

**AMENDMENT TO H.R. 901**  
**OFFERED BY MS. CLARKE OF NEW YORK**

Subsection (b) of the proposed section 2101 of the Homeland Security Act of 2002, as proposed to be inserted by section 2(a) of the bill, is amended to read as follows:

1       “(b) FACILITIES REGULATED.—

2               “(1) FACILITIES REGULATED BY THE SEC-  
3       RETARY.—The regulations required by subsection  
4       (a) shall apply to any chemical facility that the Sec-  
5       retary determines presents a high level of security  
6       risk with respect to acts of terrorism.

7               “(2) EXCEPTIONS.—The Secretary may not  
8       apply the regulations required by subsection (a) to  
9       any of the following:

10               “(A) Any facility owned or operated by the  
11       Department of Defense.

12               “(B) Any facility owned or operated by the  
13       Department of Energy.

14               “(3) DELEGATION OF AUTHORITY.—The Sec-  
15       retary shall delegate the authority to maintain the  
16       regulations developed as required under subsection  
17       (a) and to enforce such regulations to—

1           “(A) the Nuclear Regulatory Commission,  
2           with respect to any facility subject to regulation  
3           by the Nuclear Regulatory Commission;

4           “(B) the Commandant of the Coast Guard,  
5           with respect to any facility regulated under  
6           chapter 701 of title 46, United States Code;  
7           and

8           “(C) the Administrator of the Environ-  
9           mental Protection Agency, with respect to a  
10          public water system, as such term is defined by  
11          section 1401(4) of the Safe Drinking Water 11  
12          Act (42 U.S.C. 300f(4)), or a treatment works,  
13          as such term is defined by section 212(2) of the  
14          Federal Water Pollution Control Act (33 U.S.C.  
15          1292(2)).”.

        In the proposed section 2102(b) of the Homeland  
Security Act of 2002, as proposed to be inserted by sec-  
tion 2(a) of the bill, insert after paragraph (2) the fol-  
lowing:

16           “(3) OTHER FEDERAL AGENCIES.—The Sec-  
17          retary shall, as appropriate, provide any information,  
18          and make available any determinations, require-  
19          ments, or tools obtained or developed for the pur-  
20          poses of carrying out the requirements of this title,

1 to the heads of the agencies designated in section  
2 2101(b)(3).”.

