

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1048

Introduced by Bostar, 29.

Read first time January 08, 2024

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to civil defense; to define terms; to state
- 2 legislative findings; to require certain chemical facilities to
- 3 utilize a federal chemical security program as prescribed; and to
- 4 provide duties for the Nebraska Emergency Management Agency and the
- 5 Department of Environment and Energy.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) For purposes of this section:

2 (a) Chemical facility has the same meaning as in 6 C.F.R. 27.105;

3 (b) Federal agency means the Cybersecurity and Infrastructure
4 Security Agency of the United States Department of Homeland Security;

5 (c) Federal standards means the federal Chemical Facility Anti-
6 Terrorism Standards under 6 C.F.R. part 27, as such standards existed on
7 July 1, 2023; and

8 (d) Program means the voluntary and publicly available chemical
9 security program provided by the federal agency as an alternative to the
10 federal standards.

11 (2) The Legislature finds that:

12 (a) The federal standards were created after the September 11, 2001,
13 terrorist attacks to identify and regulate high-risk chemical facilities
14 to ensure security measures are in place to reduce the risk of certain
15 dangerous chemicals being weaponized by terrorists;

16 (b) The United States Congress allowed the statutory authority for
17 continuing regulation of the federal standards to expire on July 27,
18 2023;

19 (c) With the expiration of such statutory authority and without
20 reauthorization by Congress, the federal agency can no longer enforce
21 compliance with the federal standards;

22 (d) The lack of enforcement means that chemical facilities will no
23 longer be required to report their chemicals of interest, submit to
24 inspections, provide compliance assistance, or implement any security
25 plan or program; and

26 (e) The federal agency has encouraged chemical facilities to
27 maintain security measures and offers a voluntary and publicly available
28 alternative chemical security program that provides facilities that
29 possess dangerous chemicals no-cost services and tools to identify risks
30 and improve chemical security.

31 (3) Beginning on the effective date of this act, a chemical facility

1 shall utilize the federal agency's program if such chemical facility:

2 (a) On or before July 27, 2023, was required to have a chemical
3 facility security program pursuant to 6 C.F.R. 27.200 et seq., as such
4 sections existed on such date; or

5 (b) Possesses any chemical of interest as defined in 6 C.F.R. 27.105
6 and listed in Appendix A to 6 C.F.R. part 27, DHS Chemicals of Interest.

7 (4) The Nebraska Emergency Management Agency and the Department of
8 Environment and Energy shall publish the requirements of this section and
9 post a link to the program on their agency websites.