

Revised #12

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2868
OFFERED BY MR. THOMPSON OF MISSISSIPPI**

Page 5, beginning on line 22, strike “counter surveillance” and insert “counter-surveillance”.

Page 7, beginning on line 2, strike “. Any such plan shall include” and insert “, including”.

Page 7, line 19, strike “Department” and insert “Secretary”.

Page 8, line 2, strike “chemicals” and insert “a substance of concern”.

Page 8, line 4, insert “and” after the comma.

Page 9, line 5, strike “Department” and insert “Secretary”.

Page 9, line 9, strike “in” and insert “at”.

Page 9, line 10, strike “site” and insert “covered chemical facility”.

Page 10, line 6, insert a comma after “plan”.

Page 17, line 3, insert “chemical” after “designation of a”.

Page 17, line 3, insert "as a substance" after "substance".

Page 17, line 4, insert "for the substance" after "quantity".

Page 17, line 8, strike "may at any time" and insert "may, at any time,".

Page 18, line 10, insert a comma after "concern".

Page 18, line 22, strike the comma after "representative".

Page 19, line 6, strike "this title" and insert "this section".

Page 22, line 3, insert ", as determined by the Secretary," after "geographically close".

Page 23, line 1, strike "under" and insert "pursuant to".

Page 24, line 11, strike "is".

Page 30, line 22, strike "that" and insert "who".

Page 34, line 9, strike "the period of".

Page 36, line 8, strike "information" and insert "to the Secretary in a timely manner, information".

Page 36, line 9, strike "in a timely manner".

Page 38, line 17, insert “departmental” after
“seek”.

Page 38, line 17, strike “within the Department”.

Page 39, line 24, strike “that” and insert “who”.

Page 39, line 25, insert a comma after “subsection
(a)”.

Page 40, line 15, strike “, profit” and insert “, for-
profit”.

Page 46, line 16, strike “protected information is
any of the following’” and insert “the term ‘protected
information’ means any of the following”.

Page 46, line 22, strike “determines” and insert
“has determined by regulation”.

Page 48, strike lines 3 through 17 and insert the
following:

1 “(2) EXCLUSIONS.—Notwithstanding para-
2 graph (1), the term ‘protected information’ does not
3 include—

4 “(A) information, other than a security
5 vulnerability assessment or site security plan,
6 that the Secretary has determined by regulation
7 to be—

1 “(i) appropriate to describe facility
2 compliance with the requirements of this
3 title and the Secretary’s implementation of
4 such requirements; and

5 “(ii) not detrimental to chemical facil-
6 ity security if disclosed; or

7 “(B) information, whether or not also con-
8 tained in a security vulnerability assessment,
9 site security plan, or in a document, record,
10 order, notice, or letter, or portion thereof, de-
11 scribed in subparagraph (B) or (C) of para-
12 graph (1), that is obtained from another source
13 with respect to which the Secretary has not
14 made a determination under either such sub-
15 paragraph, including—

16 “(i) information that is required to be
17 made publicly available under any other
18 provision of law; and

19 “(ii) information that a chemical facil-
20 ity has lawfully disclosed other than in a
21 submission to the Secretary pursuant to a
22 requirement of this title.

Page 54, line 3, strike “of” and insert “after”.

Page 63, line 7, strike “1996” and insert “1986”.

Page 75, line 13, strike "Department" and insert "Secretary".

Page 92, line 23, insert "and resubmit" after "update".

Page 93, beginning on line 10, strike "(or, if the system has already developed an emergency response plan, to revise the plan to be in accordance with this section)" and insert "or, if the system has already developed an emergency response plan, to revise the plan to be in accordance with this section,".

Page 110, beginning on line 2, strike "commence an enforcement action against the system, including by seeking or imposing civil penalties" and insert "take appropriate enforcement action".

Page 115, beginning on line 22, strike ", as described in paragraph (7)".

Page 116, beginning on line 21, strike ", as described in paragraph (7),".

Page 117, beginning on line 9, strike ", as described in paragraph (7),".

Page 117, line 22, insert "provision of" before "law".

Page 117, line 23, insert “provision of” before “law”.

Page 118, line 10, insert “provision of” before “law”.

Page 118, beginning on line 13, strike “protected information is any of the following” and insert “the term ‘protected information’ means any of the following”.

Page 119, line 17, strike “determines” and insert “has determined by regulation”.

Page 120, line 1, insert before “would” the following: “the Secretary has determined by regulation”

Page 120, strike lines 7 through 24 and insert the following:

1 “(C) EXCLUSIONS.—Notwithstanding sub-
2 paragraphs (A) and (B), the term ‘protected in-
3 formation’ does not include—
4 “(i) information, other than a security
5 vulnerability assessment or site security
6 plan, that the Administrator has deter-
7 mined by regulation to be—
8 “(I) appropriate to describe sys-
9 tem compliance with the requirements
10 of this title and the Administrator’s

1 implementation of such requirements;
2 and

3 “(II) not detrimental to the secu-
4 rity of one or more covered water sys-
5 tems if disclosed; or

6 “(ii) information, whether or not also
7 contained in a security vulnerability assess-
8 ment, site security plan, or in a document,
9 record, order, notice, or letter, or portion
10 thereof, described in any of clauses (ii)
11 through (vii) of subparagraph (A) that is
12 obtained from another source with respect
13 to which the Administrator has not made
14 a determination under either subparagraph
15 (A)(vii) or (B), including—

16 “(I) information that is required
17 to be made publicly available under
18 any other provision of law; and

19 “(II) information that a covered
20 water system has lawfully disclosed
21 other than in a submission to the Ad-
22 ministrator pursuant to a requirement
23 of this title.

Page 121, line 3, strike “the amendments made by”.

Page 131, beginning on line 3, strike “threat of contamination of drinking water being distributed through public water systems, including fire main systems” and insert “threat to drinking water posed by an intentional act of contamination, and the vulnerability of public water systems, including fire hydrants, to such a threat”.

Page 151, line 24, after “cause” and insert “, or may be reasonably anticipated to cause,”.

Page 161, line 12, insert “provision of” before “law”.

Page 161, line 13, insert “provision of” before “law”.

Page 161, line 25, insert “provision of” before “law”.

Page 162, beginning on line 3, strike “protected information is any of the following” and insert “the term ‘protected information’ means any of the following”.

Page 163, beginning on line 6, strike “determines” and insert “has determined by regulation”.

Page 163, line 15, before “would” insert the following: “the Secretary has determined by regulation”.

Strike line 20 on page 163 and all that follows through page 164, line 13, and insert the following:

1 “(C) EXCLUSIONS.—Notwithstanding sub-
2 paragraphs (A) and (B), the term ‘protected in-
3 formation’ does not include—

4 “(i) information, other than a security
5 vulnerability assessment or site security
6 plan, that the Administrator has deter-
7 mined by regulation to be—

8 “(I) appropriate to describe
9 treatment works compliance with the
10 requirements of this title and the Ad-
11 ministrators’ implementation of such
12 requirements; and

13 “(II) not detrimental to the secu-
14 rity of one or more treatment works if
15 disclosed; or

16 “(ii) information, whether or not also
17 contained in a security vulnerability assess-
18 ment, site security plan, or in a document,
19 record, order, notice, or letter, or portion
20 thereof, described in any of clauses (ii)
21 through (vii) of subparagraph (A) that is
22 obtained from another source with respect
23 to which the Administrator has not made

1 a determination under either subparagraph

2 (A)(vii) or (B), including—

3 “(I) information that is required
4 to be made publicly available under
5 any other provision of law; and

6 “(II) information that a treat-
7 ment works has lawfully disclosed
8 other than in a submission to the Ad-
9 ministrator pursuant to a requirement
10 of this title.

Page 171, line 5, strike “the amendments made by”.

