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One Hundred Eighth Congress
U.S. House of Representatives
Select Committee on Homeland Security
Washington, DC 20515

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March 16, 2004

The Honorable Jim Nussle
Chairman, Committee on the Budget
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We write as members of the Select Committee on Homeland Security to request that you reconsider the homeland security funding levels in the budget proposal you issued on March 11, 2004. As you know, on that very day, a brutal terrorist strike in Madrid, Spain, which investigators now believe was the work of al Qaeda loyalists, killed 200 and injured over 1,000 people. Yet, remarkably, even though the President has consistently and properly stated that our country is at war against terrorist groups, your budget proposes to cut from the President's own budget request $155 million in homeland security spending for fiscal year 2005, and $857 million over the next five years. We call on you to reverse these cuts and correct the many deficiencies in the President's homeland security budget that continue to leave America unnecessarily vulnerable to a terrorist attack.

Our strategy to defeat al Qaeda and other terrorist organizations that seek to do us harm is to attack them militarily, together with our allies, wherever they are located around the world, and to frustrate their efforts by increasing our nation's homeland security. According to press reports, your initial proposal to cut the defense budget by $2 billion was defeated due to concerns about undermining our military during a time of war. Your budget's inclusion of cuts to homeland security programs, however, demonstrates a failure to recognize that this war is being fought both abroad and at home.

What is more, you have proposed to cut from a budget that is already inadequate to meet the many pressing homeland security needs that face our nation. The President's budget for the Department of Homeland Security requests a total increase of about $4 billion – an amount equal to roughly one month's cost of current operations in Iraq. Certainly, increases in the Defense Department's budget since September 11 have been necessary. Having committed to defeating al Qaeda and like-minded groups, as well as stabilizing Iraq, we must succeed. But in terms of American security, it is a serious mistake to shortchange vital homeland security programs and

fail to close the security gaps that are leaving the country vulnerable to terrorist attack. The cost of failure would far exceed the investments we suggest below.

Transit and Passenger Rail Security

One glaring deficiency is the Administration's timid efforts to increase the security of our transit and passenger rail systems – the vulnerability most recently exploited in Spain. Since September 11, the Department of Homeland Security has provided only $115 million in grants to transit systems for security upgrades, the majority of which have gone to five metropolitan areas. Amtrak's identified security needs also have been largely unmet. Our initial estimate suggests, however, that providing basic security upgrades – enhanced communications systems, security cameras and other surveillance equipment, additional testing of and training on emergency response plans, and weapons of mass destruction detectors – for passenger rail and transit systems in our 50 largest metropolitan areas would cost approximately $2 billion. We call on you to include a down payment of at least $250 million (five times the homeland security grants provided in 2004) to begin the process of providing adequate security to the millions of Americans that use our transit and passenger rail systems daily.

Devices to Prevent Nuclear and Radiological Weapons From Entering the United States

Preventing nuclear and radiological weapons from entering the United States in cargo containers is one of our highest homeland security priorities. Radiation portal monitors are devices that can screen cargo containers for these materials without slowing the flow of commerce. A program is underway to install these monitors at our post offices, land borders, seaports, airports, rail hubs, and other transit facilities. The total cost of the program is $496 million, but thus far only $206 million has been appropriated. The President's budget requests $43 million for fiscal year 2005 for radiation portal monitors. Even if the installation program proceeds at the planned pace, which is unlikely since it is currently well behind schedule, the budget request would not provide for installation of radiation portals at any southwest border crossings, air cargo facilities, rail border crossings, and smaller ports of entry by September 2005, the fourth anniversary of the attacks on our nation. This vulnerability should be closed much more rapidly. We recommend increasing the budget by $247 million to complete this vital program.

Support to First Responders and Related Needs

The President's fiscal year 2005 budget cuts programs for our state and local first responders and related homeland security needs. We call on the Committee to restore these programs to no lower than their appropriated level for the current fiscal year:

- Nationwide State Homeland Security Grant Program – The President's 2005 budget request for this critical grant program for is $1 billion below the fiscal year 2004 amount. Such a request fails to recognize that our communities all across our country face the critical challenge of building their preparedness capabilities to prevent or respond to acts of terrorism;

- FIRE grants – The Assistance to Firefighters grant program was created by Congress in order to meet basic, critical needs of the firefighting community, which studies by the U.S. Fire Administration and the National Fire Protection Association have found to be significant. The fiscal year 2005 request is $250 million, or 33 percent, below the fiscal year 2004 amount;
- Metropolitan Medical Response System (MMRS) – The MMRS program, conceived after the 1995 terrorist release of sarin nerve gas in a Tokyo subway, is designed to develop or enhance existing emergency preparedness systems to effectively respond to a public health crisis, particularly an event involving a weapon of mass destruction. The fiscal year 2005 budget requests no funds for this specific program, representing a cut of $50 million relative to the fiscal year 2004 amount.

Communications Interoperability

The communications problems among first responders that caused such devastation and loss on September 11 still exist through our country today. Yet, the President's budget eliminates the small amount of funds that have been provided to assist first responders in developing interoperable communications systems. We urge the Committee to restore the $85 million the President has cut from the interoperable communications grant program.

Port Security

The President's budget requests $46 million for port security grants for fiscal year 2005. In previous budgets, the Administration did not request any funds for such grants, forcing Congress to take the lead in providing, to date, $513 million to improve the physical security of our nation's port facilities. The Coast Guard has estimated that $1.1 billion is required meet security needs in this, the first full year of the program. Thus, the security gap for our ports is about $560 million. This item enjoys bipartisan support: Senators Collins and Akaka have called for $300 million for port security efforts for the next fiscal year.

Aviation Security

Airport Security Upgrades/Installation of Explosive Detection Systems

Airports across the country seek assistance in installing explosive detection systems (EDS) technology for passenger and baggage screening purposes. Increasing funding by $100 million above the President's request for EDS installation at airports is needed to reach the full authorized annual amount (the total estimated need for EDS installation nationwide is roughly $3 billion).

Air Cargo Security

A mere fraction of the air cargo that is carried in the hull of passenger aircraft is currently screened for explosives or other dangerous items. Companies are not permitted to ship cargo on passenger aircraft unless they have enrolled in the "known shipper" program, however, the Transportation Security Authority has barely inspected any of these companies to ensure that

they are complying with mandated security practices. Funding is provided to support 100 new regulatory inspectors, but we have estimated that an additional $10 million above the President's request would be necessary to ensure compliance by all "known shippers" with air cargo security practices. Additionally, while TSA continues to pursue new air cargo screening technologies, an additional $55 million above the President's request can be used to double the amount of research and development work in pursuing the ultimate goal of 100 percent of air cargo being screened on passenger aircraft.

Federal Air Marshals

The President's budget proposes a reduction in the number of federal air marshals for deployment for next fiscal year. While the overall number of air marshals is sensitive, the budget request does not provide adequate resources to reach the personnel levels deemed necessary by the Federal Air Marshal Service for adequate flight coverage. An additional $65 million is needed to reach needed personnel levels for adequate coverage of flights.

Land Border Security

Border Infrastructure

The President's FY 2005 Budget requests $91.8 million to maintain and construct Customs and Border Protection (CBP) facilities nationwide. Such resources are important, given that providing border security without inhibiting trade requires a substantial investment in border infrastructure. This is especially true at our land ports of entry. For example, layouts of inspection plazas, space limitations, limited number of inspection booths and lanes all affect the flow of traffic. Clogged borders with large traffic backups put pressure on inspectors to cut corners, thus reducing overall levels of security. While requested funds will aid in the expansion of inspection facilities at ports of entry, proposed resources may not be sufficient to ensure that our sea ports, air ports, and land border crossings have the requisite infrastructure in place to provide for robust security systems while also maintaining the free flow of people and commerce. We urge the Committee to increasing funding by $333 million for CBP construction above the President's fiscal year 2005 request. This level is consistent with pre-9/11 estimates by private groups of additional resources needed for infrastructure and related security improvements along the northern and southern borders.

Border Personnel

The USA PATRIOT Act (P.L. 107-56) and the 2002 Enhanced Border Security and Visa Entry Reform Act (P.L. 107-73) authorized additional inspections and Border Patrol personnel for deployment along the U.S. northern border. To date, however, the personnel targets specified in these laws have not been fully achieved, and resource levels included in the President's budget for fiscal year 2005 will not result in the additional personnel required to reach targeted levels. Indeed, some progress toward meeting these mandates has only been made by shifting resources from the southern to the northern border. As of October, 2003, CBP was short by a total of 2,266 border patrol agents, and customs and immigration inspectors along the northern border, relative to authorized amounts. An additional $100 million above the President's request can be

used to ensure that the appropriate CBP personnel are deployed to our northern border and that personnel strength on the southern border is no longer diluted to meet northern border needs. In addition, the CBP is continuing to rely on staffing models for the southern border that were developed prior to September 11. We urge the Committee to provide funding to update this staffing model.

Additional Areas of Concern

We have identified budget shortfalls in other areas that impact our homeland security such as programs to secure nuclear materials in the former Soviet Union and other places around the world, Coast Guard ship replacement programs, bioterrorism preparedness, public health infrastructure grants, and university centers of excellence. We urge the Committee to reverse cuts to these programs or provide the funding necessary to meet our homeland security needs.

Possible Offsets

On March 12, the Senate passed the Collins-Levin amendment to add $1.7 billion to the homeland security budget by deferring purchases for the Strategic Petroleum Reserve. We would support funding the priorities listed above through this offset and would welcome discussions with you on other offsets that could be found to meet our vital homeland security needs.

We hope that you will endorse changes to the budget you presented to the Committee last week that recognize that our nation is at war and has many critical homeland security needs that are not being addressed.

Sincerely,

Edward J. Markey

Karen McCarthy

Bill Pascrell Jr.

Louise Slaughter

Loretta Sanchez

Zoe Lofgren

Kendrick B. Meek

Bob Ehrlich

James M. Christensen

Peter DeFazio

Ken Lucas

Jim Langevin

cc: Ranking Member John Spratt, Committee on the Budget
Chairman Christopher Cox, Select Committee on Homeland Security