

**Opening Statement of the Honorable John Shimkus
Subcommittee on Environment and the Economy
Hearing on “The Chemical Facility Anti-Terrorism Standards (CFATS) Program: A
Progress Update”
March 14, 2013**

(As Prepared for Delivery)

Today marks the fourth hearing we have had on CFATS, and the third consecutive one we have had since I became subcommittee Chairman.

Sadly, it has been a very painful process to see how badly CFATS had fallen short of our expectations and to see the struggle, both inside DHS as well as externally, to get the program back on track. There are some positive reports about progress from DHS, GAO and the regulated stakeholders, but we've uncovered more details showing that in key areas the suggested progress is not what we had hoped.

I think strides have been made to remedy many of the managerial concerns of one year ago and some of our testimony will suggest communication lines have been opened in a way that could lead to longer term achievements for the program. By many accounts, Infrastructure Security Compliance Division (ISCD) Director David Wulf deserves a good deal of credit. Mr. Wulf, we appreciate your tireless, consistent, candid, and long-standing commitment to improving CFATS when others could not.

I also think this progress is merely meant to get us back to a semi-functional program, not a perfect or fully implemented program. Unfortunately, underlying programmatic issues we discussed in the last hearing – such as the fact that CFATS risk assessment falls far short of DHS's own National Infrastructure Protection Plan and the CFATS regulations, and the long time frame for evaluating site security plans, despite the incomplete risk assessment – continue to threaten the credibility of the program not only on the Hill, but with regulated stakeholders who are confused by many decisions made within the program.

As Chairman Upton has said before to DHS, we are all on the same side, the enemy here is the terrorists who would seek to do harm to our nation. We need to work together to determine the best path forward for CFATS and its reauthorization, but we can't do so if we aren't fully informed and in a way that verifies the details coming forward. That's why we are going to have some tough but balanced assessments of the program delivered by DHS, the Government Accountability Office, and the CFATS stakeholder community.

Our witnesses today may not tell us exactly what we want to hear, but they will tell us what we need to know. I want to thank all of these witnesses for appearing before our panel here today.

I believe we are at a critical juncture for the success of the CFATS program, in that the internal issues distracting the program are not now our focus, but rather getting the program right, functioning effectively, efficiently, as congress drafted the law. Their perspective will be crucial to getting serious questions answered by the program and our ability to work together.

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