



# COMMITTEE ON HOMELAND SECURITY

Ranking Member Bennie G. Thompson

**FOR IMMEDIATE RELEASE**

## **Markup Statement of Ranking Member Bennie G. Thompson (D-MS)**

***Markup of: H.R. 2577, H.R. 4467, and H.R. 4470***

**July 12, 2023**

I am pleased to be here to consider legislation to reauthorize the Chemical Facility Anti-Terrorism Standards program (CFATS). In 2007, I was proud to have worked closely with Committee colleagues and the Bush Administration to stand up this vital security program. Committee Democrats have consistently supported CFATS while seeking to address critical security gaps that this Committee has known about for at least half of a decade. These longstanding issues haven't fixed themselves. That is why it is deeply disappointing that the Committee is being asked to reauthorize CFATS without any changes.

When I became Chair of this Committee again in 2019, CFATS was just a few weeks away from sunset. I introduced a short-term extension bill on the second day of the Congress, and it became law by January 18 of that year. By March, the Committee had held multiple CFATS hearings, receiving testimony from government officials, the regulated community, and other stakeholders.

At the time, witnesses raised concerns about several issues, among them:

- Coordination and information sharing with first responders
- The adequacy of training for chemical inspectors, particularly as relates to cybersecurity
- The tiering methodology
- Drone threats to chemical facilities and
- Security gaps associated with facilities that are excluded from CFATS.

That testimony informed our legislative efforts. By the time we left for August recess, we had moved a comprehensive, vetted reauthorization bill through the Committee that would have improved the security value of the program.

Unfortunately, despite months of negotiations, jurisdictional challenges and political differences overtook efforts to make needed fixes to the CFATS program. Ultimately, Committee Democrats had to stomach a short-term extension, the purpose of which was to give Congress *more* time to examine problems that we already knew existed.

I understand that some of my Republican colleagues have indicated that they are just becoming familiar with the program and that the Chairman has initiated a GAO report to evaluate the CFATS program. But I'd like to remind my colleagues that this Committee – both Democrats and Republicans – have a robust oversight history with this program, and it's worth consulting.

Today, Committee Democrats are once again asked to support a date-change bill to buy time and give Members another opportunity to learn what we already know: *there are problems with the program that Congress must address*. Let's be clear about the issues we'll be punting on today, should we adopt this ANS without amendment.

For *five* years, this Committee has known about a major gap in the way DHS oversees the coordination that is supposed to happen between a facility and their local first responders. In 2018, GAO found that, far too often, emergency response personnel were not even aware that there were CFATS facilities in their communities. For those who did, they didn't know what chemicals were stored onsite or how to handle them safely during an emergency.

Democrats will be offering an amendment today to force DHS to step up to make sure this vital coordination happens. No one wants to see first responders meet the same fate as those who died in the West, Texas, fertilizer plant explosion in 2013 or just this month, on a cargo ship docked in the Port of Newark.

Additionally, Democrats will also offer amendments to improve longstanding weaknesses in the inspector training program. For years, we have been hearing about the inadequacy of training provided by DHS. In our May roundtable, Members again heard how inspectors are not getting the training they need to carry out inspections effectively – particularly with respect to cybersecurity—where threats and adversary tactics are dynamic.

Congress must put CFATS in the position to keep pace with the rapid rise in cyberattacks on critical infrastructure. I know there is some concern that adopting amendments will complicate reauthorization prospects. I would note that the amendments that Democrats plan to offer today do not mandate major program reforms. Instead, these modest amendments are aimed at refining the underlying statute to address program challenges Congress has been aware of for over five years without placing new burdens on chemical facilities. I look forward to debate on our amendments and am hopeful we can work across the aisle, as we have done in the past, to bolster the security of chemical plants across the nation.

Additionally, I am pleased that Chairman Green worked with me to advance legislation I introduced with Mr. Garbarino to establish a Department-wide mental health program for law enforcement will be considered today. This bill is critical since in 2022, U.S. Customs and Border Protection (CBP) reported 15 suicides within its ranks—the most since 2007. It would also help Federal Air Marshals at TSA. A 2020 GAO report on the state of the Federal Air Marshal workforce found widescale concern about key quality of life matters that included extreme fatigue and mental health issues. Between 2013 and 2019, five Federal air marshals took their lives.

The law enforcement community overwhelmingly supports this bill, with endorsements from the National Treasury Employees Union, National Border Patrol Council, Blue H.E.L.P., Concerns of Police Survivors, and the Federal Law Enforcement Officers Association. The Senate companion was scored by CBO at a modest \$2 million over a 5-year period.

I hope we can come together in a bipartisan way to ensure that life-saving resources are available to the men and women protecting the homeland.

Finally, I am pleased to support legislation that Mr. Brecheen has introduced to foster greater accountability regarding the millions of dollars spent by DHS on border support contracts.

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