



One Hundred Tenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

March 6, 2008

COMMITTEE ACTION

The Committee on Homeland Security met, pursuant to notice, in open markup session, a quorum being present, on Thursday, March 6, 2008, in 311 Cannon House Office Building to consider a **Committee Print**, entitled "To amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes." The "Chemical Facility Anti-Terrorism Act of 2008."

The Committee took the following actions:

Committee Print, entitled "To amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes." The "Chemical Facility Anti-Terrorism Act of 2008."; was AGREED TO, as amended, by record vote of 15 yeas and 7 nays (Roll Call Vote No. 16).

Unanimous consent request by Mr. Thompson that, upon referral of this bill upon introduction to the Committee, the bill be deemed reported to the House; was not objected to.

The Committee adopted the measure, as amended, by voice vote.

A motion by Mr. Broun to postpone consideration of the Committee Print until the House of Representatives has considered S. 2248 was TABLED.

A motion by Mr. Dicks to table the motion by Mr. Broun to postpone the consideration of the Committee Print until the House of Representatives has

considered S. 2248 was AGREED TO by a record vote of 15 yeas and 11 nays (Roll Call Vote No. 12).

The Committee then proceeded to the consideration of the Committee Print.

The following amendments were offered:

An En Bloc Amendment offered Mr Thompson (#1); to 1) strike subsection (g) of the proposed section 2103 and insert a new subsection entitled "Role of Employees"; 2) on page 37, line 1, strike "The Secretary" and all that follows through the period on line 6 and insert the following: "Notwithstanding the preceding sentence, the Secretary may not issue an order to cease operations under this paragraph to the owner or operator a drinking water or wastewater facility unless the Secretary determined that continued operation of the facility represents a clear and present danger to homeland security."; 3) in the proposed section 2110(b)(1)(C), insert before the period at the end of the following: "at a location within the United States"; 4) at the end of the proposed section 2110, insert a new subsection entitled "(g) Publicly-owned Water and Wastewater Treatment Facilities."; and 5) in Sec. 2115, at the end of Subsec (a): In establishing this or any chemical, biological, and/or agricultural Centers of Excellence, or in reorganizing existing Centers in these areas, the Secretary shall recognize the unique scientific, technical, and funding requirements of the chemical, biological and/or agricultural fields to the mission of the Department of Homeland Security, and maintain such centers as distinct entities in organization and funding.; was AGREED TO by voice vote.

An Amendment offered Mr. Lungren (#2), on p. 54, line 18, after "covered chemical facility" insert "assigned to a high-risk tier under section 2102(C)(3)".; was NOT AGREED TO by a record vote of 11 yeas and 16 nays (Roll Call Vote No. 13).

An Amendment offered Mr. Perlmutter (#3), to strike the proposed section 2114 and insert the following new section 2114 entitled "Sec. 2114. Security Background Checks of Covered Individuals at Certain Chemical Facilities."; was AGREED TO by voice vote.

An Amendment offered Mr. Souder (#4), on page 10, line 14, before the semicolon insert the following: "relating to security of the facility."; and page 10, line 18, insert "security" before "performance".; was AGREED TO by voice vote.

An Amendment offered Mr. Souder (#5), on page 20, line 1, insert after "include" the following: ", to the extent feasible,".; was NOT AGREED TO by voice vote.

An Amendment offered Mr. Souder (#6), Page 56, line 8, strike “and”.; page 56, line 12, strike the period and insert the following: “; and”.; page 56, after line 12, insert a new subsection (D); was NOT AGREED TO by a record vote of 8 yeas and 13 nays (Roll Call Vote No. 14).

An Amendment offered Mr. Souder (#7), Page 57, after line 6, insert a new subsection “(3) Exception.”; was NOT AGREED TO by a record vote of 8 yeas and 13 nays (Roll Call Vote No. 15).

An Amendment offered Mr. Broun (#8) to the amendment offered by Mr. Perlmutter (#3) (#3A), in the proposed section 2114, redesignate subsections (c) through (h) as subsections (d) through (I), respectively.; Page 4, after line 3, insert a new subsection “(c) Termination of Employment.”; page 2, line 8, strike “(c)” and insert “(d)”.; page 2, line 21, strike “subsection (c)” and insert “subsection (d)”.; was WITHDRAWN by unanimous consent.

A unanimous consent request by Mr. Broun to withdraw his amendment, was not objected to.

A motion by Mr. Thompson that Staff is authorized to make any technical and conforming changes to the measures considered today, was not objected to.

A motion by Ms. Sanchez to authorize the Chairman to offer such motions as may be necessary in the House to go to Conference with the Senate on the bills just ordered reported by this Committee, or on a similar Senate bill; was not objected to.

A motion by Mr. King that pursuant to Rule XIII clause 2(c) Members may have two days in which to file Minority and additional views on each of the measures considered, was not objected to.

