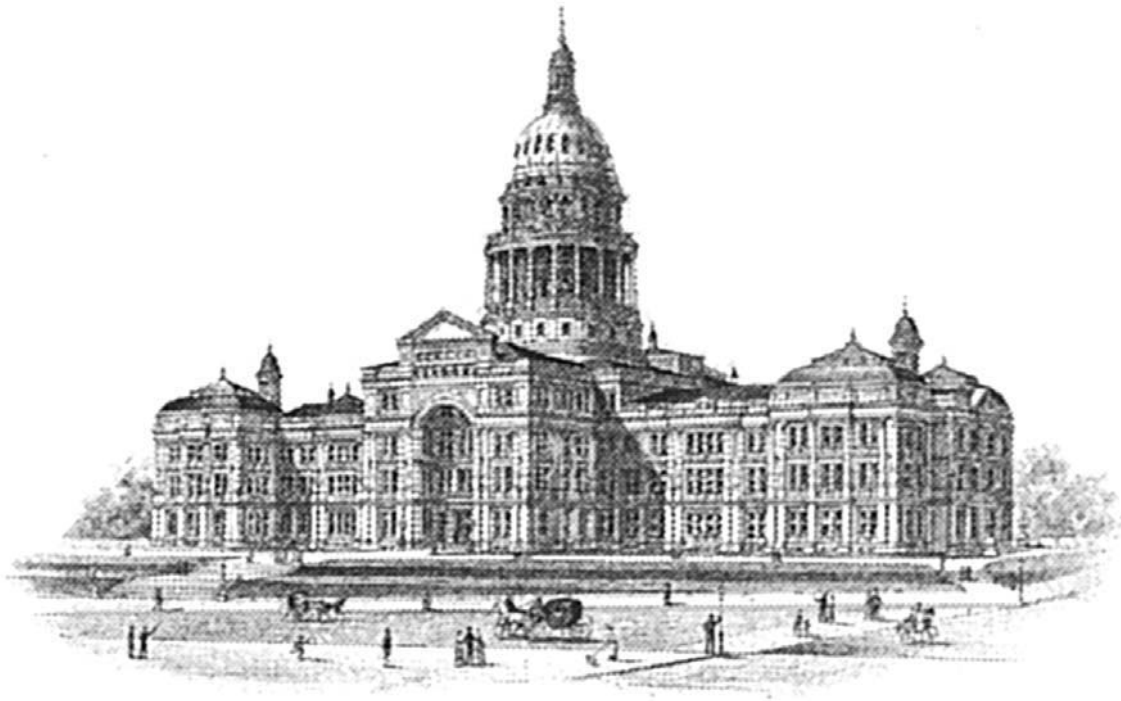


Senate Committee on Infrastructure
Development and Security
Report to the 79th Legislature



Homeland Security

December 2004



Senate Infrastructure Development & Security Committee

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December 1, 2004

The Honorable David Dewhurst
Lieutenant Governor
P.O. Box 12068
Austin, Texas 78711

Dear Governor Dewhurst:

The Senate Infrastructure Development and Security Committee is pleased to submit its final homeland security report. This report considers the committee's homeland security charges to study and report on:

- tracking of federal funds to Texas for homeland security measures;
- state and local efforts to detect, deter, and respond to acts of terrorism;
- interoperable communications for first responders; and
- issues associated with Matrícula Consular identification cards and FBI reports on their security and verifiability.

Due to the budget constraints the Legislature is likely to face in the 79th Session, this report is submitted with the understanding that recommendations requiring funding should be pursued only in the event that funding is or becomes available. In accordance with your request, copies of this report have been sent to the appropriate parties.

Respectfully submitted,

Handwritten signature of Todd Staples in black ink.

Senator Todd Staples
Chairman

Handwritten signature of Gonzalo Barrientos in black ink.

Senator Gonzalo Barrientos
Vice-Chairman

Handwritten signature of Kim Brimer in black ink.

Senator Kim Brimer

Handwritten signature of Rodney Ellis in black ink.

Senator Rodney Ellis

Handwritten signature of Jon Lindsay in black ink.

Senator Jon Lindsay

Handwritten signature of Frank Madla in black ink.

Senator Frank Madla

Handwritten signature of Florence Shapiro in black ink.

Senator Florence Shapiro

Handwritten signature of Eliot Shapleigh in black ink.

Senator Eliot Shapleigh

Handwritten signature of Jeff Wentworth in black ink.

Senator Jeff Wentworth



Acknowledgments

The Senate Infrastructure Development and Security Committee would like to recognize all those who assisted with this report for their hard work and cooperation. A list of all witnesses who provided testimony on homeland security issues to the committee is contained within this report. In particular, the committee would like to thank the following and their representatives: the Governor's Office of Homeland Security, the Governor's Division of Emergency Management, the Texas Department of Public Safety, the Sheriffs' Association of Texas, the Mexican Consulate, the Texas Department of State Health Services, the Federal Bureau of Investigation, the Texas Association of Local Health Officials, the Texas Commission on Environmental Quality, the Texas Adjutant General's Office, the Texas Animal Health Commission, the Texas Department of Agriculture, the Public Safety Radio Communications Council, the Texas Association of Regional Councils, the Texas Engineering Extension Service, the Department of Information Resources, and the Legislative Budget Board.

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Charges

6. Study and report on the distribution of federal funds to Texas through the Governor's Office, state agencies, and directly to local units of government for homeland security measures, including but not limited to, public health and welfare, safety, awareness, and the subsequent use of any funds that might be awarded. Make recommendations relating to the development of a method for tracking this information across jurisdictions and state programs. Evaluate the allocation and efficient use of future federal funds to the state and local governments and identify opportunities to enhance current state funding for homeland security and other measures.

7. Evaluate state and local efforts to enhance the security of Texans and make recommendations for improving Texas' ability to detect, deter, and respond to acts of terrorism, including state plans and programs for addressing bioterrorism. Regarding bioterrorism events, the Committee shall focus on early detection of an incident, reporting of information from local health entities, and ability to organize and administer a mass vaccination. Make recommendations relating to improvements to state and local communications networks and develop innovative methods for sharing federal, state, and local information.

8. Study the issue of interoperable communications for first responders. The Committee shall assess the status of this capability and evaluate available technology and costs. In addition, the Committee shall explore pilot programs and proposals by entities such as DPS and the Sheriff's Association, who have been working to assess new technologies and the cost of implementation of systems to assist in effective communication between all parts of the state.

9. Study the issues associated with consular identification cards ("Matricula Consular"), with particular attention to security and verifiability, banking access, local law enforcement relations, and driver's license issuance. Review current FBI reports on security and verifiability. Consider the implications that acceptance of the card on a state or local level would have on federal immigration policy and homeland security.

Findings and Recommendations

Interim Charge #6

Findings

- The state is receiving large amounts of grant funding from the federal government to address homeland security issues.
- The federal government has placed stipulations and limitations on the funding received by Texas.
- There is a need for procedures to track all Homeland Security funding to ensure there is not a duplication of efforts within the state and to ensure all of the state strategic plan initiatives are being met.
- Funds allocated directly to local entities that do not flow through the state are difficult to track.
- The state has the ability to fund statewide initiatives.

Recommendations

- The committee recommends the Governor's Office of Homeland Security closely monitor federal funding received in Texas for emergency management planning and to aid the state to detect, deter and respond to acts of terrorism. In the event that federal funding for any area of security or emergency planning is diminished, curtailed or eliminated, the Legislature will need to take appropriate steps to ensure the state is able to maintain high levels of security and preparedness to respond to disasters.
- The committee recommends the Governor's Office of Homeland Security establish procedures to identify all federal homeland security funding received by state, local and private entities within Texas and ensure that funding is expended in a manner that supports the state and national strategic plans.
- The committee recommends all agencies and entities receiving state appropriations include in their biennial legislative appropriations requests all funds received from federal agencies.
- The committee recommends the Governor's Office of Homeland Security assess the internal controls used by the State Administrative Agencies for any Homeland Security funding to ensure appropriate safeguards are in place to minimize the potential for waste, fraud and abuse in the expenditure of Homeland Security funds.
- The committee recommends the Legislature require the State Administering Agencies for federal Homeland Security dollars to report to the Office of Homeland Security all purchases of equipment by state and local units of government to ensure appropriate safeguards are in place to minimize the potential for waste, fraud and abuse in the expenditure of Homeland Security funds.
- The committee recommends the 79th Legislature allow for exceptions to the FTE cap in limited instances where federal dollars are available to implement programs at the state level. Legislation should include requirements for reporting to and approval by the Legislative Budget Board.

- The committee recommends the Legislature direct the Governor's Office of Homeland Security to monitor federal funding used to protect critical infrastructure in the State of Texas to ensure that funding is closely coordinated to support the state and national strategic plans and that a future cessation of federal funding does not diminish the security of critical infrastructure.

Interim Charge #7

Findings

- Texas has been successful in building on its ability to detect, deter, and respond to terrorism and should continue striving to build on that success.
- The Patriot Act allows for information sharing between federal and state agencies not previously allowed.
- Homeland Security Presidential Directive (HSPD)-5 requires federal departments and agencies to make adoption of the National Incident Management System (NIMS) by state, tribal and local organizations a condition for federal preparedness assistance beginning in FY 2005.
- Mutual Aid agreements are a valuable tool for local jurisdictions in providing support to each other in times of emergency.
- Threats of natural disasters and terrorism highlight the need for mutual aid agreements throughout the state for all types of services and at all levels of government. While many COGs are working with their cities and counties to enter into mutual aid agreements, not all entities providing services are covered and inter-COG agreements must be done one entity at a time.
- The State of Texas is a leader in bioterrorism research and has taken many steps to be able to detect a disease outbreak and contain one if there is such an occurrence.
- The Texas Department of State Health Services has taken many steps to prepare the state for the receipt, storage, delivery and dispensing of medications and medical supplies from the Strategic National Stockpile.
- Community Health Clinics and Rural Community Hospitals are not included in the Texas Health Alert Network. Including them would make the Health Alert Network more complete and effective.
- The Texas Commission on Environmental Quality is working with water utility companies around the state to ensure public drinking water is safe.
- Extensive work has been done to protect the state against both man-made and naturally occurring threats to agriculture.
- The high rejection rate at the Texas Department of Agriculture's temporary road stations indicates the need for permanent road stations. This station was built to detect the artificial introduction of pest and disease by plants brought to Texas.
- Substantial amounts of training and exercise have been taking place all over the state to ensure Texas maintains the highest ability to detect, deter, and respond to all types of terrorism.
- The U.S. Department of Homeland Security has implemented many new programs and work is being done to fully implement them in the state.

Recommendations

- The state needs to foster the best communication abilities between the different agencies and entities within these agencies to be the most effective. The committee recommends the Legislature continue to monitor information sharing to ensure effective communication.
- The committee recommends the Critical Infrastructure Protection Council conduct an assessment of existing operations centers to determine the cost/benefit of maintaining a single center versus multiple centers to support the information needs of multiple state agencies.
- The committee recommends all emergency management officials in all jurisdictions in the state adopt the National Incident Management System (NIMS) as established by the Department of Homeland Security.
- The committee recommends the Legislature increase the penalties associated with trespassing on critical infrastructure sites within the state.
- The committee recommends the state continue to support the request of a second civil support team for Texas.
- The committee recommends the State of Texas continue to strive to create a uniform system of assistance for all disciplines and all hazards within the state.
- The committee recommends the Texas Department of State Health Services continue to work as diligently as possible to bring the highest level of communication and coordination between Texas and Mexico with respect to bioterror hazards and preparedness.
- The committee recommends the Legislature memorialize Congress to enact legislation to allow for the movement of the Strategic National Stockpile across the Texas Mexico border when there is a bioterrorist emergency along the border.
- The committee recommends each public health region coordinate with local stakeholders to test and refine Strategic National Stockpile deployment plans and make sure each has a plan in place that can be used effectively.
- The Health Alert Network should be expanded to include Community Health Centers and Rural Community Hospitals.
- The Texas Department of State Health Services should coordinate all health entities participating in the Health Alert Network to ensure they are using the network's existing infrastructure to its fullest extent in the areas of training, education and communication.
- The committee recommends the Health Alert Network maintain a connection to TSAAC allowing TSAAC to use the network's capabilities to receive and analyze information and alert the general public as quickly as possible when necessary.
- The committee recommends the Legislature support efforts by federal, state and local agencies to ensure Texas drinking water supplies are safe and secure. These efforts include ensuring security measures are in place, and the business practices of state agencies involved in the process provide for the utmost protection.
- The committee recommends the Governor's Office of Homeland Security establish procedures to ensure infrastructure protection grants for the state's agriculture industry are closely coordinated to support the state and national strategic plans. The procedure should further ensure close coordination with the Texas Animal Health Commission, the

Texas Department of Agriculture and the U.S. Department of Homeland Security designated Center for Excellence for Foreign Animal and Zoonotic Disease Defense located at Texas A&M University to update the state plan for agricultural biosecurity, develop and use a common communication framework, before, during, and after events, and link the research agenda to the needs of emergency responders.

- The committee recommends the Texas Department of Agriculture establish permanent road stations to alleviate artificial introduction of damaging pests into Texas.
- The Legislature should require the Governor's Division of Emergency Management, the Governor's Office of Homeland Security and the Texas Engineering Extension Service to work together to ensure training and exercise programs occurring within the State of Texas include necessary entities and resources to effectively coordinate local, state and federal plans and expenditure of funds.
- The committee recommends the Legislature enact legislation to require all public schools in Texas to perform at least one emergency preparedness drill every Fall and Spring semester. Public schools shall maintain records of completion of emergency preparedness drills in the same fashion as records for fire drills.

Interim Charge #8

Findings

- Local councils of government are pursuing communications interoperability in isolation of one another based on flow of federal homeland security dollars.
- There are a multitude of communications systems in use by federal, state, and local agencies within the state.
- Federal, state and local agencies have a limited ability to communicate for several reasons including different frequency bands, incompatible vendor equipment, or simple lack of coordination.

Recommendations

- The committee recommends the Legislature disband the Public Safety Radio Communications Council and require the Governor's Office of Homeland Security to ensure the interoperability of public safety radio communications in Texas. The legislation should include a higher level of responsibility for ensuring interoperability among first responders in the State of Texas. Specifically, the Governor's Office of Homeland Security shall be responsible for overseeing the implementation of an interoperable communications system by the different regions in the state. This includes creating a statewide level of standards for the regions to follow allowing state agencies to become interoperable with them. Also, legislation should require a plan and time frame for meeting the long term goal connecting all regions within the state together to create a statewide interoperable system.
- The committee recommends the State Administering Agency specifically report to the Governor's Office of Homeland Security all funds spent in the state by local entities for interoperability infrastructure and radio equipment. The report should include the types and amount of infrastructure and equipment purchased.

- The committee recommends the Governor's Office of Homeland Security continue to assist local jurisdictions in obtaining federal homeland security grants for radio interoperability.
- The Governor's Office of Homeland Security shall consult with TEEEX in order to bring the most effective short term and long term interoperable solutions to Texas.

Interim Charge #9

Findings

- There are no formal standards by which local police departments around the state have to adhere to regarding the acceptance of the matricula consular card for purposes of identification; different municipalities around the state have varying levels of acceptance. There are no federal standards for states' acceptance of the consular identification card.
- The Texas Department of Public Safety accepts the matricula consular card as a supporting form of identification for obtaining a Texas driver's license.
- Financial institutions around the state have their own standards, in compliance with federal standards, for banking access when using the matricula consular card.
- The 9/11 Commission report recommends the federal government set national standards for birth certificates and sources of identification, such as drivers' licenses, and Congress has been looking into legislation based on the Commission's recommendation.

Recommendations

- The committee recommends the Texas Department of Public Safety continue their current standards for identification when accepting applications for a state issued driver's license. The committee recommends that municipalities form their own levels of acceptance for the matricula consular card at their own risk. The U.S. Treasury Department has provided recommendations for banking acceptance across the country and the committee feels that entity is best suited to ensure appropriate procedures are in place for the safety of Texans.
- The committee recommends the Texas Legislature closely monitor federal legislation regarding national standards for state issuance of drivers' licenses.

Charge #6: Homeland Security Funding

Background And History

Federal Agencies

At the core of Homeland Security funding there are three main focuses in preparing for terrorism attacks which would threaten the well-being of the citizenry of Texas: first responder preparedness, bioterrorism preparedness, and hospital preparedness. This report will seek to identify the key areas of homeland security funding and explain the operational function of each entity and their role in a coordinated response.

The three lead agencies at the federal level with homeland security responsibilities are the U.S. Department of Homeland Security (Office of Domestic Preparedness), Centers for Disease Control and Prevention, and the Health Resources and Services Administration. These agencies are appropriated funds by the United States Congress for dissemination to the states and local entities providing frontline services in case of emergency. The three agencies' missions or goals are outlined below.

- **Office for Domestic Preparedness** - The Office for Domestic Preparedness (ODP) is the principal component of the Department of Homeland Security responsible for preparing the United States for acts of terrorism. In carrying out its mission, ODP is the primary office responsible for providing training, funds for the purchase of equipment, support for the planning and execution of exercises, technical assistance and other support to assist states and local jurisdictions to prevent, plan for, and respond to acts of terrorism.¹
- **Centers for Disease Control and Prevention** - The Centers for Disease Control and Prevention (CDC) is recognized as the lead federal agency for protecting the health and safety of people - at home and abroad, providing credible information to enhance health decisions and promoting health through strong partnerships. CDC serves as the national focus for developing and applying disease prevention and control, environmental health, and health promotion and education activities designed to improve the health of the people of the United States.²
- **Health Resources and Services Administration** - The Health Resources and Services Administration (HRSA) is the lead agency in improving and expanding access to quality health care for all. They are the access agency of the U.S. Department of Health and Human Services, HRSA assures the availability of quality health care to low income, uninsured, isolated, vulnerable and special needs populations and meets their unique health care needs.³

In some cases, due to mandates from the federal agencies issuing grants, the state is required to name a state administering agency (SAA) to receive and pass on to the local entities grant funding for homeland security. In other instances, the grants are allocated directly from the federal agency to the local entity. The two agencies receiving and administering a majority of

¹ Office of Domestic Preparedness, Web Site, <http://www.ojp.usdoj.gov/odp/>, October 16, 2004.

² Centers for Disease Control and Prevention, Web Site <http://www.cdc.gov/aboutcdc.htm>, October 16, 2004.

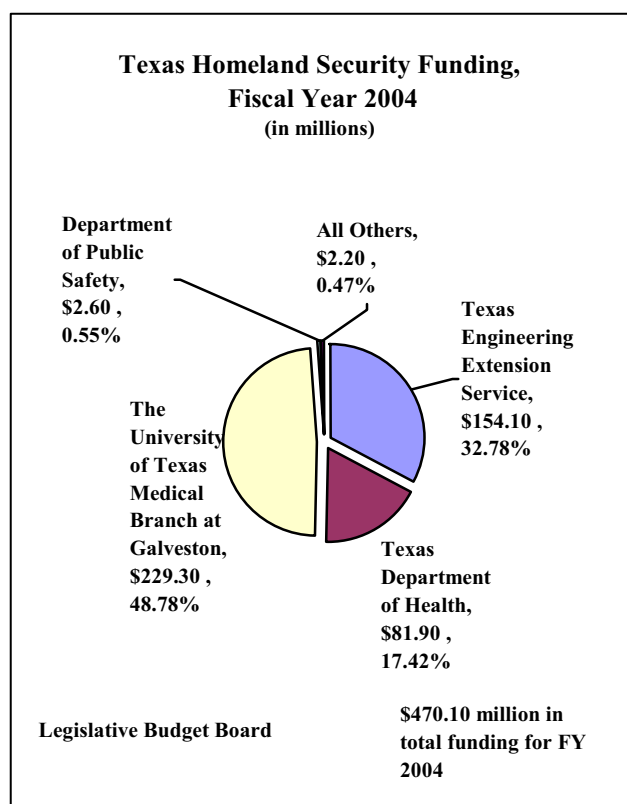
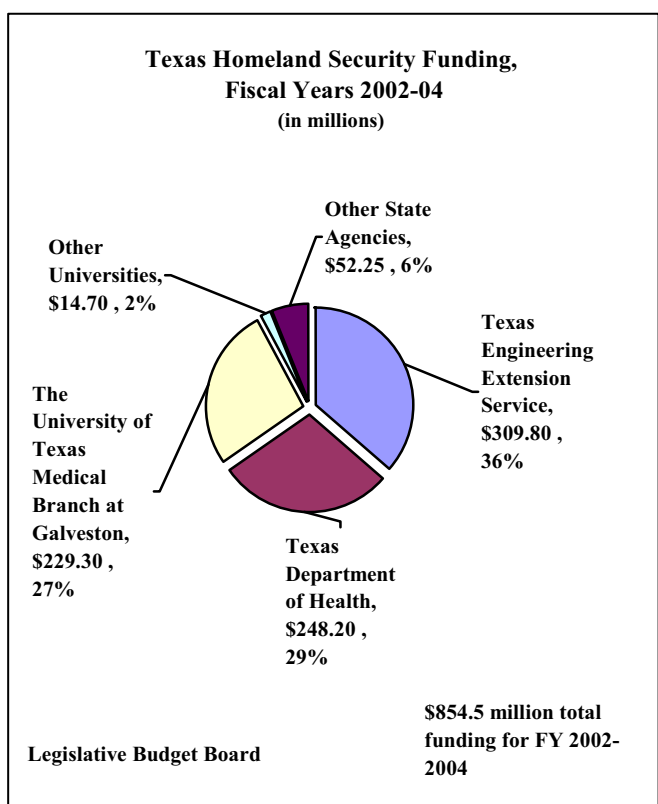
³ Health Resources and Services Administration, Web Site <http://www.hrsa.gov/about.htm>, October 16, 2004.

the federal grants are the Texas Engineering Extension Service and the Texas Department of State Health Services.

State Agencies

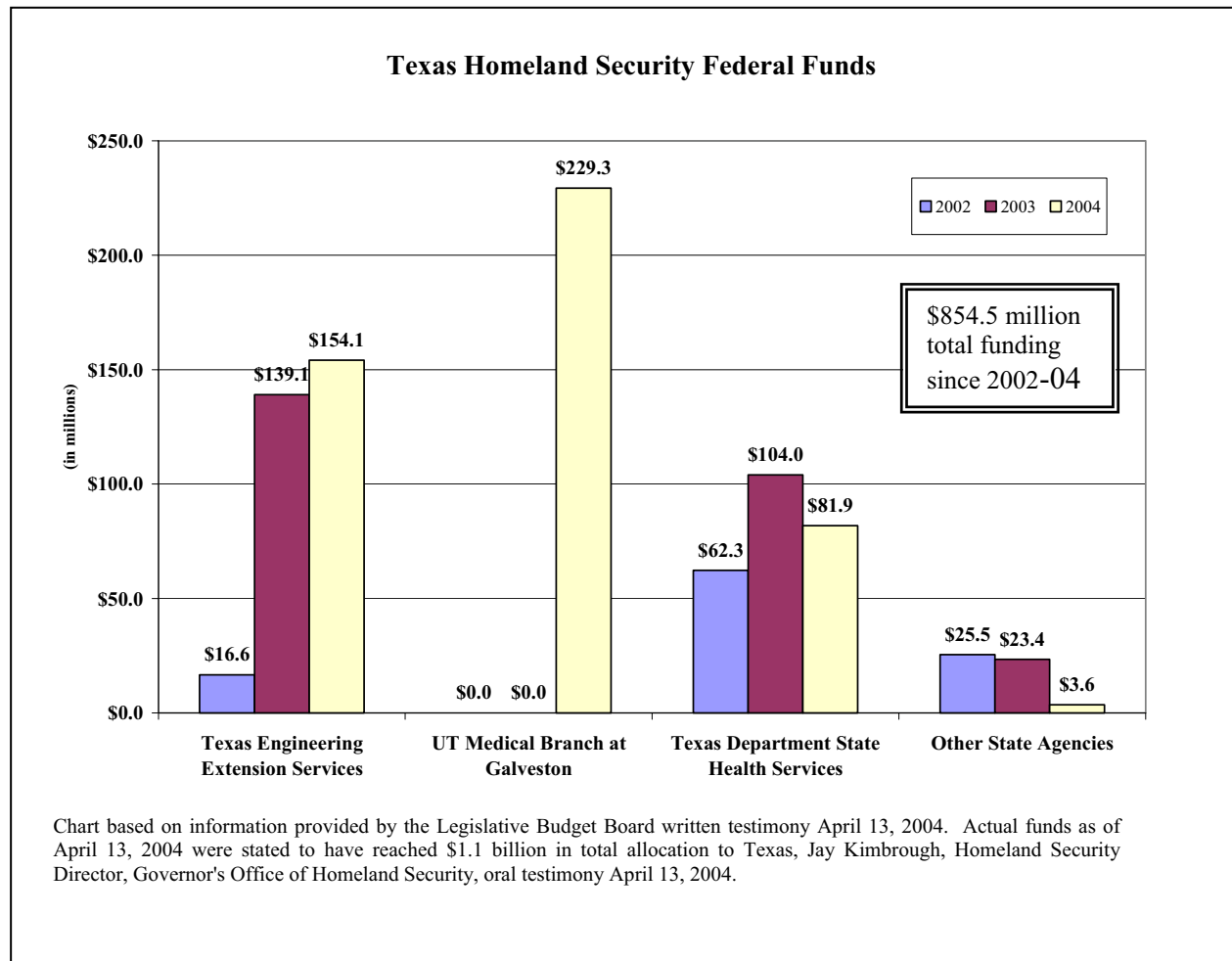
Texas' structure of addressing homeland security preparedness is built upon the existing system of Councils of Government (COG) and existing regional networks. This has been key in ensuring all areas of the state are well prepared in case of an emergency.

Funding allocations from federal agencies are in constant flux. Texas state agencies in past years have received direct grant funding from the various federal agencies to respond to events relating to homeland security. However, these funds were usually a one time allocation for a specific event.



The two largest recipients of consistent funding are the Texas Engineering Extension Service (TEEX) and the Texas Department of State Health Services (DSHS). These two agencies are deemed administrators of the grant funding which is passed on to the local communities for actual purchases. This allows the state some degree of broad control over how the funds are being allocated according to federal guidelines, ensuring all areas of the state are able to address their issues. Other agencies receive direct grants as well. They include the Adjutant General's Office, state universities and health science centers, the Texas Workforce Commission, the

Texas Commission on Environmental Quality, the Texas Department of Agriculture, and the Texas Animal Health Commission.⁴



State Administrative Agencies (SAA)

Texas Engineering Extension Service

In 1996 following the Oklahoma City bombing, Congress passed the Nunn-Lugar- Domenici program. The program identified the 120 largest cities in the United States based purely on census figures. The U.S. Department of Defense provided WMD/terrorism training to these cities. Within this program, each city was allocated \$300,000 in Department of Defense and

⁴ Gerry Dube, Analyst, Legislative Budget Board, "New Federal Funding for Homeland Security in Texas," testimony presented to the Senate Infrastructure Development and Security Committee and the Senate Finance Committee, April 13, 2004.

Department of Energy surplus equipment. The program also included limited training and exercise components.⁵

Fiscal year 1999 was the beginning of the State Domestic Preparedness Equipment Program in which the Department of Justice allocated funding to the states for first responder equipment. The states were asked to identify a State Administering Agency (SAA). TEEEX was named the SAA for the State of Texas due to its active involvement at a national level in WMD/terrorism planning and training activities. In 2000, the equipment program began in earnest, and Congress required the states to complete a needs assessment and statewide domestic preparedness strategies.⁶

Since the tragedy of September 11, 2001, the offices of the president and the governor both have put together strategic plans outlining the standard protocol in the event of a terrorist attack or natural disaster. The president released the National Strategy for Homeland Security providing state officials with an outline of how to develop and implement a strategic plan in their state.

The first statewide assessment of threat, vulnerability, required capabilities, existing capabilities, and needs was performed in 2000. Ninety-five jurisdictions completed the first assessment. The second began in January of 2003 with a participation rate of 753 jurisdictions. The most current assessment was performed for 2004 with 928 jurisdictions participating, representing ninety-six percent of the state's population.⁷

The U.S. Department of Homeland Security's Office for Domestic Preparedness required that states complete and have approved a strategy in order to receive 2004 grant funding. Texas was the first plan to be unconditionally approved on January 30, 2004.

The Texas Department of State Health Services

The Texas Department of State Health Services began operations in the late 1800s as the Texas Quarantine Department with its main responsibilities being disease quarantine and sanitation. DSHS underwent many additions and reorganizations in subsequent years, adding vital statistics collection and numerous health related programs. Today, DSHS performs many public health services such as disease surveillance, laboratory analysis, health promotion and education, consulting health planning data collection and analysis, vital statistics and environmental regulation. DSHS also provides direct health care services through its regional offices and network of clinics in rural areas without local health departments or other local providers.⁸ The health department system in Texas is a decentralized system of operation. The local health departments of a city or county are independent of the state health department.

⁵Charles Todd, Director of Domestic Preparedness, Texas Engineering Extension Service, "State Homeland Security Grant Programs," testimony presented to the Senate Infrastructure Development and Security Committee and the Senate Finance Committee, April 13, 2004.

⁶Ibid.

⁷Ibid.

⁸House Concurrent Resolution 44 Work Group, The State of Public Health: Local and State Government Issues in Texas, Report Resulting from HCR 44 of the 75th Legislature, 1998.

In Texas there are eleven public health regions, eight regional headquarters and nine additional regional offices around the state. The regions' main purpose is to provide public health services in areas with no local health departments, including:

- core public health services,
- direct health care, and
- regulatory services.⁹

Since the introduction of federal funding for homeland security operations relating to bioterrorism, local and regional health department responsibilities have expanded to include the following positions:

- Regional Planners,
- Regional Strategic National Stockpile Coordinators,
- Regional Epidemiology Response Teams,
- Biological Emergency Response Team,
- Texas Laboratory Response Network,
- Bioterrorism Trainers, and
- Binational Coordinators for Public Health Preparedness and Response.

Detection of a bioterrorism attack is not something that is done with equipment alone. Rather, it takes evaluation of disease reports by trained public health epidemiologists. Human intelligence is used to identify increased health services needs generally associated with communicable diseases. Therefore grant allocations to local health departments consist largely of personnel cost.

State Universities

Universities have received various grants for homeland security although the vast majority of the funds have been for research and laboratory enhancements. The universities identified as receiving grants include:

- The University of Texas Medical Branch at Galveston,
- The University of Texas at Austin,
- The University of Texas at San Antonio,
- The Texas A&M University System, Texas Veterinary Medical Diagnostic Laboratory,
- The University of Texas Health Science Center at San Antonio, and
- The University of Texas Health Center at Tyler.¹⁰

Out of all the universities, The University of Texas Medical Branch at Galveston (UTMB) has received the largest share of homeland security funding. The grants to UTMB include \$110.1

⁹ Ibid.

¹⁰ Gerry Dube, Analyst, Legislative Budget Board, "New Federal Funding for Homeland Security in Texas," testimony presented to the Senate Infrastructure Development and Security Committee and the Senate Finance Committee, April 13, 2004.

million for the National Biocontainment Laboratory, \$48.3 million for the Center for Biodefense and Emerging Infections, and \$70.9 million for 58 research grants. The university accounted for 26.8 percent of the total homeland security funding for fiscal years 2002-04.¹¹

All of the universities listed above have received grants identified after September 11, 2001. Other universities may have been receiving homeland security grants prior to the events of September 11, 2001, but were not identified.¹²

Other Agencies

In past years other various agencies have received direct grants from federal agencies. Those agencies include:

- Adjutant General's Office,
- Department of Public Safety,
- Governor's Criminal Justice Division,
- Texas Workforce Commission,
- Texas Commission on Environmental Quality,
- Texas Department of Agriculture, and
- Texas Animal Health Commission.¹³

These agencies' homeland security funding for the fiscal years 2002-04, totaled \$52.25 million and was only 6 percent of the total received by the state.¹⁴

Out of the agencies listed above, the Department of Public Safety and the Animal Health Commission were the only two still receiving grant funding in fiscal year 2004. All of the other grant funds have either ceased because they were intended for a one time use or have been shifted to an SAA for the purpose of consolidation and/or ease of tracking.¹⁵

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

Grant Funding Allocations

First Responder Grants

The Texas Engineering Extension Service (TEEX) serves as the SAA to manage grants received by the Office for Domestic Preparedness. The two grant programs administered by the agency are the State Homeland Security Grant Program (SHSGP) and the Urban Area Security Initiative (UASI).¹⁶

State Homeland Security Grant Program

The larger of the two grants is the SHSGP at approximately \$87 million for FY2004. The eligible entities receiving these funds from the SAA are:

- Counties,
- Incorporated Municipalities,
- Federally recognized Tribes, and
- Councils of Government (for specific regional purposes).¹⁷

The grant process begins when the Office for Domestic Preparedness announces a new grant and opens the application process. TEEX assesses the state's needs and submits an application for the state to ODP. Additionally, TEEX provides the governor's office with a method for allocating the funding to the Governor's Office of Homeland Security for statewide projects. The state is allowed to use no more than 20 percent of the grants received for state needs. Texas has awarded the majority of the funds to the local jurisdictions, and in fiscal year 2004 the allocation to the state will be less than 10 percent.¹⁸

Once ODP awards the grant for Texas TEEX uses the approved process and assessment data to calculate regional distribution and base grants for the COGs. The COGs then identify regional projects and determine distribution of regional funding.

The COGs inform the local fire and police departments of the availability of funding for approved purchases. To be eligible, these entities must complete the statewide assessment and

State Homeland Security Grant Program

Objective

To enhance the capacity of state and local first responders to respond to terrorism incidents involving chemical, biological, nuclear, radiological, incendiary, and explosive devices.

Use and Restrictions

States will receive an allocation of funds to purchase equipment for State and local first responders, in accordance with the authorized equipment list included in the application kit, and an allocation to support the planning and conduct of exercises. Administrative funds will be provided to conduct comprehensive threat and needs assessments and to develop and implement a Statewide Domestic Preparedness Strategy to enhance first responder capabilities to respond to a terrorist incident.

Matching Requirements

There is no match requirement.

Source: Program number 97.004, Catalog of Federal Domestic Assistance, 2004.

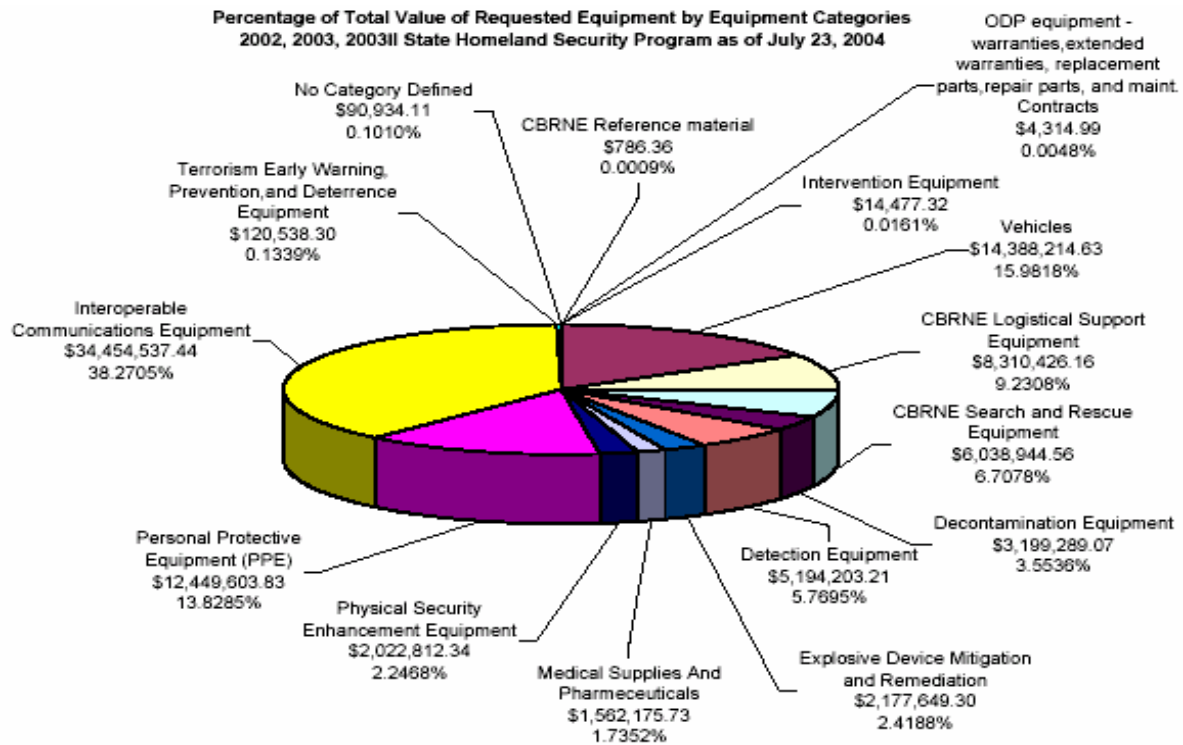
¹⁶ Charles Todd, Director of Domestic Preparedness, Texas Engineering Extension Service, "State Homeland Security Grant Programs," testimony presented to the Senate Infrastructure Development and Security Committee and the Senate Finance Committee, April 13, 2004.

¹⁷ Ibid.

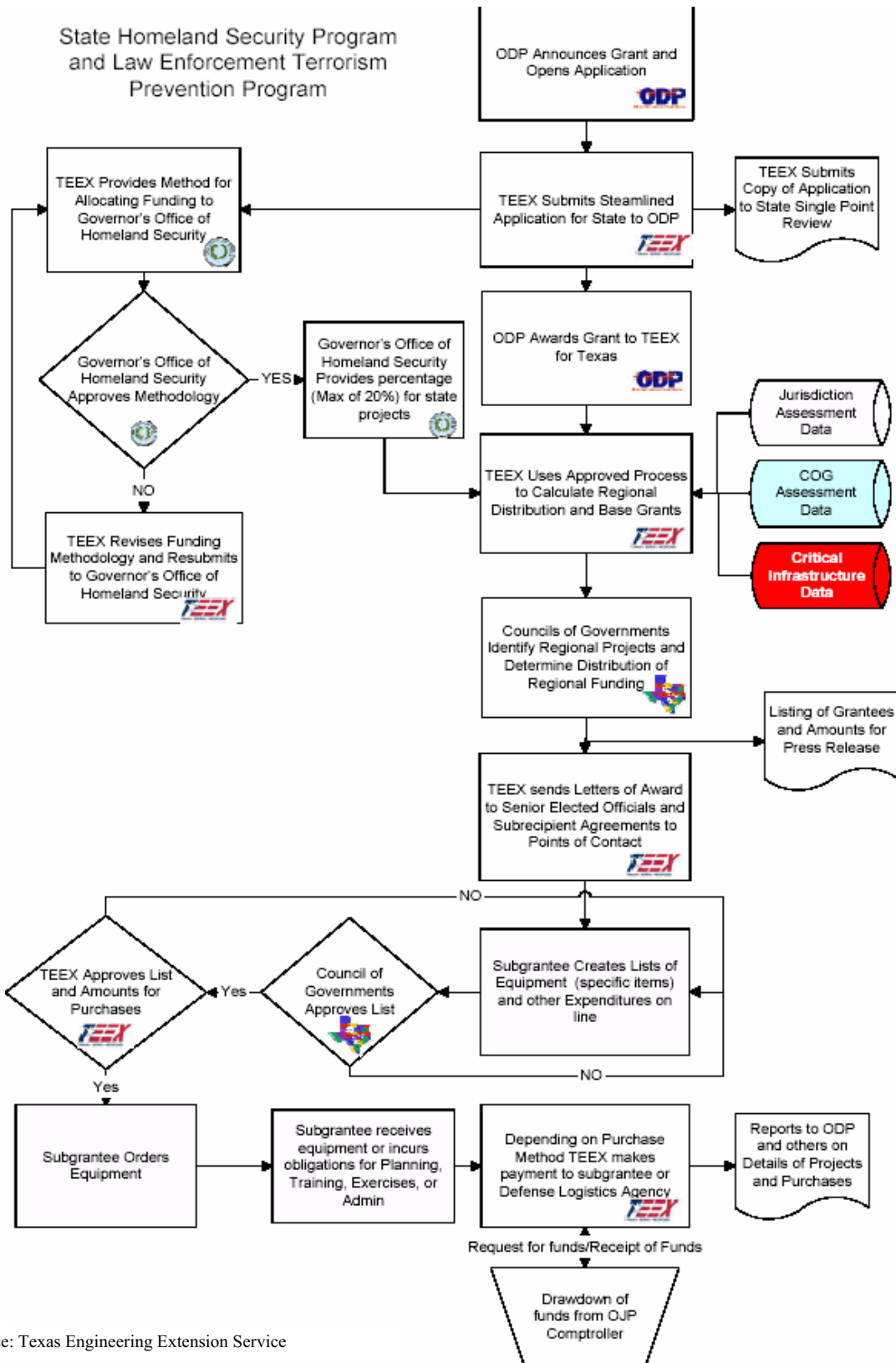
¹⁸ Ibid.

have an Emergency Operations Plan. Additionally, port authorities, transit agencies and school districts associated with eligible cities or counties may receive funding.¹⁹

The departments (or subgrantees) create lists of equipment and other expenditures on the ordering web application. The COG and TEEEX make a final approval of the list and the order is submitted. Once the expenditure is made TEEEX makes the appropriate payment to the subgrantee or defense logistics agency.



¹⁹ Ibid.



Source: Texas Engineering Extension Service

Urban Area Security Initiative

The UASI funding to local jurisdictions for fiscal year 2004 was approximately \$39 million. The UASI grant funds may be used for equipment, training, exercise, and planning. The eligibility requirements are the same as the SHSGP, however, eligibility is limited to three urban Areas. The defined urban areas are:

- Houston Urban Area
 - City of Houston
 - Harris County
 - Fort Bend County
 - Galveston County
 - Montgomery County
 - Brazoria County
 - Port of Houston
 - Houston Transit Authority
- Dallas Urban Area
 - City of Dallas
 - Dallas County
 - Denton County
 - Collin County
 - Kaufman County
 - Rockwall County
 - Tarrant County
- San Antonio Urban Area
 - City of San Antonio
 - Bexar County
 - Comal County²⁰

Urban Area Security Initiative

Objective

To enhance local emergency, prevention and response agencies' ability to prepare for and respond to threats or incidents of terrorism involving weapons of mass destruction (WMD). This program will also enhance selected mass transit authorities' protection of critical infrastructure and emergency preparedness activities.

Use and Restrictions

Funds provided under this grant are designed to address the unique needs of large urban areas and mass transit authorities. Funds can be used for equipment, training, exercises and planning. No more than 3 percent of the grant award may be used for management and administrative purposes. Urban areas must submit a valid jurisdictional assessment and Urban Area Homeland Security Strategy to ODP, as well as apply online using the Department of Justice (DOJ) Office of Justice Programs (OJP) Grants Management System (GMS).

At least 80 percent of all urban area funding provided through the UASI Program must be obligated by the State to the designated urban area within 60 days after the receipt of funds.

Matching Requirements

There is no match requirement.

Source: Program number 97.008, the Catalog of Federal Domestic Assistance, 2004.

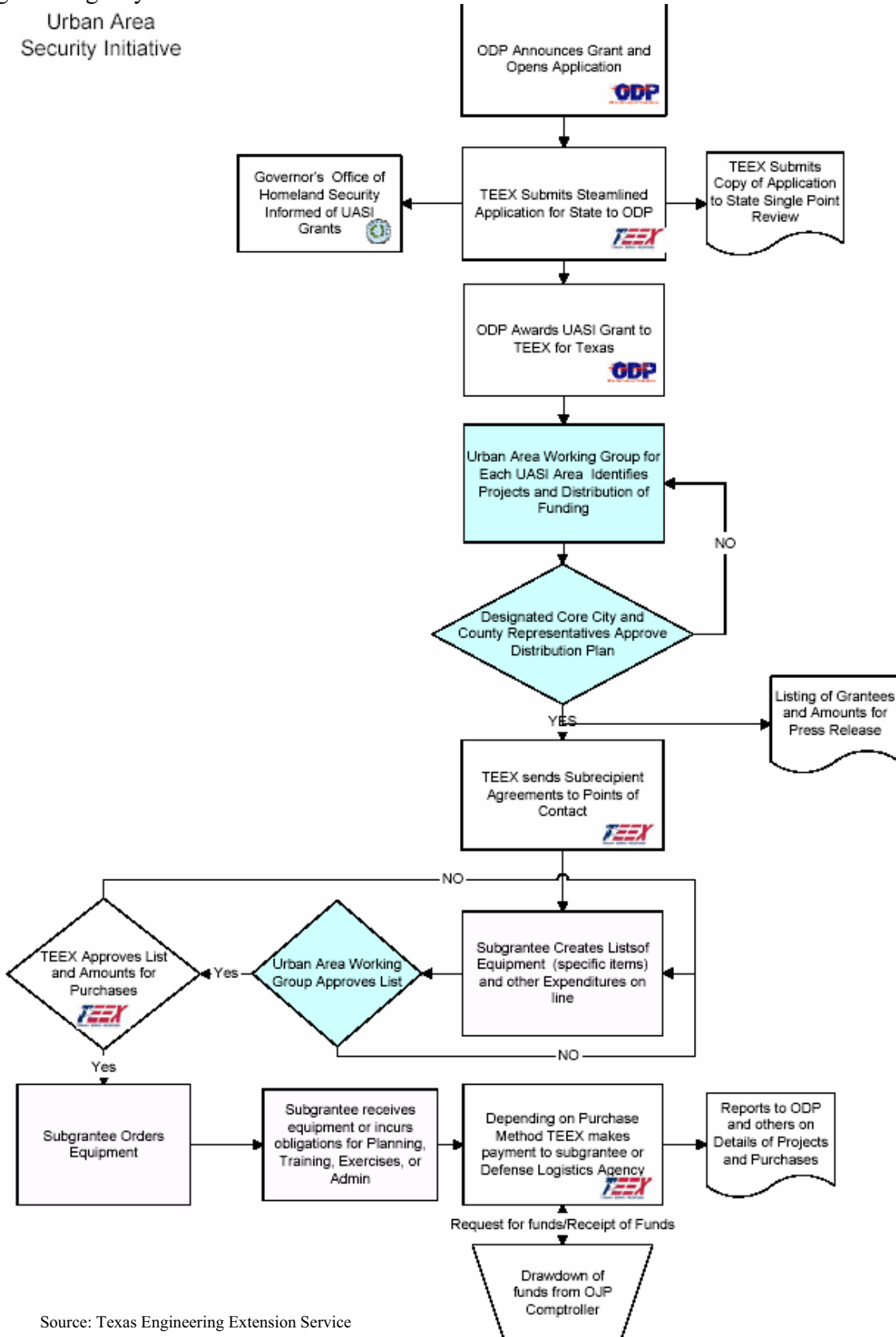
The UASI grant process is similar to the process used for the SHSGP. The grant process begins with an announcement by ODP and the opening of the application process. The governor's office is then notified of the grant.

Once the grant is awarded to TEEX for Texas, the urban areas form working groups. The working groups for each identified area identify projects and a method for distributing the funding within the area. Core city and county representatives must approve the plan before any distributions are made. TEEX then sends sub-recipients agreements to the points of contact so that sub-grantees may begin the process of creating equipment and other expenditures lists on the web based program.

²⁰ Charles Todd, Director of Domestic Preparedness, Texas Engineering Extension Service, "State Homeland Security Grant Programs," testimony presented to the Senate Infrastructure Development and Security Committee and the Senate Finance Committee, April 13, 2004.

The urban area working groups and TEEEX make the final approval of the list and the sub-grantee orders the equipment. Once the sub-grantee incurs obligations for planning, training, exercises, or administrative functions, TEEEX makes the appropriate payment to the sub-grantee or Defense Logistics Agency.

Urban Area Security Initiative



Bioterrorism Grants

The Texas Department of State Health Services serves as the SAA to manage grants received by the U.S. Centers for Disease Control and Prevention (CDC) and the Health Resources Services Administration (HRSA). The two grant programs administered by the agency are the Bioterrorism Public Health Preparedness Grants and the National Bioterrorism Hospital Preparedness Program.²¹

Bioterrorism Public Health Preparedness Grants

Bioterrorism Public Health Preparedness grants are allocated to the states to improve statewide capacities and to provide funding to local health departments to prepare for a response to a bioterrorism attack. The CDC grant is issued to the Texas Department of State Health Services to oversee the administration.

The CDC outlines the focus areas which must be included in the grant application. The Texas Department of State Health Services, in its capacity as the SAA, prepares the state's grant application outlining the method of allocation within the focus areas identified by the CDC. The focus areas for the 2004 allocation included:

- **Focus Area A** - Preparedness Planning and Readiness Assessment; including the Strategic National Stockpile (SNS) program and Small Pox activities.
- **Focus Area B** - Surveillance and Epidemiology Capacity
- **Focus Area C** - Laboratory Capacity - Biological Agents
- **Focus Area D** - Laboratory Capacity - Chemical Agents
- **Focus Area E** - Health Alert Network/ Communication and Information
- **Focus Area F** - Risk Communication and Health Information Dissemination
- **Focus Area G** - Education and

Bioterrorism Public Health Preparedness Grants

Objective

To improve state and local health department capacity to detect, identify and respond to the intentional release of harmful bacteria or virus, thereby improving the level of public health preparedness in Texas to assure a rapid and appropriate response to a bioterrorist attack.

Use and Restriction

The funds must be spent according to a state work plan submitted to, and approved by, the U.S. Centers for Disease Control and Prevention. The plan must adhere to the guidelines provided by CDC in seven focus areas. The funds delivered to local governments must be contracted to local health departments according to work plans submitted to, and approved, by the DSHS. These funds are for public health preparedness and not first responder or other service areas. The funds may not be used to supplant existing services and must demonstrate improvements in public health preparedness capabilities. There is no federally required formula for distribution of funds to local health departments; the amount and process is left up to the state.

Matching Requirements

There are no matching requirements.

Source: Program number 93.283, Catalog of Federal Domestic Assistance, 2004.

²¹ Eduardo Sanchez, M.D., MPH, Commissioner of Health, Texas Department of State Health Services, "Preparing Texas for a Public Health Emergency: Getting the best Results from Federal Dollars," testimony presented to the Senate Infrastructure Development and Security Committee and the Senate Finance Committee, April 13, 2004.

Training²²

The DSHS allocates funds to the local health departments according to the following method: a fixed amount of \$20,000 and an additional \$1.52 per capita is reserved for the health agency for each county. Additionally, the 2004 funding included an allocation for small pox vaccinations calculated at \$.016 per capita.²³

Where there is no county or city health department the allocation for the county is sent to the regional health department to provide services to all counties within the region lacking a local health department.²⁴

In instances where both a city and county health department exist, the same allocation is made based on the county population and the allocation is then split between the two entities. The DSHS regional director facilitates negotiations among the city and county departments to develop a single plan with coordinated activities.²⁵

**2004
Allocation to Local Health
Departments from DSHS**

Fixed amount	\$20,000
additional per capita	+ 1.52/capita
Small Pox Allocation	+ \$.016/capita

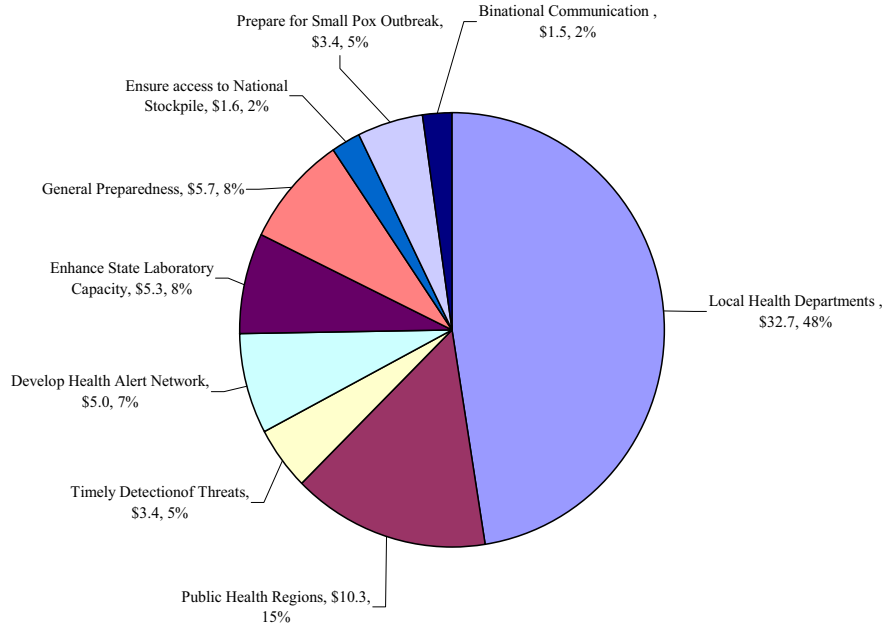
²² Ibid.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

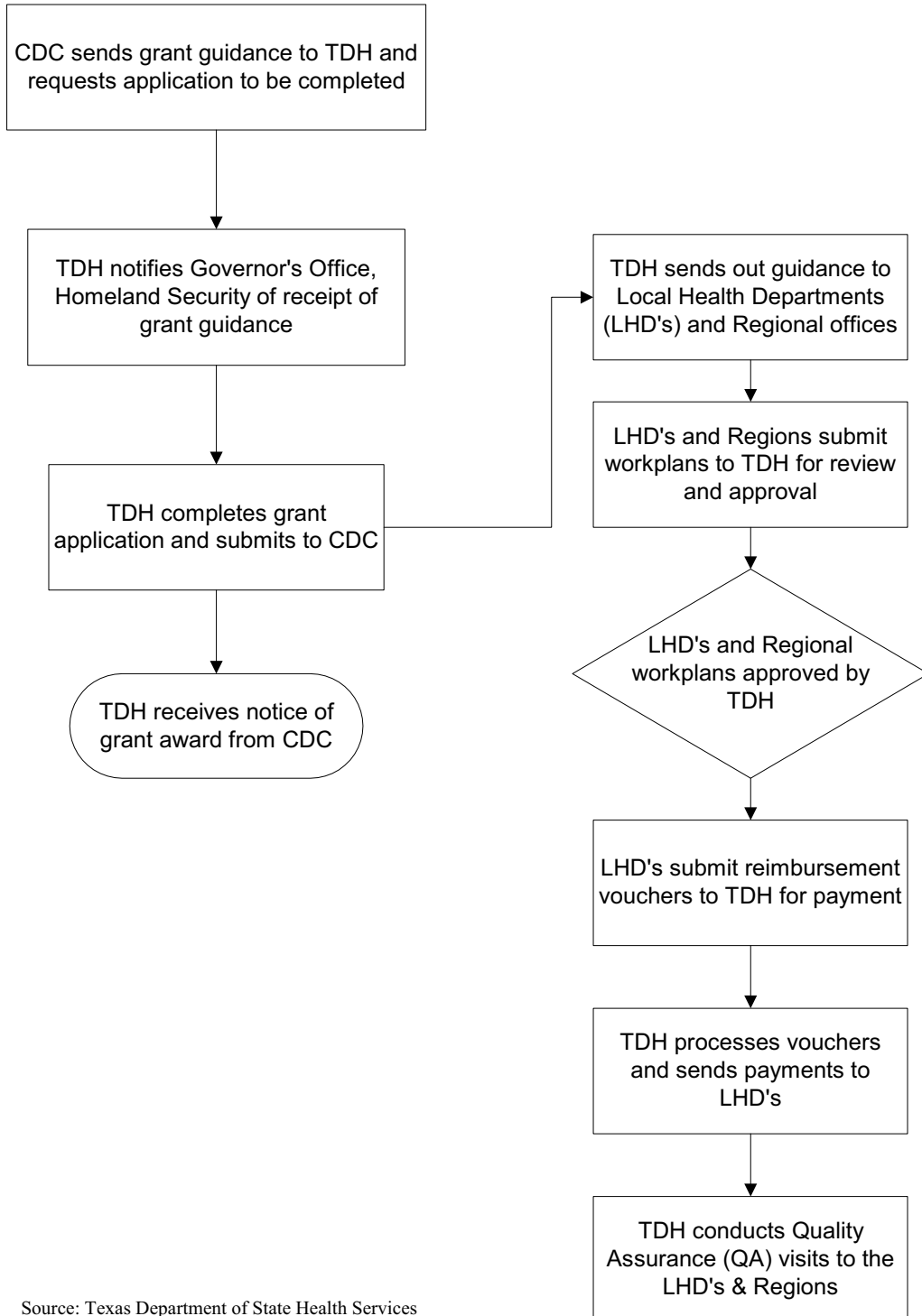
CDC Public Health Preparedness Funding in millions



Program	2002-2003	2004
Local Health Departments (includes SNS & small pox)	\$26.9	\$32.7
Public Health Regions (includes SNS & small pox)	\$9.2	\$10.3
Strengthen Epidemiology and Surveillance	\$3.6	\$3.4
Develop Health Alert Network	\$5.6	\$5.0
Enhance State Laboratory Capacity	\$5.3	\$5.3
General Preparedness	\$3.5	\$5.7
Strategic National Stockpile	\$0.0	\$1.6
Prepare for Small Pox Outbreak	\$0.0	\$3.4
Binational Communication and Response	\$0.0	\$1.5

Source: Commissioner of Health

**Texas Department of Health (TDH)
Public Health Preparedness (PHP) CDC Grant
Process for FY04**



Source: Texas Department of State Health Services

National Bioterrorism Hospital Preparedness Program

The National Bioterrorism Hospital Preparedness program is a perpetual program which includes funding for planning and implementation of activities designed to prepare regional health care systems for incidents of terrorism or other public health emergencies. The National Bioterrorism Hospital Preparedness Program grant is issued to the Texas Department of State Health Services to oversee the administration.²⁶

The Health Resources and Services Administration (HRSA) requires hospitals to address five priority areas and 16 critical benchmarks to ensure the dollars are being spent in the manner in which they are intended. The priority areas for FY 2005 are:

- **Priority Area #1** - Administration
- **Priority Area #2** - Regional Surge Capacity for the Care of Adult and Pediatric Victims of Terrorism and Other Public Health Emergencies
- **Priority Area #3** - Emergency Medical Services
- **Priority Area #4** - Linkage to Public Health Departments
- **Priority Area #5** - Education and Preparedness Training
- **Priority Area #6** - Terrorism Preparedness Exercises²⁷

National Bioterrorism Hospital Preparedness Program
Objective To provide funding to healthcare institutions to increase their preparedness and response capability to bioterrorist attack as measured against six critical benchmarks.
Use and Restriction At least 80 percent of funds must go to Texas healthcare institutions (hospitals, community health centers, etc.). The remainder may be used for statewide projects or administration (10 percent each).
Matching Requirements This program has no statutory formula or matching requirements.
Source: Program number 93.003, the Catalog of Federal Domestic Assistance, 2004.

HRSA requires that at least 80 percent of the funds allocated to Texas go to hospitals, 10 percent may be used for operational costs and 10 percent may be used for statewide planning.

The actual allocation, however, was 85 percent hospitals, 4 percent operational costs, and 11 percent statewide planning. Funding for statewide planning functions include allocations for: clinics, Poison Control Centers (PCC), the Metropolitan Medical Response System (MMRS), Bureau of Radiological Control (BRC), Health Alert Network, and public health nurses.²⁸

DSHS allocates funds to the hospitals, clinics and other healthcare providers according to the following method: a fixed amount of \$5,500 per hospital and an additional \$1.147 per capita.

²⁶ Eduardo Sanchez, M.D., MPH, Commissioner of Health, Texas Department of State Health Services, "Preparing Texas for a Public Health Emergency: Getting the best Results from Federal Dollars," testimony presented to the Senate Infrastructure Development and Security Committee and the Senate Finance Committee, April 13, 2004.

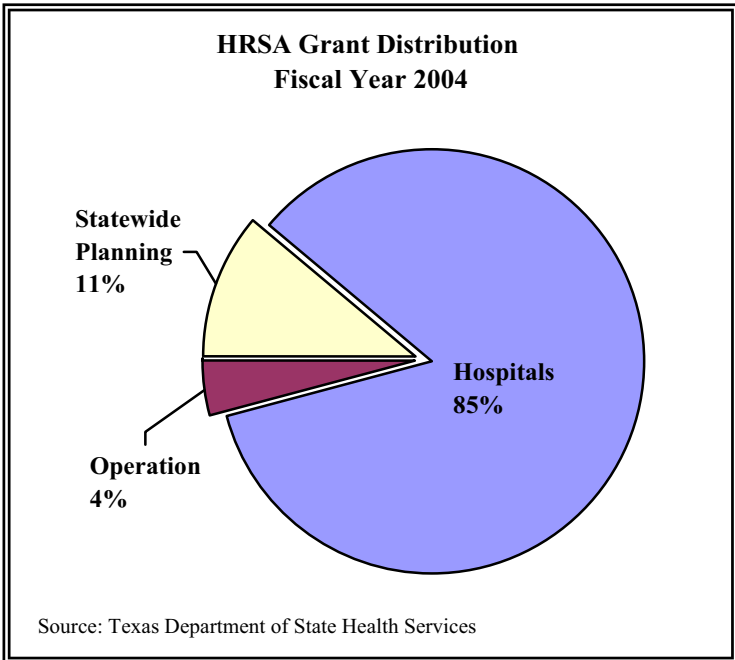
²⁷ Ibid.

²⁸ Ibid.

The total amount of funds distributed to hospitals was \$28.2 million for fiscal year 2004. Operations allocations were \$1.4 million and other planning allocations were \$3.7 million. This resulted in hospitals receiving 85 percent of the total allocation above the required 80 percent level.²⁹

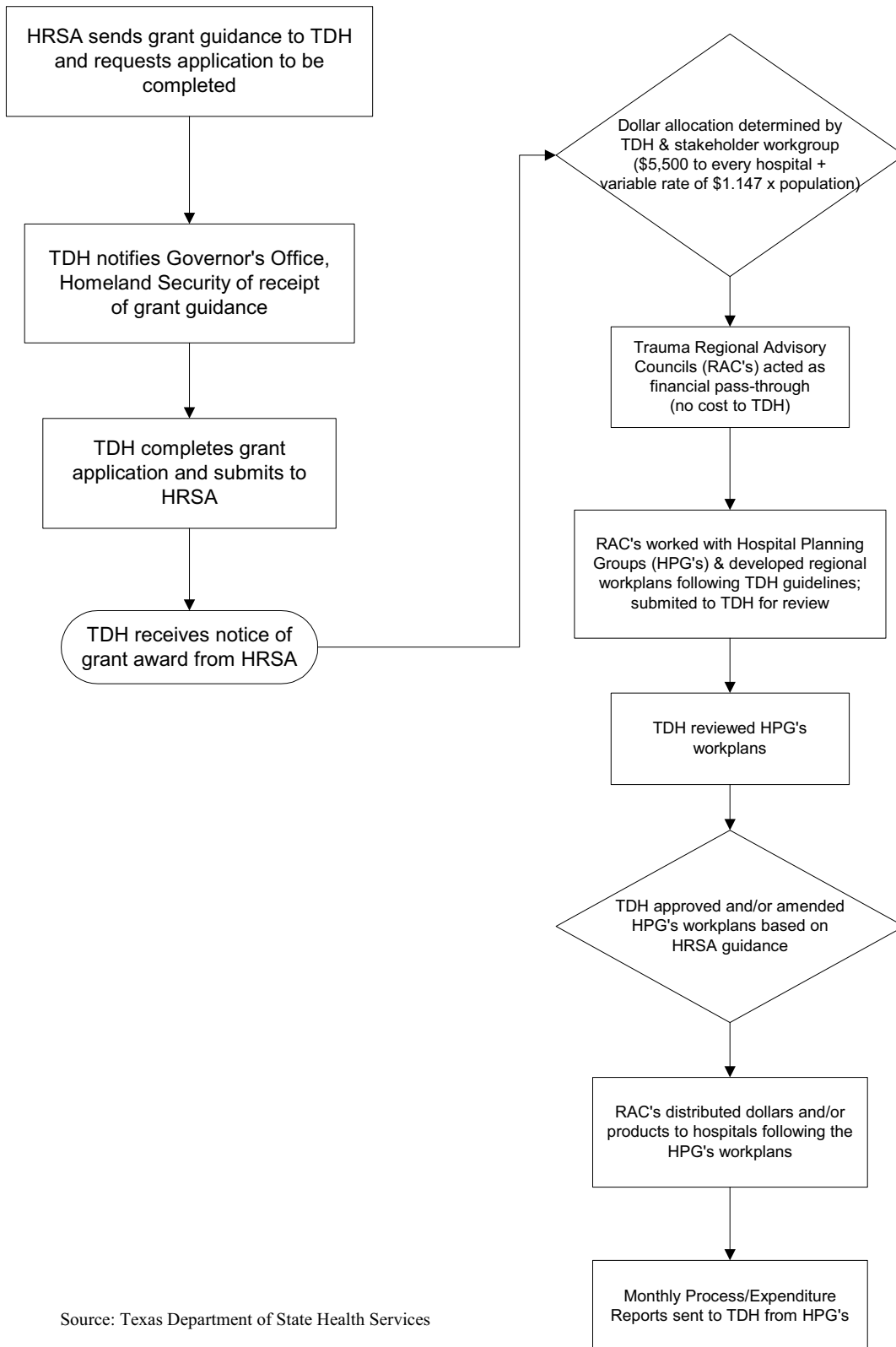
2004
**Allocation to Hospitals, Clinics and
 Local Health care Providers from DSHS**

Fixed amount per hospital	\$5,500
additional per capita	+ 1.147/capita



²⁹ Eduardo Sanchez, M.D., MPH, Commissioner of Health, Texas Department of State Health Services "Preparing Texas for a Public Health Emergency: Getting the best Results from Federal Dollars," testimony presented to the Senate Infrastructure Development and Security Committee and the Senate Finance Committee April 13, 2004.

**Texas Department of Health (TDH)
Hospital Preparedness for Bioterrorism HRSA Grant
Process for FY04**



Source: Texas Department of State Health Services

Other Direct Grants

As situations arise, various state agencies, universities and local units of government are able to apply for grants directly. These grants vary in federal guidelines outlining their objectives, uses and restrictions, and formulas and matching requirements. Therefore, there is not one set of requirements which applies to all of the various grants. Without federal requirements to name an SAA, there is limited ability to track these grants unless they are issued to an agency which falls under the state legislative appropriations authority. The Legislative Budget Board has the ability to track funds received by various state agencies and universities and report them to the legislature.

Findings

- The state is receiving large amounts of grant funding from the federal government to address homeland security issues.
- The federal government has placed stipulations and limitations on the funding received by Texas.
- There is a need for procedures to track all homeland security funding to ensure there is not a duplication of efforts within the state and to ensure all of the state strategic plan initiatives are being met.
- Funds allocated directly to local entities that do not flow through the state are difficult to track.
- The state has the ability to spend funding on statewide initiatives.

Recommendations

- The committee recommends the Governor's Office of Homeland Security closely monitor federal funding received in Texas for emergency management planning and to aid the state to detect, deter and respond to acts of terrorism. In the event that federal funding for any area of security or emergency planning is diminished, curtailed or eliminated, the Legislature will need to take appropriate steps to ensure the state is able to maintain high levels of security and preparedness to respond to disasters.
- The committee recommends the Governor's Office of Homeland Security establish procedures to identify all federal homeland security funding received by state, local and private entities within Texas and ensure that funding is expended in a manner that supports the state and national strategic plans.
- The committee recommends all agencies and entities receiving state appropriations include in their biennial legislative appropriations requests all funds received from federal agencies.
- The committee recommends the Governor's Office of Homeland Security assess the internal controls used by the state administrative agencies for any homeland security funding to ensure appropriate safeguards are in place to minimize the potential for waste, fraud and abuse in the expenditure of homeland security funds.

- The committee recommends the Legislature require the state administering agencies for federal homeland security dollars to report to the Office of Homeland Security all purchases of equipment by state and local units of government to ensure appropriate safeguards are in place to minimize the potential for waste, fraud and abuse in the expenditure of Homeland Security funds.
- The committee recommends the 79th Legislature allow for exceptions to the FTE cap in limited instances where federal dollars are available to implement programs at the state level. Legislation should include requirements for reporting to and approval by the Legislative Budget Board.

Charge #7: Texas' Ability to Detect, Deter, and Respond to Terrorism

The State of Texas has many unique aspects creating complex and demanding protection needs. Since the events of September 11, 2001, many steps have been taken by federal, state and local officials to make our homeland more secure. New responsibilities have been taken on by established agencies and new agencies have been created. Much has been accomplished, but the State of Texas needs to be constantly strengthening its capacity to enhance domestic security and to combat terrorist activities.

Securing Texas: A sizeable Task

The State of Texas:

- Has 21 million people.
- Covers 267,277 square miles.
- Occupies about 7 percent of the total water and land area of the United States.
- Has 5,363 square miles of waterways.
- Has 227,000 farms covering 131 million acres, more than twice the number of any other state.

Source: Texas Homeland Security Strategic Plan
Part 1, Governor's Vision, p. 8.

Implementation of House Bill 9 (78R)

Provisions of H.B. 9

House Bill 9, 78th Legislature, Regular Session, is overarching legislation intended to improve the State of Texas' ability to detect, deter and respond to acts of terrorism. The bill is a codification of recommendations the Governor's Homeland Security Task Force issued during the 77th Interim.

The legislation addresses many aspects involved in the state's homeland security, such as: civil liability and immunity under certain circumstances; funding allocations; state and local reporting to the governor on revenue, grants, and other funding; creation of the Critical Infrastructure Protection Communications Center; the confidentiality of certain information; Texas First Responders Day; and reporting of diseases.

Critical Infrastructure Protection Council

H.B. 9 defines critical infrastructure to include all public or private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state or nation. To protect that infrastructure, H.B. 9 created the Critical Infrastructure Protection Council (CIPC). CIPC serves as the operational advisory group for homeland security at the state level and as the central point of coordinated and efficient flow of information, response, and recovery throughout the governor's office and the various state agencies. CIPC advises the governor on the critical infrastructure protection strategy for the state and implementation of the state's homeland security strategy. CIPC also coordinates with the 24 regional councils of government and other local officials to ensure every area of the state enhances emergency planning.³⁰

³⁰ Texas Homeland Security Strategic Plan, Part 1, Governor's Vision, p. 17.

CIPC reports annually to the governor regarding their progress on: a statewide critical infrastructure protection strategy, the status of funding of state programs, recommendations to reduce threats, and recommendations for improving the alert, response, and recovery capabilities of state and local agencies.

CIPC members include the governor or his appointee; Texas Department of Agriculture; Office of the Attorney General; General Land Office; Public Utility Commission; Texas Department of State Health Services; Department of Information Resources; Texas Department of Public Safety; Governor's Division of Emergency Management; Texas National Guard; Texas Commission on Environmental Quality; Texas Railroad Commission; and Texas Department of Transportation.

Governor's Office of Homeland Security and State Strategic Plan

The Governor's Office of Homeland Security models the U.S. Department of Homeland Security as an “all-hazards” agency understanding the importance of being prepared for all emergencies, whether wrought by disaster or design. Their goal is to achieve seamless protection for a state knit tightly together by shared vigilance, readiness, and communication.³¹

In January 2004, the Governor's Office of Homeland Security published a comprehensive guide of the State's Homeland Security Strategic Plan for the security of Texas. A great amount of effort went into the plan's creation and its coordination of local, state, and federal agencies, volunteer organizations and the private sector. The ultimate goal of the plan is the coordination of law enforcement and emergency response systems that protect our state's people and resources while safeguarding our freedom and liberty.³²

In creating the Homeland Security Strategic Plan, the governor's office followed broad objectives set by National Strategy for Homeland Security:

- Prevent terrorism attacks within the United States.
- Reduce America's vulnerability to terrorism.
- Minimize the damage and recover from attacks that do occur.³³

Agencies for Detection, Deterrence and Response

National Joint Terrorism Task Force

The National Joint Terrorism Task Force (NJTTF) was created by the Federal Bureau of Investigations (FBI) in 2002 to be a multi-agency task force made up of 38 government agencies to act as a central point of communication. The agencies who make it up represent the intelligence, law enforcement, defense, diplomatic, public safety, and

³¹ Department of Homeland Security, <http://www.dhs.gov/dhspublic/display?content=4049>, October 5, 2004.

³² Texas Homeland Security Strategic Plan, Part 1, Governor's Vision, p. 23.

³³ Texas Homeland Security Strategic Plan, Part III, State of Texas Emergency Management Plan, p. 5.

homeland security communities. The NJTTF is located at the FBI headquarters within the Strategic Information and Operations Center (SIOC).

The mission of the NJTTF is to enhance communication, coordination and cooperation between federal, state, and local government agencies by providing for the sharing of terrorism intelligence. The NJTTF is to act as the hub of support for Joint Terrorism Task Forces around the country (JTTF).³⁴

Some projects the NJTTF is involved with:

Merchant Maritime Document Initiative,
Port Threat, Vulnerability, and Security Assessments (Maritime Threat),
Correctional Intelligence Initiatives,
Threat to Railroads,
Operation Tripwire,
On-Site Review Program, and
Multiple, High-priority, Short-term projects.³⁵

Joint Terrorism Task Force

The Joint Terrorism Task Force (JTTF) is considered the "operational arm" of the U.S. government responsible for all domestic and international terrorism matters. Their mission is to prevent acts of terrorism and investigate acts of terrorism in an effort to identify and prosecute those responsible. The task forces pool multi-agency expertise and ensure the timely collection and sharing of intelligence absolutely critical to prevention efforts.³⁶ Personnel from the Texas Department of Public Safety (DPS) serve on these task forces.

The first Joint Terrorism Task Force was created in 1980; the total number of task forces has doubled since September 11, 2001. Today there are 3,350 JTTF agents at 56 JTTF field offices and 28 annexes throughout the U.S. Texas has four JTTFs located in Dallas, El Paso, Houston and San Antonio with annexes in Waco, Austin, Del Rio, Laredo, McAllen and Brownsville.

The main priorities of the JTTF are to:

- detect, disrupt, and dismantle terrorist sleeper cells in the United States before they act;
- identify and prevent acts of terrorism by individuals with a terrorist agenda acting alone;

³⁴ Pat Patterson, Special Agent in Charge, San Antonio field office, Federal Bureau of Investigation, testimony presented to the Senate Infrastructure Development and Security Committee, April 14, 2004.

³⁵ Ibid.

³⁶ Federal Bureau of Investigation, <http://www.fbi.gov/terrorinfo/counterrorism/partnership.htm>, July 14, 2004.

- detect, disrupt, and dismantle terrorist support networks, including financial support networks;
- enhance the capabilities to quickly determine the reliability, implications, and details of terrorist threats, and to improve the capacity to disseminate threat-related information to local, state, and federal agencies, and to the private sector as needed; and
- enhance their overall contribution to the U.S. intelligence community and to senior policy makers in government by providing timely and accurate in-depth analysis of the terrorist threat and other information of value on an on-going basis.³⁷

Adjutant General's Office

The Adjutant General's Office reports directly to the governor regularly and during times of crises, while, always being prepared to provide Texas military forces from the Army, Air and State Guard. The military forces provide the manpower for the state to deal with an emergency and report to the governor during such operations. Actions taken to prepare for an incident include maintaining the 6th Civil Support Team, Rapid Response Force, maintaining a detailed Weapons of Mass Destruction (WMD) operations plan, identification of medical units that can provide support such as vaccinations and field expedient decontamination, and emergency management assistance compact (EMAC) coordination with other National Guard Units.³⁸

The 6th Civil Support Team is a rapid response force comprised of 22 full-time military members equipped and highly trained to provide detection capabilities in a WMD event. The 6th Civil Support Team is fully funded by the federal government and the only team located in the state is based out of Camp Mabry, Austin. To date, there are 36 Civil Support Teams located across the country.³⁹

The team constantly keeps up with intelligence regarding terrorist threats and events from multiple sources such as Northern Command, National Guard Headquarters, the 5th Army and the Joint Terrorism Task Force. The team is responsible for analyzing intelligence collected by the other organizations and coordinating multiple military agencies to produce a common threat report.

Texas also has a Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE) Team available to support the Civil Support Team when an actual event has occurred. The team is made up of reserve military personnel (not full-time) readily available when needed. The CBRNE team is equipped and trained to provide decontamination and rescue in a WMD event.⁴⁰

³⁷ Ibid.

³⁸ Lt. Col. Dan Steiner, Texas Adjutant General's Office, testimony presented to the Senate Infrastructure Development and Security Committee, April 14, 2004.

³⁹ Ibid.

⁴⁰ Ibid.

Governor's Division of Emergency Management

The Governor's Division of Emergency Management (GDEM) administers a comprehensive emergency management program to protect Texas citizens and communities from damage, injury, and loss of life and property. GDEM has a system for mitigating, preparing for, responding to, and recovering from natural or man-made disasters, and in conjunction with DPS, GDEM operates a vast, trusted communications network with county and local governments and law enforcement in Texas.⁴¹

GDEM runs a communications center serving as the focal point for planning, coordinating, and integrating government communications regarding the state's homeland defense strategy. The center is the central location for emergency management of the state housing the State Operations Center and Texas Security Alert and Analysis Center (TSACC), which are operational 24 hours a day, seven days a week. This is the central point of contact in Texas for federal, state and local government; private sector business; and individual transmission of information to protect physical and cyber assets that are critical to the health, safety, and welfare of Texas residents.⁴²

GDEM operates the State Operations Command Center (SOC) as the state's central point of command during a natural or man-made emergency. The SOC is made up of several state agencies set forth by HB 9, 78th Legislature, Regular Session, who come together to accomplish central crisis management and coordination efforts. The bill included the following state agencies:

1. Adjutant General's Department (AGD)
2. American Red Cross (ARD) **
3. Department of Information Resources (DIR)
4. General Land Office (GLO) *
5. Governor's Division of Emergency Management (GDEM)
6. Office of Rural Community Affairs (ORCA)
7. Public Utility Commission of Texas (PUC) *
8. Railroad Commission of Texas (RRC) *
9. Salvation Army (TSA)**
10. State Auditor's Office (SAO)
11. State Comptroller of Public Accounts (CPA)
12. Texas Animal Health Commission (TAHC)
13. Texas Attorney General's Office (OAG)
14. Texas Building & Procurement Commission (TBPC)
15. Texas Commission on Environmental Quality (TCEQ)*
16. Texas Commission on Fire Protection (TCFP)
17. Texas Department of Aging & Disability Services (DADS) - when activated
18. Texas Department of Agriculture (TDA)*
19. Texas Department of Assisted & Rehabilitative Services (DARS) - when activated

⁴¹Office of the Attorney General, State of Texas, http://www.mcombs.utexas.edu/e-security/TIPC/sipac/sipac_tipc.htm, October 14, 2004.

⁴²Ibid.

20. Texas Department of Criminal Justice (TDCJ)
 21. Texas Department of State Health Services (DSHS) *
 22. Texas Department of Housing & Community Affairs (TDHCA)
 23. Texas Department of Human Services (DHS) – will be dissolved
 24. Texas Department of Insurance (TDI)
 25. Texas Department of Mental Health & Mental Retardation (MHMR) - will be dissolved
 26. Texas Department of Protective & Family Services (DFPS)
 27. Texas Department of Public Safety (DPS)*
 28. Texas Department of State Health Services (DSHS) - will be activated
 29. Texas Department of Transportation (TxDOT)*
 30. Texas Education Agency (TEA)
 31. Texas Engineering Extension Service (TEEX) *
 32. Texas Forest Service (TFS)
 33. Texas Parks & Wildlife Department (TPWD) *
 34. Texas Rehabilitation Commission (TRC) - will be dissolved
 35. Texas Workforce Commission (TWC)
- * Indicates departments and agencies which are members of the State Emergency Response Commission (SERC)
- ** Non-governmental organizations⁴³

These agencies participate in SOC operations to coordinate the multiple ways in which the state can provide assistance and response during an incident. Ways in which state agencies provide assistance include:

- | | |
|-----------------------|-----------------------|
| Warning | Shelter and Mass Care |
| Security | Engineering Services |
| Law Enforcement | Air Operations |
| Communications | Crisis Management |
| Search and Rescue | Fire Suppression |
| Evacuation | Transportation |
| Health and Medical | Human Services |
| Direction and Control | Food and Water |

The Governor's Division of Emergency Management has been an active participant in many of the preparedness initiatives undertaken in Texas:

- Developed Texas Chem-Bio Handbook,
- Developed Texas Facility Security Handbook,
- Developed Texas School Safety Handbook,
- Adopted the Incident Command System (ICS),
- Adopted the National Incident Management System (NIMS),
- Developed Texas Terrorism Awareness Course for Law Enforcement,
- Developed Foreign Animal Disease (FAD) Plan, and

⁴³ Texas Homeland Security Strategic Plan, Part III, State of Texas Emergency Management Plan, attachment 1.

Developed Bioterrorism Plan.⁴⁴

The Governor's Division of Emergency Management at the SOC monitors everything happening in the state and is the state's general warning center and relay point. GDEM is responsible for running the Texas Amber Alert Network Activation. The network is very effective at getting information out to a large number of individuals very quickly. Some of the individuals receiving information through the network are from law enforcement, Texas Department of Transportation, National Weather Service, Radio and TV Stations, and the Federal Bureau of Investigation. GDEM can provide individuals with the information by telephone, fax, email, and the Texas Law Enforcement Telecommunications System (TLETS), which is a computer network that provides access to numerous federal, state and local database systems containing information on criminal justice activities.

Homeland Security Presidential Directive (HSPD)-5, Management of Domestic Incidents, directs the federal Department of Homeland Security to develop and administer the National Incident Management System (NIMS). NIMS ensures that all of our nation's first responders are under the same plan, using the same nomenclature, and are receiving consistent training. NIMS embraces and standardizes the Incident Command System (ICS) as a tool for command, control, and coordination of a response and provides a means to coordinate the efforts of individual agencies as they work toward the common goal of stabilizing the incident and protecting life, property, and the environment. ICS uses principles that have been proven to improve efficiency and effectiveness in a business setting and applies the principles to emergency response.⁴⁵ GDEM has been working to bring the state in line with the NIMS standards, which are required in order to receive FY 2006 and FY 2007 preparedness funding.

Department of Public Safety (DPS)

The Texas Department of Public Safety is actively involved in all aspects of Texas' ability to detect, deter, and respond to acts of terrorism. The state has specifically recognized the necessity of having a great prevention ability to enhance the security of Texas. DPS has been actively working throughout the state to enhance this ability.

The Texas Security Alert and Analysis Center (TSAAC) was created with a \$1.7 million federal grant as the Department of Public Safety's central facility to collect, analyze, and disseminate multi-jurisdictional intelligence information related to terrorism and terrorist activities.⁴⁶ Governor Perry stated the center, "will give Texas the ability to fully coordinate a response to any type of emergency — from a hurricane to a bioterrorism

⁴⁴ Jack Colley, State Coordinator, Governor's Division of Emergency Management, testimony presented to the Senate Infrastructure Development and Security Committee, April 14, 2004.

⁴⁵ Dispatch Monthly Magazine, http://www.911dispatch.com/ics/ics_describe.html, October 25, 2004.

⁴⁶ Marshall Caskey, Division Chief, Department of Public Safety, testimony presented to the Senate Infrastructure Development and Security Committee, April 14, 2004.

incident to a food safety threat."⁴⁷ Staffing is provided by analytical personnel from the Texas DPS Special Crimes Service.

TSAAC gives first responders around the state who do not have JTTF direct access the ability to access and report information. As of August 29, 2004, TSAAC is a 24 hour a day, seven day a week operation. At this time the SOC and TSAAC are the only entities offering such extensive hours of operation. Anyone who sees suspicious activities or persons should call 911 immediately or contact TSAAC toll-free at 1-866-786-5972. Reports also can be made via a secure website at <https://www.texasalert.tx.gov>.

TSAAC is designing and will house what is called the emergency response network (ERN), a communication system that collects information and disseminates intelligence quickly and efficiently.⁴⁸ All state agencies are preparing to use ERN for submitting infrastructure protection information to support the statewide homeland defense strategy in the future.

Additionally, TSAAC has access to the criminal law enforcement reporting and information system (CLERIS) allowing them to document and view investigative and intelligence information. CLERIS is used to link investigations and to identify developing or ongoing trends.

TSAAC provides a location for the state to be part of the Joint Regional Information Exchange System (JRIES), a real-time network of federal, state and local agencies across the country, which is completely dedicated to counterterrorism initiatives. JRIES is a digital network connection allowing the federal Department of Homeland Security and over 60 members of the law enforcement community to communicate.⁴⁹ With the system in use TSAAC can analyze, share and respond to suspicious incidents relating to homeland security in Texas.

Texas Engineering Extension Service

The mission of the Texas Engineering Extension Service (TEEX) is to develop a skilled and trained workforce that enhances public safety, security and economic growth through eight training areas including emergency services, public infrastructure, public safety and security, office technology and pre-employment, professional and regulatory, technology transfer, Texas Task Force 1 and the National Emergency Response and Rescue Training Center. TEEX has been named the State Administrative Agency, administering and tracking homeland security funds Texas receives from DHS.⁵⁰

⁴⁷ Austin Business Journal, <http://www.bizjournals.com/austin/stories/2003/01/27/daily44.html>, October 12, 2004.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Robert L. Smith, Director, Texas Engineering Extension Service, testimony presented to the Senate Infrastructure Development and Security Committee, April 14, 2004.

The agency offers 17 different training courses relating to WMD events, all certified by the Office for Domestic Preparedness. The classes cover everything from basic first responder training via the internet to some of the most advanced training available.

TEEX houses the National Emergency Response and Rescue Training Center (NERRTC), a member of the National Defense Consortium that has provided technical assistance to over 950 localities across the state. The technical assistance provided enabled local and regional jurisdictions to complete their risk assessments and allowed Texas to be the first state to receive unqualified approval for its state strategy and in turn receive funding from DHS for homeland security.⁵¹ NERRTC received \$20 million in FY 03 and FY 04 from the federal government to provide training and exercise. In addition, \$854 million has been received from the federal government for distribution by the State Administering Agency (SAA) and Urban Area Security Initiative (UASI).

TEEX is also the primary agency overseeing the operations of Texas Task Force 1 (TX-TF1). TX-TF1 was assembled in 1997 and is one of 28 National Urban Search and Rescue teams in the nation. The task force is designed to provide a coordinated response to disasters in different environments with the ability to locate and extricate victims. TX-TF1 is made up of 242 personnel with a multitude of specialties separated onto three 70 person teams including HazMat and WMD technicians.⁵²

TEEX is currently working on the new SAVER program, which provides technical assistance to local emergency responders on purchasing decisions relating to equipment operation and compatibility with existing equipment purchases.

Department of Information Resources

Department of Information Resources (DIR) is involved in education, training, outreach, and rule-making regarding computer security.⁵³ DIR is working to protect government networks, participate in assisting with recovery efforts after system complications, and establish emergency plans for state and local government computer systems in the event of terrorist threats.

DIR is a member of the Critical Infrastructure Protection Council providing cybersecurity threat briefings and assisting in technology initiatives. DIR has been tasked with developing a State Infrastructure Security Team (SIST), which brings together agencies responsible for Texas' critical networks with those responsible for regulator oversight of critical infrastructure industries' networks.⁵⁴

⁵¹ Ibid.

⁵² Texas Task Force 1, <http://usar.tamu.edu/>, October 12, 2004.

⁵³ Office of the Attorney General, State of Texas, http://www.mcombs.utexas.edu/e-security/TIPC/sipac/sipac_tipc.htm, October 14, 2004.

⁵⁴ Mel Mireless, Director, Operation Division, Department of Information Resources, testimony presented to the Senate Infrastructure Development and Security Committee, April 14, 2004.

In 2003 and 2004, two cyber-terrorism tabletop exercises were completed by DIR focusing on the water and power sectors. The exercises allowed these sectors to review their emergency plans and focused on accomplishing primary objectives: preparedness, notification, detection, response and recovery.

Texas Commission on Environmental Quality

The Texas Commission on Environmental Quality (TCEQ) is the environmental agency for the state and a member of the Critical Infrastructure Protection Council (CIPC). As a member of CIPC they provide communication between the Governor's Office of Homeland Security and the companies they regulate to reduce their vulnerability.⁵⁵ Of the facilities TCEQ regulates, of the most concern with respect to homeland security are dams, producers and purchasers of public drinking water, refineries, fuel terminals, and petrochemical manufacturers, facilities that treat, store, or dispose of hazardous waste, and wastewater treatment plants.

TCEQ has hired a contractor to do vulnerability assessments on 34 dams in Texas. The Commission also runs the Texas Biowatch Network as part of a nationwide effort to monitor for intentionally released biological agents. They have 10 network sites in both Houston and El Paso, 18 in Dallas-Ft. Worth, six in San Antonio, and six in Austin. Sensors are also placed in areas where special events such as the Super Bowl or the Final Four are held. In some cases, emergency contractors may be called upon to contain and clean up contamination, sample for contaminants according to defined protocols, and can act as the lead state agency for issues of air quality or incidents involving water, including public drinking water.⁵⁶

Councils of Government (COGs) and Local Areas

Regional councils, or councils of government (COGs), are voluntary associations of local governments formed under Texas law. These associations address the problems and planning needs that cross the boundaries of individual local governments or that require regional attention.⁵⁷

COGs comprise a statewide network of regional, interlocking and mutually supporting areas for emergency preparedness and response. They also promote comprehensive planning and the collaborative positioning of equipment and personnel.⁵⁸

The State of Texas has 24 councils of government, comprised of local government members, responsible for:

- distributing information,

⁵⁵ Texas Commission on Environmental Quality, http://www.tceq.state.tx.us/comm_exec/homelandsecurity.html#role, October 19, 2004.

⁵⁶ Debbie Mamula, Homeland Security Coordinator, Office of Compliance and Enforcement, Texas Commission on Environmental Quality, testimony presented to the Senate Infrastructure Development and Security Committee, October 28, 2004.

⁵⁷ Texas Association of Regional Councils, <http://www.txregionalcouncil.org/>, July 12, 2004.

⁵⁸ Texas Homeland Security Strategic Plan, Part 1, Governor's Vision, p. 1.

- involving local officials,
- assisting local governments, and
- developing regional plans and approaches.⁵⁹

Texas was the first state to receive unqualified approval of state-regional strategies by the federal government for homeland security. This has resulted in how the state-regional-local priorities are coordinated.

Approaching homeland security issues in the state from a regional perspective has proven successful in achieving the goals set by the Governor's Strategic Plan. The areas of success include the creation and implementation of needs assessments, local emergency management plans and mutual aid agreements. Two of the areas can be seen in more detail in the boxes:

Local Domestic Preparedness (threat/needs) Assessment	
Number of Texas Jurisdictions that completed Qualifying Assessment	
For Federal 2000 Program (without regional assistance)	95
For Federal 2002-2003 Programs (with state-regional assistance)	753
For Federal 2003 Program (with state-regional assistance)	928

New Mutual Aid Agreements Implemented	
Cities with signed agreements with their county or with other cities	846
Counties with signed agreements with cities in the county	171
County to county agreements	105
Jurisdictions with signed agreements among cities, counties and COGs	222

⁶⁰

Mutual aid templates have been developed within regions for use by local jurisdictions. The North Central Texas COG is in the process of developing a "Regional Mutual Aid Database" to enable a "dynamic shared, regional mutual aid resource."⁶¹ Work is still being done across COG lines to ensure mutual aid agreements are in place for the provision of assistance for communities during times of emergencies.

⁵⁹ Jim Ray, Executive Director, Texas Association of Regional Councils, testimony presented to the Senate Infrastructure Development and Security Committee, April 13, 2004.

⁶⁰ Ibid.

⁶¹ Mike Eastland, Executive Director, North Central Texas Council of Government, testimony presented to the Senate Infrastructure Development and Security Committee, April 14, 2004.

Findings

- Texas has been successful in building on its ability to detect, deter, and respond to terrorism and should continue striving to build on that success.
- The Patriot Act allows for information sharing between federal and state agencies not previously allowed.
- Homeland Security Presidential Directive (HSPD)-5 requires federal departments and agencies to make adoption of the National Incident Management System (NIMS) by state, tribal and local organizations a condition for federal preparedness assistance beginning in FY 2005.
- Mutual Aid agreements are a valuable tool for local jurisdictions in providing support to each other in times of emergency.
- The threat of a natural disaster or terrorist-related event highlights the need for mutual aid agreements throughout the state for all types of services and at all levels of government. While many COGs are working with their local jurisdictions to implement mutual aid agreements, not all entities who may provide or receive services are covered and inter-COG agreements must be implemented one local jurisdiction at a time.

Recommendations

- The state needs to be sure to foster the best communication abilities between the different agencies and entities within these agencies to be the most effective. The committee recommends the Legislature continue to monitor information sharing to ensure effective communication.
- The committee recommends the Critical Infrastructure Protection Council conduct an assessment of existing operations centers to determine the cost/benefit of maintaining a single center versus multiple centers to support the information needs of multiple state agencies.
- The committee recommends the legislature increase the penalties associated with trespassing on critical infrastructure sites within the state.
- The committee recommends the state continue to support the request of a second Civil Support team for Texas.
- The Legislature should require the Governor's Division of Emergency Management, the Governor's Office of Homeland Security and the Texas Engineering Extension Service to work together to ensure training and exercise programs occurring within the State of Texas include necessary entities and resources to effectively coordinate local, state and federal plans and expenditure of funds.
- The committee recommends emergency management officials in all jurisdictions in the state adopt the National Incident Management System (NIMS) as established by the Department of Homeland Security.
- The committee recommends the State of Texas continue to strive to create a uniform system of assistance for all disciplines and all hazards within the state.

Bioterrorism Detection, Deterrence And Response

Bioterrorism is the use, or threatened use, of biological agents (bacteria, viruses, fungi, or toxins) in a community in order to promote or spread fear or intimidation upon an individual, a specific group or the population as a whole for religious, political, ideological, financial or personal purposes.⁶² The state has acknowledged the necessity for the highest amount of effort put forth in order to protect the citizens of Texas from this terrible form of terrorism.

The Texas Department of State Health Services

The Texas Department of State Health Services (DSHS) is the lead agency for the state to manage disease outbreaks, natural disasters, and threats to bioterrorism. Through the Center for Public Health Preparedness and Response (CPHPR), DSHS provides strategic leadership and direction to ensure public health preparedness and response for bioterrorism, other outbreaks of infectious disease and public health threats and other emergencies or disasters in Texas.⁶³

DSHS has been responsible for distributing the federal grants to Texas for bioterrorism preparedness and making sure the necessary actions are taken by the state to ensure the highest amount of security. Texas received a \$28 million grant for bioterrorism detection, deterrence and response from the Health Resources and Services Administration (HRSA). 82 percent of the grant allocated to Texas went to 576 Texas hospitals around the state. This money is available to all hospitals in Texas for the purpose of providing the supplies needed during a bioterrorism incident. DSHS has received a total of \$144 million from the federal government for public health preparedness and bioterrorism.⁶⁴

For the purpose of allocating services, DSHS divided the state into regions with each region having its own regional planner to provide consultative services in the planning, development, implementation, evaluation and exercising of the public health preparedness and response plans for Texas cities, counties and public health regions. The regional planners are headquartered in Lubbock, Arlington, Tyler, Houston, Temple, San Antonio, El Paso, and Harlingen.⁶⁵

DSHS has also prepared the state for a smallpox outbreak. The Department is vaccinating healthcare workers and public health response teams. Developing response plans for outbreaks with local and regional vaccination plans to rapidly vaccinate any at-risk population. There also are ongoing enhanced online smallpox training sessions for health care personnel.⁶⁶

⁶² City of Austin Health Department, http://www.ci.austin.tx.us/health/bt_faqs.htm, October 5, 2004.

⁶³ Dennis Perrotta, M.D., State Epidemiologist, Texas Department of State Health Services, testimony presented to the Senate Infrastructure Development and Security Committee, April 14, 2004.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Leslie Mansolo, Community Preparedness Section, Texas Department of State Health Services, Texas Smallpox Response Plan.

DSHS has put together Regional Epidemiology Response Teams (ERTs) to monitor disease incidence for rapid detection of disease outbreaks, including bioterrorism events. In addition, the DSHS conducts epidemiologic investigations, rapid needs assessments, and bioterrorism response training. These teams are headquartered in Lubbock, Arlington, Tyler, Houston, Temple, San Antonio, El Paso, and Harlingen.⁶⁷

A Biological Emergency Response Team (BERT) is also in place and is responsible for decision-making, determining control measures, and public health recommendations based on the findings of a local/regional/state epidemiologic investigation during a biological emergency. BERT notifies and consults with academic institutions, state and federal agencies, and is responsible for the placement of qualified and protected staff (including ERTs) to support the investigation. The team is comprised of the State Epidemiologist, Emergency Preparedness Coordinator, Bioterrorism Coordinator, Chief of the Bureau of Communicable Disease, Microbiology Laboratory Division Director, involved Public Health Regional Director, involved Local Health Department Director, Chief of the Bureau of Immunizations and Pharmacy Support, Press Officer and others necessary.⁶⁸

DSHS has participated in improving binational coordination and communication between Texas and Mexico. The main points of improvement being discussed are cooperative development of border response plans, mutual aid agreements and binational exercises to test and evaluate plans. The first forum on Public Health Preparedness and Response was held in El Paso in March 2004. Since then there have been seven forums held between the two countries conducting activities such as binational table top exercises, forensic epidemiology training courses for individuals from both countries, exchange of contact names and responsibilities of individuals involved in both countries, and communication of risks in both countries.⁶⁹

CHEMPACK

DSHS is working with the U.S. Centers for Disease Control and Prevention (CDC) to deploy a new program in Texas called CHEMPACK. The program will allow Texas to respond to acts of bioterrorism that use nerve agents. This sort of bioterrorism response requires timely and specific therapy to be effective in saving lives. There has been approximately \$8 million worth of containers distributed to 140 locations around the state. The containers are stocked with the nerve agents atropine, pralidoxime, and diazepam packaged in auto-injectors that can be used by first responders. Also included in the containers are vials of these nerve agents for precision dosing and long-term care

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Francesca Kupper, Community Preparedness Section, Texas Department of State Health Services, Binational Coordination for Public Health Preparedness and Response.

for patients. Each of the containers will treat 1,000 people and were distributed using local input to ensure statewide coverage.⁷⁰

Strategic National Stockpile

The Strategic National Stockpile (SNS) is a "national repository of antibiotics, chemical antidotes, antitoxins, life-support medications, IV administration, airway maintenance supplies, and medical/surgical items" developed in 1999 and operated by the Centers for Disease Control and Prevention. It is "designed to supplement and re-supply state and local public health agencies in the event of a national emergency anywhere and at anytime within the U.S. or its territories."⁷¹ The federal government has committed to getting packages anywhere in the country within twelve hours after deployment.

The package is a shipment of a broad spectrum of medical supplies weighing 50 tons. The large assortment of supplies allows for shipment of the package when the needs are fully understood. Approximately 80 percent of the package consists of supplies to restock hospitals. The additional twenty percent of supplies includes antibiotics and pills enabling public health departments to establish dispensing clinics to rapidly move people through before they are sick and prevent an illness outbreak.⁷²

DSHS is the lead agency responsible for planning, preparing, and receiving the SNS if it is shipped to Texas in an emergency. State, regional, and local coordinators are employed by DSHS to ensure efforts statewide are coordinated so the entire population is protected. DSHS further provides access to medical resources and supplies with SNS workshops, regional planning committees, identification of receiving warehouses and mass dispensing sites, volunteer recruitment and coordination with local, regional and state emergency management partners during planning.⁷³

Public Health Laboratories in Texas

On September 11, 2001, the only state public health laboratory staff trained in select agent identification was located in Austin. To improve Texas' ability to respond to a bioterrorist attack, DSHS has been actively working to increase the Texas Laboratory Response Network (LRN). The LRN is comprised of ten laboratories capable of testing for potential bioterrorism agents. The laboratories will soon have a biosafety level 3 designation, and are designed and built with physical containment engineering that allows for safe processing of dangerous agents. Laboratories are located in Lubbock, Ft. Worth, Dallas, Tyler, Houston, Austin, San Antonio, El Paso, Corpus Christi, and Brownsville.⁷⁴

⁷⁰ Paul McGaha, D.O., M.P.H., Texas Department of State Health Services, presentation to the East Texas Council of Government, September 16, 2004.

⁷¹ Centers for Disease Control and Prevention, <http://www.bt.cdc.gov/stockpile/index.asp>, October 1, 2004.

⁷² Mariah Ramon, Texas SNS Coordinator, Texas Department of State Health Services, testimony presented to the Senate Infrastructure Development and Security Committee, April 14, 2004.

⁷³ Dennis Perrotta, M.D., State Epidemiologist, Texas Department of State Health Services, testimony presented to the Senate Infrastructure Development and Security Committee, April 14, 2004.

⁷⁴ Ibid.

Information is provided below regarding the public health laboratory in Tyler and a special regional laboratory in Galveston.

The laboratories are being used under the principle of dual-use: they are used for the majority of the time to work with and identify biological agents that pose daily public health problems, at the same time, they are able to safely work with and identify select agents of bioterrorism. Some of the select agents of bioterrorism include organisms that cause anthrax, plague, glanders, tularemia, brucella, and smallpox. The public health laboratories also provide leadership regarding biopreparedness education in local communities. In addition, the laboratory personnel are part of epidemiological response teams, the Strategic National Stockpile, and the state emergency operations center and are prepared to take action if there is a bioterrorist event.

The public health laboratories are implementing a program this year called the Texas Statewide Bioterrorism and Continuing Education Program (Texas BCE) to educate healthcare workers of all hazards that could be encountered. The program is being established with a grant from HRSA of \$1.8 million per year to the five University of Texas health components and the Texas Department of State Health Services. Their goal is to educate 5,000 healthcare workers a year with basic recognition knowledge and then an additional 4500 per year in comprehensive knowledge. The Texas BCE training is in addition to the bioterrorism training mandated by the state.

The University of Texas Health Center at Tyler

The University of Texas Health Center at Tyler is a recently constructed public health laboratory on the university campus. It is designed to be a biosafety level 3 laboratory, which can test most infections and disease posing danger to the citizens of Texas. It is utilizing the dual-use principle of working with daily public health emerging and infectious disease problems on a regular basis and bioterrorism if there is a need. The laboratory costs \$1.4 million dollars with most of the funding coming from the CDC through DSHS and the rest being provided for by the Health Resources and Services Administration (HRSA) or in donations.⁷⁵

The University of Texas Medical Branch at Galveston

Throughout the world there are very few laboratories capable of working with and studying the most highly dangerous diseases. Texas has a biosafety level-4 facility in Galveston that houses a laboratory on the cutting edge of disease research. The Western Regional Center of Excellence for Biodefense and Emerging Disease Research (WRCE) is one of only eight Regional Centers of Excellence in the country representing New

⁷⁵ David Lakey, M.D., Medical Director, Center for Pulmonary and Infectious Disease Control at the University of Texas Health Center at Tyler, testimony presented to the Senate Infrastructure Development and Security Committee, April 14, 2004.

Mexico, Texas, Oklahoma, Arkansas, and Louisiana.⁷⁶ The \$180 million facility, with \$57 million funded by UTMB-Galveston for equipment, was constructed with federal grants and is both secure from leaks within and hurricanes without.⁷⁷ This lab is a great addition to the security of Texas due to its ability to provide assistance during an emergency.

Texas Health Alert Network

In 1999, the Texas Health Alert Network (HAN) was developed to be modeled after the national HAN to help combat bioterrorism, promote public health preparedness, and facilitate daily real-time disease reporting. The CDC describes a health alert network as a nationwide, integrated information and communications system serving as a platform for distribution of health alerts, dissemination of prevention guidelines and other information, distance learning, national disease surveillance, electronic laboratory reporting, and strengthening preparedness at the local and state levels through the CDC's bioterrorism and related initiatives.⁷⁸ The Texas Association of Local Health Officials (TALHO) created and maintains the Texas HAN.

The purpose of the Health Alert Network is to ensure:

- high speed, secure Internet connections for local health officials, providing access to CDC's prevention recommendations, practice guidelines, and disease data; capacity for rapid and secure communications with first responder agencies and other health officials; and capacity to securely transmit surveillance, laboratory, and other sensitive data;
- on-line, internet and satellite-based distance learning systems;
- early warning broadcast alert systems; and
- that public health agencies achieve high levels of organizational capacity.⁷⁹

Funding for Texas HAN initially came from the Texas Infrastructure Fund Board (TIFB) allocating \$4.5 million, with the funds going directly to TALHO. To date DSHS has awarded six Texas HAN contracts to TALHO, totaling over \$12 million dollars. The budget for the Texas HAN next year will be reduced by two-thirds to \$1 million starting a maintenance cycle for the network.⁸⁰

In 2005, the Texas HAN will enter into a maintenance period during which TALHO will complete white papers on cross connects between other already established networks, doing surveys to see how the network can be enhanced, and continue a pilot program

⁷⁶ David H. Walker, M.D., Western Regional Center of Excellence for Biodefense and Emerging Infectious Disease Research (WRCE), testimony presented to the Senate Infrastructure Development and Security Committee, April 14, 2004.

⁷⁷ Houston's Biosensor Development Initiative, Homeland Defense Journal, April 2004.

⁷⁸ Centers for Disease Control and Prevention, <http://www.phppo.cdc.gov/han/FactSheet.asp>, October 14, 2004.

⁷⁹ Ibid.

⁸⁰ David Laurie, M.D., Texas Association of Local Health Officials, testimony presented to the Senate Infrastructure Development and Security Committee, April 14, 2004.

with 13 kiosks strategically placed around the state for transmitting general health and bioterrorism information to the public. The pilot program educates the public about general public health and bioterrorism. The Texas HAN actively monitors the activity on each separate kiosk to see the type of activity and rearrange their locations if there is a lack of usage by the public.

Texas Commission on Environmental Quality

The Texas Commission on Environmental Quality (TCEQ) has been working with the U.S. Environmental Protection Agency, water utilities, and water-related interest groups to share information and to ensure that water systems consider their vulnerabilities and take what action they can. Water systems that serve populations of 3,300 to 10,000 can assess their vulnerability to both international threats and natural disasters using a free Security Vulnerability Self-Assessment Guide.⁸¹

There are five categories of threats that water systems face today:

- perceived threats,
- physical threats of the infrastructure,
- cyber threats,
- chemical and biological threats; and
- radioactive threats.⁸²

TCEQ has developed a security evaluation plan for water systems to use as an enhancement tool for prevention and deterrent security measures. The plan outlines basic security steps for water systems, including creating heightened awareness and customer involvement. An emergency management plan was also developed by TCEQ as a guidance document laying out steps a water system official should take if their security has been breached, how to respond, and how to develop their own communication plan, including who to contact and when.⁸³

In 2002, both plans were mailed out to all 6,650 public drinking water systems in Texas. At this same time TCEQ conducted a risk assessment of all the largest water systems, covering 50 percent of the population of Texas. Those determined to be at high risk received a conference call from TCEQ and the EPA to alert them to their situation and recommend they take corrective action.

TCEQ has contracted with emergency management companies who can respond to incidents involving unknown contaminants. Many larger Texas communities have their

⁸¹Texas Commission on Environmental Quality, http://www.tceq.state.tx.us/comm_exec/homelandsecurity.html#water, October 1, 2004.

⁸² Buck Henderson, Manager, Public Drinking Water Section, Water Supply Division, Texas Commission on Environmental Quality, testimony presented to the Senate Infrastructure Development and Security Committee, October 28, 2004.

⁸³ Ibid.

own “hazmat” teams. For these communities, the local team provides the first response and TCEQ will provide support on request.⁸⁴

Findings

- The State of Texas is a leader in bioterrorism research and has taken many steps to be able to detect a disease outbreak and contain one if there is such an occurrence.
- The Texas Department of State Health Services has taken many steps to prepare the state for the receipt, storage, delivery and dispensing of medications and medical supplies from the Strategic National Stockpile.
- Community Health Clinics and Rural Community Hospitals are not included in the Texas Health Alert Network. Including them would make the Health Alert Network more complete and effective.
- The Texas Commission on Environmental Quality is working with water utility companies around the state to ensure public drinking water is safe.

Recommendations

- The committee recommends the Texas Department of State Health Services continue to work as diligently as possible to bring the highest level of communication and coordination between Texas and Mexico with respect to bioterror hazards and preparedness.
- The committee recommends the Legislature memorialize Congress to enact legislation to allow for the movement of the Strategic National Stockpile across the Texas Mexico border when there is a bioterrorist emergency along the border.
- The committee recommends each public health region coordinate with local stakeholders to test and refine Strategic National Stockpile deployment plans and make sure each has a plan in place that can be used effectively.
- The Health Alert Network should be expanded to include Community Health Centers and Rural Community Hospitals.
- The Texas Department of State Health Services should coordinate all health entities participating in the Health Alert Network to ensure they are using the network's existing infrastructure to its fullest extent in the areas of training, education and communication.
- The committee recommends the Health Alert Network maintain a connection to TSAAC allowing TSAAC to use the network's capabilities to receive and analyze information and alert the general public as quickly as possible when necessary.
- The committee recommends the Legislature support efforts by federal, state and local agencies to ensure Texas drinking water supplies are safe and secure. These efforts include ensuring security measures are in place and the business practices of state agencies involved in the process provide for the utmost protection.

⁸⁴ Ibid.

Agencies For Agrisecurity

Agriculture is the second largest industry in Texas after petroleum with annual cash receipts of more than \$12.6 billion dollars.⁸⁵ The safety, integrity, viability and sustainability of the U.S. food supply are under grave and unappreciated threats.⁸⁶ The State of Texas has taken and continues to take many steps to ensure the security of Texas agriculture.

Texas Animal Health Commission

The livestock industry contributes a significant amount to the wealth and stability of the Texas economy with over 4.7 million head of cattle moving through Texas livestock auctions in 2003.⁸⁷ Cattle production in Texas is a biosecurity risk for several reasons: livestock production inherently increases disease exposure because it requires a substantial amount of cattle movement, the use of feedlots where close quarters can cause quick animal disease transmission, Texas' proximity to Mexico, and agricultural operations being attractive targets to terrorism.⁸⁸

The Texas Animal Health Commission (TAHC) monitors the cattle industry and is responsible for the eradication or control of any disease or agent of transmission for any disease that affects livestock, exotic livestock, domestic animals, domestic fowl, or canines.

As part of the commission's planning for terrorism preparedness in Texas, TAHC recently sent an emergency management plan to DEM requesting the formation of a committee in every county with local individuals designated to handle emergency situations. The state is also participating in a pilot project for a federal animal identification plan to allow for the tracking of large animals either intrastate or interstate.

The agency has been actively involved in situations that arise around the state. The commission responded to the Challenger Shuttle disaster to evaluate and manage potentially affected animals. The agency also has been actively involved in responding to foreign animal diseases (FAD) that may arise such as Avian Influenza and Exotic Newcastle.⁸⁹

Some challenges face the commission in their continued comprehensive effort to protect the state. The point was made at the hearing that funding for agriculture was unavailable in this past year's DHS grant to Texas due to the fact that no request for funding was

⁸⁵ Texas Homeland Strategic Plan - Part II - Goals and Objectives, p. 5.

⁸⁶ Neville Clark, DVM, Institute Director, Texas A&M Institute for Countermeasures Against Agricultural Bioterrorism and National Center for Foreign Animal and Zoonotic Disease Defense, testimony presented to the Senate Infrastructure Development and Security Committee, October 28, 2004.

⁸⁷ Texas Tech Journal of Texas Administrative Law, Volume 5, Summer 2004, Number 2, Averting Disaster: A Critical Analysis of Agrisecurity in the Texas Agricultural industry, p. 257.

⁸⁸ Ibid. p. 259.

⁸⁹ Bob Hillman, DVM, Executive Director, Texas Animal Health Commission, testimony presented to the Senate Infrastructure Development and Security Committee, April 14, 2004

made.⁹⁰ Recently though, TAHC, along with the Texas Department of Agriculture, requested, as part of a supplement to the homeland security strategic plan, \$2.6 million from Homeland Security funds with a primary goal of enhancing the capacity of the State of Texas to rapidly respond to terrorist incidents targeting the agriculture industry.⁹¹ An additional challenge facing the agency is the ability to maintain sufficient full time staff to accomplish all necessary animal disease control and plan and perform long term strategies due to program funding constraints.

Texas Department of Agriculture

The Texas Department of Agriculture's (TDA) primary goal is to provide leadership and policy guidance for conserving and protecting Texas' natural resources (air, water, land, wildlife and mineral resources).⁹² The agency responds to exotic plant pests and other emergencies related to crop production no matter if they are natural or man made.

TDA operates temporary road stations (check points) in cooperation with DPS to deter artificial introduction of pests into Texas during interstate commerce. In 2002 and 2003, TDA contracted with a private company to operate five temporary road stations, each for 72 hours, checking for prohibited and quarantined pests. The stations inspected 116,068 trucks and rejected approximately 14 percent due to violations of Texas quarantines for pests. Based on this data it is estimated that thousands of shipments are entering Texas in violation of quarantine laws.

In cooperation with the U.S. Department of Agriculture, TDA works to suppress, contain, and eradicate exotic diseases when detected. There has been an emergency response plan recently formalized by the department to handle agricultural emergencies in the state. It explains the statutory authority, agency jurisdiction over food supply from farm to table, the role of TDA divisions, and mitigation, preparedness, response and recovery activities.⁹³

In 2003, TDA submitted a grant proposal through TEEEX for \$868,292 to prepare for pest and disease terrorist threats in the state. If approved the grant used for training of first responders from TDA and local agencies to improve efficiency when handling an incident, mapping equipment for pest and disease incidents, and laboratory equipment to quickly and accurately analyze pesticides.⁹⁴

Texas A&M University System Facilities

The Texas A&M University System has facilities directed at reducing the vulnerability and enhancing security for food and agriculture for the entire country. Texas is a leader in the development of new technology used in the war against agricultural bioterrorism,

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Texas Department of Agriculture, Agency Strategic Plan, July 2, 2004.

⁹³ Shishank Nilakhe, State Entomologist, Texas Department of Agriculture, testimony presented to the Senate Infrastructure Development and Security Committee, October 28, 2004.

⁹⁴ Ibid.

using new federal resources and links with institutions in other states to broaden their engagement, especially regarding port and border issues.⁹⁵ While the country benefits from the work conducted at Texas A&M University System facilities, the facilities also provide dual benefits for Texas by reducing both its vulnerability to bioterrorism and the accidental introduction of plant or animal disease. The facilities achieve these benefits by conducting research and development projects that ensure planning, improved surveillance and prevention, intervention during outbreaks of disease, and methods to shorten recovery and quicken the resumption of normal trade.

National Center for Foreign Animal and Zoonotic Disease Defense

The National Center for Foreign Animal and Zoonotic Disease Defense was opened in August 2004, and is designed to have the flexibility and capacity to address a broad array of threats. The center is able to fill gaps in knowledge of foreign and zoonotic diseases thereby heightening the nation's ability to detect, deter and respond to agrisecurity. Furthermore, they are specializing in the clear and present threats to the country, which are foot-and-mouth disease, Rift Valley Fever, Avian Influenza, and Brucellosis. With the experience garnered from researching these diseases, they will be able to rapidly adapt to meet other threats and needs as they arise.

Institute for Countermeasures Against Agricultural Bioterrorism

The mission of the Institute for Countermeasures Against Agricultural Bioterrorism is to provide an organized and expanded science research base, extension, teaching and service programs to prevent and minimize the impact of bioterrorism and contribute to the Governor's Emergency Response Team. A function of the institute is to develop and maintain a coherent framework that identifies and coordinates the activities of the multiple parts of the A&M System and its external partners in areas directly related to agricultural bioterrorism.⁹⁶

Texas Veterinary Medical Diagnostic Laboratories

The Texas Veterinary Medical Diagnostic Laboratories (TVMDL) provide a service to the animal industries of Texas through diagnostic laboratory tests on specimens from live or dead animals, permitting prompt diagnosis so sick animals may be treated, preventative measures established and epizootics prevented.⁹⁷ TVMDL has a major facility in both College Station and Amarillo, Texas, and constructed two Biosafety Level 3 Laboratories at College Station to permit testing of high consequence disease pathogens in a contained, safe environment.

⁹⁵ Neville Clark, DVM, Institute Director, Texas A&M Institute for Countermeasures Against Agricultural Bioterrorism and National Center for Foreign Animal and Zoonotic Disease Defense, testimony presented to the Senate Infrastructure Development and Security Committee, October 28, 2004.

⁹⁶ Ibid.

⁹⁷ Texas Veterinary Medical Diagnostic Lab, <http://tvmdlweb.tamu.edu/>, September 15, 2004.

TVMDL-College Station is one of five state animal disease diagnostic laboratories in the nation selected by the U.S. Department of Agriculture as part of a National Network for Animal Disease Detection. The network provides early high consequence and/or foreign animal disease surveillance, detection and eradication.

Findings

- Extensive work has been done to protect the state against threats to agriculture, both man-made and naturally occurring.
- The high rejection rate at the Texas Department of Agriculture's temporary road stations indicates the need for permanent road stations. This station was built to detect the artificial introduction of pest and disease by plants brought to Texas.

Recommendations

- The committee recommends the Governor's Office of Homeland Security establish procedures to ensure infrastructure protection grants for the states' agriculture industry are closely coordinated to support the state and national strategic plans. The procedure should further ensure close coordination with the Texas Animal Health Commission, the Texas Department of Agriculture and the U.S. Department of Homeland Security designated Center for Excellence for Foreign Animal and Zoonotic Disease Defense located at Texas A&M University to update the state plan for agricultural biosecurity, develop and use a common communication framework, before, during, and after events, and link the research agenda to the needs of emergency responders.
- The committee recommends TDA establish permanent road stations to alleviate artificial introduction of damaging pests into Texas.

Federal Programs Taking Place In The State

Highway Watch

The Highway Watch program utilizes the skills, experiences and "road smarts" of America's transportation workers to help protect critical infrastructure and transportation of goods, services and people.⁹⁸ The mission of the program is to provide well trained and experienced transportation professionals who collectively detect, assess, report, process, analyze, and respond to items or incidents which might pose a threat.⁹⁹ Participants in the program attend comprehensive training sessions on general highway safety, proper emergency reporting, and anti-terrorism information.

There are approximately 400,000 participants in the program who are mainly volunteer private transportation infrastructure workers, commercial and public truck drivers, and other highway sector professionals. Transportation professionals who participate now

⁹⁸ Highway Watch Information, American Trucking Association, provided by the Texas Motor Transportation Association.

⁹⁹ Ibid.

have the ability to contact a call center known as the Highway Information Sharing and Analysis Center (Highway ISAC) set up as an analytical and communications focal point for their reporting.

Ready Campaign

The Ready Campaign is a national public service campaign designed to educate citizens about the threats we face and the importance of family emergency planning.

The Ready Business Campaign was launched on September 23, 2004, to raise the business community's awareness of the need for emergency planning and motivate businesses to take action. It encourages business owners and managers to plan to stay in business, talk to their employees and protect their investment.¹⁰⁰

U.S. Homeland Security Director Tom Ridge stressed the importance of this issue when stating, "we cannot secure the homeland without the cooperation – in fact, the complete commitment – of the private sector, and that means everyone from small businesses to large corporations."¹⁰¹

The Ready Kids Campaign should be launched in the near future. For more information on the Ready Business and Ready Kids campaigns, go to www.ready.gov.

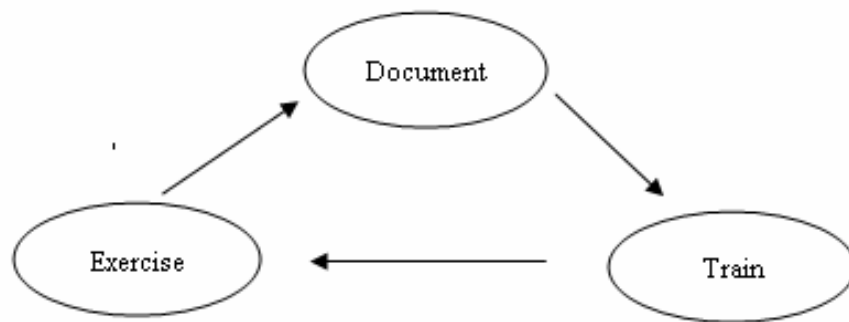
Planning, Training And Exercising

Planning, training and exercising are all critical components of the process for making Texas a safer place for all Texans to live. Plans have been drawn up, exercises run, and training completed by all levels of government from an all-hazards approach. Local areas, regional areas, and the state as a whole all have their own planning, training and exercising taking place.

¹⁰⁰ Department of Homeland Security, <http://www.dhs.gov/dhspublic/display?theme=43&content=4034>, October 1, 2004.

¹⁰¹ Department of Homeland Security, <http://www.dhs.gov/dhspublic/display?content=4049>, October 5, 2004.

To be most effective, plans must be updated and enhanced according to the following continuous process:



- *Document*: Clearly define all processes and procedures involved in responding to and/or recovering from an emergency event.
- *Train*: Educate all persons who are to play a role in the documented emergency plan.
- *Exercise*: Test to be sure that all essential equipment operates correctly and that all participants carry out their functions efficiently and effectively. Any lessons learned from the exercises are to be documented in the plan, thereby continuing the cycle of improvement.¹⁰²

Division of Emergency Management

The Division of Emergency Management is required by law to prepare and keep current a comprehensive emergency management plan describing how the state will mitigate against, prepare for, respond to, and recover from the impact of hazards to public health and safety, including natural disasters, technological accidents, homeland security threats, and other emergency threats.¹⁰³ The plan addresses coordination between state and local officials with respect to credible threats and the effective integration of state support when local officials request state assistance for local emergency operations.¹⁰⁴ For a detailed analysis of training excises see Appendix B.

¹⁰² Ibid.

¹⁰³ Section 418.042, Texas Government Code.

¹⁰⁴ Texas Homeland Security Strategic Plan, Part III, State of Texas Emergency Management Plan, p. 3.

Local Areas

The 24 regional councils of government around the state are tracking what local plans are being put into place:

Local Emergency Management Plans and Annexes	
Targeted Jurisdictions:	766
Jurisdictions with Plans in Progress:	364
Jurisdictions with Completed Plans:	411
Total:	775
Percentage of State Population Covered by a Basic Plan:	70%

¹⁰⁵

Department of State Health Services

Public health departments at the state, regional, and local levels have developed flexible plans that support response to incidents of bioterrorism, catastrophic infectious diseases, such as pandemic influenza, other infectious disease outbreaks, and public health threats and emergencies.¹⁰⁶ The planning is quite extensive and includes:

- 50 local health departments have bioterrorism response plans,
- all eight of the public health regions' bioterrorism response plans, and
- all eight public health regions also have smallpox vaccination and disease tracking response plans.¹⁰⁷

DSHS has bioterrorism trainers in all eight public health regions who assess the competency level of the regional workforce for emergency preparedness and bioterrorism readiness. They develop, implement and evaluate workforce training plans to assure the workforce has bioterrorism and preparedness competencies needed for an effective response.¹⁰⁸ For a detailed analysis of completed exercises see Appendix C.

Texas Public Schools

Emergency management planning is important to the safety and well-being of all children who attend Texas schools. National Education Secretary Rod Paige stated recently, "As a former superintendent of the nation's seventh largest school district, I know the importance of emergency planning; the midst of a crisis is not the time to start figuring out who ought to do what. At that moment, everyone involved-from top to bottom-should know the drill and know each other."¹⁰⁹

¹⁰⁵ Ibid.

¹⁰⁶ John Burlinson, Public Health Preparedness Coordinator, Texas Department of State Health Services, Community Preparedness Section, Public Health Preparedness Planning.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ U.S. Department of Education, <http://www.ed.gov/news/pressreleases/2003/03/03072003.html>, June 14, 2004.

While schools strive to offer safe, secure environments in which children can learn and develop, violent incidents and threats to security remain a constant presence.¹¹⁰ When an emergency happens at a school, having advanced plans in place can ensure a smoother response than a school that has no pre-formulated plan. An advanced plan can minimize chaos, rumors and the psychological impact of an event on students and the community.¹¹¹ According to Judy Renick, former director of the Texas School Safety Center in San Marcos, all schools should have a crisis management plan and have in writing what they should do in the event of a terrorist attack, an intruder, or a hostage situation.¹¹²

Findings

- Substantial amounts of training and exercise have been taking place all over the state to ensure Texas maintains the highest ability to deter, deter, and respond to all types of terrorism.
- The U.S. Department of Homeland Security has implemented many new programs and work is being done to fully implement them in the state.

Recommendations

- The Legislature should require the Governor's Division of Emergency Management, the Governor's Office of Homeland Security and the Texas Engineering Extension Service to work together to ensure training and exercise programs occurring within the State of Texas include necessary entities and resources to effectively coordinate local, state and federal plans and expenditure of funds.
- The committee recommends the Legislature pass legislation to require all public schools in Texas perform at least one emergency preparedness drill every Fall and Spring semester. Public schools shall maintain records of completion of emergency preparedness drills in the same fashion as records for fire drills.

¹¹⁰ Texas Department of Public Safety, Jane's School Safety Handbook, p. 3.

¹¹¹ Ibid.

¹¹² Toya Lynn Stewart, Worst-case scenario handbook adapted for use by educators, Dallas Morning News, February 17, 2003.

Charge #8: Interoperability

Legislative Background

The 76th Legislature included rider language in the General Appropriations Act stating funds for radio conversion could be expended by the Texas General Land Office (GLO), the Texas Parks and Wildlife Department (TP&W) and the Texas Department of Transportation (TxDOT) only if there was a plan developed for them to meet FCC regulations and for compatibility with federal and state communications systems.¹¹³ The plan was then to be approved by a new task force called the Statewide Radio System Task Force. This legislation resulted in the formation of a task force to study interoperability needs of the state and make recommendations to the 77th Legislature.

The 77th Legislature passed a budget rider requiring the Texas Department of Public Safety (DPS) and Texas Parks and Wildlife to achieve 50 percent interoperability between their radio systems by January 15, 2002 and 85 percent interoperability by January 15, 2003.¹¹⁴ Rider language also authorized DPS to create the Interoperability Radio Working Group (IRWG), a radio engineering team to coordinate radio issues between the DPS and other state and local governmental agencies regarding frequency exchanges, support for frequency installation, consolidation of dispatch services, improvement of radio coverage, and possible consolidation of radio towers.

H.B. 2650, 78th Legislature, Regular Session, created the Public Safety Radio Communications Council (PSRCC) to oversee the development of a statewide interoperable communications system for state agencies and other public safety entities. The PSRCC was charged with the following:

- researching and identifying the equipment necessary to facilitate interoperability within and between local, state and federal agencies, and
- advising the following agencies regarding the purchase of infrastructure equipment and the development of specific agreements for interoperability: State Fireman's and Fire Marshals' Association of Texas, Texas Police Chiefs Association, Texas Fire Chiefs Association, Texas Association of Counties, and Texas Municipal League.¹¹⁵

The PSRCC consists of DPS, Texas Department of Transportation, Texas Department of Criminal Justice, Texas Parks & Wildlife Department, Texas Forest Service, Texas Youth Commission, Texas Alcoholic Beverage Commission, and the Sheriffs' Association of Texas. The council was required to report their findings to the Legislature no later than September 1, 2004, on the steps necessary and projected cost for implementation and maintenance of a statewide interoperable wireless communications system.

¹¹³ General Appropriations Act, 76th Legislature, General Limitations on Expenditures, p. IX-62.

¹¹⁴ General Appropriations Act, 77th Legislature, Department of Public Safety p. V-54, and Parks and Wildlife Department, p. VI-36.

¹¹⁵ Chapter 1293, Acts of 78 Legislature, Regular Session.

What is Interoperability

The U.S. General Accountability Office (GAO) has stated that no one group or level of government can fix the nation's interoperable communications, success requires: effective, collaborative, interdisciplinary, and intergovernmental planning.¹¹⁶

The federal Public Safety Wireless Network Consortium (PSWN) describes interoperability as, "the ability of public safety personnel to communicate by radio with staff from other agencies, on demand and in real time."¹¹⁷ This communication is categorized into three areas:

- day-to-day: involving coordination for routine public safety operations;
- mutual aid: involving a joint response by agencies to large accidents or disasters and requiring tactical communications between numerous groups of public safety personnel; and
- task force: involves local, state and federal agencies over an extended period of time to address a public safety problem.

Achieving interoperability poses challenges to local, state and federal agencies. The current situation consists of different agencies working on disparate systems in a multitude of configurations.¹¹⁸

Five key issues play a role in why public safety agencies are unable to communicate: incompatible and aging communications equipment, limited and fragmented funding, limited and fragmented planning, lack of coordination and cooperation, and fragmented radio spectrum.¹¹⁹

"The governance issues are the toughest," said David Boyd, director of the U.S. Department of Homeland Security's interoperability program. "The question is how to create a process to give an incentive" for change.¹²⁰ The regions around the state are receiving money for interoperability and purchasing systems they feel provide the best communications ability for their area. This does not transcend over to the best ability for them to communicate with the rest of the state.

The National Task Force on Interoperability poses an analogy to explain the lack of ability for different agencies to communicate:

"Imagine each local government designed and constructed their own streets, roads, and transportation systems without considering

¹¹⁶ Homeland Security, Federal Leadership and Intergovernmental Cooperation Required to Achieve First Responder Interoperable Communications, Government Accountability Office, GAO-04-740, July 2004.

¹¹⁷ Safecom Program, http://www.safecomprogram.gov/policy_issues.cfm#interop, October 19, 2004.

¹¹⁸ Report to the Legislature, Public Safety Radio Communications Council, September 1, 2004.

¹¹⁹ Charles Stephenson, National Institute of Justice, testimony presented to the Senate Infrastructure Development and Security Committee, April 13, 2004.

¹²⁰ The Ohio State University's Program for International and Homeland Security, <http://homelandsecurity.osu.edu/focusareas/emergencyprep.html>, August 10, 2004.

or coordinating with their neighbors. While this might work well for traveling within each jurisdiction, travel among jurisdictions would be a disaster. Streets would not line up, and travel from city to city would be nearly a disaster."¹²¹

Interoperability Stages and Technology

Stages of Interoperability

The solutions and associated recommendations for bringing interoperable communications to the state are categorized into three stages: immediate solutions, intermediate solutions and long term solutions.

- Immediate solutions: can be applied in a short time frame and are, in a general sense, likely to be the least expensive on a per agency basis.
- Intermediate solutions: can be more technically complex and may require the expenditure of more funds.
- Long term solutions: look to the future, which is somewhat clouded by regulatory and technical complexities.¹²²

Interoperability Solutions

According to the National Institute of Justice, a federal program which makes information available to public safety agencies working to raise the awareness of communication interoperability issues, there are four main solutions to bring communications interoperability to the state: multiple subscriber units, shared channels, interconnects, and standards-based systems.¹²³

Multiple Subscriber Units (cache of radios)

Use of multiple subscriber units requires having a significant amount of compatible radios waiting to be deployed to individuals responding to an incident. The on-scene distribution of radios allows for immediate interoperability, solving the incompatible radio system problem, and is the least expensive of the solutions. The disadvantages of the solution are the training involved to use the different types of radios and the amount of time it takes to deploy.

¹²¹ Charles Stephenson, National Institute of Justice, testimony presented to the Senate Infrastructure Development and Security Committee, April 13, 2004.

¹²² RCC Consultants, Capital Area Planning Council, Region Wide Interoperability Assessment, Executive Summary, p. 10.

¹²³ Charles Stephenson, National Institute of Justice, testimony presented to the Senate Infrastructure Development and Security Committee, April 13, 2004.

Shared Channels

Using shared channels is the coordination by multiple agencies to use a dedicated channel or channels for communication during an incident. Benefits associated with this solution are it allows immediate interoperability at a low cost and minimizes confusion, but is band specific and limited to participating agencies. This solution has been chosen by the members of the PSRCC to provide interoperable communications for the state agencies.

Interconnects

Interconnects use communications equipment for the ability to connect different radio frequencies together in order to communicate. Patching is an interconnect that is a relatively easy solution to implement, but there can be delays in establishing connection during emergencies. Crossband repeaters are also interconnects bringing different frequencies onto a common channel to communicate, but implementing this solution requires multiple crossband repeaters for implementation, is limited to the coverage area of the repeater, and can have channel overloading if a large number of individuals are trying to communicate. Networked trunked systems also are interconnects that provide wide area communication, but can be costly requiring complex networks.

Standards Based System

A standards based system is having a certain set of standards for all communications equipment purchased and used so all users are communicating on a similar system. Project 25 is a standards based system that works to eliminate proprietary radio issues, but is band specific, with limited number of manufacturers, and costs can be significant. Voice over internet protocol (VoIP) is also a standards based system providing faster, more efficient, and more secure data communication, although there is no current standard for a system such as this.

Federal Government Actions for Interoperability

Recommendations by the U.S. Government Accountability Office to the U.S. Department of Homeland Security (DHS) and the federal Office of Management and Budget (OMB) to improve interoperable communications include encouraging states to establish a single comprehensive statewide interoperability plan for federal, state and local communications systems in frequency bands.¹²⁴

The U.S. Department of Homeland Security announced on October 1, 2004, the opening of the Office of Interoperability and Compatibility (OIC) with the intent to strengthen the national partnership of local, state and federal leadership to achieve emergency response interoperability. The new office will allow federal government efforts already underway to have more ability to achieve interoperability and ensure better coordination and accountability for federal government activities relating to research and development, testing and evaluation, standards, technical assistance, training, and grant funding for

¹²⁴ Ibid., p. 6.

interoperability. The new office will expand interoperability efforts to areas of need, including equipment and training, and provide authority and accountability.¹²⁵ DHS is also distributing communications interoperability improvement tools - an “Interoperability Continuum” guide, and Statewide Communications Interoperability Planning methodology - to leaders in all fifty states and fifty high-threat urban areas.¹²⁶ DHS is conducting a nationwide assessment of communications capabilities among public safety agencies to help the United States plan for the future and continually monitor the progress against specific benchmarks.

Within the OIC, DHS created the SafeCom program, providing long-term technical assistance to federal, state, tribal, and local programs that build and operate radio systems. Additionally, DHS created the RapidCom program to focus on the immediate development of incident-response interoperable emergency communications in high-threat urban areas.

The SafeCom program released the first national Statement of Requirements (SoR) for Wireless Public Safety Communications and Interoperability. For the first time, the country’s 50,000 public safety agencies have a document that defines future interoperability requirements for crucial voice and data communications in day-to-day, task force, and mutual aid operations.¹²⁷

RapidCom is working to ensure high-threat urban areas have incident-level, interoperable emergency communications equipment in the near future. The program will establish communications interoperability in these urban areas for an incident area approximately the size of the attacks on the World Trade Center towers on September 11, 2001. At the incident area, all emergency personnel from various regional jurisdictions will be able to communicate using existing equipment that is made interoperable by a patch-panel device, interconnecting various models of equipment that would otherwise not be compatible.¹²⁸

Projects for Statewide Interoperability in Texas

Public Safety Radio Communications Council

According to the PSRCC report issued September 2004, there has been no homeland security money received to design, implement or maintain a statewide, integrated public safety communications system.¹²⁹ The council submitted two grant requests to the Office for Domestic Preparedness (ODP), although neither of them were approved. The first request was for the ability to install and evaluate equipment to demonstrate potential

¹²⁵ <http://www.dhs.gov/dhspublic/display?content=4044>, September 24, 2004.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Department of Homeland Security, <http://www.dhs.gov/dhspublic/display?theme=43&content=3988>, August 26, 2004.

¹²⁹ Ibid., p. 6.

interoperability solutions and the second was to evaluate emerging technologies for interoperable communications.

Sheriffs' Association of Texas

The Sheriffs' Association of Texas assisted the Middle Rio Grande Council of Governments in obtaining a \$1.978 million congressional earmark from the National Institute of Justice. The grant was awarded in August, 2004, to Texas counties along the Mexican border to purchase, install and maintain equipment that will interconnect federal, state and local public safety agencies.¹³⁰

Interoperability Taking Place in Other States

Iowa

Iowa Governor Tom Vilsack stated Iowa needs a long-term communications plan in order to replace what was found to be aging and incompatible equipment and secure federal homeland security funds.

Iowa recently created a homeland security communications interoperability task force whose members will be named in the near future. The task force is expected to make recommendations within 120 days after it is formed. Voice over IP is currently being used as a short term solution, but the task force intends to come up with a long term solution that can provide interoperability easily and efficiently. The task force will travel to Kansas City to gain knowledge and recommendations for a new system.¹³¹

New York

New York has contracted with Ma/Com to implement long term interoperability. There will reportedly be a cost of around \$1.2 billion, but final negotiations are not complete. A fee assessed on cell phone bills issued in the State of New York will pay for the cost of implementing the system.

Virginia

Virginia has recently announced an award of \$329 million contract to design, construct, and implement a statewide multi-agency communications system. This system is going to allow for the highest level of communication among local, state, and federal agencies across the state.¹³²

¹³⁰ Ibid. P. 6.

¹³¹ Sioux City Journal, Task force to address communications problems, Jesse Cleays, Journal Staff Writer, May 19, 2004.

¹³² Ibid.

DHS has partnered with Virginia to develop a statewide interoperability plan, which will be done with practitioner-driven methodology. The methodology used to develop this plan will serve as a model that can be replicated by other states and regions across the country.¹³³

Status of Interoperability Around the State

General Status

In September 2004, the PSRCC issued a report as required by the Legislature on the status of and a plan for interoperability in the state. According to the PSRCC report, regional approaches will work for small and even medium scale incidents involving multiple local responders; but without appropriate state level involvement, these locally based solutions may not integrate well with state and/or federal agencies that would be active participants in larger incidents such as a forest fire or a hurricane.¹³⁴

The ultimate goal of the PSRCC is to establish a seamless, coordinated wireless voice and data system across local, state, and federal public safety jurisdictions to enhance safety mission requirements and maximize information sharing. The final interoperable solution should also be scalable, adaptable, and based on an open architecture to allow for the inclusion of all public safety users on a statewide radio network.¹³⁵

Across Texas there are 881 local and county public safety agencies that have either one, or a combination of, frequency capabilities that involve VHF, UHF, 800 MHz and/or 900 MHz. The approximate percentage of agencies using the different systems is as follows:

- 46 percent of the agencies have VHF capabilities,
- 31 percent of the agencies have UHF capabilities,
- 22 percent of the agencies have 800 MHz capabilities, and
- 1 percent of the agencies have 900 MHz capabilities.

There are 17 state agencies in Texas with frequency capabilities as follows: 13 with VHF, 1 with UHF, 1 with HF, 1 with 800 MHz, and 1 with 900 MHz.¹³⁶

The Texas Engineering Extension Service (TEEX) has stated that \$34.45 million in federal funds have been received for interoperability in local jurisdictions across Texas from the 2002, 2003, and 2003 supplemental grants by DHS. This is 38.27 percent of the total amount of Homeland Security funds requested. There is more money coming from DHS to local jurisdictions for communications and interoperability than any other area of homeland security funding. The amount of funding going toward interoperable

¹³³ Department of Homeland Security, <http://www.dhs.gov/dhspublic/display?content=4045>, October 5, 2004.

¹³⁴ *Ibid.* p. 6.

¹³⁵ *Ibid.* p. 6.

¹³⁶ *Ibid.*

communications out of the total amount of funds requested is presented in a pie chart titled, "Percentage of Total Value of Requested Equipment by Equipment Category" in the section of this report pertaining to Charge 6.

During a hearing of the House Government Reform Subcommittee on Technology, Information, Policy, Intergovernmental Relations and the Census, William Jenkins Jr., director of homeland security and justice issues, Government Accountability Office, stated, "The fragmented federal grant structure for first responders does not support statewide interoperability planning, federal grants that support interoperability have different requirements to tie funding to interoperable communications plans."

Regional Level

The Texas Association of Regional Councils has supplied the Senate Infrastructure Development and Security Committee with a survey they conducted on the level of interoperability of all the councils of government throughout Texas. Federal funding for homeland security has been distributed through the COGs to the local areas as they requested funds for homeland security. See Appendix D for a detailed analysis of the COGs' implementation of interoperable communications.

To date, the State of Texas has been implementing interoperability on a regional level as money is passed down from the federal government. Local councils of government are leading the issue in many areas of the state in isolation of other COGs and the state.

Findings

- Local councils of government are driving interoperability in isolation of one another based on flow of federal homeland security dollars.
- There are a multitude of communications systems in use by federal, state, and local agencies within the state.
- Federal, state and local agencies have a limited ability to communicate for several reasons including different frequency bands, incompatible vendor equipment, or simple lack of coordination.
- TEEEX has the expertise and experience to assist the State of Texas in solving the interoperability problems among local, state and federal public safety entities.

Recommendations

- The committee recommends the Legislature disband the Public Safety Radio Communications Council and require the Governor's Office of Homeland Security to ensure the interoperability of public safety radio communications in Texas. The legislation should include a higher level of responsibility for ensuring interoperability among first responders in the State of Texas. Specifically, the Governor's Office of Homeland Security shall be responsible for overseeing the implementation of an interoperable communications system by the different regions in the state. This includes creating a statewide level of standards for the

regions to follow allowing state agencies to become interoperable with them. Also, legislation should require a plan and time frame for meeting the long term goal connecting all regions within the state together to create a statewide interoperable system.

- The committee recommends the State Administering Agency specifically report to the Governor's Office of Homeland Security all funds spent in the state by local entities for interoperability infrastructure and radio equipment. The report should include the types and amount of infrastructure and equipment purchased.
- The committee recommends the Governor's Office of Homeland Security continue to assist local jurisdictions in obtaining federal homeland security grants for radio interoperability.
- The Governor's Office of Homeland Security shall consult with TEEX in order to bring the most effective short term and long term interoperable solutions to Texas.

Charge #9: Matricula Consular Card

Background

The issuance of Consular Identification cards was originally recognized under the authority of the Vienna Convention on Consular Relations of 1870. Citizens living on foreign soil are often encouraged to register with their embassy or consulate so they can receive consular services, be notified if necessary, or be located by relatives and authorities. The United States government currently promotes their citizens living in foreign countries to register at United States embassies.¹³⁷

The matricula consular card is a form of identification issued by the Mexican Government through its Consular offices to Mexican Nationals living abroad. The document proves only that the bearer is of Mexican Nationality and is living outside of Mexico. Issuance of the cards by the Mexican Consulate has occurred since 1871, but only in Texas since 2001.¹³⁸

There are 47 Mexican Consular offices in the United States. There are ten Mexican Consular Offices in Texas alone: Austin, San Antonio, Dallas, Houston, El Paso, McAllen, Del Rio, Brownsville, Eagle Pass and Laredo.¹³⁹

Before September 11, 2001, there were over one million matricula consular cards in circulation. Since that time there has been an increase in the amount issued due to identity documents becoming more necessary for daily activities with the increased threat level. In the past two years, the Mexican Foreign Ministry has issued over two million cards.¹⁴⁰ The Mexican Consular office in San Antonio estimates that it issues approximately 13,000 cards a year.¹⁴¹

Argentina has too issued consular identification cards to approximately 180,000 Argentineans presently living in California.¹⁴² Other countries have also seen the potential to issue a similar card. El Salvador, Guatemala, Honduras, Nicaragua, Peru and Poland are aware of Mexico's success in getting their consular identification card accepted in the United States.¹⁴³

¹³⁷ Congressional Research Service, The Library of Congress, Consular Identification Cards: Domestic and Foreign Policy Implications, the Mexican Case, and Related Information, September 30, 2003, p.1.

¹³⁸ Pat Patterson, Special Agent in Charge, San Antonio Federal Bureau of Investigation, testimony presented to the Senate Infrastructure Development and Security Committee, April 13, 2004.

¹³⁹ Ibid.

¹⁴⁰ Steve McCraw, former Assistant Director, Federal Bureau of Investigation, testimony on Consular ID Cards presented to the House Judiciary Subcommittee on Immigration, Border Security, and Claims, June 2, 2003.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Ibid.

Legislative Background

State

The Texas Legislature has passed legislation pertaining to the use of the Mexican Consulate ID card. S.B. 965 (78R) authored by Senator Averitt relates to certain transactions involving a pawnbroker. The bill allows a person who is pawning an item to use the matricula consular as identification in the transaction. Other forms of acceptable identification include a state driver's license, state identification card, passport, or military identification.

Legislation introduced but not passed during the 77th and 78th legislative sessions would have required DPS to accept consular identification cards issued by any foreign consulate. The legislation would have created a significant security concern, not only for Texas but also for the United States.¹⁴⁴

Federal

The White House Homeland Security Council is currently chairing an interagency working group charged with developing recommendations for federal policy on acceptance of all consular identification cards as well as providing guidance to state and local governmental agencies on acceptance. The council is also specifically examining the use of counterfeit and fraudulent Mexican Consular identification cards.¹⁴⁵

The 9/11 Commission members testified during a congressional hearing that the federal government should set standards for states to issue birth certificates and drivers' licenses to make it harder for terrorists to create fake identities.¹⁴⁶

The 9/11 Commission's Report made recommendations for making the United States more secure. One of their recommendations involves the issuance of secure identification cards beginning in the U.S. and the federal government setting standards for the issuance of birth certificates and sources of identification, such as driver's licenses. The recommendation goes on to state fraud in identification documents is no longer just a problem of theft; sources of identification used at many entry points to vulnerable facilities are the last opportunity to ensure that people are who they say they are and to check whether they have ties to terrorism.¹⁴⁷

Federal legislation, H.R. 10, prescribes precisely what standards must be met by states regarding driver's licenses and birth certificates, what data systems must be in place to maintain and share information, what verification systems must be established and what technological safeguards must be deployed. This legislation requires states to implement the changes within three years or there will be an invalidation of state drivers' licenses

¹⁴⁴ Frank Elder, Division Chief, Department of Public Safety, testimony presented to the Senate Infrastructure Development and Security Committee, April 13, 2004.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ 9/11 Commission Report, p. 390.

and personal identification cards for federal purposes.¹⁴⁸

The American Legislative Exchange Council (ALEC) passed model legislation providing greater security in issuing state driver's licenses and identification by raising the verification standards for originating documents. This model legislation would specifically make illegal the use of foreign consulate cards as a primary form of identification and/or proof of residence.¹⁴⁹

Acceptance of Consular Identification Cards throughout the U.S.

The U.S. State Department currently expresses a tolerant view of acceptance of consular identification cards, but they have taken no formal position. Twenty-four states accept consular identification cards as valid identification for issuance of driver's licenses: Alaska, Arizona, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Louisiana, Michigan, Montana, Nevada, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Virginia, Washington, West Virginia, and Wisconsin.¹⁵⁰

The Mexican Embassy states that 363 cities and 153 counties recognize a consular identification card as of 2004.¹⁵¹ New York officially rejects the cards and Colorado passed legislation banning the acceptance of such forms of ID.¹⁵² There are 801 law enforcement agencies that accept the matricula consular card as a valid form of identification across the United States.¹⁵³

Acceptance of the Matricula Consular Card in Texas

Local sheriff or police departments may decide whether or not they will accept the card as a form of identification. The Texas Police Chief's Association (TPCA) states the matricula consular card may be a good identification card, although it does not guarantee the person on the card is actually who he or she says they are.¹⁵⁴ The card currently in use has been through a redesign process and contains many anti-forging features, but the matricula consular card is not seen by the association as secure because of problems associated with the so-called "breeder" documents that a person may use to obtain the card. Breeder documents are the pieces of identification an individual can use in order to obtain a different piece of identification.¹⁵⁵

The Austin Police Department acknowledges the matricula consular card as a valid form

¹⁴⁸ U.S. House of Representatives, <http://thomas.loc.gov/cgi-bin/query>, October 18, 2004.

¹⁴⁹ Trade and Transportation Task Force, American Legislative Exchange Council, Homeland Security Working Group, July 30, 2004.

¹⁵⁰ Ibid.

¹⁵¹ Consular Identification Cards, Government Accountability Office, GAO-04-881.

¹⁵² Ibid.

¹⁵³ Javier Alejo, General Counsel, Consulate General of Mexico, testimony presented to the Senate Infrastructure Development and Security Committee, April 13, 2004.

¹⁵⁴ Larry Zacharias, Chief, Richardson Police Department, Texas Police Chiefs Association, testimony presented to the Senate Infrastructure Development and Security Committee, April 13, 2004.

¹⁵⁵ Ibid.

of identification. The Austin City Council passed a resolution on May 23, 2002, officially documenting the acceptance of the card by the city. Since then the Mexican Consulate in Austin has increased its issuance of the matricula consular card, which the department saw as great news due to people using them to open bank accounts, thus reducing the growing problem of robberies against immigrants. Patrol officers are beginning to see immigrants producing the matricula consular cards as identification, where before no form of identification was provided.¹⁵⁶ This ability keeps police from hauling immigrants to the police station and finger printing them in order to try and find out who they are.

Services the Card Provides

Though the card does not grant legal status, it does make it easier for immigrants to move with more freedom within the United States. Mexican Immigration and Customs officials require the matricula consular card to allow Mexican Nationals to reenter Mexico. In addition it allows for Mexican Nationals to gain access to basic civil services such as public utilities and phone service, open bank accounts, board airplanes, identify themselves to police or enter some buildings that require identification.

Applying for the Matricula Consular Card

In order to obtain a card, applicants must appear in person at a consular office or other location consulate officials set up to issue the cards. The applicants applying for the card must have the following documentation:

- at least one form of identification from this list: a certified copy of their passport; an expired matricula consular identification card; or a certificate of Mexican nationality;
- at least one of the following: a Mexican driver's license; a state identification card; a resident certificate/card; or a voter card; and
- the country where they are currently living and provide proof of residency through a telephone, utility, or cable bill, in addition to listing their permanent Mexican address.

The document expires five years after it is issued. There are 48 Mexican Consulates in the U.S. issuing matricula consular cards for 26 to 29 dollars each.¹⁵⁷

Security Features

The cards issued before September 11, 2001, contained no security features but remain valid until they expire, five years after issuance. After 9/11 the Mexican Government looked at changing the cards to make them harder to duplicate (such as printing them on

¹⁵⁶ Rudy Landeros, Assistant Chief, Austin Police Department, testimony presented to the Senate Infrastructure Development and Security Committee, April 13, 2004.

¹⁵⁷ Mexican Matricula Identification Cards, Kathy Jones, Legislative Research Commission, Commonwealth of Kentucky, July 24, 2003.

patterned green security paper, adding an advantage seal that is superimposed over the bearer's photograph, and including features visible only under florescent light). Also included on the new cards are the bearer's U.S. address and the telephone number of the local consulate. The Mexican government began issuing these cards, which they call "high security consular cards," in March, 2002.¹⁵⁸

Banking Acceptance

The Texas Bankers Association states the matricula consular card has been accepted by most large banks in Texas including Wells Fargo and Bank One. Many interstate banks and the larger banks in the Rio Grande Valley like the International Bank of Commerce and Laredo National Bank. The card is also recognized by more than 700 banks throughout the United States.

The U.S. Patriot Act allows the banks in Texas to accept the matricula consular card as a form of identification for opening bank accounts. The U.S. Treasury Department has implemented procedures for banks to follow in conjunction with the requirements of the Act:

- banks establish account opening procedures
- verify customer identity information,
- compare the identity information with government terrorist lists,
- notify customers of the customer identification program; and
- retain records related to the account opening process.

In September 2003, the U.S. Treasury Department reaffirmed its ruling permitting financial institutions to accept the matricula consular card.

Texas State Bank, like many banks throughout Texas, is allowing individuals to open bank accounts such as checking accounts, savings accounts, certificates of deposit, and credit card accounts. Normal banking transactions are met with the same scrutiny no matter what type of identification is used to open the account.¹⁵⁹

It has been estimated that in 2002, 54 percent of Mexican Nationals living in the United States (either legally or illegally) lacked a bank account. The same group sent over \$9 billion dollars back to Mexico through wire services with \$30 billion in fees for this service.¹⁶⁰ The ability for these individuals to have banking access allows banks to have a greater ability to track the money and more accountability for the fees associated with having their money in private banks.

The City of Austin Police Department has conducted a public outreach program to encourage Mexican Nationals living in Austin to use the matricula consular card to open a bank account. According to the Austin Police Department, robberies were being

¹⁵⁸ Ibid.

¹⁵⁹ Paul S. Moxley, President, Texas State Bank, letter sent to Senator Staples, May 26, 2004.

¹⁶⁰ Ibid.

committed against Mexican Nationals who usually carried large amounts of cash on them because they had no secure place to put their money.¹⁶¹ Use of the matricula consular card to open bank accounts and deposit money would combat the high number of robberies against Mexican Nationals.

Security and Verifiability

Steve McCraw, former Assistant Director of the Office of Intelligence for the Federal Bureau of Investigation stated, “In addition to being vulnerable to fraud, the matricula consular is also vulnerable to forgery. There have been several generations of the card; and even the newest version can be easily replicated, despite its security features. It is our estimate that 90 percent of matricula consular cards now in circulation are earlier versions of the card, which are little more than laminated cards without any security features.”¹⁶²

Mr. McCraw also stated, “As a result of the extensive efforts to promote the use of the matricula consular card, a number of other foreign consulates are considering their own consular identification card.” These countries include El Salvador, Guatemala, Honduras, Nicaragua, Peru and Poland. Argentina has issued a consular identification card to approximately 180,000 Argentineans presently residing in California.¹⁶³

“The ability of foreign nationals to use the matricula consular card to create a well-documented, but fictitious, identity in the United States provides an opportunity for terrorists to move freely within the United States without name-based watch lists that are disseminated to local police officers. It also allows them to board planes without revealing their true identities.”¹⁶⁴

DPS Requirements for Obtaining a Texas Driver’s License

A driver’s license document issued by Texas DPS or any other state jurisdiction has evolved into the universally accepted proof of an individual’s identity in the United States.¹⁶⁵ Texas is the third highest state in the amount drivers licenses issued per year within the country.¹⁶⁶

With respect to the acceptance of the matricula consular card, the Texas Department of Public Safety has concerns about the acceptance of documents that cannot provide for accurate verification of identity and be verified to their source compromises public

¹⁶¹ Rudy Landeros, Assistant Chief, Austin Police Department, testimony presented to the Senate Infrastructure Development and Security Committee, April 13, 2004.

¹⁶² Steve McCraw, former Assistant Director, Federal Bureau of Investigation, testimony on Consular ID Cards presented to the U.S. House Judiciary Subcommittee on Immigration, Border Security and Claims, June 2, 2003.

¹⁶³ Ibid.

¹⁶⁴ ¿Quienes Son? No Sabemos, The Lone Star Report, James A. Cooley, April 21, 2004.

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

safety.¹⁶⁷ DPS in Texas has adopted certain identification requirements for the issuance of a Texas driver's license or identification certificate. There are three categories of documents that may be presented to establish proof of identity for obtaining a driver's license.

Every original applicant must present:

one piece of primary identification;
one piece of secondary identification plus two pieces of supporting identification; or
two pieces of secondary identification.

Primary Identification:

Texas Driver license;
Passport; or
U.S. military ID card.

Secondary Identification:

birth certificate;
Driver license issued by another state, U.S. territory, District of Columbia, or; Canadian Providence; or
court order with name and date of birth.

Supporting Identification:

school records;
insurance policy;
vehicle title;
voter registration card;
Social Security Card;
a foreign passport; or
a consular document issued by a state or national government.¹⁶⁸

Findings

- There are no formal standards by which local police departments around the state have to adhere to on the acceptance of the matricula consular card for purposes of identification; different municipalities around the state have varying levels of acceptance. There are also no federal standards for states' acceptance of the consular identification card.
- The Texas Department of Public Safety accepts the matricula consular card as a supporting form of identification for obtaining a Texas driver's license.
- Financial institutions around the state have their own standards, complying with federal standards, for banking access when using the matricula consular card.
- The 9/11 Commission report recommends the federal government set national standards for birth certificates and sources of identification, such as driver's

¹⁶⁷ Ibid.

¹⁶⁸ Texas Department of Public Safety, <http://www.txdps.state.tx.us>, August 26, 2004.

licenses and Congress has been looking into legislation based on the Commission's recommendation.

Recommendations

- The committee recommends the Texas Department of Public Safety continue their current standards for identification when accepting applications for a state issued driver's license. The committee recommends the separate municipalities around the state form their own levels of acceptance for the matricula consular card, at their own risk. The U.S. Treasury Department has provided recommendations for banking acceptance across the country and the committee feels that entity is best suited to ensure appropriate procedures are in place for the safety of Texans.
- The committee recommends the Texas Legislature closely monitor federal legislation regarding national standards for state issuance of drivers' licenses.

APPENDIX

APPENDIX A



The Senate of the State of Texas

COMMITTEES:

Finance
Veterans Affairs & Military Installations
Subcommittee on Base Realignment
and Closure - Chair
International Relations and Trade - Vice Chair
Infrastructure Development and Security

Senator Eliot Shapleigh

District 29

MAIN DISTRICT OFFICE:
800 Wyoming Ave., Suite A
El Paso, Texas 79902
915/544-1990
Fax: 915/544-1998

EASTSIDE DISTRICT OFFICE:
1801 N. Zaragosa, Suite C
El Paso, Texas 79936
915/857-4800
Fax: 915/857-4854

CAPITOL OFFICE:
P.O. Box 12068
Austin, Texas 78711
512/463-0129
Fax: 512/463-0218
Dial 711 For Relay Calls
e-mail: eliot.shapleigh@senate.state.tx.us

November 16, 2004

The Honorable Todd Staples
Chairman
Infrastructure Development and Security Committee
445 SHB

Dear Chairman Staples:

I reviewed the draft report on homeland security, and I am submitting comments on charge number nine, regarding the Matricula Consular. Please include these comments in the report.

As I stated in my letter of October 23, 2004, the Matricula Consular is increasingly being accepted as a valid form of identification for businesses, state, and local governments. Ten states, including North Carolina, and Michigan, allow undocumented immigrants to apply for a driver's license using a Matricula Consular, and 13 states, including Border states such as California and New Mexico, accept the Matricula Consular as a valid form of legal identification. Eighteen Texas cities, six counties, and 10 police departments accept the Matricula Consular; these include Dallas, Fort Worth, San Antonio, and Houston. Further, in the United States, there are already more than 160 counties, 1,180 police departments, 377 cities, 33 states and 178 institutions that permit the use of these cards as a method of reducing crime and violence. U.S. Representative Ruben Hinojosa has stated that acceptance of the Matricula serves as a further defense against terrorism.¹

Many large corporations, including Continental, United, and Southwest Airlines, also accept the Matricula Consular for identification purposes. In the United States and Texas, Wells Fargo, U.S. Bank, Lone Star Bank, Bank of America, Citibank, and about 80 other national banks accept the Matricula as legal identification to open a bank account.² The U.S. Congress validated this practice in September of this year when they passed the transportation-treasury bill, which

¹ Gladys Salomon Black, "House Vote Allows Matricula Consular Cards to be Used as ID," *The Monitor* (September 20, 2004).

² State Senator Eliot Shapleigh, *Texas Borderlands, Frontier of the Future, Chapter 9, The Great Migration*, Austin, Texas, August, 2004.



allows the federal government to continue enforcing the Mexican ID cards' use in the country.³ If the Matricula is legitimate enough for major banks, who face criminal liability charges if illegal activity is transacted through branches, why is this form of identification not acceptable to the State of Texas?

Another issue exacerbated by our lack of acceptance of this card is uninsured drivers. It is estimated that one in four drivers in Texas do not have auto insurance; the national average is 14 percent.⁴ One of the barriers preventing drivers from purchasing insurance is the lack of a driver license. Unlicensed drivers with no auto insurance are more likely to pass the costs associated with an accident on to insured drivers, which drives up the cost of auto insurance. Thus, ensuring all Texas drivers have access to auto insurance will help reduce costs for all motorists. The State of New Mexico proved this point with the passage of S.B. 438 in 2001, which has decreased the number of uninsured drivers in the state from 33 percent, to 14.7 percent. The bill provided for the identification of uninsured motorists and enforcement of liability requirements through the operation of an identification database.⁵ New Mexico also passed H.B. 173 in 2003, which allowed Mexican nationals to use their matricula consular to apply for a driver's license.⁶ A pilot program in Texas, at a minimum, would allow us to see if any issues are raised with acceptance of the Matricula Consular Program, and allow the state to base its decision on experience and fact as opposed to speculation.

In essence I strongly believe that acceptance of the Matricula would enhance security, public safety, and the economy. Mexican nationals that use their Matriculas as legitimate identification would be able to open bank accounts, thus increasing their buying power. Moreover, the Matricula would increase law enforcement's ability to identify criminals, witnesses, and suspects.

³ Noel Espinoza, "House Approves Continued Use of Mexican ID," *The Brownsville Herald*, (September 17, 2004).

⁴ "The State's MVD Has New Resources to Crack Down on Uninsured Drivers," New Mexico Taxation and Revenue Department, April 6, 2001 (press release).

⁵ State of New Mexico Taxation and Revenue Department, *Motor Vehicle Division Mission Statement*, www.state.nm.us/tax/driveinsured. Accessed: November 16, 2004.

⁶ Telephone interview with State of Mexico Taxation and Revenue Department Motor Vehicle Division Staff (Austin, Texas, November 16, 2004).

The Honorable Todd Staples
November 16, 2004
Page 3

With regard to the immigration concerns that some have raised, the Matricula does not change a bearer's immigration status, as that person would continue to be subject to all immigration laws. The subject of immigration also leads one to questions of equality and civil rights, as our Mexican neighbors should be treated as fairly as our Canadian neighbors - we accept Canadians' national identity cards without issue. Further, those who fear terrorist actions as a result of accepting the Matricula also seem to be misguided. As a representative from the Los Angeles Police Department stated,

Terrorists do not need driver's licenses to accomplish their mission. For instance, they can and have boarded commercial aircrafts using passports and other identification. At the same time, terrorists, using American based support cells seem to have no difficulty obtaining drivers licences. In Los Angeles, the police have an immediate set of problems set aside from the potential for terrorists to obtain driver's licenses. We have numerous people who are here out of status and who in some cases flee from the police in routine traffic stops, or are involved in hit and run accidents because they do not possess a legal driver's license. On a daily basis, the people and police of Los Angeles are confronted with this much more "real world" problem than the speculative notions about what the possession of a driver's license might do to aid a terrorist.⁷

Let's look at the bigger picture, and strive to protect our citizens in a way that is really needed, and not based on myths and prejudices. The fact is, I know of no Mexican national who has been legally indicted for any terrorist ties since 9/11. Let's create policy that truly protects and keeps our residents and workers secure, but does not hinder them.

Very truly yours,


Eliot Shapleigh

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⁷ Letter from Los Angeles Police Department to Senator Gilbert Cedillo, June 15, 2004.

APPENDIX B

**Texas Terrorism Preparedness Training and exercise Activities
For Calendar Year 2004**

**Texas Terrorism Preparedness Training and Exercise Activities
Calendar Year 2004**

Exercise	Counties Involved	Task Performed	Date of Task
January-04	Weslaco/Hidalgo Co.	Regional Coordination Exercise	1/7/04
	Laredo/Webb Co.	Orientation Briefing	1/8/04
	Corpus Christi/Nueces Co.	Functional Exercise	1/13-15/04
	Temple/Bell Co.	Exercise Planning Mtg.	1/20/04
	Port Lavaca/Calhoun Co.	RCE Orientation and Planning Mtg.	1/21/2004
	Ft. Stockton/Pecos Co.	Orientation Briefing	1/22/04
	Fort Bend Co.	Orientation Briefing	1/27/04
	Temple/Bell Co.	Senior Officials Workshop	1/29/04
February-04	Ft. Stockton/Pecos Co.	ICS/Tabletop	2/10-12/04
	Laredo/Webb Co.	Exercise Planning Mtg.	2/10/2004
	Palestine/Anderson Co.	RCE Orientation and Planning Mtg.	2/13/2004
	Multiple locations in Texas & other states	Joint Readiness Exercise United Defense 2004 with DHS & US Northern Command **	2/17-2/22/04
	Wichita Falls/Wichita Co.	Orientation Briefing	2/19/2004
	Ft. Stockton/Pecos Co.	Senior Officials Workshop	2/19/2004
	Fort. Bend Co.	Exercise Planning Mtg.	2/19/2004
	Temple/Bell Co.	ICS/Tabletop	2/24-26/04
March-04	Laredo/Webb Co.	ICS/Tabletop	3/2-4/04
	Ft. Stockton/Pecos Co.	Functional Exercise	3/2-4/04
	Port Lavaca/Calhoun Co.	Regional Coordination Exercise	3/2/2004
	Laredo/Webb Co.	Senior Officials Workshop	3/9/2004
	Wichita Falls/Wichita Co.	Exercise Planning Mtg.	3/11/2004
	Fort Bend Co.	ICS/Tabletop	3/16-18/04
	Palestine/Anderson Co.	Regional Coordination Exercise	3/18/2004
	New Braunfels/Comal Co.	Orientation Briefing	3/23/2004
April-04	Fort Bend Co.	Senior Officials Workshop	4/1/2004
	Laredo/Webb Co.	Functional Exercise	4/6-8/04
	Waco/McLennan Co.	Orientation Briefing	4/13/2004
	Wichita Falls/Wichita Co.	ICS/Tabletop	4/13-15/04
	Temple/Bell Co.	Functional Exercise	4/13-15/04
	Lewisville/Denton Co.	RCE Orientation and Planning Mtg.	4/14/2004
	New Braunfels/Comal Co.	Exercise Planning Mtg.	4/15/2004
	Wichita Falls/Wichita Co.	Senior Officials Workshop	4/20/2004
	Fort Bend Co.	Functional Exercise	4/27-29/04
May-04	New Braunfels/Comal Co.	ICS/Tabletop	5/4-6/04
	Waco/McLennan Co.	Exercise Planning Mtg.	5/6/2004
	Young Co.	RCE Orientation and Planning Mtg.	5/6/2004

	Wichita Falls/Wichita Co.	Functional Exercise	5/11-13/04
	Texarkana/Bowie Co.	Orientation Briefing	5/18/2004
	Lewisville/Denton Co.	Regional Coordination Exercise	5/19/2004
	New Braunfel/Comal Co.	Senior Officials Workshop	5/20/2004
	Brownsville/Cameron Co.	Orientation Briefing	5/27/2004

June-04	Grayson Co.	Orientation Briefing	6/1/2004
	Waco/McLennan Co.	ICS/Tabletop	6/1-3/04
	Graham/Young Co.	Regional Coordination Exercise	6/8/2004
	New Braunfels/Comal Co.	Functional Exercise	6/15-17/04
	Plainview/Hale Co.	RCE Orientation and Planning Mtg.	6/15/2 004
	Waco/McLennan Co.	Senior Officials Workshop	6/17/2004
	Texarkana/Bowie Co.	Exercise Planning Mtg.	6/21/2004

July-04	Brownsville/Cameron Co.	Exercise Planning Mtg.	7/6/2004
	Grayson Co.	Exercise Planning Mtg.	7/8/2004
	Waco/McLennan Co.	Functional Exercise	7/13-15/04
	Fredericksburg/Gillespie Co.	RCE Orientation and Planning Mtg.	7/20/2004
	Brazoria Co.	Orientation Briefing	7/27/2004
	Brownsville/Cameron Co.	ICS/Tabletop	7/27-29/04

August-04	Brownsville/Cameron Co.	Senior Officials Workshop	8/10/2004
	Matagorda Co. & cities	FEMA/NRC Radiological Preparedness Exercise **	8/10/2004
	Grayson Co.	Senior Officials Workshop	8/12/2004
	Brazoria Co.	Exercise Planning Mtg.	8/17/2004
	Grayson Co.	ICS/Tabletop	8/17-19/04
	Texarkana/Bowie Co.	Exercise Planning Mtg.	8/19/2004
	Pampa/Gray Co.	RCE Orientation and Planning Mtg.	8/19/2004
	Brownsville/Cameron Co.	Functional Exercise	8/24-26/04

September-04	Big Spring/Howard Co.	Orientation Briefing	9/2/2004
	Corsicana/Navarro Co.	RCE Orientation and Planning Mtg.	9/2/2004
	Houston/Harris Co.	Strategic National Stockpile (SNS) Tabletop Exercise	9/7-9/04
	Grayson Co.	Functional Exercise	9/7-9/04
	Texarkana/Bowie Co.	Senior Officials Workshop	9/16/2004
	San Patricio, Refugio & Aransas Counties	Full-scale Terrorism/Hazmat Exercise *	9/17/2004
	Plainview/Hale Co.	Regional Coordination Exercise	9/21/2004
	Pampa/Gray Co.	Regional Coordination Exercise	9/23/2004
	Brazoria Co.	Senior Officials Workshop	9/28/2004
	Houston	National Refining & Petrochemical Assn. Tabletop Exercise	9/30/2004

October-04	Big Spring/Howard Co.	Exercise Planning Mtg.	10/5/2004
	Mt. Pleasant/Titus Co.	RCE Orientation and Planning Mtg.	10/6/2004
	Abilene/Taylor Co.	Orientation Briefing	10/7/2 004
	Brazoria Co.	ICS/Tabletop	10/5 -7/04
	Fredericksburg/Gillespie Co.	Regional Coordination Exercise	10/13/2004
	Big Spring/Howard Co.	Senior Officials Workshop	10/19/2004
	Texarkana/Bowie Co.	Public Information Officers Course	10/19/2004
	Plano/Collin Co.	Senior Officials Workshop	10/20/2004

	Corsicana/Navarro Co.	Regional Coordination Exercise	10/20/2004
	Corpus Christi	Critical Infrastructure Exercise -Valero Refining	10/20/2004
	Texarkana/Bowie Co.	Exercise Planning Mtg.	10/21/2004
	Texarkana/Bowie Co.	ICS/Tabletop	10/26-28/04
	Brazoria Co.	Functional Exercise	10/26-28/04

November-04	Sulphur Springs/Hopkins Co.	RCE Orientation	11/3/2004
	Abilene/Taylor Co.	Exercise Planning Mtg.	11/4/2004
	San Antonio	Full-scale Exercise – Chemical *	11/4/2004
	Plano/Collin Co.	Exercise Planning Mtg.	11/9/2004
	Big Spring/Howard Co.	ICS/Tabletop	11/9 -11/04
	Three Rivers	Critical Infrastructure Exercise - Valero Oil	11/10/2004
	Mt. Pleasant/Titus Co.	Regional Coordination Exercise	11/15/2004
	Ft. Worth	Hospital Council Exercise – WMD scenario #	11/15/2004
	Plano/Collin Co.	ICS/Tabletop	11/16-18/04
	Texarkana/Bowie Co.	Full-Scale Exercise	11/16-18/04
	Amarillo/Potter Co.	Orientation Briefing	11/30/2004

December-04	Abilene/Taylor Co.	Senior Officials Workshop	12/2/2004
	San Marcos/Hays Co.	RCE Orientation & Planning Mtg.	12/2/2004
	Longview/Gregg Co.	Orientation Briefing	12/7/2004
	Abilene/Taylor Co.	ICS/Tabletop	12/7 -9/04
	Big Spring/Howard Co.	Functional Exercise	12/7 -9/04
	Sulphur Springs/Hopkins Co.	Regional Coordination Exercise	12/8/2004
	Plano/Collin Co.	Full-Scale Exercise	12/14-16/04
	Beaumont/Jefferson Co.	Orientation Briefing	12/14/2004
	Dumas	Critical Infrastructure Exercise – Valero Oil	12/15/2004
		Collin Co.	Orientation Briefing

* Local exercise

** Federal exercise

Industry exercise

APPENDIX C

Department of State Health Services
Community Preparedness Section
September 22, 2004

Type	Region	Date	Location	Jurisdictions Involved
Tabletop Exercise (including SNS deployment)	4/5N	4/14/2004	Tyler	Smith, Rusk, Cherokee Counties
Tabletop Exercise (including SNS deployment)	7	5/11/2004	Hearne	Robertson, Leon, Milam Counties
Tabletop Exercise (including SNS deployment)	11	5/26/2004	Weslaco	Cameron, Hidalgo, Live Oak, Jim Wells, Kleberg, San Patricio, Nueces Counties
Large-scale Smallpox Vaccination Clinic Exercise	2/3	6/9/2004	McKinney	Region 2/3 LHDs, including Dallas, Collin, Denton, Tarrant, Fort Worth, Navarro, Wichita, Taylor, Sweetwater - Nolan, Scurry. LHA from Rockwall County. Hunt County rep for dispensing operations. Haskell County judge. Dallas - Fort Worth Hospital Council. DDC Garland. FBI, USMS. TDH Austin, and all public health regions.
Tabletop Exercise (including SNS deployment)	9/10	8/3/2004	Midland	Andrews County HD, Sheriff, and EMS; Howard County EMC and HD; Midland County HD; Fire, PD; Permian Regional Medical Center; Pecos County Community HD; Monahans PD, Odessa Regional Hospital; Permian Basin Regional Planning Commission; Gaines County Sheriff; Shannon Medical Center; City of San Angelo EMC, Odessa PD; City of Odessa - PIO; Medical Arts Hospital; Big Spring Fire/EMS; Seminole Memorial Hospital, Midland FBI; and Dawson County EMS.
Tabletop Exercise (including SNS deployment)	8	7/8/2004	San Antonio	Atascosa, Bandera, Bexar, Comal, Dimmit, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Kendall, Kerr, La Salle, Lavaca, Maverick, Medina, Uvalde, Val Verde, Victoria, Wilson, Zavala, Randall, Lubbock, Travis Counties
Tabletop Exercise (including SNS deployment)	1	7/22/2004	Lubbock	TDH, Lubbock City/County HD, Amarillo Bi-City-County HD; South Plains Health District; Moore, King, Yoakum, Cochran Counties; COGs-Panhandle Regional Planning Commission and South Plains Ass. of Governments; Lubbock Hospitals; Amarillo and Lubbock MMRS; EMC from Amarillo & Lubbock, DPS RLOs from Amarillo and Lubbock, Red Cross
Tabletop Exercise (including SNS deployment)	2/3	8/11/2004	Ft. Worth	Region 2/3 LHDs including Dallas, Collin, Denton, Tarrant, Fort Worth, Navarro, Wichita, Taylor, Sweetwater - Nolan, Scurry. Hunt County rep for dispensing operations. LRNs for Dallas and Tarrant. DDC Garland, USMS, FBI, FEMA, BERT.
Functional Exercise (including SNS deployment)	6/5	8/24-25/04	Houston	PHR 6/5 S; Walker, Colorado, Orange Counties; City of Beaumont, DDCs in Montgomery County and Fort Bend County.

APPENDIX D

TEXAS HOMELAND SECURITY PROGRAM REGIONAL INTEROPERABLE COMMUNICATIONS

Prepared by: Texas Association of Regional Councils
October 26, 2004

With leadership from the state's top elected officials, Texas has taken a regional approach to preparing and implementing homeland security strategies among local governments, and with the state. Texas' 24 state planning regions, (individually and grouped into larger regions with similar interests), form the geographical areas (some larger than most states in the continental U.S.) for implementing interoperable communications that are accessible by local, regional, state, and federal agencies.

Texas' 24 regional councils of governments (COGs) are assigned responsibility for bringing local governments together within regions to provide resources and assistance for the region-by-region implementation of a statewide interoperable radio communication system.

REGIONAL INTEROPERABLE COMMUNICATIONS PLANS

During the December 2003-October 2004 time period, regional councils of governments initiated, prepared, or implemented regional interoperable communication plans that will cover the state's 254 counties and some 1,195 incorporated municipalities.

As of October 11, 2004, 9 COGs have a "regional interoperable communications plan" approved by their governing body of elected local government officials. These organizations are moving toward implementation. The remaining 15 COGs are developing or finalizing a regional interoperable communications plan.

The processes for development and completion of regional plan varies across the state.

- 11 COGs are utilizing private consultants;
- 9 COGs are using combination of COG staff, regional work group members, and/or member governments; and
- 4 COGs are using internal staff.

FUNDING

Through a combination of various funding streams, more than \$59 million dollars has been allocated through Texas' councils of government for regional interoperable communication systems and equipment. Of the \$59 million dollars allocated for interoperable communications, local jurisdictions have used:

- \$35 million from the FY 2004 Texas Homeland Security Grant Program by the Governor;
- \$9.6 million from direct federal grants;
- \$12 million from local government resources and revenue; and
- \$3 million from other sources, such as corporate donations.

EXAMPLES OF REGIONAL SOLUTIONS

Central Texas Council of Governments (Belton, Killeen, Temple, Fort Hood area) and the region's local governments reached agreement to have several jurisdictions that upgraded to digital radio systems, transfer their older, but still serviceable, equipment to communities with obsolete radios as one part of an overall plan to achieve region-wide interoperability.

The local governments of the South East Texas Regional Planning Commission (Beaumont, Port Arthur, Orange Area) collaborated with the region's private industry and were granted use of private repeaters and towers for the region's first responders. The use of private industry infrastructure allowed the region to focus homeland security funds on an upgrade communications equipment throughout the region.

Local governments in the Texoma Council of Governments' region (Sherman-Davidson area) pooled their homeland security funds to upgrade existing equipment and infrastructure. The Texoma Homeland Security Regional Committee, comprised of local elected officials, established and approved the selection criteria for the purchase of equipment.

Middle Rio Grande Development Council, a border council of governments (Del Rio, Eagle Pass, Uvalde), is combining a direct grant from the federal government, state funding, and local revenues to achieve public safety communications interoperability across the region.

A review of work by each of the 24 regional councils of governments follows this summary.

Alamo Area Council of Governments (AACOG): San Antonio

The AACOG First Responder Strategic Plan Communications Committee met on February 3, 2004 and completed development of the specifications for the purchase of 5 Communications Interoperability Trailers for use in the region. The five trailers are on order and should be delivered in December.

AACOG requested technical assistance from the National Institute of Justice - AGILE program in engineering a Wide Area Interoperability System for the 12 county AACOG Region. Notification was recently received that NIJ has approved the AACOG request for assistance. NIJ will engineer and provide specifications for the WAIS. The study will be completed by December for implementation in 1st quarter of 2005. AACOG has \$1.3 million allocated for this project.

Ark-Tex Council of Governments (Ark-Tex): Texarkana

Ark-Tex COG has gathered radio frequencies in use in the region and is moving toward an interim solution. Several forms of technology are in use in the Ark-Tex Region: 800 MHZ; 450 MHZ; and 154 MHZ(VHF). Ninety percent of the region's local agencies are using 154 MHZ (VHF). Texarkana will soon be switching to an 800-700Mhz trunk system (Homeland security was used for an interim solution. Funds were used to purchase VHF radios for Texarkana so that they could communicate with the 90% of the region who use VHF frequency). Ark-Tex COG has purchased 14 ACU1000 communication systems that will allow communication anywhere with all first responders in the region and will not be dependent on any one frequency. Each of the 9 counties in the region will receive an ACU 1000 and 5 larger cities in the region will receive the remaining ACU 1000 systems. The ACUs that will be used have VOIP and Ethernet as part of the equipment. Communications will be conducted over the internet, thus being able to communicate anywhere in the U.S. that has VOIP equipment.

For FY05, ATCOG plans to integrate the use of the 5.4 MHz T1 service connection micro-wave wireless internet system for public safety to use as a redundant means to communicate with voice, data, and video transmissions. 30 Volunteer Fire Depts.(VFD) from 9 counties in the Ark-Tex region will receive 50 watt repeaters to enable them to communicate with any agency or jurisdiction in the Ark-Tex region, or with each VFD in each of the nine counties.

Brazos Valley Council of Governments (BVCOG): Bryan/College Station

BVCOG has completed a regional communication interoperability plan that focuses on short range goals. The HSAC Steering Committee for BVCOG has determined that immediate communication needs are being met, but has identified the need for long range planning for the next 10 to 20 years. College Station is the only jurisdiction within the BVCOG region utilizing 800 MHz. Bryan and Brazos County Sheriff's Office plan to have their 800 MHz system operable within the first quarter of 2005. College Station Fire Dept. carries extra VHF radios on their trucks for mutual aid calls with the other jurisdictions within their region. Brazos County VFDs are beginning to purchase 800 MHz radios, so that they can talk to Bryan and College Station on a regular basis. In the event of a significant event, College Station has the capability to patch.

Recent mutual aid calls have had few communication problems. Over the past year, the rural jurisdictions have had the opportunity to purchase needed communication equipment to ensure first responders have radios that can communicate in the remote areas of the region. This has improved communication interoperability for the entire region, and will continue to do so as the jurisdictions continue to receive equipment purchased with grant funds.

Capital Area Council of Governments (CAPCOG): Austin

Improving communications interoperability has been a focus for the Capital Area Council of Governments since the first federal funds were awarded. Part of the regional FY 02, 03, 03II funds was apportioned out to each eligible jurisdiction specifically for the purchase of P25 compliant radios for lead personnel. Additionally, the region awarded \$600K to the City of Austin to develop a mobile stand-alone radio system capable of responding regionally. CAPCOG contracted with RCC consultants in Feb. 2004, in anticipation of additional future federal funds, to conduct a communications interoperability study in all 10 CAPCOG counties. Data collection included a written survey sent out to key communications personnel in each of the 10 counties and county level face-to-face meetings with CAPCOG staff and RCC staff to discuss current status, issues, and possible solutions. A final summary report was provided to CAPCOG by RCC on March 15, 2004. Subsequent meetings with first responders and elected officials were conducted to review the recommendations in the RCC report. It became apparent that FY'04 funding would not allow CAPCOG to achieve all that RCC had recommended in the first phase. Instead, the decision was made to bring all ten counties to a similar base line of interoperability and to continue work on identifying the second and third phase of interoperability in the event additional funding is received.

Subsequently, site walks were done in all ten counties to assist in formulating an implementation plan for a base line of interoperability, defined as at least two NPSAC channels (ICALL and ITAC) and a Texas Law 2 VHF base station. Implementation recommendations totaling approximately \$1.4 million were brought before the stakeholders and received CAPCOG Board Approval on July 14, 2004. Since then a sub-committee made up of representatives from all 10 counties has been formed to plan for long-term interoperability goals and future implementation phases.

Central Texas Council of Governments (CTCOG): Belton/Ft. Hood/Killeen/Temple

Following a regional study, the Central Texas Councils of Governments, in concert with public safety agencies and local elected officials, established a priority for development of a regional interoperable communications system. CTCOG has partnered with Dailey-Wells, a national communications company, to develop a radio system that builds on existing systems and allows communication among those systems through an electronic patching system. Local governments in the region have pooled their homeland security grant funds to implement this system. Dispatchers in each of the region's 10 public safety answering points will be able to patch responding units, with differing equipment, together. Once linked, the units can communicate as if on the same frequency.

In addition, the COG and the region's local governments reached agreement to have several jurisdictions that upgraded to digital radio systems, to transfer their older, but still serviceable, equipment to communities with obsolete radios.

Coastal Bend Council of Governments (CBCOG): Corpus Christi

The CBCOG adopted the FCC definition of Interoperable Communications. The region is using the 6 levels of interoperable communications rating system (1 low / 6 high). The COG and its advisory committees are currently analyzing equipment needs to reach this goal. CBCOG has provided briefing material and other supporting documentation on the approved standard to professionals in other jurisdictions in the region. CBCOG has collected current radio system frequency, both digital and analog for the region. This list is currently being enhanced to include labeled use of frequency with-in the jurisdictions. The information gathered on this list will be included in the regional radio inter-linking agreement.

Concho Valley Council of Governments (CVCOG): San Angelo

A regional committee, established by the COG, has prepared a plan that CVCOG is moving forward to implement. In regard to homeland security grant funds, FY03 grant money was spent to purchase equipment (P25 approved) to get the region to a basic level. FY04 grant money is being spent for tower improvement to lessen "dead spots" in the region; the goal for interoperability is 2005.

Deep East Texas Council of Governments (DETCOG): Jasper/Lufkin/Nacogdoches

DETCOG has completed a regional interoperability study by contract with a communications firm and received approval by the DETCOG Board of Directors on July 22, 2004. The DETCOG Regional Taskforce met on Sept. 27, 2004 and appointed a communications committee to begin implementation of the study. The committee is now in the process of implementing the plan.

East Texas Council of Governments (ETCOG): Kilgore

In February, 2004, ETCOG formed a Homeland Security Advisory Committee who has made "Interoperability of Communications" its #1 goal. The Committee allocated over \$3 million in FY 2004 Homeland Security grant funding to some 30 eligible jurisdictions, and most of this money is dedicated to communications interoperability improvement projects. Several jurisdictions are creating "mobile communication centers" featuring an ACU-1000 or ACU-T, with related radio equipment, to enable the various agencies responding to an emergency to better communicate with each other. ETCOG has recently hired an Emergency Communications Specialist who will record an accurate inventory of all communications equipment currently owned by ETCOG member governments, create a specific interoperability plan for the Region, and work with local jurisdictions toward the goal of complete Regional interoperability.

Golden Crescent Regional Planning Commission (GCRPC): Victoria

GCRPC has contracted with a local company to provide a radio interoperability study due at the end of November. The objective is to determine equipment needs and to develop a purchasing strategy for regional interoperability.

Heart of Texas Council of Governments (HOTCOG): Waco

The Heart of Texas Council of Governments completed a study of interoperable communications in May 2004. Currently the COG is evaluating the study to determine equipments needs and a purchasing strategy for region. The interoperable communications plan once completed will be a part of HOTCOG's Strategic Plan. For a short term solution, HOTCOG spent FY03 homeland security supplemental grant money to purchase 5 communications vehicles. These vehicles will provide the HOTCOG region with the ability to communicate among local and state jurisdictions. The communication vehicles also can be placed in "dead spots" to increase communication capability for region. HOTCOG will use '04 money to begin development and installation of a mobile data network. This regional project will focus on installing common components or infrastructure that will allow individual jurisdictions the opportunity to access a mobile data system (computer, PDA, etc) with only limited expenditures.

Houston-Galveston Area Council (H-GAC): Houston/Galveston

The Houston-Galveston Area Council is the council of governments for Harris and Galveston counties and surrounding counties. H-GAC works with technical and policy committees representative of the region's local government on emergency preparedness issues. Using this system, a regional plan for interoperable communications was developed, agreed to by the region's local governments, and approved by the H-GAC Board. Major jurisdictions in the region were already participating in a cooperative radio network sponsored by Harris County. These jurisdictions had moved, or were moving to, compatible 800 MHz systems. Building on this progress, the region invested grant funds in developing the technical requirements for The City of Houston to migrate to compatible 800 MHz systems along with the jurisdictions in the cooperative network. The city is expected to implement this change. With these urban core jurisdictions moving toward interoperability, HGAC has invested grant funding in radio upgrades in outlying counties and funded a limited number of portable radios for public safety units in the regions outer tier of counties to use if called to respond to incidents closer to the urban core.

Lower Rio Grande Valley Development Council (LRGVDC): Brownsville/Harlingen/McAllen

Cameron, Hidalgo, and Willacy Counties, under the strategy established by LRGVDC, has taken a major step to address the public safety issue of Interoperability in the Lower Rio Grande Valley region. Cameron County will soon switch to trunked 800 MHz system. The base grants received by other local jurisdictions are being used to purchase P25 compliant equipment. The region is investing \$1 million in grant funds to establish an electronic fixed/mobile patching system and a fixed NPSAC system to be strategically place throughout the COG region for the short term, while the COG's technical subcommittee meets to work on a long term solution.

As of October 06, 2004 the LRGVDC received notice from Department of Justice that all modifications to the Interoperability Grant were approved. The LRGVDC region is eager to proceed with this project and anxiously awaits results.

Middle Rio Grande Development Council (MRGDC): Eagle Pass/Del Rio/Uvalde

MRGDC is developing a three year plan to achieve public safety communications interoperability across the region. MRGDC contracted with Texas A&M University's Texas Engineering Extension Service to conduct a communications infrastructure survey in the region. This survey and its recommendations have been delivered

and are currently being reviewed by MRGDC staff. MRGDC jurisdictions have applied significant portions of their FY '03 and FY '04 Homeland Security funding toward the purchase of Project 25 compliant VHF subscriber equipment. MRGDC has obtained additional first year federal funding which is being directed toward design and deployment of a region wide common VHF infrastructure. Proposals for existing tower site upgrades and repairs are due from vendors at the end of October 2004. Tower site work should begin by the end of calendar 2004. MRGDC intends to test the effectiveness of VHF trunking in the region with a limited, three site, two county deployment during the first year of the plan. This deployment will provide voice and mobile data capability to the user community in the affected area. If successful, and subject to funding availability, VHF trunking will be expanded across the region in the second and third years of the plan providing full function trunking capability to local, tribal, state and federal users operating in the region. Additionally, during the first year, MRGDC plans to upgrade the existing 30+ year old wide band conventional radio technology in place in the remaining seven counties of the region by purchasing and installing technologically advanced narrowband, digital, Project 25 compliant, VHF conventional repeater equipment.

Nortex Regional Planning Commission (NORTEX): Wichita Falls

NORTEX used 2002 funding to purchase communications equipment, but matched the base grant amounts the local jurisdictions received. If a jurisdiction received \$100,000 base grant, NORTEX gave the jurisdiction regional money in the amount of \$100,000 also. The requirement from NORTEX was that the jurisdiction had to spend the regional money on interoperability and then PPE equipment. NORTEX did not require jurisdictions to purchase P25 equipment because there are too many "dead zones" in area and not enough funding to cover remote areas. Currently NORTEX is requiring all jurisdictions to speak on narrow banding. The region purchased its own VHF frequency. In the event of a catastrophic disaster, Nortex has two communications trailers with ACU1000 installed to be able to communicate with outside communities. These trailers will patch communications together from different frequencies and technologies. The completion goal for interoperable communications for the region is 2006.

North Central Texas Council of Governments (NCTCOG): Dallas/Ft. Worth

Further efforts to identify precise interoperable communications equipment costs began in August 04 when NCTCOG selected RCC Consultants for work on Phase II of the Interoperable Plan. This phase will be more detailed in its analysis of the local public safety agencies' needs and the systems to assure effective interoperability. Two Working Groups Operations and Technical, support the initiative and will monitor the consultant's work and provide communications protocols. The NCTCOG will continue its efforts throughout the region to assist in interoperability and monitor progress of regional communication issues, including those related to 700 MHz. NCTCOG is currently conducting a cost analysis on communication equipment and will be staging or facilitating equipment purchases for the local jurisdictions in the region.

The Department of Justice has initiated a project to provide interoperability in Tarrant and Dallas Counties, and the cities of Fort Worth and Dallas. That project has met with NCTCOG's committee on interoperability and the framework has been established to implement the system by January or February of 05. It will connect with adjoining jurisdictions and the federal agencies in and around the metropolitan area.

Panhandle Regional Planning Commission (PRPC): Amarillo

The Panhandle Regional Planning Commission is implementing an initial communications investment strategy for the 26-county region in the Texas panhandle, while also completing a more detailed communications system

plan for the region. Initially, the region's existing emergency medical communications system will be upgraded and prepared to link to other public safety communications systems (\$800,000.00). Next the region will invest in first-priority local and regional communications systems improvements for interoperability (\$649,125.00).

Permian Basin Council of Governments (PBRPC): Midland/Odessa

Federal Homeland Security Grant Program dollars have provided or will provide a majority of the eligible 41 jurisdictions (out of 46) with necessary communications equipment that is Project 25 compatible or compliant. Many jurisdictions chose to purchase through FY 2002II or 2003 funds, or will purchase with FY 2004 & 2005 funds, such equipment items as hand-held radios, mobile radios, and repeater base stations to work toward the goal of interoperability. The Domestic Preparedness Advisory Committee (DPAC) made regional allocation recommendations to the Board in 2003 for purchasing communication switches (ACU-T), or gateways, and a regional response mobile communications/dispatch unit in FY2004 to give the City of Midland the capability to respond throughout the Permian Basin as a major regional responder with state-of-the-art communications capability. Projected implementation for regional interoperability is 2006.

Rio Grande Council of Governments (RGCOG): El Paso

The RGCOG adopted the FCC definition of Interoperable Communications. The region is using the 6 levels of interoperable communications rating system (1 low/6 high). The RGCOG goal is for the region as a whole to be at level 3. Homeland Security funds for the region are being used to purchase radios, repeaters towers, and a JPS System for rural areas. The JPS System will connect different technology and frequency radios together in order to communicate.

South East Texas Regional Planning Commission (SETRPC): Beaumont/Port Arthur/Orange

The South East Texas Regional Planning Commission worked with the region's private industry and was granted use of private repeaters and towers for the region's first responders. The use of private industry infrastructure allowed the region to use homeland security funds to upgrade communications equipment throughout the region. Hardin County used Law Enforcement Terrorism Prevention Program (LETPP) funding to purchase 26 (800 MHz) P25 compliant radios while Jefferson County used homeland security funds to purchase 800 MHz radios for local Volunteer Fire Departments.

The South East Texas Interoperable Plan identified the need for two dedicated ICALL repeaters to meet an intermediate need in interoperable communications. As a result of this identified need, the City of Port Arthur was able to purchase two ICALL repeaters when they experienced a 'windfall' in the form of a reduction in the price for other items being purchased with FY '04 SHSP funds.

South Plains Association of Governments (SPAG): Lubbock

A propagation study has recently been completed and is scheduled to be presented to the COG Board for final approval on November 9, 2004. The recommendations will consist of a request for each county in the region to receive a County Common channel license and new analog/digital repeater, duplexer, cables and antennas. The study recommends that in-vehicle repeaters be placed throughout the region with an emphasis on the eastern counties that are on the Caprock. Also recommended is the request for satellite phones to be issued to the Regional Haz-Mat, Command/Control vehicle, and Bomb Team for redundant communications.

The remainder of the FY 04 funding will be allocated for four Regional Decontamination teams. The second phase of SPAG's interoperable communications plan will tie all fifteen counties together through the use of Raytheon ACU-1000's and DTMF pads and the replacing of dispatch consoles with P25 compliant equipment.

South Texas Development Council (STDC): Laredo

As of October 1, 2004, the STDC region completed a regional interoperability study by contract (RCC Consultants) through an Interoperability subcommittee. Findings will be presented to the STDC Executive Board at their fourth quarter meeting. Implementation will follow as feasibly possible in order to promote effective implementation of the State Strategic Plan.

The STDC region is completing a regional interoperability study by contract. Findings will be presented to the STDC Executive Board mid-summer 2004. Implementation will follow.

Texoma Council of Governments (Texoma): Denison/Sherman

Local governments in the region have pooled their homeland security funds to upgrade existing equipment and infrastructure. The Texoma Regional Committee, comprised of local elected officials, established and approved the selection criteria for the purchase of equipment. The region's goal is to upgrade those areas that can best support and help surrounding jurisdictions in the event of an emergency. Currently, purchases of communications are underway.

West Central Texas Council of Governments (WCTCOG): Abilene

WCTCOG used 2002, 2003, and 2004 homeland security funds to upgrade or purchase handheld radios, console units, and repeaters to help solve the interoperability communication issue. Approximately 60% of all grant funds were used to purchase communications equipment. A special condition was placed on local jurisdictions to ensure that all new radios or upgrades, purchased with homeland security funds, are P25 compliant. The City of Abilene is planning to purchase an 800 MHz trunking system. The P25 radios in the region are the first step that will allow jurisdictions to communicate with other jurisdictions that are using HF, UHF, and VHF radios. In addition, 19 Mobile Incident Communications Radio Interface Units (MICRIU) were purchased to support regional interoperable communications.

Projected for 2005, a Gating System is planned to be implemented by the WCTCOG which will allow one side of the region to speak with the other side. The Gating System will use a network of repeaters and radios that can automatically "jump" the radio signal from tower to tower without the user having to resort to time consuming and less efficient alternatives. Current regional goal for interoperable communications is 2006-2007. A survey of COG radio frequencies has been completed that identifies the types of radios and who the primary holders of all 407 assigned FCC licenses are within the region.

APPENDIX E

Homeland Security Witness List

Infrastructure Development and Security April 13, 2004 - 9:00 AM

Charge 6

ON:

Gerald Dube, Analyst (Legislative Budget Board), Austin, TX
Kathy Eckstein, Federal Funds Team Manager (Legislative Budget Board), Austin, TX
Jay Kimbrough, Governor's Homeland Security Director (Governor's Office), Austin, TX
Dr. Dennis Perrotta, Texas State Epidemiologist (Texas Department of Health), Austin, TX
Machelle Pharr, Chief Financial Officer (Texas Department of Health), Austin, TX
Jim Ray, Association Management (Texas Association of Regional Councils), Austin, TX
Dr. Eduardo Sanchez, M.P.H., Commissioner of Health (Texas Department of Health), Austin, TX
Robert Charles Todd, Director of Domestic Preparedness (Texas Engineering Extension Service), College Station, TX
Betty Voights, Executive Director (Capitol Area Planning Council), Austin, TX

Infrastructure Development and Security April 13, 2004 - 1:00 PM

Charge 8

ON:

Forrest Anderson, Homeland Security Director / 9-1-1 Director (Middle Rio Grande Development Council), Carrizo Springs, TX
David Cerqua, Area Director (M/A-Com Wireless Systems- Tyco Electronics), Irving, TX
Peter Collins, Chief Information Officer (City of Austin), Austin, TX
Colonel Thomas A. Davis, Director (Texas Department of Public Safety), Austin, TX
Greg Munchrath, Sr. Vice President (RCC Consultants, Incorporated), Houston, TX
Robert Pletcher, Program Director (Department of Public Safety), Austin, TX
Charles Stephenson, Communications Specialist (National Institute of Justice), Whitesboro, NY

Registering, but not testifying:

ON:

Joe Peters, Communications Project Manager (Sheriffs' Association of Texas), Austin, TX

Charge 9

ON:

Francisco J. Alejo, Consulate General (Mexican Government), Austin, TX
Frank Elder, Assistant Chief (Texas Department of Public Safety- Driver License Division), Austin, TX
John Heasley, Executive Vice President (Texas Bankers Association), Austin, TX
Rudy Landeros, Assistant Chief (Austin Police Department), Austin, TX
Patrick A. Patterson, Special Agent in Charge (Federal Bureau of Investigation), San Antonio, TX

Steve Scurlock, Executive Vice President (Independent Bankers Association of Texas), Austin, TX
Larry Zacharias, Chief (Texas Police Chiefs Association), Richardson, TX

Registering, but not testifying:

ON:

Kurt Purdom, Director of Strategic Support (Texas Department of Banking), Austin, TX

Infrastructure Development and Security April 14, 2004 - 9:30 AM

Charge 7

ON:

Marshall Caskey, Chief (Texas Department of Public Safety- Criminal Law Enforcement), Austin, TX
Jack Colley, State Coordinator (Governor's Division of Emergency Management), Austin, TX
Mike Eastland, Executive Director (North Central Texas Council of Governments), Arlington, TX
Bob Hillman, D.V.M., Executive Director (Texas Animal Health Commission), Austin, TX
Jay Kimbrough, Governor's Homeland Security Director (Governor's Office), Austin, TX
Dr. David Lakey, Chief, Clinical Infectious Disease (University of Texas Health Center at Tyler), Tyler, TX
David Lurie, Vice President (Texas Association of Local Health Officials), Cedar Park, TX
Robert McKee, Director of Emergency Response & Rescue (Texas Engineering Extension Service, Texas Task Force 1), College Station, TX
Dr. James Morgan, Director (Texas Department of Health- Public Health Region 7), Temple, TX
Patrick A. Patterson, Special Agent in Charge (Federal Bureau of Investigation), San Antonio, TX
Dennis Perrotta, State Epidemiologist (Texas Department of Health), Austin, TX
Jason Phipps, Chief Technology Officer (Texas Association of Local Health Officials), Cedar Park, TX
Mariah Ramon, Texas Strategic National Stockpile Coordinator (Texas Department of Health), Austin, TX
Robert "Lanny" Smith, Director (Texas Engineering Extension Service), College Station, TX
Lieutenant Colonel Daniel Steiner, Director of HLD/TXNG (Texas Adjutant General's Office), Austin, TX
David Walker, Executive Director for Biodefense and Emerging Infectious Diseases (University of Texas Medical Branch at Galveston), Galveston, TX

Registering, but not testifying:

ON:

Harrison Lobdell, III, Director of Operations, NERRTC (Texas Engineering Extension Service), College Station, TX

Infrastructure Development and Security October 28, 2004 - 1:00 PM

Homeland Security

ON:

Steve Ahlenius, President/CEO (McAllen Chamber of Commerce), McAllen, TX

Carlos Garza, Mayor Pro-Tem/ Chairman Bridge Board (City of McAllen and Anzalduas Bridge Board), McAllen, TX

Buck Henderson, Manager- Public Drinking Water (Texas Commission on Environmental Quality), Austin, TX

Debbie Mamula, Homeland Security Coordinator (Texas Commission on Environmental Quality), Austin, TX

Steven McCraw, Governor's Homeland Security Director (Governor's Office), Austin, TX

Shashank Nilakhe, State Entomologist (Texas Department of Agriculture), Austin, TX

George Ramon, Bridge Director (City of McAllen- Bridge Board), Hidalgo, TX

Registering, but not testifying:

ON:

Armando Martinez, State Representative Elect District 39 (Firefighters and EMS), Weslaco, TX