field conditions and not solely  
18 under laboratory conditions, are available for use at  
19 the covered chemical facility.

In subsection (g) of section 2, as redesignated, strike  
“subsection (e)(1)” and insert “subsection (f)(1)”.

