

There was no objection.

**ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE**

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

**SOLEDAD CANYON SETTLEMENT
ACT**

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5742) to provide to the Secretary of the Interior a mechanism to cancel contracts for the sale of materials CA-20139 and CA-22901, and for other purposes.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 5742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Soledad Canyon Settlement Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **CITY OF SANTA CLARITA.**—The term “City of Santa Clarita” means the City of Santa Clarita, California.

(2) **CITY OF VICTORVILLE.**—The term “City of Victorville” means the City of Victorville, California.

(3) **CONTRACTS.**—The term “contracts” means the Bureau of Land Management mineral contracts numbered CA-20139 and CA-22901.

(4) **CONTRACT HOLDER.**—The term “contract holder” means the private party to the contracts, and any successors that hold legal interests in the contracts.

(5) **COUNTY OF SAN BERNARDINO.**—The term “County of San Bernardino” means the County of San Bernardino, California.

(6) **MAP.**—The term “Map” means the map entitled “Victorville disposal area, California” and dated March 2011.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(8) **VICTORVILLE DISPOSAL AREA.**—The term “Victorville disposal area” means the 10,206.05 acres of land identified for disposal in the West Mojave Land Management Plan (2006) of the Bureau of Land Management and depicted on the Map.

SEC. 3. APPRAISAL; COMPENSATION TO CONTRACT HOLDER.

(a) **APPRAISALS.**—

(1) **CONTRACT APPRAISAL.**—

(A) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall determine by mineral appraisal, using the discounted cash flow method of appraisal (in accordance with the appraisal guidelines for appraisals of large quantities of mineral materials contained in section IV(E) of BLM Mineral Material Appraisal Handbook H-3630)—

(i) the fair market value of the contracts; and

(ii) the amount of royalties the Federal Government would receive under the contracts over the 10-year period beginning on the date of enactment of this Act.

(B) **CONSIDERATIONS.**—In making the determination under subparagraph (A), the Secretary shall assume that—

(i) the contract holder has obtained all the permits and entitlements necessary to mine, produce, and sell sand and gravel under the contract; and

(ii) mining operations under the contract have commenced at the time of the determination, with maximum annual production volumes that—

(I) are based on the projected supply and demand outlook at the time of determination; and

(II) reflect depletion of the reserves that are subject to the contract within the effective periods of the contract.

(C) **DONATION.**—The Secretary shall provide to the contract holder and the City of Santa Clarita a list of approved appraisers from which the parties shall select and provide the funding to cover the costs of the appraisal under subparagraph (A).

(2) **LAND APPRAISAL.**—

(A) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall determine by appraisal standards under existing laws and regulations, the fair market value of the Victorville disposal area on a net present value basis.

(B) **DONATION.**—The Secretary shall provide to the contract holder and the City of Santa Clarita a list of approved appraisers from which the parties shall select and provide the funding to cover the costs of the appraisal under subparagraph (A).

(b) **COMPENSATION.**—

(1) **IN GENERAL.**—Subject to paragraph (2), not later than 30 days after completion of the appraisals under subsection (a), the Secretary shall offer the contract holder compensation for the cancellation of the contracts.

(2) **CONDITIONS ON OFFER.**—An offer made by the Secretary under paragraph (1) shall be subject to the following conditions:

(A) The cancellation of the contracts and the provision of compensation shall be contingent on the availability of funds from the sale of the Victorville disposal area under section 4, and any additional compensation provided under subparagraph (D), as determined necessary by the Secretary.

(B) The amount of compensation offered by the Secretary under this subsection shall be equal to or less than the fair market value of the contracts, as determined under subsection (a)(1)(A)(i).

(C) The amount of compensation offered by the Secretary under this subsection shall be equal to or less than the projected revenues generated by the sale of the Victorville disposal area under section 4, less the projected lost royalties to the Federal Government over the 10-year period beginning on the date of enactment of this Act, as determined under subsection (a)(1)(A)(ii).

(D) If the amount of projected revenues described in subparagraph (C) is less than the fair market value determined under subsection (a)(1)(A)(i), the Secretary shall, not later than 60 days after the date on which the Director of the Bureau of Land Management determines the projected revenues under subparagraph (C), negotiate an agreement with the contract holder and the City of Santa Clarita to provide to the Secretary amounts equal to the difference, in the form of—

(i) compensation to be received by the contract holder; and

(ii) compensation in a form acceptable to the Secretary to be provided by the City of Santa Clarita.

(3) **ACCEPTANCE OF OFFER.**—

(A) **IN GENERAL.**—The contract holder shall have 60 days from the later of the date on

which the Secretary makes the offer under paragraph (1) or an agreement is negotiated under paragraph (2)(D) to accept the offer or agreement.

(B) **FAILURE TO ACCEPT OFFER.**—If the contract holder does not accept the offer under paragraph (1) or if an agreement is not negotiated under paragraph (2)(D) within the time period described in subparagraph (A), the contracts shall remain in effect and no further actions shall be taken pursuant to this Act.

SEC. 4. SALE OF LAND NEAR VICTORVILLE, CALIFORNIA.

(a) **IN GENERAL.**—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713) and subject to subsections (b) through (f), not later than 2 years after the date of enactment of this Act, the Secretary shall place on the market and offer for sale by competitive bidding and in a manner designed to obtain the highest price possible, all right, title, and interest of the United States in and to the Victorville disposal area.

(b) **AVAILABILITY OF MAP.**—The Secretary shall keep the Map on file and available for public inspection in—

(1) the office of the Director of the Bureau of Land Management; and

(2) the district office of the Bureau of Land Management located in Barstow, California.

(c) **RIGHT OF LOCAL LAND USE AUTHORITY TO PURCHASE CERTAIN LAND.**—

(1) **IN GENERAL.**—Before a sale of land under subsection (a), the Secretary shall provide to the applicable local land use authority an exclusive preemptive right, as determined under State law, to purchase any right, title, or interest of the United States in and to any portion of the parcels of land identified as “Area A” and “Area B” on the Map that is located within the jurisdiction of the local land use authority.

(2) **TIMING.**—A preemptive right under paragraph (1) shall be in effect for a period of 30 days before the land is sold under subsection (a).

(3) **AUTHORITY.**—During the period described in paragraph (2), the local land use authority may purchase some or all of the right, title, and interest of the United States, as provided in subsection (a), in and to the land to be offered for sale at fair market value, as determined by an appraisal conducted by the Secretary.

(4) **EXERCISING RIGHT.**—If the local land use authority exercises the preemptive right under paragraph (1), the Secretary shall convey the land to the local land use authority immediately on payment by the local land use authority of the entire purchase price of the applicable parcel of land.

(5) **FAILURE TO PAY.**—Failure by the local land use authority to purchase and pay for the right, title, and interest of the United States in and to the land described in paragraph (1) within the time period described in paragraph (2) and to comply with any other terms and conditions as the Secretary may require shall terminate the preemptive right of the local land use authority with respect to the right, title, and interest offered for sale.

(d) **WITHDRAWAL AND RESERVATION.**—

(1) **WITHDRAWAL.**—Subject to valid existing rights, the land described in subsection (a) is withdrawn from—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) **RESERVATION.**—In any sale or other disposal of land under this section, there shall be reserved by the United States the right of

the United States to prospect for, mine, and remove minerals from the conveyed land.

(e) CONSULTATION.—In addition to any consultation otherwise required by law, before initiating efforts to dispose of land under this section, the Secretary shall consult with the City of Victorville, the County of San Bernardino, and surface owners in the jurisdiction in which the land is located regarding the potential impact of the disposal and other appropriate aspects of the disposal.

(f) ACCOUNT.—The gross proceeds of a sale of land under subsection (a) shall be deposited in an account acceptable to the Secretary and available only for the purposes of carrying out this Act.

SEC. 5. CANCELLATION OF CONTRACTS.

(a) IN GENERAL.—On completion of the compensation to the contract holder for the value of each contract in accordance with subsection (b), the Secretary shall cancel the contracts and withdraw those areas that were subject to the contracts from further mineral entry under all mineral leasing and sales authorities available to the Secretary.

(b) COMPENSATION; CANCELLATION; RETENTION OF FUNDS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary shall provide to the contract holder the compensation agreed to under section 3(b) by disbursement of amounts from the account, in 4 equal payments, as funds are available;

(2) CANCELLATION.—

(A) CONTRACT CA-20139.—On completion of the first 2 payments to the contract holder under paragraph (1), the Secretary shall cancel contract CA-20139.

(B) CONTRACT CA-22901.—On completion of the remaining 2 payments to the contract holder under paragraph (1), the Secretary shall cancel contract CA-22901.

(3) RETENTION OF FUNDS.—The Secretary shall retain sufficient funds to cover the projected lost royalties determined under section 3(a)(1)(A)(ii).

(c) RELEASE AND WAIVER.—Upon acceptance and receipt of compensation under subsection (b), the contract holder shall waive all claims against the United States arising out of, or relating to, the cancellation of the contracts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from California (Mr. SHERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Speaker, we are here today to address the Soledad Canyon Settlement Act, H.R. 5742, as introduced by our colleague from California (Mr. MCKEON). This bipartisan bill will solve a longstanding controversy surrounding a pair of sand and gravel leases located near the community of Santa Clarita, California.

In 1990, the Bureau of Land Management, or BLM, issued two leases for

sand and gravel mines to CEMEX. At the time, this area was much more remote than it is today. As CEMEX was preparing a plan of operation, it became clear to all parties involved that local community development had made the project incompatible with the local community. Local community leaders, the region's congressional delegation, and the company have all worked for more than a decade to find a legislative solution to make the company and Federal Government whole while returning the lease to the Federal Government.

As a result, we are here today to move forward with a plan to cancel these leases while at the same time making both the contract holder and the Federal Government whole. This legislation has the strong support of State and local communities, the contract holder, and the regional congressional delegation.

Now while this bill has just recently been introduced, it is the product of years of hard work and careful communication and review by the committee. The gentleman from California (Mr. MCKEON) has been a tireless advocate on behalf of his local communities. He has demonstrated patience and diligence in pursuing a workable solution that the Congress can successfully act upon. I am confident that the community of Santa Clarita already knows just how fortunate they have been to have had Mr. MCKEON as their Congressman for 11 terms.

Now, it is also my understanding, Mr. Speaker, that the gentlewoman from California, Senator BOXER, shares Mr. MCKEON's commitment to this legislation, and I hope that she will be able to follow his lead before the end of this Congress by shepherding this bill through the Senate. This bill deserves the support of both the House and the Senate.

With that, I reserve the balance of my time.

Mr. SHERMAN. Mr. Speaker, I rise in support of the bill and would like to hear from the gentleman from California (Mr. MCKEON), so I will reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield such time as he may consume to the gentleman from California (Mr. MCKEON), the author of this legislation, the chairman of the Armed Services Committee.

Mr. MCKEON. I thank Chairman HASTINGS for yielding.

Mr. Speaker, it is a great privilege to speak on my bill, H.R. 5742, the Soledad Canyon Settlement Act. I appreciate the opportunity to appear before the House, and I want to thank Speaker BOEHNER, Majority Leader MCCARTHY, and Chairman HASTINGS for their steadfast support of this legislation. Without their support, we wouldn't be standing here today on the floor with this bill.

I would also like to thank the gentlewoman from California, Senator

BOXER, for her efforts in finding an agreeable solution for the inclusion of language that brought the score of the bill to zero. And I second the remarks of Chairman HASTINGS and hope that she will be able to bring this to a conclusion in the final days that the Senate is in session. One of the things that Senator BOXER added to this bill was introducing legislation that brought the cost of this bill to zero. Crossing that hurdle has moved us to this point now in solving this intractable issue.

Finally, I would like to thank the gentleman from California, Congressman SHERMAN, for his support of my legislation. I continue to believe in bipartisanship as the way to address critical issues for our constituents, and we have shown time and again that we can find common ground if we try.

Mr. Speaker, the Soledad Canyon mine, operated by CEMEX, is located just outside the city of Santa Clarita, California, in the 25th Congressional District that I have had the opportunity to represent now for the last 22 years. Under two current contracts held by CEMEX, they are authorized to extract approximately 56 million tons of sand and gravel over a 20-year period, with two 10-year contracts.

Residents of my congressional district and city leaders have been expressing their concerns for the past 24 years about a large mine operating in close proximity to where they live. And, as the chairman mentioned, this has become much closer over the years. They fear the effects of pollution, increased truck traffic, and environmental health issues on their families and the community. Throughout my 22 years in Congress, I have worked endlessly to find a solution. I have engaged with civic leaders, residents of my district, environmental leaders, the county of Los Angeles, CEMEX, BLM, the Department of the Interior, Chairman HASTINGS, and the leadership of our conference.

Mr. Speaker, allow me to give just a bit of background on the situation that has arisen in my district. In 1990, two privately held valid Federal contracts were awarded to Transit Mixed Concrete. Southdown, the parent company of Transit Mixed Concrete, was acquired by CEMEX in 2000, resulting in CEMEX holding the Federal contracts.

The Bureau of Land Management approved a mining plan of operations and prepared a draft environmental impact statement with respect to the Soledad Canyon mine, which was released on May 6, 1999. The environmental impact statement was subsequently modified to address the growing concerns among Santa Clarita residents about the impact that mining operations in Soledad Canyon have on air quality and health, truck traffic, and declining property values in Santa Clarita. The final environmental impact statement was released to the public on June 2, 2000, with a list of eight alternatives for mining the Soledad Canyon site.

Under the California Environmental Quality Act, the county of Los Angeles

completed the environmental impact report in 2001 and subsequently voted in 2002 to deny the permit, citing the right and responsibility of the county to impose reasonable environmental and resource protection and regulation on mining in Soledad Canyon.

Numerous lawsuits were filed between 2002 and 2004 involving the city of Santa Clarita, the county of Los Angeles, the Center for Biological Diversity, and CEMEX. A consent decree resulted from the settlement of CEMEX, Inc. v. County of Los Angeles in 2004. The consent decree contains the mitigation agreement between CEMEX and the county of Los Angeles, which lists 40 conditions that CEMEX is required to meet in order to mitigate the environmental, health, traffic, endangered species, and safety concerns raised by the county, local residents, and the city of Santa Clarita.

Mr. Speaker, as I mentioned before, I have worked throughout my entire congressional career to bring all parties together to work out a deal that is mutually beneficial. I have introduced eight bills on this issue over the years, each of which took a different approach to dealing with the mine as new issues arose.

In the 106th Congress, I introduced H.R. 3060, which would have withdrawn specified lands from the operation of Federal mining and mineral leasing laws and would have nullified any existing permits issued on those lands. The same bill was introduced as H.R. 679 in the 107th Congress. In the 108th Congress, I introduced H.R. 3529, the Soledad Canyon Mine Lease Cancellation Act. This legislation would have canceled the two mining permits for the Soledad Canyon mine and would have prohibited the Secretary of the Interior from issuing permits for mining above historical levels in Soledad Canyon.

In the 109th Congress, I introduced H.R. 5471, the Soledad Canyon Mine Leases Adjustment Act. This legislation would have canceled the two mining permits for the Soledad Canyon mine, directed the Secretary of the Interior to provide additional financial and mineral production opportunities in exchange for the economic value invested to that date on the two permits, and would have prohibited the Secretary of the Interior from issuing permits for mining above historical levels in Soledad Canyon.

In the 110th Congress, I introduced H.R. 5887, the Soledad Canyon Mine Act. This legislation would have authorized the Secretary of the Interior to cancel the two mining contracts, prohibited future mining in Soledad Canyon, provided a means for CEMEX to recover just compensation for the cancellation of the contracts, provided the Bureau of Land Management with the necessary tools to verify the expenses incurred by CEMEX, provided relief to CEMEX for such expenses, and provided for a dispute resolution process.

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In the 111th Congress, I introduced H.R. 4332, the Soledad Canyon High Desert, California Public Lands Conservation and Management Act of 2009. This legislation had a similar set of actions as H.R. 5887, but added two notable ones: it provided a mechanism to offer for sale, by competitive bidding, lands identified for disposition near Victorville, California; and to acquire environmentally-sensitive land and collect the proceeds of the sale of lands near Victorville, California.

Finally, in the 112th Congress, I introduced H.R. 6469, the Soledad Canyon Mine Mitigation and Relocation Act of 2012. This legislation would have begun a study of the legal and administrative steps—including obtaining sufficient funding—necessary to carry out the goals of the Soledad Canyon High Desert, California Public Lands Conservation and Management Act of 2009, H.R. 4332.

I mention each of these in order to illustrate how the tug and pull of all parties influenced the legislative process. Each party gave ideas to further perfect legislation that would finally solve this vexing issue that affects the residents of my district.

I believe because of all our joint efforts, we have reached a critical mass on this issue. It is time for a solution once and for all. I am looking forward to the full House acting on H.R. 5742 today, a solution that would take the mine out of commission and lift this two decades' long burden off the backs of my constituents.

This is a solution borne from the great compromise between the city of Santa Clarita and CEMEX, who each offered to put up the difference in cost to bring the cost of the bill to zero. This zero score is critical to the bill's success and couldn't have been achieved without the partnership that has developed over the many years of action on this matter.

The bill achieves all the aims of my previous legislation, particularly H.R. 4332, with the solution to the vexing issue of how to ensure there is no cost to the Federal Government.

Mr. Speaker, I urge my colleagues to support this legislation. I thank the gentleman again for allowing me the time to explain this critical issue in my district and thanks again to our House leadership and Chairman HASTINGS for bringing this legislation to the floor.

Mr. SHERMAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of the Soledad Canyon Settlement Act. This act is a testament to bipartisanship, fiscal responsibility, environmental stewardship, local consensus building, and tireless tenacity for the public good.

Bipartisanship: Here in this House, the bill is introduced, carried, and written by our colleague, BUCK MCKEON. In the Senate, the same lan-

guage has been introduced by Senator BARBARA BOXER and is supported by Senator FEINSTEIN. You can't get any more bipartisan than that.

Fiscal responsibility: CBO says this bill costs the government zero dollars and zero cents. You can't get a lower cost estimate on a bill than that.

Environmental stewardship: this bill is supported by the Sierra Club, and this land will become the gateway to the new San Gabriel Mountains National Monument.

Local consensus building: this bill has the support of local leaders and legislators, Governor Jerry Brown, CEMEX, the local lease owner, and virtually everyone involved in public life in Santa Clarita, which is Los Angeles County's third largest city.

Tireless tenacity: Mr. Speaker, tireless tenacity for the public good is exemplified by our friend, BUCK MCKEON, 22 years in Congress and I believe 22 years focused on this problem, and now, on what may very well be his last legislative day, we have a chance to solve this problem in a way that I think exemplifies what we should be trying to do here in Congress.

In addition to Buck's tireless tenacity, I want to commend the city leaders of Santa Clarita, many-time Mayor Laurene Weste, who I believe is now a city council member and has been mayor of that city so often; Bob Keller, now the mayor pro tem; Ken Striplin, the city manager; and hundreds and thousands of people in Santa Clarita and the immediate area.

Mr. Speaker, this is a bill that is needed because it will stop the mining of 56 million tons of sand and gravel, which is now incompatible with a city that has grown to more than double its size when the project was originally planned, and now constitutes an area of well more than a quarter million people.

This sand and gravel mining operation is incompatible with the new population of the area, and it is also incompatible with the roads and traffic which is busy not only at rush hour, but throughout the day.

I want to commend the gentleman from Santa Clarita for his decades of work for his district, and all the people of California.

Mr. Speaker, I urge an "aye" vote on the Soledad Canyon Settlement Act, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, as Mr. MCKEON pointed out, this has been a long process for a vexing problem in Santa Clarita, and Mr. SHERMAN pointed out very well that Mr. MCKEON is to be commended for this, and this would be kind of the capstone on the career that he has.

All that is left if this House adopts this measure is very simply for the other body to take it up, and with the interests that Senator BOXER has shown on this issue, I hope that she can

move this legislation through the Senate.

With that, Mr. Speaker, I urge adoption, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 5742.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CHEMICAL FACILITY ANTI-TERRORISM STANDARDS PROGRAM AUTHORIZATION AND ACCOUNTABILITY ACT OF 2014

Mr. MEEHAN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4007) to recodify and reauthorize the Chemical Facility Anti-Terrorism Standards Program.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014”.

SEC. 2. CHEMICAL FACILITY ANTI-TERRORISM STANDARDS PROGRAM.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

“TITLE XXI—CHEMICAL FACILITY ANTI-TERRORISM STANDARDS

“SEC. 2101. DEFINITIONS.

“In this title—

“(1) the term ‘CFATS regulation’ means—

“(A) an existing CFATS regulation; and

“(B) any regulation or amendment to an existing CFATS regulation issued pursuant to the authority under section 2107;

“(2) the term ‘chemical facility of interest’ means a facility that—

“(A) holds, or that the Secretary has a reasonable basis to believe holds, a chemical of interest, as designated under Appendix A to part 27 of title 6, Code of Federal Regulations, or any successor thereto, at a threshold quantity set pursuant to relevant risk-related security principles; and

“(B) is not an excluded facility;

“(3) the term ‘covered chemical facility’ means a facility that—

“(A) the Secretary—

“(i) identifies as a chemical facility of interest; and

“(ii) based upon review of the facility’s Top-Screen, determines meets the risk criteria developed under section 2102(e)(2)(B); and

“(B) is not an excluded facility;

“(4) the term ‘excluded facility’ means—

“(A) a facility regulated under the Maritime Transportation Security Act of 2002 (Public Law 107–295; 116 Stat. 2064);

“(B) a public water system, as that term is defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f);

“(C) a Treatment Works, as that term is defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292);

“(D) a facility owned or operated by the Department of Defense or the Department of Energy; or

“(E) a facility subject to regulation by the Nuclear Regulatory Commission, or by a State that has entered into an agreement with the Nuclear Regulatory Commission under section 274 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2021(b)) to protect against unauthorized access of any material, activity, or structure licensed by the Nuclear Regulatory Commission;

“(5) the term ‘existing CFATS regulation’ means—

“(A) a regulation promulgated under section 550 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C. 121 note) 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

“(B) a Federal Register notice or other published guidance relating to section 550 of the Department of Homeland Security Appropriations Act, 2007 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;

“(6) the term ‘expedited approval facility’ means a covered chemical facility for which the owner or operator elects to submit a site security plan in accordance with section 2102(c)(4);

“(7) the term ‘facially deficient’, relating to a site security plan, means a site security plan that does not support a certification that the security measures in the plan address the security vulnerability assessment and the risk-based performance standards for security for the facility, based on a review of—

“(A) the facility’s site security plan;

“(B) the facility’s Top-Screen;

“(C) the facility’s security vulnerability assessment; or

“(D) any other information that—

“(i) the facility submits to the Department; or

“(ii) the Department obtains from a public source or other source;

“(8) the term ‘guidance for expedited approval facilities’ means the guidance issued under section 2102(c)(4)(B)(i);

“(9) the term ‘risk assessment’ means the Secretary’s application of relevant risk criteria identified in section 2102(e)(2)(B);

“(10) the term ‘terrorist screening database’ means the terrorist screening database maintained by the Federal Government Terrorist Screening Center or its successor;

“(11) the term ‘tier’ has the meaning given the term in section 27.105 of title 6, Code of Federal Regulations, or any successor thereto;

“(12) the terms ‘tiering’ and ‘tiering methodology’ mean the procedure by which the Secretary assigns a tier to each covered chemical facility based on the risk assessment for that covered chemical facility;

“(13) the term ‘Top-Screen’ has the meaning given the term in section 27.105 of title 6, Code of Federal Regulations, or any successor thereto; and

“(14) the term ‘vulnerability assessment’ means the identification of weaknesses in the security of a chemical facility of interest.

“SEC. 2102. CHEMICAL FACILITY ANTI-TERRORISM STANDARDS PROGRAM.

“(a) PROGRAM ESTABLISHED.—

“(1) IN GENERAL.—There is in the Department a Chemical Facility Anti-Terrorism Standards Program.

“(2) REQUIREMENTS.—In carrying out the Chemical Facility Anti-Terrorism Standards Program, the Secretary shall—

“(A) identify—

“(i) chemical facilities of interest; and

“(ii) covered chemical facilities;

“(B) require each chemical facility of interest to submit a Top-Screen and any other information the Secretary determines necessary to enable the Department to assess the security risks associated with the facility;

“(C) establish risk-based performance standards designed to address high levels of security risk at covered chemical facilities; and

“(D) require each covered chemical facility to—

“(i) submit a security vulnerability assessment; and

“(ii) develop, submit, and implement a site security plan.

“(b) SECURITY MEASURES.—

“(1) IN GENERAL.—A facility, in developing a site security plan as required under subsection (a), shall include security measures that, in combination, appropriately address the security vulnerability assessment and the risk-based performance standards for security for the facility.

“(2) EMPLOYEE INPUT.—To the greatest extent practicable, a facility’s security vulnerability assessment and site security plan shall include input from at least 1 facility employee and, where applicable, 1 employee representative from the bargaining agent at that facility, each of whom possesses, in the determination of the facility’s security officer, relevant knowledge, experience, training, or education as pertains to matters of site security.

“(c) APPROVAL OR DISAPPROVAL OF SITE SECURITY PLANS.—

“(1) IN GENERAL.—

“(A) REVIEW.—Except as provided in paragraph (4), the Secretary shall review and approve or disapprove each site security plan submitted pursuant to subsection (a).

“(B) BASES FOR DISAPPROVAL.—The Secretary—

“(i) may not disapprove a site security plan based on the presence or absence of a particular security measure; and

“(ii) shall disapprove a site security plan if the plan fails to satisfy the risk-based performance standards established pursuant to subsection (a)(2)(C).

“(2) ALTERNATIVE SECURITY PROGRAMS.—

“(A) AUTHORITY TO APPROVE.—

“(i) IN GENERAL.—The Secretary may approve an alternative security program established by a private sector entity or a Federal, State, or local authority or under other applicable laws, if the Secretary determines that the requirements of the program meet the requirements under this section.

“(ii) ADDITIONAL SECURITY MEASURES.—If the requirements of an alternative security program do not meet the requirements under this section, the Secretary may recommend additional security measures to the program that will enable the Secretary to approve the program.

“(B) SATISFACTION OF SITE SECURITY PLAN REQUIREMENT.—A covered chemical facility may satisfy the site security plan requirement under subsection (a) by adopting an alternative security program that the Secretary has—

“(i) reviewed and approved under subparagraph (A); and

“(ii) determined to be appropriate for the operations and security concerns of the covered chemical facility.

“(3) SITE SECURITY PLAN ASSESSMENTS.—

“(A) RISK ASSESSMENT POLICIES AND PROCEDURES.—In approving or disapproving a site security plan under this subsection, the Secretary shall employ the risk assessment policies and procedures developed under this title.

“(B) PREVIOUSLY APPROVED PLANS.—In the case of a covered chemical facility for which the Secretary approved a site security plan before the date of enactment of the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014, the Secretary may not require the facility to resubmit the site security plan solely by reason of the enactment of this title.

“(4) EXPEDITED APPROVAL PROGRAM.—

“(A) IN GENERAL.—A covered chemical facility assigned to tier 3 or 4 may meet the requirement to develop and submit a site security plan under subsection (a)(2)(D) by developing and submitting to the Secretary—

“(i) a site security plan and the certification described in subparagraph (C); or

“(ii) a site security plan in conformance with a template authorized under subparagraph (H).