

111TH CONGRESS  
2D SESSION

# S. 2996

To extend the chemical facility security program of the Department of Homeland Security, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2010

Ms. COLLINS (for herself, Mr. PRYOR, Mr. VOINOVICH, and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To extend the chemical facility security program of the Department of Homeland Security, 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.**

4       This Act may be cited as the “Continuing Chemical  
5 Facilities Antiterrorism Security Act of 2010”.

6 **SEC. 2. EXTENSION OF CHEMICAL FACILITIES**  
7 **ANTITERRORISM SECURITY PROGRAM.**

8       (a) IN GENERAL.—Section 550(b) of the Department  
9 of Homeland Security Appropriations Act, 2007 (6 U.S.C.

1 121 note) is amended by striking “October 4, 2010” and  
2 inserting “October 4, 2015”.

3 (b) CHEMICAL FACILITY SECURITY ENHANCE-  
4 MENTS.—

5 (1) IN GENERAL.—The Homeland Security Act  
6 of 2002 (6 U.S.C. 101 et seq.) is amended by add-  
7 ing at the end the following:

8 **“TITLE XXI—CHEMICAL**  
9 **FACILITY SECURITY**

10 **“SEC. 2101. CHEMICAL SECURITY TRAINING PROGRAM.**

11 “(a) ESTABLISHMENT.—Acting through the Admin-  
12 istrator of the Federal Emergency Management Agency  
13 and in coordination with the Under Secretary for National  
14 Protection and Programs, the Secretary shall establish a  
15 voluntary chemical security training program (referred to  
16 in this section as the ‘training program’) for the purpose  
17 of enhancing the capabilities of high-risk chemical facili-  
18 ties to prevent, prepare for, respond to, mitigate against,  
19 and recover from threatened or actual acts of terrorism,  
20 natural disasters, and other man-made disasters.

21 “(b) REQUIREMENTS.—The training program shall  
22 provide validated voluntary training that—

23 “(1) reaches multiple disciplines, including Fed-  
24 eral, State, and local government officials, commer-

1 cial personnel and management, and governmental  
2 and nongovernmental emergency response providers;

3 “(2) provides training at the awareness, per-  
4 formance, and management and planning levels;

5 “(3) uses multiple training mediums and meth-  
6 ods;

7 “(4) is coordinated with training provided by  
8 government training facilities, academic institutions,  
9 private organizations, and other entities that provide  
10 specialized, state-of-the-art training for govern-  
11 mental and nongovernmental emergency responder  
12 providers or commercial personnel and management;

13 “(5) uses, as appropriate, government training  
14 facilities, courses provided by community colleges,  
15 public safety academies, State and private univer-  
16 sities, and other facilities;

17 “(6) is consistent with, and supports implemen-  
18 tation of, the National Incident Management Sys-  
19 tem, the National Response Framework, the Na-  
20 tional Infrastructure Protection Plan, the National  
21 Preparedness Guidance, the National Preparedness  
22 Goal, the National Maritime Transportation Security  
23 Plan, and other such national initiatives, and any  
24 successors thereto;

1           “(7) is evaluated against clear and consistent  
2 performance measures;

3           “(8) addresses security requirements under  
4 chemical facility security plans; and

5           “(9) educates, trains, and involves individuals  
6 in neighborhoods around chemical facilities on how  
7 to observe and report security risks.

8 **“SEC. 2102. CHEMICAL SECURITY EXERCISE PROGRAM.**

9           “(a) IN GENERAL.—Acting through the Adminis-  
10 trator of the Federal Emergency Management Agency and  
11 in coordination with Under Secretary for National Protec-  
12 tion and Programs, the Secretary shall develop a voluntary  
13 chemical security exercise program (referred to in this sec-  
14 tion as the ‘exercise program’) for the purpose of offering  
15 voluntary testing and evaluation of the capabilities of the  
16 Federal Government, State governments, commercial per-  
17 sonnel and management, governmental and nongovern-  
18 mental emergency response providers, the private sector,  
19 or any other organization or entity, as the Secretary deter-  
20 mines to be appropriate, to prevent, prepare for, mitigate  
21 against, respond to, and recover from acts of terrorism,  
22 natural disasters, and other emergencies at chemical facili-  
23 ties.

1       “(b) REQUIREMENTS.—Under the exercise program,  
2 the Secretary shall conduct, on a periodic basis, voluntary  
3 joint security exercises at chemical facilities that are—

4           “(1) scaled and tailored to the needs of each  
5 chemical facility;

6           “(2) for the highest risk chemical facilities, as  
7 determined by the Secretary, live training exercises;

8           “(3) as realistic as practicable and based on  
9 current risk assessments, including credible threats,  
10 vulnerabilities, and consequences;

11           “(4) consistent with the National Incident Man-  
12 agement System, the National Response Framework,  
13 the National Infrastructure Protection Plan, the Na-  
14 tional Preparedness Guidance, the National Pre-  
15 paredness Goal, the National Maritime Transpor-  
16 tation Security Plan, and other such national initia-  
17 tives, and any successors thereto;

18           “(5) evaluated against clear and consistent per-  
19 formance measures;

20           “(6) assessed to learn best practices, which  
21 shall be shared with appropriate Federal, State, and  
22 local officials, commercial personnel and manage-  
23 ment, governmental and nongovernmental emergency  
24 response providers, and the private sector;

1 “(7) followed by remedial action in response to  
2 lessons learned; and

3 “(8) designed to assist State and local govern-  
4 ments and chemical facilities in designing, imple-  
5 menting, and evaluating exercises that—

6 “(A) conform to the requirements of this  
7 paragraph; and

8 “(B) are consistent with any applicable  
9 Buffer Zone Protection Plan, State homeland  
10 security plan, or urban area homeland security  
11 plan.

12 **“SEC. 2103. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated to the Sec-  
14 retary such sums as are necessary to carry out this title.”.

15 (2) TABLE OF CONTENTS.—The table of con-  
16 tents in section 2 of the Homeland Security Act of  
17 2002 (6 U.S.C. 101 et seq.) is amended by inserting  
18 after the item relating to section 2022 the following:

“TITLE XXI—CHEMICAL FACILITY SECURITY

“Sec. 2101. Chemical security training program.

“Sec. 2102. Chemical security exercise program.

“Sec. 2103. Authorization of appropriations.”.

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