

## **Ranking Member Yvette D. Clarke (D-NY) Opening Statement**

Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies

### **MARKUP of HR 4007 - "The Chemical Facility Anti-Terrorism Standards Authorization and Accountability Act of 2014"**

April 3, 2014

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We are glad to see that you've included an authorization for appropriations in your ANS. This is an important step in getting the program on sound footing. Secondly, I'm glad to see that you attempt to deal with the vexing problem of establishing a workable Personnel Surety Program, or PSP. This issue is very much on the front burner.

We know that DHS has grand plans for an elaborate vetting program and has rejected calls for granting reciprocity to DHS security credential programs. Now it is time to settle the issue.

Another feature of the bill that I think we can all agree on is that it expressly authorizes DHS to accept the submission alternative security programs, or ASP's; with respect to site security plans.

The ANS also includes language clarifying the scope of the long-anticipated ammonium nitrate security program that my Ranking Member, Mr. Thompson, offered in 2011 with Mr. King. This language will go a long way to clarifying the AN rule at DHS.

While there is much to like in the bill, there are also areas that still need attention. For instance, the approach taken on third-party inspectors is very troubling. I have reservations about the use of contractors in the inspector cadre, where this work is generally recognized as an inherently governmental responsibility, especially when it involves terroristic threats and risks to the nation.

I also have deep reservations about the codification of the exemptions, particularly with respect to water and wastewater facilities. I'd like to work with you on these issues as we move forward to Full Committee consideration.

Finally, Mr. Chairman, as I understand, the bill we are to mark up today exists partially in response to the catastrophic events in West, Texas, in April of 2013, when an agricultural fertilizer distribution facility caught fire and exploded, destroying many homes and businesses and killing 15 first responders.

Upon close examination, the ANS offers little direct, substantive or specific changes to the CFATS day-to-day operation of the program that would comprehensively address or prevent similar circumstances that occurred in Texas, the explosions, the fire, and tragic loss of life.

However, there are two features of your ANS that I would like to mention.

I am pleased that the language reflects that the program is positioned to protect facilities against not just acts of terrorism but other security risks, and the includes provisions targeted at identifying facilities of interest, which will help us identify outliers in the CFATS universe.

The forthcoming recommendations to the President of the *Interagency Working Group* convened pursuant to Chemical Security Executive Order 13650 are expected to tackle the lessons learned from that tragic and heartbreaking event in Texas, and I hope we can use some of those recommendations as we move toward Full Committee consideration.

Finally, we must help facilities with not just risk management but risk elimination. Methods to reduce the consequences of acts of terrorism assessments are key to delivering those results. Thank you Mr. Chairman, I look forward to working with you to make the CFATS program one we can be proud of.