

President's FY 07 Budget Leaves Open Gaps in Homeland Security and Fails To Strengthen Emergency Preparedness

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Prepared by the Democratic Staff of the Committee on Homeland Security
Ranking Member, Bennie G. Thompson

For the past four years, the President has submitted budgets to Congress that shortchange critical homeland security programs. The FY 2007 budget, despite many warnings, is no different. Unfortunately, it is a budget that contains the same assumptions about national security that existed pre-9/11. It leaves glaring gaps in our nation's border, port, mass transit, aviation and critical infrastructure security. It does little to address the preparedness and response deficiencies laid bare by Hurricane Katrina. When the hurricane struck the Gulf Coast, it was a frightening wake-up call that our nation could not handle a response to a major incident, regardless of whether it was a terrorist attack or natural disaster. Regrettably, the President's Fiscal Year 2007 budget continues a four-year trend of under-funding the Department of Homeland Security and homeland security programs across the Federal government.

Sadly, the most egregious cuts and eliminations are to programs that assist our local and state officials in preparing for and responding to emergencies. The President's budget appears to ignore the fact that if and when terrorists or natural disasters strike our homeland, it will be those on the local level that are most effected. Homeland security, consequently, must begin at home – in our communities, towns, and cities – and not with the bureaucrats in Washington, D.C.

Homeland Security is National Security

Just last month, Osama bin Laden said in an audio tape that new attacks will be launched in our "own backyard" as soon as Al Qaeda is ready. With the FY 2007 budget, the President again misses the opportunity to recognize that homeland security is integral to national security. The President's budget continues to shortchange homeland security, conditioning a five percent increase to the Department of Homeland Security's budget on Congress' doubling of airline-security ticket taxes for most travelers, resulting in the collection of at least \$1.3 billion in fees. The President only provides \$30.9 billion in net discretionary funding to the Department of Homeland Security. This amount is approximately 93% less than what the President provides to the Department of Defense in his \$2.7 trillion budget.

Risk-Based Budgeting

In the five years since the September 11, 2001 attacks, billions of dollars have been spent on homeland security. In the absence of a risk-based approach, much of that money was not spent effectively to address known threats. Unfortunately, every homeland security dollar wasted is another lost opportunity to make America more secure.

The widely-reported fraud and waste in Hurricane Katrina contracting is endemic of a system that relies far too heavily on contractors to both identify our nation's homeland security gaps and develop solutions. From unworkable cameras on the Arizona desert floor to thousands of dollars spent on fake plants at the Transportation Security Administration, contracting misspending is rampant at the Department of Homeland Security. Indeed, overall Department spending on contractors has, since 2001, more than doubled to \$5.8 billion.¹ The American people expect Congress and the President to make the right choices to secure our nation, not contract out policy-making and security. Yet, the President's budget fails to stem this troubling trend and does not provide the Office of Inspector General, the Department of Homeland Security's watchdog, with the resources needed to ensure that every dollar budgeted for homeland security is spent effectively.

Budget Reflects Priorities

If we are to succeed in the war against terrorism, then we must wage an effective post 9/11 campaign to keep America secure at home. *The President's budget fails to recognize that the dedicated men and women at the Department of Homeland Security, as well as our local communities, are the first and last line of defense against a terrorist attack.*

The following is a list of shortfalls in homeland security funding identified in the President's FY 2007 budget:

- ***Interoperable Communications: Inadequate Funding of Programs that Provide First Responders the Capability to Communicate in Time of Crisis***

The President's budget does not reflect the lessons learned on August 29, 2005, when Hurricane Katrina struck the Gulf Coast. The disaster exposed that five years after the 9/11 attacks, there has been little progress in creating a system where police, fire, and emergency medical service departments can communicate with each other during a disaster. Cost estimates for replacing the nation's public safety equipment are around \$18 billion,² yet the President completely eliminates the COPS Interoperability Grant program.

The Administration's budget would eliminate funding for the successful COPS Interoperable Communications Grant (COPS) program that is charged with awarding technology grants to law enforcement agencies for the purpose of enhancing

¹ Scott Higham and Robert O'Harrow Jr., "Contracting Rush For Security Led To Waste, Abuse," May 22, 2005.

² First Responder Coalition, "It's Time To Talk: Achieving Interoperability Communications For America's First Responders," October 2004.

interoperability and information sharing. The President zeroes out this program after it was significantly cut in the FY 2006 budget. In that budget, it was funded at \$10 million, down from \$93 million in FY 2005, when COPS awarded 26 local law enforcement agencies with interoperable communication grants. The Administration justifies their proposed elimination of COPS Interoperability grants on the ground that the program is redundant with the efforts of the Department of Homeland Security, yet the Department does not have a dedicated interoperability grant program.

The President's budget proposes a modest \$3.5 million increase for the Office of Interoperability and Compatibility (OIC) in FY 2007, from \$26.2 million to \$29.7 million. This increase is far less than what is necessary to remedy the weaknesses that were evident with the glaring failure of emergency communication systems during Hurricanes Katrina and Rita. This slight increase is far from what SAFECOM – the office within OIC charged with assisting state and localities with improving the emergency communication systems of first responders – needs to accelerate the standards and development of interoperable communications equipment. Currently, SAFECOM has four to seven full time employees to implement this critical undertaking.

The increase to OIC's budget coupled with the President's plan to eliminate a program that has assisted 63 jurisdictions in the last three fiscal year is indefensible, especially when almost every first responder at all levels of government has identified interoperable communications systems as being vital to securing the homeland.

Our nation cannot wait for an attack or natural disaster for the President to commit resources and make the policy commitment necessary to ensure that communications networks achieve interoperability.

- ***Rail and Mass Transit: Homeland Security Lacks Sufficient Resources and Funding to Help Secure Surface Transportation***

The President's budget all but ignores the threat to our mass transit systems, despite the coordinated rush hour train and bus bombings in Madrid and London on March 11, 2004, and July 7 and 21, 2005, respectively. The budget only provides \$37.2 million to protect the 14 million Americans that use nearly 6,000 public transportation systems every day. Under this budget, the agency in charge of protecting all modes of transportation continues to be the "Transportation Security Administration" (TSA) in name only. State and local public transit agencies, who have already spent \$2 billion to enhance security and emergency preparedness since the 9/11 attacks, continue to be left to largely fend for themselves.

While the President's budget states that the TSA, in coordination with its partners, will develop best practices, standards, and regulations to protect mass transit and rail security in FY 2007, it does not provide sufficient resources for TSA to develop these standards.

The budget eliminates a dedicated funding stream for public transportation systems to enhance their security. Specifically, the President's budget eliminates rail and transit security grants and intercity bus grants, which were funded at \$144 million and \$9.6 million respectively in FY 2006. These programs are now lumped in the Targeted Infrastructure Protection (TIP) grant program. The TIP grants forces critical infrastructure sectors to compete against each other for limited funds.

- **Emergency Planning, Preparedness and Evacuation Planning: State and Local Governments Have Community-Protecting Funding Cut**

As noted earlier, the hurricanes of last year exposed serious shortfalls in our ability respond to terrorist attacks and natural disasters. Consequently, it is puzzling that the President's budget reduces the Emergency Management Performance Grant (EMPG) program from \$185 million in FY 2006 to \$170 million in FY 2007. This \$15 million cut places state and local governments in a precarious position. The EMPG grants are the primary source of federal funding to state and local governments for planning, training, exercising, and hiring personnel for all hazards. These grants are critical in supporting state and local emergency managers as they update catastrophic disaster plans, plan for receiving and distributing supplies and provisions from the federal government, update mutual aid plans, update evacuation plans, and update plans and operations for receiving and hosting evacuees.

The President's budget also eliminates funding for the National Domestic Preparedness Consortium, which enhances the capacity of first responders to prevent, deter, and respond safely and effectively to incidents of terrorism involving weapons of mass destruction, more than 66% from FY 2006 levels.

- **Health Care Infrastructure Preparedness: Insufficient Resources for Medical Responders**

The President's budget essentially flat funds the National Disaster Medical System (NDMS). Last year, funding for NDMS was cut to \$33.9 million from \$134 million, the FY 2005 level. This resulted in a reduction of full-time employees from 88 to 40. When Hurricane Katrina struck the Gulf Coast, NDMS was activated and it was unable to provide the necessary response. Given this, more funding is obviously needed to strengthen NDMS. Yet, the President has requested only \$33.9 million, which does not provide for the additional personnel. This may prove to be a costly mistake in four months when the next hurricane season starts.

The President's budget eliminates a dedicated funding stream for the Metropolitan Medical Response System (MMRS) which provides funding to hospitals and EMS services in major metropolitan areas to enhance their preparedness. It lumps MMRS in the Targeted Infrastructure Capability Grants Program (TICGP), a large grant program that will likely be oversubscribed and under-funded. Under the TICGP, the President forces localities to compete for just \$1.4 billion to help secure their infrastructure. That means that medical responders must compete with officials handling mass transit, port

security, critical infrastructure, urban security grants, and buffer zone protection issues for limited funds.

It is worth noting that the President's budget increases the funding for the Chief Medical Officer (CMO) to \$5 million, allowing for five more full-time employees to be hired. The President's budget also properly consolidates both the NDMS and the MMRS under the CMO's direction.

- ***Nuclear Detection: Inadequate Funding Leaves Our Communities at Risk to a Nuclear or Dirty Bomb Attack***

Considering the threat of a nuclear or dirty bomb attack, the President's request for the Domestic Nuclear Detection Office (DNDO) does not adequately fund radiation portal monitor acquisition. The meager request of \$157 million would only allow the Department to purchase few machines, providing scant coverage and leaving many ports of entry vulnerable. The budget request is \$130 million short of what is required to cover the entire nation with existing technology to ensure that our ports and borders are equipped to prevent the world's most dangerous weapons from entering the country.³

- ***First Responder Resources: Enormous Cuts to State and Local Programs Hits Community Prevention, Protection, and Response Hard***

Local Law Enforcement Terrorism Prevention

The President's budget, as it did last year, neglects the needs of local law enforcement by once again zeroing out funding for the Local Law Enforcement Terrorism Prevention Program (LETPP), which plays a key role in assisting local law enforcement agencies in information sharing, target hardening, threat recognition and mapping, counter-terrorism and security planning, interoperable communications, and terrorist interdiction. The program was funded at \$385 million in FY 2006.

Urban Area Security Initiative

The President's budget requests a slight increase of \$82.4 million to \$838 million in FY 2006 for the Urban Area Security Initiative (UASI) program, which addresses the unique planning, operations, equipment, training, and exercise needs of high-threat, high-density Urban Areas. This increase is even less than it seems, however, taken together with the budget's elimination of key programs aimed at protecting our most vulnerable infrastructures, such as the port security, rail and transit, and intercity bus grant programs.

State Homeland Security Grant Program

³ The Congressional Budget Office Cost Estimate of H.R. 4437. December 13, 2005. The report estimates that the deployment of existing technology at all ports of entry within a year would cost \$280 million.

The budget also includes a small \$83 million increase to \$633 million for the State Homeland Security Grant Program (SHSGP), which provides grants to first responders in all fifty states and U.S. territories to help them prevent, prepare for, and respond to an act of terrorism. While the budget sets aside 20% of SHSGP and UASI funds for law enforcement, the slight increase in these programs does not cover the elimination of LETPP. Additionally, the FY 2007 funding levels still represent a significant cut over FY 2005 funding when the UASI, SHSGP, and LETPP combined were funded at more than \$2.3 billion.

Assistance to Firefighters Grant Program

The President's budget cuts funding for the Assistance to Firefighters Grant program (FIRE Act) nearly 50% from \$545 million in FY 2006 to \$293.45 million in FY 2007. This program has proven to be effective in providing local fire departments with the tools they need to perform their day-to-day duties, as well as enhancing their ability to respond to large disasters. In FY 2006, the program received in excess of \$3 billion in requests for equipment, apparatus, public education programs, health and safety programs and training programs to local fire departments. These cuts will further hamper local communities' ability to meet these needs.

SAFER Act Program

In addition, the President has proposed eliminating the SAFER program, despite clear evidence that additional firefighters are needed to adequately staff fire departments. SAFER was funded at \$110 million in FY 2006. The Council on Foreign Relations and the National Fire Protection Association have both reported that two-thirds of America's fire departments do not meet the consensus fire service standard for minimum safe staffing levels. This program is critical in addressing these shortfalls by providing grants to local fire departments to support hiring of career firefighters and programs for the recruiting and retaining volunteer firefighters.

- ***Border Security: State and Locals Left without Adequate Funding for Apprehending Criminal Immigrants Illegally in the United States***

Although, the President's budget provides increases in the border security and immigration enforcement area, it still falls somewhat short of fully-funding Border Patrol and detention and removal resources called for by the Intelligence Reform and Terrorism Prevention Act of 2005 (9/11 Act). Funding in the President's budget is 25 percent short of the level needed to hire the 2,000 border patrol agents required by the 9/11 Act. It is also 20 percent short of the funding needed to provide the 8,000 detention bed spaces authorized by Congress in that Act.

While the President's budget is expanding the expedited removal program, it completely eliminates funding to incarcerate the most dangerous of immigrants: those who are dangerous criminal aliens. The budget eliminates the State Criminal Alien Assistance Program (SCAAP), which Congress has deemed critical to securing our

borders against terrorists and criminals. While the President sought to eliminate this program last year too, Congress funded it at \$405 million. This is still short of what state and local law enforcement need from the federal government to keep dangerous criminal aliens incarcerated. The President should be increasing SCAAP funding to ensure that criminal aliens remain incarcerated and not on America's streets. Without such funding state and local partners will be faced with the challenge of deciding which criminal aliens to detain or not detain.

- **Port Security and C-TPAT: Challenges are Unaddressed By Budget**

The President's budget fails to understand the challenges faced by ports in today's post-911 security environment. Since 2001, terrorist groups have attacked an oil tanker and facilitated attacks by smuggling its members in shipping containers. Yet, the Administration continues to under-fund port and cargo security. Even if all \$600 million of the new targeted infrastructure grants programs is allocated to ports, there will still be a \$400 million shortfall in the level required to keep our ports secure.⁴ The budget also freezes funding for the Customs Trade Partnership Against Terrorism (C-TPAT) at \$75 million despite criticism that the program is woefully short of personnel to perform security checks on participating companies.

- **BioSurveillance: Cuts to Program to Detect and Respond to Biological Outbreak Leave Cities and Towns at Risk**

The President's budget does not adequately support the Department of Homeland Security's programs to detect and respond to a biological attack. For example, the President cuts the Department's bio-surveillance programs by \$5.7 million, from \$14 million in FY 2006 to \$8.2 million in FY 2007. Additionally, the budget cuts \$39 million from the biological countermeasures program, which is designed to develop new sensors and other equipment needed to detect and respond to a biological attack. In light of the pandemic threat, this cut is unjustified.

⁴ American Association of Port Authorities. *Policy Position Paper on Port Security*. http://www.aapa-ports.org/govrelations/aapa_security_position.pdf