

111TH CONGRESS
1ST SESSION

H. R. 261

To provide that no Federal funds may be used by the Secretary of Homeland Security to approve a site security plan for a chemical facility, unless the facility meets or exceeds security standards and requirements to protect the facility against acts of terrorism established for such a facility by the State or local government for the area where the facility is located, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2009

Ms. JACKSON-LEE of Texas (for herself and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, 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 provide that no Federal funds may be used by the Secretary of Homeland Security to approve a site security plan for a chemical facility, unless the facility meets or exceeds security standards and requirements to protect the facility against acts of terrorism established for such a facility by the State or local government for the area where the facility is located, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Chemical Facility Se-
3 curity Improvement Act of 2009”.

4 **SEC. 2. PERFORMANCE STANDARDS FOR SECURITY OF**
5 **CHEMICAL FACILITIES.**

6 (a) LIMITATION ON USE OF FUNDS.—

7 (1) LIMITATION.—No Federal funds may be
8 used by the Secretary of Homeland Security to ap-
9 prove a site security plan for a chemical facility un-
10 less the facility meets or exceeds security standards
11 and requirements to protect the facility against acts
12 of terrorism established for such a facility by the
13 State or local government for the area where the fa-
14 cility is located.

15 (2) DEFINITIONS.—In this subsection, each of
16 the terms “site security plan” and “chemical facil-
17 ity” has the meaning that the term has in section
18 550 of the Department of Homeland Security Ap-
19 propriations Act, 2007 (Public Law 109–295; 120
20 Stat. 1388), as amended by this Act.

21 (b) AMENDMENTS TO EXISTING LAW RELATING TO
22 APPROVAL OF SECURITY PLANS.—Section 550 of the De-
23 partment of Homeland Security Appropriations Act, 2007
24 (Public Law 109–295; 120 Stat. 1388) is amended—

25 (1) in subsection (a)—

1 (A) by inserting “from a terrorist attack”
2 after “shall issue interim final regulations es-
3 tablishing risk-based performance standards for
4 security of chemical facilities”;

5 (B) by inserting “of a terrorist attack”
6 after “in the discretion of the Secretary,
7 present high levels of security risk”; and

8 (C) by striking “the Secretary may not dis-
9 approve a site security plan submitted under
10 this section based on the presence or absence of
11 a particular security measure, but”;

12 (2) in subsection (c)—

13 (A) by striking “consistent with similar”
14 and inserting “identical to”;

15 (B) by striking “vulnerability assessments,
16 site security plans, and other information sub-
17 mitted to or obtained by the Secretary under
18 this section, and related vulnerability or secu-
19 rity information,” and inserting “vulnerability
20 assessments and site security plans”; and

21 (C) by striking “classified material” and
22 inserting “sensitive security information (as
23 that term is used in section 1520.5 of title 49,
24 Code of Federal Regulations)”; and

1 (3) in subsection (d), by striking: “: *Provided*,
2 That nothing in this section confers upon any person
3 except the Secretary a right of action against an
4 owner or operator of a chemical facility to enforce
5 any provision of this section.”.

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