

# Union Calendar No. 139

112TH CONGRESS  
1ST SESSION

# H. R. 908

**[Report No. 112-211]**

To extend the authority of the Secretary of Homeland Security to maintain the Chemical Facility Anti-Terrorism Standards program.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2011

Mr. MURPHY of Pennsylvania (for himself and Mr. GENE GREEN of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce

SEPTEMBER 19, 2011

Additional sponsors: Mr. GERLACH and Mr. MANZULLO

SEPTEMBER 19, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

# **A BILL**

To extend the authority of the Secretary of Homeland Security to maintain the Chemical Facility Anti-Terrorism Standards program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Full Implementation  
5 of the Chemical Facility Anti-Terrorism Standards Act”.

6 **SEC. 2. EXTENSION OF DEPARTMENT OF HOMELAND SECU-**  
7 **RITY CHEMICAL FACILITY ANTI-TERRORISM**  
8 **STANDARDS PROGRAM.**

9 Subsection (b) of section 550 of the Department of  
10 Homeland Security Appropriations Act for Fiscal Year  
11 2007 (Public Law 109–295; 6 U.S.C. 121 note) is amend-  
12 ed by striking “2010” and inserting “2017”.

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “Full Implementation*  
15 *of the Chemical Facility Anti-Terrorism Standards Act”.*

16 **SEC. 2. EXTENSION OF DEPARTMENT OF HOMELAND SECU-**  
17 **RITY CHEMICAL FACILITY ANTI-TERRORISM**  
18 **STANDARDS PROGRAM.**

19 *Subsection (b) of section 550 of the Department of*  
20 *Homeland Security Appropriations Act, 2007 (Public Law*  
21 *109–295; 6 U.S.C. 121 note) is amended by striking “2011”*  
22 *and inserting “2018”.*

23 **SEC. 3. BACKGROUND CHECKS.**

24 *Section 550 of the Department of Homeland Security*  
25 *Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C.*

1 121 note) is amended by adding at the end the following  
2 new subsection:

3       “(i)(1) No security background check is required under  
4 this section for an individual holding a valid transpor-  
5 tation security card issued under section 70105 of title 46,  
6 United States Code.

7       “(2) The Secretary shall determine, on an ongoing  
8 basis, whether alternate security background checks con-  
9 ducted by the Secretary are sufficient to meet the require-  
10 ments of the risk-based performance standards issued under  
11 this section such that no additional security background  
12 check is required under this section for an individual who  
13 has passed such a qualifying alternate security background  
14 check.

15       “(3) The owner or operator of a chemical facility sub-  
16 ject to the regulations issued under this section may permit  
17 an individual holding a valid transportation security card  
18 issued under section 70105 of title 46, United States Code,  
19 or an individual who has passed a qualifying alternate se-  
20 curity background check under paragraph (2), to have ac-  
21 cess to restricted areas or critical assets of such facility  
22 without the satisfaction of any other additional require-  
23 ments imposed by the Secretary.

24       “(4)(A) Nothing in this subsection shall be construed  
25 to abridge any right or responsibility of—

1           “(i) an individual subject to a security back-  
2           ground check under this section; or

3           “(ii) an owner or operator of a chemical facility  
4           subject to the regulations issued under this section.

5           “(B) Nothing in this subsection shall be construed to  
6           prohibit an owner or operator of a chemical facility from  
7           requiring, for reasons other than compliance with this sec-  
8           tion, that prospective or current employees or contractors  
9           undergo any additional background check in addition to  
10          that required under the risk-based performance standards  
11          issued under this section.”.

12       **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

13           There is authorized to be appropriated to carry out  
14          section 550 of the Department of Homeland Security Ap-  
15          propriations Act, 2007 (Public Law 109–295; 6 U.S.C. 121  
16          note) \$89,920,000 for each of fiscal years 2012 through  
17          2018.

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112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

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