

**Opening Statement of Chairman David Price:
Full Committee Mark-up of the
FY 2008 Homeland Security Appropriations Act**

I want to start by saying how proud I am of the work our subcommittee has done over the last several months. Through the 20 hearings we have held so far this year, featuring testimony from Department officials, watchdog agencies, and outside experts, numerous security vulnerabilities and management problems have been identified and solutions offered. I believe that the mark that I am asking all Committee members to approve is well informed by what we learned in those hearings.

I want to express my gratitude to the distinguished ranking member, Mr. Rogers, both for his leadership as the inaugural chairman of this subcommittee and, more recently, for his contributions as ranking member. He established a strong, bipartisan approach to providing vigilant oversight of the Department, and I have endeavored to continue on that path.

In total, the bill before us contains \$36.254 billion in discretionary funding, which is \$2.5 billion, or more than 7 percent, above the funding appropriated in 2007 (including emergency funding), and \$2 billion, or 5 percent, above the amounts requested by President Bush. I hope you will agree that the country's outstanding homeland security vulnerabilities more than justify this level of funding.

The mark does four important things.

First, it provides funding to address our country's most pressing security vulnerabilities, with a new emphasis on our ports and on rail and transit systems.

Second, the bill provides critically needed funding to our states and communities to confront not only the threat of terrorist activity, but also natural disasters and the emergency situations they must deal with every day. Homeland security requires a faithful partnership among the federal government, states, and local communities. This bill honors that partnership.

Third, the bill helps to ensure that taxpayer dollars are well spent by requiring specific management reforms related to contracting, procurement, and competition. It cuts \$1.234 billion below the FY 2007 levels and \$244 million below the requested amounts for programs and activities that are not performing well or for which increased or level funding has not been adequately justified. And it withholds a total of \$1.9 billion from various programs until the Department submits detailed expenditure plans.

And fourth, the bill takes a long term approach by requiring outside reviews of several major programs and activities to ensure that long term investments of taxpayer money are made wisely and productively. For instance, we are commissioning studies by the National Academies of Science on the current direction of the BioWatch program and on the Department's risk analysis capabilities and the improvements needed to ensure

that investments are well targeted.

The funding increases provided in this bill address the security vulnerabilities identified by numerous expert groups, including the 9-11 Commission, and the Hart-Rudman Commission. They also fund security actions mandated in the SAFE Ports Act and the Katrina Reform Act.

Aviation explosive detection systems are funded in total at \$849 million, \$324 million more than the regular 2007 bill.

Air cargo security is funded at \$73 million, \$18 million more than the 2007 bill. And the bill directs TSA to double the amount of cargo it screens prior to loading onto passenger aircraft.

Transit security grants are funded at \$400 million, \$225 million more than the 2007 bill.

Port security grants are funded at \$400 million, \$190 million more than the 2007 bill. In addition, \$40 million is provided for the Coast Guard to implement the requirements of the SAFE Ports Act.

Emergency management performance grants are funded at \$300 million, \$100 million more than the 2007 bill.

Metropolitan medical response system grants are funded at \$50 million, \$17 million more than 2007.

State homeland security and law enforcement terrorism prevention grants are funded at \$950 million, \$50 million more than 2007.

Urban area security grants are funded at \$800 million, \$30 million more than the 2007 bill.

REAL ID and interoperable communication grants are funded in total at \$100 million, in contrast to no funding provided in 2007.

Fire grants are funded at \$800 million, \$138 million more than 2007.

FEMA management and administration is funded at \$685 million, \$150 million more than 2007.

I want to highlight a number of other provisions in the bill that are particularly important. We have all heard about contracts and awards from the Department that were not competed. FEMA recently submitted a list of nearly 4,000 contracts that were never competitively bid. This bill mandates that all grant and contract funds be awarded through full and open competitive processes, except when other funding distribution

mechanisms are required by statute. This approach creates a level playing field and also ensures that there are no congressional or administration earmarks in the bill.

In addition, the bill addresses a major immigration vulnerability that exists today. It requires that ICE obtain information, on a monthly basis, from correctional facilities throughout the United States to identify incarcerated immigrants who are subject to deportation. Although ICE deports some number of these individuals now, it is not systematically identifying and deporting them. There is simply no excuse for failing to identify every deportable alien and deporting them immediately upon their release from prison. This activity should be among the first priorities in our illegal immigration enforcement strategy, and the bill provides funding and direction to DHS accordingly.

The bill funds the Secure Border Initiative at the requested level of \$1 billion, while requiring the Department to clearly justify how it plans to use these funds to achieve operational control of our borders. For each border segment, the Department will have to produce an analysis comparing its selected approach to alternatives based on total cost, level of control achieved, impact on affected communities, and other factors.

We are requiring the Department to seek the advice and support of each local community affected by a border infrastructure project. I want to be clear that this does not require that border communities agree to projects before they proceed; it only requires the Department to actively and faithfully consult those communities to ensure that our border security efforts minimize adverse community impacts. I think that is reasonable to ask of the Department, and the Department agrees that such consultation is appropriate.

We are also directing the Department to increase by over 40 percent the number of border patrol agents on the northern border, to comply with the levels called for in the Intelligence Reform Act.

In addition, the bill addresses a Customs and Border Protection staffing problem that we heard about on our February trip to the southwest border. Because CBP officers are not considered “law enforcement officers,” or LEO, despite the increasing role of law enforcement in their duties, they don’t receive the same benefits as DHS personnel who are considered LEO. This has made it extremely difficult to hold on to CBP officers. In a nutshell, the bill would allow eligible CBP officers to transition to LEO status beginning in FY 2008.

The Transportation Security Administration’s loss of the personal data of thousands of its employees is only the most recent example of the privacy problems plaguing the Department. This bill withholds funding for certain DHS programs until the proper privacy protections are in place because security and privacy can and should go hand in hand.

There are a few other provisions that I would like to mention. First, the bill includes language mandating that stricter state and local chemical security laws and regulations

cannot be preempted by the federal government. Second, the bill mandates that all grant and contract funds comply with Davis-Bacon prevailing wage requirements. Third, the \$101 million in the bill for the new DHS campus facility at St. Elizabeth's will not be available until the Department submits an explosive detection equipment spending plan and promulgates long-overdue regulations on U-Visas for victims of domestic violence, rape, and involuntary servitude. This withholding of funds should not be interpreted as a signal of tepid support for the development of the St. Elizabeth's campus; the Department – and the country – should be better served by co-locating most of its headquarters components onto a single campus. This is simply our way of signaling that any further delay on an explosive detection plan and the overdue U-Visa rule is completely unacceptable.