



The House Committee on
HOMELAND SECURITY

Peter T. King (R-NY), Chairman

FOR IMMEDIATE RELEASE

www.homeland.house.gov

**Opening Statement of
Chairman Dan Lungren (R-CA)
At the Subcommittee on Cybersecurity Infrastructure Protection, and Security
Technologies Markup of
H.R. 901 (“Chemical Facility Anti-Terrorism Security Authorization Act of 2011”)
April 14, 2011**

Today, we will markup HR 901 the “Chemical Facility Anti-Terrorism Security Authorization Act of 2011” which I introduced on March 3rd of this year. I want to thank my Committee co-sponsors Chairman King, Mr Rogers, Mr McCaul, Mr Long, Mr Marino, Mr Walberg, Mr Walsh and Ms Miller. This legislation is needed to continue the Chemical Facility Anti-Terrorism Standards (CFATS) which were authorized on October 4, 2006 under Sec. 550 of the Homeland Security Appropriations Act of 2007. During the interim four years, CFATS has established a solid security foundation for facilities with threshold levels of dangerous chemicals. My legislation extends this important CFATS security regime for seven additional years providing needed continuity to the chemical industry. This extension will also allow the CFATS program to be fully implemented.

Because of the vast differences between chemical facilities from site to site and from state to state, Congress required DHS to develop “risk-based performance standards,” providing flexibility for the facility to identify and choose security measures tailored to each site’s unique security challenges in order to meet the appropriate performance standards. The categories of covered facilities are diverse and wide-ranging, including: chemical manufacturing, storage and distribution; energy and utilities; agriculture and food; paint and coatings; explosives; mining; electronics; plastics; healthcare; and in some instances, universities.

Recognizing this security disparity across the chemical sector – between facilities that had voluntarily taken action and those that had done very little, Congress enacted in 2006 Section 550 authorizing DHS to develop and issue the Chemical Facility Anti-Terrorism Standards (CFATS). These regulations issued on June 8, 2007 required high-risk chemical facilities to complete Security Vulnerability Assessments, develop Site Security Plans, and implement protective measures necessary to meet risk-based performance standards established by the Department. DHS must review and approve these plans and also monitor compliance.

DHS and covered facilities are currently working through the CFATS process. To date, DHS has reviewed information submitted by more than 39,000 chemical facilities and determined that 4,755 facilities are high-risk and covered under CFATS. Although implementation has been slower than Congress wanted, **CFATS is working**. It is building a foundation of security in the chemical industry which will protect our citizens and our economy

from future terror attacks. Is it a perfect plan? No. Are there gaps? Probably. But our priority should be to extend this working chemical security program and not allow the perfect plan to be the enemy of the good.

The CFATS program also provides chemical facilities with incentives to reduce their risk profile (tier down) and either escape or limit their CFATS requirements. These are positive security incentives which strengthen overall chemical industry security. In order to maintain this positive momentum, Congress needs to pass my long-term CFATS extension.

All the short term extensions following the sunset date on October 4, 2009 have created uncertainty for covered facilities and complicated their CFATS investment and security strategy. Current CFATS authority is contained in the continuing budget resolution now being negotiated in Congress. My bill would provide long-term assurance that the current CFATS standards would continue for seven years – allowing the program to be fully implemented so that all high-risk facilities would complete at least one cycle from start to finish. My bill would also preserve all of the essential elements contained in the original statute without imposing additional requirements on the program mid-stream.

The one change I have made is codifying section 550 within the Homeland Security Act of 2002. This will appropriately align CFATS authority with other DHS authorities and ensure jurisdiction is directed to the Homeland Security Committee in the future and not the Appropriations Committee.

The Chemical Facility Anti-Terrorism Security Authorization Act of 2011 reaffirms Congress' commitment to fight terrorism and improve security at our Nation's chemical facilities while preserving the ability of the chemical industry to be competitive, remain innovative, and create well-paying jobs.

I now recognize the ranking Member for her opening statement.