

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 3256**  
**OFFERED BY MR. RICHMOND OF LOUISIANA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Protecting and Securing Chemical Facilities from Ter-  
4 rorist Attacks Act of 2019”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for  
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Chemical Facility Anti-Terrorism Standards Program.
- Sec. 4. Protection and sharing of information.
- Sec. 5. Civil enforcement.
- Sec. 6. Whistleblower protection.
- Sec. 7. Chemical Security Advisory Committee.
- Sec. 8. Implementation plan and report to Congress.
- Sec. 9. Study on risks posed by excluded facilities.
- Sec. 10. Study on feasibility of waiver program.
- Sec. 11. Review of tiering methodology.
- Sec. 12. Comptroller General reports.
- Sec. 13. Voluntary mechanism for reporting drones and other emerging threats.
- Sec. 14. Regulations regarding specific products and mixtures containing  
chemicals of interest.
- Sec. 15. Voluntary program.
- Sec. 16. Study on local emergency response capacity to respond to chemical se-  
curity incidents.
- Sec. 17. Previously approved facilities.
- Sec. 18. Termination.

1 **SEC. 2. DEFINITIONS.**

2 Section 2101 of the Homeland Security Act of 2002  
3 (6 U.S.C. 621) is amended—

4 (1) in paragraph (4)(E), by striking “subject to  
5 regulation” and inserting “regulated”;

6 (2) in paragraph (5)—

7 (A) in subparagraph (A), by striking “that  
8 is in effect on the day before the date of enact-  
9 ment of the Protecting and Securing Chemical  
10 Facilities from Terrorist Attacks Act of 2014;”  
11 and inserting “or this title”; and

12 (B) in subparagraph (B), by striking “that  
13 is in effect on the day before the date of enact-  
14 ment of the Protecting and Securing Chemical  
15 Facilities from Terrorist Attacks Act of 2014;”  
16 and inserting “or this title”;

17 (3) by striking paragraphs (6), (7), and (8);  
18 and

19 (4) by redesignating paragraphs (9) through  
20 (14) as paragraphs (6) through (11), respectively.

21 **SEC. 3. CHEMICAL FACILITY ANTI-TERRORISM STANDARDS**  
22 **PROGRAM.**

23 (a) **ADDITIONAL CFATS PROGRAM REQUIRE-**  
24 **MENT.**—Section 2102(a)(2) of such Act (6 U.S.C. 622)  
25 is amended—

1 (1) in subparagraph (C), by striking “and” at  
2 the end;

3 (2) in subparagraph (D), by striking the period  
4 and inserting a semicolon; and

5 (3) by adding at the end the following new sub-  
6 paragraph:

7 “(E) verify information submitted by a  
8 covered chemical facility prior to assigning such  
9 facility a lower risk tier or determining that  
10 such facility no longer presents a high level of  
11 security risk.”.

12 (b) EMPLOYEE INPUT REGARDING SECURITY MEAS-  
13 URES.—Paragraph (2) of subsection (b) of section 2102  
14 of such Act (6 U.S.C. 622) is amended to read as follows:

15 “(2) EMPLOYEE CONSULTATION AND AWARE-  
16 NESS.—

17 “(A) EMPLOYEE CONSULTATION REQUIRE-  
18 MENT.—A facility’s security vulnerability as-  
19 sessment and site security plan shall be devel-  
20 oped in consultation with—

21 “(i) at least one facility employee, in  
22 addition to the facility security officer or  
23 other individual who serves as a point of  
24 contact under section 27.230(a)(17) of  
25 title 6, Code of Federal Regulations, and

1 the corresponding guidance issued under  
2 section 27.220(d) of such title, or any suc-  
3 cessor thereto, who possesses relevant  
4 knowledge, experience, training, or edu-  
5 cation pertaining to matters of site secu-  
6 rity.

7 “(ii) in the case of a facility where fa-  
8 cility employees are represented by a bar-  
9 gaining agent, at least one employee rep-  
10 resentative who—

11 “(I) is selected by the bargaining  
12 agent at that facility; and

13 “(II) has relevant knowledge, ex-  
14 perience, training, or education per-  
15 taining to matters of site security.

16 “(B) RECORD OF EMPLOYEE CONSULTA-  
17 TION.—A covered chemical facility shall main-  
18 tain a written record of the employee consulta-  
19 tion required by subparagraph (A), including a  
20 record of—

21 “(i) the name of the employee with  
22 whom the facility security officer or other  
23 similar official consulted;

24 “(ii) how often and when such con-  
25 sultation took place;

1           “(iii) what mechanisms the facility  
2           used to capture feedback; and

3           “(iv) any recommendations that were  
4           offered, accepted, or rejected as part of the  
5           security vulnerability assessment or site se-  
6           curity plan.

7           “(C) ACCESS TO EMPLOYEES.—Each  
8           owner or operator of a covered chemical facility  
9           shall, upon request, provide to an employee of  
10          the Department engaged in carrying out audits  
11          and inspections of such facility access to any  
12          employee who participated in the development  
13          of the facility’s security vulnerability assess-  
14          ment and site security plan.

15          “(D) EMPLOYEE AWARENESS.—The Sec-  
16          retary shall produce a poster that a chemical  
17          facility of interest shall display in areas acces-  
18          sible to facility employees to inform employees  
19          about requirements under this title and the  
20          whistleblower protections provided under section  
21          2105.”.

22          (c) SITE SECURITY PLANS.—

23                 (1) DISAPPROVAL.—Subsection (c)(1)(B) of  
24                 section 2102 of such Act (6 U.S.C. 622) is amend-  
25                 ed—

1 (A) in clause (i), by striking “and” at the  
2 end; and

3 (B) by amending clause (ii) to read as fol-  
4 lows:

5 “(ii) shall disapprove a site security  
6 plan if—

7 “(I) the plan fails to satisfy the  
8 risk-based performance standards es-  
9 tablished pursuant to subsection  
10 (a)(2)(C); or

11 “(II) the plan fails to include the  
12 name, organizational affiliation, and  
13 phone number of a local emergency  
14 manager or local emergency response  
15 provider and a documented policy to  
16 contact the local emergency manager  
17 or local emergency response provider  
18 at least annually regarding emergency  
19 response plans at the facility.”.

20 (2) ASSESSMENTS.—Paragraph (3) of sub-  
21 section (c) of such section is amended to read as fol-  
22 lows:

23 “(3) SITE SECURITY PLAN ASSESSMENTS.—In  
24 approving or disapproving a site security plan under  
25 this subsection, the Secretary shall—

1           “(A) employ the risk assessment policies  
2           and procedures developed under this title; and

3           “(B) confirm that the covered chemical fa-  
4           cility has complied with the employee consulta-  
5           tion requirements in paragraph (2) of sub-  
6           section (b), including by reviewing and record-  
7           ing compliance with the record-keeping require-  
8           ments under subparagraph (B) of that para-  
9           graph.”.

10       (d) ELIMINATION OF EXPEDITED APPROVAL PRO-  
11       GRAM.—Section 2102(c) of such Act (6 U.S.C. 622) is  
12       amended by striking paragraph (4).

13       (e) AUDITS AND INSPECTIONS.—

14           (1) AUTHORITY TO CONDUCT.—Subparagraph  
15           (B) of paragraph (1) of subsection (d) of section  
16           2102 of such Act (6 U.S.C. 622) is amended by  
17           striking “under this title using” and inserting “at  
18           chemical facilities of interest and covered chemical  
19           facilities and shall obtain information and records to  
20           ensure compliance with this title. Such audits and  
21           inspections shall be conducted using”.

22           (2) REPORTING STRUCTURE.—Subparagraph  
23           (D) of such paragraph is amended—

24                   (A) in clause (i), by inserting “, or any  
25                   successor organization that implements the re-

1           requirements of subsection (a)(2),” after “De-  
2           partment”; and

3           (B) in clause (ii), by inserting “, or any  
4           successor organization that implements the re-  
5           quirements of subsection (a)(2),” after “De-  
6           partment”.

7           (3) STANDARDS FOR AUDITORS AND INSPEC-  
8           TORS.—Subparagraph (E) of such paragraph is  
9           amended—

10           (A) in the matter preceding clause (i)—

11           (i) by striking “The Secretary” and  
12           inserting “For each individual responsible  
13           for carrying out audits or inspections on  
14           behalf of the Secretary, the Secretary”;

15           (ii) by inserting “to ensure such indi-  
16           viduals receive” before “the training”; and

17           (iii) by striking “and retraining of  
18           each individual used by the Department as  
19           an auditor or inspector, including each in-  
20           dividual employed by the Department and  
21           all nondepartmental or nongovernmental  
22           personnel” and inserting “, continuing  
23           education, and other professional develop-  
24           ment tools necessary to carry out duties  
25           and responsibilities”; and



1 (B) in clause (i), by striking “require-  
2 ments” and inserting “necessary to audit and  
3 inspect compliance with all aspects of the risk-  
4 based performance standards, including stand-  
5 ards related to cybersecurity,”;

6 (C) by redesignating clauses (vi) and (vii)  
7 as clauses (vii) and (viii), respectively; and

8 (D) by inserting after clause (v) the fol-  
9 lowing new clause:

10 “(vi) the proper credential or certifi-  
11 cation necessary to conduct inspections re-  
12 lated to the cybersecurity standard.”.

13 (4) EMERGENCY RESPONSE PLANS.—Such sub-  
14 section is further amended by adding at the end the  
15 following new paragraph:

16 “(4) AUDIT OF EMERGENCY RESPONSE PLAN.—  
17 As part of the audit and inspection process under  
18 this subsection, the Secretary shall annually confirm  
19 compliance of a chemical facility with the require-  
20 ments under subsection (c)(1)(B)(ii)(II) including  
21 adherence to the facility’s documented policy to con-  
22 tact the local emergency manager or local emergency  
23 response provider at least annually regarding emer-  
24 gency response plans at the facility under such sub-  
25 section.”.

1 (f) RISK ASSESSMENT.—Section 2102(e) of such Act  
2 (6 U.S.C. 622(e)) is amended—

3 (1) in paragraph (2)(B)—

4 (A) in the matter preceding clause (i), by  
5 inserting “and other malicious acts” after “ter-  
6 rorism”; and

7 (B) in clause (ii), by striking “severe eco-  
8 nomic consequences and the potential loss of  
9 human life in the event of the facility being  
10 subject to attack, compromise, infiltration, or  
11 exploitation by terrorists” and inserting “con-  
12 sequences in event of the facility being subject  
13 to attack, compromise, infiltration, or the ex-  
14 ploitation of chemicals of interest by a terrorist  
15 or other malicious actor”;

16 (2) in paragraph (3)—

17 (A) in subparagraph (A)—

18 (i) by redesignating clauses (i) and  
19 (ii) as clauses (ii) and (iii), respectively;

20 (ii) by inserting before clause (ii), as  
21 so redesignated, the following new clause

22 (i):

23 “(i) the Secretary determines that a  
24 chemical facility of interest does not  
25 present a high level of security risk;” and

1 (iii) in clause (iii), as so redesignated,  
2 by inserting “or chemical facility of inter-  
3 est” after “covered chemical facility”;

4 (B) in subparagraph (B)—

5 (i) by striking “information on” and  
6 all that follows and inserting “information  
7 on—”; and

8 (ii) by adding at the end the following  
9 clauses:

10 “(i) how the Secretary confirmed the  
11 information that was the basis for the  
12 change or determination described in sub-  
13 paragraph (A); and

14 “(ii) actions taken or practices em-  
15 ployed by the facility to reduce or remove  
16 terrorism-related chemical security risks,  
17 where applicable.”; and

18 (C) by adding at the end the following new  
19 subparagraph:

20 “(C) TREATMENT OF CERTAIN INFORMA-  
21 TION.—For the purposes of subsection (a) of  
22 section 2103—

23 “(i) information described in subpara-  
24 graph (B)(i) shall be given protections

1 from public disclosure under such sub-  
2 section; and

3 “(ii) information described in sub-  
4 paragraph (B)(ii) shall not be given protec-  
5 tions from public disclosure under such  
6 subsection.”;

7 (3) by redesignating paragraph (4) as para-  
8 graph (6);

9 (4) by inserting after paragraph (3) the fol-  
10 lowing new paragraphs:

11 “(4) SHARING INFORMATION WITH EMERGENCY  
12 RESPONSE PROVIDERS.—

13 “(A) IN GENERAL.—The Secretary shall  
14 make available to State, local, and regional fu-  
15 sion centers (as that term is defined in section  
16 210A(j)(1) of this Act) and State and local gov-  
17 ernment officials such information as the Sec-  
18 retary determines necessary to ensure that  
19 emergency response providers are prepared and  
20 provided with the situational awareness needed  
21 to respond to security incidents at covered  
22 chemical facilities.

23 “(B) DISSEMINATION.—The Secretary  
24 shall disseminate information under subpara-  
25 graph (A) to individuals identified and entities

1 described in such subparagraph in a secure and  
2 expeditious manner.

3 “(5) PRACTICES THAT MAY REDUCE CHEMICAL  
4 SECURITY RISKS.—

5 “(A) IN GENERAL.—Based on the informa-  
6 tion maintained under paragraph (3)(B)(ii) re-  
7 garding actions taken or practices employed by  
8 chemical facilities of interest to successfully re-  
9 duce or remove terrorism-related chemical secu-  
10 rity risks, the Secretary shall develop voluntary,  
11 publicly available practices that could be used  
12 to guide other facility owners and operators in  
13 preventing, reducing, and mitigating chemical  
14 security risks.

15 “(B) TREATMENT OF SENSITIVE INFORMA-  
16 TION.—In developing and disseminating prac-  
17 tices under subparagraph (A), the Secretary  
18 shall protect from public disclosure all informa-  
19 tion described in section 2103(a).

20 “(6) CONGRESSIONAL NOTIFICATION.—Any  
21 time a determination is not made with respect to a  
22 chemical facility of interest within 9 months of the  
23 facility submitting a Top-Screen, the Secretary shall  
24 notify the Committees on Homeland Security and  
25 Energy and Commerce of the House and the Com-

1       mittee on Homeland Security and Governmental Af-  
2       fairs of the Senate and provide an explanation.”;  
3       and

4               (5) in paragraph (6), as redesignated by para-  
5       graph (3) of this subsection—

6               (A) in subparagraph (B)(i)—

7                       (i) in subclause (aa), by striking “or”  
8                       at the end;

9                       (ii) in subclause (bb), by striking  
10                      “and” and inserting “or”;; and

11                      (iii) by adding at the end the fol-  
12                      lowing new subclause:

13                               “(cc) determined that a chemical  
14                               facility of interest did not present a  
15                               high level of risk; and”;

16               (B) by amending subparagraph (C) to read  
17       as follows:

18                       “(C) for the period beginning on the date  
19                       that is one year before the date of the enact-  
20                       ment of the Protecting and Securing Chemical  
21                       Facilities from Terrorist Attacks Act of 2019  
22                       and ending on the date of the enactment of  
23                       such Act, the average length of time required  
24                       to—

1                   “(i) review and approve site security  
2                   plans or alternative security programs for  
3                   covered chemical facilities;

4                   “(ii) ensure a facility has achieved full  
5                   implementation of planned security meas-  
6                   ures; and

7                   “(iii) conduct a compliance inspection,  
8                   including the average length of time in-  
9                   spectors spend on an individual compliance  
10                  inspection;”;

11                  (C) in subparagraph (E), by striking  
12                  “and” at the end;

13                  (D) by redesignating subparagraph (F) as  
14                  subparagraph (I); and

15                  (E) by inserting after subparagraph (E)  
16                  the following new subparagraphs:

17                  “(F) a detailed summary of reports and  
18                  other information generated under paragraph  
19                  (3) regarding facilities that receive a change in  
20                  tier or that are determined not to present a  
21                  high level of security risk;

22                  “(G) a detailed summary of practices iden-  
23                  tified and disseminated under such paragraph;

1           “(H) actions taken and results produced in  
2           implementing the practices, to the extent fea-  
3           sible; and”.

4           (g) SPECIFIC PRODUCTS AND MIXTURES.—Such sec-  
5           tion (6 U.S.C. 622) is further amended by adding at the  
6           end the following new subsection:

7           “(f) SPECIFIC PRODUCTS AND MIXTURES CON-  
8           TAINING CHEMICALS OF INTEREST.— The Secretary may  
9           exclude a specific product or mixture that contains a  
10          chemical of interest at or above the minimum concentra-  
11          tion listed on Appendix A to part 27 of title 6, Code of  
12          Federal Regulations, or any successor thereto, from any  
13          reporting requirements under this section if the Secretary  
14          determines that the product or mixture does not present  
15          a terrorism risk for which the chemical of interest con-  
16          tained within the product or mixture was included on Ap-  
17          pendix A.”.

18       **SEC. 4. PROTECTION AND SHARING OF INFORMATION.**

19          Section 2103 of the Homeland Security Act of 2002  
20          (6 U.S.C. 623) is amended—

21               (1) by striking subsections (b), (c), and (f); and

22               (2) by inserting after subsection (a) the fol-  
23          lowing new subsections (b) and (c):

24          “(b) AUTHORIZED RECIPIENTS OF INFORMATION.—

25          The Secretary shall make available, upon request, infor-



1 mation protected pursuant to subsection (a) to the fol-  
2 lowing recipients:

3           “(1) State and local government officials, in-  
4           cluding law enforcement and emergency response  
5           providers, with respect to information on any chem-  
6           ical facility of interest within the jurisdiction of the  
7           official, but only if such information may not be dis-  
8           closed pursuant to any State or local law.

9           “(2) Members of Congress.

10           “(3) Members of the Chemical Security Advi-  
11           sory Committee under section 2010, in the course of  
12           conducting official duties and responsibilities as de-  
13           scribed in such section.

14           “(4) The Comptroller General of the United  
15           States.

16           “(c) INFORMATION DEVELOPED FOR OTHER PUR-  
17           POSES.—Nothing in this section shall be construed to pro-  
18           hibit a chemical facility of interest from disclosing infor-  
19           mation that was not created solely for the purpose of  
20           meeting the requirements of this title.”.

21 **SEC. 5. CIVIL ENFORCEMENT.**

22           Section 2104 of the Homeland Security Act of 2002  
23           (6 U.S.C. 624) is amended—

24           (1) in subsection (a)(1)—

1 (A) in subparagraph (A)(i), by striking  
2 “14 days after date on which” and inserting  
3 “three days after the date on which”; and

4 (B) in subparagraph (B), by striking “180  
5 days” and inserting “30 days”;

6 (2) in subsection (b)(2), by inserting “section  
7 2102(a)(2)(B) or any requirement issued by the Sec-  
8 retary thereunder” after “comply with”;

9 (3) in subsection (c), by inserting “or other ma-  
10 licious act” after “terrorist incident”; and

11 (4) in subsection (d), by inserting “, except as  
12 provided in section 2105(a)(5) regarding whistle-  
13 blower retaliation” before the period at the end.

14 **SEC. 6. WHISTLEBLOWER PROTECTION.**

15 Section 2105 of the Homeland Security Act of 2002  
16 (6 U.S.C. 625) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (1), by striking “Not  
19 later than 180 days after the date of enactment  
20 of the Protecting and Securing Chemical Facili-  
21 ties from Terrorist Attacks Act of 2014, the  
22 Secretary” and inserting “The Secretary”;

23 (B) by amending paragraph (2) to read as  
24 follows:

25 “(2) CONFIDENTIALITY.—

1           “(A) IN GENERAL.—Except as provided in  
2           subparagraph (B), in the absence of the written  
3           consent of an individual who submits a report  
4           under paragraph (1)—

5                   “(i) the Secretary shall keep confiden-  
6                   tial the identity of and any identifying in-  
7                   formation relating to that individual; and

8                   “(ii) any such report shall be subject  
9                   to the protections on information under  
10                  section 2103 of this Act to the extent that  
11                  the report does not consist of publicly  
12                  available information.

13                  “(B) NOTICE.—In a case in which it is  
14                  necessary to disclose the identity of or any iden-  
15                  tifying information relating to an individual  
16                  who submits a report under paragraph (1) be-  
17                  cause it is essential to investigate the informa-  
18                  tion contained in the report or because of com-  
19                  pulsory legal process, the Secretary shall pro-  
20                  vide timely advance notice to the individual of  
21                  such disclosure.”;

22                  (C) by amending paragraph (3) to read as  
23                  follows:

24                   “(3) RESPONSE TO REPORTS.—If a report sub-  
25                  mitted under paragraph (1) contains information

1 identifying the individual making the report, the  
2 Secretary, or the designee of the Secretary shall, by  
3 not later than 15 days after the date on which the  
4 report is received, respond to the individual directly  
5 and acknowledge receipt of the report.”;

6 (D) in paragraph (5)—

7 (i) by amending subparagraph (C) to  
8 read as follows:

9 “(C) OPPORTUNITY FOR REVIEW.—In any  
10 action under paragraph (4) that is based on in-  
11 formation received under the procedure estab-  
12 lished under paragraph (1), the Secretary shall  
13 provide for review of the action if a petition for  
14 review is filed within 20 calendar days of the  
15 date of issuance of the order for the action.”;

16 (ii) in subparagraph (D)—

17 (I) by striking “unless the Sec-  
18 retary determines” and inserting “,  
19 except that the Secretary may provide  
20 for a 30-day extension if the Secretary  
21 determines”;

22 (II) by striking “that the viola-  
23 tion providing a basis for the action  
24 continues to exist.” and inserting  
25 “that—”; and

1 (III) by adding at the end the  
2 following new clauses:

3 “(i) the violation providing a basis for  
4 the action continues to exist; or

5 “(ii) such period is insufficient to  
6 complete the review of the action.”; and

7 (E) in paragraph (6)—

8 (i) in subparagraph (A), by striking  
9 “discharge an employee or otherwise dis-  
10 criminate against an employee with respect  
11 to the compensation provided to, or terms,  
12 conditions, or privileges of the employment  
13 of, the employee because the employee (or  
14 an individual acting pursuant to a request  
15 of the employee) submitted a report under  
16 paragraph (1).” and inserting “discharge  
17 an employee or otherwise discriminate  
18 against an employee or former employee  
19 with respect to the compensation provided  
20 to, or terms, conditions, or privileges asso-  
21 ciated with current or past employment of,  
22 the employee or former employee because  
23 the employee or former employee (or an in-  
24 dividual acting pursuant to a request of  
25 the employee or former employee) sub-

1                   mitted a report under paragraph (1).”;

2                   and

3                   (ii) in subparagraph (B), in the mat-  
4                   ter preceding clause (i), by—

5                   (I) inserting “or former em-  
6                   ployee” after “An employee”; and

7                   (II) inserting “or former em-  
8                   ployee (or an individual acting pursu-  
9                   ant to a request of the employee or  
10                  former employee)” after “the em-  
11                  ployee”; and

12                  (iii) by adding at the end the fol-  
13                  lowing new subparagraph:

14                  “(C) PROCEDURE AND REMEDY.—

15                  “(i) IN GENERAL.—The Secretary  
16                  shall establish a procedure for the review  
17                  and investigation of complaints of reprisals  
18                  prohibited under subparagraph (A) and for  
19                  remedies for violations of such subpara-  
20                  graph.

21                  “(ii) JUDICIAL REMEDIES.—Nothing  
22                  in this title shall be construed to deny an  
23                  individual who submits a complaint for any  
24                  reprisal prohibited under subparagraph (A)  
25                  from seeking a judicial remedy against the

1 owner or operator of the chemical facility  
2 of interest as long as the individual has ex-  
3 hausted administrative remedies.”; and

4 (2) by striking subsection (d).

5 **SEC. 7. CHEMICAL SECURITY ADVISORY COMMITTEE.**

6 (a) IN GENERAL.—Title XXI of the Homeland Secu-  
7 rity Act of 2002 (6 U.S.C. 621 et seq.) is amended by  
8 adding at the end the following new section:

9 **“SEC. 2110. CHEMICAL SECURITY ADVISORY COMMITTEE.**

10 “(a) ESTABLISHMENT.—The Secretary shall estab-  
11 lish a standing Chemical Security Advisory Committee to  
12 advise the Secretary on the implementation of this title.

13 “(b) MEMBERSHIP.—

14 “(1) IN GENERAL.—The Advisory Committee  
15 shall be comprised of 12 members selected by the  
16 Secretary, which shall include at least one individual  
17 who is a multi-disciplinary stakeholder with scientific  
18 or other expertise representing each of the following:

19 “(A) Industry.

20 “(B) Academia.

21 “(C) Labor.

22 “(D) Emergency response providers.

23 “(E) Local emergency planners.

24 “(F) Environmental, community, or public  
25 health advocates, particularly for communities

1 with high concentrations of covered chemical fa-  
2 cilities.

3 “(G) Cybersecurity and information policy.

4 “(2) TERMS.—Each member shall be appointed  
5 for an initial term of three years and may be re-  
6 appointed for one additional three-year term.

7 “(3) CHAIR.—The Committee shall have a  
8 chair, who shall be selected by the members of the  
9 Committee.

10 “(4) PAY.—Members shall serve without pay.

11 “(5) QUORUM.—A majority of members of the  
12 Advisory Committee shall constitute a quorum but a  
13 lesser number may hold hearings.

14 “(c) SUBCOMMITTEES.—The Advisory Committee  
15 may establish subcommittees to assesses and recommend  
16 improvements to the risk tiering methodology for chemical  
17 facilities, the risk-based performance standards for chem-  
18 ical facilities, risk reduction strategies, and other aspects  
19 of the program under this title as the Secretary deter-  
20 mines appropriate.

21 “(d) INFORMATION PROTECTION.—Members of Advi-  
22 sory Committee shall maintain information protections  
23 pursuant to section 2103 of this Act. Any member who  
24 needs to access classified information to carry out assess-  
25 ments and recommendations for improving the risk tiering



1 methodology for chemical facilities shall have an appro-  
2 priate security clearance.

3 “(e) ANNUAL REPORT.—

4 “(1) SUBMISSION TO THE SECRETARY.—Not  
5 later than January 30 each year, the chair shall sub-  
6 mit to the Secretary a report on the activities of the  
7 Committee during the year preceding the year dur-  
8 ing which the report is submitted.

9 “(2) SUBMISSION TO CONGRESS.—Not later  
10 than 45 days after receiving a report from the Advi-  
11 sory Committee under paragraph (1), the Secretary  
12 shall provide to the Committees on Homeland Secu-  
13 rity and Energy and Commerce of the House of  
14 Representatives and the Committee on Homeland  
15 Security and Governmental Affairs of the Senate a  
16 copy of the report together with any Secretarial  
17 feedback on the report.

18 “(f) APPLICABILITY OF FACA.—The Federal Advi-  
19 sory Committee Act (5 U.S.C. App.) shall not apply to  
20 the Committee established under this section.”.

21 (b) CLERICAL AMENDMENT.—The table of contents  
22 in section 1(b) of such Act is amended by inserting after  
23 the item relating to section 2109 the following new item:

“2110. Chemical Security Advisory Committee.”.

1 **SEC. 8. IMPLEMENTATION PLAN AND REPORT TO CON-**  
2 **GRESS.**

3 (a) IMPLEMENTATION PLAN.—Not later than 120  
4 days after the date of the enactment of this Act, the Sec-  
5 retary of Homeland Security shall develop, and submit to  
6 Congress, an implementation plan outlining how the Sec-  
7 retary plans to—

8 (1) aggregate, anonymize, and analyze data col-  
9 lected from covered chemical facilities or chemical  
10 facilities of interest to identify practices that such  
11 facilities have employed to successfully reduce or re-  
12 move terrorism-related chemical security risks;

13 (2) develop voluntary, publicly available, prac-  
14 tices based on such data, which may be updated as  
15 necessary, to guide facility owners and operators in  
16 preventing, reducing, and managing security risks;  
17 and

18 (3) disseminate such practices to chemical facil-  
19 ity owners and operators through an appropriate  
20 medium or system, including by making such prac-  
21 tices available to the public to the greatest extent  
22 practicable.

23 (b) REPORT.—

24 (1) INITIAL REPORT.—Not later than two years  
25 after the date of the enactment of this Act, the Sec-  
26 retary shall submit to Congress a report on the sta-

1       tus of implementation plan required under sub-  
2       section (a), a description of the voluntary, publicly  
3       available, practices identified, and the system or me-  
4       dium used to disseminate such practices to chemical  
5       facility owners and operators.

6               (2) ANNUAL UPDATES.—Not later than one  
7       year after the submission of the report required  
8       under paragraph (1), and annually thereafter, the  
9       Secretary shall submit to Congress information on  
10      changes to the voluntary practices information dis-  
11      seminated and bases for such changes, information  
12      on feedback collected from facility owners and opera-  
13      tors regarding the extent to which voluntary prac-  
14      tices were adopted, and information on what impact  
15      the dissemination of voluntary practices have had on  
16      the effectiveness of the program.

17 **SEC. 9. STUDY ON RISKS POSED BY EXCLUDED FACILITIES.**

18       (a) STUDY REQUIRED.—The Secretary of Homeland  
19      Security shall enter into an agreement with a non-Depart-  
20      ment of Homeland Security entity for the conduct of an  
21      independent assessment of—

22               (1) the implications for national security and  
23      homeland security of exempting from regulation  
24      under title XXI of the Homeland Security Act of

1 2002 (6 U.S.C. 621 et seq.) excluded facilities, as  
2 such term is defined in section 2101(4) of such Act.;

3 (2) the implications for such excluded facilities  
4 of exempting such facilities from regulation; and

5 (3) the implications of exempting such facilities  
6 from regulation for the communities located in the  
7 same geographic areas as such facilities.

8 (b) REPORT TO CONGRESS.—Not later than 16  
9 months after entering into an agreement under subsection  
10 (a), the Secretary of Homeland Security shall submit to  
11 the appropriate congressional committees a report that in-  
12 cludes the findings and recommendations of the inde-  
13 pendent assessment required by subsection (a).

14 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—  
15 In this section, the term “appropriate congressional com-  
16 mittees” means—

17 (1) the Committee on Homeland Security and  
18 Governmental Affairs of the Senate; and

19 (2) the Committee on Homeland Security and  
20 the Committee on Energy and Commerce of the  
21 House of Representatives.

22 **SEC. 10. STUDY ON FEASIBILITY OF WAIVER PROGRAM.**

23 (a) STUDY REQUIRED.—The Secretary of Homeland  
24 Security shall conduct a study to assess the feasibility and  
25 desirability of establishing a process under which certain

1 chemical facilities, as determined by the Secretary, may  
2 apply to for a waiver of certain regulatory requirements  
3 under title XXI of the Homeland Security Act of 2002  
4 (6 U.S.C. 621 et seq.) upon showing that—

5 (1) the requirements under such title are cov-  
6 ered, to the same extent and in the same manner,  
7 under another Federal regulatory program;

8 (2) the facility is in full and complete compli-  
9 ance with such other Federal regulatory program, as  
10 shown through timely scheduled inspections, audits,  
11 and other supporting evidence; and

12 (3) the facility has not, during the five-year pe-  
13 riod preceding the date on which a waiver is re-  
14 quested, been subject to an enforcement action  
15 brought by the Federal regulator overseeing such  
16 regulatory program or been found to be noncompli-  
17 ant with any aspect of such regulatory program.

18 (b) REPORT TO CONGRESS.—Not later than two  
19 years after the date of the enactment of this Act, the Sec-  
20 retary of Homeland Security shall submit to the appro-  
21 priate congressional committees a report that includes de-  
22 tailed findings regarding the establishment of the process  
23 described in subsection (a) and, if appropriate, rec-  
24 ommendations for implementation.

1 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—

2 In this section, the term “appropriate congressional com-  
3 mittees” means—

4 (1) the Committee on Homeland Security and  
5 Governmental Affairs of the Senate; and

6 (2) the Committee on Homeland Security and  
7 the Committee on Energy and Commerce of the  
8 House of Representatives.

9 **SEC. 11. REVIEW OF TIERING METHODOLOGY.**

10 (a) REVIEW REQUIRED.—The Director of the  
11 Cybersecurity and Infrastructure Security Agency shall—

12 (1) conduct a review of the risk assessment ap-  
13 proach and corresponding tiering methodology for  
14 covered chemical facilities required pursuant to sec-  
15 tion 2102(e)(2) of the Homeland Security Act of  
16 2002, as amended by this Act, and assess the extent  
17 to which the approach and tiering methodology takes  
18 into account—

19 (A) the nature of the area surrounding the  
20 chemical facility, the presence of nearby facili-  
21 ties or other critical infrastructure, and other  
22 features of the community that could contribute  
23 to the consequences of a terrorist attack or ex-  
24 ploitation of chemicals of interest;

1 (B) the potential effects on the health and  
2 economic conditions of communities dispropor-  
3 tionately vulnerable to the consequences of a  
4 terrorist attack or exploitation of chemicals of  
5 interest; and

6 (C) the vulnerabilities of chemical facilities  
7 to cybersecurity threats, including the  
8 vulnerabilities of facilities' information tech-  
9 nology and operational technology and the im-  
10 plications on the potential for penetration of  
11 both the physical security and cybersecurity of  
12 facilities; and

13 (2) based on the review under paragraph (1),  
14 develop a plan to ensure that when the tiering meth-  
15 odology is next updated, the nature of the sur-  
16 rounding area, the presence of nearby facilities or  
17 other critical infrastructure, and other features of  
18 the community that could contribute to the con-  
19 sequences of a terrorist attack or exploitation of  
20 chemicals of interest and impacts on communities  
21 disproportionately vulnerable to the consequences of  
22 a terrorist attack or exploitation of chemicals of in-  
23 terest are considered.

24 (b) REPORT TO CONGRESS.—

1           (1) REPORT ON REVIEW.—Not later than two  
2           years after the date of the enactment of this Act, the  
3           Director shall submit to the appropriate congress-  
4           sional committees a report on the tiering method-  
5           ology review required under subsection (a).

6           (2) SUBMITTAL OF PLAN.— Not later than one  
7           year after submitting the report under paragraph  
8           (1), the Director shall submit to the appropriate  
9           congressional committees the tiering methodology  
10          plan required under subsection (a)(2).

11          (3) APPROPRIATE CONGRESSIONAL COMMIT-  
12          TEES.—In this section, the term “appropriate con-  
13          gressional committees” means—

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

16                (B) the Committee on Homeland Security  
17                and the Committee on Energy and Commerce  
18                of the House of Representatives.

19   **SEC. 12. COMPTROLLER GENERAL REPORTS.**

20          (a) EVALUATION OF EFFECTIVENESS OF RISK-  
21          BASED PERFORMANCE STANDARDS.—

22                (1) STUDY AND REPORT.—Not later than 18  
23                months after the date of the enactment of this Act,  
24                the Comptroller General of the United States shall  
25                conduct a study and submit to the appropriate con-



1 gressional committees a report on the effectiveness  
2 of the risk-based performance standards used by the  
3 Department of Homeland Security under title XXI  
4 of the Homeland Security Act of 2002 (6 U.S.C.  
5 621 et seq.) in protecting businesses, employees, the  
6 economy, the public, and national security against  
7 existing and evolving threats of concern.

8 (2) CONTENTS OF REPORT.—The report re-  
9 quired by paragraph (1) shall address—

10 (A) the sufficiency of security risk deter-  
11 minations and countermeasures under title XXI  
12 of the Homeland Security Act of 2002 (6  
13 U.S.C. 621 et seq.); and

14 (B) the need for revised or additional  
15 methods to address evolving security risks.

16 (b) EVALUATION OF INFORMATION MANAGEMENT.—  
17 Not later than one year after the date of the enactment  
18 of this Act, the Comptroller General of the United States  
19 shall conduct a study and submit to the appropriate con-  
20 gressional committees a report on—

21 (1) how the Secretary of Homeland Security  
22 documents, maintains, and uses information on  
23 tiering changes pursuant to section 2102(e)(3) of  
24 the Homeland Security Act of 2002 (6 U.S.C.  
25 622(e)(3)); and

1           (2) how management, maintenance, utility, and  
2           use of the information could be improved to better  
3           identify and disseminate practices to reduce chemical  
4           security risks.

5           (c) **EVALUATION OF PRACTICES TO REDUCE CHEM-**  
6 **ICAL SECURITY RISKS.**—Not later than three years after  
7 the date of the enactment of this Act, the Comptroller  
8 General of the United States shall submit to the appro-  
9 priate congressional committees a report on the effective-  
10 ness of the development and distribution by the Secretary  
11 of Homeland Security of practices to address chemical se-  
12 curity risks and of any actions taken or results produced  
13 in response to such practices.

14           (d) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—  
15 In this section, the term “appropriate congressional com-  
16 mittees” means—

17           (1) the Committee on Homeland Security and  
18           Governmental Affairs of the Senate; and

19           (2) the Committee on Homeland Security and  
20           the Committee on Energy and Commerce of the  
21           House of Representatives.

22 **SEC. 13. VOLUNTARY MECHANISM FOR REPORTING**  
23 **DRONES AND OTHER EMERGING THREATS.**

24           (a) **IN GENERAL.**—Not later than 120 days after the  
25 date of the enactment of this Act, the Secretary of Home-

1 land Security, acting through the Director of the  
2 Cybersecurity and Infrastructure Security Agency, shall  
3 provide a secure communications and information tech-  
4 nology infrastructure or platform that allows owners and  
5 operators of covered chemical facilities to report, on a vol-  
6 untary basis, information on emerging threats, including  
7 terrorism threats posed by unmanned aircraft systems (as  
8 defined in section 331(9) of the FAA Modernization and  
9 Reform Act of 2012 (Public Law 112–95; 49 U.S.C.  
10 40101 note) to covered chemical facilities.

11 (b) PLATFORM CAPABILITIES.—The Secretary shall  
12 ensure that the secure communications and information  
13 technology infrastructure or platform established pursuant  
14 to subsection (a) is designed to support data mining and  
15 other advanced analytic tools to access, receive, and ana-  
16 lyze data and information to facilitate the reporting of the  
17 information described in subsection (a).

18 **SEC. 14. REGULATIONS REGARDING SPECIFIC PRODUCTS**  
19 **AND MIXTURES CONTAINING CHEMICALS OF**  
20 **INTEREST.**

21 Not later than one year after the date of the enact-  
22 ment of this Act, the Secretary of Homeland Security shall  
23 prescribe regulations to enact a process through which the  
24 Secretary can be petitioned to exclude a product or mix-  
25 ture under subsection (f) of section 2102 of the Homeland

1 Security Act, as added by section 3. In collecting informa-  
2 tion from petitioners under such subsection, the Secretary  
3 shall not be subject to subchapter I of chapter 35 of title  
4 44, United States Code, or section 553 of title 5, United  
5 States Code.

6 **SEC. 15. VOLUNTARY PROGRAM.**

7 (a) IN GENERAL.—The Director of Cybersecurity  
8 and Infrastructure Security of the Department of Home-  
9 land Security may develop a voluntary program for chem-  
10 ical facilities to address potential security risks at such  
11 facilities.

12 (b) CONGRESSIONAL NOTIFICATION.—Not less than  
13 15 days prior to commencing a voluntary program pursu-  
14 ant to subsection (a), the Director shall provide notifica-  
15 tion to the Committee on Homeland Security and the  
16 Committee on Energy and Commerce of the House of  
17 Representatives and the Committee on Homeland Security  
18 and Governmental Affairs of the Senate.

19 **SEC. 16. STUDY ON LOCAL EMERGENCY RESPONSE CAPAC-**  
20 **ITY TO RESPOND TO CHEMICAL SECURITY IN-**  
21 **CIDENTS.**

22 (a) STUDY REQUIRED.—The Secretary of Homeland  
23 Security, acting through the Under Secretary for Science  
24 and Technology, shall conduct a study on how to improve  
25 training and support for local emergency response pro-

1 viders in areas with high concentrations of covered chem-  
2 ical facilities in how to respond to a terrorist attack on  
3 a chemical facility.

4 (b) FEATURES.—In carrying out the study required  
5 under subsection (a), the Secretary shall consider, as ap-  
6 propriate—

7 (1) the degree to which jurisdictions with high  
8 concentrations of covered chemical facilities have  
9 fire, police, medical, and other response personnel  
10 trained and equipped to respond to a terrorist attack  
11 on a chemical facility and have—

12 (A) evacuation and shelter in place proto-  
13 cols tailored to the unique needs of the jurisdic-  
14 tion and the chemical properties of chemicals of  
15 interest that would be involved in the attack  
16 and that take into consideration vulnerable pop-  
17 ulations, including schools, child care centers,  
18 nursing facilities, and hospitals;

19 (B) community notification and warning  
20 systems; and

21 (C) surge capacities of hospitals and other  
22 health care facilities in the area; and

23 (2) what, if any, distinctions are there in pre-  
24 paredness for a terrorist attack on a chemical facil-  
25 ity in jurisdictions that rely on volunteers to carry

1 out fire, police, medical and other response and ju-  
2 risdictions that do not rely, in whole or in part, on  
3 volunteers; and

4 (3) all training, equipment, and support pro-  
5 vided by the Department of Homeland Security to  
6 local emergency response providers in areas with a  
7 high concentration of covered chemical facilities and  
8 chemical facilities of interest.

9 (c) SURVEY.—In carrying out the study required  
10 under subsection (a), the Secretary may partner with a  
11 non-Departmental entity for the survey of a representative  
12 sample of emergency response providers in areas with a  
13 high concentration of covered chemical facilities, chemical  
14 facilities of interest, or other facilities with large quantities  
15 of chemicals.

16 (d) REPORT.—No later than two years from the date  
17 on which the Secretary commences the study required  
18 under subsection (a), the Secretary shall submit to Con-  
19 gress the study, accompanied by plans, as appropriate,  
20 to—

21 (1) improve the Department's counter-terrorism  
22 preparedness and response planning, training, and  
23 equipment efforts to ensure that they are better tai-  
24 lored and resourced to address the unique needs of  
25 local emergency response providers in areas with a

1 high concentration of covered chemical facilities and  
2 chemical facilities of interest; and

3 (2) improve coordination among Federal, State,  
4 local, tribal, and territorial government officials in  
5 emergency planning and response in areas with high  
6 concentrations of covered chemical facilities, chem-  
7 ical facilities of interest, or other facilities with large  
8 quantities of hazardous chemicals.

9 (e) PUBLIC AVAILABILITY.—The report required  
10 under this section shall be made publicly available, but  
11 may include a classified annex.

12 **SEC. 17. PREVIOUSLY APPROVED FACILITIES.**

13 In the case of a chemical facility that is a covered  
14 chemical facility under title XXI of the Homeland Security  
15 Act of 2002 for which the Secretary of Homeland Security  
16 approved a site security plan under such title before the  
17 date of enactment of this Act, the Secretary shall not re-  
18 quire the facility to resubmit the site security plan solely  
19 by reason of the enactment of this Act or the amendments  
20 made by this Act.

21 **SEC. 18. TERMINATION.**

22 Section 5 of the Protecting and Securing Chemical  
23 Facilities From Terrorist Attacks Act of 2014 (Public  
24 Law 113–254; 6 U.S.C. 621 note) is amended by striking

- 1 “the date that is 4 years after the effective date of this
- 2 Act” and inserting “May 1, 2025”.

