



U.S. Senate Committee on Appropriations

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Senate Appropriations Committee Clears Fiscal 2008 Funding Legislation

Washington, D.C. . Today, the Senate Appropriations Committee approved legislation aimed at strengthening the protections against terrorist attack on American soil. The legislation invests \$37.6 billion in measures that are the nation's highest-priority security projects.

The President asserted in his budget that he proposed an eight percent increase over Fiscal Year 2007 for the Department of Homeland Security (DHS). However, in reality, the President's request is only a 1.7 percent increase over last year. The Committee provides a real eight percent increase, which is \$2.2 billion more than the Bush Administration's funding level, and invests those dollars in border security, immigration enforcement, port security, aviation security, and responds to irresponsible cuts in first responder grants.

The success of the Department of Homeland Security to fulfill its mission, and the nation's ability to secure its borders, ports, and airways, and enforce its immigration laws, is reliant upon Congress to thoroughly provide the tools and technology needed to meet these crucial objectives, Senate Appropriations Committee and Homeland Security Subcommittee Chairman Robert C. Byrd, D-W.Va., said. For far too long, the Bush Administration has funded the Department with spare change rather than real dollars. We must invest in the technology and personnel that will make the Department second to none. The Committee has worked hard to craft legislation that has allocated the limited funds we have to work with this year in a fiscally responsible and effective manner. I am proud of this bill and believe that it sets us on course to fill significant gaps in our national security and protect us from future terrorist attack.

The FY 2008 Homeland Security Appropriations bill includes provisions for the following:

Border Security

Two years ago, the Senate began the process of hiring and training a significant number of Border Patrol agents and immigration investigators. Despite

opposition from the Administration, the funds for enhanced border security were enacted into law. Since 2004, on a bipartisan basis, the Senate has increased the number of Border Patrol agents by 4,000, the number of immigration enforcement personnel by 1,373, and the number of detention beds by 9,150. The FY 2008 appropriations legislation adds to this record of success and provides real security for Americans.

The appropriations bill fully funds the President's FY 2008 budget request for additional resources for improving security at our borders and immigration enforcement. The bill includes the hiring of 3,000 new Border Patrol agents and support staff and \$1 billion for border fencing, infrastructure, and technology. With regard to immigration enforcement, the legislation meets the President's budget request for enforcement activities such as Border Enforcement Security Task Forces (BEST), gang enforcement, and removal management operations, as well as funds for 950 new detention beds.

However, as in past years, the President's budget does not provide a coherent border security package, leaving gaps in the border security program. The Committee adds more than \$240 million and nearly 700 positions above the request for immigration enforcement. For example, if there are 3,000 new Border Patrol agents arresting illegal immigrants, they will need detention space to house them or they may be released into the community. The appropriations bill adds \$146 million for 3,050 additional detention beds. With the 4,000 new beds, the legislation supports funding a total of 31,500 beds in FY 2008.

Overall, border security highlights of the legislation include:

- **\$570 million** to hire 3,000 additional border patrol agents;
- **\$1 billion** for border fencing, infrastructure, and technology;
- **\$146 million** for 4,000 additional detention beds; 3,050 above the President's request;
- **\$10.5 million** above the President's request, and FY 2007, to expand the number of Criminal Alien Program teams by 30, from 108 to 138. The teams make sure that when criminal aliens are released from prison they are sent back to their home country, rather than released into the community;
- Increases the number of Fugitive Operations Teams, which arrest illegal aliens who are in the country, from flat funding for 75 teams in the President's request to 81 teams;
- **\$15 million** above the President's request for expanding worksite enforcement investigations.

Port Security

In stark contrast to the President's flat budget for port security, the Committee includes significant increases above the request. While the President signed the

Security and Accountability For Every (SAFE) Port Act of 2006, he did not propose to fund many of the new activities authorized by the Act. Proposed increases in the Senate appropriations bill include:

- **\$15 million** above the President's request for additional port security inspectors to: double the frequency of spot checks at 3,200 regulated port facilities nationwide from at least one random check per year to at least two random checks per year; conduct vulnerability assessments at 10 high risk ports; and develop a long-range vessel tracking system;
- **\$15 million** above the President's request to address a shortage of Coast Guard boats and qualified personnel to secure vessels and waterside facilities that contain hazardous substances. This funding will allow the Coast Guard to enforce security zones, protect critical infrastructure, and provide high interest vessel escorts and boardings, especially considering the growing demand for Liquefied Natural Gas carriers and ports;
- **\$60 million** above the President's request to fund the establishment of Coast Guard interagency maritime operational centers. These centers, authorized by the SAFE Port Act of 2006 and endorsed by the Coast Guard, will improve collection and coordination of intelligence, increase information sharing, and unify efforts among participating Federal, State, and local agencies;
- **\$15 million** above the President's request for TSA to pilot test transportation worker identification credential card readers, as mandated by the SAFE Port Act. TSA and the Coast Guard are the lead agencies in charge of issuing transportation worker identification credentials, known as TWIC cards, to approximately 750,000 port workers. The SAFE Port Act required TSA to begin pilot testing card reader technology at five ports by April 2007 to assess the business process, technology, and operational impacts required to deploy transportation security card readers nationwide. TSA missed that deadline and no funding was included in the budget request to implement the pilot program;
- **\$6 million** to fund a radiation detection test center, as authorized by the SAFE Port Act of 2006, to help scan cargo that is transferred directly from ship to train . an unguarded path for radioactive materials to enter our nation;
- **\$400 million** in port security grants, \$190 million above the President's request, as authorized by the SAFE Port Act of 2006. Grants will fund improvements such as perimeter fencing, underwater detection capability, and enhanced video surveillance systems.

Aviation Security

Today, the threat risk level for the aviation sector remains at orange, or high. Last August, potential terrorists in Britain plotted to blow up commercial airliners over the Atlantic Ocean. Yet, the President's budget for aviation security fails to address known vulnerabilities and shortfalls. In fact, the President proposed to cut funding for purchasing and installing explosives detection equipment at airports by 17 percent. The Committee addresses several gaps in aviation security:

- **\$66 million** for TSA air cargo security, \$10 million above the President's request, to deploy 70 additional canine teams and screening technology at airports nationwide. The U.S. air cargo supply chain handles more than 50,000 tons of cargo each day, of which 7,500 tons is carried on domestic passenger aircraft. The majority of that cargo is not inspected and virtually none is screened for radiation. When combined with the \$80 million included in the FY 2007 emergency supplemental, these funds will put TSA on a path to screen all cargo placed on passenger aircraft;
- **\$15 million** above the President's request for TSA to test various screening methods that will help screen airport employees. Currently, the majority of the 800,000 airport employees are not screened before entering secure areas of the airport. Methods that will be tested include: physical inspection, behavioral recognition, biometric access control, and deployment of additional technology, such as cameras and body imaging;
- **\$529.4 million**, \$89.4 million above the President's request, to purchase and install explosives detection equipment at airports. This amount builds on the \$285 million included in the fiscal year 2007 emergency supplemental for this purpose;
- Other key aviation security adds above the President's request include:
 - **\$20 million** to establish and maintain 20 teams at key international airports to screen aircraft and cargo for radiation;
 - **\$10 million** to install radiation portal monitors at five international airports to detect radioactive materials carried by passengers on their persons and carry-on baggage;
 - **\$4 million** for perimeter security at airports.

State and Local Grants

Despite proof by Hurricane Katrina that state and local governments are still not prepared for a terrorist attack or major natural disaster, the President's Budget proposes a \$1.19 billion cut in vital homeland security grant programs. Most of the decrease comes from a 52% proposed cut to the State Formula Program and a 30% proposed cut in the Local Law Enforcement Terrorism Prevention program. Additionally, a 45% cut to the Firefighter Equipment and Training

(FIRE) program is proposed. No funds are proposed for the following grant programs: firefighter hiring (SAFER), Commercial Equipment Direct Assistance Program, Metropolitan Medical Response System, and Competitive/Demonstration training.

The Department is attempting to justify the cut of \$1.19 billion in first responder and other grants to States and cities by arguing that \$1 billion in interoperability grant funding, which is expected to be awarded in September 2007, is a substitute for FY 2008 spending for police, fire, and other security efforts. However, the \$1 billion mandatory grant program was enacted to supplement efforts to improve communications interoperability at the State and local level, not to supplant existing programs.

To address these issues, the Committee includes:

- **\$1.83 billion** over the President's request, and \$644 million over FY 2007 (excluding the recent supplemental), for state and local first responder grants and training programs;
- Increases over FY 2007 for important grant programs such as:
 - Urban Area Security Initiative - **\$50 million**;
 - Port Security - **\$190 million**;
 - Rail and Mass Transit Security - **\$225 million**;
 - Firefighter Equipment (FIRE) Grants - **\$13 million**;
 - Firefighter Hiring (SAFER) Grants - **\$25 million**;
 - Emergency Management Performance Grants - **\$100 million**.

Federal Emergency Management Agency

- Approves the President's budget request for **\$100 million** increase for FEMA to rebuild core competencies and improve management;
- **\$120 million** for pre-disaster mitigation, \$20 million above the President's request and FY 2007;
- **\$200 million**, \$5.1 million above the President's request and \$1 million over FY 2007, for flood map modernization.

Department of Homeland Security (DHS) Management Improvements

To improve the oversight and governance of major Departmental programs, expenditure plans, strategic plans, and other reporting requirements are required, including:

- Secure Border Initiative . Approves the President's request for **\$1 billion**, but because of the on-going concerns with high-risk, contractor-driven programs such as SBI, US VISIT, and Deepwater,

the bill requires submission of an expenditure plan to GAO and withholds \$500 million until its submission and approval.

- Deepwater Program . **\$827 million** for the program for FY 2008. This is the Coast Guard's 25-year, \$24 billion program to modernize its fleet of ships and planes. The Deepwater program is having significant problems with the large contractor that is managing the construction of their new ships, planes, and helicopters. Therefore, an expenditure plan is required to allow the Committee to scrutinize contracts to insure that funds are not being wasted;
- Intelligence Office . Requires an expenditure plan to define the Office's program goals, explain staffing decisions, and lay out a timeline for achieving key organizational milestones;
- GAO request for information - **\$15 million** is withheld until the Secretary revises Departmental guidance that has impeded DHS responses to GAO requests for information;
- Airport Checkpoint Strategic plan - **\$20 million** is withheld until the Transportation Security Administration (TSA) submits a strategic plan for screening passengers and carry-on baggage with emerging technologies;
- Slow grants . Last year, many DHS grants were not released until September 29, 2006, the last day of the fiscal year. Americans are not made safer by having money sit in the treasury in Washington for eleven months. Therefore, the bill includes a reduction of **\$1,000** per day from the Office of the Deputy Secretary if compliance with mandated grant release timelines is not met;
- Coast Guard Acquisition Staffing . Requires the Coast Guard to provide an independent assessment of staffing requirements for major acquisition programs;
- Coast Guard Command Structure Realignment . Requires a detailed plan for the Commandant's 10 major organizational realignments, including a review by GAO;
- Counternarcotics Office - A report is required on office achievements, Southwest border and Northern border drug strategies, and achievements in tracking and severing connections between illegal drug traffickers and terrorism;
- Contractors vs. Federal Employees - A requirement for GAO to investigate the Department's use of contractors to fill federal positions;
- Procurement staffing shortage - DHS is required to explore hiring retired annuitants to address a severe shortage of qualified procurement officers;
- Information Security . DHS has not met the goals of the Federal Information Security Management Act (FISMA). The Department, through the Chief Information Officer, must report on specific

deficiencies that must be addressed to achieve FISMA compliance and resources needed to correct them.

Policy Items

- **Reorganization Authority** - A general provision is included precluding DHS from using funds during FY 2008 to reorganize without congressional approval. Since its creation in 2002, the Department has been reorganized nine times;
- **Chemical Security** . Provides states the right to pass and enforce tougher chemical site standards than existing federal standards.

Other Highlights

- **\$45.5 million** is shifted from container security activities to secure other far more vulnerable pathways, such as air freight, into the country. Container traffic currently makes up only 25 percent of overall cargo entering the country, meaning that roughly 75 percent of all cargo is not screened for nuclear material;
- **\$15 million** above the President's request for chemical site security. This will greatly aid nationwide efforts to prevent chemical facilities from being used as weapons of mass destruction;
- **\$10 million** above the President's request to enhance research into cyber security protection of infrastructure to prevent terrorists from remotely manipulating power systems, dams, or other infrastructure;
- **\$20 million** above the President's request for research to aid in the detection of improvised explosive devices from a safe distance;
- **\$8 million** above the President's request to have pilots continue to transition innovative technologies for use at the national, regional, state, and local levels.