

**House Report 109-079 - DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS BILL, 2006**

ADDITIONAL VIEWS OF DAVID OBEY AND MARTIN OLAV SABO

Four and a half years after September 11th, Americans should have tangible proof that our nation is safer; that for the billions of dollars spent, we are well prepared against terrorist attack. We must honestly ask ourselves: What progress have we made? What critical gaps still exist? What actions should we be taking to close those gaps?

Public concern over a lack of progress on these critical questions led to the creation of the Department of Homeland Security more than two years ago. Yet, since then, the Department has been fractured and bureaucratic--far more focused on internal organization than in achieving results in some of our greatest security vulnerabilities. We can afford that no longer.

The difficult task of our nation's homeland defense requires vision and leadership and planning and pragmatism. We believe these qualities are more lacking today than money, but responsibility does not rest at the feet of the Administration alone. Time and again, the Congress has enacted new requirements without providing the appropriate funding or oversight to ensure that their implementation is a success.

In these views we will lay out some of the homeland security gaps that continue to exist and some of the actions that our nation has taken since September 11th. The 2006 appropriations bill incrementally addresses some of these gaps. It does not, however, provide for the full-scale solution that is needed. Nor does it provide the resources required for the Department of Homeland Security to meet specific goals contained in numerous pieces of legislation passed by the Congress and signed into law by the President.

BORDER SECURITY

It should be obvious to every American that to improve border security, we need more border agents and surveillance equipment. In legislation enacted by wide voting margins, Congress has repeatedly called for border security to be improved. The Patriot Act of 2001, called for the tripling of border agents and customs and immigration inspectors on our northern border. The Intelligence Reform Act, enacted in December 2004, called for 2,000 additional border agents, 800 additional immigration investigators, and 8,000 additional detention beds per year 2006 through 2010.

The fact is that since September 11th, only 965 new border patrol agents have been hired. In four years, this is less than a 10% increase. Nine out of ten border patrol agents are assigned to guard the southern border.

To help meet the northern border hiring and equipment goals in the Patriot Act, Congress provided \$308 million to beef up security on our northern border with more agents, inspectors and equipment. The Bush Administration requested only one-third of this funding, and had to be reminded by the Appropriations Committee to use the remaining \$36 million in northern border funds in the most recently enacted supplemental.

This legislation, when combined with the recent supplemental, is the first opportunity the Congress has had to address the mandates of the Intelligence Reform Act. Unfortunately, only five months since enactment of that legislation, this bill falls far short of its border enforcement directives-- by 500 border patrol agents (25% short), by 600 immigration investigators (75% short), and by 4,000 detention beds (50% short).

We note that the border increases included in this bill are substantially more than those requested by the President. The President requested only 362 new personnel and few additional detention beds. The President's budget did not request the resources necessary to back up his statement that Congress 'took an important step in strengthening our immigration laws, by, among other items, increasing the number of border patrol agents and detention beds' in the Intelligence Reform Act.

However, when Congress passes legislation dictating new homeland security mandates, and then does not follow up to provide the resources to fully meet them, we should expect questions about our credibility. Some might call this hypocrisy.

We would also like to point out that there are some important border and port programs that are not funded adequately in the President's budget or in this legislation. One is the radiation portal monitor program. The Department's plan would result in these monitors, which screen for nuclear material and weapons of mass destruction, to be installed in all ports by 2009. Their sole reason for taking so long to implement this critical equipment is a lack of resources. We believe it is a misguided decision.

LOCAL POLICE, FIRE AND EMERGENCY RESPONDER PREPAREDNESS

Increased funding to improve the ability of our local police, firefighters and emergency personnel to respond to terrorist acts or disasters has been called for numerous times. A 2003 Council of Foreign Relations report found that responders were 'Drastically Underfunded, Dangerously Unprepared,' and that 'America will fall approximately \$98 billion short of meeting critical

emergency responder needs over the next five years if current funding levels are maintained.'

In 2003, funding for state homeland security grants (not including fire grants or port grants which were funded elsewhere in 2003) and emergency management performance grants totaled \$3.3 billion. This legislation includes only \$2.4 billion for these same programs in 2006, a reduction of 27%.

A recent report by the 'Task Force on A Unified Security Budget for the United States, 2006' found that funding reductions for preparedness and response programs 'translate into dangerous vulnerabilities, given the scope and character of the terrorist threat.'

The Administration and those in charge of the Congress are willing to wait too long for these preparedness vulnerabilities to be addressed. They argue that less than 30 percent of the funding provided to date to states and localities to improve preparedness has been spent and that additional funding cannot be absorbed. It is true that due to Department of Homeland Security staff shortfalls and equipment backlogs, funding is not being spent quickly. However, we believe that the Department should address these issues, rather than use them as an excuse to cut funding. In addition, funding can only be spent when it is made available.

Fire grants are probably the most successful grant program in the Department of Homeland Security. Local fire departments submit grants requests, which are independently evaluated. The needs of our fire departments are great. The number of firefighters has dropped by 32,000 during the past two decades. Only 13% of fire departments are prepared to respond to a hazardous material incident. An estimated 57,000 firefighters lack personal protective clothing for a chemical or biological attack. One-third of all firefighters per shift are not equipped with self-contained breathing apparatus. The fire grant program helps local fire departments deal with these and other problems.

Yet, the Administration's response to these firefighting needs is to cut funding more deeply. The Bush budget would reduce funding for this program by \$215 million, or 30%. This bill makes up roughly half of the President's proposed reductions. We believe that this program should be fully funded at last year's level of \$715 million.

CRITICAL INFRASTRUCTURE PROTECTION

The Administration's approach to protecting critical infrastructure, such as ports, transit and railroad facilities, and chemical plants continues to frustrate us. Critical infrastructure is not evaluated objectively or with consistent expertise. A cynical person might wonder whether federal support

for infrastructure protection is directly related to the amount of influence the particular industry or entity has with the White House.

With great fanfare, the President signed legislation requiring ports to assess their vulnerabilities and develop security plans. The requirements in this legislation were good first steps to minimize port vulnerabilities. The Coast Guard estimated in 2002 that \$7 billion in infrastructure improvements and operating costs would be needed to improve port security. Congress has provided \$737 million to improve port security since 2001. In that time, the Administration requested only \$46 million, or six percent of this funding. No separate funding for port security was requested in the President's 2006 budget. We are pleased that \$150 million for port security is contained in this legislation.

Despite terrorist attacks on transit systems in Japan and Spain, less than \$550 million has been provided to improve rail and transit security since September 11th. The transit industry estimates that \$6 billion is needed for security training, radio communications systems, security cameras, and limiting access to sensitive facilities. Again, the President's 2006 budget requested no separate funding for transit security. We are pleased that \$150 million is contained in this legislation to improve transit security.

Last year the Department said that more transit security funds were not needed until the problem is better defined. How long must the American public wait for the Department to define the problem? The Department's main accomplishment in rail and transit security is a directive to transit operators and railroads to continue their current security practices.

The Department of Homeland Security is the lead federal agency on chemical facility security. Yet, to our great frustration, the Department has set no deadlines to assess security vulnerabilities and implement security measures in these facilities.

The Government Accountability Office recommended in 2003 that the Administration develop a comprehensive national chemical security strategy. We still do not have one. The American taxpayer is paying for DHS staff and contractors to assess the vulnerabilities of the highest risk chemical facilities. We question why these private, profit-making companies cannot do their own assessments. In fact, many of them do have risk and vulnerability assessments because it makes good business sense, but they have not shared this information with the Department. While this legislation directs the Department to establish a national chemical security strategy, we remain concerned that the chemical sector is not getting the attention it deserves from this Administration and therefore, the American public remains subject to unnecessary risk.

AVIATION SECURITY

We are disappointed that the Administration continues to leave aviation security vulnerabilities unaddressed. The recent evacuation of the Capitol and the White House indicates that gaps remain in our aviation security system, despite having spent over \$22 billion since September 11th on aviation security. The perimeters of passenger airports are not fully secured; it is not known how many of the general aviation security improvements suggested by TSA have been implemented; and most of air cargo is still not screened.

The cargo carried on passenger aircraft is not inspected like either the passengers or their baggage. Last October, Congress directed TSA to increase threefold the percentage of cargo carried on passenger aircraft that is screened. It is now seven months after this legislative requirement and TSA still has not acted to implement the law. We fully support provisions of this legislation that impose penalties to the TSA Administrator if this requirement is not implemented before the end of this fiscal year. We are also pleased that this legislation requires TSA to utilize downtime in their checked baggage screening operations to screen air cargo. Last, we are encouraged by the \$30 million included for three air cargo-screening pilot projects, two at passenger airports and one at an all cargo airport.

The Administration is willing to give short shrift to the 9/11 Commission recommendations to screen all passengers and carry-on bags for explosives and to speed up the installation of in-line explosive detection systems. The Administration's 2006 budget does not fund any additional in-line screening systems beyond the current eight approved airports. This legislation includes \$101 million more for explosive detection system purchase and installation. This legislation also includes a provision mandating that recovered or deobligated TSA funds be used solely for additional explosive detection improvements.

Finally, we continue to be concerned that the air marshal program is not given a high enough funding priority by this Administration. The number of air marshals has decreased, and they still cannot communicate independently while they are in the air.

REAL ID

In the most recent supplemental legislation to fund the war in Iraq, which was signed into law by the President on May 11th, the majority saw fit to include the REAL ID Act, which among other things requires states, if their driver's licenses are to be accepted as identification to board aircraft, to: retain paper or digital copies of source documents (such as birth certificates); verify source documents; capture digital images; subject their personnel to security clearances; and develop electronic access to all states

motor vehicle databases. The Congressional Budget Office estimates the costs of these requirements to be \$100 million.

A Democratic amendment was offered in Committee to provide \$100 million to pay for the requirements of the newly created REAL ID grant program, which was defeated on a party line vote. We lament that this vote is further proof of the uncanny ability of the majority party to say one thing and do another.

CONCLUSION

Despite its rhetoric, the White House has not given homeland security the top priority it deserves. This failure is reflected in the Department of Homeland Security budget request. It is also reflected in the fact that in its two short years, the Department has had two Secretaries and three Deputy Secretaries. Today, six high level political positions, 42% of the total, are vacant or staffed by people who have already announced their departures. Homeland security leadership is woefully lacking today, and critical decisions have been pushed off until the new political appointees are in place.

This legislation is much improved over the budget request of the Bush Administration in many respects, including border enforcement, port security, transit security, and aviation security. But, due to the nation's fiscal mess exacerbated by the costs of war and tax cuts to millionaires, critical homeland security vulnerabilities will continue to go unaddressed. We sincerely hope that the people of our great country will not suffer for it.

David Obey.
Martin Olav Sabo.

