

Opening Remarks As Prepared
Ranking Member Rob Portman
Business Meeting
Homeland Security and Governmental Affairs Committee
February 2, 2022

Thank you, Chairman Peters, for holding this business meeting.

Today, the Committee will consider thirteen pieces of legislation on the agenda that reflect some good bipartisan consensus. For example, we will consider S. 3487, the *Honoring Civil Servants Killed in Line of Duty Act*, offered by Senator Sinema, and which I'm proud to co-sponsor, along with Chairman Peters and Senators Padilla and Hagerty. This bill will honor federal civil servants who died in the line of fire by increasing the death gratuity and funeral expenses paid to their survivors. The death gratuity has not been increased since 1997, and the funeral expense amount not since 1966, so it's an appropriate time to be considering updating these benefits.

We will also consider S. 521, a bill I've led with Sen. Carper, to ensure that the Postal Service continues to sell the "Saving Vanishing Species" semi-postal stamp—the Tiger stamp—until all the printed copies have been sold. Proceeds from this stamp support conservation efforts around the world at no cost to taxpayers.

I am also proud to lead a bill naming the Avondale, Cincinnati post office for two World War II aviators: John Leahr and Herbert Heilbrun. These two men from Ohio not only served their country during World War II, they also continued their service after the war by sharing their wartime experiences and promoting racial understanding.

I want to note that I have concerns with S. 3510, the *Disaster Resiliency Planning Act*. I am willing to allow the bill to move through Committee today, but it still needs work. This bill would require OMB to establish guidance requiring agencies to incorporate natural disaster resilience into real property asset management and investment decisions. I understand OMB has reservations about the bill. So, while the bill is well-intended – and I strongly support increasing the resiliency of our

federal assets, I think it's a smart thing to do – we clearly need to do additional work to address OMB's concern that it will constrain its current efforts to advance resilience planning at agencies and to fully understand the implications of this legislation.

We are also considering a number of nominations today, several of which we considered during the first session of the 117th Congress.

I think Sen. Peters is making the right call to postpone the Committee voting on the nominations of Ernest DuBester and Kurt Rumsfeld for positions with the Federal Labor Relations Authority. Yesterday, the Committee received a number of documents received by an outside group through the FOIA process related to both these nominees. An initial review of the documents raises concerning issues that need to be properly vetted by the Committee.

That said, I plan to support the four nominees to the Civil Rights Cold Case Records Review Board. After studying their backgrounds and experiences, and listening to their testimony, I believe that they meet the qualifications outlined in the statute creating the Board, will exercise the Board's subpoena and other powers judiciously, and will be impartial as they balance public disclosure and privacy interests. Should they be confirmed, I look forward to the results of their meaningful work, which will hopefully bring closure and healing to families and communities, as well as contribute to scholarly research.

Sheriff Ed Gonzalez has been re-nominated for the ICE Director position. The ICE Director is tasked with protecting America from cross-border crime and unlawful immigration that threaten national security and public safety. During his hearing last July, Sheriff Gonzalez committed to enforce our nation's immigration laws, but his history with ICE – both his statements and actions regarding the agency he is nominated to lead – are deeply concerning.

One of his first actions as sheriff of Harris County was to end formal cooperation with ICE. On numerous occasions during his time as sheriff he criticized ICE and stated he only worked with them because

he was compelled to under Texas law – a law that he openly and vocally opposed while it was being debated in the Texas legislature. During his hearing, his answers regarding this Texas law implied that he thought that the Texas legislature should not write laws regarding crime in Texas.

The law enforcement agents of ICE need strong leadership now, more than ever. The leader of ICE needs to believe in the importance of the agency's mission at a time of the worse border crisis in over two decades. While I certainly recognize Sheriff Gonzalez's many years as a law enforcement leader, given his past and current statements on the agency he wishes to lead, I am not able to support his nomination.

Cathy Harris has been nominated as a Member and Chairman of the Merit Systems Protection Board. I will not support Ms. Harris's nomination today. Members of the MSPB must be steadfast in their impartiality. They must treat each federal employee that comes before them the same. Through her partisan statements, Ms. Harris has generated doubt as to whether she can meet this standard.

We are also considering Susan Grundmann's nomination to the Federal Labor Relations Authority (FLRA). I believe this committee should wait to move forward with any FLRA nominees until we have a full, bipartisan slate. So, I will not be supporting Ms. Grundmann's nomination today.

I will also not be supporting Judge Noti's nomination to the D.C. Superior Court. As I explained at our December markup, I have strong concerns based on her prior views. Judge Noti has argued there should be no obligation for attorneys to report child abuse in situations involving domestic violence because, among other reasons, it might cause the family to undergo intrusive government investigations. If a child is being abused, the family should be investigated. She also argued that it could increase the violence, but that would be true for anyone required to report abuse. Given the D.C. Superior Court's important role in family law cases, these views are extremely troubling. I also will not support Ms. Calderon's nomination to the D.C. Court of Appeals because I have concerns about her judicial philosophy.

Thank you, Chairman Peters. I look forward to our discussion today.