

News from Congressman David Price (NC-04)

Chairman, House Appropriations Subcommittee on Homeland Security

Tuesday, June 24, 2008

Media Contact: Paul Cox, 202-225-1784

FOR RELEASE UPON DELIVERY

OPENING STATEMENT OF CHAIRMAN DAVID PRICE ***Full Committee Markup: FY 2009 Homeland Security Appropriations*** ***Act***

Thank you Mr. Chairman. I am pleased to bring to the Committee a bill that is the product of months of information-gathering and analysis, and reflects a careful matching of dollars to priorities. We have held 15 hearings to date, featuring testimony from Department officials, watchdog agencies, and outside experts. The mark that I am asking Committee members to approve is well informed by what we learned from those hearings. As always, we are indebted to our dedicated professional staff and to staff from our personal offices who have worked with them.

I want to thank the distinguished Ranking Member for his advice and help in making this a better bill. He and his staff worked cooperatively with us during the bill writing process, and provided many constructive suggestions and additions. And, while we do not agree on every item in the bill, I think we agree on most of its contents.

The discretionary total in the bill is \$39.9 billion, \$2.2 billion, or almost 6 percent, above the comparable fiscal year 2008 amount (including border funding with an emergency designation) and \$2.3 billion above the Administration's requested funding level. This does not include the \$2.18 billion advance appropriation for Project BioShield, which is primarily managed by HHS.

Our primary objective in the bill was to correct known funding deficiencies, which were substantial. Prime among these was the President's proposal to cut first responder, transit, and port grant programs by \$2 billion, or 49 percent. The mark restores funding for these grants.

Another deficiency in the President's budget was the proposed repeal of law enforcement officer benefits for CBP Officers. This change, which is set to go into effect in just two weeks, has been strongly endorsed by CBP as a means of recruiting and retaining essential personnel. The mark provides the full \$217 million necessary to pay for these benefits in fiscal year 2009.

The last major deficiency in the President's budget was a proposed \$140 million cut for explosive detection equipment at airports. This cut was based on the assumption that revenue from a new passenger surcharge would replace the reduced discretionary funding, but that surcharge is unlikely to be enacted. The mark restores the \$140 million to provide level funding of \$544 million for this program.

The mark also reduces funding that was not fully justified, or for which the budget justification overestimated the need, and it uses the savings to provide increases above the request for critical priorities, including \$200 million for the Emergency Food and Shelter Program, \$100 million more than the President requested and \$47 million more than for fiscal year 2008. Such an increase is

warranted by the rising number of Americans who are relying on food banks and other community support organizations to meet their basic needs.

The mark includes \$4.8 billion for Immigration and Customs Enforcement, \$60 million above the request, and it targets \$800 million for identifying and deporting dangerous criminal aliens. The President proposed no additional dedicated funds for this activity, which should be ICE's highest priority. To help with the effort, ICE is also required to give priority to requests by jails, prisons, and correctional institutions when signing agreements to delegate 287(g) immigration enforcement authority.

The mark requires ICE to cancel contracts with private detention facilities that receive a score below "adequate" in two consecutive audits of their compliance with detention standards, and includes \$2 million to engage independent medical experts to review ICE medical care for detainees.

For U.S. Customs and Border Protection, the mark includes funding for 4,085 additional personnel, including the 2,200 additional Border Patrol agents and 539 additional CBP personnel that were requested. On top of this, the mark provides \$42 million to fund an additional 734 CBP Officers at airports and land borders and 100 additional agricultural specialists.

The mark fully funds the request for border infrastructure and technology, while continuing a requirement that the Department consult with local communities on the character and placement of such infrastructure. This does not give border communities a veto over departmental decisions about fencing, but it does give them a right to be heard. The bill also repeats a requirement that the Department notify the public 15 days before it waives any law in order to build fencing or other tactical infrastructure along the border.

And as in past years, the bill requires the Department to provide a plan for how it will allocate its appropriation for border infrastructure and technology, and withholds a portion of the appropriation until that plan is reviewed by GAO and approved by the Committee. Concerns have been expressed that this requirement is somehow too burdensome. But requiring the Department to justify its activities through an expenditure plan is nothing new – it is one of the most basic oversight tools this Committee has.

The only substantive difference between the expenditure plan requirement in this bill and the one from the 2007 bill, when this spending account was first established, is that we require the Department to provide an analysis of its proposed infrastructure and technology solution for individual border segments. This is a logical addition, because the Department should be able to back up its expenditures of taxpayer dollars with a rigorous analysis of where the placement of fencing, other infrastructure, or technology will translate into real results on the ground. The question is not whether we should ask the Department for this information, but whether the Department's border infrastructure program is guided by a methodology that makes sense. If it is guided by such a methodology, then the answers to the questions we are asking should be quite straightforward.

Last week, we received the Department's first substantive analysis of its border infrastructure plans, and I am concerned by some of what was provided. For instance, the analysis revealed that DHS would like to fence at least 30 border miles that it already deems to be under "effective control," meaning that agents can detect, respond to, and resolve illegal entries appropriately. I have asked the

Secretary to explain why we need to fence border segments that are already at the highest border patrol classification of control. For one of the segments proposed for fencing, the Department's analysis notes that the segment is under "effective control" with six agents per shift, but warns that, as an alternative to fencing, it would take an additional 2,746 agents to maintain effective control of that segment. This is a good example of why we need to look closely at the Department's "alternatives analyses," which often appear to set up and knock down unrealistic alternatives instead of giving careful consideration to alternatives that might actually work as well as or better than fencing.

We are working closely with the Department to resolve the shortcomings in CBP's planning for border infrastructure, and we have released the \$175 million of conditional funding that the Secretary says is currently needed for ongoing work. But before we allow hundreds of millions of additional taxpayer dollars to be spent, we had better be sure it is going to achieve the results we intend. We have seen too many past instances of expensive border control plans that failed to pan out in the end.

To address the gap in funding for Northern border security, the mark provides almost \$2 million to transfer an additional 65 Border Patrol agents to the Northern border to fulfill the requirements of the Intelligence Reform and Terrorism Prevention Act of 2004.

The mark limits the availability of US-VISIT funding for an air exit solution until completion of at least two pilot tests, one involving the Department's current proposal, which would rely on the airlines to collect biometric data at check-in counters, and a second pilot in which the Department would capture exit biometrics at departure gates.

The mark includes \$5 million in additional funding for FEMA to measure the effectiveness of its grant programs. The Department has not moved quickly enough in this regard.

The mark includes \$1.9 billion, as requested, for Disaster Relief. It also provides an additional \$50,000 for the Office of the Federal Coordinator for Gulf Coast Rebuilding to convene a panel of experts to develop solutions for restoring affordable rental housing stock to communities in the Gulf Coast. We noted last year that the utilization of a number of HUD rental housing programs is way below pre-Katrina levels, and that challenge has not yet been adequately addressed.

The mark imposes requirements on DHS to manage its programs efficiently and robustly and to ensure that programs comply with all laws before they begin operations. The bill withholds a total of \$1.4 billion to ensure that this planning takes place before taxpayer dollars are spent. Programs for which funding is conditioned in this way include the Secure Border Initiative program, the Deepwater program, and the Cyber Security initiative. I note that this withholding is no more than that contained in other bills reported by this Committee, under both Democratic and Republican leadership.

This is a good bill, and I hope every member of the Committee will see fit to support it.

###