

**Opening Statement of Chairman Thomas R. Carper
Charting a Path Forward for the Chemical Facilities Anti-Terrorism Standards Program
May 14, 2014**

As prepared for delivery:

This morning we will be discussing the Chemical Facility Anti-Terrorism Standards program, also known as C-FATS. This program was established to secure our nation's high risk chemical facilities from attack, sabotage, and theft.

These facilities, and the chemicals they hold, could pose significant risks to our communities if they were exploited by those who seek to do us harm.

Because of the vital importance of chemicals to our economy, they can be found in nearly every community in the United States.

Congress has decided – correctly in my view – that we cannot leave the security of these facilities to chance or the good intentions of only the most responsible companies.

Since 2007, DHS has worked to identify which chemical facilities pose the greatest risk, and push those who manufacture, store, and use them to put adequate security measures in place.

This was not a simple assignment. Perhaps not surprisingly, the implementation has been challenging.

There have been significant missteps to date – including analytical mistakes and some management failings.

In fact, an internal DHS memo leaked to the news media in December 2011 detailed a number of bad practices, such as the purchase of equipment and vehicles the program didn't need.

The program was also slow to start approving facility site security plans. The approval of these plans is a crucial first step before DHS can begin inspecting facilities to ensure they comply with security regulations. This is where the rubber meets the road for this program so any unnecessary delay is troubling.

But the good news is that that's not the end of the story.

That leaked internal memo was the result of leadership within DHS recognizing problems, and being determined to get this vitally important program on track. And since that review, increased scrutiny from Congress, coupled with high level attention from DHS leadership, has helped to turn things around.

Over the past year, DHS has authorized and approved hundreds of security plans.

To date, more than 3,000 facilities have eliminated, reduced, or modified their holdings of dangerous chemicals, making them more secure from attack, and making the communities that surround them safer too.

DHS has made these strides, I'm told, through a productive partnership with the chemical industry.

Key industry partners support reauthorizing the program and have worked with DHS to devise solutions to some of the implementation problems that have emerged.

While there's good news here, there's still a lot of work to be done.

Despite the Department's accelerated pace for reviewing security plans and facilities, there remains a backlog of facilities awaiting inspection.

GAO and other experts have also expressed concern that the Department's method for assessing risk for a chemical facility is incomplete. Specifically, more and better information must be used in conducting these assessments.

And the explosion at the West Texas Fertilizer Company plant a year ago showed that, in some cases, the Department likely isn't aware of some facilities that should be submitting information to the program but are not.

As some of you may have heard me say before, "If it's not perfect, make it better." So I believe our goal today is to figure out what we, Congress, can do to make the Department of Homeland Security's chemical security efforts better.

I think we should also recognize that Congress' failure to provide a long-term authorization has not provided the Department with the stability it needs to make the program as good as it could be.

In fact, because the program's authorization only occurred as part of an annual appropriations bill, it ceased to exist for a short time during the government shutdown last fall.

That created confusion and uncertainty not only for the Department, but also for an industry that has invested millions of dollars in security and compliance.

A few weeks ago the House Homeland Security Committee took action to mark up a bill to authorize the C-FATS program for the next three years.

I understand that legislation was supported not only by the Department and by industry, but was approved by a bipartisan voice vote after a great deal of work from both Republicans and Democrats.

I think a bill that can bring those various stakeholders together is one that this committee should examine closely, take seriously, and perhaps use as a model for our work on this issue between now and the end of the year.

I look forward to hearing from our witnesses today about their thoughts on the House bill and what we here in the Senate should be thinking about as we work to make this program more effective, and our communities safer.