

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.

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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