

certain nonprescription drugs that are marketed without an approved drug application and address the misbranding of OTC drugs.

For these reasons, I ask my colleagues to join me in supporting H.R. 269.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 269.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

CHEMICAL FACILITY ANTI-TERRORISM STANDARDS PROGRAM EXTENSION ACT

Mr. THOMPSON of Mississippi. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 251) to extend by two years the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Chemical Facility Anti-Terrorism Standards Program Extension Act”.

SEC. 2. EXTENSION OF CHEMICAL FACILITY ANTI-TERRORISM STANDARDS PROGRAM OF THE DEPARTMENT OF HOMELAND SECURITY.

Section 5 of the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 (Public Law 113-254; 6 U.S.C. 621 note) is amended by striking “4 years” and inserting “6 years”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 251, the Chemical Facility Anti-Terrorism Standards Program Extension Act.

H.R. 251 would extend the Department of Homeland Security's authority

to carry out the Chemical Facility Anti-Terrorism Standards, or CFATS, program for 2 years. Under this novel regulatory program, DHS works with the owners and operators of our Nation's highest risk chemical facilities to ensure those facilities have adequate security measures in place.

Unless Congress acts expeditiously, authority to regulate these high-risk facilities will expire in a matter of days. We cannot let this happen.

The risk of a terrorist attack on a chemical facility is not conjecture; it is a credible threat echoed by every Homeland Security Secretary since 2005. Federal and State law enforcement officers have uncovered multiple plots aimed at chemical facilities, including after the 9/11 attacks when it came to light that the hijackers had also scouted chemical plants.

National security experts, from former Homeland Security Secretary Michael Chertoff to President Obama, have expressed concern that a terrorist could seek to penetrate a chemical facility to carry out a weapon of mass destruction attack. CFATS is the way DHS partners with chemical facilities to combat this threat. The program enjoys support across party lines and within the regulated community.

I led the initial bipartisan effort to establish the program in 2006. CFATS had a bumpy start, but over time, with the stability of a long-term authorization, in 2014, CFATS has developed into a security program that is making the U.S. demonstrably safer.

Don't take my word for it; the data speaks for itself. Since CFATS was created, the number of chemical facilities designated as high risk in the U.S. has dropped by half. This achievement means that communities near the chemical plants are safer.

Still, like with any other program, there are areas where it could be strengthened. The 2-year extension sought under this act is needed to give the House and Senate ample time to come together to address oversight findings to improve the program.

It is unfortunate that in the waning days of the previous Congress, bipartisan House efforts to provide the regulated community with confidence that the CFATS security regime would continue were rebuffed by a couple of Senators who took the public position that the program should be completely ended unless it was changed in the way they liked. In fact, they said as much in a letter to House and Senate leadership on October 23, 2018:

“If Congress fails to reform the CFATS program, we believe the program should expire and not continue to be reauthorized via annual appropriations.”

The approach they took was eerily similar to the one the President is now taking as he sets a partial government shutdown in motion to try and compel Congress to agree to providing nearly \$6 billion in funding for a border wall.

Mr. Speaker, the Secretary of Homeland Security wrote to Congress in No-

vember urging for a short-term reauthorization.

Mr. Speaker, I include in the RECORD both the letter from my Senate colleagues and the letter from the Secretary.

U.S. SENATE,

Washington, DC, October 23, 2018.

Hon. MICHAEL MCCAUL,

Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

Hon. BENNIE THOMPSON,

Ranking Member, Committee on Homeland Security, House of Representatives, Washington, DC.

Hon. GREG WALDEN,

Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

Hon. FRANK PALLONE,

Ranking Member, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN MCCAUL, CHAIRMAN WALDEN, RANKING MEMBER THOMPSON, AND RANKING MEMBER PALLONE: We write regarding S. 3405, the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2018. This bill will reauthorize the Chemical Facility Anti-Terrorism Standards (CFATS) program at the Department of Homeland Security (DHS) with commonsense reforms to secure chemical facilities while reducing the regulatory burden on the private sector.

During the 113th Congress, the Senate Committee on Homeland Security and Governmental Affairs, House Committee on Homeland Security, and House Committee on Energy and Commerce worked together to reauthorize and reform the CFATS program, although the reauthorization is set to expire in January 2019. At that time, the CFATS program faced significant challenges, including long backlogs to review security plans, a flawed tiering methodology, program management issues, and questions about whether the program was effectively reducing risk and enhancing security.

The CFATS program currently regulates over 3,000 chemical facilities nationwide. Although DHS has improved its management of the CFATS program over the past four years, such as eliminating the estimated nine-year backlog of reviewing facilities' unique site security plans, it is evident that the program needs additional reforms. On June 12, 2018, the Senate Committee on Homeland Security and Governmental Affairs held a roundtable that included DHS, the U.S. Government Accountability Office, a CFATS chemical inspector, and a variety of companies and industry groups.

During the roundtable, stakeholders provided feedback on how to further improve the CFATS program. For example, industry stakeholders expressed concerns about duplicative regulatory regimes between DHS and the Bureau of Alcohol, Tobacco, Firearms, and Explosives; advised that DHS should not make terror screening mandatory for Tier 3 and Tier 4 facilities; complained about inadequate communication from DHS about changes in facilities' tiering; and discussed how a CFATS recognition program can provide greater regulatory relief. We also heard from a CFATS chemical inspector on basic and continuous training issues and need for improvement, particularly with respect to cybersecurity. In addition, the Committee's oversight has shown a need for DHS to report on new metrics that will show if the program is effectively measuring risk reduction and addressing the current threat environment.

Incorporating this feedback from CFATS stakeholders, Chairman Johnson introduced S. 3405 on September 4, 2018. Senator Capito is a cosponsor. S. 3405 reauthorizes the CFATS program for five years and brings

much-needed regulatory relief to the U.S. chemical industry while effectively balancing safety and security. On September 26, 2018, the Senate Committee on Homeland Security and Governmental Affairs unanimously reported S. 3405 favorably by voice vote. On September 28, 2018, Rep. Katko, Rep. Moolenaar, and Rep. Cuellar introduced H.R. 6992, a bipartisan House companion.

In the coming weeks, we hope the committees of jurisdiction will continue to work together, as they have throughout this Congress, to find areas of agreement to reauthorize and improve the CFATS program. The purpose of the reauthorization process must be to improve federal regulatory programs incorporating lessons learned from Congressional oversight. S. 3405 provides a path for the CFATS program to continue for an additional five years without inflicting burdensome and duplicative regulations on DHS's industry partners. If Congress fails to reform the CFATS program, we believe the program should expire and not continue to be reauthorized via annual appropriations.

We look forward to working with you to reauthorize the CFATS program with commonsense reforms before the conclusion of the 115th Congress. Thank you for your attention to this important subject.

Sincerely,

RON JOHNSON,
*Chairman, Committee
on Homeland Security
and Governmental Affairs.*

SHELLEY MOORE CAPITO,
*Chairman, Subcommittee on
Homeland Security Com-
mittee on Appropriations.*

DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, November 29, 2018.

Hon. BENNIE THOMPSON,
*Ranking Member, Committee on Homeland Security,
House of Representatives, Wash-
ington, DC.*

DEAR RANKING MEMBER THOMPSON: I write to you today in support of the reauthorization of the Chemical Facility Anti-Terrorism Standards (CFATS). The Department of Homeland Security's (DHS) CFATS authorities will expire in sixty days, which would prevent us from setting security standards and implementing measures that would reduce the risk of hazardous chemicals from falling into the wrong hands.

We 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. Terrorists have already used rudimentary chemical weapons on the battlefield and we face the increased risk that they could use these weapons outside of conflict zones. In response, DHS has stepped up its security posture, including the establishment of the Office of Countering Weapons of Mass Destruction. But we must also ensure that dangerous agents are secured at the source to prevent our enemies from exploiting them.

The Department's CFATS program is a successful public-private partnership focused on preventing the misuse of dangerous chemicals. Since its inception in 2006, it has played a key role in bringing our nation's chemical security standards to a higher level, and it has made it harder for nefarious actors to acquire deadly agents and to exploit potential security vulnerabilities for attacks. Our national security depends on the authorities provided by CFATS, from securing cyber control systems to vetting facility personnel for terrorist ties. We cannot let our guard down. The stakes are too high.

The Department has reviewed the language included in S. 3405, Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2018, and understands the intent is to improve this important regulatory program. The Department agrees that critical review of the program's structure is important. However, we believe that if the program were to lapse—as a result of the current sunset provision—it would increase the risk to our country and create uncertainty across the chemical industry.

To that end, I am requesting that Congress consider a short-term reauthorization of the program in its current form. If reauthorized, I will direct the Cybersecurity and Infrastructure Security Agency to conduct a comprehensive audit to assess additional opportunities to enhance program effectiveness and efficiency. This time will afford us the opportunity to take into account past performance and to evaluate Congressional recommendations, industry impact, and potential changes that can strengthen the program. This audit would be conducted in full collaboration with the appropriate Congressional committees.

In the four years since the initial multi-year authorization in 2014, DHS has and continues to innovate and streamline the CFATS program, while the chemical industry, assured of the stability provided by a longer-term authorization, has made long-term investments in security measures. This is a win for both government and industry. This progress would be disrupted in the absence of compliance requirements and is yet another reason why CFATS reauthorization is needed.

Through your leadership, the American people and our homeland are more secure and resilient than ever before. Please consider a short-term reauthorization of CFATS so we can continue to be vigilant against those who wish us harm. Should you have any questions, please have your staff contact the DHS Office of Legislative Affairs.

The Office of Management and Budget advises that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Best Regards,

KIRSTJEN M. NIELSEN,
Secretary.

Mr. THOMPSON of Mississippi. Mr. Speaker, as Secretary Nielsen notes in her letter, “. . . if the program were to lapse—as a result of the current sunset provision—it would increase the risk to our country and create uncertainty across the chemical industry.”

The Secretary and I may not agree on everything, but we agree on this: We cannot let this critical national security program fall victim to this political game of chicken.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today along with my colleague, Chairman THOMPSON, in strong support of H.R. 251, the Chemical Facility Anti-Terrorism Standards Program Extension Act. This bill reauthorizes the Chemical Facility Anti-Terrorism Standards program, more commonly known as CFATS, for 2 more years.

CFATS began as a program aimed at keeping dangerous chemicals out of the

hands of terrorists. In recent years, it has grown, in large part, due to partnerships between the Department of Homeland Security and industry stakeholders working to identify high-risk facilities and ensuring appropriate security measures are in place to mitigate these risks.

The current CFATS authorization expires January 18, and swift action is needed to make sure there is no lapse in this program.

I believe this program has achieved its purpose in making Americans safer by helping chemical facilities secure dangerous substances. Mr. Speaker, I support this reauthorization and urge my colleagues in the Senate to also act with the urgency required to prevent this program from expiring.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. RICHMOND).

Mr. RICHMOND. Mr. Speaker, I want to thank the chairman for his leadership on this issue before and now.

Mr. Speaker, I rise today in support of H.R. 251 to extend the DHS Chemical Facilities Anti-Terrorism Standards, CFATS, program for a period of 2 years.

Like many of my colleagues in the House, my district is home to a number of chemical facilities. They play a crucial role in the local economy, but with that comes a risk. The CFATS program helps address that risk and makes communities like mine safer, without being overly burdensome.

Twelve years ago, the Bush administration issued a call to action to address credible terrorist threats to high-risk chemical facilities across the country. At the time, chemical facility security was one of the biggest security gaps we faced, and Secretary Chertoff asked Congress to “pass a balanced, risk-based security measure for the chemical industry.”

□ 1645

Within the year, Congress attached language to the DHS appropriations bill, giving DHS temporary authority to implement a chemical security program. CFATS survived on annual authorizations through the appropriations process for 8 years, and the lack of certainty and stability stunted the program's growth.

In 2014, after the tragic explosion at the West, Texas, chemical facility, Congress finally passed a 4-year authorization bill. Since then, the CFATS program has invested in better tools, better trained personnel, and a better strategic vision for the future. In short, the CFATS program has matured.

Today, the program has the buy-in of industry and bipartisan support on the Hill. And although I think we can do more to advance the objectives of the program, it is clear that CFATS has made us safer.

Authorization for CFATS expires in a matter of days. If Congress does not act, we will lose a valuable antiterrorism program, and we will forfeit the hard-earned progress that has been achieved.

This bill would allow DHS to continue its work to secure chemical facilities, and it would give Congress an opportunity to hear from stakeholders and the department about the improvements we should make.

In the last Congress, Chairman THOMPSON and I made repeated requests to prioritize CFATS through hearings and markups. Unfortunately, at this point, with the program staring down expiration, it is simply too late for that.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Louisiana.

Mr. RICHMOND. Passing H.R. 251 would allow us to continue the conversation around this important national security program without leaving chemical facilities more vulnerable to attacks.

Mr. Speaker, I urge my colleagues in the House to support H.R. 251, and I hope the Senate will follow suit.

Mr. ROGERS of Alabama. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. SHIMKUS), my friend and colleague, and a member of the Energy and Commerce Committee.

(Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I thank the ranking member for yielding to me. I also congratulate him for his position, which his peers have appointed him to. And I congratulate Chairman THOMPSON for being chosen to hold such a very important chairmanship.

Mr. Speaker, let me talk about my strong support of H.R. 251. I urge all of my colleagues to support this.

Last week, every Member of Congress swore an oath to defend the United States. That, Mr. Speaker, is what we are here on the floor to do with this bill.

In 10 days, as you have heard, the CFATS—Chemical Facility Anti-Terrorism Standards—program will sunset. This means that everything about it, right down to its fundamental structure, legally disappears, including Federal outreach and networking to prevent terrorism against chemical facilities.

I know that there are those who question the value of the current Chemical Facility Anti-terrorism Standards program. But they should know that today's CFATS program is vastly improved from where it was a mere 4 years ago.

How do I know this? How can I be so sure?

Prior to this Congress, I served since 2011 as the chairman of the Energy and Commerce Subcommittee on Environment with my colleague, Mr. TONKO,

who I am sure, will be speaking on this bill. There, we had six hearings on the CFATS program and its operations, the most recent one 6 months ago. In fact, in the last Congress, my committee was the only one in either body to have a hearing dedicated to CFATS where DHS testified, for 3 hours on the record, about this program.

I have also worked with the Government Accountability Office throughout that time on the program, and GAO, likewise, has testified multiple times before the subcommittee I chaired. GAO's first testimony exposed and detailed the breadth of the problems in the program, and more recently described "a number of programmatic changes" that not only addressed their recommendations, but paved the way for remedying remaining challenges the program faces.

No Federal program is without some area in need of improvement, but if there was a time to justify winding the program down or making serious changes to how it operated, that time was 4 years ago when the program was in disarray. It defies logic to foist major changes on CFATS now, when it appears to have figured out its weaknesses and rectified its deficits.

To those who are skeptical of the program, this extension gives time for not only more assessment to answer lingering questions, but also for CFATS to demonstrate to Congress that its progress is not fleeing and to identify those security-related, terrorism prevention reforms that truly can only be fixed by statute.

The Chemical Facility Anti-Terrorism Standards Act is an important, antiterrorism-focused program. It is not perfect, but it is a unique program based on collaboration, focused on and serving as a very important bulwark against the threat of terrorism here in the United States.

To this end, Congress has spent almost \$900 million under CFATS for Federal education, intelligence, technical assistance, and compliance efforts. Moreover, American businesses have invested billions of dollars, expecting a strong return for themselves and their shareholders. We ought not strand these investments and send shareholders and terrorists a signal that American assets will be more vulnerable tomorrow than they are today.

Mr. Speaker, I urge all Members to vote for passage of H.R. 251, and I urge the other body to quickly pass it as well.

Mr. THOMPSON of Mississippi. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Mississippi has 13 minutes remaining.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I thank the chairman of the Homeland Security Committee for yielding.

Mr. Speaker, I urge my colleagues to support this bipartisan bill to extend the authority for the Department of Homeland Security's Chemical Facility Anti-Terrorism Standards, or CFATS, program for 2 years. The CFATS program provides critical national security protections. We should all be alarmed that it is on the verge of lapsing.

Unless this bill becomes law, or the President reconsiders his shutdown of many parts of the Federal Government, the CFATS program will expire in 10 days. The program is not perfect, but it should be continued. The 2-year extension will give the committees of jurisdiction time to consider important improvements to the program without fear that the program will lapse.

Since before the terrorist attacks of September 11, 2001, experts have been concerned about the vulnerability of chemical plants to terrorist attacks. These facilities hold large stores of industrial chemicals that pose a safety and security risk to the American people if they are released or detonated.

A recent report found that more than 134 million Americans live in the vulnerability zones around chemical facilities. The communities most at risk are disproportionately low-income communities and communities of color.

I have been an advocate for increased safety and security at our Nation's chemical facilities for many years, well before the CFATS program was established in 2006. My home State of New Jersey, which has a high population density, has a large number of chemical facilities, so the consequences of insufficient security are as real to us as they are dire.

Unfortunately, the threats to these facilities are only increasing as climate change makes extreme weather more and more common. CFATS-regulated facilities have been impacted by hurricanes, floods, and wildfires, putting us all at risk.

The highest profile case occurred in the aftermath of Hurricane Harvey, at the Arkema chemical plant in Crosby, Texas. The Chemical Safety Board released an investigative report on the incident and found that the chemical industry is wholly unprepared for extreme weather events, like floods and hurricanes. Last year, the New York Times reported that more than 2,500 sites handling toxic chemicals are in flood-prone areas around the country.

Instead of addressing these threats, the Trump administration has moved aggressively to diminish protections for workers and communities around chemical facilities. For instance, despite losing in court, EPA continues to try to roll back the Risk Management Planning program improvement rule that bolsters safety at these facilities. The SPEAKER pro tempore (Mr. BLUMENAUER). The time of the gentleman has expired.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield an additional 1 minute to the gentleman from New Jersey.

Mr. PALLONE. EPA is also systematically ignoring risks to workers in implementing the revised Toxic Substances Control Act. And President Trump has twice tried to eliminate the Chemical Safety Board, which investigates disasters at these facilities.

As chairman of the Energy and Commerce Committee, I will be conducting thorough oversight of the increased threats to dangerous chemical facilities and this administration's concerted efforts to disregard risks to workers and hot spot communities. That oversight will inform our future efforts to improve the CFATS program.

We must ensure the safety and security of the workers, first responders, and communities living near our Nation's chemical facilities. That means extending this program while we consider how to improve it.

Mr. Speaker, I thank my colleagues on both sides of the aisle on the Energy and Commerce Committee and the bipartisan relationship of the Committee on Homeland Security for working with me on this important bill to ensure continuity of this program, and I urge that we pass this bill immediately.

Mr. ROGERS of Alabama. Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker I yield 2 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of the Chemical Facility Anti-Terrorism Standards Program Extension Act. This bipartisan bill is supported by the full committee and relevant subcommittee chairs and ranking members of the Committee on Energy and Commerce and the Committee on Homeland Security.

The Department of Homeland Security's Chemical Facility Anti-Terrorism Standards, or CFATS, program is an important part of our Nation's counterterrorism efforts to secure high-risk chemical facilities.

The program was created in 2006 and it had its first long-term reauthorization in 2014. Unfortunately, without further congressional action, CFATS will terminate later this month.

The bill before us would grant a clean, 2-year extension of the program. I believe this will give the new Congress ample time to continue program oversight and make any reforms necessary for the next long-term extension.

For one, I strongly believe we should be looking at all aspects of risks at chemical facilities, not just terrorism. Chemical fires, explosions, and releases can have serious consequences, regardless of whether an incident was an accident, a natural disaster, or an act of terrorism. A holistic approach to chemical risks, which obviously includes security, should also account for workers and communities' safety and facilities' resilience.

Recent natural disasters have exposed previously unaccounted for vul-

nerabilities at some facilities. During Hurricane Harvey, we saw the potential for devastation, when a power outage and equipment failure led to a significant chemical fire at the Arkema facility in Crosby, Texas.

Ensuring that these critical sites are resilient to risks associated with climate change and extreme weather events will be critical for the long-term safety and security of not only the sites, but also surrounding communities.

I want to recognize the efforts of Jacqueline Cohen and other members of the Energy and Commerce Committee Democratic staff for their work on this bill.

Mr. Speaker, I urge my colleagues to support H.R. 251, and I hope we can continue bipartisan efforts to improve the program as we work toward a long-term reauthorization in the 116th Congress.

Mr. ROGERS of Alabama. Mr. Speaker, I urge Members to support this bill, and I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, H.R. 251 was introduced by Democratic and Republican leadership of the Homeland Security Committee and the Energy and Commerce Committee.

This bill would allow the Department of Homeland Security to continue working with high risk chemical facility owners and operators throughout the U.S. to guard dangerous chemicals against malicious actors.

□ 1700

For proof of how grave this threat is, one need look no further than West, Texas, where, in 2013, a perpetrator set fire to a fertilizer plant, causing an explosion that leveled an entire town. More than a dozen first responders and civilians lost their lives in the blast.

Allowing authority to lapse would throw away the progress that has been made since 2014 and needlessly make our communities less secure.

Mr. Speaker, I urge my colleagues in the House to support H.R. 251 and call on the Senate to join us in maintaining this important security program.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Homeland Security Committee, I rise in support of H.R. 251, the "Chemical Facility Anti-Terrorism Standards Program Extension Act," which will extend by two years the Chemical Facility Anti-Terrorism Standards Program (CFATS) of the Department of Homeland Security (DHS) and for other purposes.

I thank Chairman Bernie Thompson of the House Homeland Security Committee for his leadership in introducing this important bill to improve chemical facility security.

The Chemical Facility Anti-Terrorism Standards CFATS program is the first in the nation to focus specifically on security at high-risk chemical facilities.

Through this regulatory program, the Department of Homeland Security (DHS) works

with facilities to ensure they have security measures in place to reduce the risk associated with certain hazardous chemicals, and prevent them from being exploited in terrorist attack.

These facilities must submit their chemical holdings to DHS via a process known as a Top Screen, which in turn is used by DHS to determine if the facilities is considered high risk and must develop a security plan.

The Department of Homeland Security reported more than 90,000 Top-Screen submissions from more than 40,000 unique facilities, of this number, CFATS program currently cover 3,355 facilities.

Today, Texas is the national leader in petroleum refining and chemical products production.

Texas alone produces 5.1 million barrels of crude oil per day, which accounted 29 percent of total U.S. refining capacity.

According to the Businessintexas.com, more than 3,700 energy-related establishments are located within the Houston Metropolitan Statistical Area.

The Houston area contributes 40 percent of the national petrochemical capacity.

The great benefits of the chemical industry provide to our nation a significant economic strength that cannot be underestimated.

Unfortunately, this great reward does not come without risks.

In 2013, a deadly fertilizer plant explosion in West, Texas killed 15 people, injured over 200 people and wiped out hundreds of homes.

On November 15, 2014, a leak of nearly 24,000 pounds of toxic chemical killed four workers at the E. I. DuPont de Nemours insecticide plant in La Porte, Texas.

In 2017, Hurricane Harvey caused a chemical plant explosion.

That is why it is important that we vote today to implement the following recommendations from the report:

1. Extend by two years the Chemical Facility Anti-Terrorism Standards program of the Department Homeland Security and other purposes.

2. Continue outreach in support to the DHS effort to identify chemical facility that are high risks, which will expand availability of CFATS compliance assistance materials and engage stakeholder to raise awareness of CFATS requirement and make improve the safety.

Because the mission of DHS is to ensure that our homeland is safe, secure, and resilient against terrorism and other hazards, effective communication within the organization is crucial.

Since its founding, the Department of Homeland Security has overcome many challenges as an organization but much more progress must be made regarding Chemical Facility Anti-Terrorism Standards program.

Although not a panacea, H.R. 251 is a step in the right direction because it will help improve DHS' overall functions so that it can more effectively protect our people.

I urge my colleagues to join me in supporting this important legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 251.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. THOMPSON of Mississippi. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

CLARITY ON SMALL BUSINESS PARTICIPATION IN CATEGORY MANAGEMENT ACT OF 2019

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 226) to amend the Small Business Act to include best in class designations in the annual report on small business goals prepared by the Administrator of the Small Business Administration, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 226

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Clarity on Small Business Participation in Category Management Act of 2019”.

SEC. 2. INCLUSION OF BEST IN CLASS DESIGNATIONS IN ANNUAL REPORT ON SMALL BUSINESS GOALS.

Section 15(h) of the Small Business Act (15 U.S.C. 644(h)) is amended by adding at the end the following new paragraph:

“(4) BEST IN CLASS SMALL BUSINESS PARTICIPATION REPORTING.—

“(A) ADDENDUM.—The Administrator, in addition to the requirements under paragraph (2), shall include in the report required by such paragraph, for each best in class designation—

“(i) the total amount of spending Governmentwide in such designation;

“(ii) the number of small business concerns awarded contracts and the dollar amount of such contracts awarded within each such designation to each of the following—

“(I) qualified HUBZone small business concerns;

“(II) small business concerns owned and controlled by women;

“(III) small business concerns owned and controlled by service-disabled veterans; and

“(IV) small business concerns owned and controlled by socially and economically disadvantaged individuals.

“(B) BEST IN CLASS DEFINED.—The term ‘best in class’ has the meaning given such term by the Director of the Office of Management and Budget.

“(C) EFFECTIVE DATE.—The Administrator shall report on the information described by subparagraph (A) beginning on the date that such information is available in the Federal Procurement Data System, the System for Award Management, or any successor to such systems.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extra-

neous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of my bill, H.R. 226, the Clarity on Small Business Participation in Category Management Act of 2019.

Let me begin by welcoming back Ranking Member CHABOT to this new Congress. I have been privileged to serve on the Small Business Committee for two decades and appreciate the relationship the ranking member and I have cultivated. I look forward to working with him on this bill and others as we remain steadfast in our efforts to ensure small businesses have the resources to thrive now and in the future.

Our committee has long acknowledged small businesses’ critical role in the \$500 billion a year Federal marketplace. When small firms are awarded Federal contracts, the result is a win-win.

Category management is believed by some to be the best strategy to get agencies the lowest price, but my committee has heard otherwise, and the data backs this up. Small contractors on the multiple award schedule consistently provide lower prices to agencies than those offered through category management.

Despite this, agencies have increased the use of category management, which not just increases costs to the Federal Government but also limits contracts to small vendors. In our committee hearings last year, we heard that more and more contracts are being consolidated and put out of the reach of small businesses as a result of category management.

This bill is a commonsense first step to address the need of small vendors, particularly minority-, women-, and veteran-owned small businesses, to remain competitors in the Federal marketplace. By requiring that contracting activity under this new regime of category management be reported in the annual goaling report from agencies to Congress, today’s bill protects the industrial base by creating a mechanism for much-needed accountability.

H.R. 226 gives us the ability to analyze the data so that we can truly understand the role category management is playing in the marketplace and make changes accordingly.

Mr. Speaker, I am proud to offer this bill to provide accountability to the category management regime. I urge Members to support this legislation, and I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 226, the Clarity on Small Business Participation in Category Management Act of 2019.

I thank Chairwoman VELÁZQUEZ for working with us in a bipartisan manner on this bill, as we have done over the years on a whole range of other bills, whether the Democrats are in the majority or the Republicans are in the majority. On this committee, Ms. VELÁZQUEZ and I have been able to work in a bipartisan manner, and we appreciate that very much on this bill and many other things as well.

Category management is a procurement initiative that is being adopted across the Federal Government. If implemented properly, it can be a beneficial tool, allowing the government to better understand its purchasing habits and identify cost savings, where appropriate.

However, as we discovered in a full committee hearing that we held on this topic last Congress, setting mandatory targets to manage agency spending may result in unintended consequences that could impact the small business industrial base.

Specifically, this initiative may inadvertently reduce competition to only a few vendors and may discourage new and emerging small businesses from entering the Federal marketplace.

As a result, we may see a decrease in competition and an exodus of small businesses from the Federal contracting base. We should ensure that maximum opportunities are given to small businesses as we continue to pursue cost savings across the Federal Government.

While I applaud the administration’s efforts to reduce waste and identify areas where savings could be achieved, when we do so, we should try to avoid harming small businesses whenever possible.

H.R. 226 takes a first step toward assessing the impacts of category management on small businesses by requiring the Small Business Administration to report exactly how much is awarded to small businesses through the best in class contracts. Establishing this baseline and regularly monitoring these numbers is critical.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. THOMPSON), the chairman of the Committee on Homeland Security.

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank my friend, Ms. VELÁZQUEZ, for yielding me the time.

Mr. Speaker, we are currently on the 18th day of President Trump’s government shutdown. On a daily basis, the economic harm of the shutdown is being felt more acutely by small businesses in the Federal marketplace than their larger competitors. In contrast to large firms, small firms often rely on just a few contracts to provide a large portion of their annual revenue. As such, many report that, during the shutdown, they may have to lay off staff.