



AFPM



June 5, 2024

The Honorable Mike Johnson  
Speaker of the House  
United States House of Representatives  
Washington, D.C. 20510

The Honorable Hakeem Jeffries  
Minority Leader  
United States House of Representatives  
Washington, D.C. 20510

RE: Chemical Facilities Anti-Terrorism Standards (CFATS) Program Amendment to National Defense Authorization Act (NDAA)

Dear Speaker Johnson and Minority Leader Jeffries:

On behalf of the members of the Alliance for Chemical Distribution (ACD), the American Chemistry Council (ACC), the American Fuel & Petrochemical Manufacturers (AFPM) and North America's Building Trades Unions (NABTU), we support the necessary reauthorization of the Chemical Facility Anti-Terrorism Standards (CFATS) program administered by the U.S. Department of Homeland Security (DHS) and request your support so that Rep. Laurel Lee's amendment, which would reestablish the CFATS program, is made in order for consideration of the National Defense Authorization Act (NDAA).

In addition to the organizations listed above, the United Steel Workers, the National Sheriffs' Association, the Emergency Services Sector Coordinating Council, and the American Federation of Government Employees have all written Congress supporting the restoration of this essential program. Through our grassroots advocacy efforts, thousands of letters from across the country were sent to Members of Congress urging them to reauthorize the CFATS program.

CFATS is pertinent to the NDAA because it enables collaboration between chemical facilities and the Federal government to counter security threats. For example, the Office of the Director of National Intelligence (ODNI) outlined in the 2024 Annual Threat Assessment that, "Terrorists will maintain an interest in conducting attacks using chemical, biological and radioactive materials against U.S. persons, allies, and interests worldwide." CFATS allows DHS to identify facilities that might be at risk of these potential attacks and sets national standards for addressing the physical and cyber threats. It was the only regulatory program focused on implementing security measures to reduce the risk that certain dangerous chemicals are weaponized by terrorists.

DHS has reported significant regulatory impacts since the lapse of the program. The agency states that tens of thousands of regular vetting of personnel and contractors through the Federal Bureau of Investigation's terrorist database have not occurred due to the expiration of this

program. Over the program's history, ten names vetted against the database have had ties to terrorist organizations since the program's start. DHS has also reported that an average of 160 inspections per month have not occurred due to the lapse of regulatory authority.

Despite a 409-1 vote in the U.S. House on H.R. 4470, *Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2023*, which would have reauthorized the program for two years, the U.S. Senate has not voted on this bill. We believe Congress must act as quickly as possible to restore this critical security program.

We urge you to support the finding that Rep. Lee's amendment is made in order thus allowing a vote on the CFATS program which has overwhelming bipartisan support in Congress.

We thank you in advance for your consideration.

Sincerely,



Eric Byer  
President and CEO  
Alliance for Chemical Distribution



Chris Jahn  
President and CEO  
American Chemistry Council



Chet Thompson  
President & CEO  
American Fuel & Petrochemical Manufacturers



Sean McGarvey  
President  
North America's Building  
Trades Unions

- c. Rep. Laurel Lee
- Rep. Michael Rogers, Chair Committee on Armed Services
- Rep. Adam Smith Ranking Member Committee on Armed Services
- Rep. Cathy McMorris Rodgers, Chair Committee on Energy and Commerce
- Rep. Frank Pallone, Jr., Ranking Member on Energy and Commerce
- Rep. Mark Green, Chair Committee on Homeland Security
- Rep. Bennie Thompson, Ranking Member Committee on Homeland Security
- Rep. Michael Burgess, Chair House Committee on Rules
- Rep. Jim McGovern, Ranking Member House Committee on Rules