



**FOR IMMEDIATE RELEASE**

**Statement of Ranking Member Bennie G. Thompson**

***H.R. 901 – The Chemical Facility Anti-Terrorism Security Authorization Act of 2011***

June 22, 2011 (Washington) – Today, Committee on Homeland Security Ranking Member Bennie G. Thompson (D-MS) delivered the following prepared remarks for the full Committee markup of H.R. 901 – the “Chemical Facility Anti-Terrorism Security Authorization Act of 2011” and the Committee activity report:

“Today, we have two measures to consider—a draft 6-month activity report and H.R. 901, legislation to provide chemical security authorization to the Department of Homeland Security.

I am particularly pleased that we are considering chemical security legislation. This, of course, marks the fourth time in five years that the Committee is considering such legislation.

There is strong bipartisan support for the Chemical Facility Anti-Terrorism Standards program or ‘CFATS’.

I think it is safe to say that, on both sides of the aisle, we believe that the novel regulatory approach in CFATS is appropriate given the diversity of the chemical sector.

In the U.S., the chemical sector employs nearly one million people and grosses about \$550 billion annually.

Safeguarding the chemical sector from terrorist threats is critical to the health and well-being of our constituents, our economy, and our national security.

For this reason, since 2006, DHS has aggressively worked, under limited interim authority, to stand up the CFATS program.

There’s been a lot of progress over the past five years but the program is not yet mature or fully implemented.

‘Top screens’ have been done. Facilities have been tiered. Vulnerability assessments have been evaluated. However, to date, DHS has not been able to provide a ‘full and final approval’ to a single site security plan.

This Committee’s continued oversight is critical to ensuring that DHS stay the course. Arguably, our most powerful tool to keep DHS on track is to require the Department to return to this Committee on a regular basis.

In prior CFATS authorization bills, that’s exactly what we tried to do. We sought to create a rhythm where DHS would have to come back to this Committee every two or three years for a “CFATS reauthorization.”

Without this routine, DHS is unchecked and uncertain about how to move forward.

That's the largest weakness of H.R. 901. By giving DHS a 'blanket authorization' for seven years, this Committee will be surrendering our legislative responsibility and constitutional duty.

Another danger of this seven-year authorization is on the funding side.

The bill seems to pre-suppose that seven years down the line, the program will need the same level of funding that it used in Fiscal Year 2010.

That defies reason. As DHS moves into the enforcement phase, the CFATS program will need to staff up, equip the new inspectors, maintain regional field offices, and provide transportation and lodging for inspection visits.

There's no way that \$89.9 million will be adequate.

Fundamentally, the 8-page measure under consideration today is both too broad and too narrow.

It is too broad in the sense that it rubber-stamps the 2006 Appropriations language to give DHS blanket authority. It is too narrow because it retains language from the 2006 Appropriations bill that exempts whole categories of chemical facilities.

Today, Democratic Members will offer a number of amendments to improve the bill and address its dangerous shortcomings. Should this bill be approved today, jurisdictional questions will remain.

Because this measure was referred to another Committee, it may die there and all of our work would be for naught. Last Congress, this Committee took a CFATS measure to the floor. I hope we can do that again."

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