To amend the Homeland Security Act of 2002 to reauthorize and improve the Chemical Facility Anti-Terrorism Standards Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2019

Mr. RICHMOND (for himself and Mr. THOMPSON of Mississippi) 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 amend the Homeland Security Act of 2002 to reauthorize and improve the Chemical Facility Anti-Terrorism Standards Program, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the
5 “Protecting and Securing Chemical Facilities from Ter-
6 rorist Attacks Act of 2019”.

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(b) Table of Contents.—The table of contents for 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. Comptroller General reports.
Sec. 12. Voluntary mechanism for reporting drones and other emerging threats.
Sec. 13. Regulations regarding specific products and mixtures containing chemicals of interest.
Sec. 14. Termination.

3 SEC. 2. DEFINITIONS.

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

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

(2) in paragraph (5)—

(A) in subparagraph (A), by striking “that is in effect on the day before the date of enactment of the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014;” and inserting “or this title”; and

(B) in subparagraph (B), by striking “that is in effect on the day before the date of enactment of the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014;” and inserting “or this title”;
(3) by striking paragraphs (6), (7), and (8); and

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

SEC. 3. CHEMICAL FACILITY ANTI-TERRORISM STANDARDS PROGRAM.

(a) ADDITIONAL CFATS PROGRAM REQUIREMENT.—Section 2102(a)(2) of such Act (6 U.S.C. 622) is amended—

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

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

(3) by adding at the end the following new subparagraphs:

“(E) verify information submitted by a covered chemical facility prior to assigning such facility a lower risk tier or determining that such facility no longer presents a high level of security risk; and

“(F) develop a voluntary program for chemical facilities to address potential security risks at such facilities.”.
(b) **Employee Input Regarding Security Measures.**—Paragraph (2) of subsection (b) of section 2102 of such Act (6 U.S.C. 622) is amended to read as follows:

‘‘(2) **Employee consultation and awareness.**—

‘‘(A) **Employee consultation requirement.**—A facility’s security vulnerability assessment and site security plan shall be developed in consultation with—

‘‘(i) at least one facility employee, in addition to the facility security officer or other individual who serves as a point of contact under section 27.230(a)(17) of title 6, Code of Federal Regulations, and the corresponding guidance issued under section 27.220(d) of such title, or any successor thereto, who possesses relevant knowledge, experience, training, or education pertaining to matters of site security; and

‘‘(ii) in the case of a facility where facility employees are represented by a bargaining agent, at least one employee representative who—
“(I) is selected by the bargaining agent at that facility; and

“(II) has relevant knowledge, experience, training, or education pertaining to matters of site security.

“(B) RECORD OF EMPLOYEE CONSULTATION.—A covered chemical facility shall maintain a written record of the employee consultation required by subparagraph (A), including a record of—

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

“(ii) how often and when such consultation took place;

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

“(iv) any recommendations that were offered, accepted, or rejected as part of the security vulnerability assessment or site security plan.

“(C) ACCESS TO EMPLOYEES.—Each owner or operator of a covered chemical facility shall, upon request, provide to an employee of the Department engaged in carrying out audits
and inspections of such facility access to any employee who participated in the development of the facility’s security vulnerability assessment and site security plan.

“(D) EMPLOYEE AWARENESS.—The Secretary shall produce a poster for display in areas of covered chemical facilities and chemical facilities of interest shall be required to display that are accessible to facility employees to inform employees of the facility about program requirements under this title and the whistle-blower protections provided under section 2105.”.

(e) SITE SECURITY PLANS.—

(1) DISAPPROVAL.—Subsection (e)(1)(B) of section 2102 of such Act (6 U.S.C. 622) is amended—

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

(B) by amending clause (ii) to read as follows:

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

“(I) the plan fails to satisfy the risk-based performance standards es-
established pursuant to subsection (a)(2)(C); or

“(II) the plan fails to include the name, organizational affiliation, and phone number of a local emergency manager or local emergency response provider and a documented policy to contact the local emergency manager or local emergency response provider at least annually regarding emergency response procedures at the facility.”.

(2) Assessments.—Paragraph (3) of subsection (c) of such section is amended to read as follows:

“(3) Site security plan assessments.—In approving or disapproving a site security plan under this subsection, the Secretary shall—

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

“(B) confirm that the covered chemical facility has complied with the employee consultation requirements in paragraph (2) of subsection (b), including by reviewing and recording compliance with the record-keeping require-
ments under subparagraph (B) of that paragraph.”.

(d) Elimination of Expedited Approval Program.—Section 2102(c) of such Act (6 U.S.C. 622) is amended by striking paragraph (4).

(e) Audits and Inspections.—

(1) Authority to conduct.—Subparagraph (B) of paragraph (1) of subsection (d) of section 2102 of such Act (6 U.S.C. 622) is amended by striking “under this title using” and inserting “at chemical facilities of interest and covered chemical facilities and shall obtain information and records to ensure compliance with this title. Such audits and inspections shall be conducted using”.

(2) Reporting structure.—Subparagraph (D) of such paragraph is amended—

(A) in clause (i), by inserting “, or any successor organization that implements the requirements of subsection (a)(2),” after “Department”; and

(B) in clause (ii), by inserting “, or any successor organization that implements the requirements of subsection (a)(2),” after “Department”. 
(3) Standards for Auditors and Inspectors.—Subparagraph (E) of such paragraph is amended—

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

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

(ii) by inserting “to ensure such individuals receive” before “the training”; and

(iii) by striking “and retraining of each individual used by the Department as an auditor or inspector, including each individual employed by the Department and all nondepartmental or nongovernmental personnel” and inserting “, continuing education, and other professional development tools necessary to carry out duties and responsibilities”; and

(B) in clause (i), by striking “requirements” and inserting “necessary to audit and inspect compliance with all aspects of the risk-based performance standards, including standards related to cybersecurity,.”.
(4) EMERGENCY RESPONSE PLANS.—Such subsection is further amended by adding at the end the following new paragraph:

“(4) AUDIT OF EMERGENCY RESPONSE PLAN.—As part of the audit and inspection process under this subsection, the Secretary shall provide for an annual review of the compliance of a chemical facility with the requirements under subsection (e)(1)(B)(ii)(B) and the adherence of the facility to the emergency response requirements under such subsection.”.

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

(1) in paragraph (2)(B)—

(A) in the matter preceding clause (i), by inserting “and other malicious acts” after “terrorism”; and

(B) in clause (ii), by striking “severe economic consequences and the potential loss of human life in the event of the facility being subject to attack, compromise, infiltration, or exploitation by terrorists” and inserting “consequences in event of the facility being subject to attack, compromise, infiltration, or the ex-
ploitation of chemicals of interest by a terrorist
or other malicious actor’’;

(2) in paragraph (3)—

(A) in subparagraph (A)—

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

(ii) by inserting before clause (ii), as
so redesignated, the following new clause
(i):

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

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

(B) in subparagraph (B)—

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

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

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

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“(ii) actions taken or practices employed by the facility to reduce or remove terrorism-related chemical security risks, where applicable.”; and

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

“(C) TREATMENT OF CERTAIN INFORMATION.—For the purposes of subsection (a) of section 2103—

“(i) information described in subparagraph (B)(i) shall be given protections from public disclosure under such subsection; and

“(ii) information described in subparagraph (B)(ii) shall not be given protections from public disclosure under such subsection.”;

(3) by redesignating paragraph (4) as paragraph (6);

(4) by inserting after paragraph (3) the following new paragraphs:

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

“(A) IN GENERAL.—The Secretary shall make available to State, local, and regional fu-
sion centers (as that term is defined in section 210A(j)(1) of this Act) and State and local gov-
ernment officials such information as the Sec-
retary determines necessary to ensure that emer-
gency response providers are prepared and pro-
vided with the situational awareness needed to respond to security incidents at covered chemical facilities.

“(B) DISSEMINATION.—The Secretary shall disseminate information under subpara-
graph (A) to individuals identified and entities described in such subparagraph in a secure and expeditious manner.

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

“(A) IN GENERAL.—Based on the information maintained under paragraph (3)(B)(ii) re-
arding actions taken or practices employed by chemical facilities of interest to successfully re-
duce or remove terrorism-related chemical secu-
ritry risks, the Secretary shall develop voluntary, publicly available practices that could be used to guide other facility owners and operators in preventing, reducing, and mitigating chemical security risks.
“(B) Treatment of sensitive information.—In developing and disseminating practices under subparagraph (A), the Secretary shall protect from public disclosure all information described in section 2103(a).”; and

(5) in paragraph (6), as redesignated by paragraph (3) of this subsection—

(A) in subparagraph (B)(i)—

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

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

(iii) by adding at the end the following new subclause:

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

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

“(C) for the period beginning on the date that is one year before the date of the enactment of the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2019 and ending on the date of the enactment of
such Act, the average length of time required to—

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

“(ii) ensure a facility has achieved full implementation of planned security measures; and

“(iii) conduct a compliance inspection, including the average length of time inspectors spend on an individual compliance inspection;”;

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

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

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

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

“(G) a detailed summary of practices identified and disseminated under such paragraph;
“(H) actions taken and results produced in implementing the practices, to the extent feasible; and”.

(g) **Specific Products and Mixtures.**—Such section (6 U.S.C. 622) is further amended by adding at the end the following new subsection:

“(f) **Specific Products and Mixtures Containing Chemicals of Interest.**—The Secretary may exclude a specific product or mixture that contains a chemical of interest at or above the minimum concentration listed on Appendix A to part 27 of title 6, Code of Federal Regulations, or any successor thereto, from any reporting requirements under this section if the Secretary determines that the product or mixture does not present a risk for which the chemical of interest contained within the product or mixture was included on Appendix A.”.

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

(a) **In General.**—Section 2103(a) of the Homeland Security Act of 2002 (6 U.S.C. 623(a)) is amended—

(1) by inserting “with respect to information in the possession of the Department, the Secretary shall protect” after “any other provision of law,”;

(2) by striking “information,”;

(3) by striking the comma after “records”; and

(4) by striking “shall be given protections”.
(b) AUTHORIZED RECIPIENTS.—Such section is fur-
ther amended—

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

(2) by redesignating subsections (d) and (e) as

subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the fol-

lowing new subsection (b):

“(b) AUTHORIZED RECIPIENTS OF INFORMATION.—

“(1) IN GENERAL.—Upon request, the Sec-

retary shall make available information protected

pursuant to subsection (a), to the following recipi-

ents:

“(A) State, local, and regional fusion cen-

ters (as that term is defined in section

210A(j)(i) of this Act) and State and local gov-

ernment officials, including law enforcement

and emergency response providers.

“(B) Members of Congress.

“(C) Members of the Chemical Security

Advisory Committee under section 2010 of this

Act.

“(D) The Comptroller General of the

United States.
“(2) NONDEPARTMENTAL INFORMATION.—Informa-
tion is not protected pursuant to subsection
(a) if it is—

“(A) not in the possession of the Depart-
ment;

“(B) developed under this title but has
been previously produced or developed for other
purposes; and

“(C) is already publicly available, readily
discernible, or otherwise lawfully disclosed.”.

SEC. 5. CIVIL ENFORCEMENT.

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

(1) in subsection (a)(1)—

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

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

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

(3) in subsection (e), by inserting “or other ma-
lieous act” after “terrorist incident”; and
(4) in subsection (d), by inserting “, except as provided in section 2105(a)(5) regarding whistleblower retaliation” before the period at the end.

SEC. 6. WHISTLEBLOWER PROTECTION.

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

(1) in subsection (a)—

(A) in paragraph (1), by striking “Not later than 180 days after the date of enactment of the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014, the Secretary” and inserting “The Secretary”;

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

“(2) CONFIDENTIALITY.—

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

“(i) the Secretary shall keep confidential the identity of and any identifying information relating to that individual; and

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

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

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

“(3) RESPONSE TO REPORTS.—If a report sub-
mitted under paragraph (1) contains information
identifying the individual making the report, the
Secretary, or the designee of the Secretary shall, by
not later than 15 days after the date on which the
report is received, respond to the individual directly
and acknowledge receipt of the report.”;

(D) in paragraph (5)—

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

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

and

(ii) in subparagraph (D)—

(I) by striking “unless the Secretary determines” and inserting “, except that the Secretary may provide for a 30-day extension if the Secretary determines”;

(II) by striking “that the violation providing a basis for the action continues to exist.” and inserting “that—”; and

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

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

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

(E) in paragraph (6)—

(i) in subparagraph (A)—
(I) by striking “discharge an employee or otherwise discriminate against an employee with respect to the compensation provided to, or terms, conditions, or privileges of the employment of, the employee because the employee (or an individual acting pursuant to a request of the employee) submitted a report under paragraph (1).” and inserting “discharge an employee or otherwise discriminate against an employee or former employee with respect to the compensation provided to, or terms, conditions, or privileges associated with current or past employment of, the employee or former employee because the employee or former employee (or an individual acting pursuant to a request of the employee or former employee) submitted a report under paragraph (1).”;

(ii) in subparagraph (B), in the matter preceding clause (i), by—
(I) inserting "or former employee" after "An employee"; and

(II) inserting "or former employee (or an individual acting pursuant to a request of the employee or former employee)" after "the employee"; and

(iii) by adding at the end the following new subparagraph:

"(C) PROCEDURE AND REMEDY.—

"(i) IN GENERAL.—The Secretary shall establish a procedure for the review and investigation of complaints of reprisals prohibited under subparagraph (A) and for remedies for violations of such subparagraph.

"(ii) JUDICIAL REMEDIES.—Nothing in this title shall be construed to deny an individual who submits a complaint for any reprisal prohibited under subparagraph (A) from seeking a judicial remedy against the owner or operator of the chemical facility of interest as long as the individual has exhausted administrative remedies."; and

(2) by striking subsection (d).
SEC. 7. CHEMICAL SECURITY ADVISORY COMMITTEE.

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

“SEC. 2110. CHEMICAL SECURITY ADVISORY COMMITTEE.

“(a) ESTABLISHMENT.—The Secretary shall establish a standing Chemical Security Advisory Committee to advise the Secretary on the implementation of this title.

“(b) MEMBERSHIP.—

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

“(A) Industry.

“(B) Academia.

“(C) Labor.

“(D) Emergency response providers.

“(E) Local emergency planners.

“(F) Environmental, community, or public health advocates, particularly for communities with high concentrations of covered chemical facilities.

“(G) Cybersecurity and information policy.
“(2) TERMS.—Each member shall be appointed for an initial term of three years and may be re-appointed for one additional three-year term.

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

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

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

“(c) SUBCOMMITTEES.—The Advisory Committee may establish subcommittees to assess and recommend improvements to the risk tiering methodology for chemical facilities, the risk-based performance standards for chemical facilities, risk reduction strategies, and other aspects of the program under this title as the Secretary determines appropriate.

“(d) INFORMATION PROTECTION.—Members of Advisory Committee shall maintain information protections pursuant to section 2103 of this Act. Any member who needs to access classified information to carry out assessments and recommendations for improving the risk tiering methodology for chemical facilities shall have an appropriate security clearance.
“(e) ANNUAL REPORT.—Not later than January 30 each year, the chair shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and to the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives a report on the activities of the Committee during the year preceding the year during which the report is submitted.

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

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

“2110. Chemical Security Advisory Committee.”.

SEC. 8. IMPLEMENTATION PLAN AND REPORT TO CONGRESS.

(a) IMPLEMENTATION PLAN.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall develop, and submit to Congress, an implementation plan outlining how the Secretary plans to—

(1) aggregate, anonymize, and analyze data collected from covered chemical facilities or chemical facilities of interest to identify practices that such
facilities have employed to successfully reduce or remove terrorism-related chemical security risks;

(2) develop voluntary, publicly available, practices based on such data, which may be updated as necessary, to guide facility owners and operators in preventing, reducing, and managing security risks; and

(3) disseminate such practices to chemical facility owners and operators through an appropriate medium or system, including by making such practices available to the public to the greatest extent practicable.

(b) Report.—

(1) Initial report.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the status of implementation plan required under subsection (a), a description of the voluntary, publicly available, practices identified, and the system or medium used to disseminate such practices to chemical facility owners and operators.

(2) Annual updates.—Not later than one year after the submission of the report required under paragraph (1), and annually thereafter, the Secretary shall submit to Congress information on
changes to the voluntary practices information disseminated and bases for such changes, information on feedback collected from facility owners and operators regarding the extent to which voluntary practices were adopted, and information on what impact the dissemination of voluntary practices have had on the effectiveness of the program.

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

(a) STUDY REQUIRED.—The Secretary of Homeland Security shall enter into an agreement with a non-Department of Homeland Security entity for the conduct of an independent assessment of—

(1) the implications for national security and homeland security of exempting from regulation under title XXI of the Homeland Security Act of 2002 (6 U.S.C. 621 et seq.) excluded facilities, as such term is defined in section 2101(4) of such Act;

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

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

(b) REPORT TO CONGRESS.—Not later than 16 months after entering into an agreement under subsection (a), the Secretary of Homeland Security shall submit to
the appropriate congressional committees a report that includes the findings and recommendations of the independent assessment required by subsection (a).

(c) Appropriate Congressional Committees.—

In this section, the term “appropriate congressional committees” means—

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

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

SEC. 10. STUDY ON FEASIBILITY OF WAIVER PROGRAM.

(a) Study Required.—The Secretary of Homeland Security shall conduct a study to assess the feasibility and desirability of establishing a process under which certain chemical facilities, as determined by the Secretary, may apply to for a waiver of certain regulatory requirements under title XXI of the Homeland Security Act of 2002 (6 U.S.C. 621 et seq.) upon showing that—

(1) the requirements under such title are covered, to the same extent and in the same manner, under another Federal regulatory program;

(2) the facility is in full and complete compliance with such other Federal regulatory program, as
shown through timely scheduled inspections, audits, and other supporting evidence; and

(3) the facility has not, during the five-year period preceding the date on which a waiver is requested, been subject to an enforcement action brought by the Federal regulator overseeing such regulatory program or been found to be noncompliant with any aspect of such regulatory program.

(b) REPORT TO CONGRESS.—Not later than two years after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report that includes detailed findings regarding the establishment of the process described in subsection (a) and, if appropriate, recommendations for implementation.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

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

(2) the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives.
SEC. 11. REVIEW OF POTENTIAL EFFECTS OF ATTACKS ON COVERED CHEMICAL FACILITIES ON OTHER CRITICAL INFRASTRUCTURE.

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

(1) conduct a review of the risk assessment approach and corresponding tiering methodology for covered chemical facilities required pursuant to section 2102(e)(2) of the Homeland Security Act of 2002, as amended by this Act, and assess the extent to which the approach and tiering methodology takes into account—

(A) the nature of the area surrounding the chemical facility, the presence of nearby facilities or other critical infrastructure, and other features of the community that could contribute to the consequences of a terrorist attack or exploitation of chemicals of interest; and

(B) the potential effects on the health and economic conditions of communities disproportionately vulnerable to the consequences of a terrorist attack or exploitation of chemicals of interest; and

(2) develop a plan to ensure that when the tiering methodology is next updated, the nature of the surrounding area, the presence of nearby facili-
ties or other critical infrastructure, and other features of the community that could contribute to the consequences of a terrorist attack or exploitation of chemicals of interest and impacts on communities disproportionately vulnerable to the consequences of a terrorist attack or exploitation of chemicals of interest are better integrated.

(b) Report to Congress.—

(1) In general.—Not later than one year after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report on the review and plan required under subsection (a).

(2) Appropriate congressional committees.—In this section, the term “appropriate congressional committees” means—

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

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

SEC. 12. COMPTROLLER GENERAL REPORTS.

(a) Evaluation of Effectiveness of Risk-Based Performance Standards.—
(1) **Study and Report.**—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to the appropriate congressional committees a report on the effectiveness of the risk-based performance standards used by the Department of Homeland Security under title XXI of the Homeland Security Act of 2002 (6 U.S.C. 621 et seq.) in protecting businesses, employees, the economy, the public, and national security against existing and evolving threats of concern.

(2) **Contents of Report.**—The report required by paragraph (1) shall address—

(A) the sufficiency of security risk determinations and countermeasures under title XXI of the Homeland Security Act of 2002 (6 U.S.C. 621 et seq.); and

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

(b) **Evaluation of Information Management.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to the appropriate congressional committees a report on—
(1) how the Secretary of Homeland Security documents, maintains, and uses information on tiering changes pursuant to section 2102(e)(3) of the Homeland Security Act of 2002 (6 U.S.C. 622(e)(3)); and

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

(c) EVALUATION OF PRACTICES TO REDUCE CHEMICAL SECURITY RISKS.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the effectiveness of the development and distribution by the Secretary of Homeland Security of practices to address chemical security risks and of any actions taken or results produced in response to such practices.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and
(2) the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives.

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

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Director of the Cybersecurity and Infrastructure Security Agency, shall establish a secure communications and information technology infrastructure or platform that allows facility owners and operators to report, on a voluntary basis, information on emerging threats, including terrorism threats posed by unmanned aircraft systems (as defined in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note)) to covered chemical facilities.

(b) PLATFORM CAPABILITIES.—The Secretary shall ensure that the secure communications and information technology infrastructure or platform established pursuant to subsection (a) is designed to support data mining and other advanced analytic tools to access, receive, and analyze data and information to facilitate the reporting of the information described in subsection (a).
SEC. 14. REGULATIONS REGARDING SPECIFIC PRODUCTS AND MIXTURES CONTAINING CHEMICALS OF INTEREST.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall prescribe regulations to enact a process through which the Secretary can be petitioned to exclude a product or mixture under subsection (f) of section 2102 of the Homeland Security Act, as added by section 3. In collecting information from petitioners under such subsection, the Secretary shall not be subject to subchapter I of chapter 35 of title 44, United States Code, or section 553 of title 5, United States Code.

SEC. 15. PREVIOUSLY APPROVED FACILITIES.

In the case of a chemical facility that is a covered chemical facility under title XXI of the Homeland Security Act of 2002 for which the Secretary of Homeland Security approved a site security plan under such title before the date of enactment of this Act, the Secretary shall not require the facility to resubmit the site security plan solely by reason of the enactment of this Act or the amendments made by this Act.

SEC. 16. TERMINATION.

Section 5 of the Protecting and Securing Chemical Facilities From Terrorist Attacks Act of 2014 (Public 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”.

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