

# CHALLENGES FACING FIRST RESPONDERS IN BORDER COMMUNITIES

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## HEARING

BEFORE THE

### SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS, AND RESPONSE

OF THE

### COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

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## CHALLENGES FACING FIRST RESPONDERS IN BORDER COMMUNITIES

Thursday, July 12, 2007

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS,  
PREPAREDNESS, AND RESPONSE,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 2:02 p.m., in room 1539, Longworth House Office Building, Hon. Henry Cuellar [chairman of the subcommittee] presiding.

Present: Representatives Cuellar, Christensen, Etheridge, and Dent.

Also Present: Representatives Reichart and Larsen of Washington.

Mr. CUELLAR. The Subcommittee on Emergency Communications, Preparedness and Response will come to order.

The subcommittee is meeting today to receive testimony regarding the unique challenges that first responders face in the border communities, given their expanded responsibilities in this post-9/11 world.

The Chair also would like to acknowledge that a member of the committee who does not sit on the subcommittee, Mr. Reichert, has asked to participate in today's hearing. In addition, while he doesn't sit in the subcommittee or the full committee, Mr. Larsen, the gentleman also from the State of Washington may join us here today and will be introducing his witness, the witness from his particular state. Consistent with its rules and the practices of the committee, we are pleased to honor their requests.

I now ask unanimous consent to allow Representatives Larsen and Reichert to sit here to question the witnesses of today's hearing.

Without objection, it is so ordered.

Again, good afternoon. First, on behalf of the members of the subcommittee, let me welcome our panel of witnesses, who work together to protect our citizens every day from any and all threats they may face. We applaud you for your efforts. We are glad that you are all here today; we look forward to hearing from you today, the responders from both the northern and the southern border regions to discuss challenges you face in your communities and figure out ways to improve the coordination of the emergency preparedness and response efforts.

The United States shares nearly 6,000 miles of border with Canada and the Republic of Mexico. The communities along these bor-

ders vary in population and size and resources, and several points along the borders are major points of entry to our country.

You are uniquely positioned to address our preparedness efforts in border communities and can provide Congress with the insight needed to provide Federal policies. I am especially interested in hearing the perspective from different folks. You know, we have got folks from my hometown in Laredo; we have got folks from the northern part of the country. And again, you know, whether it is Arizona or the State of Washington, other places, we have folks who are here.

Again, we are looking forward to our witnesses both from the southern part of the United States and the northern part of the United States, so they can share their unique experiences and their best practices with us. We hope to gain an understanding from our witnesses of the resources available to their agencies, the existence of interstate and cross-border mutual aid agreements and their emergency communications capabilities.

It is unsettling that after the devastating Oklahoma City bombing and the 9/11 attacks and Hurricanes Katrina and Rita, there is still an outstanding need for improvement in emergency communications. This is not a new vulnerability to us. Fire fighters, police and other emergency responders can cannot communicate during times of emergency.

It also greatly concerns us that our first responders are not being given the tools necessary to protect the American public.

Not only are our first responders called to duty in the local communities, they also have a difficult task of taking part in Federal activities that occur in these border regions. This additional responsibility puts enormous strains on personnel, equipment and greatly exhausts our critical resources needed to adequately provide protection to the American people.

I also look forward to examining the processes that are needed to effectively share critical information along and across the border. We have learned that oftentimes local law enforcement personnel aren't receiving the information necessary to actively deter threats; this is again a major concern for the committee.

Let us agree to continue this dialogue as members of this committee, and again we value the testimony that you are going to give us. Together we must ensure that the American people are protected from threats, especially the most vulnerable areas of the country, the border. I also want to thank again the witnesses for their testimony.

The Chair now recognizes the ranking member of the subcommittee, the gentleman from Pennsylvania, Mr. Dent, for an opening statement.

Mr. DENT. Thank you, Mr. Chairman.

And I just wanted to thank all of you for coming here today.

As the Nation has debated border security and immigration reform over the last several years, and especially recently, we have touched on the impact that our unsecured borders have on our border communities.

I have had the opportunity to visit Laredo, Texas, and had the opportunity to do that last year with Mr. Cuellar and Chief Sosa. While some communities have experienced a rise in violent crime

associated with border crossings, this may impact not only law enforcement but also the public health system and emergency medical services.

Across the country, communities rely on their local police, fire fighters and EMS providers to protect them from threats and respond to emergencies. After the terrorist attacks of September 11, this country increasingly asked these individuals to take on new responsibilities for homeland security. And while these responsibilities certainly proved challenging to the first responders across the country, those in border communities may face even greater challenges on a daily basis.

For instance, during these hot summer months, many who attempt to cross the southern border illegally may succumb to extreme temperatures and require emergency attention. While Federal officials often respond to these medical emergencies, local EMS providers would also be called upon to assist.

Along the northern border, in addition to coordinating with local and State authorities, the first responders must also coordinate with Federal and Canadian officials to leverage resources and avoid unnecessary duplication of effort and comply with international treaties.

In port or seaside communities, first responders must prepare for and respond to threats against our Nation's ports and maritime trade. In these communities, first responders must work with port officials, shipping industry and others to ensure that they are prepared for a terrorist attack or other disaster incident.

These are just a few of the additional challenges that first responders in border communities now face.

Our witnesses today certainly represent both land borders and seaport communities and come from a variety of backgrounds. So I look forward to hearing your unique perspectives on the various challenges that you face dealing with the increased crime and violence along the borders and your coordination—your ability to coordinate with Federal officials to protect our border communities.

And again, Mr. Chairman, I would like to thank you for putting on this hearing today and thank the witnesses for your testimony. I look forward to receiving it.

Yield back.

Mr. CUELLAR. Thank you. I, of course, now welcome the panel of witnesses. Let me go ahead and start with Mr. Larsen, if you want to go ahead and introduce your witness.

**STATEMENT OF HON. RICK LARSEN, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF WASHINGTON**

Mr. LARSEN. Thank you, Mr. Chairman. And I appreciate the chairman's and the ranking member's willingness to allow me to sit in and introduce Sheriff Bill Elfo.

After I do the introduction, I will be headed upstairs to a meeting until about 2:30. I would like to have an opportunity to come back down and continue participating in the committee.

Sheriff Elfo, Bill Elfo, has served as sheriff of Whatcom County in Washington State in my district since January of 2003. Sheriff Elfo previously served for over 6 years as the Director of Public Safety for the border community of Blaine, Washington. He has

continuously served in law enforcement, for over 33 years as a former prosecutor, and has also served as an adjunct professor of criminal justice at several colleges and universities. He holds a B.S. and M.S. in criminal justice, as well as a Juris Doctorate. So, you know, he is clearly far smarter than I am.

I think right now Sheriff Elfo is the current President of the Washington State Sheriffs Association. He is a former President of the Whatcom County Police Chiefs Association, a member of the International Sheriffs Association, the International Association of the Chiefs of Police, as well as a variety of other organizations; and has served as Chair for the Washington State Attorney General's Criminal Law and Sentencing Committee of the Methamphetamine Task Force.

So the point I want to make is, he is extremely involved in not just his job as a sheriff, but in all aspects of law enforcement and the kind of coordination that we need to have at our northern border, where you have not just a county sheriff, but local police forces, you have Federal folks on our side of the border, as well as everyone's equivalent on the Canadian side of the border. So he can speak very well to the challenges that we face at the northern border.

So, Mr. Chairman, I want to thank you for being willing to allow Sheriff Elfo to come and talk about the unique challenges that we have at the northern border, to be part of this conversation as we move forward, especially for us as we move forward to the 2010 Olympics in Vancouver, British Columbia, a mere 30 to 40 miles across our border. But as we know, the security shield for the Vancouver Olympics is not going to stop at the border; it will continue down Washington State. So coordination and communication is that much more important as we move forward through the next 2 years.

Thank you, Mr. Chairman.

Mr. CUELLAR. Thank you again for being with us.

Our other first witness, who we will get started with, is Ms. Leesa Berens Morrison who is the Director of the Arizona Department of Homeland Security. She is the first female director for the department and was appointed in December of 2006. She previously served as the Director of the State Department of Liquor Licenses and Control for 3 years and led the Arizona Fraudulent Identification Task Force for Governor Napolitano. And again we want to thank you for being here.

Our second witness is Luis Sosa, Chief of the Fire Department located in my own hometown of Laredo. He has served as chief for the last 6 years and has been with the fire department since 1976. Again, Chief, thank you for being here with us.

You met Mr. Bill Elfo. And, again, it is a pleasure having you here, sir.

Our fourth witness is Mr. Mike Kessler, who has served as the Commander of the Colville Confederated Tribes Police Department. Mr. Kessler is responsible for overseeing the tribal patrol officers and general operations of the entire 2,276 square mile Colville Indian Reservation in north central Washington State. Thank you for being here with us.



Our fifth witness is Mr. Christopher Lombard, who leads the communications and special operations efforts within the Seattle, Washington, Fire Department. His current responsibilities include the coordination and management and maintenance of communications equipment, policies for special operations teams, including Urban Search and Rescue and the Metropolitan Medical response system.

Mr. CUELLAR. And again, we want to welcome all of y'all. Thank you for being here with us.

Without objection, the witnesses' full statements will be inserted into the record. And I will ask each witness to summarize his or her statements for 5 minutes, beginning with Director Morrison.

**STATEMENT OF LEESA MORRISON, DIRECTOR, ARIZONA  
DEPARTMENT OF HOMELAND SECURITY**

Ms. MORRISON. Thank you. Good afternoon, Chairman Cuellar, Ranking Member Dent and committee members—Mr. Larsen. My name is Leesa Berens Morrison and I serve as the Homeland Security Director for the State of Arizona and as cochair of the National Governors Association's Committee on Border Security. Thank you for having me here to testify today.

I commend the committee for seeking solutions to the challenges that our border-based first responders face. I would also like to commend Chairman Cuellar for calling for the creation of a border liaison at the Federal Department of Homeland Security.

As I begin, I would be remiss if I did not point out something that is very obvious. Arizona's southern border is not just my State's border. It is the Nation's border to another country and, in many ways, to the outside world.

The first responders of the border are men and women who work every day to try to keep our citizens safe. They understand that the new reality of a September 11 world means that a broken border represents no less than a national security crisis, and every day they operate with just that sense of urgency. I believe our policy-makers at the State and Federal levels owe them the same sense of urgency.

I would like to discuss just two challenges this afternoon, faced by first responders in border communities. The first is a porous international border. The second is the absence of a nationwide interoperable emergency communications system.

Because of our broken border, first responders working in the region are in a constant state of emergency response, making it even more challenging to operate when communications among first responders is hindered. As a State that experiences the majority of the Nation's illegal border crossings, Arizona offers a real-world perspective on the implications that an unsecured border has on emergency response. Every day we address the repercussions of an open border, including border violence, criminal activity, incarcerations, investigations and autopsies, all of which place an undue and unsustainable staffing and funding strain on our first responders.

While we wait for Federal action to secure the border and alleviate these challenges, Arizona has taken temporary measures to address this dire security gap. Governor Napolitano released State

emergency funds to pay for additional local law enforcement patrols. We have applied State resources for antigang squads and a fraudulent ID task force. We have expanded the work of our fusion center, the Arizona Counterterrorism Information Center, which now encompasses members from local border counties.

However, it would be shortsighted to focus too much on these measures, because they divert our first responders from the regular duties within their communities. The real solution to border crisis can only be found at the Federal level.

The second significant challenge facing first responders along the border is a lack of a comprehensive, coordinated system of interoperable communications. In Arizona, we don't have to theorize about what our communication needs would be in an emergency situation. Our first responders on the border operate under these conditions every day.

With no comprehensive long-term Federal solution to the communications vacuum in sight, States have applied Band-Aid solutions that will work during emergency response. In Arizona, we have spent our precious homeland security funding to develop patching technologies, upgrade radio towers and purchase mobile communication vans. But I reiterate, these temporary measures are no substitute for comprehensive action at the Federal level.

We need a long-term solution to the ongoing problem and Federal dollars to implement the solution. The solution must involve permanently installed infrastructure for real-time, on-demand interoperability supported by 700 and/or 800 MHz trunks and P25 compliant radios.

Arizona also encourages any Federal effort to provide States with a distinct and separate funding stream for interoperability funding efforts, such as the Department of Commerce's Interoperability Grant Program. And since we know that emergencies do not stop at international borders, I ask that Congress take into consideration the additional need for cross-border communications. We need to be able to communicate with our neighbors to the south in the case of an emergency.

In summary, we will do all that we can do in Arizona to address all of these challenges, but resources are scarce and stretched way, way too thin. I would ask that Congress continue to give attention to the unique challenges that border first responders face every day, and apply funding and Federal solutions to these challenges for the sake of homeland security and the safety of our citizens.

I appreciate your time and your consideration, and I am glad to answer any questions.

Mr. CUELLAR. OK. Well, thank you for your testimony.

[The statement of Ms. Morrison follows:]

PREPARED STATEMENT OF LEESA BERENS MORRISON

Chairman Cuellar, Ranking Member Dent and Committee Members.

My name is Leesa Berens Morrison and I serve as Homeland Security Director for the State of Arizona and chair of the National Governors Association's Border Security Committee, part of NGA's Governor's Homeland Security Advisory Committee. Thank you for the opportunity to testify before you today.

I commend you for calling this hearing on such an important and timely subject, and for working to seek solutions to the challenges faced by border-based first responders. I also would like to commend Chairman Cuellar on calling for the creation of a Border Liaison at the U.S. Department of Homeland Security to improve rela-

tionships and communications on both sides of our border, as well as a comprehensive study to determine the infrastructure, staffing and resources needed at our borders. I applaud your commitment to improving border security, and the Committee as a whole for taking the time to convene today.

As I begin my testimony, I would be remiss if I did not point out something that, although obvious, is important to keep in mind. Arizona's southern border is not just my state's border. It is our nation's border to another country and, in many ways, to the outside world. In our post-September 11 world, that means a broken and malfunctioning border represents no less than a national security crisis in the United States. The first responders at the border are men and women who work every day to try to keep our citizens safe and secure. They understand this reality and operate with that sense of urgency. I believe our policy-makers at the state level and federal level owe them the same sense of focus and urgency.

I would like to focus my remarks on two of the most troublesome challenges faced by first responders in border communities. The first is the porous, unsecured international border. As the state that experiences the majority of the nation's illegal border crossings, Arizona offers real-world perspective on the implications that an unsecured border has on emergency response. The second challenge is a nation that lacks a comprehensive, interoperable emergency communications system, the absence of which makes it both dangerous and difficult for first responders to protect and save lives. In Arizona we do not have to theorize about what our communications needs would be in an emergency situation—our first responders on the border operate under these conditions every day.

#### ***The Challenges of a Porous Border***

More than a million illegal crossers have been apprehended along the 377-mile Arizona-Mexico border over the last two years. The repercussions of so much illegal cross-border traffic include increased border violence, criminal activity, incarcerations, investigations and autopsies, all of which place an undue and unsustainable staffing and funding burden on the first responders who work in this region. Through no choice of our own, Arizona's first responders have also become, in many ways, de-facto Border Patrol agents and immigration police. This places an enormous strain on our first responders, not to mention the overall security of our state.

As you consider the unique burdens on first responders in border states, it is also critical to keep in mind that our southern border is, for vast stretches, comprised of the desert. In many ways, the crises our border-based first responders handle on a daily basis are the result of the harsh environment in which they work. Firstly, Arizona emergency responders along the border must be specially-trained to work and function safely in very remote areas with extreme heat and weather conditions, much like the special training provided to the National Guard who reported to the southern border as part of Operation Jumpstart. This alone represents a unique cost for first responders that states like ours must bear.

But the much greater burden is that many of the emergencies we respond to every day are immigration-related crises caused by the extreme conditions in the desert. Each year first responders find hundreds of bodies in the Arizonan desert. These were people attempting to cross into the United States, but who succumbed to heat, dehydration and other common problems associated with the conditions of our region. In addition to being a tragic loss of life, each one of these deaths also presents great cost of money and manpower to the State of Arizona and to the Native American nations along the border. Recovery, investigations, autopsies and burial costs all must be borne by our law enforcement agencies and first responders.

For every one of the deaths that occur during attempted border crossings, our first responders handle many more rescue operations. Putting aside the problems with our broken border and outdated immigration laws, first responders have an obligation to save lives, and along the border they meet that obligation many times every day.

These life-saving emergency responses along our border every year takes not only an economic toll on our border communities but it is also an enormous drain on the emergency response system we have put in place to deal with natural disasters and homeland security crises.

However, sitting by idly awaiting federal action to address the cause of these strains—the open border—is not an option. To help fill this dire security gap in our state, Arizona has:

- Dissuaded illegal crossers through increased local law enforcement patrols along the border, paid for with state funding that was freed up when Governor Napolitano declared a state of emergency in Arizona's border counties;

- Decreased border-related crime through Arizona anti-gang squads—Gang Intelligence and Immigration Team Enforcement Missions (GIITEMs)—which include local law enforcement from border communities;
- Dismantled manufacturers and vendors of the fake IDs that are used to facilitate violent human trafficking and other crimes associated with illegal immigration, through the Governor’s Fraudulent ID Task Force, comprised of local and state law enforcement;
- Cracked down on border region auto theft through Arizona’s Stolen Vehicle Border Enforcement Strategy, through which local and state law enforcement use high-tech cameras to identify stolen vehicles as they travel southbound to the Mexico border;
- Formed intelligence-sharing partnerships with our neighboring border states of California, New Mexico and Texas and expanded the work of the Arizona Counter Terrorism Information Center to encompass local law enforcement officers from the border counties.

I am proud of the successes our border first responders, primarily law enforcement, have had in addressing these additional challenges. However, it would be shortsighted to focus too much on these temporary measures because these efforts divert first responders from their regular duties within their communities. The real solution to the border crisis can only be found at the federal level. I am here today to ask for your assistance so that our first responders can focus their efforts on their primary duties in their local communities instead of fulfilling, what we believe to be, a federal responsibility at our borders.

#### ***Interoperability Challenges***

A second significant challenge facing first responders along the border is a lack of a comprehensive, coordinated system of interoperable communications. Because of our broken border, first responders working in the region are in a constant state of emergency response, making it even more challenging to operate when communications among first responders is hindered. And after our many months and years in this situation, it is clear that the interoperability of our emergency communications systems is still inadequate.

With no comprehensive long-term federal solution to the communications vacuum in sight, states have applied a “band-aid” approach that works only during emergency response. In Arizona, we have spent precious homeland security funding to provide for interoperability along the border and throughout the state on a short term basis, including:

- Building patching technologies, upgrading radio towers and purchasing Mobile Communications Vans that allow Arizona first responders to communicate with one another during emergency response efforts. Just last year Arizona opened an additional two regional communications hubs in Santa Cruz County to further enhance border interoperability during emergencies;
- Developing a mutual aid agreement with Sonora to share response equipment that provide secure radio communications among law enforcement and response agencies working along the border;
- Creating a Collaborative Border Regional Alliance to develop cooperative relationships among the disparate communications service providers supporting the Arizona/Sonora region;
- Holding bi-national exercises involving hundreds of Arizona and Mexican firefighters, medical responders and law enforcement officers who work along the border to test cross-border interoperability.

I can give you hundreds of examples of how these interim measures have assisted our first responders’ communications capabilities during emergency responses along our border. But, I reiterate that these temporary measures are no substitute for comprehensive action at the federal level to upgrade our nation’s public safety communications systems and achieve fixed, permanently-installed infrastructure for real-time, on-demand interoperability, supported by 700/800 MHz, trunked and P25 compliant radios. We need a long-term solution to this ongoing problem, and federal dollars to implement the solution. For all of our safety, we owe our first responders the ability to communicate with one another during all emergency response efforts, not just large-scale events. And since emergencies do not stop at international borders, I ask that Congress take into consideration the additional need for cross-border communications.

Arizona also encourages any federal effort to provide states with a distinct and separate funding stream for interoperability efforts, such as the Department of Commerce’s interoperability grant program.

#### ***Funding Shortfalls***

The simple fact is that state and local response efforts depend to a large degree on federal homeland security funding, and although these funds have decreased over recent years the challenges to first responders, especially in border communities have continued to grow. First responders will always be the first people we turn to, whether it's a terrorist attack or a national disaster. We trust these firefighters, law enforcement officers and emergency medical personnel to save our lives. In return, they trust us to ensure that they have the resources they need to keep us safe and our nation secure. And at the border our first responders need specific cross-border pandemic plans, unique critical infrastructure protection and bi-national preparedness and training systems. I believe all of this should all be given due consideration when federal homeland security funding allotments are determined. We will continue to do all we can in Arizona to address these challenges, but resources are scarce and stretched too thin.

**Closing**

In closing, I ask that Congress continue to give attention to the unique challenges that border first responders face every day, and to apply the necessary funding and federal solutions to these challenges, for the sake of homeland security and the safety of our citizens.

Since 9/11 first responders have been asked to do more for their communities than ever before. In addition to their everyday heroic efforts while walking beats, suppressing fires, conducting search and rescue and hazardous materials response and providing emergency medical care, first responders today are constantly on the lookout for terrorist activity. And first responders working in border communities bear the additional responsibilities that must be acknowledged and addressed.

I appreciate your time and consideration, and am pleased to answer any questions you have at this time.

Mr. CUELLAR. At this time, we recognize Chief Sosa to summarize his statement for 5 minutes.

**STATEMENT OF LUIS F. SOSA, JR., FIRE CHIEF, LAREDO, TEXAS; BILL ELFO, SHERIFF, WHATCOM COUNTY SHERIFF'S OFFICE, WASHINGTON STATE**

Chief SOSA. Chairman Cuellar, Ranking Member Dent and members of the Subcommittee on Emergency Communication, Preparedness and Response, on the border, because we are often so isolated from any surrounding communities on the U.S. side, we understand better than most that we are on our own to address the threats not only to the people, property and economy of Laredo, but increasingly the United States.

For instance, while my colleagues in New York City or the District of Columbia may rely upon union assistance, joint assistance programs with surrounding communities, in times of challenge, in Laredo our nearest support is 24 hours away, despite Nuevo Laredo, Mexico, a city of 600,000 population, just across the river. And while the Federal agents manning the border posts have other security responsibilities, Laredo bears the burden with respect to protection of life, health and property.

While the chairman is well aware of Los Dos Laredos, or the two Laredos, and the role we play on the border, let's take a moment to share some insights about my community with the subcommittee. In outlining Laredo's role on the border, I am also seeking to answer the questions that many of you may have.

Why should Federal resources be used to support services that are typically provided by every local government?

Laredo is at the center of the primary trade route connecting Canada, the United States and Mexico. We are the gateway to Mexico's burgeoning industrial complex. The two Laredos are actually one city divided only by one river.

Laredo became the first official port of entry on the U.S. and Mexico border in 1851. In fact, the United States consulate in Nuevo Laredo, Mexico, is America's oldest, continuously active diplomatic post, established in 1872. Today, the Laredo Customs District handles more trade than the land ports of Southern California, Arizona, New Mexico and West Texas combined.

The city of Laredo provides a unified approach of police, fire and public health first responders to ensure safety, security and public health disease control and preparedness. We also provide training, planning and support for disease control and prevention through our public health authority.

We support our Federal and State partners in responding to public health and safety hazards, challenges such as primary response for river rescue and recovery, as well as response to bomb threats at our international bridges to conduct searches for weapons of mass destruction.

Despite Laredo's providing these national defense services, Laredo is not a direct beneficiary of any of the new DHS programs because Federal funding of homeland security has been limited to the U.S. census data.

Funding formulas must be changed to address threat levels and services provided to the Nation by border communities. Laredo is providing the services; it is time that the Nation provides Laredo with a fair share of resources needed for these efforts.

Federal funding for homeland security and public health response initiatives must compensate local communities that are providing protection to the Nation. The easiest way to accomplish this goal is to create a border category in all funding formulas.

There are also specific steps that the Congress can take to address these challenges. The UASI should be changed to make proximity to the border a threat criterion, and funding should be available for people and equipment required to meet threats to the Nation's health and safety. Laredo provides more public health responders and public safety responders on the border than the Federal Government, yet it is not eligible for any direct funding.

The port security initiative must be modified to include all major ports, not simply water ports. The city of Laredo is the Nation's largest inland port on the U.S.-Mexico border, and yet it is not eligible for port security funding. International bridges should be included in the protected class of infrastructure of national significance. Their loss would have a major impact to the Nation's economy.

Creative border security initiatives, such as Laredo's "River Vega" project, that enhance national security by clearing lines of sight and building river retaining walls with the result being an integrated national security project should be supported.

All other DHS and Department of Justice programs which fund first responders, like the SAFER grant and the COPS grant, must be fully funded; and the role a community plays in supporting national security must be included in the funding criteria.

Laredo is the only southern border city strategically positioned at the convergence of all land transportation systems. While this location results in Laredo being our Nation's largest inland port on the southern border, it also means that Laredo's public safety and

health programs are heavily burdened with the flow of such commerce.

Laredo is the shipping and receiving dock for the urban centers and seaports in your States. There are even statistics on the amount of cargo that flows from or returns to your States, like Washington, New York, Pennsylvania, the Carolinas and beyond.

Laredo and other communities strive for healthy and safe communities. Sometimes we are asked to bear too large a burden in keeping our Nation healthy and safe. We look to this economy to assist us obtain the resources we need to help us meet that challenge.

Thank you.

Mr. CUELLAR. Thank you, Chief, for your testimony.

[The statement of Chief Sosa follows:]

PREPARED STATEMENT OF LOUIS F. SOSA

**INTRODUCTION**

Chairman Cuellar, Ranking Member Dent and Members of the Subcommittee on Emergency Communications, Preparedness, and Response—Good morning. I am Luis F. Sosa, Jr. I have been proud to lead the Laredo Fire Department, a three hundred and thirty—three (333) uniformed personal department, since 2001. Like my father before me, my professional career has been as a first responder on the border, having joined the Department in 1976. .

**LEADERSHIP OF CHAIRMAN CUELLAR**

Before I begin my formal testimony, I would like to take a moment on behalf of my fellow border first responders in Laredo to thank Chairman Cuellar and this Committee for the focus you have brought to the challenges we face. This past March, Chairman Cuellar sat down with me, Laredo Police Chief Dovalina and Laredo Health Director Dr. Hector Gonzales to craft a US-Mexico Border Public Safety and Public Health Response paper. The conclusion of that paper, a copy of which is attached to my testimony, is that there is a need for a Federal-Local partnership.

**ISOLATION & COOPERATIVE EFFORTS**

On the border, because we are so often so isolated from any surrounding communities on the U.S. side, we understand better than most that we are on our own to address threats not only to the people, property and economy of Laredo, but increasingly to the United States. For instance, while my colleagues in New York City or the District of Columbia may rely upon joint assistance programs with surrounding communities in times of challenge, in Laredo, “our nearest U.S. support” is over an hour’s drive away, despite Nuevo Laredo, a city of 600,000 being just across the river. And while the Federal agents manning the border posts have point responsibility for security, Laredo bears the burden with respect to protection of life, health and property.

**LOS DOS LAREDOS AND THE ROLE WE PLAY ON THE BORDER**

While the Chairman is well aware of “La Dos Laredos,” or “The 2 Laredos” and the role we play on the border, let me take a moment to share some insights about my community with the Subcommittee. In outlining Laredo’s role on the border, I am also seeking to answer the question that many of you may have—Why should federal resources be used to support services that are typically provided by every local government?

**A. Largest and Oldest Southern Inland Port**

Laredo is at the center of the primary trade route connecting Canada, the United States and Mexico. We are the gateway to Mexico’s burgeoning industrial complex. The two Laredos are actually one city, divided only by a river. Laredo became the first “official” Port of Entry on the U.S./Mexico border in 1851. (In fact, the United States Consulate in Nuevo Laredo, Mexico is America’s oldest continuously active diplomatic post, established in 1872.) Today, the Laredo Customs District handles more trade than the land ports of Southern California, Arizona, New Mexico and West Texas combined.

**B. Services We Provide Laredo and Nation**

The City of Laredo provides its local citizens and the nation a comprehensive public safety and public health response to threats at the border. Laredo provides:

- A unified approach of police, fire and public health first responders to ensure safety, security and public health disease control and preparedness.
- Training, planning and support for disease control and prevention through its public health authority.
- Support for our federal and state partners in responding public health and safety hazards challenges such as primary response for river rescue and recovery as well as response to bomb threats at our international bridges to conduct searches for weapons of mass destruction.

#### **CHALLENGE**

Despite Laredo providing these national defense services, Laredo is not a direct beneficiary of any of the new DHS programs because federal funding for homeland security has been limited to US census data. Funding formulas must be changed to address threat levels and services provided to the nation by border communities. Laredo is providing the services. It is time that the nation provides Laredo with a fair share of the resources needed for these efforts.

#### **SOLUTIONS**

Federal funding for homeland security and public health response initiatives must compensate local communities that are providing protection to the nation. The easiest way to accomplish this goal is to create a border category in all funding formulas.

There are also specific steps that the Congress can take to address these challenges:

- UASI should be changed to make proximity to the border a threat criterion and funding should be available for people and equipment required to meet threats to the nation's health and safety. Laredo provides more public health responders and public safety responders on the border than the federal government, yet it is not eligible for direct funding.
- The Port Security initiative must be modified to include all major ports, not simply water ports. The City of Laredo is the nation's largest inland port on the U.S. Mexico border, yet it is not eligible for port security funding.
- International Bridges should be included in the protected class of infrastructure of national significance. Their losses would have a major impact on the nation's economy.
- Creative border security initiatives such as Laredo's "River Vega" project that enhance national security by clearing lines of sight and building river retaining walls with the result being an integrated national security project should be supported.
- All other DHS and Department of Justice programs which fund first responders (i.e. SAFER, COPS) must be fully funded and the role a community plays in supporting national security must be included in the funding criteria.

#### **CONCLUSION**

Laredo is the only southern border city strategically positioned at the convergence of all land transportation systems. While this location results in Laredo being our nation's largest inland port on the southern border, it also means that Laredo's public safety and health programs are heavily burdened with the flow of such commerce. Laredo is the shipping and receiving dock for the urban centers and seaports in your states. There are statistics of the amount of cargo that flows from, or returns to, your states of Mississippi, Washington, New York, Pennsylvania, Indiana, the Carolinas, Alabama and beyond. Laredo and other border communities strive for healthy and safe communities. Sometimes we are asked to bear too large a burden in keeping our nation healthy and safe. We look to this committee assist us obtain the resources we need to meet that challenge.

Thank you and I look forward to your questions.

Mr. CUELLAR. At this time I now recognize Sheriff Bill Elfo to summarize his statement for 5 minutes.

#### **STATEMENT OF BILL ELFO, SHERIFF, WHATCOM COUNTY SHERIFF'S OFFICE, WASHINGTON STATE**

Mr. ELFO. Mr. Chairman and members of the committee, thank you for the invitation and opportunity to be here today to discuss some of the unique challenges and successes of first responders in northern border communities.

Whatcom County is located in the extreme northwest corner of the United States, or the continental United States. It encompasses



2,150 square miles and has a population of over 186,000. We share a 90-mile land border with Canada and 30 miles of Puget Sound coastline. We have 10,000-foot-high mountains and a remote terrain that is often difficult to access.

We are 30 miles south of Vancouver, British Columbia, site of the 2010 Olympics. We include Point Roberts, which is unique and presents special law enforcement and homeland security challenges; not physically connected to the U.S. mainland, it is surrounded on three sides by water and is accessible by land only by driving 26 miles of busy Canadian highways and processing through two Customs checkpoints in two countries.

Local responders are challenged to provide protection and emergency response to key critical infrastructure related to the border and commerce that includes refineries and butane and propane storage facilities. Not only are these facilities vulnerable to attacks that are capable of producing major local devastation, but their destruction would cause international consequences.

The northern border experiences serious problems with narcotics, human and weapons smuggling; and it has been the route for terrorists on two occasions to enter the United States. Fortunately, good cooperation between homeland security and local law enforcement exists, and we work together to detect and capture hundreds of wanted criminals each year. Border bounce-backs involve over 600 persons per month from around the country, seeking admission to Canada, who are denied entry because of criminal records, mental illness or indigency. Many remain in our community and cause problems including brutal murders.

It is essential that local State and Federal law enforcement and other first responders continue to work together to mitigate these unique challenges and protect our community and Nation.

Local and State responders in Whatcom County include the Whatcom County Sheriff's Office, which has county-wide responsibilities plus 10 city, State and tribal first responder agencies. All major components of the Department of Homeland Security are present, as is the FBI, the DEA, the National Parks Service and the U.S. border services which conduct operations in Whatcom County. Fire protection and emergency medical services are provided through 19 independent fire agencies.

Since the 9/11 attacks, there has been a large infusion of DHS agents into our community. Staffing assets at the Border Patrol, Coast Guard, ICE and CBP have increased dramatically. Particularly notable was the establishment of the CBP Air and Marine unit at Bellingham Airport.

Cooperation and resource-sharing between local and Federal law enforcement officials have been outstanding. The county has been a good partner to Federal law enforcement as well.

In our local system, we prosecute and process over 80 percent of the cases that are initiated by Federal law enforcement agencies. The county recently launched a data-sharing project that allows local, State and Federal law enforcement to share criminal data; and we have established a highly skilled and equipped Sheriff's Special Response Team to respond to situations requiring special weapons tactics and equipment.

The Sheriff's Office has worked with DHS and others to develop major functional exercises that will test interagency response, communications and coordination. However, despite these successes, many gaps and vulnerabilities continue to exist. Much more needs to be done to improve response capabilities, communications and information-sharing.

To meet these challenges, it is absolutely essential that first responders are able to fully cooperate and communicate with each other. At present, none of the agencies have dependable communication systems that cover their entire area of operations. Not all agencies can operate in a secure mode, and there is really no common frequency to bring all agencies together for true interoperability.

Terrain challenges and a lack of funding have precluded the achievement of a workable countywide system. Treaties granting Industry Canada approval of border area frequency licenses further limit options.

It is essential that border area first responders at all levels develop capabilities, including a joint operation center large enough to accommodate everyone to work together in times of need under protocols established by the National Incident Management System. DHS is reviewing EOC capabilities in connection with the 2010 Olympics, and this may provide an opportunity to resolve that situation.

Federal assistance is needed to reach agreements with the Canadian Government and eliminate bureaucratic and systematic impediments that delay critical emergency responses to parts of our county, particularly Point Roberts, and facilitate the timely response of law enforcement.

We are also burdened with some new regulations; regulations requiring passports to re-enter the United States at Point Roberts have been an impediment. We have asked for the State Department's help and it has not been forthcoming. We are now engaged in the time-consuming, expensive process of acquiring passports for our law enforcement personnel. We also need to work toward better relations with Customs Canada on capturing wanted criminals who try to enter Canada to flee American justice.

The sheriffs of the State and other law enforcement officials are concerned about the timeliness and adequacy of information provided by Federal officials regarding threats in our local communities. Improvements have been made, including enhanced intelligence fusion centers, but much more needs to be done. Problems encountered at the local county level can be dealt with by local law enforcement agencies and other first responders if adequate resources are provided for staffing, training, equipment, interoperable communications and exercises.

Leaders in local first response agencies are in the best position to assess local needs and mount responses. No State or Federal agency is as familiar with these issues as sheriffs and other local emergency response officials. Consequently, they are in the best position to prevent, respond and mitigate the effects of border crime and threats.

Thank you, Mr. Chairman.

Mr. CUELLAR. Thank you again for your testimony.

[The statement of Mr. Elfo follows:]

PREPARED STATEMENT OF BILL ELFO

Bill Elfo has served as Sheriff of Whatcom County, Washington since January of 2003. Sheriff Elfo previously served for over six years as Director of Public Safety for the border community of Blaine, Washington. Sheriff Elfo has continuously served in law enforcement for over 33 years and is a former prosecutor, has served an adjunct professor of criminal justice at several colleges and universities and currently serves on the criminal justice advisory board for two colleges.

Sheriff Elfo holds a BS and MS in Criminal Justice as well as a Juris Doctorate. He is a graduate of the FBI Command College, the FBI National Law Institute, the Southern Police Institute and many other professional training programs. He holds Executive Level Certification from the Washington State Criminal Justice Training Commission. Sheriff Elfo is a member of the Washington State Bar, the Bar of the United States District Court of the Western District of Washington and the bars of several other state and federal courts.

Sheriff Elfo is the current president of the Washington State Sheriff's Association and a former president of the Whatcom County Police Chiefs Association. He is a member of the National Sheriff's Association, the International Association of Chiefs of Police, the Washington Association of Sheriffs and Police Chiefs and the Whatcom County Police Chiefs Association.

He served as Chair of the Washington State Attorney General's Criminal Law and Sentencing Committee of the Methamphetamine Task Force. He has been invited to serve on the National Sheriffs' Association, Sheriff's Mutual Aid Response Committee.

Mr. Chairman and Members of the Homeland Security Committee:

Thank you for the opportunity to testify before you and discuss some of the unique challenges confronting first-responders in border communities and to present some of the successes we have experienced in dealing with them.

Whatcom County is located in the extreme northwest corner of Washington State. It is over 2150 square miles in size and shares an approximate 90-mile land border with Canada and has 35 miles of Puget Sound coastline. Geographically diverse, the County includes 10,000 foot high mountains and remote terrain that are very difficult to access. Whatcom County is located just 30 miles south of Vancouver, British Columbia the site of the 2010 Winter Olympics. With over 186,000 residents it is home to Western Washington University, Whatcom Community College and Bellingham Technical College.

Unique law enforcement and homeland security challenges are presented by the 1500 resident County community of Point Roberts. Point Roberts is not physically connected to the rest of the County or the United States by land and is surrounded on three sides by water. By land, it is only reachable by driving through 26 miles of busy Canadian highways and processing through two Customs checkpoints.

Local responders are challenged to provide protection and emergency responses to key critical infrastructure within the County. Not only is this infrastructure vulnerable to attacks that can result in local devastation, but if disrupted, could lead to major regional, national and international consequences.

Two major oil refineries, a large aluminum smelter, two major dams providing hydro-electricity, and propane/butane production and storage facilities all are located within the County. Marine ports of entry, petroleum pipelines, railways and an interstate highway facilitate international commerce. Pipelines provide fuel to Sea-Tac airport south of Seattle and to McChord Air Force Base.

The northern border has experienced serious problems with narcotics, human and weapons smuggling. Terrorists have traversed it to enter our Country. Abu Mezer, who planned the bombing of the New York City subway system, entered the United States at the Blaine Washington port of entry. Ahmed Ressam entered the country through Port Angeles, Washington with explosives and a plan to attack Los Angeles International Airport.

Fortunately, Customs and Border Protection officers and local law enforcement work together to detect hundreds of wanted criminals seeking to cross the international border. In additions to detecting hundreds of cases involving weapons, drugs, kidnapping and stolen property, Whatcom County processes on average, 150 wanted fugitives from across the country every year. The cities of Blaine (population 4000) and Sumas (population 700) straddle the border and their police departments are also involved in these efforts.

On average, over 600 persons a month seeking admission to Canada or seeking entry to Canada to reach Alaska, are denied entry because of criminal records, mental illness or indigency. Some remain in our community and cause problems. A Colo-

rado sex offender was denied entry to Canada and returned to Bellingham where he brutally murdered a woman in a city park. A criminal alien who had recently been denied entry to Canada stabbed a young worker to death in a Bellingham shopping center.

It is essential that local, state and federal law enforcement and other first responder agencies work together to mitigate these unique challenges and protect our community and nation.

The municipalities of Blaine, Sumas, Lynden, Everson-Nooksack, Ferndale and Bellingham operate their own police departments and the Whatcom County Sheriff's Office has jurisdiction throughout the County. Other local and state law enforcement agencies operating within the County include the Washington State Patrol, the Western Washington University Police Department, Lummi Nation Law and Order and the Nooksack Tribal Police Department. Major components of the Department of Homeland Security present in Whatcom County include Customs and Border Protection, Immigration and Customs Enforcement, the Coast Guard and the Border Patrol. The FBI, DEA, National Park Service and the U.S. Forest Service law enforcement components also maintain operations and offices within the County.

Fire protection and emergency medical services are provided through sixteen independent fire districts, the City of Bellingham and Lynden Fire Departments, the Department of Natural Resources and a volunteer fire agency operated by Seattle City Light at the Skagit River Project. The Sheriff's Office Division of Emergency Management provides overall emergency coordination and operates an emergency operations center.

Since the attacks of 9-11, there has been a large infusion of agents of the Department of Homeland Security into our community. Staffing and assets at the Border Patrol, Coast Guard, Immigration and Customs Enforcement and Customs and Border Protection have increased dramatically.

Particularly notable was the establishment of the Customs and Border Protection Air and Marine Unit at the Bellingham International Airport. Cooperation and resource sharing between local and federal law enforcement officials have been outstanding. Air resources provided in times of emergency have proven invaluable. The Border Patrol has agreed to assign an agent to the regional drug task force and the Coast Guard makes its vessels and crews available to assist on a variety of missions.

The County continues to be a good partner and processes over 80% of the criminal cases initiated by federal officers in our local criminal justice system. The County recently launched a data-sharing project that will allow all local, state, and federal participating agencies to share data. A highly skilled and equipped Sheriff's Special Response Team is able to provide special weapons and tactics when necessary.

The Sheriff's Office is also working closely with the Department of Homeland Security, the State Military Department and other emergency response agencies and has developed functional exercises designed to test interagency response, communications and coordination.

Despite these successes, many gaps and vulnerabilities continue to exist. Much more needs to be done to improve communications, information sharing, response capabilities and relationships.

To meet these challenges, it is absolutely essential that local, state and federal first-responders are able to fully cooperate and communicate with each other. None of these agencies have a dependable communications system that covers their entire area of operations. Interoperability is a wish that is yet to be fulfilled.

Most federal agencies operate on VHF band. State and locals operate on the VHF and UHF bands. There is no common frequency that brings all the agencies together for true interoperability and the closest thing we have is the Law Enforcement Radio Network (LERN) frequency. This frequency is not on repeater channels and communications are generally limited to line of sight. Some of the agencies have the ability to operate in the secure mode, but not all. When rapid communications are needed, they are not forthcoming.

Terrain challenges and a lack of funding have precluded the achievement of a workable countywide system. In some areas, communication capabilities are non-existent. Treaties that grant Industry Canada a review of border area frequency assignments and licensing further limit options. The Sheriff's Office is currently studying the feasibility of improving communications through satellite and Internet technologies.

It is essential that border area first responders at all levels of government develop capabilities to coordinate responses and resources at major events influenced or affected by the international border. A joint emergency operations center large enough to accommodate border related activities should be constructed and maintained

within our border county to integrate activities in times of emergency under protocols established by the National Incident Management System (NIMS). Current facilities are undersized and under-equipped to meet the challenges of large-scale events. The State emergency operations center is located over 140 miles from the border and in the event of a large-scale emergency requiring multiple agency coordination and a unified command structure, it is unlikely that local personnel who are critical to the success of the mission will be able to leave their communities to reach a distant operations center. The Department of Homeland Security is currently reviewing emergency operations needs in advance of the 2010 Olympics. This should be viewed as an opportunity to develop a joint emergency operations center.

Federal assistance is also needed to reach agreements with the Canadian government and eliminate bureaucratic and systematic impediments that delay critical emergency responses to parts of our County and facilitate improved communications and information sharing.

As previously described, Point Roberts is not connected to the rest of the United States by land. Nonetheless, the Whatcom County Sheriff's Office is responsible for protecting and providing emergency services. Prior agreements with the Province of British Columbia permitted the Sheriff's Office to obtain provincial firearm permits for the limited purpose of traveling to Point Roberts. A few years ago our federal government negotiated a national policy replaced the workable local policy.

Registered law enforcement officers can enter Canada to travel to Point Roberts. However, the process now involves reporting to Customs Canada, waiting for the deputy's name to be checked against a registry, unloading all firearms, securing the firearm in a locked container in the trunk of the police vehicle, driving through Canada, reporting to the U.S. Port of Entry, removing the weapon from the container in the trunk, reloading it and proceeding to the emergency. As you can imagine, this system is unworkable and wastes valuable minutes when they are most needed. Furthermore, there are no provisions that allow our Special Response Team to respond to the Point with needed special weapons and equipment.

As I was preparing this testimony, the Sheriff's Office was confronted with an explosive device that had been shipped to a business at Point Roberts through the mail. Emergency responders were delayed in their response because of these policies. Eventually, a Coast Guard vessel was secured to transport them on a boat.

The Sheriff's Office asked for the assistance of the State Department in expediting and waiving fees for newly required passports for trips to Point Roberts. Many of these trips are needed to support our federal partners at the Ports of Entry. No assistance was forthcoming and we are now engaged in the expensive and time-consuming process of acquiring passports for our personnel.

It is not uncommon for wanted criminals to try and make their way to Canada. In January 2006 two individuals who committed a brutal murder in California were located during a joint Sheriff's Office—Homeland Security Operation that resulted in a high-speed pursuit and gunfire. After assaulting federal agents, the fugitives' vehicle was stopped literally inches from the border. When information regarding the pursuit was relayed to Customs Canada, their unarmed Customs officers abandoned their posts and their union issued a press release about unsafe working conditions.

A short time later, another fugitive wanted for murder was suspected of being headed for the Whatcom County area. U.S. Marshals notified Customs Canada. Canadian Customs officers promptly walked off the job and issued a press release about the fugitive and unsafe working conditions. These actions not only jeopardized operations designed to apprehend the suspect, but endangered the lives of all law enforcement officers who may have confronted them. Until issues such as these can be resolved, local law enforcement is reluctant to share criminal intelligence information with Customs Canada.

The Sheriffs of the State and other law enforcement officials are concerned about the timeliness and adequacy of information provided by federal officials about threats in their local communities. Improvements have been implemented over the past year including an enhanced intelligence fusion center. However, more needs to be done to ensure that notifications to local law enforcement are timely and relevant.

The problems encountered at the local county level can be dealt with by local law enforcement agencies and other first responders if adequate resources are provided for staffing, training, equipment acquisition, interoperable communications, and exercises. Leaders in local first-response agencies are in the best position to assess local needs and mount responses. No state, regional or federal agency is as familiar with these issues as sheriffs and local law enforcement leaders. Consequently, they are in the best position to prevent, respond and mitigate the effects of border crime.

Mr. CUELLAR. I now recognize Commander Mike Kessler to summarize his statement in 5 minutes.

**STATEMENT OF MIKE KESSLER, HOMELAND SECURITY COORDINATOR, THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION**

Mr. KESSLER. Good afternoon, Chairman Cuellar, Ranking Member Dent, members of the subcommittee. My name is Mike Kessler and I am testifying today on behalf of the Confederated Tribes of Colville Reservation in my position as Commander with the Tribal Police Department. I am also responsible for homeland and border security issues.

A little bit of background on the Colville Tribe: Although we are recognized as one tribe, right now there are 12 smaller bands that come together to form that confederation. The Colville Reservation encompasses approximately 2,275 square miles. We have about 9,300 tribal members, half of which live on or near the reservation.

Our reservation also encompasses two counties and two homeland security regions. Due to that issue, we very rarely, if at any time, get homeland security funds because they are filtered through the State.

Among the issues that I would like to briefly highlight are the recent float plane incidents that we have had on the Colville Indian Reservation. We continue to have drug smuggling come across the reservation—excuse me, come across the border. Those float planes land on remote waterways, remote airstrips within the reservation. The planes that we have contacted—we seized one, arrested the pilot; that plane was carrying in excess of 400 pounds of illegal narcotics, including marijuana and Ecstasy.

For each plane that we sight or can make contact with, we have gotten information that there are four or five that we don't. These are both fixed-wing and rotor-wing type aircraft.

The issues that face us in this instance are mainly our communications. The two aircraft that have been contacted—we contacted one, Border Patrol contacted another within about 20 miles of the reservation borders—had radios that were able to monitor local police and Border Patrol frequencies. They know where we are at, they know what we are doing, they know when to land, where to land; and that is causing an issue for us.

The other issue as far as resources is manpower. I have 18 patrol officers to cover 2,270 square miles. That puts about three officers on at any given time on a 24/7 shift. With 2,275 square miles to cover, I can't have officers anywhere close to one of these aircraft sightings at any given time; and they take advantage of that fact. Like I said, they know where we are at and what we are doing.

Because of the lack of funding and the lack of our access to homeland security funding, our communications system is lacking, if you will. We have no digitally capable radios at this point. We can talk to our local county sheriff's department, but if they decide to have an emergency and go—they are digitally capable to go to their digital channels—we are left out. We have no capability of doing that.

Forest Service, Border Patrol, all of those local agencies again have P25-capable radios. We don't. We can't communicate with them.

Among the homeland security responsibilities that the tribe has undertaken are the three dams we have with immediate access to the reservation. The reservation is surrounded on three sides by water, the Columbia River to the east and to the south and the Okanogan River to the west. On the Columbia, there are two dams that border the reservation. Grand Coulee Dam is on our southern border, Chief Joseph Dam is on our western border and Wells Dam is within 10 miles of the reservation.

Grand Coulee Dam, the Lake Roosevelt Reservoir, the tribe is one of only two agencies in the area that have the capability of patrolling the waterways. The lack of funding for that arena has led to a lack of those patrols, and therefore, has reduced somewhat the protection to the dam. We are able to respond but our response is slowed.

Having direct access to homeland security funding that is not filtered by the State and by the counties would greatly enhance the tribe's capability to provide protection to Grand Coulee Dam, the citizens of the reservation and the citizens of the surrounding counties.

Thank you.

Mr. CUELLAR. Thank you again for your testimony.

[The statement of Mr. Kessler follows:]

PREPARED STATEMENT OF MIKE KESSLER

Good afternoon Chairman Cuellar, Ranking Member Dent, and members of the Subcommittee. My name is Mike Kessler, and I am testifying today on behalf of the Confederated Tribes of the Colville Reservation ("Colville Tribe" or "Tribe"). I am the Commander of the Colville Tribe's Police Department and also serve as the lead coordinator for the Tribe's homeland and border security activities. I appreciate this opportunity to testify on the unique challenges the Colville Tribe faces as a tribal community along the northern border of the United States. Specifically, I would like to address the Colville Tribe's ongoing battle with cross-border smuggling, the resources and funding challenges we face, and our experience working and coordinating with government agencies.

I would first like to provide a brief background on the Colville Tribe and its geographic location. Although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is, as the name states, a confederation of 12 smaller aboriginal tribes and bands from all across eastern Washington State. The Colville Reservation encompasses approximately 2,275 square miles and is in north-central Washington State. The Colville Tribe has nearly 9,300 enrolled members, making it one of the largest Indian tribes in the Pacific Northwest. About half of the Tribe's members live on or near the Colville Reservation.

The northern boundary of the present-day Colville Reservation is approximately 70 miles long and within 30 miles of the U.S.-Canadian border. The former North Half of the Colville Reservation, which was opened to non-Indian settlement in the late 1800s, extends northward from the existing boundary to the Canadian border. The Colville Tribe and individual tribal members retain ownership of numerous tracts of land in the North Half, the largest of which are either contiguous to or within five miles of the Canadian border. The Tribe exercises law enforcement and regulatory jurisdiction over these lands.

In addition to the Tribe's proximity to the Canadian border, a portion of the Grand Coulee Dam—the largest hydroelectric power plant in the United States and the third largest in the world—is on the Colville Reservation. Chief Joseph Dam, another dam on the Columbia River system, is also partially located on the Colville Reservation. Yet another dam, the Wells Dam, is located less than 10 miles from the southwestern boundary of the Colville Reservation.

The Colville Tribe's police force consists of 18 officers, three of whom are on duty and respond to calls during any given eight-hour shift. The Tribe's Natural Re-

sources Department is able to provide three additional officers to patrol the lakes and waterways of the Colville Reservation, which include Lake Roosevelt, the reservoir of the Grand Coulee Dam. These Natural Resources officers have also assisted and continue to assist the National Park Service and the Bureau of Reclamation ("BOR") since those agencies heightened security of the Grand Coulee Dam in the aftermath of the September 11 attacks. Collectively, a total of six law enforcement officers are responsible for policing all 2,275 square miles of the Colville Reservation and its accompanying lakes and waterways at any given time.

#### *Cross-Border Smuggling*

One of the most pressing issues the Colville Tribe faces is cross-border smuggling activity from Canada. During the past year, numerous sightings of unmarked fixed-winged aircraft have been reported on or near the Colville Reservation. Most significantly, in March 2006, the Colville Tribe's Natural Resources officers and officers of the Tribe's police department seized an unmarked float plane from Canada that was attempting to smuggle illegal drugs into the United States through the Colville Reservation. After being alerted to the plane, the officers were able to respond and disable the aircraft when it was attempting to take off from the Columbia River near the Grand Coulee Dam. After a long chase, the officers ultimately captured the pilot and handed over to federal law enforcement authorities an estimated \$2 million in illegal drugs that had been deposited by the plane. The U.S. Border Patrol honored the tribal officers who participated in that seizure.

In addition to that widely publicized incident, the Colville Tribe's law enforcement officers have apprehended or participated in the apprehension of several other individuals involved in cross-border smuggling activity. Collectively, these efforts have resulted in the seizure of millions of dollars in cash, marijuana, Ecstasy, cocaine, methamphetamines, and other illegal substances.

The Colville Tribe continues to receive several reports each month of unidentified aircraft on the Colville Reservation. For example, in recent weeks one of the Tribe's police officers witnessed a small plane taking off from a makeshift airstrip in the eastern portion of the Colville Reservation. That plane, which had its identifying markings painted over, was representative of the types of aircraft from Canada that have been involved in smuggling activity.

Smugglers have found the Colville Reservation an attractive thoroughfare for smuggling activity because of its remote location and because at any given time, the Colville Tribe has only six law enforcement officers (three police officers and three Natural Resources Department officers) to patrol the entire 2,275 square-mile Colville Reservation. The Tribe has reason to believe that smugglers exploit our lack of resources by monitoring our radio frequencies and coordinating their activities around our officers' movements.

#### *Resources and Funding Challenges*

The Colville Tribe faces several significant resource and funding challenges in its effort to combat cross-border smuggling activity and provide security to the areas near the dams on or near the Colville Reservation. As the Subcommittee is aware, under current law, tribal governments must apply through their respective states or local governments for federal homeland security funding. In Washington State, federal homeland security funds are funneled through regions that correspond with county governments and their respective geographic boundaries. The Colville Reservation includes portions of both Ferry and Okanogan Counties. Those counties are included in different regions, 7 and 9, respectively. Because the Colville Tribe's governmental headquarters is in Region 9, however, the Tribe is allowed to seek funding only from that region. This funding mechanism, coupled with the fact that our neighboring counties are among the poorest in Washington State and are therefore not inclined to pass along funding to the Tribe, has effectively precluded the Colville Tribe from receiving any federal homeland security funding.

The Tribe's funding challenges are most evident by the lack of on-the-ground law enforcement personnel to patrol the Colville Reservation. For example, funding for the Tribe's Natural Resources Department officers—who were among the officers honored by the U.S. Border Patrol for capturing the float plane near the Grand Coulee Dam last year—has been omitted from the President's Budget Request for the last several years. This continued omission comes despite the fact that the Lake Roosevelt Management Agreement ("LRMA"), an agreement between the Tribe, the Secretary of the Interior, and other agencies within the Department of the Interior, requires the Bureau of Indian Affairs ("BIA") to identify funds for these activities in its budget. Although the Tribe has been working with the BIA in an effort to get the funds restored to that agency's base budget, the omission has forced the Tribe



to seek congressional assistance to get these funds (identified as “Lake Roosevelt Management-Enforcement” in the BIA’s budget) restored through the appropriations process. As the Subcommittee is surely aware, restoring funding that was not included in the President’s Budget Request has become an incredibly difficult undertaking.

Communications is another area in which the Colville Tribe’s lack of resources is evident. The Colville Tribe does not have a digitally capable radio system, and we currently own only four digitally capable radios. The primary radio frequency used by the Tribe’s law enforcement personnel is shared with three other governmental agencies. This sharing of a single frequency by outside agencies, one of which is more than 150 miles from the Colville

Reservation, often results in interference or otherwise unintelligible radio traffic. Although the Tribe possesses the capacity to establish its own frequency, we estimate that doing so would require an investment of approximately \$2 million to cover the costs of radios, repeaters, antennas, and associated structures to house the equipment.

*Coordination with Governmental Agencies*

Even with its resources and funding challenges, the Colville Tribe has generally worked well with federal law enforcement agencies. Most significantly, the Tribe has a positive and cooperative relationship with the U.S. Border Patrol. Tribal personnel regularly attend intelligence meetings with Border Patrol officials, and the two entities share information on an ongoing basis. The Colville Tribe also shares intelligence and participates in ongoing operations with the U.S. Immigration and Customs Enforcement (“ICE”) agency to identify and attempt to curtail airborne smuggling activity.

The Colville Tribe also coordinates with other federal agencies within the Department of the Interior. As noted above, the Tribe and the Secretary of the Interior are parties to the LRMA, which divides Lake Roosevelt—the reservoir of the Grand Coulee Dam—into zones and charges the various parties with responsibility to patrol a given zone. Other parties to the LRMA include the BIA, the National Park Service, the BOR, and the Spokane Tribe of Indians. The LRMA has been in effect since 1990, and officers from the Tribe’s Natural Resources Department carry out the enforcement activities in the zone for which the Tribe is responsible.

In addition to coordination with federal agencies, the Colville Tribe has also worked with other organizations on interoperability and border security issues. For example, the Tribe worked with the National Native American Law Enforcement Association and the National Congress of American Indians in the preparation of the Indian Country Border Security and Tribal Interoperability Pilot Program. That pilot program assessed border and homeland security preparedness for 40 Indian tribes, including the Colville Tribe, that are geographically located on or near the northern and southern borders of the United States.

The Colville Tribe also coordinates with local Canadian governmental officials on border-crossing issues affecting our tribal members. The aboriginal territory of two of the 12 bands of the Colville Tribe—the Lakes and Okanogan bands, respectively—extends northward into what is now British Columbia. Many Colville tribal members who descend from those bands maintain close cultural ties north of the border. The Tribe maintains a dialogue with local officials of the Canada Border Services Agency and with entities in the Integrated Border Enforcement Team (“IBET”) network on these and related issues. Although the Colville Tribe is not formally part of the IBET network, the Tribe participates in IBET indirectly for law enforcement purposes through its relationships with the U.S. Border Patrol and ICE.

The Colville Tribe remains very concerned about the cross-border smuggling activity and other vulnerabilities on the Colville Reservation. In response to the smuggling events that began during the last year, the U.S. Attorney for the Eastern District of Washington was quoted in a northwest newspaper as noting that, “a person that will smuggle guns, drugs, meth, Ecstasy and cash will also be the kind of person who will smuggle a special interest alien or a terrorist.” The Colville Tribe echoes this concern and stands ready to work with the Subcommittee to explore solutions to these and other problems affecting border communities.

This concludes my statement. At this time, I would be happy to answer any questions the Subcommittee may have.

Mr. CUELLAR. At this time I would recognize Christopher Lombard to summarize his statement in 5 minutes.

Mr. LOMBARD. Good afternoon, Chairman Cuellar, Ranking Member Dent and the other members of the committee. Thank you for

the beautiful weather today. It is my understanding that yesterday was more the Seattle Day. I should have come a day earlier to take advantage of that.

My name is Chris Lombard. I am with the Seattle Fire Department. I come before you today as one of our Nation's first responders. My purpose is to share with you some of the critical public safety issues, as my colleagues have. While some of the issues are border specific, as you have been hearing, some of the issues are irrespective of the borders. They affect us all wherever we are.

In addition to my duties with the Seattle Fire Department, I am also privileged to serve in several national public safety communications roles. Not only do I help the fire department through these roles, but I work with the region and the responders throughout the Nation. Again, thank you for the opportunity to discuss some of these issues that we in the fire service have.

Three key areas I would like to discuss include some of the successes that are helping us do our job, some of our concerns regarding a few communications issues and some of the concerns that we have regarding the safety of our Nation's ports. First, the successes.

As you know, good information and a thorough knowledge base can be powerful tools. Among the many there are three specific resources that are making my job easier. Through the Memorial Institute for the Prevention of Terrorism, you sponsored a resource known as the Responder Knowledge Base. The RKB provides the means for us to quickly and easily find out information pertaining to grants, equipment, testing information, standards and more. They offer an easy-to-use Web site that continues to grow in popularity for the valuable information that provides. Again, it is a great Web site to help me get all kinds of information.

Where the RKB provides information on the Web site, the Interagency Board for Equipment Standardization and Interoperability, the IAB, has a similar impact in connecting people. I don't know of any other entity that brings together such a diverse group—fire, police, law, EMS at all levels—to share, exchange knowledge and have a solid core of experts.

Finally, the SAFECOM project has also been a valuable source of information for all sorts of communications-related issues. I would ask that you please continue your support of this program as well.

Communications: Of the communications concerns we have, the first and perhaps the most important we have is the issue of operability. It is huge. This continues to be a buzz word—interoperability continues to have almost a buzz word status, but there continues to be this huge need for just being able to talk to each other on a day-to-day basis. You have heard some of it from my colleagues here on the panel.

An estimated, probably, 65 percent of the fire departments don't have enough portable radios to outfit just the people that are on duty to be able to talk amongst themselves. Again, we are talking operability. There are agencies sending fire fighters out the door today that can't talk to each other.

It is my understanding that as part of implementing some of the 9/11 Commission's findings, you are considering legislation that

would provide almost \$3.3 billion in additional grants. I would ask you, please consider adding operability as a component of this, as well as the interoperability.

Speaking of interoperability, we have had some great advancements in the technology allowed to bridge and patch different communications. But there continues to be a people-person or a people-issue for interoperability. There are issues of credentialing, standardization, training and certification on a national level that we need help with.

Some of the issues that we are experiencing on the northern border include 700 MHz and Nextel rebanding. It is a really dynamic issue, and it concerns a lot of the treaty work that is going on with Canada.

One of the things I want to emphasize that is happening in this is, there is a lot of talk about partitioning portions off for data, partitioning portions off for voice. We all do our text messaging, BlackBerrys and things like that. But one of the things I want to point out is, if I go into a fire and I am having trouble, I am not going to whip out a BlackBerry and type "Please help me now." I need to have preserved voice that is set aside because that is what we are going to go to.

We need help with dialogue with the State Department. If we just knew where things were as far as these treaty negotiations, that would help us impact and work on our job better. Congressman Larsen mentioned the 2010 Olympics. One thing I want to emphasize here is when the international media comes, they fire up whatever equipment they have from their hometowns, and this often knocks us off the air. If there were some way that we could get help with dialogue again, with the State Department, with Canada with us and with our respective Customs departments, we might be able to minimize or mitigate some of those problems.

Our Nation's ports: I mention our ports because this is a huge international gateway, especially for Seattle. Seattle has been dealing with some of the issues for the securing and trying to prevent the problems, but when these problems do happen, we have got to deal with the responses and the recovery.

One of the big concerns that the fire service has on the response side is that there are two significant issues, overtime and backfill. Unfortunately, with the grants and stuff, we are getting the opportunity to plan and stuff like that. But we can't put companies out of service because we leave two big areas unprotected. So I would ask consideration for that.

The next one is recovery. After we put together these big operations, port issues tend to take a lot of our resources and dump them real quick. FEMA has got a program called the Prepositioned Equipment Packages, or Packages On-Demand, that makes a huge difference. This helps reconstitute us after an event like that.

Again, I would like to thank you for the opportunity to address you this afternoon. I would like to express our continued appreciation for this committee and its dedication to preparing us for present and future disasters both in the border regions and throughout our country. We appreciate your due consideration regarding these important Federal emergency response programs and

your continued support of America's fire fighters, EMT and law enforcement.

Thank you.

[The statement of Mr. Lombard follows:]

PREPARED STATEMENT OF CHRISTOPHER H. LOMBARD

Good morning, Chairman Cuellar, Ranking Member Dent, and members of the subcommittee. My name is Christopher H. Lombard of the Seattle, Washington, Fire Department. Today, I come before you as one of our Nation's first-responders. My purpose today is to share insights with you regarding critical public safety issues, especially those that impact the border regions of our Country. I appreciate how very similar our jobs are—in that we are all united in the effort to serve the safety needs of citizens.

I feel privileged to have accumulated a wealth of practical experience from the field and to have a diverse background in Geography (resource allocation), communications, firefighting and Emergency Medical Services (EMS). It is through these roles that I support many of the communications efforts of the Seattle Fire Department and the Seattle Urban Area. My background and experience have allowed me to become involved in many national public safety related efforts. Noteworthy among these are the following:

- The InterAgency Board for Equipment Standardization and Interoperability (IAB)<sup>1</sup>
- National standards development—Committee for the National Fire Protection Association's Standard 1221 (related to Emergency Service Communications)
- Communications policy guidance for national emergency-response—SAFECOM<sup>2</sup>
- National incident response (FEMA—Urban Search and Rescue teams and Metropolitan Medical Strike Teams).

I would like to express my sincere thanks to the committee members, for the opportunity to discuss some of these issues that we, in the fire service, have as a result of operating in, and near America's border regions. I would like to discuss three key issue areas:

1. Successes
2. Communications Issues, and,
3. Our Nation's Ports.

**SUCCESSSES**

The first responder communities, in cooperation with our state and federal partners, have implemented several efforts that are having a positive impact on the safety and effectiveness of our work. I would like to thank you for your support of these very successful endeavors that are truly making a change for the better. While some of these successes are not necessarily border community specific, they have had a positive impact on these border communities, as well.

**IRESPONDER KNOWLEDGE BASE**

The Responder Knowledge Base (RKB)<sup>3</sup> is a web-based information service for the emergency responder community funded by the Department of Homeland Security (DHS) and hosted by the National Memorial Institute for the Prevention of Terrorism (MIPT). RKB operates as a public service, with no cost to users and no cost to information contributors such as product manufacturers. Thousands of jurisdictions and departments, as well as virtually all State Administrative Agencies, now use the RKB on a regular basis to obtain grant guidance and unbiased product information.

The RKB is unique in that, while supported by the government, it is not an official government endeavor. This independence has allowed the RKB to function almost like a 'Consumer Reports' for the equipment we use—first responders are able to describe firsthand experience with equipment (pro and con), opinions can be expressed, brands can be mentioned specifically, etc. Its users come from all disciplines (Fire, EMS, Law Enforcement, Emergency Management, Utilities, Transportation, Private Industry, etc.) and are in every state.

The RKB continues to gain acceptance, among first responders, as 'The First Place To Go' for finding out information pertaining to available grants, information about

<sup>1</sup><http://www.iab.gov>

<sup>2</sup><http://www.safecomprogram.gov/SAFECOM/>

<sup>3</sup><https://www.rkb.mipt.org/>

the equipment we use (with the ability to dialogue with other first responders about equipment pros and cons—based on firsthand experience), relevant standards applicable to that equipment, and more.

I know of no other single source of information that remains as current, accurate and easy to navigate regarding the equipment we use and need. The RKB is adamant about being directed by the needs of the thousands of first responders who access it. It is my understanding that the RKB itself is funded through a grant application processes. Energies that could be focused toward greater 'Information Exchange' for first responders must be directed toward assuring continued funding for the next year. I would request that the RKB be given your continued support and that you consider funding this valuable resource in a more permanent fashion.

*The InterAgency Board for Equipment Standardization and Interoperability (IAB)*

The IAB is designed to establish and coordinate local, state, and federal standardization, interoperability, compatibility, and responder health and safety to prepare for, train and respond to, mitigate, and recover from any incident by identifying requirements for an all-hazards incident response with a special emphasis on Chemical, Biological, Radiological, Nuclear or Explosive (CBRNE) issues.

The IAB's membership roster and their leadership successfully 'eliminates the middle man' by pairing current first responders with federal representatives that have decision making authority. The IAB is "working" because key federal program managers have partnered with first responders to tackle the tough issues that prevent first responders from getting the job done. Simply put, the IAB has been able to quickly and clearly communicate essential needs and translate those needs into tangible equipment solutions, organized efforts, new standards and more.

Like the RKB, the IAB is a source that many turn to for guidance on best practices and I urge you consider continued support for this worthwhile effort.

*SAFECOM*

SAFECOM is a communications program that provides research, development, testing and evaluation, guidance, tools, and templates on communications-related issues to local, tribal, state, and Federal emergency response agencies working to improve emergency response through more effective and efficient interoperable wireless communications.

The SAFECOM program within the Department of Homeland is another program serving many different disciplines (Fire, EMS, Law Enforcement, etc.) and regions. We appreciate the work that SAFECOM has been able to accomplish in bringing our nation's first responders closer toward interoperability.

SAFECOM recognizes that many locales have expert knowledge about what they need to improve their own respective communications. SAFECOM's role is to help assure that these 'improvement' efforts around the United States are coordinated—hence gaining interoperability. By starting with, and emphasizing the importance of practitioner level support, and working from the 'ground' up, SAFECOM has been able to achieve first-responder 'buy in' of the national coordination efforts. They continue to involve all disciplines from all levels of government. We appreciate what SAFECOM is doing to unify the Nation's efforts towards interoperable communications amongst first responders (fire, EMS and law enforcement) and their supporting networks (federal response).

SAFECOM has distilled valuable lessons through the execution of their grant guidance programs and sponsored projects. Many state and local communities have benefited, and continue to benefit from SAFECOM efforts as they strive to improve their communications systems.

I would ask you to continue your strong support for this necessary and worthy effort.

**COMMUNICATIONS ISSUES**

First responders are faced with many challenges in communications that are starting to be resolved. We still have a ways to go on several of these issues, including:

*Operability versus interoperability*

While interoperability has reached buzz-word status, there continues to be an immense and oft overlooked need for improved, simple *operability*. Before we can claim significant victories in the area of interoperable communications, (international, cross-border or otherwise) we continue to struggle with simple operability: our ability to just talk amongst ourselves—e.g. fire fighter to fire fighter at the same incident. Interoperability ("The ability of emergency response officials to share information via voice and data signals on demand, in real time, when needed, and as au-

thorized<sup>4</sup>) does continue to be a pressing need. But again, one of the largest challenges facing first responders today is the lack of ‘Operability,’ not interoperability—the most basic ability to communicate within a single jurisdiction.

Earlier this year, Chief James B. Harmes, President of the International Association of Fire Chiefs (IAFC), in his testimony before the House’s Subcommittee on Homeland Security for the Committee on Appropriations, stated that an estimated 65 percent of fire departments do not have enough portable radios to equip all emergency responders on a shift. As a friend of mine, former Chief John Eversole (retired from the Chicago Fire Department) would likely have affirmed, **“There are agencies sending fire fighters out the door today that cannot afford to equip them with a radio to talk to other members of their own fire fighting team.”**

When considering both on-shift *and* off-shift fire and Emergency Medical Service (EMS) personnel, it is estimated that the number having access to radios drops to less than 25 percent. This is significant because, when large incidents occur, agencies can call off-duty members back to duty, but they cannot equip them. It is my understanding that many law enforcement agencies are facing similar deficiencies. This continues as an unacceptable reality, and should be addressed in order to move forward.

It is my understanding that, as a part of implementing some of the 9/11 Commission’s findings, Congress is considering legislation that would provide additional grants, on the order of \$3.3B, for communications related equipment and efforts—**These grants should include provisions for simple operability (not only the purchase of radios, but basic supporting infrastructure, local training, planning and governance too) as well as interoperability.**

As you institute new regulations for other, terrorism-focused homeland security grant programs, please preserve the ‘all-hazards’ FIRE and SAFER Act grant programs—these are one of the ways in which public safety is working toward addressing operability.

#### **Interoperability is a people problem—not a technology problem**

The United States has made great strides in recent years towards developing the hardware needed to achieve communications interoperability. Now we need to focus attention on those responders, the people, who will make this hardware work most effectively. FEMA’s NIMS Integration Center (NIC) needs to increase its role in resolving some of the roadblocks. Some of the essential ‘people’ issues we need them to address include:

- National credentialing—At large incidents, local agencies often call for specific assistance from other areas of the country. It is important to know that those coming to assist are who they say they are. The scene of an emergency is not the time or place to confirm that incoming assistance is both qualified and who they say they are.
- Standardization (of qualifications)—when an entity asks for, and receives assistance, there is an expectation that the assistance they receive will be competent to accomplish the required task(s)
- Training—while the NIC is not expected to conduct the training, a mechanism must be in place to assure standardization of the training, as well as qualifications of those who do conduct the training, of those who are trained, and for the ongoing maintenance and updating of training programs.
- **Certification—similar to credentialing, there should be a central location responsible for certifying individuals and tracking that certification.**

#### *Public safety access to the 700 MHz bandwidth*

The first responder community applauds recently passed legislation that will provide additional public safety frequency bandwidth in the 700MHz frequency range. Of all of the discussion about the ‘use-options’ for this new bandwidth, it is important to keep in mind that there are treaties with Canada and Mexico that will be affected by any change in 700 MHz allocation. Some of the aggressive timelines for the various interoperability grants are at odds with these treaties—they specify the purchase of equipment for frequency ranges that, depending on the treaties, may not be available to us.

A significant concern of ours pertains to those portions of the spectrum that are designated for voice versus those that are designated for data. Treaty work with Canada, regarding the initial 700 MHz plans, has already assured that portions of the voice communications will not have cross-border interference. Because the State

<sup>4</sup><http://www.safecomprogram.gov/SAFECOM/interoperability/default.htm>

Department has had to renegotiate our treaties, the 3–5 year planning process of public safety agencies wanting to use these bands will also experience setbacks.

The importance and prioritization of clear voice communications cannot be over-emphasized. This is important because it is counterintuitive to the everyday user of communications devices. Consider the communications devices each of you probably use every day. **Despite the popularity of text messaging, if I am having trouble in a fire, or one of my friends in law enforcement is chasing someone, we are not likely to break out a cell phone, two-way pager or other messaging device and start pressing buttons! Preserving voice communications, free from interference, is an important life-safety concern.**

This year, the Commerce Department, through National Telecommunications Information Agency (NTIA), is in the process of awarding the nearly \$1 billion in communications grants to public safety agencies, which you have generously made available. These grants are to be used for the acquisition of equipment for the above described 700MHz frequency range. Unfortunately, because the frequency allocation plans are in flux, and we do not know the current state of our treaties with Canada concerning these frequencies, our ability to efficiently spend these billion dollars in the allotted time is being directly impacted. We feel strongly about our accountability both to you for awarding the grants, and to our public for providing the funding.

In order to effectively implement this change in the amount and/or location of public safety frequencies in the 700MHz bandwidth, we would ask for assistance with better dialogue between the US State Department and those public safety representatives responsible for supporting our communications infrastructure (specifically pertaining to treaty discussions with Canada and Mexico, as relates to the relevant frequency ranges).

Also, if private industry is to build out a nationwide broadband network for public safety use, it is critical to have a strong public safety presence to protect the interests of public safety. There is a large concern that rural areas will be left out of any private/public partnerships for the construction of infrastructure. The National Public Safety Telecommunications Council (NPSTC) recently released a position paper, posted July 7, 2007, that further clarifies some of public safety's concerns.<sup>5</sup>

#### *Nextel re-banding effort*

As with the 700 MHz issue, there are some aspects of Nextel re-banding effort in which we, public safety, are unable to move forward without knowing the status on existing treaty information—information that the State Department should be able to help with. Unfortunately, the dialogue with the State Department has not been what it should be.

One significant difference between the United States and Canada relates to public access to specific types of information—specifically, the frequencies and locations of radio transmitters. In this effort, we are not asking Canada to change anything (e.g. radio frequencies they use and transmitter locations). If (again, through cooperative efforts with the State Department) those of us that need-to-know were to have access to this information, we would be able to plan accordingly in the modification of our 800MHz systems so as to not interfere with their existing infrastructure. We are at an early enough stage where it is possible to alter our systems to accommodate both the Nextel re-banding effort *and* our neighbors to the north.

#### *The 2010 Olympics in British Columbia, Canada*

While the Olympics will be physically occurring in Canada, a concern shared by many in our region (on both sides of the border) pertains to the international media. Similar past experiences have shown that when the international media convene at an event such as this, they often utilize whatever communications infrastructure they relied upon in their home country. A problem this presents relates to our first responders depending upon those same frequencies state-side, that the international media uses in their native countries. The international media's broadcasting equipment tends to be magnitudes more powerful than our public safety radio infrastructure and, as a result, components of our systems can be rendered ineffective.

If possible, the establishment of a more formal partnership between the United States, Canada, our respective Customs agencies, and our respective first-responder communities, may be able to mitigate many of these specific issues before they occur.

## **OUR NATION'S PORTS**

### Security and Protection

<sup>5</sup><http://www.npstc.org/positionPapers.jsp>

While attention and discussion is starting to be drawn toward the security of our Nation's borders, our ports continue to be a proverbial "open back door."

To provide a practical example, the crew of a container ship visiting Seattle has to send advance notice of its "14" crew members several days before actually reaching the port. But those individuals intent on harming us could fill two containers, of the estimated ". . . an 11 million containers entering the United States annually. . ." <sup>6</sup> with 20 individuals each, including most anything they can carry (short of radiological goods), and with only 1000 US Customs and Border Protection inspectors for more than 360 ports (ibid), they stand a good chance of entering this country illegally and undetected.

As with trying to prevent all fires by implementation of the fire code, incidents still do, and will happen.

#### *Response*

As just one point of reference, the ports of the Greater Seattle/Puget Sound Area, collectively, are among the largest ports in the nation. Last year Seattle area ports hosted over 735,000 cruise line passengers. We had over a thousand vessel call our ports. In 2005, we moved ~\$70.5 B worth of goods through the area.<sup>7</sup> We have a robust fishing industry, oil refineries, and a thriving private sector marine community. The Navy also maintains a large presence with at least one carrier task force, the Bangor Submarine Base, and the Bremerton Naval Shipyard.

The Puget Sound waterways encompass over 1,000 square miles and include over 1,000 miles of shoreline. Currently, there is only one fire boat staffed 24 hours a day for this entire area. It is my understanding that these 'understaffing and inadequate resources' issues are commonplace amongst our nation's ports. While some of these capitol outlays (e.g. fireboats) are very expensive, often costing \$12 M or more, they do last longer than other equipment (40+ years).

America's first responders need help acquiring the tools, training and means to mitigate these incidents that are going to happen. When an event occurs at any of our nation's ports, the first response of employees, federal (U.S. Coast Guard, U.S. Customs) or otherwise, is to call 9-1-1, just as they did with other federal offices like the Murrah building in Oklahoma City and the Pentagon. . . And, that brings the discussion back to the nation's first responders—fire fighters, law enforcement and EMS. For the high risk/low frequency events that happen at our ports, we need help purchasing fire boats, port/marine firefighting equipment, hazardous materials equipment and supporting the associated training.

It will probably be asked why public safety has not purchased this equipment with the grant funds already offered. As referenced in the communications sections previously, it is a matter of prioritization—we need to be able to communicate effectively before we can do anything else.

#### *Recovery*

Daily, first responders are responding to emergencies in our ports and, most of the time, they successfully mitigate the situations they find. Occasionally, in doing so, they will lose much of their equipment to severe contamination (e.g. chemical, biological, and radiological). A case in point included many of the local agencies in our gulf states (Florida, Alabama, Mississippi, Louisiana, and Texas) immediately following Hurricane Katrina.

A successful effort started, by Congress a number of years ago, developed emergency caches of first responder equipment to assist with the rapid reconstitution of a local department's protective clothing, the department's communications equipment, their breathing devices, etc. As mentioned previously, regarding communications equipment, after a large incident, public safety can quickly recall significant numbers of off-duty members, but we do not have the equipment to outfit them all. FEMA is now supporting this project—The Pre-positioned Equipment Packages, Package on Demand (PEP POD). This program more than proved its merit in both concept and value.

Unfortunately, it is starting to slip 'under the radar,' and succumbing to the old adage, "out of sight, out of mind." Several of the PODs were deployed during Katrina and have yet to be replaced. In the remaining PODs, some of the equipment purchased over 5 years ago is nearing its expiration dates and is in need of upgrading or replacement. Field support staffs for the program have not received necessary subsequent, or refresher training and some critical certificates have expired.

This is another federal program that was making a huge difference in recovery and had demonstrable successes! Many fire and EMS agencies in Louisiana and

<sup>6</sup><http://hutchison.senate.gov/speech515.html>

<sup>7</sup><http://www.portseattle.org/seaport/statistics/>



Mississippi were able to get quickly back on their feet. Again, the program is in jeopardy and I would hope that you consider continued support.

*Exercises*

Public safety agencies need continued support for training and exercises on a regional and international level which *include backfill and overtime*. These types of events are beyond the budget/scope of any single jurisdiction. Further, because it often results in large areas of our respective districts being without coverage, the fire service is hard-pressed to place multiple companies out of service for the purposes of training and exercises.

**CONCLUSION**

Again, thank you for the opportunity to address you this afternoon. On behalf of the nation's first responders, I would like to express our continued appreciation to this committee for its dedication to preparing America's first responders for present and future disasters, both in border regions and throughout our country.

We appreciate your due consideration regarding these important federal emergency response programs and your continued support of America's fire fighters, EMTs and law enforcement officers.

Mr. CUELLAR. Thank you again for your testimony. I want to thank all the witnesses for their testimony.

I remind each member that he or she will have 5 minutes to question the panel. I will go ahead and recognize myself for my questions.

To the folks that represent the border area on the southern part, let me ask you this question: According to the report of the Good Neighbors Environmental Board, the Independent Federal Advisory Board, first responders from the United States are sometimes called to respond to emergencies in Mexico. The report states, however, that responders near the border are not able to easily cross the border to respond to incidents because of insurance liability, national sovereignty and command issues. Furthermore, it states that the Customs and Border Protection often makes it difficult for the first responders to come back into the United States after they had just crossed to respond to an incident in Mexico.

Have any of these problems affected your ability to respond to emergencies along the border?

Chief SOSA. Yes. It is one of the biggest problems we have. The reason is that we—the insurance for our fire fighters and any first responders, it is only 15 miles into the Mexican side.

But one of the biggest problems we have there is, on the Mexican side there are a lot of hazards that pass through Laredo. There are 10,000 trailers per day that pass through Laredo, and half of them have hazardous materials. So you can imagine if something happens on the Mexican side, it is very hard to go in and do any kind of incident.

For example, if you have a chemical spill on that side, it is very hard for us to go. And besides, Mexico doesn't have any kind of resources or funding for this type of deal.

What we try to do is train the people from Mexico because we have an \$11 million training facility, but no moneys for training people. But we do do some training for us and for them, so—to help us in case there is a hazardous spill in Mexico.

For example, every day—this is a constant thing that happens every day in Mexico. They burn tires, and because we have winds from the southeast, all that smoke from tires comes into the Laredo side. We, over here, are very strict on environmental protection,

but on the Mexican side there isn't. So you can imagine every day getting this smell of tires and all this smoke, this hazardous smoke that comes into the Laredo side. It is very important.

But like I said, we don't have any funding, we don't have any equipment. We do have equipment for hazardous materials because what happens is, in Laredo—1990, the NAFTA trade went through, and 40 percent of the NAFTA trade passes through Laredo. So it is important for us to learn about hazardous materials.

Mr. CUELLAR. OK. Anybody?

Ms. MORRISON.

Ms. MORRISON. Chairman Cuellar, in Arizona we have the same and similar-type issues. What we have been able to do, using State money and a very little bit of Federal money, is we are performing binational exercises so that it does open the lines of communication. Unfortunately, it is very difficult because the Mexicans do not have the funding sources at all to be able to actually participate at the level we would like them to and have that communication across the border.

But your border issue question is very relevant, and it is very difficult to go across the border, and especially in a hazardous situation.

Mr. CUELLAR. OK. One of the things that we see is, you see big communities and then, of course, the small communities. And sometimes I feel that the small communities, that many times have few resources to combat crime, drug trafficking and security issues, the smaller communities are very vulnerable and often are overlooked in the big picture when it comes to homeland security grants.

How can we, as Members of Congress, better help the smaller communities along the border to respond to the emerging threats that they have to deal with on a day-to-day basis? Open to, Mr. Kessler, Mr. Elfo.

Mr. ELFO. I believe having some form of coordination, a homeland security coordinator to coordinate with local border agencies would be a help, a one-stop shop, somebody you could take those issues to.

And the other would be to establish regional joint emergency operation centers strategically along the border that would interface with all the key players on the U.S. side and those of our neighbors to the north or the south.

Mr. CUELLAR. OK. Mr. Kessler.

Mr. KESSLER. Mr. Cuellar, I believe that the Congress could help by—I am not sure how to go about it, but make the funding easier to access for the smaller communities. As I stated earlier, at least with the tribe and, I know, some of the smaller communities in the counties that I am familiar with, the funding stops at the county. They use the funding for what they feel is going to benefit the smaller community, and that isn't always necessarily the case.

So making the funding easier to access by the smaller community would be a great help.

Mr. CUELLAR. Yes, ma'am.

Ms. MORRISON. Mr. Cuellar, Arizona receives Operation Stonegarden funding, and I am sure, as you are well aware, it is a limited amount that is split between Arizona, California, New

Mexico and Texas. Arizona this year received about \$6.35 million. That is only useable for equipment and overtime for the first responders on the border.

The problem from these local jurisdictions, smaller jurisdictions—you are asking what can be done. It is very difficult because these grants are predicated on a reimbursement policy. So if you take a very small town that doesn't have \$70,000 in its budget to buy some type of armored vehicle, they cannot purchase it because that is the process it has to go through.

So it would be my recommendation that there be a procedure that would allow them to get the money up front as opposed to them having to pay for that and then wait for reimbursement. And we try to get them reimbursed as fast as we can, but sometimes the request takes months.

Chief SOSA. One of the biggest problems down in south Texas is—like Laredo, Laredo is the biggest border city within 200 miles. We have to take care of the small counties. We, Laredo, or the counties that we are under—the Council of Governments, we got \$240,000 from the Department of Homeland Security—money, preparedness. \$240,000. Now, you divide that within five counties, this is all the money we got in that area, and the reason is because of your census formulas.

We are a small city, 250,000. But yet we cover 600,000 people on the Mexican side and a lot more other small counties, but we only got \$240,000. So the formula part is not working for us as a border city. We need to have a special priority or do something better than doing the census because—I think threat or risk would be a good factor.

Mr. CUELLAR. OK. Thank you.

At this time I would recognize the ranking member, the gentleman from Pennsylvania, Mr. Dent, for questions.

Mr. DENT. Thank you all for your testimony. And I guess I will start with Chief Sosa.

I visited Laredo last year with Chairman Cuellar and a few other Members of Congress, and I was struck by some of the stories I had been told about, really, the police department on the other side of the border in Nuevo Laredo and how they fired the whole police department. And it seemed that the interaction between law enforcement on the Mexican and American sides wasn't really what it ought to be because of corruption issues on the other side of the border.

What is your relationship with your peers in the fire service on the other side of the border? How much mutual aid? How often are you called over there to an incident?

Chief SOSA. We have a binational agreement, but it is one-sided, sir; and the reason it is one-sided is because Mexico has no kind of resources or equipment.

What I try to do, I try to give my old equipment or hand-me-downs to them or anybody in Mexico.

Mr. DENT. How often are you called, I guess more specifically, to respond on the Mexican side in some kind of mutual aid situation?

Chief SOSA. From the American side to the Mexican side? It doesn't happen that often. The reason we don't do it as much as we used to is because the chief from Nuevo Laredo told me to stop

coming because this way they can show the people from the Mexican side that they need equipment and funding. So we have stopped doing it.

But we still, when it gets to the point where it might be hazardous to the city of Laredo, I call the chief and I tell him, you know, we are coming. I don't care. Because both of you, you know it is going to hurt us. If something happens on the Mexican side, you know it is going to come to our side.

If it is health issues, like TB or any kind of a disease that happens in Mexico, people walk—30,000 people walk—per day walk the bridges in Laredo.

Mr. DENT. Those are generally commuters going back and forth to work, right?

Chief SOSA. Yes, sir.

Mr. DENT. I would like to shift over to Mr. Lombard and to Sheriff Elfo.

It has been mentioned that the Olympics are coming to Vancouver in 2010. Could you just kind of give me a sense, Sheriff, as to what preparations first responders in the border region have begun to make for these games?

Mr. ELFO. Well, they have put a Federal official in charge who is coordinating the response, and we are scrambling to get funds to try to build an interoperable communications center and a joint emergency—to achieve interoperability and full communications throughout the county. As my colleague said, it is not just an interoperability issue, it is an operability issue.

And we are also trying to phase in a joint emergency operation center that we could operate under the Incident Command System and coordinate what we are doing not only with our U.S. partners, but our Canadian partners as well. We believe the impact will be significant with people traveling to visit the Vancouver area for the Olympics, and we will have an increase in the size of the population and border backups and a lot of vulnerabilities during that time.

Mr. DENT. And I guess, to Mr. Lombard, you started to talk about some of the challenges with the operability, interoperability of communications. And I guess what really the question is, how really is Washington, the State of Washington's State plan being affected by the ongoing negotiations with Canada to reassign the spectrum and the 800µMHz range to public safety agencies? You mentioned there were going to be some problems at that time, you having access to that range.

Mr. LOMBARD. Thank you. Our State plan is—for one, our State plan is still in development right now, and what we are doing is, we are taking some of the different regional plans from the State and trying to put them together.

As far as some of the interoperable issues, what we are trying to do is, there are some informal discussions and meetings that occur between some of our communications folks and their counterparts on the Canadian side. But again, those are informal and we are trying to formalize those.

One of the big differences between the Canadian side and ours has a lot to do with the freedom of information. For example, their antenna site locations and the frequencies that they broadcast on

are restricted information. So, first, on issues like the Nextel rebanding and stuff, there are things that if we knew the information, it would be easy for us to reaccommodate so that we are not putting the same tower, same frequencies, you know, 100 yards across the border from each other. If we had the ability to have that dialogue, then we would be able to relocate that tower, say, in southern Washington instead of right on the border.

As far as the Olympics, again it is kind of the same thing. There are informal communications going on right now as far as what are they trying to accommodate, what they are agreeing to. But the missing key here is kind of where the State Department is as far as negotiations and treaties. We just don't know.

Mr. DENT. Well, thank you, Mr. Chairman. I see my time has expired, and I will yield back.

Mr. CUELLAR. Thank you, Mr. Dent.

The Chair will now recognize other members for questions they may wish to ask the witnesses. In accordance with our committee rules and practice, I will recognize the members who were present at the start of the hearing based on seniority on the subcommittee, alternating between majority and minority. Those members coming in later will be recognized in the order of their arrival.

The Chair now recognizes for 5 minutes the gentleman from North Carolina, Mr. Etheridge, for his questions.

Mr. ETHERIDGE. Thank you, Mr. Chairman. And let me thank each of you for being here. You know, the challenge of training and multijurisdictional communications has got to be something most of us don't think about. You know, we think about the interoperability of communications within counties and cities within the United States. We don't think about those that cross the borders.

And we know that interoperable communications also have a technological component. But at the same time—and we have tried to help in this committee with funding and we have pushed it to the extent we can, but there is also a human component, and you have touched on that.

That human component is interoperability of individual police, fire, Border Patrol, first responders, et cetera, and border agents. And these are the brave men and women we depend on every day to get the job done, and they really are on the front line of protecting all of our communities and really our country. So each of you have—this task is further complicated, I guess, by having to deal with any entity across the border where most communities don't have that.

So I would like to explore that a little further with you, Chief Sosa. You touched on it a little bit about the problems you have with all the traffic moving through Laredo. Most people don't think of that when they think of the border issues that you have shared with us today, with all of the hazardous material, et cetera, between Laredo and Mexico.

Clearly, you talk about a partnership but we really need a binational partnership with Mexico. I mean, it is much bigger than just a city, Laredo with our sister city or even the community. It is really a national working relationship, not just with Mexico, similar to what we are doing with Canada and others.

So my question is, to what extent do you both train with your counterparts? You have touched on that a little bit. And what subjects do you train on? And are there standard operating procedures similar or close to what you use in an emergency, say a bomb threat, Hazmat, a chemical spill? Will you do the training so you know in advance what you can expect if you are working together when you do have an emergency? And finally—how do you communicate on a daily basis or when you have an accident? And finally, how do you share intelligence, if you do?

Chief SOSA. OK, sir, Mr. Etheridge.

Mr. ETHERIDGE. Sheriff, I would like you to answer that one too.

Chief SOSA. OK. One of the things—the city of Laredo has been very supportive of public safety, and what the city has done with no Federal funding was to build an \$11 million training facility. We train people in hazardous material, we train them in fire fighting, in health issues, in swat. It is called the Laredo International Fire and Law Enforcement Training Facility. It is on the Web site, city of Laredo.

And the greatest thing, we can do it in Spanish. We do it in Spanish. We have done people from Puerto Rico; we have done people from Argentina, Guatemala, and especially Mexico.

Talking about sister city, the city of Laredo has 13 sister cities. So you can imagine all these people coming to Laredo and trying to get some kind of equipment from us. And it is very hard to reject these people when they come in.

But one of the things that we try to do is do training. There is no Federal funding for training for both sides. This is something that is really needed on the borders because you have to train the people on the other side, including law enforcement, fire, health services; and we do it free. We do it to the point just because we are there and because we need to.

For communications, it is very hard, sir. They don't have any kind of communication. The city of Laredo got \$1.4 million from homeland security to put in some kind of communication. The city of Laredo had to put in \$8 million to just get it off the ground because it was to the point that if a burglar in the downtown city of Laredo was running towards the border, police and the Border Patrol could not communicate. And it is still to that point.

Or because it is a border city and it is close to Mexico, your communication breaks down. There is no communication between the river, but yet anybody can cross the river, swimming, or running across the border. And this is very hard. You can't communicate with people from Mexico. The only way you can communicate is by phone right now.

Mr. ETHERIDGE. Mr. Elfo?

Mr. ELFO. We have had several incidents that we have worked with the Royal Canadian Mounted Police, and they pretty much have jurisdiction along the entire border that we share in multiple detachments. And when we do, we physically put a person on the Canadian side, they put one on the U.S. side to achieve interoperable communications.

We operate—actually we have had some major demonstrations. We have worked in a unified command center. We have had the Canadians working together. We have jointly made decisions.

We have a park that straddles the border, and there is no Customs checkpoint in between. You can walk back and forth as long as you stay in, and it has become a site of some pretty significant demonstrations, and we have worked very well with the RCMP.

As far as response from Canadian fire, we have actually had their hazardous materials team come down and help us. We have had a number of joint exercises where we have simulated attacks on the border, chemical spills and the like; and we have worked very hard together. But that doesn't alleviate the need for people to have interoperable communications.

Mr. CUELLAR. Thank you very much. At this time I will recognize for 5 minutes a gentlewoman from the Virgin Islands, Mrs. Christensen.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman, am sorry I was late. As my colleagues said, you have a bit more challenges than people who are not at the border, and my district being in the U.S. Virgin Islands, some places less than 30 miles away from the British Virgin Islands. We share some of those issues, this is an interesting and important hearing to me.

In the absence of agreements, international legal constructs that go beyond Federal agencies, has there been any activity, any assistance coming from Homeland Security or any other Federal agency to begin developing those constructs at your levels.

Chief SOSA. Ma'am, I am glad you asked that question. The City of Laredo, they do a couple of Federal functions that the city doesn't get any funding for. For example, body recovery on the river. We have, over this year, we are close to 67 body recoveries and rescue on the river. The City of Laredo does it now. We are talking about international waters.

Mrs. CHRISTENSEN. Right.

Chief SOSA. There is no Coast Guard. Border patrol will not do it, they will hover and tell us where it is, but the person who will go get it is us, is us, the first responders, we will get there. It is not as easy as launching a boat at a dock, because there is no dock, there is a cliff. And you can not put a launching put a launching pad because environmental won't let you, the water commission won't let you, and also it takes a lot of permits to do little small launch. So it is very hard to do.

For example, the bridges we do bomb threats almost twice a day, bomb threats on the bridges of Laredo, yet the first responder, the fire department is the one who does the sweep. Police has one bomb dog, they can not use that bomb dog because his keen smell for bombs won't be there. So if you are having two per day or 10 per week, they won't use it. Who do they use? The first responder who does the sweep, the City of Laredo Fire Department.

Mrs. CHRISTENSEN. There is no reimbursement? I am assuming these are Federal—

Chief SOSA. Yes, it is in the Federal Customs Border side. We go half of the bridge does it, and Mexico does the other half. When you are doing this, you stop commerce. Millions and millions of dollars are lost because you are stopping for a bomb threat. It takes at least 20 to 30 minutes to do the sweep. Like I said, 40 percent goes through Laredo, all your cars, all your broccolis, all your vegetables, your suburban, everything is stopped in Laredo for that mo-

ment. So imagine the threat there is if there is a bomb that might devastate the bridges, but yet first responders go up there without any money or equipment or resources.

Mrs. CHRISTENSEN. Anyone else want to respond?

Mr. LOMBARD. Yes. One current effort the government is doing to help, they are just starting now, we mentioned that inoperability is quickly becoming a people issue. There are a couple of efforts within DHS, particularly in SAFECOM and FEMA's center. They are putting together, starting to develop plans now on training communications unit leaders at the local level. The idea or the concept is that we are going to give people in the local areas the tools so that they can help resolve their own problems, teach them who they should be seeking out, the questions they should be asking, some of the things they need to be considering so that it is irrespective of the borders.

Mrs. CHRISTENSEN. Are they helping to develop the kind of agreements that you need to have in place so that you have that legal foundation for operating one—

Mr. LOMBARD. Not yet, they are working on helping people know what questions to ask.

Mrs. CHRISTENSEN. Ms. Morrison.

Ms. MORRISON. Representative Christensen, in Arizona, what we have done is created a network called Se Quatro, it is dealing with four regions from Nogales, Arizona into Nogales, Sonora. The technicalities can wait, but the bottom line is our first responders can radio a question to Nogales Sonora, Nogales Arizona, then that question is radioed to Nogales Sonora. There is a real-time response, but it is literally a patchwork of radio communications across the border, that is all we have right now.

We have been told in early 2008, the FCC will no longer allow the Mexicans to utilize that wavelength, so we will no longer have that type of communication across the border.

Mrs. CHRISTENSEN. Go ahead.

Chief SOSA. Could I add one thing? When you do that, you have to talk in Spanish, so if you are not a bilingual person, there is no way of communicating. You have to realize you are talking to a Third World country. That is the reason it is very hard, because these people, the Third World country don't have any resources or funding. They see the United States as the cousin, but yet no funding goes through that area. For example, in Laredo, 250,000 population in Laredo, but in Mexican side, there is 600,000, almost more than half a million people there. But yet there is no funding for them. When we do our census, you only see city of Laredo you don't see both. I can't count the formula, but the risk is there.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman.

Mr. CUELLAR. To turn this around a little bit, we would like to write down your questions. We have been asking you questions, you have had an opportunity to put in testimony. If you want to give us a question that you would like to ask us on areas that you think we are ought to be focusing on, what would that be and I will start off with Ms. Morrison.

Ms. MORRISON. One pointed specific question at this point which is becoming very real in the near future with the inoperability grant that is being given to the States by the Department of Com-



merce, they are following the pattern of having 80 percent go to the locals, 20 percent to the States.

If we are really trying to come up with a nationwide interoperability plan and a statewide interoperability plan that will piggyback, then the question to the grant holders, so to speak, is why wouldn't you want to give 100 percent of those funds to the State? Let the State be responsible for doling out that money as needed statewide. We know what our needs are and that doesn't make the State the overseer of what is being utilized locally.

Mr. CUELLAR. OK, thank you.

Ms. MORRISON. That was a great question, format.

Chief SOSA. Congressman, what if the City of Laredo decides no more Federal function? What if they decide to say, you know what, I am not going to do any more body recovery. You know what, I am not going to take care of the bridges. I am not going to do hazardous material because we don't have the resources or funding.

Those are the questions that are asked every day by the union of the City of Laredo and other border cities. Why should we be doing Federal functions if we don't get the money? This is one of the most important questions that they are asked everyday, especially in the south border or for radios, how can we communicate regionally or if I want to communicate with California through Texas, how can we do it? Through Washington how do we do it? It is very important to have some kind of regional for border cities.

Mr. CUELLAR. Thank you.

Mr. ELFO. Mr. Chairman, we have a lot of Federal resources in terms of law enforcement in our communities, but the Federal Government doesn't provide the infrastructure to support them. As I said, 80 to 85 percent of the cases are prosecuted in our local courts. Our jail was designed for 148 inmates and we have 300 in there now.

If we are going to provide the enforcement, catch more people we need the infrastructure to support it, it would take a system wide approach. I know on the southern border in some of the States, there is some reimbursement provided for the cost of prosecuting persons apprehended by Federal law enforcement and turned over to the State for prosecution. There is no similar provisions for the northern border.

We handle 160 fugitives a year from all over the country apprehended primarily by the Federal agencies, primarily. The vast majority of drug smuggling cases that are smugglers apprehended by Federal authorities, stolen cars, kidnappings, you name it, we have it. We could use some help adding prosecutors, courts and adding personnel in law enforcement to be able to address that. That's what my question to you would be.

Mr. CUELLAR. All right, thank you. Mr. Kessler.

Mr. KESSLER. Strictly from a tribal perspective, traditionally tribes have not had good working relationship with the States and the counties because the sovereign nation aspect gets in the way sometimes. My question would be, why can't tribes be recognized on the same level as the States and have access to that funding without, and nothing against the States, but without having to depend on them for the disbursement of that fund?

Mr. CUELLAR. Mr. Lombard.

Mr. LOMBARD. Mr. Chairman, my question will sound very similar to Mr. Sosa's. The ports last year had over 3 quarters of a million people go on cruises, we did over \$70 billion dollars in commerce coming in and out of our ports, second only to Norfolk, we have one of the largest Navy presences, we have a carrier task force, the home of the tried and sub fleet, we have Bremerton naval shipyard.

My question would be with one fire both protecting the area, what would you like us to protect first or what would you like to us not protect?

Mr. CUELLAR. All right. Thank you. I appreciate it. With this type of format there is a structure where we ask you to speak for 5 minutes, and we ask a couple of questions, but I always want to get a two-way dialogue so I really appreciate this.

I think this is all the questions, Ms. Christensen. So this time, I want to thank all the witness for their valuable testimony and to the members of their questions. The members of the subcommittee may have additional questions for the witnesses, and we ask you to respond to them as soon as possible in writing to those questions. Having no further business, this hearing is adjourned, thank you.

[Whereupon, at 3:17 p.m., the subcommittee was adjourned.]

# Appendix A

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## Supplemental Testimony

Of

**Hector Gonzalez, M.D.**

**Director of Health**

**City of Laredo**

### 1. INTRODUCTION

Good morning Chairman Cuellar and Members of the Subcommittee on Emergency Communication, Preparedness and Response. My name is Doctor Hector F. Gonzalez; I am the Director of Health for the City of Laredo. My colleague Chief Luis Sosa, Chief of the City of Laredo Fire Department is addressing you today in person to provide testimony on our unique needs based issues as first responders and emergency care on the border. I am submitting this addenda to the Chief's testimony. I have every confidence that Chief Sosa can address any immediate questions you may have on public health threats and our unified response in Laredo, a Texas-Mexico Border City.

I have provided public health care for over thirty (30) years. In contrast to private medicine, public health keeps our community disease free and promotes wellness and prevention. We want to keep people well.

### 2. CHALLENGES ON THE BORDER

Nowhere are these activities more vibrant and yet challenging than on the Texas-Mexico Border.

- Infectious diseases and co-morbidities are critical. Laredo has one of highest rates of Tuberculosis in Texas.
- There is a critical lack of access to health care (over 50% of our citizens are un/underinsured).
- There is a critical lack of access to health care professionals. We are a HRSA health professions shortage area and we lack appropriate equipment for services and adequate communication which all add to the challenges.

Yet our resiliency has assisted border communities like Laredo to flourish despite the odds. From El Paso to Brownsville, Texas first responder responsibility includes addressing infectious and all hazards threats.

### 3. THE NEW FIRST RESPONDER PARADIGM

After September 11, the first responder paradigm changed. This is especially so after the anthrax attacks. No longer do we view first responder and preparedness in the same way. Nowhere is this more evident than in Laredo where the Chief of Police, Fire Chief and I work intimately close to respond to all hazards: biological, chemical and radiological. Yet Laredo has always worked in this manner, maximizing, regionalizing and being innovative because we have always recognized that it is our community but everyone's border to protect. Most importantly however, resources have always been insufficient and therefore we created our own response expertise. We respond to all hazards to contain disease, prevent the spread and provide immediate care of individuals affected as well to protect the public. For us, it is routine to respond locally, regionally and internationally. We are the state and federal responders, as there is no one else to respond, and we recognized this a long time ago. On the border, issues may be international in scope, but the response to the threat will always be local! This is why we developed our own team of experts especially for all an hazards and public health response.

### 4. LOCAL RESPONSES TO INTERNATIONAL THREATS

Let me share a few examples of interventions.

## (1) Severe Acute Respiratory Syndrome (SARS)

During the world-wide Severe Acute Respiratory Syndrome (SARS) threat, there were five (5) mainland Chinese nationals traveling through Mexico City and entering the United States illegally through the Freer, Texas border post. The Customs and Border Patrol called us in Laredo to inform us that two of Chinese nationals had a fever. (Please note, it was not a Laredo Border crossing but individuals in Freer, Texas, an hour's drive.) We respond and conduct a rapid and immediate thorough investigation, instituting quarantine and isolation procedures for the prevention and protection of all. This effort included a response to protect over 30 federal agents, 25 Mexican and Central Americans (caught with the Chinese) as well the wellbeing of all Laredoans. We also had to deal with federal and state health and immigration authorities from both countries. The City of Laredo Health Department (CLHD) made it our immediate responsibility to assure the protection of all and the disease containment to prevent a potential spread of a highly communicable disease that could have impacted the nation. This was the responsibility of federal authorities but we are the only ones able to respond. While we have a Centers for Disease Control and Prevention (CDC) quarantine station in El Paso that covers New Mexico and Texas, they only have 3 persons. We work wonderfully in partnership with them but in the end we provide all of the local investigations and response, training and prevention efforts not only for Laredo but for the region as we care for 4 other counties as well. Both Chief Sosa and our staff are continuously responding to all hazards including assuring the appropriate storage of Cobalt 60, assuring the safety management of illegally discarded hazardous materials and the safety of food and water supplies.

## (2) TB

Finally I am sure all of you have heard about the quarantine and isolation of the person with TB with XDR who traveled worldwide. The whole nation is concerned and I understand there are hearings on this matter. Well this is an everyday threat for us on the border. We don't need any exotic or biological weaponized threat; there are everyday communicable disease threats to the public that are equally lethal.

One of our cases in 2006 involved two family members (one in Laredo and one in Nuevo Laredo Mexico). We immediately intervened (internationally) since members lived on both sides of the US-Mexico border to get all family members tested, confirmed, treated and followed. When we finished the investigation, we had tested over 40 family members and 3 were positive. These were immediately confirmed, treated and followed as active TB which needs treatment for at least 6 months with multiple medications. It is imperative to assure compliance to avoid drug resistance which is a problem today and in some cases (as in the case all of you have heard about) there is a rare extremely multi-drug resistant strain. In our situation, the 3 cases were family members in San Antonio (150 miles away) Dallas (over 400 miles away) and in Chicago. If we did not have the surveillance detection system to intervene quickly, test, confirm, treat and follow these cases, they would have gone undetected putting hundreds if not thousands of people at risk.

Yet we have faced a 30% reduction in funds over the last 2 years affecting our public health response infrastructure. Today we do not have adequate infection control response staff, equipment for services with an isolation and response vehicle and appropriate communication systems is still lacking. Our staff responds with limited resources and equipment and in their own vehicles which are not appropriate for our terrain and protection against potentially communicable diseases and hazardous exposure. This is not an appropriate response. If our staff fail and fail to protect and prevent not only is Laredo at risk but the state and nation as well.

We ask that you consider providing adequate resources for services, staff and equipment not based on formulas and standards that are used for the rest of the nation. Our United States-Mexico Border and in particular the Texas-Mexico Border, specially Laredo as the major inland port of entry, must have adequate resources to respond based on our unique response responsibilities to all threats. We must have the appropriate staff, equipment, vehicles to respond as well the proper tools to isolate and quarantine, after all what happens in Laredo affects the entire nation. If we protect and respond appropriately in Laredo, we protect the public's health and wellbeing of the country.

**5. CONCLUSION**

The US is under a constant threat of an intentional or unintentional medical or biological attack. In Laredo we say: "When Nuevo Laredo, Mexico coughs, Laredo gets the cold." Disease does not respect a border, a wall or even the most professional of custom and border patrol agents.

When you think of the potential public health threats that can cause epidemics, contaminate our water or food supply, there is no area more vulnerable than the

US-Mexico Border. In Laredo, we are proud to provide a first line of defense for our community and the nation. We just need help with the resources to meet these demands.

I want to thank you for allowing me to provide this written testimony. I know Chief Sosa is providing immediate answers to any of your questions but I will glad to answer any additional questions you may have as well.



## Appendix B

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### US-Mexico Border Public Safety and Public Health Response

#### The Need for a Federal-Local Partnership

##### Background

The City of Laredo provides its local citizens and the nation a comprehensive public safety and public health response to threats at the border. Laredo provides:

- A unified approach of police, fire and public health first responders to ensure safety, security and public health disease control and preparedness.
- Training, planning and support for disease control and prevention through its public health authority.
- Support for our federal and state partners in responding public health and safety hazards challenges.

##### Challenge

Despite Laredo providing these national defense services, Laredo is not a direct beneficiary of any of the new DHS programs because federal funding for homeland security has been limited to US census data. Funding formulas must be changed to address threat levels and services provided to the nation. Laredo is providing the services. It is time that the nation provides Laredo with a fair share of the resources needed for these efforts.

##### Solutions:

Federal funding for homeland security and public health response initiatives must compensate local communities that are providing protection to the nation. The easiest way to accomplish this goal is to create a border category in all funding formulas.

There are also specific steps that the Congress can take to address these challenges:

- UASI should be changed to make proximity to the border a threat criterion and funding should be available for people and equipment required to meet threats to the nation's health and safety. Laredo provides more public health responders and public safety responders on the border than the federal government, yet it is not eligible for direct funding.
- The Port Security initiative must be modified to include all major ports, not simply water ports. The City of Laredo is the nation's largest inland port on the U.S. Mexico border, yet it is not eligible for port security funding.
- International Bridges should be included in the protected class of infrastructure of national significance. Their losses would have a major impact on the nation's economy.
- Creative border security initiatives such as Laredo's "River Vega" project that enhance national security by clearing lines of sight and building river retaining walls with the result being an integrated national security project should be supported.

All other DHS and Department of Justice programs which fund first responders (i.e. SAFER, COPS) must be fully funded and the role a community plays in supporting national security must be included in the funding criteria.





# Appendix C

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## DETAILED STATEMENT OF CHIEF SOSA

### ON THE

### CHALLENGES FACING FIRST RESPONDERS IN BORDER COMMUNITIES

#### **BACKGROUND**

Border Security and safety is an essential component of our nation's homeland security. It is a duty that we gladly and proudly accept each time we report for our shifts. Although our task is challenging, we realize its importance, for we as first responders, are the front line of defense for our Nation against intentional or unintentional threats. A sobering reality is that the number of threats in this post 9-11 world has increased along the US/Mexico border and so has the number of incidents that can potentially escalate into major emergencies.

The County of Webb, in which Laredo is located, is the 6th largest county of the 254 counties in the State of Texas. It covers 3,360 sq. miles or 2,139,217 acres. As the second fastest growing city in the nation, Laredo has outgrown its boundaries. The City of Laredo, thru a contractual agreement, provides emergency services to all of Webb County. The County of Webb has 4 cities that the Laredo Fire Department services: Mirando City, Bruni, Oilton, and Aguilares. The Laredo metropolitan area posted the largest gain in population of any other city along the Texas border. Laredo has an approximate population of 250,000 residents and its sister city, Nuevo Laredo, Mexico, has a population of 600,000 residents.

While all local governments have security issues, border communities have special challenges. Consider Laredo, Texas, the largest land port in the United States for people and goods arriving from Central and South America. Every day, 13,000 trucks bring parts and supplies across the border, and 30,000 people cross its four bridges, a process that takes one and one-half hours on a normal day.

Our frontier community is a booming one, having doubled its population in the past 10 years, from 100,000 to more than 200,000. Nuevo Laredo, our sister city across the border in Mexico, has a population of 600,000. During a serious emergency, the closest support from any U.S. locality, state government, or federal government agency is 150 miles away. An existing binational aid agreement between Laredo and Nuevo Laredo includes an understanding of hazardous-materials responses, bomb threats and SWAT tactics among other public safety disciplines. Historically, the aid provided has been to assist Nuevo Laredo emergency agencies to properly mitigate threat in our sister city. Also we experience an average of three or four bomb threats each week at our international bridges.

#### **CHALLENGES**

In outlining Laredo's role on the border, it is important to answer the question that many of you have: Why should federal resources be used to support what are typical services provided by every local government as well as other special services that may not be typical to other jurisdictions? Listed below are two reasons why:

##### **A. International**

###### *•Largest and Oldest Southern Inland Port*

Laredo is at the center of the primary trade route connecting Canada, the United States and Mexico. We are the gateway to Mexico's growing industrial complex. *Los Dos Laredos* (The Two Laredos) are actually one city, divided only by a river. Laredo became the first "official" Port of Entry on the U.S./Mexico border in 1851. (In fact, the United States Consulate in Nuevo Laredo, Mexico is America's oldest continuously active diplomatic post, established in 1872.) Today, the Laredo Customs District handles more trade than the ports of Southern California, Arizona, New Mexico and West Texas combined.

###### *• Services We Provide Laredo and Nation*

The City of Laredo provides its local citizens and the nation a comprehensive public safety and public health response to threats at the border. Laredo provides:

- A unified approach of police, fire and public health first responders to ensure safety, security and public health disease control and preparedness.
- Training, planning and support for disease control and prevention through its public health authority.
- Support for our federal and state partners in responding public health and safety hazards challenges such as primary response for river rescue and recovery as well as response to bomb threats at our international bridges to conduct searches for weapons of mass destruction.

Despite Laredo providing these national defense services, Laredo is not a direct beneficiary of any of the new DHS programs because federal funding for homeland security has been limited to US census data. Funding formulas must be changed to address threat levels and services provided to the nation by border communities. Laredo is providing the services. It is time that the nation provides Laredo with a fair share of the resources needed for these efforts. Additionally, we would like to mention some of the other challenges we face along the border:

#### **B. Domestic**

The City of Laredo is a hub for emergency response with assets and expertise to manage emergencies in a 150 mile radius. The City has executed mutual aid agreements with several jurisdictions to offer aid in the event they should be needed. Local resources could be quickly exhausted should there be a need to respond to a major emergency. As a Border community we face a wide variety of threats given our strategic location and as such we must recognize that emergencies in our sister city could lead to a potential emergency in ours.

##### **• Structure fires**

With 60 million square feet of warehouse space to protect on our side of the border, we must consider the vast amount of warehouse space to the south. The limited means of our counterparts puts our community at risk should a fire in their commercial/warehouse districts become uncontrollable. An existing bi-national agreement with Nuevo Laredo would require our fire department to render aid.

##### **• EMS**

Laredo Fire Department Emergency Medical Services (EMS) responded to close to 17,000 calls in 2006. Many of these were responses to our international bridges to render aid to patients coming in from Nuevo Laredo. The patients arrive to our bridges via personal vehicles or by foot. Additionally, many attempts by foreign nationals to cross our borders illegally generate a response by our EMS system to render aid in the hostile terrain that surrounds our community. These patients become dehydrated or suffer trauma while attempting to cross via rail car or by vehicles transporting illegal aliens that are involved in accidents.

##### **• Mass casualty incidents**

In addition to offering protection to our community from mass casualty incidents, we consider other factors that increase the potential for these types of incidents. A major corridor named IH35, passes through our city and so does a tremendous amount of traffic. This includes passenger buses as well multi-occupant vehicles. This highway is also a major thoroughfare for the transportation of illegal aliens. Many times while chased by law enforcement, these vehicles become involved in accidents with as many as 50 people. Recently, the fire department was called to assist a neighboring border county, Zapata, when a passenger van transporting 50 aliens rolled over killing one. This incident placed a significant burden on our resources as several ambulances were dispatched to assist, render aid and transport the injured back to local hospitals.

##### **• HAZ-MAT Incidents**

Laredo is the main NAFTA corridor for the United States and correspondingly in Texas for international trade. Laredo has four International Bridges and is currently in the process of applying for a Presidential Permit to build a fifth International Bridge. Laredo carries 50% of all NAFTA related trade. It is further estimated that fifty percent of the trade that crosses through Laredo is hazardous material. The United States, Mexico, Central and South America's economies depend on secure bridges (the artery through which life flows for the business-trade sector). Terrorist actions or any disruptive situations would be detrimental to local, state, national and international economies. According to Laredo Development Foundation's 2001 data, Laredo is the number one inland port in the United States with 2,772,537 annual tractor-trailer crossings and an additional 350,620 rail car crossings through our single railroad bridge. Almost half of the cargo that travels through the Laredo Corridor by land and rail carry Hazardous Materials. The La-

redo Airport, a former U.S. Air Force Base, had 226 million pounds of freight land in 2001.

The situation our community faces today is the increasing volume of commercial traffic with hazardous cargo passing through our city via road and rail. In addition, we are experiencing an expansion of commercial warehousing that store the hazardous materials transported by commercial traffic. This reflects an increase for calls our department makes to hazmat incidents.

Of note are recent emergency calls that posed a threat to our community and contained all of the necessary elements to escalate to a major disaster.

- **A tractor-trailer overturned on Hwy 359 spilling a significant amount of highly toxic sodium hydroxide. The highway was closed for several hours. Prevailing winds threatened to carry fumes towards the City.**
- **A tractor-trailer was found to be leaking an unknown chemical. The trailer contained several pallets of AG Oxycom, an oxidizer corrosive that causes irritation of the respiratory track when inhaled.**
- **A train derailment caused several boxcars containing petroleum alkalate and benzene 10% to burn exposing one boxcar with tetrachloroethylene. Residents in the immediate area were evacuated. Wind conditions threatened to carry fumes towards a populated area.**

There is also the challenge of rail yards in the midst of a heavily populated area of town. These boxcars transport a huge amount of cargo throughout the day at the risk of derailment.

All these numbers translate into a single conclusion: Laredo's Fire Department must be prepared to address a hazmat challenge due to the volume of Hazmat cargo, commerce, and tourism present on both sides of the border. Data compiled from the U.S. Department of Commerce indicates that in 2004, the total share of U.S.-Mexico trade passing through the port of Laredo was 58.9%. All other ports on the U.S.-Mexico Border totaled only 41.1%. This commercial traffic has only increased over the past decade as more commerce is utilizing the Port of Laredo's strategic location. The significant increase has offered many opportunities for the potential of a major hazardous material incident that would affect the lives of many families on both sides of the border as well as those that reside in the surrounding communities. Additionally, Laredo has over 60 million square feet of warehouse space and at least a quarter of that space contains hazardous materials and is highly vulnerable to Terrorism and Bio-Chemical Terrorism.

- **River Rescue and body recoveries**

The Laredo Fire Department is the primary responder to river rescues and body recoveries along the Rio Grande. As the increase in attempts to cross our border illegally so do the number of rescues and recovery of drowning victims. We lack the equipment and training to safely conduct these services on international waters.

- **Bomb Threat at bridges**

911 Dispatch receives on average 3 bomb threats a week to our international bridges alone. The Fire Department responds to these bomb threats and conducts a search for any suspicious packages and explosive devices without any protective equipment or ordinance training.

#### SOLUTIONS

Homeland security is about the integration of a nation, everyone pledged to freedom's cause, everyone its protector, and everyone its beneficiary. It's about the integration of our national efforts, not one department or one organization, but everyone tasked with our Nation's protection. To accomplish this task, federal funding for homeland security and public health response initiatives must compensate local communities that are providing protection to the nation. The easiest way to accomplish this goal is to create a border category in all funding formulas.

Additionally, we would like to respectfully submit the following points:

(1) The City of Laredo has been a major contributor of resources to create a regional mutual aid agreement. As the largest source of assets and experience in our region, we are looked to in the event of a significant emergency occurring in any of the participating jurisdictions. Support and training for regional preparedness is essential to our border communities.

(2) Our City has invested heavily in the creation of a state of the art Fire and Law Enforcement training facility. This facility has trained first responders from around the globe. Students have trained here from different parts of Mexico, Central and South America, Europe and Canada. Another benefit to first responders from around this region is the close proximity and accessibility to world class training. Standardized training for public safety officials on both

sides of our border is essential for a uniformed response to an emergency that would affect communities on the US/Mexico Border.

(3) We must be recognized as a hub for public safety and homeland security for the region and for the front gate of our nation. Although we are the largest community in the region with public safety assets, it is important to remember that we are the closest entity for emergency response in 150 miles.

(4) UASI should be changed to make proximity to the border a threat criterion and funding should be available for people and equipment required to meet threats to the nation's health and safety. Laredo provides more public health responders and public safety responders on the border than the federal government, yet it is not eligible for direct funding.

(5) The Port Security initiative must be modified to include all major ports, not simply water ports. The City of Laredo is the nation's largest inland port on the U.S. Mexico border, yet it is not eligible for port security funding.

(6) International Bridges should be included in the protected class of infrastructure of national significance. Their losses would have a major impact on the nation's economy.

(7) Creative border security initiatives such as Laredo's "River Vega" project that enhance national security by clearing lines of sight and building river retaining walls with the result being an integrated national security project should be supported.

(8) All other DHS and Department of Justice programs which fund first responders (i.e. SAFER, COPS) must be fully funded and the role a community plays in supporting national security must be included in the funding criteria.

#### **CONCLUSIONS**

Laredo is the only U.S./Mexico border city strategically positioned at the convergence of all land transportation systems. While this location results in Laredo being our nation's largest inland port on the southern border, it also means that Laredo's public safety and health programs are heavily burdened with the flow of such commerce. Laredo is the shipping and receiving dock for the urban centers and seaports in your states. There are even statistics of the amount of cargo that flows from or returns to your states of Mississippi, Washington, New York, Pennsylvania, Indiana, the Carolinas, Alabama and beyond. Laredo and other border communities strive for healthy and safe communities. Sometimes we are asked to bear too large a burden in keeping our nation healthy and safe. We look to this committee assist us obtain the resources we need to meet that challenge.

Every day, we work to make our border and America more secure. Every day, the memories of September 11th inspire us to live our vision of preserving our freedoms, protecting America, enjoying our liberties, and securing the homeland.

## Appendix D: For the Record

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### QUESTIONS AND RESPONSES

QUESTION FROM THE HONORABLE BENNIE G. THOMPSON, CHAIRMAN, COMMITTEE ON  
HOMELAND SECURITY

RESPONSES FROM BILL ELFO

**Question 1: Sheriff in your testimony you mention the need for a joint operations center large enough to accommodate border related activities. What is your current state of operations in this regard? How could you be better by a joint operations center? How would such a center assist in preparedness and response among all levels of government?**

**Response:** The Whatcom County Emergency Operations Center is located within a local fire station. It is approximately 1400 square feet and can accommodate up to fifty persons. While adequate for managing our typical winter storms and flooding, it is grossly inadequate in terms of accommodating and coordinating the number of essential local, county, state, federal and private sector representatives needed to manage major border-related emergencies and disasters. Experience and exercises have consistently demonstrated that we can reasonably anticipate the need for a multi-agency emergency operations center that will accommodate up to 250 people.

The Whatcom County Sheriff's Office has primary responsibility for providing emergency management services at and near our land border with Canada. It maintains emergency management responsibilities for six municipalities and the unincorporated area, encompassing 2116 of the County's 2150 square miles, 62% of its population and all of its major oil refineries. The City of Bellingham Office of Emergency Management provides similar services within its city limits.

The United States Department of Homeland Security, through its many component agencies, has a myriad of emergency management and disaster responsibilities at and near the border, at the refineries and at multiple federal facilities located throughout the County. In most potential border-related events, jurisdictional authority and impacts overlap.

Whatcom County, the City of Bellingham and the Department of Homeland Security all envision the establishment of a multi-agency coordination center designed to coordinate and plan for the response and mitigation of activities impacting their spheres of responsibility. All of these entities share services provided through support agencies such as the Red Cross, the County Health Department, the County Medical Examiner, the City Emergency Medical System and many others. In times of disaster or emergency, all of these entities will need to coordinate requests for outside assistance through the Washington State Military Department.

It is absolutely essential that the three major jurisdictions involved in emergency management operations closely coordinate activities and decision-making. Creating three separate facilities will be counter-productive. The establishment of a multi-agency coordination center will bring all critical decision-makers to one location and facilitate a transition into the most appropriate incident command structure, accommodate specific needs, and avoid confusion and competition for resources. It will also raise situational awareness, ensure clarity in communications and serve as a model for other communities.

**Question 2: Sheriff Elfo in your testimony you state that since 9/11 there has been a dramatic increase in the Federal law enforcement presence in Whatcom County. Specifically, you state that most notable increases you have seen have come from Customs and Border Protection, Immigration and Customs Enforcement and the Coast Guard.**

**Are you comfortable with the amount of intelligence information that is shared between these agencies and state and local law enforcement officials?**

**Response:** No. Aside from the agencies mentioned above, the United States Border Patrol, FBI, DEA and a number of other federal law enforcement agencies maintain operations in Whatcom County. The number of federal agents assigned to Whatcom County far outnumber, local, county and state law enforcement. The relationship that exists among these agencies and their willingness to assist local law enforcement is generally very good. Nonetheless, enhancements are needed in the area of sharing information and intelligence.

**If not, what can be done to enhance the flow of information?**

**Response:** Border county law enforcement agencies need to closely coordinate and collaborate in the sharing of information and intelligence relating to crimes, threats and terrorism. With border counties, it is essential that this information and intelligence sharing include issues related to the international border. Nearly all federal law enforcement operations in the county are border-centric and it is essential to the success of investigations and safety that efforts be coordinated.

In the State of Washington, regional intelligence groups were created in various geographic regions. These intelligence groups take an "all crimes" approach to criminal intelligence. Participating agencies contribute personnel on either a full-time or part-time basis and efforts are made to provide information to those agencies that are unable to assign personnel on a regular basis.

The regional intelligence group responsible for servicing our border county is centered in Everett, nearly 90 miles from the international border. Most regular participants in the group are from Snohomish County, which is located near the greater Seattle area. Crime and intelligence information is generally centered on regional issues related to the Seattle region and the surrounding naval facilities, rather than those matters having a nexus with the border. The activities and issues surrounding gangs, organized crime, criminal enterprises and terrorist organizations in the Seattle area differ from those occurring in our border community. Distance, priorities and logistics do not support the Everett regional intelligence group with the capacity to fully integrate border-related intelligence into its operations.

A compelling need exists to integrate the activities of local, county, state and federal enforcement in sharing information and intelligence specific to border-activities. The City of Bellingham Police Department maintains an intelligence unit. The Washington State Patrol has assigned a trooper full-time to unit and the Whatcom County Sheriff's Office regularly participates in the activities of the unit, shares information and works cooperatively with joint investigations. Funding should be provided to grow the nucleus of this group into a countywide regional intelligence group to include participation from key federal agencies and other local law enforcement. The Department of Homeland Security should fund a full-time position to support this operation as it does for existing regional intelligence groups.

The current formula and mechanisms for funding analyst positions assigned to the intelligence groups impairs effectiveness and efficiency. Current Department of Homeland Security regulations preclude the hiring of commissioned law enforcement officers for these positions and since funding for these positions are not sustainable, agencies are forced to hire independent contractors to perform intelligence functions. In most cases, these analysts do not know communities as well as local law enforcement and there is a high rate of turnover. As independent contractors, limits exist on the ability of agencies to supervise their activities. Consideration should be given to amending the regulations and reimburse intelligence groups for the cost of assigning fully commissioned law enforcement officers to each group. This reimbursement program could require a minimum three year agency assignment and be rotated among participating agencies. will increase support and appreciation for the intelligence function among affected agencies.

It is absolutely essential that mechanisms be established to improve the flow of information from the Washington Joint Analytical Center, the Joint Terrorism Task Forces, the Regional Intelligence Groups and local law enforcement. When critical information or intelligence involving a local community is identified, a system must be developed to ensure that it rapidly flows to designated staff at potentially impacted police departments and sheriffs offices. Steps must be taken to ensure operational capability exists 24 hours a day, 365 days a year.

Consideration should be given to establishing a joint terrorism task force to serve border counties.

**If so, is the same true for other northern border county law enforcement entities in Washington?**

**Response:** Sheriffs in the northern border counties of Clallam, Okanogan and Stevens report that they do not receive adequate border-related intelligence through

the regional intelligence groups servicing their areas. Sheriff Thayer of Stevens County indicated that similar issues exist in Ferry and Pend Oreille counties. All counties maintain good relations with Department of Homeland Security agencies but generally receive relevant information through informal relationships rather than an established system of dissemination. Like Whatcom County, regional intelligence groups are generally distant from the border and tend to focus attention to issues in the larger cities where they are housed.

**Question 3: In your testimony you highlight an issue that is often overlooked when discussing the challenges facing border communities. You state that on average over 600 persons a month seeking into Canada through County are denied because of mental illness or a criminal record. How do these individuals impact public safety in your community?**

This phenomenon is commonly referred to as "bounce-backs" and occurs when Customs Canada detect persons with criminal records, mental illness or a lack of funds and subsequently deny them admission to Canada. These persons are generally directed to return to the United States and U.S. Customs and Border Protection officers are normally notified. If currently wanted as fugitives or suspected of involvement in criminal activity, the Sheriff's Office is normally summoned. On average 150 wanted fugitives from around the nation are apprehended at the border every year. Other cases involve a large array of crimes ranging from kidnapping to possession of stolen. These incidents typically involve an investigation by the Sheriff's Office, detention in the County Jail and involvement by the Prosecuting Attorney, Courts and Public Defense.

Aside from the obvious impact of these individuals committing new crimes in our community, their presence represents a drain on scarce local law enforcement and mental health resources. A jail designed and staffed to hold 148 inmates, now maintains an average daily population of over 270. Prosecutors have enormous caseloads and our mental health system is challenged to provide adequate service levels.

**Question 4: In your testimony you talk about the work between local law enforcement and the Customs and Border Protection Officers to detect criminals and other contraband crossing the international border. How do you work together, share information and communicate?**

Most communications and information sharing occurring between local law enforcement and Customs and Border Protection are the result of personal relationships and informal systems that have existed for decades. A deputy sheriff assigned full-time to the Customs and Border Protection Air and Marine Unit successfully coordinates information sharing. Management personnel Customs and Border Protection and Immigration and Customs Enforcement regularly attend meetings of the County Police Chiefs and Sheriff Association resulting in the fostering of an environment amenable to cooperation. The Sheriff's Office provides Customs and Border Protection with a daily crime analysis report. The County has established an integrated data system that will eventually allow federal agencies to view and share data.

While many regions of the nation are focused on radio interoperability, agencies in Whatcom County are in many areas, lacking basic operability. Operability issues must be resolved before interoperability can be achieved. Limited interoperable communications are achieved through a patchwork of systems but are not dependable and often are not available when they are most needed.

Terrain, infrastructure and agreements with the government of Canada limit options. The County is exploring the feasibility of using satellite technology to increase communications coverage. This platform and technology has the capability of solving both operability and interoperability issues.

#### FOLLOW-UP QUESTIONS AND RESPONSES

QUESTIONS FROM THE HONORABLE BENNIE G. THOMPSON, CHAIRMAN, COMMITTEE ON HOMELAND SECURITY AND THE HONORABLE HENRY CUELLAR, CHAIRMAN, SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS, AND RESPONSE

#### RESPONSES FROM CHRISTOPHER H. LOMBARD

Thank you so much for the opportunity to further dialogue with you, following my testimony on July 12, 2007, before the Subcommittee on Emergency Communications, Preparedness, and Response. I am happy to answer your follow-up questions.

**Question 1:** Chairman Thompson, you have asked the following: *Mr. Lombard, in regards to training you discuss in your testimony the need for continued support on the regional and international level that include backfill and overtime coverage for first responders. Currently, does the need for backfill and overtime coverage affect*

*your attendance for training exercises? How does this affect the day to day operations?*

**Response:** In a word, Yes! The need for backfill and overtime has a significant and direct impact on our ability to attend all but the most basic training exercises.

For the fire service, the issue of training essentially comes down to one of resource allocation. Various national standards (e.g. NFPA 1710), and Standards of Care dictate our response times. The emergency response times of the fire service, from dispatch to arrival on-scene, are measured in minutes.

For a typical house fire, it only takes minutes before something like a simple smoldering cigarette can become a raging inferno. Or, as is the case in medical incidents like heart-attacks and strokes, we have about six minutes to get oxygen flowing back to the brain (from the onset of the condition) before permanent brain damage or death occur. These physical time limits have profound impacts on the uniformity of coverage and the in-service status of fire and EMS resources.

When we do place resources out of service for training, the resulting 'coverage area' of surrounding units expands to fill in the gaps. Too many units placed out of service and response times increase allowing situations to reach extreme portions, jeopardizing safety of both victims and responders. The bottom line of this reality directly impacts our ability to provide on-duty training.

In an effort to provide the most accurate and up-to-date answers, I contacted colleagues with some of the larger fire departments in the nation: my own Seattle Fire Department, FDNY, Chicago Fire, LA County Fire, LA City Fire, etc. All were able to confirm the same. In the fire service we tend to go about as far as placing 6% of our total on-duty units out of service for training purposes. Any more units out of service could mean that someone dies because it takes too long to get to their aid.

Fire/EMS training generally falls into three categories:

1. Required training (e.g. that which is legally required by OSHA, State plans, etc.)
2. Essential training (e.g. that which assures an acceptable level of service—NFPA, DHS, NIMS, etc.), and
3. Desired training (e.g. terrorism prevention, mutual aid exercises/regional drills, etc.).

At best, the 6% 'units-out-of-service' level referenced above barely allows for the maintaining of our required training requirements. Thankfully, the federal grants, especially those within the Homeland Security Grant Programs, that have recently made available (e.g. UASI, MMRS, etc.) are helping to improve the access to 'essential' levels of training. It has only been through these grants that large regional training exercises have been able to occur.

### Questions #2 and #3

Congressman Cuellar, you asked two excellent questions that strike to the very heart of the philosophical way in which most of the United States views incident management. In an effort to better answer your questions, I offer a little background on the way we, in the United States, have traditionally managed significant incidents. I am referring to the 'prevent' AND 'prepare' mentalities or aspects.

We understandably invest a great many resources in trying to *prevent* bad things from happening before incidents occur (i.e. crisis management). That being said, with the exception of the military, we allocate disproportionately fewer resources in preparation for actual incident mitigation, (i.e. consequence management). As a result, and because of the lack of appropriate pre-incident planning, we are often forced to pay vastly more towards recovery, after the fact. These are all facts that are realized all too well by the insurance industry and their subsequent discounting for things like car alarms, living close to a fire station/hydrant, burglar alarms, sprinkler systems, etc.

As a case in point, most every single county/parish in the United States can claim at least one paid law enforcement officer, whether it is a single paid sheriff or thousands of city, county/parish, state and federal officers within a single county. If the idea of a bake sale, car wash, or cook-off occurring somewhere in the nation to help replace your local police car, or to buy bullets and guns for police sounds strange, there is reason. But, for the nation's fire and EMS services, the opposite is true. As an article in USA Today observed, ". . .almost three-fourths of the nation's 1.1 million firefighters are volunteers, and two-thirds of all fire departments are volunteer. . ."<sup>1</sup> The Seattle area is not immune from this disproportion. Quite the contrary, the situation is fairly consistent throughout the nation.

<sup>1</sup>11/07/2005 (USA Today article by Rick Hampson—[http://www.usatoday.com/news/nation/2005-11-06-volunteer-firefighters\\_x.htm](http://www.usatoday.com/news/nation/2005-11-06-volunteer-firefighters_x.htm))



At the expense of stating the obvious, despite all of our efforts at prevention, incidents do, and will continue to occur—human nature and interaction with our environment dictates that we are always going to have car crashes, house fires, hurricanes, earthquakes, tornados, wildland fires, bombings, etc. Hence the importance of simultaneous prevention AND preparation.

I will expound more on this later, but to relate this to your questions on communications operability and preparation for the Olympics, we the State and DHS are making great strides in prevention efforts (crisis management) but doing relatively little about response/recovery efforts (consequence management).

To answer to your first question, *“As illustrated by Hurricane Katrina and 9/11, first responders oftentimes cannot effectively communicate with one another. Secretary Chertoff has told this Committee in the past that you cannot have interoperable communications without operable communications. That said (do) all of the first responders in the Seattle area have the basic level of equipment (to be) operable,”* I offer the following.

As alluded to previously, there are differences between the operability and interoperability communications for Seattle area police and fire/EMS departments. First, relating to voice communications, the region’s fire/EMS agencies have marginal operability. Every day we respond to several situations (e.g high rise buildings, ship holds, hospital basements, etc.) where we do not have basic operability between units and their respective field supervisors. Further, unlike our police counterparts, we only have enough radios to outfit our on-duty compliment. For large events and incidents, where we recall off-duty members back into service, we end up having members go without radios; compromising their safety and efficiency. Seattle is similar to most of the fire service in that our equipment levels and operability could be termed, “only just.” Portable radios are only part of the equation.

For both police and fire/EMS, Seattle’s supporting infrastructure is approaching 15 years old—young in the national perspective, yet old in system terms. Our provider, Motorola, has already given us an end-of-life date starting in 2009, after which they will no longer support or maintain our system. We have tried to plan for this eventuality through the use of subscriber fees, but the fees have not been able to keep up with recent estimates for replacement costs. As with the portable radios, infrastructure components usually work during normal operations, but when things are not normal. . .you get the picture. I mention this not because we are seeking federal funding for the system replacement, but because replacement will take most all of our local resources. It is the expansion of the systems to achieve interoperability with others (Federal entities, International entities, etc.) that are beyond our current ability to fund.

If the current state of voice communications sounds bleak, then it is even more so for data communications. For data, we are only starting to work towards the operability you reference. Through our fire/life safety inspection programs, many departments collect a vast amount of information pertaining to data like building blueprints, special occupants needs, special building and area hazards, emergency contact information, sprinkler/alarm systems, water/hydrant supply information, pertinent medical information for patients, and more. Regrettably, even though this information is collected, few departments are able to do much with these records or to get this information from the stations and databases where it is stored, back out to the field where it is needed (to mobile computers in the apparatus, in command vehicles, etc.).

Many departments, ours included, do not have adequate resources to build, manage and maintain our Information Technology (IT) support systems (including: staffing, supporting data communications infrastructure, hardware, etc.).

Your second question asked, *“Given the focus of your expertise and the upcoming 2010 Winter Olympics, what is currently being done to train and prepare the first responders in the region on communications protocols? Are you fully staffed to address the communications needs in the region? What equipment is already in place and are (the) public safety agencies properly trained to handle the equipment? What redundancies are build into the system if it (becomes) overloaded or worst case, fails?”*

**Response:** Again, you bring up several excellent questions and I will try to answer them in the order you asked them.

The problems relating to preparation for the 2010 Olympics go far beyond a request for funding related support. To date, in the whole of the planning process for the 2010 Olympics (either at the state or the federal levels), the lack of inclusion of the fire service, EMS, hospitals and other agencies could be considered a major oversight. And, it is not for a lack of having expertise to offer and wanting to be involved on our parts.

Again, in an effort to provide you with the most accurate information to your follow-up questions, I contacted several western Washington Fire Chiefs. Most knew of the existence of a planning process and were able to identify one or two of the agencies involved, but none knew of any fire/EMS/hospital involvement. It was only through my inquiries, to provide the most accurate answers to your follow-up questions, that I was even able to find out specifics relating to the Olympic planning process.

These planning shortfalls are not unique to the State of Washington, but are typical of most major incident planning throughout the United States (again, as confirmed with interviews with members of FDNY, the Chicago Fire Department, Seattle Fire Department, Los Angeles City and County Fire Departments, etc.).

The region's fire/EMS services have staffing and well trained planning and communications experts to offer toward the Olympics effort, but we are finding it difficult to gain inclusion in the process. Because of our communications expertise, we have access to all manner of redundancies and back-ups, but they will likely not be included—again, planners have demonstrated that they are unaware of their existence.

Were the Olympics occurring in the United States, there would be considerable funding and/or funding mechanisms available to offset the costs associated with hosting such an event. Unfortunately, because the venue is just outside of the US, little funding exists (save that which is locally provided by either entities within the region or by the state)—yet the expenses remain.

Pertaining to this specific elevated-risk event, there is good news and bad news. The bad news is that our region is going to have to make due with available resources. Fortunately, the good news is that the issues you raise go beyond just the Olympics and, as such, we are starting to address them in an effort to meet long-range regional goals. Resolving some of our current day-to-day needs will coincidentally better position us to handle this, and other major events.

The recent DHS' Report to Congress on the 2010 Olympic and Paralympic Winter Games, provided an impressive analysis and summary of pre-planning for the security for the events (e.g. discussions pertaining to Customs and Border Patrol (CBP)). The DHS report anticipates that, during the two Olympic events, an additional *half-million* visitors will transit through the Western Washington area. Further, the report mentions the impact this will have on the region's enforcement assets and what the affected agencies are planning to do about the increase.

Ironically, there was no mention pertaining to anything about training, funding and/or pre-staging of any kind of response (fire, EMS, hospital, etc.) assets. Despite the planned 500,000 additional visitors, it can only be assumed that the folks among the local fire department's (North Whatcom Fire & Rescue) 35 firefighter/EMTs and supporting volunteers will try to operate—business as usual. By comparison, the Seattle Fire Department has almost 1,200 personnel to serve a city of just over a half-million.

For major events like the Olympics, the problem tends to be one of getting information to those who will need it most, when they need it—in this case, the operational personnel in the field. You may recall elements from the testimony of my fellow panelists, Fire Chief Sosa (Laredo, TX) and Sheriff Bill Elfo (Whatcom County, WA)—we are not looking for everyone, in every agency, and at every level being able to talk amongst each other, but it is essential that supervisory personnel are able to inter-communicate.

What typically happens in preparation for an event such as the Olympics is that a particular agency will be designated as the lead agency. Because of funding limitations, the lead agency usually only assigns an individual, or a couple of individuals to oversee the whole event. They then establish a list of other agencies that they think might have a vested interest or may have the potential to be involved in any incidents. These other agencies, with vested interests, may participate as best they can, on a voluntary basis.

The lead agency, often a law enforcement entity, will begin a series of planning sessions on how the incident will be managed. Regrettably, the communications components and contingencies are focused on law enforcement needs.

Finally, a table-top 'type' exercise for senior administrators may occur and 'the plan' will then be distributed. Ultimately, those who need the information the most usually never get it. The problem is one of completing the final component of the circuit.

Regarding your question about redundancies, we as a region have discussed, but do not yet have much in the way of redundancies. Our regional communications systems would most likely break down and fail back to their current, localized sites/zones.

Regrettably, it is likely that not even Congress can resolve some of the problems surrounding events like these. Many of the issues surrounding the Olympics and events like it (not just near the borders, but throughout the nation) are inherent to some of the differences between the culture of the fire service and the culture of law enforcement.

Appropriately, and by the nature of their work, the law enforcement community tends to be less than 'open' about the information they share. Information exchange tends to be kept to a minimum (as needed, when needed, only with those who are needed, and only that which is needed). For obvious reasons, this is essentially the case to allow for their investigations, criminal prosecution, etc. Unfortunately, this does not lend itself well to the mitigation of major region-wide or national incidents where prompt and open communications are essential to success.

In somewhat of a generalization, interoperable communications for police typically means "police talking to police." (e.g. The city police officer being able to talk to the county sheriff, talking to the state patrol officer, talking to the federal agent/marshal, etc.) Interoperable communications for the fire service means "any first responder who needs to, talking to any other first responder." (e.g. The fire fighter talking to the police officer, the police officer talking to the transportation coordinator, the EMS responder talking to the hospital, etc.)—referencing SAFECOM's definition.<sup>2</sup>

As a case in point, many fire/EMS agencies throughout the nation have only limited and restricted access to the DHS mandated Tactical Interoperable Communications Plans (TICPs), of which they are expected to be a part. (e.g. "I want you to call so-and-so, but I'm not going to give you his number!?!") Further, most fire/EMS agencies had only a marginal role, if any, in the development of regional TICPs, defeating the concept of Interoperability.

As we have learned through the national implementation of NIMS/ICS and through actual events (e.g. Oklahoma City Bombing, 9-11, Oakland Hills fire, etc.), the fire service tends to have more of the expertise and open exchange of information necessary to manage large scale operations (including the planning, logistics and communications components). This is again because of our inherent openness regarding communications and inclusion or other services. It is largely in part to our traditional openness in communications, that has led the fire service's operational model (the Incident Command System—ICS) to become the national standard.

Here is where congress CAN make a difference.

What is working?

- The 9-11 legislation changes allowing for communications equipment outside of the 700MHz frequencies.
- The allowance for using federal grants to purchase 'operability' equipment as well as interoperable equipment.
- The very fact that you are showing an interest has created dialogue opportunities locally, for fire/EMS—as with the 2010 Olympics, we are finding out about on-going projects and initiatives that we were not privy to before.

#### **Additional ways Congress can help?**

Offered here are some potential 'policy changes,' using existing funding/allocations, that have the potential to improve first responders' communications operability and interoperability (versus new/additional expenditures).

- Assure that federal grants continue to address all-hazards and include both aspects of public-safety (e.g. Instead of being equally applicable to both law enforcement and fire/EMS, the DHS-CEDAP grants are tending toward law enforcement specific. The DHS-UASI grants too, are tending from 'both police/fire toward 'law enforcement,' etc.)
- Consider legislating *equal* representation of prevention (law enforcement) AND response management (fire/EMS) agencies into pre-incident planning (e.g. The DHS/Washington State 2010 Olympic Planning Committee has only a single listed fire/EMS/hospital representative, out of the almost 100 listed. This neglects the importance of preparation for consequences.)
- Emphasize that Fire and EMS services need to be an equal partner in DHS Special Events Working Groups—it almost seems self-evident that this should be the case, but reality is far from the case.
- Continue to assist with the backlog and/or prioritization of security clearance (Secret, Top Secret, etc.) screening. Within the large backlog, there are a few representatives from the fire and EMS communities. While there are only a rel-

<sup>2</sup><http://www.safecomprogram.gov/SAFECOM/interoperability/default.htm>

ative few requesting/needing clearances, they speak for, and represent the majority of consequence management. This lack of individuals with appropriate clearances is often a reason given for excluding fire/EMS from incident pre-planning.

- For improved interoperable communications:
  - Consider requiring the State Department create an office of first-responder/public-safety liaison or inter-agency communications. The intent of such an office being the ability for police/fire/EMS agencies (in regions like San Diego—CA, Laredo—TX, Seattle—WA, etc.) to fast-track international issues pertaining to public safety and/or to quickly get status updates.
  - Support efforts by SAFECOM and the NIMS—IC to develop and consolidate the range of necessary training, credentialing, and certifications for the people necessary to manage incident communications. (ref: COML related projects)
- For the 2010 Olympics:
  - Encourage mobilization of the FEMA Propositioned Equipment Pod—Package on Demand (PEP—POD) to a location nearer to the border. (As was done in the Salt Lake City area during the 2002 Winter Olympics.)
  - Engage the National Interagency Fire Center (NIFC)/National Interagency Coordination Center (NICC) in Boise, ID. They have planned and managed multi-state, supra-regional incidents more often and far larger than the Olympics are planned to be. In addition to expertise and other resources, they offer one of the largest communications equipment caches in the nation.
  - Engage the local FEMA Mobile Emergency Response Support (MERS) unit, located in the Puget Sound region, near FEMA's Region—X offices, in incident pre-planning. They also have personnel and equipment able to support most all aspects of large incidents.

QUESTIONS FROM THE HONORABLE BENNIE G. THOMPSON, CHAIRMAN, COMMITTEE ON  
HOMELAND SECURITY

RESPONSES FROM LESSA BERENS MORRISON

**Question 1: Ms. Morrison, your testimony mentions bi-national exercises involving hundreds of Arizona and Mexican firefighters, medical responders and law enforcement officers who work along the border to test cross-border interoperability.**

- **What was the genesis of these exercises?**
- **Have they been successful?**
- **Are these exercises funded with local, state or federal funds?**

**Response:**

The State of Arizona has a strong historical working relationship with the Mexican State of Sonora. Since 2003, the State of Arizona has included Sonora in our statewide full-scale exercises. However, border communities have participated in bi-national exercises prior to 2003.

The Mariposa Point of Entry (POE) exercise occurred for one week in November, 2003. Mexican, U.S. federal, state, and local agencies gathered to evaluate their ability to respond to, recover from and mitigate against a Weapons of Mass Destruction (WMD) exercise. The simulated explosion gave the State the ability to assess bi-national intelligence sharing, interoperability of statewide communications systems, interaction of local management activities utilizing emergency plans and guidelines, and Arizona's Metropolitan Medical Response System (MMRS).

In November 2004, Operation REACT (Readiness Exercise Assessing Cyber Terrorism) simulated a terrorist attack on the lower Colorado River flood control infrastructure and a simultaneous attack on a Veterans' Administration hospital. In addition, the flood gates were explosively opened (simulated) at Davis and Parker Dams creating a surge of water flowing down the Colorado River consistent with historical flooding.

Both exercises were very successful and involved the active participation of U.S. and Mexican governmental agencies. Arizona's strategic goals and objectives were met and key areas for future development and improvement were identified.

While these two (2) exercises were funded with U.S. Homeland Security Program Grant funds, other exercises have been conducted with funding from local and state monies. Some of these border community exercises were:

- March 2004—First Responder hazardous materials exercise Nogales, Sonora, Mexico at Maquiladora Grupochamberlain;

- December 2004—Union Pacific Rail Car hazardous materials drill in Nogales, Arizona;
- October 2005—Santa Cruz Emergency Management in conjunction with Holy Cross Hospital in Nogales, Arizona exercised a small pox incident;
- July 2007—Pandemic Flu (H5N1) Full Scale Exercise in Santa Cruz County, Arizona;

QUESTIONS FROM THE HONORABLE HENRY CUELLAR, CHAIRMAN, SUBCOMMITTEE ON EMERGENCY COMMUNICATIONS, PREPAREDNESS, AND RESPONSE

RESPONSES FROM LESSA BERENS MORRISON

**Question 2:** In many areas along the U.S.-Mexico border, federal law enforcement has a significant presence in Southwest border communities. In rural communities, Border patrol agents often far outnumber the number of local police, county sheriffs, or state public safety officers. In times of crisis, these federal personnel are often pressed into service as first responders. For instance, during severe flooding in El Paso, Texas last summer, Border Patrol agents and military personnel rescued motorists from flooded vehicles and helped shore up levees.

- **While this assistance is clearly invaluable, what coordination challenges do these incidents present?**
- **Are there ongoing efforts to help ensure that coordination is facilitated in times of crisis, and if so what are they?**
- **To what degree are there set procedures for coordination at the local, state, and federal level, and to what degree is it up to individuals to forge relationships with their counterparts at other levels of government?**

**Response:** Border Patrol agents have been valuable assets in public safety and criminal emergencies throughout their primary assigned areas in Southern Arizona. A highway patrol officer and a border patrol officer are often present on scenes to assist each other. The most common scene is a critical vehicular collision. Coordinating the assets during emergency operations is effectively done with proper incident command.

The largest challenge continues to be the lack of immediate interoperable communications, which plagues public safety agencies regardless of assignment. Responding agencies cannot communicate via the same radio system; therefore, relays with dispatchers are required from agency to agency in order to patch through communications. This is time consuming and in an emergency situation, seconds are vital.

Common efforts to ensure coordination include post-incident reviews when lessons are learned about better coordination and response. An example of pro-active coordination planning has been recent meetings to forge plans with federal (Border Patrol), state, county and local agencies to prepare for what to do in the event of border violence spilling over into Arizona. The Border Patrol and other federal agencies are also regular partners in various local/county law enforcement management boards/groups that meet on a regular basis in each county. Those groups exist to share information and review incidents and plan for future coordinated efforts.

In regard to emergency management, if the incident occurs at the local level it remains at the local level until all assets at that level are utilized. Once that occurs, the local jurisdiction relies upon county, followed by state, followed by federal assets. This procedure is standard in local, county, state, and federal plans and procedures. Many of the smaller jurisdictions on the Arizona/Mexico border have built solid working relationships within their fire, police, and emergency management communities on both sides of the border, to include federal agencies located in the area. Some of the border jurisdictions have “sister city” agreements in place which assist in forging solid working relationships.

**Question 3:** Ms. Morrison, as we all know, actionable and timely intelligence and information is the first step in working to prevent and respond to a threat or incident. In your testimony you mention the partnerships your state has formed with California, New Mexico, and Texas and the expansion of the Arizona Counter Terrorism Information Center that includes local law enforcement from the border counties.

- Can you please provide more details on the partnerships with your surrounding border states?
- And how do you include the local law enforcement in the Arizona Counter Terrorism Information Center—how are they funded and how is participation coordinated?

**Response:** Our fusion center, the Arizona Counter Terrorism Information Center (ACTIC) has intelligence analysts, law enforcement detectives and public safety per-

sonnel assigned from federal, state, city and county law enforcement and public safety agencies. These individuals have formed both professional and personal relationships with their counterparts in the other three southwest states and elsewhere throughout the United States. Personnel from other Intelligence Fusion Centers, the El Paso Intelligence Center (EPIC), SW Border HIDTA Intelligence Support Centers, state and federal Department of Homeland Security and Rocky Mountain Information Network (part of RISS) in California, Texas, and New Mexico, regularly contact ACTIC personnel to provide timely and actionable information and intelligence. This is done by electronic and telephonic means as well as through various publications.

Additionally, the Border Governor's Conference attendees established various subcommittees, including the Border Security Work Table, which has representatives from all four of the Southwest Border States and six of the bordering Mexico states. Information and intelligence from these meetings and, as circumstances necessitate, is funneled to the ACTIC.

The ACTIC has established a Terrorism Liaison Officer (TLO) program that is comprised of 143 TLO's from 66 different law enforcement and fire departments in Arizona. These TLO's coordinate with the ACTIC to "push" out information and intelligence to their communities, public safety agencies, businesses, and governing bodies as well as to serve as collectors of information and intelligence from these same entities to provide to the ACTIC.

The ACTIC relies on several funding sources—federal, state, and local. Agencies who send personnel to TLO training and who have personnel assigned to the ACTIC make in-kind contributions for the salary and benefits of those personnel. The specialized equipment utilized by the TLO's is funded via a federal DHS grant, the Law Enforcement Terrorism Prevention Program (LETPP) and is coordinated by a TLO Director, housed at the ACTIC. Without all of these funding sources, the ACTIC would not be able to sustain its operation.

