



S.3405

Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2018

NACD Supports

NACD supports S.3405, the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2018, legislation to reauthorize the Department of Homeland Security's (DHS) Chemical Facility Anti-Terrorism Standards (CFATS) program.

NACD strongly supports the following provisions:

- A five-year reauthorization for the CFATS program providing certainty to DHS and industry;
- The establishment of the "CFATS Recognition Program" to reward CFATS-covered facilities that participate in industry stewardship programs, such as NACD Responsible Distribution®;
- A reduction in the frequency of CFATS inspections; and
- Codification of the requirement that DHS go through notice and comment rulemaking prior to making changes to the Appendix A Chemicals of Interest list.

Policy Background

The CFATS program was created in 2007 to help prevent terrorist attacks on high-risk chemical facilities. This DHS-administered program requires covered chemical facilities to prepare Security Vulnerability Assessments and implement Site Security Plans (SSPs) that must satisfy the risk-based performance standards outlined in the rule. The CFATS program had a slow start, suffering from departmental turnover and a severe backlog in authorizing and approving SSPs. A history of one-year and partial-year extensions of the program granted under the appropriations legislation had exacerbated these issues. In 2014, however, Congress passed H.R. 4007, the Protecting and Securing Chemical Facilities from Terrorist Attack Act of 2014, which granted a four-year authorization to the program, ensuring a coordinated effort between government and industry to better secure the nation's high-risk chemical facilities through smart and efficient security investments. DHS has since turned the corner and has authorized and approved SSPs at a steady pace.

Current Legislation

S.3405, the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2018, legislation introduced by Senator Ron Johnson (R-WI) on September 4, 2018. On September 26, 2018, S.3405 passed the Senate Committee on Homeland Security and Governmental Affairs by voice vote with no objections and was ordered to be reported with amendment in the nature of a substitute favorably. On September 28, 2018, Representative John Katko (R-NY) introduced companion legislation, H.R.6992, in the U.S. House of Representatives. H.R.6992 has been referred to the House Committee on Homeland Security and the House Committee on Energy and Commerce for consideration of such provisions that fall within the jurisdiction of the committee concerned.