

colleagues from both sides of the aisle for responding so collectively to the importance of this issue.

First and foremost, the principle that I think we stand for on both sides of the aisle is, when important issues like this are raised, that there be appropriate consultation with Congress and an appropriate understanding of the clear articulation by Homeland Security of the benefit that they expect to reach.

As the chairman has identified, once he visited Abu Dhabi, he came away convinced that there was a benefit. But the idea that that would not have been shared with us prior to entering that agreement is one of the critical things that we want to see addressed by this legislation.

But it is also the inability of the Department to appreciate or to take into consideration the impact that this will have, that it may have, and, in fact, it will have when there is no United States airline flying from Abu Dhabi. And the competitive disadvantage of that, which is generated by the fact that individuals who choose to fly the foreign airline currently get right into our country once they get into the preclearance facility, while those on American airlines coming into the same airport will wait in long lines. It creates a competitive disadvantage and the real possibility of a loss of American jobs.

Mr. Speaker, I urge all Members to join me in supporting this bill, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Homeland Security Committee and the Ranking Member of the Border and Maritime Security Subcommittee, I rise in support of H.R. 3488, the "Preclearance Authorization Act of 2014."

The legislation before the House today is the product of regular order, having been considered and approved by the Subcommittee on Border and Maritime Security in May and the Full Committee on Homeland Security in June.

H.R. 3488 stipulates the conditions under which the Secretary of Homeland Security may establish and conduct preclearance operations.

It is imperative that as we seek to "push out our Nation's borders" through preclearance and other programs, we do so in a risk-based manner that is mindful of impacts to our economy and the traveling public.

That guiding principle is what prompted me to introduce legislation last November, H.R. 3575, the "Putting Security First in Preclearance Act."

I am pleased that several of the provisions and policy goals contained in my legislation have been incorporated into the bill before the House today.

During subcommittee consideration of H.R. 3488, I offered two amendments that were adopted.

The first amendment requires the Secretary of Homeland Security to report to Congress on the anticipated homeland security benefits associated with establishing preclearance operations at a foreign airport.

As the Department of Homeland Security seeks to expand preclearance operations to

potentially high-risk airports around the world, we should have a full understanding of the homeland security benefits associated with opening such facilities.

My second amendment, also adopted during subcommittee consideration of the bill, requires that any country seeking to enter into a preclearance agreement with the United States submit lost and stolen passport information to INTERPOL or another source that is searchable by the United States.

The tragic loss of Malaysian Airlines Flight 370 in March brought into focus a number of vulnerabilities in the international aviation arena, not the least of which is gaps related to lost and stolen passports.

On April 4th, the Subcommittee on Border and Maritime Security held a hearing on the vulnerabilities of passport fraud.

One of the major takeaways from that hearing was the need for more countries to regularly submit information about lost and stolen passports to INTERPOL.

The provision in H.R. 3488 requiring countries seeking to open Preclearance facilities to submit information on lost and stolen passports to INTERPOL will serve as an impetus for bringing would-be international partners into the fold and make the INTERPOL database more complete.

Enactment of H.R. 3488 will ensure greater Congressional oversight of the process associated with commencing preclearance operations and ensure the economic interest of U.S. airlines are considered when new Preclearance facilities are contemplated.

I urge all of my colleagues to join me in supporting passage of H.R. 3488.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MEEHAN) that the House suspend the rules and pass the bill, H.R. 3488, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### CHEMICAL FACILITY ANTI-TERRORISM STANDARDS PROGRAM AUTHORIZATION AND ACCOUNTABILITY ACT OF 2014

Mr. MEEHAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4007) to recodify and reauthorize the Chemical Facility Anti-Terrorism Standards Program, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4007

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Chemical Facility Anti-Terrorism Standards Program Authorization and Accountability Act of 2014".

#### SEC. 2. CHEMICAL FACILITY ANTI-TERRORISM STANDARDS PROGRAM.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

#### "TITLE XXI—CHEMICAL FACILITY ANTI-TERRORISM STANDARDS"

##### "SEC. 2101. CHEMICAL FACILITY ANTI-TERRORISM STANDARDS PROGRAM.

"(a) PROGRAM ESTABLISHED.—There is in the Department a Chemical Facility Anti-Terrorism Standards Program. Under such Program, the Secretary shall establish risk-based performance standards designed to protect covered chemical facilities and chemical facilities of interest from acts of terrorism and other security risks and require such facilities to submit security vulnerability assessments and to develop and implement site security plans.

"(b) SECURITY MEASURES.—Site security plans required under subsection (a) may include layered security measures that, in combination, appropriately address the security vulnerability assessment and the risk-based performance standards for security for the facility.

"(c) APPROVAL OR DISAPPROVAL OF SITE SECURITY PLANS.—

"(1) IN GENERAL.—The Secretary shall review and approve or disapprove each security vulnerability assessment and site security plan under subsection (a). The Secretary may not disapprove a site security plan based on the presence or absence of a particular security measure, but the Secretary shall disapprove a site security plan if the plan fails to satisfy the risk-based performance standards established under subsection (a).

"(2) ALTERNATIVE SECURITY PROGRAMS.—The Secretary may approve an alternative security program established by a private sector entity or a Federal, State, or local authority or pursuant to other applicable laws, if the Secretary determines that the requirements of such program meet the requirements of this section. A covered chemical facility may meet the site security plan requirement under subsection (a) by adopting an alternative security program that has been reviewed and approved by the Secretary under this paragraph.

"(3) SITE SECURITY PLAN ASSESSMENTS.—In approving or disapproving a site security plan under this subsection, the Secretary shall employ the risk assessment policies and procedures developed under this title. In the case of a covered chemical facility for which a site security plan has been approved by the Secretary before the date of the enactment of this title, the Secretary may not require the resubmission of the site security information solely by reason of the enactment of this title.

"(4) CONSULTATION.—The Secretary may consult with the Government Accountability Office to investigate the feasibility and applicability a third party accreditation program that would work with industry stakeholders to develop site security plans that may be applicable to all similarly situated facilities. The program would include the development of Program-Specific Handbooks for facilities to reference on site.

"(d) COMPLIANCE.—

"(1) AUDITS AND INSPECTIONS.—

"(A) IN GENERAL.—The Secretary shall conduct the audit and inspection of covered chemical facilities for the purpose of determining compliance with this Act. The audit and inspection may be carried out by a non-Department or nongovernment entity, as approved by the Secretary.

"(B) REPORTING STRUCTURE.—Any audit or inspection conducted by an individual employed by a nongovernment entity shall be assigned in coordination with the head of audits and inspections for the region in which the audit or inspection is to be conducted. When in the field, any individual employed by a nongovernment entity shall report to

the respective head of audits and inspections for the region in which the individual is operating.

“(C) REQUIREMENTS FOR NONGOVERNMENT PERSONNEL.—If the Secretary arranges for an audit or inspection under subparagraph (A) to be carried out by a nongovernment entity, the Secretary shall require, as a condition of such arrangement, that any individual who conducts the audit or inspection be a citizen of the United States and shall prescribe standards for the qualification of the individuals who carry out such audits and inspections that are commensurate with the standards for a Government auditor or inspector. Such standards shall include—

“(i) minimum training requirements for new auditors or inspectors;

“(ii) retraining requirements;

“(iii) minimum education and experience levels;

“(iv) the submission of information as required by the Secretary to enable determination of whether the auditor or inspector has a conflict of interest;

“(v) the maintenance of a secret security clearance;

“(vi) reporting any issue of non-compliance with this section to the Secretary within 24 hours; and

“(vii) any additional qualifications for fitness of duty as the Secretary may establish.

“(D) TRAINING OF DEPARTMENT AUDITORS AND INSPECTORS.—The Secretary shall prescribe standards for the training and retraining of individuals employed by the Department as auditors and inspectors. Such standards shall include—

“(i) minimum training requirements for new auditors and inspectors;

“(ii) retraining requirements; and

“(iii) any additional requirements the Secretary may establish.

“(2) NOTICE OF NONCOMPLIANCE.—

“(A) NOTICE.—If the Secretary determines that a covered chemical facility or a chemical facility of interest is not in compliance with this section, the Secretary shall—

“(i) provide the owner or operator of the facility with—

“(I) written notification (including a clear explanation of any deficiency in the security vulnerability assessment or site security plan) by not later than 14 days after the determination is made; and

“(II) an opportunity for consultation with the Secretary or the Secretary's designee; and

“(ii) issue an order to comply by such date as the Secretary determines to be appropriate under the circumstances.

“(B) CONTINUED NONCOMPLIANCE.—If the owner or operator continues to be in non-compliance after the date specified in such order, the Secretary may enter an order assessing a civil penalty, an order to cease operations, or both.

“(3) PERSONNEL SURETY.—

“(A) PERSONNEL SURETY PROGRAM.—For purposes of this title, the Secretary shall carry out a Personnel Surety Program that—

“(i) does not require an owner or operator of a covered chemical facility that voluntarily participates to submit information about an individual more than one time;

“(ii) provides a participating owner or operator of a covered chemical facility with feedback about an individual based on vetting the individual against the terrorist screening database, to the extent that such feedback is necessary for the facility's compliance with regulations promulgated under this title; and

“(iii) provides redress to an individual whose information was vetted against the terrorist screening database under the program and who believes that the personally identifiable information submitted to the

Department for such vetting by a covered chemical facility, or its designated representative, was inaccurate.

“(B) PERSONNEL SURETY IMPLEMENTATION.—To the extent that a risk-based performance standard under subsection (a) is directed toward identifying individuals with terrorist ties—

“(i) a covered chemical facility may satisfy its obligation under such standard with respect to an individual by utilizing any Federal screening program that periodically vets individuals against the terrorist screening database, or any successor, including the Personnel Surety Program under subparagraph (A); and

“(ii) the Secretary may not require a covered chemical facility to submit any information about such individual unless the individual—

“(I) is vetted under the Personnel Surety Program; or

“(II) has been identified as presenting a terrorism security risk.

“(C) RESPONSIBILITIES OF SECURITY SCREENING COORDINATION OFFICE.—

“(i) IN GENERAL.—The Secretary shall direct the Security Screening Coordination Office of the Department to coordinate with the National Protection and Programs Directorate to expedite the development of a common credential that screens against the terrorist screening database on a recurrent basis and meets all other screening requirements of this title.

“(ii) REPORT.—Not later than March 1, 2015, and annually thereafter, the Secretary shall submit to Congress a report on the progress of the Secretary in meeting the requirements of clause (i).

“(4) FACILITY ACCESS.—For purposes of the compliance of a covered chemical facility with a risk-based performance standard established under subsection (a), the Secretary may not require the facility to submit any information about an individual who has been granted access to the facility unless the individual—

“(A) was vetted under the Personnel Surety Program; or

“(B) has been identified as presenting a terrorism security risk.

“(5) AVAILABILITY OF INFORMATION.—The Secretary shall share with the owner or operator of a covered chemical facility such information as the owner or operator needs to comply with this section.

“(e) RESPONSIBILITIES OF THE SECRETARY.—

“(1) IDENTIFICATION OF FACILITIES OF INTEREST.—In carrying out this title, the Secretary shall consult with the heads of other Federal agencies, States and political subdivisions thereof, and relevant business associations to identify all chemical facilities of interest.

“(2) RISK ASSESSMENT.—

“(A) IN GENERAL.—For purposes of this title, the Secretary shall develop a risk assessment approach and corresponding tiering methodology that incorporates all relevant elements of risk, including threat, vulnerability, and consequence.

“(B) CRITERIA FOR DETERMINING SECURITY RISK.—The criteria for determining the security risk of terrorism associated with a facility shall include—

“(i) the relevant threat information;

“(ii) the potential economic consequences and the potential loss of human life in the event of the facility being subject to a terrorist attack, compromise, infiltration, or exploitation; and

“(iii) the vulnerability of the facility to a terrorist attack, compromise, infiltration, or exploitation.

“(3) CHANGES IN TIERING.—Any time that tiering for a covered chemical facility is changed and the facility is determined to no

longer be subject to the requirements of this title, the Secretary shall maintain records to reflect the basis for this determination. The records shall include information on whether and how the information that was the basis for the determination was confirmed by the Secretary.

“(f) DEFINITIONS.—In this title:

“(1) The term ‘covered chemical facility’ means a facility that the Secretary identifies as a chemical facility of interest and, based upon review of a Top-Screen, as such term is defined in section 27.105 of title 6 of Code of Federal Regulations, determines meets the risk criteria developed pursuant subsection (e)(2)(B). Such term does not include any of the following:

“(A) A facility regulated pursuant to the Maritime Transportation Security Act of 2002 (Public Law 107-295).

“(B) A Public Water System, as such term is defined by section 1401 of the Safe Drinking Water Act (Public Law 93-523; 42 U.S.C. 300f).

“(C) A Treatment Works, as such term is defined in section 212 of the Federal Water Pollution Control Act (Public Law 92-500; 33 U.S.C. 12920).

“(D) Any facility owned or operated by the Department of Defense or the Department of Energy.

“(E) Any facility subject to regulation by the Nuclear Regulatory Commission.

“(2) The term ‘chemical facility of interest’ means a facility that holds, or that the Secretary has a reasonable basis to believe holds, a Chemical of Interest, as designated under in Appendix A of title 6 of the Code of Federal Regulations, at a threshold quantity that meets relevant risk-related criteria developed pursuant to subsection (e)(2)(B).

#### “SEC. 2102. PROTECTION AND SHARING OF INFORMATION.

“(a) IN GENERAL.—Notwithstanding any other provision of law, information developed pursuant to this title, including vulnerability assessments, site security plans, and other security related information, records, and documents shall be given protections from public disclosure consistent with similar information developed by chemical facilities subject to regulation under section 70103 of title 46, United States Code.

“(b) SHARING OF INFORMATION WITH STATES AND LOCAL GOVERNMENTS.—This section does not prohibit the sharing of information developed pursuant to this title, as the Secretary deems appropriate, with State and local government officials possessing the necessary security clearances, including law enforcement officials and first responders, for the purpose of carrying out this title, if such information may not be disclosed pursuant to any State or local law.

“(c) SHARING OF INFORMATION WITH FIRST RESPONDERS.—The Secretary shall provide to State, local, and regional fusion centers (as such term is defined in section 210A(j)(1) of this Act) and State and local government officials, as determined appropriate by the Secretary, such information as is necessary to help ensure that first responders are properly prepared and provided with the situational awareness needed to respond to incidents at covered chemical facilities. Such information shall be disseminated through the Homeland Security Information Network or the Homeland Secure Data Network, as appropriate.

“(d) ENFORCEMENT PROCEEDINGS.—In any proceeding to enforce this section, vulnerability assessments, site security plans, and other information submitted to or obtained by the Secretary under this section, and related vulnerability or security information, shall be treated as if the information were classified material.

**“SEC. 2103. CIVIL PENALTIES.**

“(a) VIOLATIONS.—Any person who violates an order issued under this title shall be liable for a civil penalty under section 70119(a) of title 46, United States Code.

“(b) RIGHT OF ACTION.—Nothing in this title confers upon any person except the Secretary a right of action against an owner or operator of a covered chemical facility to enforce any provision of this title.

**“SEC. 2104. WHISTLEBLOWER PROTECTIONS.**

“The Secretary shall publish on the Internet website of the Department and in other materials made available to the public the whistleblower protections that an individual providing such information would have.

**“SEC. 2105. RELATIONSHIP TO OTHER LAWS.**

“(a) OTHER FEDERAL LAWS.—Nothing in this title shall be construed to supersede, amend, alter, or affect any Federal law that regulates the manufacture, distribution in commerce, use, sale, other treatment, or disposal of chemical substances or mixtures.

“(b) STATES AND POLITICAL SUBDIVISIONS.—This title shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State, unless there is an actual conflict between this section and the law of that State.

“(c) RAIL TRANSIT.—

“(1) DUPLICATIVE REGULATIONS.—The Secretary shall coordinate with the Assistant Secretary of Homeland Security (Transportation Security Administration) to eliminate any provision of this title applicable to rail security that would duplicate any security measure under the Rail Transportation Security Rule under section 1580 of title 49 of the Code of Federal Regulations, as in effect as of the date of the enactment of this title. To the extent that there is a conflict between this title and any regulation under the jurisdiction of the Transportation Security Administration, the regulation under the jurisdiction of the Transportation Security Administration shall prevail.

“(2) EXEMPTION FROM TOP-SCREEN.—A rail transit facility or a rail facility, as such terms are defined in section 1580.3 of title 49 of the Code of Federal Regulations, to which subpart 3 of such title applies pursuant to section 1580.100 of such title shall not be required to complete a Top-Screen as such term is defined in section 27.105 of title 6 of the Code of Federal Regulations.

**“SEC. 2106. REPORTS.**

“(a) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this title, the Secretary shall submit to Congress a report on the Chemical Facilities Anti-Terrorism Standards Program. Such report shall include each of the following:

“(1) Certification by the Secretary that the Secretary has made significant progress in the identification of all chemical facilities of interest pursuant to section 2101(e)(1), including a description of the steps taken to achieve such progress and the metrics used to measure it, information on whether facilities that submitted Top-Screens as a result of such efforts were tiered and in what tiers they were placed, and an action plan to better identify chemical facilities of interest and bring those facilities into compliance.

“(2) Certification by the Secretary that the Secretary has developed a risk assessment approach and corresponding tiering methodology pursuant to section 2101(e)(2).

“(3) An assessment by the Secretary of the implementation by the Department of any

recommendations made by the Homeland Security Studies and Analysis Institute as outlined in the Institute's Tiering Methodology Peer Review (Publication Number: RP12-22-02).

“(b) SEMIANNUAL GAO REPORT.—During the 3-year period beginning on the date of the enactment of this title, the Comptroller General of the United States shall submit a semiannual report to Congress containing the assessment of the Comptroller General of the implementation of this title. The Comptroller General shall submit the first such report by not later than the date that is 180 days after the date of the enactment of this title.

**“SEC. 2107. CFATS REGULATIONS.**

“(a) IN GENERAL.—The Secretary is authorized, in accordance with chapter 5 of title 5, United States Code, to promulgate regulations implementing the provisions of this title.

“(b) EXISTING CFATS REGULATIONS.—In carrying out the requirements of this title, the Secretary shall use the CFATS regulations, as in effect immediately before the date of the enactment of this title, that the Secretary determines carry out such requirements, and may issue new regulations or amend such regulations pursuant to the authority in subsection (a).

“(c) DEFINITION OF CFATS REGULATIONS.—In this section, the term ‘CFATS regulations’ means the regulations prescribed pursuant to section 550 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 120 Stat. 1388; 6 U.S.C. 121 note), as well as all Federal Register notices and other published guidance concerning section 550 of the Department of Homeland Security Appropriations Act, 2007.

“(d) AUTHORITY.—The Secretary shall exclusively rely upon authority provided in this title for determining compliance with this title in—

- “(1) identifying chemicals of interest;
- “(2) designating chemicals of interest; and
- “(3) determining security risk associated with a chemical facility.

**“SEC. 2108. SMALL COVERED CHEMICAL FACILITIES.**

“(a) IN GENERAL.—The Secretary may provide guidance and, as appropriate, tools, methodologies, or computer software, to assist small covered chemical facilities in developing their physical security.

“(b) REPORT.—The Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on best practices that may assist small chemical facilities, as defined by the Secretary, in development of physical security best practices.

“(c) DEFINITION.—For purposes of this section, the term ‘small covered chemical facility’ means a covered chemical facility that has fewer than 350 employees employed at the covered chemical facility, and is not a branch or subsidiary of another entity.

**“SEC. 2109. OUTREACH TO CHEMICAL FACILITIES OF INTEREST.**

“Not later than 90 days after the date of the enactment of this title, the Secretary shall establish an outreach implementation plan, in coordination with the heads of other appropriate Federal and State agencies and relevant business associations, to identify chemical facilities of interest and make available compliance assistance materials and information on education and training.

**“SEC. 2110. AUTHORIZATION OF APPROPRIATIONS.**

“There is authorized to be appropriated to carry out this title \$81,000,000 for each of fiscal years 2015, 2016, and 2017.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following:

**“TITLE XXI—CHEMICAL FACILITY ANTI-TERRORISM STANDARDS**

“Sec. 2101. Chemical Facility Anti-Terrorism Standards Program.

“Sec. 2102. Protection and sharing of information.

“Sec. 2103. Civil penalties.

“Sec. 2104. Whistleblower protections.

“Sec. 2105. Relationship to other laws.

“Sec. 2106. Reports.

“Sec. 2107. CFATS regulations.

“Sec. 2108. Small covered chemical facilities.

“Sec. 2109. Outreach to chemical facilities of interest.

“Sec. 2110. Authorization of appropriations.”.

(c) THIRD-PARTY ASSESSMENT.—Using amounts authorized to be appropriated under section 2110 of the Homeland Security Act of 2002, as added by subsection (a), the Secretary of Homeland Security shall commission a third-party study to assess vulnerabilities to acts of terrorism associated with the Chemical Facility Anti-Terrorism Standards program, as authorized pursuant to section 550 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 120 Stat. 1388; 6 U.S.C. 121 note).

(d) METRICS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a plan for the utilization of metrics to assess the effectiveness of the Chemical Facility Anti-Terrorism Standards program to reduce the risk of a terrorist attack or other security risk to those citizens and communities surrounding covered chemical facilities. The plan shall include benchmarks on when the program will begin utilizing the metrics and how the Department of Homeland Security plans to use the information to inform the program.

**SEC. 3. EFFECTIVE DATE.**

This Act, and the amendments made by this Act, shall take effect on the date that is 30 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. MEEHAN) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

**GENERAL LEAVE**

Mr. MEEHAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MEEHAN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 4007, the Chemical Facility Anti-Terrorism Standards Program Authorization and Accountability Act of 2014. This bipartisan legislation continues our efforts to provide a sound plan and clear objectives for the Department of Homeland Security's Chemical Facility Anti-Terrorism Standards, or what we call CFATS.

Before I discuss the merits of the bill, itself, I would like to extend a special

debt of gratitude to Chairman UPTON and subcommittee Chairman SHIMKUS of the Energy and Commerce Committee, without whom H.R. 4007 would not be on the floor today.

The Committee on Homeland Security and the Committee on Energy and Commerce share jurisdiction over the CFATS program, and our goal of ensuring that CFATS is doing what needs to be done to protect American chemical facilities from acts of terrorism is a common one. Therefore, our two committees work together to create this bill.

In fact, last summer, Chairman UPTON and Chairman MCCAUL sent a letter to then-Secretary Napolitano, expressing their frustration with the Department's delay in getting the CFATS program up and running. They vowed to work together as the program's authorizers to provide the guidance and direction the program needed and to do so immediately. H.R. 4007 represents the culmination of our collaborative efforts to fulfill the pledge.

Over the course of the past year, our two committees have worked in partnership with all of the CFATS key stakeholders, including both the regulated community and the Department itself, to assess the program's strengths and shortcomings, and develop a straightforward, practically minded piece of legislation to improve the CFATS program overall.

I am very proud of the partnership in getting H.R. 4007 done, and I am grateful for Chairmen UPTON and SHIMKUS and their support for allowing us to bring the bill to the floor swiftly in the interest of seeing this legislation enacted in this Congress.

I would like to note that the Energy and Commerce Committee's exchange of letters with the Homeland Security Committee in no way diminishes that committee's jurisdictional claim to or authority over the CFATS program.

This bill represents the result of the legislative process done right: committees and Members of Congress working in partnership with one another to do what is best for America. I am proud to share the credit of the bill with Chairman UPTON and Chairman SHIMKUS, and my good friends and colleagues from the other side of the aisle. Good governance is represented here today.

CFATS was created by the Department of Homeland Security in 2007 after Congress authorized the Department to develop a set of vulnerability assessment standards for chemical plants and to implement a corresponding set of regulations that will protect the highest risk facilities from a physical attack.

Prior to the attacks on 9/11, Congress had established an array of laws aimed at preventing environmental disasters at facilities that produce or store potentially dangerous chemicals. While those laws remain, Congress and the Department of Homeland Security developed CFATS specifically to prevent an intentional attack on chemical facilities.

The program uses risk-based performance standards in order to provide individual facilities the flexibility to address their unique security challenges. Importantly, the Department developed a tiering structure that permits CFATS to focus their resources on the higher-risk facilities. By partnering with industry, CFATS requires the covered chemical facilities to prepare security vulnerability assessments and develop and implement site security plans that are based on those assessments.

Despite what we would all agree are the best of intentions, it is no secret that CFATS has struggled throughout its 7-year history. From implementation problems to management flaws to insufficient feedback from facilities, highlighted in the aftermath of the West, Texas, disaster, CFATS has had a rocky start. However, let's be mindful that mismanagement is not synonymous with policy failure.

Our goal has been to identify both the major problems with the program and the progress made by DHS to correct them. The assessment has given us the ability to craft a set of benchmarks that are complementary to the President's Executive Order No. 13650 that was released after the tragic explosion at the West Fertilizer plant in West, Texas, last spring.

For the past 4 years, CFATS has relied on appropriations with no official guidance or authorizing statute from Congress. Past attempts to reauthorize the program have failed due to either overly ambitious proposals or sweeping overhauls that expand the scope of its intent. Let's first fix the program before we debate granting greater responsibility.

We have taken a modest, practical approach to reauthorization. We have determined that the site security plan approval process needs greater efficiency. The compliance process is greatly in need of better coordination. Implementing a sensible and effective methodology in assessing risk will help DHS better communicate with State and local officials, as well as other Federal agencies and industry associations, to identify facilities. This is important as we talk about issues like the West, Texas, plant. CFATS must remain on probation until the program proves its effectiveness. Therefore, the Government Accountability Office should continue to assess the program and report to Congress its findings on a biannual basis—all parts that are included in that bill.

The resulting legislation, H.R. 4007, does all of these things and, therefore, enjoys support from a wide array of stakeholders. Republicans and Democrats have voiced their support for the bill. In addition to having two Democratic cosponsors, Representatives GENE GREEN and FILEMON VELA, Homeland Security Secretary Jeh Johnson explicitly endorsed H.R. 4007 in February of this year. We have worked with the House Energy and Commerce

Committee and the Senate Homeland Security and Governmental Affairs Committee to produce legislation that puts the security of Americans above politics and jurisdictional values.

This bill has support from the House; the Senate, which is in the process of crafting a companion bill, which they plan to mark up this month; DHS Secretary Jeh Johnson; and industry stakeholders, including the Chamber of Commerce of the United States, the American Chemistry Council, CropLife America, and a coalition comprised of a broad spectrum of agricultural, mining, petroleum, and transport organizations. At this time, I would like to enter those support letters into the RECORD.

AMERICAN CHEMISTRY COUNCIL,  
Washington, DC, April 28, 2014.

Hon. MICHAEL MCCAUL,  
*Chairman, Committee on Homeland Security,  
House of Representatives, Washington, DC.*  
Hon. PATRICK MEEHAN,  
*Chairman, Subcommittee on Cybersecurity, In-  
frastructure Protection, and Security Tech-  
nologies, Committee on Homeland Security,  
Washington, DC.*

DEAR CHAIRMEN MCCAUL AND MEEHAN: The American Chemistry Council (ACC) would like to thank you and your colleagues on the Homeland Security Committee for your work and leadership on the authorization of the Chemical Facility Anti-Terrorism Standards (CFATS) Authorization and Accountability Act of 2014, H.R. 4007. ACC strongly supports this bill, and we look forward to continuing to work with you to help secure final passage of this important and much needed legislation. Long term authorization of CFATS is critical to helping safeguard chemical facilities, and this bill would give the industry long overdue regulatory certainty.

ACC is the trade association for the chemical industry in the United States, which is a \$770 billion industry and employs 784,000 Americans in high wage jobs. The industry is experiencing a renaissance in the United States thanks to the increase in shale gas production, and our members have announced over \$100 billion in new planned capital expenditures that will provide tens of thousands of new jobs, and give manufacturers throughout the value chain a domestic supply of the chemicals they need to manufacture products in this country. Ensuring that clear and workable security regulations remain in place is an important part of creating an environment that will continue to foster these new investments.

DHS has dramatically improved its administration of the CFATS program, which has had a positive impact on enhancing security at US chemical sites, and ACC supports making this a permanent program for the approximately 4,500 sites that are regulated under CFATS. Congressional oversight via an authorization would help DHS with some of the challenges they have faced implementing the program, even as the agency has made progress with a new management structure. The industry has seen considerable increased activity from DHS, including improved quality of inspections and faster authorizations. Most importantly, DHS leadership has demonstrated a commitment to working with stakeholders to improve the implementation of the CFATS program. A long term authorization outside of the appropriation process will provide the regulatory consistency and operational stability to ensure the success of CFATS, while giving industry confidence in long term capital

commitments to this program. Ensuring the future of this important program will also help DHS recruit and retain top talent to effectively implement CFATS.

We are committed to continuing our work with you and your staff to help move this legislation forward.

Sincerely,

CAL DOOLEY.

AMERICAN CHEMISTRY COUNCIL,  
Washington, DC, July 8, 2014.

Hon. JOHN BOEHNER,  
Speaker of the House of Representatives,  
Washington, DC.

Hon. NANCY PELOSI,  
Democratic Leader of the House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER AND LEADER PELOSI: The American Chemistry Council (ACC) urges you to vote yes today on H.R. 4007, The Chemical Facility Anti-Terrorism Standards (CFATS) Authorization and Accountability Act of 2014. ACC strongly supports this bill which would give much needed long term authorization to the CFATS program. CFATS regulates security for a wide variety of facilities that make, store, or use chemicals from farms to factories. The program allows facilities to tailor their security plans to meet their unique needs, and authorization of the program would give the industry long overdue regulatory certainty.

ACC is the trade association for the chemical industry in the United States, which is a \$770 billion industry and employs 784,000 Americans in high wage jobs. The industry is experiencing a renaissance thanks to the increase in domestic shale gas production, and our members have announced over \$110 billion in new planned capital expenditures that will provide tens of thousands of new jobs, and give manufacturers throughout the value chain a domestic supply of the chemicals they need to manufacture products in this country. Ensuring that clear and workable security regulations remain in place is an important part of creating an environment that will continue to foster these new investments.

DHS has dramatically improved its administration of the CFATS program, which has had a positive impact on enhancing security at US chemical sites, and ACC supports making this a permanent program for the approximately 4,500 sites that are regulated under CFATS. Congressional oversight via an authorization would help DHS with some of the challenges they have faced implementing the program, even as the agency has made progress with a new management structure. The industry has seen considerable increased activity from DHS, including improved quality of inspections and faster authorizations. Most importantly, DHS leadership has demonstrated a commitment to working with stakeholders to improve the implementation of the CFATS program.

A long term authorization outside of the appropriation process will provide the regulatory consistency and operational stability to ensure the success of CFATS, while giving industry confidence in their long term capital commitments to this program. Ensuring the future of this important program will also help DHS recruit and retain top talent to effectively implement CFATS.

Please contact Mike Meenan, Director of Federal Affairs at [mike\\_meenan@americanchemistry.com](mailto:mike_meenan@americanchemistry.com) or at (202) 249-6216 if we can be of any assistance while you consider this important vote.

Sincerely,

CAL DOOLEY.

CHAMBER OF COMMERCE  
OF THE UNITED STATES OF AMERICA,  
Washington, DC, April 2, 2014.

Hon. PATRICK MEEHAN,  
Chairman, Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, Committee on Homeland Security,  
Washington, DC.

DEAR CHAIRMAN MEEHAN: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, supports H.R. 4007, the "Chemical Facility Anti-Terrorism Standards Program Authorization and Accountability Act of 2014."

This bill is a narrowly tailored measure that would authorize for two years the Chemical Facility Anti-Terrorism Standards (CFATS) program, which is administered by the Department of Homeland Security (DHS).

The bill addresses several industry policy goals. First, rather than relying on the current cycle of yearly appropriations measures, the bill's dual-year authorization would give businesses and DHS more certainty when making planning and investment decisions. Second, H.R. 4007 would eliminate some of the major impediments that facilities owners and operators encounter when implementing CFATS. The bill would both enhance the efficiency of site security plan approvals and provide the flexibility needed to satisfy the program's personnel surety standard—which is a top Chamber priority. Third, H.R. 4007 would give DHS the option of using third parties to quicken the pace of chemical facility inspections. The measure would also require tighter coordination between state and local government and business to constructively address "outlier" sites. Importantly, the bill would refrain from mandating inherently safer technologies (ISTs).

The Chamber commends you and your staff for taking the lead in drafting a sensible measure that protects investments businesses have made in conjunction with CFATS, while making smart and necessary reforms. The Chamber encourages Homeland Security Committee members to support H.R. 4007 and looks forward to working with you as the bill advances in the House.

Sincerely,

R. BRUCE JOSTEN.

CHAMBER OF COMMERCE,  
OF THE UNITED STATES OF AMERICA,  
Washington, DC, July 8, 2014.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, supports H.R. 4007, the "Chemical Facility Anti-Terrorism Standards Program Authorization and Accountability Act of 2014," as reported out of committee by voice vote.

H.R. 4007 is a narrowly tailored measure that would authorize for three years the Chemical Facility Anti-Terrorism Standards (CFATS) program, which is administered by the Department of Homeland Security (DHS).

The bill addresses several industry policy goals. First, rather than relying on the current cycle of yearly appropriations measures, the bill's three-year authorization would give businesses and DHS more cer-

tainty when making planning and investment decisions. Second, H.R. 4007 would eliminate some of the major impediments that facilities owners and operators encounter when implementing CFATS. The bill would enhance both the efficiency of site security plan approvals and the flexibility needed to satisfy the program's personnel surety standard—which is a top Chamber priority.

Third, H.R. 4007 would give DHS the option of using third parties to quicken the pace of chemical facility inspections. The measure would also require tighter coordination between state and local government and business to constructively address "outlier" sites. Importantly, the bill would refrain from mandating inherently safer technologies (ISTs).

The Chamber commends the Homeland Security Committee for taking the lead in drafting a sensible measure that protects investments businesses have made in conjunction with CFATS, while making smart and necessary reforms. The Chamber urges you and your colleagues to support H.R. 4007, and may consider including votes on, or in relation to, this bill in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

THE FERTILIZER INSTITUTE,  
Washington, DC, July 8, 2014.

Re Vote yes on H.R. 4007 today.

To Members of the U.S. House of Representatives:

DEAR REPRESENTATIVE: I am writing to you today to urge you to support H.R. 4007, the "Chemical Facility Anti-Terrorism Standards Program Authorization and Accountability Act of 2014." H.R. 4007 is a bipartisan, streamlined, bill that provides a three year authorization of the Chemical Facility Anti-Terrorism Standards (CFATS) program. The bill provides clear and important guidance to the Department of Homeland Security (DHS) on key issues of chemical facility security.

As the trade association representing the domestic fertilizer industry, The Fertilizer Institute's members are producers, wholesalers, and retailers of crop nutrients, some of which are classified by DHS as chemicals of interest and thus covered by the CFATS program.

H.R. 4007 addresses several important policy goals that will help ensure an efficient and effective CFATS program. First, it provides companies with a necessary level of flexibility that will facilitate improved security by ensuring that standards for facility access can be modified to meet site-specific conditions. Specifically, the bill allows for third-party inspections and the utilization of DHS approved site security plans by covered facilities. This is important to the fertilizer industry due to the broad diversity in the types and sizes of facilities our members operate.

Additionally, H.R. 4007 addresses certain concerns surrounding the personnel surety program which establishes requirements needed for facility access. It directs DHS to leverage existing federal security programs that require screening through the Terrorist Screening Database to satisfy compliance under the CFATS program and avoid needlessly requiring additional background security checks or resubmission of workers' personal identifying information.

Also of importance, the legislation ensures better coordination between DHS and state and local officials. Communication and coordination at all levels is key to ensuring that facilities and communities are prepared to respond to an incident at a chemical facility.

The CFATS Authorization and Accountability Act of 2014 will also eliminate the

need for year-to-year program budget extensions, which are subject to the annual appropriations process, and provide industry with the certainty needed to make long-term planning and investment decisions regarding facility security. In addition, the U.S. Department of Homeland Security (DHS) will be able to effectively establish programs and make necessary changes to existing ones without worrying about whether or not the resources to administer them will be available in the future.

While the CFATS program has certainly had its share of flaws in the past, we believe that this bipartisan legislation will provide DHS with the necessary tools to improve implementation while at the same time providing Congress with the ability to conduct proper oversight of the program by monitoring implementation activities and making necessary changes when the program is subject to reauthorization.

For all of the aforementioned reasons, The Fertilizer Institute urges you to vote YES on H.R. 4007.

Thank you for your time and attention to this important issue. If you have any questions or would like additional information, please do not hesitate to contact me.

Sincerely,

J. CLARK MICA.

APRIL 29, 2014.

Hon. MICHAEL MCCAUL,  
*Chairman, House of Representatives, Committee on Homeland Security, Washington, DC.*

Hon. PATRICK MEEHAN,  
*Chairman, Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies, Washington, DC.*

Hon. BENNIE THOMPSON,  
*Ranking Member, House of Representatives, Committee on Homeland Security, Washington, DC.*

Hon. YVETTE CLARKE,  
*Ranking Member, Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies, Washington, DC.*

DEAR CHAIRMAN MCCAUL, RANKING MEMBER THOMPSON, CHAIRMAN MEEHAN, AND RANKING MEMBER CLARKE: We, the undersigned organizations would like to express our support for H.R. 4007, the CFATS Program Authorization and Accountability Act of 2014 and urge the House Committee on Homeland Security to quickly consider and pass the bill. H.R. 4007 is a streamlined bill that provides a three year authorization of the Chemical Facility Anti-Terrorism Standards (CFATS) program and guidance to the Department of Homeland Security (DHS) on key issues of chemical facility security.

The bill addresses several important policy goals. First, it provides a multi-year authorization to allow DHS to confidently implement CFATS and industry to make important investments with the certainty that goes along with knowing the program will be authorized. The current practice of year-to-year extensions, or worse, short-term continuing resolutions through the appropriations process, is a destabilizing force in the implementation and investment process.

Secondly, the legislation also addresses some of the major impediments to completing site security plans and full implementation of the program. It addresses certain concerns surrounding the personnel surety requirements needed for access; gives covered facilities the ability to meet site security plans through alternate security plans approved by DHS and an option to use 3rd parties as inspectors; improves Congressional oversight regarding the tiering methodology; and ensures better coordination with state and local officials.

We recognize the complexities in implementing a program like CFATS and are fully

aware of some of the flaws in management exposed over the past few years. This multi-year authorization will give DHS the time and stability it needs to improve its implementation, but at the same time, will ensure that Congress has the ability to monitor the program and make any necessary changes to it before the next authorization.

The organizations and companies listed below represent thousands of American businesses that employ millions of American workers. We are manufacturers, producers, processors, distributors, transporters, and retailers in agriculture, chemistry, energy, forest products, medicine, and other businesses that form our nation's infrastructure. We support H.R. 4007, and urge the Committee on Homeland Security to quickly consider and pass this important legislation.

Thank you for your timely consideration.

Sincerely,

Agricultural Retailers Association, American Chemistry Council, American Coatings Association, American Forest & Paper Association, American Fuel and Petrochemical Manufacturers, American Gas Association, American Petroleum Institute, American Trucking Associations, Association of Oil Pipe Lines, CropLife America, Edison Electric Institute, Global Cold Chain Alliance, Institute of Makers of Explosives, International Association of Refrigerated Warehouses, International Liquid Terminals Association, International Warehouse Logistics Association, National Agricultural Aviation Association, National Association of Chemical Distributors, National Association of Manufacturers, National Mining Association, National Pest Management Association, Petroleum Marketers Association of America, Society of Chemical Manufacturers & Affiliates, The Fertilizer Institute, U.S. Chamber of Commerce.

APRIL 1, 2014.

Hon. MIKE MCCAUL,  
*Committee on Homeland Security, Washington, DC.*

Hon. BENNIE THOMPSON,  
*Committee on Homeland Security, Washington, DC.*

DEAR CHAIRMAN AND RANKING MEMBER: As the Committee on Homeland Security considers legislation to promote the security of chemical facilities, we would like you to know that we share your interest and support your efforts to ensure that homeland security and the protection of America's food supply is a top priority. The nation's agricultural industry continues to take proactive steps to properly secure crops and livestock as well as vital crop input materials such as fertilizer and pesticides throughout the distribution chain. The agricultural industry has worked closely with U.S. Department of Homeland Security (DHS) officials in order to establish appropriate standards and ensure compliance with the Chemical Facility Anti-Terrorism Standards (CFATS) regulations.

Because agribusiness is unique in its use, distribution and storage of chemicals, so are its security needs. To address these unique needs, agricultural companies and trade associations formed an Agribusiness Security Working Group in 2002 to address security concerns. The members of this working group participate in DHS workgroups, such as the Chemical Sector Coordinating Council, to help coordinate agribusiness' response to DHS's requests for comments and to facilitate our industry's ability to communicate threat information, report suspicious activity and respond to emergencies.

America's agricultural industry supports passage of H.R. 4007, "The Chemical Facility Anti-Terrorism Standards (CFATS) Authorization and Accountability Act of 2014" in-

troduced by Cybersecurity, Infrastructure Protection and Security Technologies Subcommittee Chairman Patrick Meehan. We believe the extension of the current CFATS program for two years will help create regulatory certainty for the agricultural community and we support a workable Personnel Surety Program included in the bill.

The regulatory and economic impact on American agriculture and the consumer for whom essential food, fiber and bioenergy is provided is of great concern to the agricultural industry. It is our hope that any bill that comes out of the Committee on Homeland Security will recognize these unique challenges and seek to mitigate the costs of regulation to our agricultural producers while also ensuring facility security.

Thank you for your consideration of our concerns and perspectives shared within the broader agriculture sector. We look forward to working with you to pass chemical facility legislation that ensures the security of our vital infrastructure and that does not have unintended consequences for American agriculture.

Sincerely,

American Farm Bureau Federation, Agricultural Retailers Association, Council of Producers & Distributors of Agrotechnology, CropLife America, National Agricultural Aviation Association, National Council of Farmer Cooperatives, The Fertilizer Institute.

JULY 8, 2014.

DEAR MEMBER OF THE U.S. HOUSE OF REPRESENTATIVES: We, the undersigned organizations would like to express our support for H.R. 4007, the CFATS Program Authorization and Accountability Act of 2014 and urge you to vote in favor of the bill. H.R. 4007 is a streamlined bill that provides a three year authorization of the Chemical Facility Anti-Terrorism Standards (CFATS) program and guidance to the Department of Homeland Security (DHS) on key issues of chemical facility security.

The bill addresses several important policy goals. First, it provides a multi-year authorization to allow DHS to confidently implement CFATS and industry to make important investments with the certainty that goes along with knowing the program will be authorized. The current practice of year-to-year extensions, or worse, short-term continuing resolutions through the appropriations process, is a destabilizing force in the implementation and investment process.

Secondly, the legislation also addresses some of the major impediments to completing site security plans and full implementation of the program. It addresses certain concerns surrounding the personnel surety requirements needed for access; gives covered facilities the ability to meet site security plans through alternate security plans approved by DHS and an option to use 3rd parties as inspectors; improves Congressional oversight regarding the tiering methodology; and ensures better coordination with state and local officials.

We recognize the complexities in implementing a program like CFATS and are fully aware of some of the flaws in management exposed over the past few years. This multi-year authorization will give DHS the time and stability it needs to improve its implementation, but at the same time, will ensure that Congress has the ability to monitor the program and make any necessary changes to it before the next authorization.

The organizations and companies listed below represent thousands of American businesses that employ millions of American workers. We are manufacturers, producers, processors, distributors, transporters, and retailers in agriculture, chemistry, energy, forest products, medicine, and other businesses that form our nation's infrastructure.



We support H.R. 4007, and urge the House of Representatives to pass this important legislation.

Sincerely,

Agricultural Retailers Association, American Chemistry Council, American Coatings Association, American Forest & Paper Association, American Fuel and Petrochemical Manufacturers, American Gas Association, American Petroleum Institute, American Trucking Associations, Association of Oil Pipe Lines, Council of Producers & Distributors of Agrotechnology CropLife America, Global Cold Chain Alliance, International Association of Refrigerated Warehouses.

International Liquid Terminals Association, International Warehouse Logistics Association, National Agricultural Aviation Association, National Association of Chemical Distributors, National Association of Manufacturers, National Mining Association, National Pest Management Association, Petroleum Equipment Suppliers Association, Petroleum Marketers Association of America, Society of Chemical Manufacturers & Affiliates, The Fertilizer Institute, U.S. Chamber of Commerce.

□ 1645

Mr. MEEHAN. I would specifically like to thank my cosponsors, as well as Homeland Security Committee staff, for their hard work and tireless efforts to ensure that the views of the regulated community and the administration were properly reflected and implemented in a realistic and achievable way, with strict goals which will lift this program from stagnation to success.

I am proud of this legislation and its bipartisan support, and I urge my colleagues on both sides of the aisle to pass H.R. 4007, so we can ensure that the proper measures are in place to secure our communities from the devastating potential of a terrorist attack.

With that, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4007, the Chemical Facility Anti-Terrorism Standards Program Authorization and Accountability Act of 2014.

Mr. Speaker, H.R. 4007 authorizes the Chemical Facility Anti-Terrorism Standards Program within the Department of Homeland Security. At the outset, I would acknowledge that, during consideration in committee, a somewhat inclusive approach was taken, and, as a result, a number of amendments offered by Democratic Members were accepted.

It is regrettable that, now that H.R. 4007 is before us today, this same opportunity is not being afforded to my colleagues in the House. The decision of the Republican leadership to bring this measure up under suspension of the rules limits debate on the measure and effectively prevents any Member from offering an amendment to make further improvements to the bill.

Despite my reservations about process, I am generally supportive of H.R. 4007, as it would give DHS and chemical facility owners and operators some measure of confidence about the pro-

gram's future. Since coauthoring legislation in the 109th Congress to grant DHS authority to regulate the chemical sector for security, I have consistently supported efforts at enacting a comprehensive freestanding authorization bill.

As those who have followed the CFATS program know, jurisdictional challenges have consistently complicated authorization efforts. As a result, renewal of the program has been at the mercy of the appropriations process since 2006.

H.R. 4007 is the Committee on Homeland Security's latest effort at achieving the goal of enacting CFATS legislation. The most significant prior effort was back in the 111th Congress, when the House approved H.R. 2868, legislation that I introduced with then-Energy and Commerce Chairman HENRY WAXMAN, after a year and a half of intense negotiations.

That bill eliminated the regulatory exemptions on water and wastewater facilities that have been a major concern of every Secretary of Homeland Security, especially Secretary Michael Chertoff in the Bush administration.

The bill under consideration today bears little resemblance to H.R. 2868, but, I suppose, reflects the political realities of the 113th Congress. I am disappointed that it does not directly tackle the water and wastewater exemptions that put communities and neighborhoods that are near these facilities at risk, though I note that the bill requires a security assessment of those exemptions, so that the next time Congress looks at reauthorizing CFATS, the debate will be better informed.

I am pleased that, in response to the deadly April 2013 explosion at a plant in West, Texas, H.R. 4007 gives DHS now authority to compel action by facilities that, to date, have not participated in the program that DHS views as potentially high-risk facilities.

I am also pleased that H.R. 4007 includes language authored by Representative YVETTE CLARKE to ensure the Department takes a commonsense approach to vetting transportation workers who service chemical facility shipping needs.

That said, there are a couple of areas that should be addressed before this measure reaches the President's desk. Specifically, H.R. 4007 should provide adequate whistleblower protections for those risking their jobs to report violations of law or security vulnerabilities, ensure workers have a meaningful role in developing the security plans for their facilities, and promote greater adoption of best practices and inherently safer and securer technologies among high-risk facilities.

The bill before us today is a good start, but there is more work to be done.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. MEEHAN. Mr. Speaker, I yield such time as he may consume to the

gentleman from Texas (Mr. McCAUL), the chairman of the full committee.

Mr. McCAUL. Mr. Speaker, I rise today in support of H.R. 4007, the Chemical Facility Anti-Terrorism Standards Program Authorization and Accountability Act introduced by Chairman MEEHAN and myself, along with my good friend, Representative GENE GREEN from Texas. I want to thank Chairman Meehan for his very hard work on this legislation over the last year to get to the point where we are today.

I also want to thank Chairmen UPTON and SHIMKUS on the Energy and Commerce Committee for allowing this bill to go forward for a vote today, as well. Finally, we don't thank our staff enough for what they do every day. Joan O'Hara on our staff worked tirelessly on this bill with both the administration and industry to, I think, deliver a very good product.

This bipartisan bill provides the stability and the certainty that both the Department and industry have been calling for, while also making fundamental improvements to the CFATS program.

It is no secret that CFATS has had a troubled history, but this bill will allow the Department to build off its successes while correcting many of its shortcomings. After the tragic events of West, Texas, in my home State, it is imperative that we pass this bill.

Specifically, the bill ensures that DHS coordinates with other Federal agencies, State and local officials, and industry associations to make sure facilities aren't off the grid and ensure first responders are properly trained to deal with emergency incidents at CFATS facilities.

It also improves the site security plan approval and DHS accountability by requiring the Secretary to certify the Department's progress and by authorizing GAO to regularly conduct assessments and report to Congress.

In addition to being good policy, this bill enjoys widespread support by the stakeholder community and was passed unanimously out of both the subcommittee and the full committee, something I think, Mr. Chairman, is almost unheard of in this Congress here today, and I am glad that it came out of our committee, the Homeland Security Committee.

In fact, Homeland Security Secretary Jeh Johnson explicitly endorsed this bill in his first appearance testifying on the Hill before our committee.

I would also finally like to, again, thank Chairman MEEHAN, as well as all the cosponsors of this bipartisan legislation, and I urge their support.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York, Ms. YVETTE CLARKE, the ranking member on the Cybersecurity and Infrastructure Protection Subcommittee on the Homeland Security Committee.

Ms. CLARKE of New York. Thank you, Mr. Chairman, and I thank the

ranking member who has done a yeoman's job in helping alongside our colleagues on the other side of the aisle to move this forward.

Mr. Speaker, the Committee on Homeland Security has a great stake and a long history of trying to help the troubled Chemical Facility Anti-Terrorism Standards, or CFATS, program succeed. Consideration of H.R. 4007 today is our latest effort.

While I feel that it would have been better to bring this bill before the full House under a rule, so that Members could offer amendments, I want to commend my counterpart on the Cybersecurity, Infrastructure Protection, and Security Technologies Subcommittee, Mr. MEEHAN, for his diligence and commitment to moving the legislation through regular order in committee.

Upon introduction of this bill, I had a number of concerns with the bill. Amazingly, the original legislation had a requirement that required CFATS to terminate after 2 years.

It also did not provide an authorization of appropriations or codify the critical infrastructure protection program within the Homeland Security Act. This was corrected by Democratic amendments, many of which I offered, that were accepted in committee.

A major impetus for action to authorize the CFATS program was certainly the explosion last April in West, Texas, at a fertilizer facility containing a huge amount of ammonium nitrate. As we later learned, the facility was willfully off the regulatory grid and unknown to DHS.

Through the committee process, language was adopted to give DHS new authority to bring so-called outlier facilities into compliance. We had an energetic debate at subcommittee with respect to whether nongovernmental third-party contractors should be utilized to carry out compliance visits and inspections.

I appreciate the majority's view that augmenting the DHS inspector workforce in this fashion could be helpful with respect to the massive backlog of security inspections that exist in the CFATS program. However, there are other ways to increase capacity without contracting out jobs.

Further, there is a troubled history with the CFATS program of overreliance on contractors. I believe that, if DHS goes down this path, there need to be structures in place to ensure that work done by contractors is promptly and accurately fed into the regulatory system. That is why I offered language in committee to build in oversight and accountability. I am pleased to say that it was accepted.

A lingering concern—underscored by the Steelworkers, Teamsters, and others—is even if there is broad recognition that, for CFATS to work, we need chemical workers to come forward to report security vulnerabilities and CFATS compliance issues, no guaranteed whistleblower protections attach.

The SPEAKER pro tempore (Mr. COLLINS of New York). The time of the gentlewoman has expired.

Mr. THOMPSON of Mississippi. I yield the gentlewoman an additional 1 minute.

Ms. CLARKE of New York. Men and women that risk their positions and paychecks to make their workplace, their communities, and the Nation more secure deserve access to meaningful whistleblower protections. Should H.R. 4007 be approved today, I would put whistleblower protections high on the to-do list for the Senate.

Then there is the matter of the statutory exemptions barring DHS from regulatory water, wastewater, and other critical infrastructure chemical facilities. The bill perpetuates the exemption without consideration of the arguments that former DHS Secretary Michael Chertoff and others have made about the risks.

Encouragingly, the committee accepted the amendment offered by Ranking Member THOMPSON to require an independent study of the terrorism vulnerabilities associated with the limited authority granted to DHS and the exemption on water and wastewater facilities. The results of that study will be important to inform Congress when the CFATS is up for reauthorization in 3 years.

Overall, I would say that, through the committee process, the bill has been improved. Is there more work to be done? Certainly—that is why I am profoundly disappointed that H.R. 4007 is being considered on suspension.

Many Members of this body that do not have the privilege to sit on the Homeland Security Committee have concerns about the vital, critical infrastructure program that affects their districts, towns, and neighborhoods.

Mr. MEEHAN. Mr. Speaker, I have no further speakers at this time, so I will reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Energy and Commerce.

Mr. WAXMAN. I thank the gentleman for yielding to me.

Mr. Speaker, since before the terrorist attacks of September 11, 2001, experts have been concerned about the vulnerability of chemical plants to attack. These facilities hold large stores of industrial chemicals which pose a safety and security risk to the American people if they are released or detonated.

A recent report found that more than 134 million Americans live in the vulnerability zones around these chemical facilities. I have such a facility in my district, which is a very serious concern for the surrounding community.

These risks have not been addressed adequately, and this bill falls short of what is needed. The Chemical Facility Anti-Terrorism Standards Program at the Department of Homeland Security has not been successful. It was set up

through an appropriations rider that did not give the Department the tools it needed to succeed.

The original statute blocked effective enforcement, leading to a lack of compliance. We saw the dangers of non-compliance when the West Fertilizer Company facility in West, Texas, exploded. Unfortunately, those limitations on enforcement would be preserved by this bill.

The original statute blocked the Department from requiring measures to reduce the consequences of a terrorist attack and, in the process, created serious obstacles to disapproving site security plans that failed to meet the program's standards.

□ 1700

This led to an approval process so complicated that it took more than 5 years for the Department to complete its review of the first facility. This bill preserves those obstacles.

There have been significant issues with the background check requirements promulgated under the existing program, and this bill would preserve and codify some of those problems.

The President should be commended for recognizing this program's deficiencies and taking strong action to address them, including issuing an executive order on chemical safety and security last year. The working group created by that executive order has looked at how best to secure these facilities with fresh eyes, and the administration is now moving to revise and improve the program.

These reforms are important and necessary, but they are not reflected in this bill. Instead, this bill could limit the Department's ability to improve the program. That just doesn't make sense.

In its current form, this bill is simply not adequate to provide real protections for the public. My view is that we should strengthen this bill before sending it to the Senate. If this bill passes today, we should work with the Senate to strengthen the bill and enact legislation we can all support.

Mr. MEEHAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague from Pennsylvania, and I thank him for working with me on H.R. 4007. I rise in support of H.R. 4007, the CFATS Authorization and Accountability Act, legislation I introduced with Congressman MEEHAN and my friend Chairman MCCAUL.

This bipartisan legislation would, for the first time, codify the Chemical Facility Anti-Terrorism Standards program that DHS has been operating through appropriations funding since 2007.

Last October, during the government shutdown, the American people saw that without authorization of the CFATS program there would be no



legal binding regulations in place to protect our Nation's chemical facilities from criminal and terrorist attacks once the appropriations expired.

I have the honor of representing north and east Harris County and the Houston Ship Channel, at the heart of our Nation's petrochemical industry. The expiration of the CFATS program puts the safety of my constituents who work in and live in the communities that surround these facilities in danger, and it is our obligation as the people's elected representatives to do everything we can to protect them from harm's way.

I have heard the concern of those on my side of the aisle who do not support this legislation. I agree that this is not perfect legislation. It does not solve every problem that exists in the CFATS program, but a number of Congresses since 2007 have had the opportunity to do this but we haven't.

The main purpose of this bill is to reauthorize CFATS for 3 years and give Congress the opportunity to oversee DHS' progress or lack thereof. This bill will solve the personnel surety issue by allowing workers who have TWIC or HME cards to have access to chemical facilities without having to get another Federal credential. Representing those plants, I saw what happened with the TWIC card and the concern of folks who have to pay more money for another Federal ID card. This bill, if passed, would protect the folks who work in those plants. That is important to my constituents who already have TWIC cards and work in the petrochemical plants and drive the trucks that deliver the raw materials and products they produce.

I urge my colleagues to join the Homeland Security Committee, which passed this legislation by voice vote, and Homeland Security Secretary Jeh Johnson, who has been vocal in support of the legislation, and vote in support of H.R. 4007.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no more speakers, and if the gentleman from Pennsylvania has no more speakers, I am prepared to close.

Mr. MEEHAN. Mr. Speaker, I have no more speakers and reserve the balance of my time to close.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself the balance of my time.

In closing, while I am supportive of advancing this legislation to the Senate in the hopes of moving the process forward to provide a multiyear authorization for the CFATS program, there is more work to be done.

Should H.R. 4007 be approved today, I will work with my colleagues in the other body to work towards ensuring that the legislation provides adequate whistleblower protections for those risking their jobs to report violations of law or security vulnerabilities, ensures workers have a meaningful role in developing the security plans for their facilities, and promotes greater

adoption of best practices and inherently safer and securer technologies among high-risk facilities.

The bill before us today is a good start, but there is more work to be done.

Mr. Speaker, I yield back the balance of my time.

Mr. MEEHAN. Mr. Speaker, I yield myself such time as I may consume.

I want to express my deep appreciation to my colleagues on my side of the aisle, but particularly to my colleagues on the Homeland Security Committee and subcommittee, the ranking member, Mr. THOMPSON, and the ranking member of the subcommittee, the gentlelady from New York. As both have articulated, there is more work to be done, and nobody disputes that particular issue; but we also appreciate that this is an issue which has been laying for a long period of time without resolution, and we are taking very responsible steps to take a big step forward in the authorization of this program.

We worked with both sides of the aisle to try to handle as many issues as we could. As has been articulated, 15 Democratic amendments have been made part of this bill. The wastewater issue was an important one, but mature security programs do exist for that. It is one of the original critical infrastructures as part of the Sector Coordinating Council for DHS. But I agree, there is still more work to be done in that particular area.

We are worried about outliers as well. One of the gentlemen raised the issue of the chemical facilities that have avoided scrutiny, which led to the West, Texas, situation, but it is for that reason that this bill is so critically important and we act now. It is because it gives DHS the ability to affirmatively reach out to those facilities that are not compliant, and what this bill does is it rewards those who have taken responsible steps towards identifying and creating the kinds of plans that are contemplated underneath this bill, but it also calls to challenge those who have been avoiding scrutiny.

So the issues still may be there for future resolution, but we will, in 3 years, be able to bring this bill back up for reconsideration, and during that period of time we can work together on both sides of the aisle to ensure that it is done appropriately. I encourage my colleagues from both sides of the aisle to support this bipartisan bill.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the House Committee on Homeland Security, I rise in support of H.R. 4007, the Chemical Facility Anti-Terrorism Standards Program Authorization and Accountability Act is a step forward in securing our nation from potential terrorist attacks or threats to the homeland.

I want to acknowledge the work of Chairman ROGERS and Ranking Member THOMPSON that resulted in this bill being considered by the Full House.

During Full Committee consideration of H.R. 4007, two Jackson Lee Amendments were unanimously agreed to for inclusion in the bill.

The first Jackson Lee Amendment directs the Secretary to establish an outreach plan to facilitate collaboration between the Department and the owners and operators of small chemical facilities for the purpose of assisting them with the development of physical security best practices.

This collaboration will begin with established relationships, which exists among local and state authorities; and small chemical facility owners and operators.

The Secretary will create opportunities to incorporate Regional Directors and Protective Security Advisors within the collaborative framework that is developed with the full cooperation and input of small chemical facility owners and operators who elect to participate.

Large chemical facilities will have access to nearly unlimited resources to meet their own security needs, but smaller chemical facilities may not have the resources to protect themselves from similar terrorist threats.

The second Jackson Lee Amendment creates opportunities for small chemical facility operators and owners to gain more insight or guidance on improving their facility's physical security.

The third Jackson Lee Amendment allows the Secretary Homeland Security to consult with the Government Accountability Office to investigate the feasibility and applicability of a third party accreditation program that would work with industry stakeholders to develop site security plans.

This amendment would allow chemical facility owners and operators to devise challenging tests, and exercises that pit their knowledge against what terrorists may attempt to do should their facility become a target.

These amendment's will assist chemical facility security experts in thinking of potential threats before terrorists do so that they may take steps to eliminate them before terrorists could exploit discovered vulnerabilities.

Since September 11, 2001, security experts have warned of vulnerabilities that exist should terrorists plan to attack a chemical facility located within the United States or far worse use unlawful access to a facility, pipelines, or transit routes to steal chemicals for an attack.

The 18th Congressional District which I serve is home to some of the world's largest Chemical producers which employ thousands of Houston area residents to provide the nation with products are vital to our nation and its economy.

Chemicals are a vital and common presence in the lives of all of our nation's citizens, but we often forget how dangerous they can be under the wrong conditions.

On April 17, of last year the small town of West Texas felt the power and destructive force of ammonium nitrate when an accidental fire ignited what is believed to have been between 140 to 160 tons of the chemical.

This was no terrorist attack, but a very tragic accident.

The accident in the town of West Texas reminded all of us who represent districts that count chemical plants or their owners and operators as constituents—that these facilities should have the resources necessary to protect their property from potential terrorists' threats or attacks.

H.R. 4007 reestablishes the Chemical Facility Anti-Terrorism Standards (CFATS) Program, under which the Secretary of Homeland

Security (DHS) is required to: establish risk-based performance standards designed to protect covered chemical facilities from acts of terrorism; require such facilities to submit security vulnerability assessments and develop and implement site security plans; review and approve or disapprove each such assessment and plan; arrange for the audit and inspection of covered chemical facilities to determine compliance with this Act; and notify, and issue an order to comply to, the owner or operator of a facility not in compliance.

The legislation is based upon feedback and information the Homeland Security Committee and the Committee on Energy and Commerce received through countless meetings with industry stakeholders, the regulated community, first responders, union representatives, the Senate Homeland Security and Government Affairs Committee, and the Department of Homeland Security itself.

Among the benefits H.R. 4007 provides are:

Greatly improved coordination and communication between DHS and the owners and operators of chemical facilities.

Enhanced information sharing with the first responders who put themselves in harms way dealing with chemical facility incidents, like the tragedy at West, TX.

A more workable employee-screening methodology, that allows facility owners and operators to implement procedures that make sense and ensure maximum security.

The elimination of the problem of "outlier" chemical facilities (currently, there are thousands of facilities still unknown to DHS) to ensure no facility remains "off the grid".

The certainty that chemical infrastructure security will no longer hang in the balance with each year's appropriations cycle.

Ensures that whistleblower protections available to facility workers who report security issues to DHS are clearly articulated in all CFATS media and materials.

Greater Department accountability through mandatory biannual GAO audits of the CFATS program to provide for informed and thorough Congressional oversight.

I ask my colleagues from both side of the aisle to support this bipartisan bill, which received strong support from the Committee on Homeland Security.

Hon. MICHAEL McCaul,  
*Chairman, Committee on Homeland Security, Washington, DC.*

Hon. PATRICK MEEHAN,  
*Chairman, Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies, Washington, DC.*

Hon. BENNIE THOMPSON,  
*Ranking Member, Committee on Homeland Security, Washington, DC.*

Hon. YVETTE CLARKE,  
*Ranking Member, Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies, Washington, DC.*

DEAR CHAIRMAN McCaul, RANKING MEMBER THOMPSON, CHAIRMAN MEEHAN, AND RANKING MEMBER CLARKE:

We, the undersigned organizations would like to express our support for H.R. 4007, the CFATS Program Authorization and Accountability Act of 2014 and urge the House Committee on Homeland Security to quickly consider and pass the bill. H.R. 4007 is a streamlined bill that provides a three year authorization of the Chemical Facility Anti-Terrorism Standards (CFATS) program and guidance to the Department of Homeland Security (DHS) on key issues of chemical facility security.

The bill addresses several important policy goals. First, it provides a multi-year authorization to allow DHS to confidently implement CFATS and industry to make important investments with the certainty that goes along with knowing the program will be authorized. The current practice of year-to-year extensions, or worse, short-term continuing resolutions through the appropriations process, is a destabilizing force in the implementation and investment process.

Secondly, the legislation also addresses some of the major impediments to completing site security plans and full implementation of the program. It addresses certain concerns surrounding the personnel surety requirements needed for access; gives covered facilities the ability to meet site security plans through alternate security plans approved by DHS and an option to use 3rd parties as inspectors; improves Congressional oversight regarding the tiering methodology; and ensures better coordination with state and local officials.

We recognize the complexities in implementing a program like CFATS and are fully aware of some of the flaws in management exposed over the past few years. This multi-year authorization will give DHS the time and stability it needs to improve its implementation, but at the same time, will ensure that Congress has the ability to monitor the program and make any necessary changes to it before the next authorization.

The organizations and companies listed below represent thousands of American businesses that employ millions of American workers. We are manufacturers, producers, processors, distributors, transporters, and retailers in agriculture, chemistry, energy, forest products, medicine, and other businesses that form our nation's infrastructure. We support H.R. 4007, and urge the Committee on Homeland Security to quickly consider and pass this important legislation. Thank you for your timely consideration.

Sincerely,

Agricultural Retailers Association, American Chemistry Council, American Coatings Association, American Forest & Paper Association, American Fuel and Petrochemical Manufacturers, American Gas Association, American Petroleum Institute, American Trucking Associations, Association of Oil Pipe Lines, CropLife America, Edison Electric Institute, Global Cold Chain Alliance, Institute of Makers of Explosives.

International Association of Refrigerated Warehouses, International Liquid Terminals Association, International Warehouse Logistics Association, National Agricultural Aviation Association, National Association of Chemical Distributors, National Association of Manufacturers, National Mining Association, National Pest Management Association, Petroleum Marketers Association of America, Society of Chemical Manufacturers & Affiliates, The Fertilizer Institute, U.S. Chamber of Commerce.

AMERICAN CHEMISTRY COUNCIL,  
Washington, DC, July 8, 2014.

Hon. JOHN BOEHNER,  
*Speaker of the House of Representatives, Washington, DC.*

Hon. NANCY PELOSI,  
*Democratic Leader of the House of Representatives, Washington, DC.*

DEAR MR. SPEAKER AND LEADER PELOSI: The American Chemistry Council (ACC) urges you to vote yes today on H.R. 4007, The Chemical Facility Anti-Terrorism Standards (CFATS) Authorization and Accountability Act of 2014. ACC strongly supports this bill which would give much needed long term authorization to the CFATS program. CFATS regulates security for a wide variety of facilities that make, store, or use chemicals

from farms to factories. The program allows facilities to tailor their security plans to meet their unique needs, and authorization of the program would give the industry long overdue regulatory certainty.

ACC is the trade association for the chemical industry in the United States, which is a \$770 billion industry and employs 784,000 Americans in high wage jobs. The industry is experiencing a renaissance thanks to the increase in domestic shale gas production, and our members have announced over \$110 billion in new planned capital expenditures that will provide tens of thousands of new jobs, and give manufacturers throughout the value chain a domestic supply of the chemicals they need to manufacture products in this country. Ensuring that clear and workable security regulations remain in place is an important part of creating an environment that will continue to foster these new investments.

DHS has dramatically improved its administration of the CFATS program, which has had a positive impact on enhancing security at US chemical sites, and ACC supports making this a permanent program for the approximately 4,500 sites that are regulated under CFATS. Congressional oversight via an authorization would help DHS with some of the challenges they have faced implementing the program, even as the agency has made progress with a new management structure. The industry has seen considerable increased activity from DHS, including improved quality of inspections and faster authorizations. Most importantly, DHS leadership has demonstrated a commitment to working with stakeholders to improve the implementation of the CFATS program.

A long term authorization outside of the appropriation process will provide the regulatory consistency and operational stability to ensure the success of CFATS, while giving industry confidence in their long term capital commitments to this program. Ensuring the future of this important program will also help DHS recruit and retain top talent to effectively implement CFATS.

Please contact Mike Meenan, Director of Federal Affairs at [mike\\_meenan@americanchemistry.com](mailto:mike_meenan@americanchemistry.com) or at (202) 249-6216 if we can be of any assistance while you consider this important vote.

Sincerely,

CAL DOOLEY.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MEEHAN) that the House suspend the rules and pass the bill, H.R. 4007, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### SOCIAL MEDIA WORKING GROUP ACT OF 2014

Mrs. BROOKS of Indiana. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4263) to amend the Homeland Security Act of 2002 to authorize the Department of Homeland Security to establish a social media working group, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4263

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*