

HR 5577

Chemical Facility Anti-Terrorism Act of 2008

Congress: 110 (2007–2009, Ended)

Chamber: House

Policy Area: Emergency Management

Introduced: Mar 11, 2008

Current Status: House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Jan. 3, 2009. (Oct 3, 2008)

Latest Action: House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Jan. 3, 2009. (Oct 3, 2008)

Official Text: <https://www.congress.gov/bill/110th-congress/house-bill/5577>

Sponsor

Name: Rep. Thompson, Bennie G. [D-MS-2]

Party: Democratic • **State:** MS • **Chamber:** House

Cosponsors (20 total)

Cosponsor	Party / State	Role	Date Joined
Del. Christensen, Donna M. [D-VI-At Large]	D · VI		Mar 11, 2008
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Mar 11, 2008
Rep. Carney, Christopher P. [D-PA-10]	D · PA		Mar 11, 2008
Rep. Clarke, Yvette D. [D-NY-11]	D · NY		Mar 11, 2008
Rep. Cuellar, Henry [D-TX-28]	D · TX		Mar 11, 2008
Rep. DeFazio, Peter A. [D-OR-4]	D · OR		Mar 11, 2008
Rep. Dicks, Norman D. [D-WA-6]	D · WA		Mar 11, 2008
Rep. Etheridge, Bob [D-NC-2]	D · NC		Mar 11, 2008
Rep. Green, Al [D-TX-9]	D · TX		Mar 11, 2008
Rep. Harman, Jane [D-CA-36]	D · CA		Mar 11, 2008
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		Mar 11, 2008
Rep. Langevin, James R. [D-RI-2]	D · RI		Mar 11, 2008
Rep. Lofgren, Zoe [D-CA-16]	D · CA		Mar 11, 2008
Rep. Lowey, Nita M. [D-NY-18]	D · NY		Mar 11, 2008
Rep. Markey, Edward J. [D-MA-7]	D · MA		Mar 11, 2008
Rep. Pascrell, Bill, Jr. [D-NJ-8]	D · NJ		Mar 11, 2008
Rep. Perlmutter, Ed [D-CO-7]	D · CO		Mar 11, 2008
Rep. Sanchez, Loretta [D-CA-47]	D · CA		Mar 11, 2008
Rep. Frank, Barney [D-MA-4]	D · MA		Jul 31, 2008
Rep. McGovern, James P. [D-MA-3]	D · MA		Jul 31, 2008

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Mar 12, 2008
Energy and Commerce Committee	House	Hearings By (subcommittee)	Jun 12, 2008
Homeland Security Committee	House	Reported By	Mar 14, 2008

Subjects & Policy Tags

Policy Area:

Emergency Management

Related Bills

No related bills are listed.

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

Chemical Facility Anti-Terrorism Act of 2008 - (Sec. 3) Expresses the sense of Congress that the Secretary of Homeland Security should: (1) extend and modify the Chemical Facility Anti-Terrorism Standards; (2) take a holistic approach to securing sources of chemicals against a terrorist attack; and (3) expediently exercise existing authority to ensure that by focusing on chemicals at fixed site facilities, risk is not transferred to other potential sources of such chemicals.

(Sec. 4) Amends the Homeland Security Act of 2002 to set forth provisions governing the regulation of security practices at chemical facilities.

Authorizes the Secretary to designate any chemical substance as a substance of concern and to establish and revise the threshold quantity for such substance after considering the potential extent of death, injury, and serious adverse effects to human health, the environment, critical infrastructure, national security, the national economy, and public welfare that would result from a chemical facility terrorist incident.

Directs the Secretary to: (1) maintain a list of covered chemical facilities that are of sufficient security risk based on the potential threat or likelihood of a chemical facility terrorist incident, the potential threat and likelihood of death, injury, or serious adverse effects that could result, and the proximity of the facility to population centers; (2) assign each covered facility to one of at least four risk-based tiers; (3) establish standards, protocols, and procedures for security vulnerability assessments and site security plans to be required for such facilities; (4) provide to the owner or operator of each such facility specified information, including the number of individuals at risk as a result of a worst case terrorist incident at the facility; (5) require the owner or operator to submit and, if approved, implement an assessment and a site security plan for such a facility that addresses the assessment and risk-based performance standards; (6) include specified employees in developing assessments and plans; and (7) set deadlines for completing assessments and plans.

Sets minimum requirements for assessments and plans for high-risk facilities. Directs the Secretary to: (1) provide high-risk facility owners or operators with threat information; (2) conduct red team exercises to identify vulnerabilities at such facilities; (3) establish risk-based chemical security performance standards for site security plans; and (4) conduct security inspections of such facilities.

Provides for co-located facilities and alternate security programs that provide for an equivalent level of security. Sets forth recordkeeping and enforcement requirements.

Prohibits retaliation by facility owners or operators against whistleblowers or for refusing to engage in unlawful practices.

Authorizes the Secretary to bring an action to enforce compliance. Sets forth requirements regarding civil penalties and penalties for unauthorized disclosure of protected information. Permits states and political subdivisions to adopt or enforce stricter standards with respect to chemical facility security.

Provides for assessment, plan, and facility inspection certification by third-party entities.

Requires the owner or operator of a covered chemical facility to: (1) include in the site security plan an assessment of methods to reduce the consequences of a terrorist attack on that facility; and (2) implement such methods if certain conditions pertaining to risk reduction, feasibility, and business continuity are met. Requires the Secretary to: (1) provide

information to such facilities on alternative methods; and (2) make funds available to help defray implementation costs.

Exempts: (1) any chemical facility that is owned and operated by the Secretary of Defense, the Attorney General, or the Secretary of Energy; (2) the transportation in commerce of any substance of concern regulated as a hazardous material; and (3) any chemical facility that is owned or operated by a licensee or certificate holder of the Nuclear Regulatory Commission.

Establishes in the Department of Homeland Security (DHS) an Office of Chemical Facility Security to carry out the Secretary's responsibilities under this Act.

Requires the Secretary to issue regulations requiring a covered facility assigned to a high-risk tier to subject covered individuals who have access to restricted areas or critical assets or who are determined to require security background checks under risk-based guidance to security background checks. Establishes a redress process for a covered individual subjected to an adverse employment decision due to such regulations. Prohibits a covered facility from knowingly misrepresenting the scope, application, or meaning of any rules or guidance issued by the Secretary regarding security background check requirements.

Directs the Secretary to establish a National Chemical Security Center of Excellence to conduct research and education and to develop technologies to lower the overall risk of terrorist chemical attack.

Authorizes appropriations.

(Sec. 5) Directs the Secretary to report to Congress on progress in achieving compliance with this Act annually for five years.

(Sec. 6) Requires the DHS Inspector General to report to specified congressional committees by October 1, 2010, on the effectiveness of the implementation of this Act.

(Sec. 7) Requires the Secretary to conduct the rulemaking process so that final rules carrying out this Act are effective on October 1, 2009.

(Sec. 8) Directs the Secretary to: (1) establish a Chemical Facility Security Training Program to enhance the collective response to terrorism and the capabilities of chemical facilities to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual chemical facility terrorist incidents; and (2) support the promulgation of national voluntary consensus standards for chemical facility security training.

Actions Timeline

- **Oct 3, 2008:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Jan. 3, 2009.
- **Oct 2, 2008:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Oct. 3, 2008.
- **Sep 29, 2008:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Oct. 2, 2008.
- **Sep 28, 2008:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Sept. 29, 2008.
- **Sep 26, 2008:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Sept. 28, 2008.
- **Sep 12, 2008:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Sept. 26, 2008.
- **Jul 11, 2008:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than Sept. 12, 2008.
- **Jun 12, 2008:** Subcommittee Hearings Held.
- **May 30, 2008:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than July 11, 2008.
- **Apr 11, 2008:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than May 30, 2008.
- **Mar 14, 2008:** Reported by the Committee on Homeland Security. H. Rept. 110-550, Part I.
- **Mar 14, 2008:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than April 11, 2008.
- **Mar 12, 2008:** Referred to the Subcommittee on Environment and Hazardous Materials.
- **Mar 11, 2008:** Introduced in House
- **Mar 11, 2008:** Sponsor introductory remarks on measure. (CR E350)
- **Mar 11, 2008:** 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.