



One Hundred Sixteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

March 20, 2020

The Honorable Mitch McConnell
Senate Majority Leader
United States Senate
Washington, DC 20510

The Honorable Charles E. Schumer
Minority Leader
United States Senate
Washington, DC 20510

Dear Leader McConnell and Minority Leader Schumer:

Exactly one month from today, the Department of Homeland Security (DHS) will lose its authority to carry out the Chemical Facility Anti-Terrorism Standards (CFATS) program, a critical national security program that helps secure the nation's highest risk chemical facilities against terrorist attacks.¹ With Congress' attention fixed on a growing public health crisis, we simply cannot afford to run down the clock any further. That is why, in the early hours of Saturday, March 14, the House of Representatives came together to pass, by unanimous consent, legislation to extend the authorization of the CFATS program for a period of 18 months.² The House has done its part. I would implore the Senate to follow suit and take up H.R. 6160 as quickly as possible.

For over a decade, DHS has helped owners and operators at more than 3,000 high risk chemical facilities identify physical and cybersecurity vulnerabilities that could be exploited and weaponized in a terrorist attack. Through CFATS, chemical facilities are able to make smart investments in security measures that will protect the infrastructure, employees, and nearby communities from harm.

The CFATS program was originally implemented under the leadership of former Homeland Security Secretary Michael Chertoff in response to credible terrorist threats to U.S. chemical plants. Every DHS Secretary from Chertoff to Kirstjen Nielsen has called for continuation of the

¹ H.R. 251, *Chemical Facility Anti-Terrorism Standards Program Extension Act of 2019*, Pub. L. 116-2 (Jan. 18, 2019), extending the authority set forth in H.R. 4007, the *Protecting and Securing Chemical Facilities Against Terrorist Attacks Act of 2014*, Pub. L. 113-254 (Dec. 18, 2014).

² H.R. 6160, to extend the chemical facility anti-terrorism standards program of the Department of Homeland Security.

program and warned that facilities with large amounts of hazardous chemicals remain rich targets for terrorists who may plan to steal, release, or exploit such chemicals to harm Americans.³

Last week, the House moved urgently to pass legislation extending CFATS for a period of 18 months. We did so the heels of passing a massive legislative package to bring relief to Americans suffering in the wake of the global COVID-19 pandemic. This point is worth restating. Our country is facing an unprecedented crisis, and we have to be clear-eyed about Congress' capacity, in the weeks and months ahead, as we work around the clock to address a deadly pandemic that is ravaging our communities and threatens to bring our economy and our health care system to the brink of collapse. This is not the time to let a critical anti-terrorism program expire, nor is it the time to engage in a risky political game where the program is extended for some short duration when models for COVID-19 project that the nation could be managing this pandemic for months and months.⁴

Enactment of an 18-month extension for the CFATS program is the only responsible option at this time. Even as we mobilize to manage COVID-19, we must not let down our guard when it comes to protecting the chemical sector against evolving terrorist threats – from domestic terrorism to escalating tensions with Iran. I urge you to take expeditious action and pass H.R. 6160 to prevent a lapse in CFATS authorization so that we may continue to work together on a comprehensive long-term reauthorization.

Sincerely,



Bennie G. Thompson
Chairman
Committee on Homeland Security

cc: The Honorable Ron Johnson, Chairman, Committee on Homeland Security and Government Affairs, United States Senate

The Honorable Gary Peters, Ranking Member, Committee on Homeland Security and Government Affairs, United States Senate

³ Correspondence from Kirstjen Nielsen, Secretary of Homeland Security, to Rep. Bennie G. Thompson, U.S. House of Representatives Committee on Homeland Security (Nov. 29, 2018) (on file with Committee staff) (“[W]e continue to face one of the most serious terrorist threat environments since 9/11. Foreign terrorist organizations are urging recruits to use simple weapons, including toxic chemicals, to target public spaces and events.”).

⁴ Imperial College COVID-19 Response Team, *Impact of non-pharmaceutical interventions (NPIs) to reduce COVID-19 mortality and healthcare demand* (March 16, 2020), available at <https://www.imperial.ac.uk/media/imperial-college/medicine/sph/ide/gida-fellowships/Imperial-College-COVID19-NPI-modelling-16-03-2020.pdf> (suggesting that to be effective, social “suppression” measures, may need to remain in place for at least 18 months, or until a vaccination is tested and made available in mass).