



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

COMMITTEE ACTION

July 14, 2023

The Committee on Homeland Security met, pursuant to notice, in open markup session, a quorum being present, on Wednesday, July 12, 2023 in 310 Cannon to consider the following measures:

H.R. 4470, (Ms. Lee) To extend the authorization of the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security. The “Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2023”.

H.R. 4467, (Mr. Brecheen) To direct the Under Secretary for Management of the Department of Homeland Security to assess contracts for covered services performed by contractor personnel along the United States land border with Mexico, and for other purposes; the “DHS Border Services Contracts Review Act”.

H.R. 2577, (Mr. Thompson) To amend the Homeland Security Act of 2002 to establish the Law Enforcement Mental Health and Wellness Program, and for other purposes; the “DHS Suicide Prevention and Resiliency for Law Enforcement Act”.

The Committee took the following actions:

A motion by Mr. Green to report H.R. 4470, as amended, to the House with a favorable recommendation; was AGREED TO by a vote of 30 Yeas to 0 Nays. (RC#22). A motion to reconsider was laid on the table.

A motion by Mr. Green to report H.R. 4467, as amended, to the House with a favorable recommendation; was AGREED TO by voice vote. A motion to reconsider was laid on the table.

A motion by Mr. Green to report H.R. 2577, as amended, to the House with a favorable recommendation; was AGREED TO by voice vote. A motion to reconsider was laid on the table.

H.R. 4470, (Ms. Lee), to extend the authorization of the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security; the “Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2023”.

The following amendments were offered:

An amendment offered by Ms. Lee: An Amendment in the Nature of a Substitute; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Pfluger (080); was WITHDRAWN.

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Menendez (002): amending Sec. 2102(d)(1)(E), regarding Standards for Auditors and Inspectors, to require that training be updated every 3 years, with new minimum training requirements for new hires, and annual refresher training, continuing education and professional development tools; was NOT AGREED TO by a roll call vote of 14 Yeas to 16 Nays. (RC#18)

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Swalwell (001): requiring the Director of CISA to conduct a review of current CFATS cybersecurity guidance (Risk-Based Performance Standards-8 (2009)), to determine if the measures are consistent with/satisfy the elements of CISA Cyber Performance Goals, and submit a report with recommendations to address any disparities; was NOT AGREED TO by a roll call vote of 14 Yeas to 16 Nays. (En Bloc Amendment; RC#17)

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Swalwell (010): requiring that training for inspectors include training necessary to effectively audit and inspect all aspects of the risk-based performance standards, including cybersecurity, and offer proper credentials and certifications necessary to carry out cybersecurity audits; was NOT AGREED TO by a roll call vote of 14 Yeas to 16 Nays. (RC#21)

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Payne (003): requiring (1) disapproval of any Site Security Plan (SPP) that fails to include the name, number, and other information about the local emergency response provider, and has a documented policy to contact annually; and (2) annual audits for compliance with such policy; was NOT AGREED TO by a roll call vote of 14 Yeas to 16 Nays. (RC#19)

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Magaziner (004): amending Sec. 2103(g), regarding Authorized Recipients of Information, to require that DHS make available, upon request, protected CFATS

information (e.g., Site Security Plans, vulnerability assessments) to State and local government officials (including law enforcement and emergency response providers) on CFATS facilities in their jurisdiction, unless it would be subject to disclosure under State or local laws; was NOT AGREED TO by a roll call vote of 14 Yeas to 16 Nays. (En Bloc Amendment; RC#20)

An amendment to the Amendment in the Nature of a Substitute offered by Ms. Clarke (006): requiring CFATS facilities be inspected for compliance no less than every 24 months; was NOT AGREED TO by a roll call vote of 14 Yeas to 16 Nays. (En Bloc Amendment; RC#17)

An amendment to the Amendment in the Nature of a Substitute offered by Ms. Jackson Lee (005): requiring DHS S&T to study how to improve training and support for local emergency response providers in areas with high concentrations of covered chemical facilities in how to respond to a terrorist attack on a chemical facility, and other matters; was NOT AGREED TO by a roll call vote of 14 Yeas to 16 Nays. (En Bloc Amendment; RC#17)

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Carter (007): requiring DHS, through CISA, to develop a secure communications platform to allow CFATS owners and operators to voluntarily report information on emerging threats, including terrorism threats, posed by unmanned aircraft systems; was NOT AGREED TO by a roll call vote of 14 Yeas to 16 Nays. (En Bloc Amendment; RC#17)

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Carter (008): requiring GAO to evaluate the CFATS risk assessment methodology and assess whether it considers the full range of public health and safety consequences that could arise from a terrorist attack on a CFATS facilities, including, e.g., air quality impacts and disproportionately vulnerable communities; was NOT AGREED TO by a roll call vote of 14 Yeas to 16 Nays. (En Bloc Amendment; RC#17)

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Thompson (009): requiring DHS to enter into an agreement with a non-DHS entity to conduct an independent assessment of the national security implications of exempting facilities regulated by MTSA, NRC, public water/wastewater systems, and DOD/DOE-owned facilities; was NOT AGREED TO by a roll call vote of 14 Yeas to 16 Nays. (En Bloc Amendment; RC#17)

At the conclusion of debate, a unanimous consent request by Mr. Thompson that the postponed requests for recorded votes on amendments 001 (Mr. Swalwell), 005 (Ms. Jackson Lee), 006 (Ms. Clarke), 007 (Mr. Carter), 008 (Mr. Carter) and 009 (Mr. Thompson) be vacated to the end that they be considered withdrawn, and further, that the same amendments be considered en bloc, was AGREED TO.

Amendments En Bloc (Mr. Swalwell (001), Ms. Jackson Lee (005), Ms. Clarke (006), Mr. Carter (007), Mr. Carter (008), Mr. Thompson (009); NOT AGREED TO by a roll call vote of 14 Yeas and 16 Nays. (RC#17)

A motion by Mr. Green to report H.R. 4470, as amended, to the House with a favorable recommendation; was AGREED TO by a roll call vote of 30 Yeas to 0 Nays. (RC#22)

H.R. 4467, (Mr. Brecheen), to direct the Under Secretary for Management of the Department of Homeland Security to assess contracts for covered services performed by contractor personnel along the United States land border with Mexico, and for other purposes; the “DHS Border Services Contracts Review Act”.

The following amendment was offered:

An amendment offered by Mr. Brecheen: An Amendment in the Nature of a Substitute; was AGREED TO by voice vote.

A motion by Mr. Green to report H.R. 4467, as amended, to the House with a favorable recommendation; was AGREED TO by voice vote.

H.R. 2577, (Mr. Thompson), to amend the Homeland Security Act of 2002 to establish the Law Enforcement Mental Health and Wellness Program, and for other purposes; the “DHS Suicide Prevention and Resiliency for Law Enforcement Act”.

The following amendments were offered:

An amendment offered by Mr. Gonzales (046): to amend Section 2: ensuring that mental health and wellness programs had safeguards for law enforcement personnel against retaliation; was AGREED TO by voice vote.

An amendment offered by Mr. Gonzales (045): to amend Section 2: including service animals and other resources to improve mental health as avenues to address mental health; was AGREED TO by voice vote.

A motion by Mr. Green to report H.R. 2577, as amended, to the House with a favorable recommendation; was AGREED TO by voice vote.

Without objection, the amendments to H.R. 2577 will be reported to the House in the form of one Amendment in the Nature of a Substitute; was NOT OBJECTED TO.

Without objection, staff is authorized to make technical and conforming changes to all measures to reflect the actions of the Committee; was NOT OBJECTED TO.

Mr. Thompson gave notice that, pursuant to Rule XI, clause 2(1), Members may have two days in which to file any supplemental, minority, or additional views on the measures ordered reported by the Committee.

