

106TH CONGRESS
1ST SESSION

H. R. 2257

To provide for a 1-year moratorium on the disclosure of certain submissions under section 112(r) of the Clean Air Act to provide for the reporting of certain site security information to the Congress, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 1999

Mr. GREEN of Texas (for himself, Mr. DINGELL, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. STRICKLAND, Mr. BARRETT of Wisconsin, Mr. PALLONE, Mr. STUPAK, Mr. TOWNS, Mrs. CAPPES, Ms. DEGETTE, Mr. DEUTSCH, Ms. ESHOO, and Mr. HALL of Texas) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committees on Government Reform, and the Judiciary, for the 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 for a 1-year moratorium on the disclosure of certain submissions under section 112(r) of the Clean Air Act to provide for the reporting of certain site security information to the Congress, 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 Security Act
3 of 1999”.

4 **SEC. 2. DEFINITIONS.**

5 For purposes of this Act:

6 (1) The term “Administrator” means the Ad-
7 ministrator of the Environmental Protection Agency.

8 (2) The term “Off-site Consequence Analysis
9 Submission” means only the off-site consequence
10 portion of a risk management plan submitted to the
11 Administrator under section 68.165 of title 40 of the
12 Code of Federal Regulations, as in effect on the date
13 of the enactment of this Act.

14 (3) The term “covered stationary source”
15 means a stationary source of any air pollutant that
16 is required to submit a risk management plan under
17 section 112(r)(7)(B) of the Clean Air Act.

18 (4) The term “official use” means any action
19 that is intended to carry out a function of a Federal,
20 State, or local agency or entity having responsibility
21 for planning for or responding to chemical releases
22 at a stationary source. Such term includes disclosing
23 the results of an Off-site Consequence Analysis Sub-
24 mission in any format different than that used in
25 the Submission.

1 (5) The term “authorized contractor” means a
2 person having responsibility for handling risk man-
3 agement plans under subparagraph (B) of section
4 112(r)(7) of the Clean Air Act under contract with
5 the Administrator, the Chemical Safety and Hazard
6 Investigation Board, a State, or a local agency or
7 entity referred to in clause (iii) of such subpara-
8 graph (B).

9 **SEC. 3. ONE-YEAR MORATORIUM FOR CONGRESSIONAL**
10 **CONSIDERATION.**

11 (a) PROHIBITION.—

12 (1) IN GENERAL.—Notwithstanding any other
13 provision of any Federal, State, or local law that
14 provides for freedom of information or public disclo-
15 sure of governmental information, in order to pro-
16 vide for Congressional consideration of the effects of
17 the public disclosure required under clause (iii) of
18 section 112(r)(7)(B) of the Clean Air Act and for
19 consideration of the reports under section 4 of this
20 Act, no Off-site Consequence Analysis Submission
21 shall be disclosed, or made available, to the public or
22 to any person or entity by the Administrator, the
23 Chemical Safety and Hazard Investigation Board, a
24 State, a local agency or an entity referred to in such
25 clause (iii), or any authorized contractor.

1 (2) ONE-YEAR PERIOD.—The prohibition set
2 forth in paragraph (1) shall apply only for a period
3 ending 1-year after the date of the enactment of this
4 Act.

5 (3) PERMITTED DISCLOSURE.—The prohibition
6 set forth in paragraph (1) shall not apply to disclo-
7 sure of an Off-site Consequence Analysis Submission
8 for official use only pursuant to clause (iii) of sec-
9 tion 112(r)(7)(B) of the Clean Air Act to the Ad-
10 ministrator, the Chemical Safety and Hazard Inves-
11 tigation Board, a State, a local agency or an entity
12 referred to in such clause (iii), or any authorized
13 contractor.

14 (b) PENALTY.—The violation of the prohibition set
15 forth in subsection (a) shall be an infraction punishable
16 under section 3571 of title 18 of the United States Code.
17 In any case in which more than one Off-site Consequence
18 Analysis Submission has been disclosed or made available
19 in violation of subsection (a), the violation with respect
20 to each such Submission shall be considered a separate
21 violation for purposes of such section 3571. The total of
22 all penalties imposed on a single person or organization
23 for violations of subsection (a) shall not exceed \$100,000.

24 (c) DISCLOSURE WITHOUT FACILITY IDENTIFICA-
25 TION.—Notwithstanding the moratorium under subsection

1 (a), after June 21, 1999, the Administrator shall make
2 information from risk management plans, including infor-
3 mation from the Off-site Consequence Analysis Submis-
4 sions, available to the public in accordance with section
5 112(r)(7)(B)(iii) of the Clean Air Act in a form which does
6 not include any information concerning the identity or lo-
7 cation of the covered stationary sources for which such
8 plans were prepared.

9 (d) EMERGENCY PLANNING MEETINGS.—Not later
10 than 180 days after the date of enactment of this Act,
11 each owner or operator of a covered stationary source shall
12 convene a meeting with community representatives, em-
13 ployees and contractors working at the covered stationary
14 source and with local emergency planning committees and
15 other appropriate emergency responders to discuss the
16 measures necessary to prevent, and protect the source
17 from, attacks by terrorists and other criminals. Not later
18 than 10 months after the date of enactment of this Act,
19 each such owner or operator shall send a certification to
20 the Director of the Federal Bureau of Investigation stat-
21 ing that such meeting has been held within one year prior
22 to, or within 10 months after, the date of the enactment
23 of this Act.

1 **SEC. 4. SITE SECURITY STUDY AND REPORTS TO CON-**
2 **GRESS.**

3 (a) **SITE SECURITY.**—The Attorney General, using
4 available data to the extent possible, and analyzing a sam-
5 pling of covered stationary sources selected at the discre-
6 tion of the Attorney General, and in consultation with ap-
7 propriate State, local, and Federal governmental agencies,
8 affected industry and the public, shall review the vulner-
9 ability of covered stationary sources to criminal and ter-
10 rorist activity, current industry practices regarding site se-
11 curity, security of transportation of extremely hazardous
12 substances, and the effectiveness of this Act. Six months
13 after the date of the enactment of this Act, the Attorney
14 General shall submit a report to the Congress containing
15 the results of the review, together with recommendations
16 for reducing vulnerability to criminal and terrorist activity
17 through inherently safer practices and site security, and
18 the need for additional legislation. If the report rec-
19 ommends information security measures, it shall describe
20 the means by which any individual shall be guaranteed ac-
21 cess to risk management information without a geo-
22 graphical restriction. The Attorney General shall submit
23 updates of such report biennially after the submission of
24 the first report.

25 (d) **COMPTROLLER GENERAL REPORT.**—Not later
26 than 180 days after the enactment of this Act, the Comp-

1 troller General of the United States shall submit a report
2 to the Congress on the health and environmental effects
3 of public disclosure of information. In preparing such re-
4 port the Comptroller General shall consult with the Ad-
5 ministrator and appropriate representatives of the States,
6 local governments, affected industries, emergency respond-
7 ers, and public interest groups and shall undertake a spe-
8 cific examination of the reduction in toxic chemical re-
9 leases associated with the reporting requirements of sec-
10 tion 313 of the Superfund Amendments and Reauthoriza-
11 tion Act of 1986 (Toxics Release Inventory).

12 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated such sums
14 as may be necessary to carry out this Act.

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