

**FOR IMMEDIATE RELEASE****Statement of Ranking Member Bennie G. Thompson*****H.R. 4007, the Chemical Facility Anti-Terrorism Standards Authorization and Accountability Act of 2014***

February 27, 2014 (Washington) – Today, Committee on Homeland Security Ranking Member Bennie G. Thompson (D-MS) delivered the following prepared remarks for the Cybersecurity, Infrastructure Protection, and Security Technologies subcommittee hearing on H.R. 4007, the Chemical Facility Anti-Terrorism Standards Authorization and Accountability Act of 2014:

“As an original author of chemical security legislation, I am supportive of DHS’ efforts to raise the level of security at our nation’s chemical facilities. If you would have told me back in 2006 that eight years later that CFATS would still be operating without a freestanding authorization in the Homeland Security Act, I would have been shocked.

Jurisdictional wrangling has been a problem. The closest that Congress has come to approving an authorization bill was back in 2010, when I teamed up with then-Energy and Commerce Chairman Waxman. Since that time, the program has faced its share of internal and external challenges.

Today, the program appears to be in a better place. That said, there could be some major changes to the program, once the President’s inter-agency chemical safety and security working-group completes its work, to enhance chemical sector safety and security.

The legislation before us today has some good features; certainly, the mention of personnel surety is a positive; however, it has some glaring weaknesses.

The bill is a stand-alone and would not amend the Homeland Security Act. This approach potentially denies CFATS a firm, statutory footing and adds to jurisdictional conflict. The bill maintains exemptions that were put in place, in haste, in 2006, of categories of facilities, even as we await the recommendations from the President’s Chemical Security Working Group.

One of my biggest issues with the bill is that it is written so broadly as to raise questions on whether it is a “stay the course” bill or, by making little or no references to the existing CFATS program, requires something different.

I must say that the introduction of this bill was somewhat surprising since, after the West, Texas tragedy last year Chairman McCaul wrote, along with Energy and Commerce Chairman Upton, and Appropriations Subcommittee Chairman Carter, that “The basic programmatic building blocks of CFATS are missing” and they, “are convinced the program should not continue in its present condition.”

Since Chairman McCaul’s July 2013 letter, the CFATS office has made some modest improvement, particularly with respect to identifying and reaching out to facilities that should be evaluated for risk. Still, fundamental questions about the program’s implementation persist. Answers to those questions and recommendations for reform will likely be down the road.

I wrote the President last year about my concerns regarding the tragedy that occurred in West, Texas, and how we might examine the processes here at DHS and other agencies to protect citizens from similar catastrophic events, including changes in the CFATS program.

Soon thereafter, the President issued an Executive Order that created an inter-agency working group to undertake an across-the-board examination of the programs that regulate chemical security and safety in the federal government. The interagency working group includes The Department of Homeland Security, The Department of Agriculture, The Department of Justice, The Department of Labor, The Department of Transportation, and The Environmental Protection Agency.

The Chemical Security Working Group is expected to report to the President in May.

In fairness, the Federal government shutdown, which resulted in lapses in funding and authority, was not helpful. For that matter, neither is the current sequester, but we are here to talk about making the CFATS program work for the American people and making our nation more secure.

As a Committee, we have an obligation to advance legislation that gives effect to our oversight findings. From risk modeling to administrative processes and its excessive and wrong-headed approach to personnel surety, DHS needs guidance. Frankly, I see nothing in the scant eleven pages of H.R. 4007 to deliver the massive reforms that will be required to make CFATS, and other chemical security programs more efficient and productive programs.”

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