

**FOR IMMEDIATE RELEASE****Statement of Chairman Bennie G. Thompson*****Markup of H.R. 2868: The Chemical Facility Anti-Terrorism Act of 2009***

June 18, 2009 (Washington) – Today, Committee on Homeland Security Chairman Bennie G. Thompson (D-MS) delivered the following prepared remarks for the full Committee markup of H.R. 2868: *The Chemical Facility Anti-Terrorism Act of 2009*:

“Today the Committee is meeting to mark up H.R. 2868, the “Chemical Facility Anti-Terrorism Act of 2009.” The principle purpose of this bill is to extend and make permanent DHS’ authority over chemical plants beyond October 2009, when it is slated to expire.

This Committee has an extensive legislative history on the subject of chemical security. We first began working on chemical security legislation four years—in the 109th Congress. Back then, I was the Ranking Member. Mr. Lungren was the lead author of H.R. 5695, our first effort to establish chemical security program at DHS. That bipartisan bill was marked up and reported unanimously by voice vote. H.R. 5695 then got stalled at the Energy and Commerce Committee. Our second effort at authorizing CFATS came in the 110th Congress.

That bill, H.R. 5577, was developed in a bipartisan manner and, on final passage in Committee, garnered a bipartisan vote. The gentleman from Pennsylvania, Mr. Dent and our former colleague, Mr. Shays voted with the Majority.

As in the 109th Congress, the Energy and Commerce Committee did not act on our Committee’s bill. This Congress, it looks like we may just see the old adage “the third time’s the charm” play out. We’ve got a comprehensive and commonsense bill that is the product of extensive bipartisan work.

We’ve got a chairman at the Energy and Commerce Committee that shares my commitment to enacting comprehensive chemical security legislation in this Congress.

We’ve got a Department of Homeland Security with a track record of implementing CFATS in a risk-based, performance-based way.

I am disappointed that, as yet, no Republicans have cosponsored the bill.

Given that so many of the key provisions---including those that relate to implementation at port facilities--- were Republican proposals, I had hoped that H.R. 2868 would have bipartisan support, just as we saw with our Committee’s past efforts.

Tuesday’s hearing provided us with the opportunity to engage in a substantive and serious discussion of H.R. 2868 and get a good status update of current CFATS regulations.

As I mentioned on Tuesday, in developing this legislation, we have had lengthy discussions and received input from: the Department; large and small chemical manufacturers; agricultural interests, including fertilizer manufacturers; petroleum and propane manufacturers and distributors; the State of New Jersey; labor unions that represent chemical facility workers; drinking water and wastewater organizations; and academic and other experts.

The legislation we will consider is the product of this thoughtful, common-sense approach.

As the CFATS has been implemented, it has become clear that there are some areas that can only be fixed through legislation.

These include the current exemption of drinking water, wastewater, and port facilities, lack of strong whistleblower protections, restriction of citizen suits, and absence of a requirement that facilities consider methods to reduce consequences of terrorist attacks.

Our witnesses at Tuesday's hearing told us what has happened and what is happening. We learned that there hasn't been a flood of citizen suits against the State of New Jersey. We learned that no businesses have moved out of New Jersey because they had to do an IST assessment.

We learned that some firms, that changed the way they operated after doing an IST assessment, found that their facilities actually worked in a more efficient, cost-effective manner.

We learned that the Department asked for the one-year extension to provide time for reauthorization legislation to be enacted.

HR 2868 is a comprehensive, common-sense security bill whose time has come."

# # #

FOR MORE INFORMATION:

Please contact Dena Graziano or Adam Comis at (202) 225-9978

**United States House of Representatives**  
Committee on Homeland Security  
H2-176, Ford House Office Building, Washington, D.C. 20515  
Phone: (202) 226-2616 | Fax: (202) 226-4499  
<http://homeland.house.gov>