

TEXAS BORDER SECURITY COUNCIL REPORT TO GOVERNOR RICK PERRY

September 2008



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During the 80th Texas State Legislative Session, Governor Perry requested that the Texas Legislature appropriate \$100 million to support border security operations along the 1,254 miles of Texas/Mexico Border.

The 80th Texas State Legislature allocated \$110 million for border security and created the Border Security Council through Senate Bill 11. The Council was formed to make recommendations to the Governor on reporting requirements, performance standards and audit measures for the use of state funds appropriated for border security, and to advise the Governor on the allocation of discretionary state homeland security funds.

The Border Security Council held a series of five public hearings in the fall of 2007 and received testimony from business owners, law enforcement officers, local elected officials and private citizens. Throughout their five public hearings and three open meetings, the Border Security Council found the following:

GENERAL FINDINGS:

- ★ Powerful and ruthless Mexican crime cartels dominate the U.S. drug and human smuggling business, and they use former military commandos and transnational gangs to support their operations on both sides of the border.
- ★ The citizens who live in the smuggling corridors along the border suffer the daily consequences of smuggling-related violence, burglary, vandalism, and trespassing.
- ★ Drug and human smuggling organizations victimize illegal aliens in search of economic opportunities in the U.S.
- ★ A porous Texas/Mexico border threatens every region in the state and the nation.
- ★ An unsecured border provides potential terrorists and their supporters an opportunity into enter the U.S. undetected.
- ★ The federal government has not yet sufficiently staffed and equipped the Border Patrol to secure the Texas/Mexico border between the ports of entry.
- ★ Border Security operations require substantial coordination, hard work and sacrifice by dedicated local and state law enforcement officers, Customs and Border Protection and other federal agencies, such as the U.S. Coast Guard. The Council found that an exceptional level of coordination and cooperation among the local, state, and federal law enforcement community is essential for success.
- ★ The federal government has not sufficiently staffed and equipped the Office of Field Operations at the ports of entry to prevent smuggling at the ports of entry, nor have they provided for the secure and efficient movement of people and commodities to and from Mexico.
- ★ Until the federal government is able to secure the border, the State of Texas has an obligation to work closely with its local and federal partners to acquire and maintain operational control of the Texas/Mexico border.
- ★ The Texas Border Security Strategy established by Governor Perry in February 2006, has been successful in reducing crime and enhancing border security.

PERFORMANCE STANDARDS:

- ★ Operational success should be measured in deterrence and prevention rather than increases in the numbers of arrests and drug seizures¹. Examples of deterrence and prevention include: fewer illegal aliens arrested, a reduction in all crime, including index crimes².
- ★ Consider using the reduction of Border Patrol illegal apprehension rate along the Texas/Mexico border as a key measure.
- ★ Consider using the availability of drugs smuggled into the U.S. from or through Mexico, as measured by street cost and purity as a secondary measure.

REPORTING REQUIREMENTS:

- ★ Agencies participating in Operation Border Star³ must report daily border-related incidents to the Joint Operations Intelligence Center (JOIC) in their sector. The Border Security Operations Center (BSOC) must continue to centralize all border incidents and produce daily, weekly, and monthly reports.
- ★ The state must establish a crime mapping capability that includes near real-time all crime data in the Operation Border Star counties that includes Customs and Border Protection arrest and seizure data. The BSOC must establish a process to produce periodic border security assessments that support situational awareness.

AUDIT RECOMMENDATIONS:

- ★ The Governor's Division of Emergency Management (GDEM) must continue to audit 100 percent state grant funds authorized by the 80th Texas Legislature to support border security.

FUNDING RECOMMENDATIONS:

- ★ Because increased funding for border operations has led to a decrease in crime, the state should sustain funding for border operations at the state level.
- ★ In order to be eligible for state border security funding, state and local law enforcement entities must participate in: state led border operations, Joint Operations Intelligence Centers, and share information and intelligence with state, local, and federal counterparts.

POLICY RECOMMENDATIONS:

- ★ Border security operations should be expanded to augment southbound inspections to curtail the smuggling of bulk cash, stolen vehicles, and weapons to Mexico.
- ★ The state should expand its use of technology in the border area to include the implementation of the Virtual Border Neighborhood Watch Program, expanding border radio interoperability and prioritize the full implementation of the Texas Data Exchange in the border region.
- ★ The state should consider expanding manpower to include K-9 units at each port of entry in coordination with border operations.

¹ It should be noted that an increase in resources may initially lead to an increase in arrests and seizures because there are more persons to identify the wrongdoing.

² Index crimes: murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft and arson.

³ Operation Border Star includes 45 counties, which goes beyond counties that physically touch the border.

Section Two: **BORDER SECURITY COUNCIL CHARGES AND MEMBERS**

The Border Security Council was created in Senate Bill 11 of the 80th Legislative Session to advise the Governor on the allocation of state homeland security funds.

The mission of the Border Security Council is to aid the Governor in strengthening the security of the Texas/Mexico border. The Council is charged with the following:

- 1) Recommending performance standards, reporting requirements, audit methods and other procedures for homeland security funding allocation and use; and
- 2) Advising Governor Rick Perry on the allocation of the funds.

In order to accomplish this mission, the Council has conducted a series of five public hearings along the border to receive input from members of the public regarding their security concerns and needs. The Council also held three open meetings in Austin, TX to discuss the various performance standards to be adopted, as well as to determine how discretionary state homeland security funds should be allocated.

MEMBERS OF THE BORDER SECURITY COUNCIL:

CARLOS CASCOS, CHAIR, COUNTY JUDGE, CAMERON COUNTY

Carlos Cascos is a certified public accountant (CPA) and partner in the accounting firm of Pattillo Brown and Hill L.L.P. Mr. Cascos previously served as Cameron County commissioner and is a past member of the Texas Department of Public Safety Commission. He is a member of the Texas Society of CPAs, the American Institute of CPAs, and the Association of Government Accountants. Mr. Cascos received his bachelor's degree from The University of Texas at Austin.

ROBERT HOLT, VICE CHAIR, FORMER CHAIRMAN, TEXAS DEPARTMENT OF PUBLIC SAFETY

Robert Braxton Holt is an independent rancher and oil producer. He is a past chairman and board member of the Texas Department of Public Safety Commission and past member of the Governor's Energy Council. Mr. Holt formerly served as a city council member and mayor pro-tempore for the City of Midland. He is a board member of the University of Texas of the Permian Basin Development Board, the Midland College Financial Command, and the United Way of Midland. Additionally, he is a founding member of the Bush Library Foundation at Texas A&M University and member of the Texas and Southwest Cattle Raisers Association.

PHIL WILSON, FORMER SECRETARY OF STATE AND BORDER COMMERCE COORDINATOR

Phil Wilson is the Senior Vice President for Luminant. He served on the Council as the 106th Texas Secretary of State. He served as the Texas Border Commerce Coordinator and was the Governor's designee to the Texas Enterprise Fund and the Emerging Technology Fund. Mr. Wilson formerly served as deputy chief of staff and director of communications for Governor Perry, and state director for U.S. Senator Phil Gramm. He received a bachelor's degree from Hardin Simmons University and a Master of Business Administration degree from Southern Methodist University Cox School of Business.

VAL BEARD, COUNTY JUDGE, BREWSTER COUNTY

Val Clark Beard serves as Brewster County Judge and formerly served as Brewster County Attorney. She is past president of the Rio Grande Council of Governments and volunteers as an advisory board member of the Rio Grande Electric Coop. She is a member of the State Bar of Texas, the County Judges and Commissioners Association, and the Trans-Pecos Bar Association. Judge Beard received a bachelor's and law degree from The University of Texas at Austin.

FRED BURTON, STRATFOR, VICE PRESIDENT- COUNTERTERRORISM

Fred Burton is vice president of counterterrorism for STRATFOR, a global private intelligence company. He formerly served as a U.S. counterterrorism special agent and has helped orchestrate numerous international terrorism investigations, including the capture of World Trade Center bomber Ramzi Yousef.

BECKY DEAN WALKER, COUNTY JUDGE, HUDSPETH COUNTY

Becky Dean Walker serves as Hudspeth County Judge. She is chair of the Hudspeth County Juvenile Probation Board and a member of the Rio Grande Council of Governments Advisory Board where she serves on the Criminal Justice Advisory Committee. Judge Dean-Walker is a member of the Texas Association of Counties and the County Judge and Commissioners Association.

BUDDY GARCIA, CHAIRMAN, TEXAS COMMISSION FOR ENVIRONMENTAL QUALITY

Buddy Garcia is chairman of the Texas Commission for Environmental Quality and formerly served as the Texas Deputy Secretary of State and Border Commerce Coordinator. He is a past deputy legislative director for the Governor and past special assistant to the Governor for Texas-Mexico border affairs. Additionally, Mr. Garcia served as a special assistant to then Lt. Governor Perry for South Texas, Gulf Coast, and environmental issues. Mr. Garcia received a bachelor's degree in political science from Southwest Texas State University, now Texas State University.

TOMAS HERRERA, SHERIFF, MAVERICK COUNTY

Tomas Herrera is Maverick County Sheriff and has served in law enforcement for more than 30 years. He is chairman of the Texas Border Sheriff's Coalition and director of the Texas Farm Bureau, and a member of the Sheriff's Association of Texas, the Texas Jail Commission Advisory Board, and the Texas Jail Association. He volunteers as chairman of Teletone Navideno and is a consultant to the Quemado Radio Association.

SCOTT MCLAUGHLIN, PRESIDENT, STAGECOACH CARTAGE & DISTRIBUTION, L.P.

Scott McLaughlin is President of Stagecoach Cartage and Distribution, L.P. He is a member of the Chase Bank Advisory Board, the Truckload Carriers Association, and the Paso Del Norte Group. Mr. McLaughlin is membership chair of the Young Presidents Organization and muster co-chair of the Texas A&M Club of El Paso. He received a bachelor's degree from Texas A&M University and a master's degree from the University of Texas –El Paso.

T. MICHAEL O'CONNOR, SHERIFF, VICTORIA COUNTY

T. Michael O'Connor is a south Texas fifth generation rancher and serves as Victoria County Sheriff. Mr. O'Connor is president of the South Texas Coastal Sheriff's Alliance and director of the Texas and Southwest Cattle Raisers Association. Mr. O'Connor has served in law enforcement for over 30 years. He is a board member of the Law Enforcement Alliance Project and the Project Safe Neighborhood Task Force of the Southern District. He is a past vice chairman of the Texas A&M University System Board of Regents and a past member on the State Government Management Task Force. Additionally, he served as a special appointee to the Criminal Justice Task Force for the Comprehensive Review of the Criminal Justice System. He received his bachelor's degree from Texas A&M University.

ALLAN POLUNSKY, CHAIRMAN, TEXAS DEPARTMENT OF PUBLIC SAFETY

Allan Polunsky is the founder and managing partner of Polunsky and Beitel, L.L.P. He is the Chairman of the Texas Department of Public Safety Commission and previously served as a member of the Texas Finance Commission and Chairman of the Texas Department of Criminal Justice. Mr. Polunsky is a member of the American Bar Association's section on Real Property, Trust, and Probate, and the State Bar of Texas' section on Real Estate and Probate Law. Mr. Polunsky received a bachelor's degree from The University of Texas at Austin and a law degree from St. Mary's University.

In August 2005, serious crime in the unincorporated areas along the Texas/Mexico border was on the rise. The rate of index crime had increased by over 17 percent, while crime in other areas of the state had decreased by 2 percent. This was a direct result of drug and human smuggling operations being conducted across the Texas/Mexico border, supported by former military commandos and violent transnational gangs. Law enforcement was also concerned about the escalation of the number of illegal aliens from terrorism-related countries such as Afghanistan, Iran, Iraq, Jordan, Pakistan, and Saudi Arabia being apprehended after crossing the Rio Grande River.

The Texas Border Sheriff's Coalition requested state assistance to help them restore order and better protect their citizens. In November 2005, Governor Perry provided \$9.8 million in state funds to support "Operation Linebacker" to quickly increase local patrol resources in high threat areas.

In February 2006, the Governor set forth a four-part plan to increase border security and reduce all crime in the Texas border counties. The Governor's border strategy framework included:

- ★ increased local and state patrols;
- ★ centralized coordination of patrol operations;
- ★ centralized intelligence to drive operations; and
- ★ leveraged technology.

The State established the Border Security Operations Center and later six unified command structures referred to as Joint Operations and Intelligence Centers located in six security sectors (El Paso, Big Bend, Del Rio, Laredo, McAllen, and the Coastal Bend). High intensity, short duration operations were conducted initially in one security sector at a time. During the duration of these operations, local law enforcement agencies reported crime reductions ranging from 25 percent to as high as 75 percent as smuggling operations decreased. The State later expanded these operations to conduct multiple security-sector operations at the same time and for longer durations.

The cornerstone of the Governor's strategy was to substantially increase the patrol presence along the Texas/Mexico border. Governor Perry used various discretionary grants to increase local and state patrol capacity along the border through overtime, personnel and equipment such as vehicles and weapons. The Governor also committed National Guard troops to support border security operations.

There is compelling empirical evidence to demonstrate that this strategy was successful⁴. Since these operations began in late November 2005, the index crime in the unincorporated areas of the border counties (93 percent of the Texas/Mexico border) was reduced by 65 percent and the illegal alien apprehensions were reduced by 45 percent, as of the third quarter of 2007. There is also evidence to indicate that these border security operations are in part responsible for the disruption of the U.S. drug supply from Mexico. The cost of drugs that enter Texas through Mexico, such as cocaine, has increased while the purity has decreased indicating an impact on the drug supply in the U.S. However, substantial border vulnerabilities remain, and there is much more work to be done before the border will be secured from all threats, as there has been an underinvestment in border security for decades.

⁴ See Appendix E, charts v, vi, vii that detail the change in index crime, illegal alien apprehensions and cost of drugs.



EL PASO COUNTY

SHERIFF

EXPEDITION



EL PASO COUNTY

SHERIFF

Members of the Border Security Council traveled along the border during the fall and winter of 2007 to listen to the concerns of the border residents and obtain their input. The Council heard from city and county officials, state leaders, and local citizens. Public hearings were held in five locations: McAllen, Laredo, El Paso, San Antonio, and Corpus Christi. The Council believed that it was important to travel to all areas of the border in order to get a comprehensive understanding of the issues and needs for different areas along the border, a coastal corridor, and a major inland metropolitan area.

Major themes that arose out of the hearings included⁵:

- ★ The federal government has not done enough to secure the border. Governor Perry and the Texas Legislature have shown leadership on this issue.
- ★ Border security should not undermine economic development.
- ★ Current federal grant requirements are confusing and geared toward more inland cities, such as Houston.
- ★ The State should not exceed the scope of its authority, such as funding local and state officers to conduct immigration investigations at the workplace.
- ★ Resources should be enhanced to better detect and deter northbound and southbound smuggling.
- ★ Local, state, and federal law enforcement along the border need an enhanced radio communications capability to support operations and better ensure officer safety.
- ★ Overtime for law enforcement officers does increase patrol capacity but eventually exceeds the officers' ability to use it, and funding for additional local officers is needed.
- ★ Unified policing operations such as Linebacker, Rio Grande, Wrangler, and Border Star are effective.
- ★ The Salt Cedar and Carrizo Cane that grows unabated along the Rio Grande River impedes border security enforcement operations and poses a threat to local, state, and federal law enforcement officers.

Members of the Border Security Council held three open meetings in Austin to review and approve the various performance measures, reporting requirements and audit methods necessary to review state grant funds, and to vote on their proposed allocation of discretionary state funds. Presentations regarding these metrics were made by Steve McCraw, Director, Office of Homeland Security, and, Louri O'Leary, Governor's Office of Economic Development.

⁵ Minutes of all public hearings can be located in Appendix C.

Section Five: **RECOMMENDATIONS****A. PERFORMANCE STANDARDS****RECOMMENDATION:**

Operational success should be measured in deterrence and prevention rather than an increase in the numbers of arrests and seizures. Reductions in all crime in unincorporated areas in Texas counties that border Mexico should be a measure of performance.

DISCUSSION:

An increase in resources may initially lead to an increase in arrests and seizures, as there are more people to identify the wrongdoing.

Drug and human smuggling organizations, members of transnational gangs, and opportunistic criminals exploit the unincorporated and unprotected areas along the Texas/Mexico border to enter the U.S., and while doing so often engage in various criminal activities.

When drug and human smuggling increase along the border, so does crime. The most serious crimes are reflected in what are referred to as “index crimes” which local law enforcement agencies are mandated to report to Texas Department of Public Safety Crime Records. The index crime information is then forwarded to the Federal Bureau of Investigation as the basis for the annual Uniform Crime Reports. However, the current process takes an excessive amount of time and is not easily accessible to monitor progress near real time. Furthermore, this process does not capture data on crimes such as trespassing and vandalism which are better indicators of smuggling activity. Efforts should be made to streamline the existing process to better enable the identification of trends and patterns and assess operations.⁶

RECOMMENDATION:

The reduction of Border Patrol illegal alien apprehension rate along the in Texas/Mexico border should be a key measure.

DISCUSSION:

Traditional law enforcement measures of success were based upon volume rather than impact. An increased number of arrests and seizures was an indicator of success, although smuggling activity, crime and availability of drugs may have increased. As the border becomes more secure it will become more difficult and costly for smuggling organizations to move people and drugs across the Texas/Mexico border, and therefore, the number of illegal apprehension arrests will decrease, even when more agents and officers are available to make more apprehensions. The illegal alien apprehension rate in Texas by fiscal year since 2005 demonstrates an overall reduction of illegal alien apprehensions by 66 percent.

Fiscal Year	Arrests	Reduction
2005	334,396	
2006	284,262	15%
2007	192,983	32%
2008	114,632*	40.5%

⁶ Currently, the Texas Department of Public Safety assesses the total number of index crimes divided by the total Texas population. That result is then divided by 100,000 to obtain the crime index rate per 100,000 population.

RECOMMENDATION:

The availability of drugs smuggled into the U.S. from or through Mexico as measured by the street cost and purity should be a secondary performance measure, but not a primary measure because of non-related variables that can impact supply.

DISCUSSION:

Texas has become the nation's transshipment center for illegal aliens and drugs. The disruption of organized smuggling operations through enhanced security operations at the border should impact the U.S. drug supply until other smuggling routes with less risk can be established.

The U.S. drug supply can be measured by drug cost and purity. Unlike illegal aliens, drugs can be very well concealed in the northbound truck and other vehicle traffic that enters the U.S. legally. As security increases between the ports of entry, the amount of drugs going through the ports of entry will likely increase, as will efforts by the crime cartels to corrupt inspectors at the ports of entry. In addition, during periods of increased patrol presence, the United States Postal Service (USPS) and other couriers see an increase in contraband being sent through their services. To counter this trend, the USPS is coordinating with local, state, and federal law enforcement agencies to report such incidents.

B. REPORTING REQUIREMENTS**RECOMMENDATION:**

Agencies participating in Operation Border Star must report daily border-related incidents to the Joint Operations Intelligence Center (JOIC) in their sector. The Border Security Operations Center (BSOC) should continue to centralize all border incidents and produce daily, weekly, and monthly reports and track drug and bulk cash seizures and referrals of illegal aliens to federal officials.

DISCUSSION:

Regular reports to the regional JOICs facilitate coordination among law enforcement agencies by developing a shared understanding of the threat environment they are facing. The JOICs should serve as the all-source information component in each of the security sectors producing tactical intelligence that supports border security operations. The BSOC should serve as the all-source information component for statewide smuggling activities and produce both tactical and strategic intelligence to support border-wide operations and decision making including the rapid redeployment of resources.

The State should establish a crime mapping capability that includes near real-time all crime data in the Operation Border Star counties and access to Customs and Border Protection arrest and seizure data. This enables law enforcement users to better identify links, patterns, and trends among crimes in their jurisdictions.

RECOMMENDATION:

Establish a crime mapping capability in the border region that includes index and all other crimes, to include Customs and Border Protection arrest and drug seizure data by location, date, and time.

DISCUSSION:

All crime data, including vandalism, trespassing and federal and state arrests and drug seizures, is essential for identifying patterns and trends to proactively address evolving threats and to assess operations. The data should be updated daily to support the unified decision-making process.

C. AUDIT MEASURES**RECOMMENDATION:**

Continue to conduct 100 percent audits of border security funding. The Governor's Division of Emergency Management (GDEM) should continue to audit all state grant funds authorized by the Texas Legislature to support border security.

DISCUSSION:

100 percent audits will ensure optimal internal controls to minimize waste, fraud, and abuse of Texas taxpayer dollars. The Texas Department of Public Safety Division of Emergency Management (DEM) currently uses audit mechanisms from the various publications: U.S. Government Accountability Office, "Government Accounting Standards – GAO 17-731G", July 2007 Revision; Uniform Grant Management Standards; OMB Circular A-133; and Standard Operating Procedures for Audit of Border Security Enhancement Operations Reimbursement.

These standard audit mechanisms ensure that all funds distributed are properly monitored and accounted for.

D. FUNDING RECOMMENDATIONS**RECOMMENDATION:**

Sustain funding for border operations at the state level.

DISCUSSION:

Because funding for state led border operations has been successful in decreasing and deterring crime, the State should continue to fund operations at the state level. Border security funding should be used to support closely-coordinated, intelligence-driven patrol operations that utilize technology to maximize their impact. This could include:

- ★ Overtime for local and state personnel involved in border operations.
- ★ Funding to pay reserve deputies.
- ★ Travel costs for personnel temporarily deployed to the border region.
- ★ Operational costs such as fuel and maintenance for patrol vehicles, boats, and aircraft.
- ★ Technology such as video surveillance, license plate readers, information sharing, and radio communications interoperability.
- ★ Six Joint Operations and Intelligence Centers and the Border Security Operations Center.
- ★ Equipment used to support border operations and patrols.

Based on the success of past border security operations, the following budget for border operations was approved during the 80th Legislature.

Border Security Operations
Fiscal Years 2008/2009

	Appropriated Amount	Recommended Expenditures
RIDER 60-LOCAL LAW ENFORCEMENT⁷		
Border Region	\$20,000,000	
Management & Administrative		\$800,000
Overtime		16,200,000
Fuel & Maintenance		1,400,000
Travel		1,600,000
ART. IX, SEC. 19.69(B)⁸ – STATE		
Management & Administrative	20,000,000	\$800,000
Overtime		16,200,000
Fuel & Maintenance		1,400,000
Travel		1,600,000
ART. IX, SEC. 19.69(C)⁹ – LOCAL LAW ENFORCEMENT		
Overtime	17,204,714	10,494,876
Training		344,094
Patrol equipment		1,204,330
Technology to include:		5,161,414
Video		
Information Sharing		
Communication		
ART. IX, SEC. 19.69(A)¹⁰ – JOICs & BSOC		
Management & Administrative	6,500,000	260,000
Operations, Support & Equipment		6,240,000
TOTAL	\$63,704,714	\$63,704,714

7 From HB 1, 80th Leg.: Contingency for Surge Operation Overtime for Local Law Enforcement. Contingent on the Governor's certification to the Legislative Budget Board that all homeland security and disaster assistance federal funds, such as the Law Enforcement Terrorism Prevention Program, the State Homeland Security Program, and the Urban Areas Security Initiative Program, used during the past four years for overtime pay for local law enforcement for border security are no longer available, the Division of Emergency Management (Goal D in the bill pattern for the Department of Public Safety) is hereby appropriated \$20,000,000 in fiscal year 2008 from General Revenue funds to provide additional manpower by local law enforcement agencies for state surge operations for improved border security. These funds shall be used to provide grants to local law enforcement agencies for payment of overtime and per diem for local law enforcement officers. Prior to expenditure of funds, the Division of Emergency Management shall provide a proposal for expenditure of the funds to the Legislative Budget Board.

8 From HB 1, 80th Leg.: \$20,000,000 may only be expended for payment of overtime, per diem and related travel expenses for commissioned peace officers or National Guard cooperating in surge operations by working in a county other than a county of their employment or assigned duty stations.

9 From HB 1, 80th Leg.: \$17,204,714 may only be used to provide grants to local law enforcement agencies for overtime and per diem when cooperating in a surge operation, or for training, equipment and technology acquisition.

10 From HB 1, 80th Leg.: \$6,500,000 may only be used to equip and operate Joint Intelligence Operations Centers and the Border Security Operations Center.



RECOMMENDATION:

In order to be eligible for state border security funding, state and local law enforcement entities must participate in: state led border operations, Joint Operations Intelligence Centers, and share information and intelligence with state, local, and federal counterparts.

DISCUSSION:

Eligibility for state border security funds must require a commitment from state and local law enforcement agencies to participate in operations and timely share information and intelligence with their counterparts. One of the frustrations in coordinating operations today is that not all participants provide real-time data. Without this data, coordination of operations is not as effective.

In May 2008, the Governor's Division of Emergency Management released the Border Security Equipment and Technology (BSET) Grant Guidance and Application kit¹¹ to assist state and local law enforcement entities in applying for the \$17,204,714 allocated in the General Appropriations Act, 80th Legislature, Art. IX, Sec. 19.69 (C). These funds are specifically available for border security expenditures of training, equipment, and technology acquisition. Under the BSET guidelines, eligibility for these funds requires participation in border security operations.

E. POLICY RECOMMENDATIONS**RECOMMENDATION:**

Expand Operation Border Star to address the southbound smuggling of bulk cash, stolen vehicles, and weapons into Mexico.

DISCUSSION:

Customs and Border Protection Office of Field Operations does not have the resources to conduct thorough southbound inspections on the 22 international bridges in Texas. As a result, the Mexican crime cartels are able to smuggle bulk cash, stolen vehicles and weapons into Mexico with minimal risk. As a result of the public testimony, the State began funding overtime for local police officers to work with Customs and Border Protection on the international bridges. The El Paso, Brownsville, and Hidalgo Police Departments have reported a drop in stolen vehicles when they began southbound inspections. The State should work towards ensuring that southbound monitoring occurs 24 hours a day, seven days a week at all ports of entry.

¹¹ See Appendix D for a copy of the Border Security Equipment and Technology Grant Guidance and Application Kit.

RECOMMENDATION:

The state should expand its use of technology in the border area to include the implementation of the Virtual Border Neighborhood Watch Program, expanding border radio interoperability and prioritize the full implementation of the Texas Data Exchange in the border region.

DISCUSSION:

The Mexican crime cartels, transnational gangs such as MS-13, and state-based gangs such as the Mexican Mafia and Texas Syndicate, leverage the latest technology to support their operations and thwart law enforcement. Video surveillance, electronic fingerprint booking stations, electronic license plate readers, information sharing technology systems, night vision goggles, and Forward-Looking Infrared (FLIR) are some of the enabling technologies that enhance border security efforts.

RECOMMENDATION:

The state should consider expanding manpower to include K-9 units at each port of entry and high impact corridors in coordination with border operations.

DISCUSSION:

Due to limited resources state and local law enforcement officials need to consider alternate mechanisms of continuing and ensuring security and safety. Use of expanded technology and non-traditional security measures should be studied.



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FROM SENATE BILL 11, 80TH LEGISLATURE:

ARTICLE 18. MISCELLANEOUS PROVISIONS RELATING TO HOMELAND SECURITY AND BORDER SECURITY

SECTION 18.01. Subchapter A, Chapter 421, Government Code, is amended by adding Section 421.0025 to read as follows:

Sec. 421.0025. BORDER SECURITY COUNCIL.

- (a) The Border Security Council consists of members appointed by the governor.
- (a-1) At least one-third of the members appointed under Subsection (a) must be residents of the Texas-Mexico border region, as defined by Section 2056.002.
- (b) The Border Security Council shall develop and recommend to the office of the governor performance standards, reporting requirements, audit methods, and other procedures to ensure that funds allocated by the office of the governor for purposes related to security at or near this state's international border are used properly and that the recipients of the funds are accountable for the proper use of the funds.
- (c) The Border Security Council shall advise the office of the governor regarding the allocation of funds by the office for purposes related to security at or near this state's international border. Recommendations relating to the allocation of those funds must be made by a majority of the members of the council.
- (d) The governor shall designate one member of the Border Security Council as the chair. The chair shall arrange meetings of the Border Security Council at times determined by the members of the council.
- (e) The meetings of the Border Security Council are subject to the requirements of Chapter 551 to the same extent as similar meetings of the Public Safety Commission. The plans and recommendations of the Border Security Council are subject to the requirements of Chapter 552 to the same extent as similar plans and recommendations of the Department of Public Safety of the State of Texas.
- (f) Service on the Border Security Council by a state officer or employee or by an officer or employee of a local government is an additional duty of the member's office or employment.

Appendix B: LINE-ITEM BUDGET OF HOMELAND SECURITY FUNDS

FUNDING FOR BORDER SECURITY OPERATIONS FISCAL YEAR 2008 AND 2009

SURGE OPERATION OVERTIME FOR LOCAL LAW ENFORCEMENT - \$20,000,000 GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT

Appropriated \$20,000,000 in fiscal year 2008 from General Revenue Funds to provide additional manpower by local law enforcement agencies for state surge operations for improved border security. These funds shall be used to provide grants to local law enforcement agencies for payment of overtime and per diem for local law enforcement officers.

BORDER SECURITY-GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT \$43,704,714

Appropriated \$43,704,714 for the fiscal biennium beginning September 1, 2007 from the General Revenue Fund for the following border security expenditures:

- a. \$6,500,000 may only be used to equip and operate Joint Operation and Intelligence Centers and the Border Security Operation Center.
- b. \$20,000,000 may only be expended for payment of overtime, per diem and related travel expenses for commissioned peace officers or National Guard cooperating in a surge operation by working in a county other than the county of their employment or assigned duty station.
- c. \$17,204,714 may only be used to provide grants to local law enforcement agencies for overtime and per diem when cooperating in a surge operation, or for training, equipment, and technology acquisition.

BORDER SECURITY-TEXAS DEPARTMENT OF PUBLIC SAFETY \$44,444,865

Appropriated \$34,773,666 in fiscal year 2008 and \$9,671,199 in fiscal year 2009 from State Highway Fund 6 for enhanced border security operations that includes:

- a. Highway Patrol: \$6,517,794 in fiscal year 2008 and \$3,835,802 in fiscal year 2009 for salaries, training, operating costs, and equipment for 61 additional staff including 56 commissioned officers.
- b. Narcotics Enforcement: \$1,874,829 in fiscal year 2008 and \$974,697 in fiscal year 2009 for salaries, training, operating costs, and equipment for 15 additional staff including nine commissioned officers.
- c. Vehicle Theft Enforcement: \$1,132,196 in fiscal year 2008 and \$726,392 in fiscal year 2009 for salaries, training, operating costs, and equipment for ten additional staff including nine commissioned officers.
- d. Special Crimes: \$1,177,975 in fiscal year 2008 and \$727,992 in fiscal year 2009 for salaries, training, operating costs, and equipment for ten additional staff including nine commissioned officers.
- e. Texas Rangers: \$606,707 in fiscal year 2008 and \$375,888 in 2009 for salaries, training, operating costs, and equipment for five commissioned officers.
- f. Recruit Schools: \$2,546,532 in fiscal year 2008 for training new commissioned officers.
- g. Aircraft Operations: \$20,917,633 in fiscal year 2008 and \$3,030,428 in fiscal year 2009 for the purchase of four helicopters and 19 additional staff including 18 commissioned officers.

BORDER SECURITY-TEXAS PARKS AND WILDLIFE DEPARTMENT

\$2,125,193

Appropriated \$1,270,793 in fiscal year 2008 and \$854,400 in fiscal year 2009 from General Revenue Fund for enhanced border security operations that includes:

- a. Enforcement Programs: \$837,100 in fiscal year 2008 and \$854,400 in fiscal year 2009 for salaries, operating costs, and equipment for 15 additional game wardens.
- b. Warden Training Academy: \$413,693 for training 15 game wardens.
- c. Information Resources: \$20,000 for the purposes of enhancing border security.

TOTAL AMOUNT APPROPRIATED FOR BORDER SECURITY OPERATIONS

\$110,274,772



Appendix C: PUBLIC HEARING AND OPEN MEETING MINUTES

BORDER SECURITY COUNCIL PUBLIC HEARING

OCT. 1, 2007 - McALLEN, TEXAS

MEMBERS PRESENT: Chair Carlos Cascos, Vice Chair Robert Holt, Sec. of State Phil Wilson, Sheriff Tomas Herrera, Sheriff T. Michael O'Connor, Scott McLaughlin, Fred Burton and Allan Polunsky.

MEMBERS ABSENT: Buddy Garcia, Judge Val Beard, Judge Becky Dean Walker

- I. Meeting called to order at 9:00 am by Chairman Cascos.
- II. United States and Texas pledge led by Rep. Veronica Gonzalez.
- III. Amanda Arriaga gave an introduction regarding the purpose of the Border Security Council.
- IV. Public testimony:
 - A. Steve McCraw, Director, Office of Homeland Security, Governor Rick Perry
 - ★ Mr. McCraw provided an overview of homeland security threat, including the problem with transnational gangs.
 - B. Aaron Pena, State Representative
 - ★ Was recognized and in attendance, but did not provide testimony.
 - C. Kino Flores, State Representative
 - ★ Was recognized and in attendance, but did not provide testimony.
 - D. Juan Escobar, State Representative
 - ★ Helped author the bill that created the Border Security Council.
 - ★ The threat is real and the criminals are sophisticated.
 - ★ Three major "hotspots" – Gulf cartel, Juarez cartel, and Pacific corridors; help Rio Grande Valley.
 - ★ If any BSC members have federal influence, write to your congressman and ask for more experienced personnel to be sent to the Border.
 - ★ Helping to prosecute at state drug courts would help. The courts are in need of additional funds.
 - E. Veronica Gonzalez, State Representative
 - ★ SB 11 allows for Enhanced Drivers Licenses. It allows DPS to set a fee to administer the program.
 - ★ She hopes the public understands that the BSC was not created to discuss the fence or immigration reform, but the lines between state and federal responsibility are blurry.
 - ★ Virtual technology can be used more effectively along the border than anything else.
 - F. Victor Rodriguez, Chief of Police, McAllen, Texas
 - ★ The U.S.-Mexico border is an immigration reform target.
 - ★ It is a bad idea to build a fence along the border.
 - ★ The federal government should do a better job of creating immigration legislation to fix the current problem.
 - ★ The support that the Border Sheriffs Coalition provides basically amounts to a fence.

- ★ Please lead the way to comprehensive reform, not just immigration.
 - ★ **Question from BSC:** If you had money, how would you use it? Promote “policing” at the bridges; motor vehicle theft to Mexico, for example, is high. Northbound monitoring capabilities on the bridge is high, but monitoring southbound is not a priority.
 - ★ **Question from BSC:** Have you worked any operations with ICE, or any federal security organization? Not really, the federal government doesn’t provide any funds.
 - ★ **Question from BSC:** Are we secure from international (terrorist country) threats? No. The border is porous, and we can’t catch them all.
 - ★ Drug apprehensions – there are no local means to destroy drugs that are seized. Closest point is Beaumont. There needs to be money to pay for both seizing and destruction.
- G. Larry Spence, Sheriff, Willacy County
- ★ It is hard to monitor the county, as they have a staff of 40 people, but less than 10 officers; need help with equipment, overtime money, and extra manpower.
 - ★ Port Mansfield needs security cameras, or other relevant security devices.
 - ★ **Question from BSC:** Is Willacy eligible for any federal funds? Maybe. We are working on it, haven’t had any federal funding in the past; need help with applications for federal funding.
 - ★ **Question from BSC:** Is the problem on the waterway, or on land? Both. Water is a problem because there is no one there to monitor. However, main concern is the port.
 - ★ Willacy County was just voted in as a member of the Border Sheriffs Coalition.
 - ★ Sheriff Spence will look at sources of matching funds.
- H. Michael Wilson, Port Director, Willacy Co. Navigation Dist.
- ★ Willacy County needs a high tech form of surveillance.
 - ★ The county needs help with “Dredging”. If the BSC has any sway over the federal government, they should be told that Willacy County needs assistance to dredge the channels, so the Coast Guard can get through.
 - ★ **Question from BSC:** Are you eligible for federal funding for the port? Yes, however, Willacy County is considered the “lowest priority” port according to DHS.
 - ★ Willacy County has some cameras, but very little monitoring ability.
 - ★ **Comment from BSC:** Dredging is a project for Corps of Engineers, not homeland security; that goes through an application through U.S. Congressman. Mr. Wilson would like the BSC to recommend to DHS to provide money to Willacy County.
- I. Monica Weisberg-Stewart, Texas Border Coalition
- ★ A Heritage Foundation report found that the wall is not the solution.
 - ★ Governor Perry needs to champion REAL ID.
 - ★ Enhanced DL is being held up as well, and should be supported.
- J. Eddie Olivarez, Hidalgo Co. Health and Human Services
- ★ Mr. Olivarez is promoting the need for public health security.
 - ★ Hidalgo County needs help with early warning and infectious diseases.
 - ★ They currently monitor 13 – 22 infectious diseases (SARS, Pan Flu, Plague, nuclear radiation sickness, etc).

- ★ As public health officials, they are tasked to also be a part of the security team along the border; however, they have had funding cut on disease surveillance, because “nothing has happened yet”.
 - ★ Basic statistic: If you drive 160 miles from McAllen, TX in any direction, there are 14 million people. Nowhere else in Texas can you find this many people within 2 hours.
 - ★ Hidalgo County understands the importance of health and agro terrorism. The county works with USDA regarding terrorism involving food.
 - ★ **Question from BSC:** Is UT-Health Science Center helping with public health threats? Sort of. But the local/county level has to deal with the daily operations.
 - ★ **Question from BSC:** Could you get funding from them? No, the academic world likes to keep their own money. Hidalgo County is willing to partner with the colleges, but the academic world doesn’t usually want to give.
 - ★ **Question from BSC:** Is this is state problem or a federal problem? Federal – just came back from the Border Governors Conference. CDC has traditionally ignored the border. Need help from CDC and HHS. State can help to direct the fed funds to them.
- K. George Ramon, Director, McAllen –Hidalgo International Bridge
- ★ All money has been directed between the ports of entry, which places a burden at the ports of entry. The perimeters are compromised.
 - ★ 100,000 people cross in McAllen/Hidalgo bridge daily.
 - ★ Perimeters are the responsibility of the bridge owners.
 - ★ Keeping people off the bridge will help in securing the borders.
 - ★ **Question from BSC:** Since we are precluded from spending assets on hard resources, what would be helpful for you? Staffing, etc. It takes 3.5 people to do one 24 hour shift. They would need nine more people to cover that per facility. To police perimeters, need 17 * 9 more personnel.
 - ★ **Question from BSC:** The nine people at this port would be used for what kind of operations? To protect the perimeters of the port of entry. Customs believes that no one has done anything illegally, until they present themselves.
 - ★ **Question from BSC:** What is the estimated cost of repairs for the perimeters? No idea.
 - ★ **Question from BSC:** How much does it cost to cross the bridge? \$2.00. City of McAllen gets \$5M per year. What exactly is the budget/cost of operation for the bridges; what is net revenue? If you have all your debt paid for, and a healthy fund balance, can’t you transfer \$7M out to the cities?
 - ★ **Question from BSC:** Is there any financial support for the bridge on the Mexico side? Mexico just re-did their side of the bridge. Mexico controls the funding for their side.
 - ★ **Question from BSC:** Are there any surveillance cameras at the bridge? Yes, but could be improved.
 - ★ **Question from BSC:** What type of relationship do you have with DPS, regarding stolen vehicles? Not much of a relationship, as DPS just creates task forces...DPS troopers are rarely actually on the bridge.

- L. Manuel Zarate, Sculptor/Artist
 - ★ Believes that the authority figures in Mexico are the problem. He left Mexico, because of the lack of authority in Mexico.
 - ★ He is a sculptor, his wife and kids are from the United States.
 - ★ The BSC has the authority and the responsibility to support and enhance the law.
- M. Steve Alhenius, McAllen Chamber of Commerce
 - ★ Please consider the Enhanced Drivers License program.
 - ★ DHS sent a letter to the Texas Office of the Attorney General stating that Texas is an ideal candidate for the pilot project.
 - ★ McAllen has a lot of winter Texans, and they like to go to Mexico; Mexico is a big part of what is promoted.
 - ★ The enhanced Drivers License will help the pain of having to get a passport.
 - ★ Most people don't think about getting passports when they visit.
 - ★ Sheriff O'Connor wants the BSC to relay concerns of the community to the Governor and the federal government.
- N. Hearing adjourned at 11:10 am.

**BORDER SECURITY COUNCIL PUBLIC HEARING
OCTOBER 2, 2007 - LAREDO, TEXAS**

MEMBERS PRESENT: Chair Carlos Cascos, Vice Chair Robert Holt, Sec. of State Phil Wilson, Sheriff Tomas Herrera, Sheriff T. Michael O'Connor, Judge Val Beard, Scott McLaughlin, Fred Burton and Allan Polunsky.
MEMBERS ABSENT: Buddy Garcia, Judge Becky Dean Walker

- I. Meeting called to order at 8:30 am by Chairman Cascos.
- II. United States and Texas pledge led by Raul Salinas, Mayor, City of Laredo.
- III. Welcome by Raul Salinas, Mayor, City of Laredo.
- IV. Public testimony:
 - A. Steve McCraw, Director, Office of Homeland Security, Governor Rick Perry
 - ★ Mr. McCraw provided an overview of homeland security threat, including the problem with transnational gangs.
 - B. Raul G. Salinas, Mayor, City of Laredo
 - ★ Mayor expressed frustration with federal experts telling locals what is best.
 - ★ "Your border is our home".
 - ★ Laredo is the fastest growing community east of the Rockies.
 - ★ BSC needs to be concerned about the number of trucks crossing the border, and the contents of the trucks, both legal and illegal.
 - ★ Thanks to Governor Rick Perry for creating the Border Security Council.
 - ★ Washington DC has not gotten the message that homeland security means hometown security.
 - ★ Need to share money with local health departments to deal with health security threats.

- ★ Want to build bridges of friendship, not walls.
- C. Danny Valdez, County Judge, Webb County
- ★ Welcome to Webb County.
- D. Richard Raymond, State Representative
- ★ Commend Governor Rick Perry regarding the appointments to the BSC.
 - ★ Wants additional hearings in Dallas, Houston, Tyler, etc.
 - ★ Next session, BSC needs to help educate the legislators of the importance of the border and security needs.
 - ★ Please let federal government know that the problem extends beyond the border.
- E. Agustin Dovalina III, Police Chief, City of Laredo
- ★ Mission of the Laredo Police Department: to enhance the quality of life in Laredo by establishing a partnership with the community in an effort to preserve life, protect property and enforce the law.
 - ★ Laredo has four ports of entry and an international rail bridge.
 - ★ Laredo is the largest inland U.S. port.
 - ★ Nuevo Laredo has been plagued by violence; violence is a direct result of drug trafficking; deaths of 100s of people; many kidnappings (“Levantones”).
 - ★ Property crime rate is static; due mainly to the city’s rapid growth.
 - ★ Violent crime rate: significant increase due to violence in Mexico; some had relative nexus to drug trafficking.
 - ★ There are concerns with both northbound and southbound traffic; over 13,000 trucks carrying cargo cross into Laredo daily.
 - ★ Laredo has been able to help manage “spillover violence”, but they can’t do it on their own; need more federal funding to put boots on the ground and stem the spillover violence.
 - ★ Laredo continues to seek federal funding to hire additional officers and technology, but due to current funding formulas, they are ineligible to do so.
 - ★ Wants the Border Security Council to recommend to the Governor that Laredo P.D. should receive state homeland security funding for both the hiring of additional officers and border security enforcement initiatives.
 - ★ This past year, Steve McCraw was able to help Laredo receive \$1.2M in DHS grant funds to help defray the cost of a new communications system.
 - ★ Laredo is participating in Operation Border Star, as well as a number of multi-jurisdictional task forces.
 - ★ **Question from BSC:** Do you have an intelligence division? Yes, we participate in the joint task forces. Biggest challenge? Narcotics and the residual violence stemming from that.
- F. Luis Sosa, Fire Chief, City of Laredo
- ★ Role of the fire department includes a range from fire suppression to emergency management.
 - ★ Largest inland port for commerce; international bridges/infrastructure are vital to regional and national economy.

- ★ Major challenge is the lack of funding. Fire department is responsible for performing duties of rescue and recovery in international waters; investigate bomb threats in international bridges; every response takes several thousand dollars; so far, this year, Laredo has incurred between \$200,000 and \$300,000 in non-reimbursable costs.
 - ★ A rescue/recovery operation requires the assistance of a District Chief, a Safety Officer, a support crew of three members, a rescue crew of three members and a medical crew of paramedics. Personnel costs alone average \$750 per recovery.
 - ★ In past years, funding has decreased, but risk and threats only increase.
 - ★ Laredo needs to develop/nurture partnerships with local/state/federal agencies; training; alternative funding through grants/appropriations.
 - ★ Need to acquire a command and control unit, a dedicated emergency operations center and other equipment critical for the front line of public safety.
 - ★ Committed to keeping Laredo secure, but need more resources.
- G. Dr. Hector Gonzalez, Health Dept. Director, City of Laredo
- ★ Response has typically been “regional”, though the jurisdiction really extends beyond that.
 - ★ Laredo was recently named as a Federal Medical Station (FMS) for mass care and medical special needs populations; designated by the Texas Dept. of State Health Services as a shelter hub; designated as a regional Strategic National Stockpile site for any disaster; and designated as a Texas Chemical-Pack site for the storage and use of 2000 doses of nerve gas antidotes.
 - ★ Laredo has never had enough resources; had to build their own resources/expertise re: standards, allocation, procedures.
 - ★ Challenges: critical lack of access to health care by the population, critical lack of access to health care professionals, lack appropriate equipment for services and adequate communication, the commerce and trade has created a potential for hazardous materials management and chemical exposure.
 - ★ Asking for adequate resources for services, staff and equipment based on need and local response responsibility, rather than be based on formulas and standards that are used for the rest of the nation.
 - ★ Center for Disease Control gets called with quarantine info, but then CDC calls the locals to actually fix the problem.
 - ★ **Question from BSC:** How large is staff? Not very.
 - ★ **Question from BSC:** Money is slim, so what kind of metric could be used to measure success? Lab testing. **Comment from BSC:** BSC cannot do that. What can we help you with that falls within the statute? 800 megahertz system, communication ability with state/fed/local responders; need more than radio, cell, computers, satellite – need the overall system; also, public health response needs are tied to communications system.
 - ★ **Question from BSC:** What is the estimated cost of the level of integration you need? Will provide later.
- H. Mario Maldonado, Bridge System Director, City of Laredo
- ★ Laredo is the largest inland port with four international bridges.
 - ★ Just finished a \$23M project to renovate the bridge.

- ★ Columbia- 20 percent of commercial crossings at this location.
 - ★ World Trade Bridge – 100 percent commercial traffic at this location; 8000-9000 commercial vehicles per day, north and southbound.
 - ★ Traffic stats – cross high numbers of commercial vehicles with traffic; northbound crossings have been a concern.
 - ★ Problems: long wait time, plus implementation of the western hemisphere travel initiative.
 - ★ Bridge improvement projects – Modification of bridge \$23M to revitalize downtown area; Santa Ursula connector.
 - ★ **Question from BSC:** What is the perception and standards of security on the bridges? Have guards, but not security officers; on Mexican side, customs agents; any private security guards? Only in the evenings (8 of the 24 hours); law enforcement going southbound? No, and the guards on the bridge don't carry firearms. (According to the police chief, officers are assigned there, they just don't announce themselves or when they will be there. No funds are allocated there for overtime).
 - ★ **Question from BSC:** Does the city own all four bridges? Yes. How much do you make? \$38M. 50 percent used for bridge operations, debt service, etc; the other goes to the general fund.
- I. Gene Garza, Laredo CBP Office of Field Operations, Port of Laredo
- ★ One port with 4 bridges, rail bridge and airport; 700 employees.
 - ★ \$152B in trade from Del Rio to Brownsville, \$105B is from Laredo.
 - ★ Security to the community is key.
 - ★ Over 100 buses cross daily; 3000 lbs marijuana, 400 lbs cocaine.
 - ★ Over 3000 aircraft come in.
 - ★ Participate in state/federal task forces, have an intelligence unit; work with Mexican counterparts.
 - ★ Have been subjects of a shootout regarding border violence.
 - ★ Several arrests at the bridge of border felons.
 - ★ Have helped to return kidnap victims.
 - ★ **Question from BSC:** What happened to the \$5.8M seized? Some of the funds go back to the city.
- J. Alfonso Arguindegui, President, Laredo Development Foundation
- ★ In 2006, the Port of Laredo ranked as the #1 land based port on the U.S.-Mexico border and generated over \$157B in trade.
 - ★ In 2006, the Port of Laredo imports ranked:
 - ★ #2 in vehicles (over \$5 billion)
 - ★ #2 in car parts (over \$7 billion)
 - ★ #4 in TV monitors (over \$1 billion)
 - ★ #3 in landline phones (over \$2 billion)

- ★ In 2006, the Port of Laredo imports ranked:
 - ★ #3 in vehicles/transporting people (over \$2 billion)
 - ★ #2 in car parts (over \$5 billion)
 - ★ #5 in vehicles/transporting goods (over \$582 million)
 - ★ Port of Laredo continues to be a U.S. destination of choice.
 - ★ Must have continued support/commitment from the State of Texas if we want Laredo to continue to play a major role in cross border trade.
- K. Raul Perales, Community Member
- ★ Problem with Western Hemisphere Travel Initiative, because it will harm tourism.
 - ★ Passport is too expensive and will harm the visitors.
 - ★ DHS has no timeline on the passport process.
 - ★ Visitors don't like the customer service they receive when they cross the border.
 - ★ We need to promote the border as safe communities to increase the tourism.
- L. Blas Castaneda, Laredo Community College, Chief Eco Affairs
- ★ LCC helps to train many of the local law enforcement officers; continuing education, etc.
 - ★ LCC needs \$500,000 to expand their Firing Range to provide the services to all local law enforcement officers.
 - ★ Gov. Perry believes that economic development is a big deal; we need changes to the Enterprise Fund to make it friendlier to the border.
- M. Margarita Araiza, Webb County, Heritage Foundation/City of Laredo River Vega Committee
- ★ Did not testify.
- N. Tom Miller, Director, LVBESC, works at the LCC
- ★ Concern: effects of border security on tourism.
 - ★ People have been crossing the border for 1000's of years; we can't stop that.
 - ★ Need to make sure that we don't disturb the nature trails.
 - ★ We already have a fence, it's the river.
 - ★ Chertoff addressed the wall with the locals and had a vision for the virtual wall; but, that hasn't popped up again.
- O. Rick Flores, Sheriff, Webb County
- ★ Happy to find out that the Governor's office is paying attention to these issues; Texas Border Sheriffs Coalition was created in Laredo because no one was listening to what's going on along the border.
 - ★ Border sheriffs want to thank Governor Rick Perry for fighting on their behalf to the Legislature; sheriffs are seeking funds to not burden local taxpayers; working with federal government to get money.
 - ★ Must secure borders and need federal government to provide funds.
 - ★ **Question from BSC:** Have previous operations been successful? Yes. How have they helped? Personnel, as they can't hire additional people. Governor Perry has allowed money to be used for overtime pay, and it's burning the workers out.

- ★ County can't be blamed for lack of funds.
 - ★ Has gone to Washington DC to speak with the federal government, but it doesn't help because they don't listen.
 - ★ This is the first council that he sees members attentive and interested.
 - ★ When will the United States be proactive instead of reactive?
 - ★ **Question from BSC:** Have the resources you were given helped? Yes, but they need more because the sheriffs are the first responders.
 - ★ Governor Perry has been helpful and continues to do so. The problem is the federal government.
 - ★ **Question from BSC:** What is your level of interoperability? – Laredo is in the process of getting \$ from state government that's earmarked for the COGs.
 - ★ **Comment from BSC:** There is \$20M available for overtime for law enforcement; since we can't hire 47 full time employees for the county, please look at your budget about how you use FTE equivalents so that the legislature has a mechanism to assist; the bad guys keep growing.
 - ★ **Question from BSC:** What percentage of arrests led to felony indictments? During operation Wrangler, arrested smuggling of 55 illegal aliens, 5 fugitives and 7 other arrests; narcotics seized – marijuana – 200 lbs, cocaine – several hundred grams.
 - ★ Operation Laredo has resulted in 125 illegal aliens, 25 impounded cars, 19 fugitives, 4 weapons, marijuana, cocaine; \$4.2M in cash confiscated going southbound...get to use 75 percent, other 25 percent to DA's office to file the case; basically, use money back into initiatives.
 - ★ Have asked Steve to see if the state can adopt the highway (Webb County to Maverick County) and provide proper maintenance; **Question from BSC:** Can you close the road? No, because then the bad guys know where to travel.
 - ★ **Question from BSC:** Do you have an intelligence division? Yes.
- P. Frank Ronofsky, Frank Architects
- ★ Showed an animation of a project he's working on to replace DHS proposed border fence by building a bulkhead/retaining wall along the downtown area of the river.
- Q. Chief Carlos Carillo, Border Patrol, Laredo Sector
- ★ We have a supply and demand problem. That's why the drug and immigration problem are out of control.
 - ★ DHS is trying to make up for 80 years of neglect along the border.
 - ★ Laredo sector is focused on elimination of things like Carrizo cane. If we can get rid of these things, it will make it clearer to patrol the river.
 - ★ Continue to work with fed/state/local issues.
 - ★ Border is the front line.
 - ★ Border security belongs to all, not just the border patrol, so county and state needs to help.
 - ★ Overtime is good, but isn't self sustaining. Need permanent resources.
 - ★ Border Security is real; arrested 57,000 illegal aliens, 11,000 which were criminal aliens, 38,000 lbs of narcotics.

- ★ Community collaboration – CBP will work with the community for all border residents.
 - ★ **Question from BSC:** Roads along the river? Any effort to improve infrastructure on the U.S. side would be helpful; not helpful to close those roads.
 - ★ **Question from BSC:** Is there a Mexican counterpart that can help with cutting the brush, cleaning it up, etc? No. The U.S. has 50 percent of the solution for border security, the other 50 percent lives on the Mexican side.
 - ★ **Question from BSC:** What has been done so far regarding Operation Border Star – has there been a good collaborative effort? Was very skeptical, but it actually is a good collaboration. The people in Austin are doing a good job. CBP is endorsing it and its supporting it.
- R. Dennis Nixon/Gerry Schwerer – Alliance for Security and Trade – AST
- ★ Provided a white paper.
 - ★ Background: AST started as a grassroots org of public/private partnership to address economic development issues.
 - ★ Please balance homeland and economic security.
- S. Rebecca Bernhart, Interim Policy Director, American Civil Liberties Union Foundation of Texas, Submitted Written testimony
- ★ The focus of the money spent by the Governor’s office should be on criminal cartels.
 - ★ Performance standards should include:
 - ★ Impact on capacity of criminal cartels;
 - ★ Reward projects that incorporate strategies for replacing the infrastructure of criminal cartels with legitimate business and trade;
 - ★ Training for all local and state law enforcement officers regarding the identification of human trafficking offenses;
 - ★ Do not reward local or state law enforcement for referring undocumented immigrants to federal immigration authorities;
 - ★ Do not reward law enforcement for arrests of low-level drug offenders; and
 - ★ Law enforcement reports and audits should be available to the public without the necessity of an open records request.
- V. Hearing adjourned at 11:00 am.

BORDER SECURITY COUNCIL PUBLIC HEARING

OCT. 3, 2007 - EL PASO, TEXAS

MEMBERS PRESENT: Chair Carlos Cascos, Sec. of State Phil Wilson, Sheriff Tomas Herrera, Sheriff T. Michael O’Connor, Buddy Garcia, Judge Val Beard, Judge Becky Dean Walker, Scott McLaughlin and Allan Polunsky.

MEMBERS ABSENT: Vice Chair Robert Holt, Fred Burton

- I. Meeting called to order at 9:34 am by Chairman Cascos.
- II. United States and Texas pledge led by Mayor John Cook.
- III. Mayor John Cook, El Paso, TX.

Made welcoming remarks. Wants to ensure that border security differs from immigration law; Also wants BSC to remember that border security does not have to conflict with economic development.

The BSC needs to send a message to Washington D.C. about the need for guest worker reform.

IV. Public testimony:

A. Steve McCraw, Director, Office of Homeland Security, Governor Rick Perry

- ★ Outlined Senate Bill 11, which created the Border Security Council, and the homeland security funding that was allocated for the biennium.

B. Eliot Shapleigh , State Senator

- ★ Provided BSC members with a newspaper article that highlighted that Mexico is the #1 trading partner with Texas.
- ★ Agrees with Gov. Perry that we need to ensure that people and product are moving along the border.
- ★ Promotes fast, secure trade.
- ★ El Paso is the third largest manufacturing basin in the world.
- ★ Wants to create a secure manufacturing zone; demonstration project with federal highway administration.
- ★ Wants to build one-stop inspection stations; this will occur in Anzalduas.
- ★ Wants: funds for enhanced drivers license program; to participate in coordinated approach to tech, no money for illegal immigration/racial profiling.

C. Chente Quintanilla, State Representative

- ★ Counties should be funded to patrol the border; sheriffs and DPS should be the second line of defense.
- ★ Was against HB 13 and SB 11 until Chairman Swinford clarified that it's the second line, not the primary mechanism for security.

D. Jaime Esparza, District Attorney, El Paso, Texas

- ★ The border is a federal responsibility.
- ★ Drug smuggling is a bigger issue than illegal immigration.
- ★ State officials shouldn't be enforcing federal law.
- ★ Look at drug task forces for a model for border security. High intensity drug trafficking areas (HIDTA) pursues drug traffickers.
- ★ Not a good idea to create a new intelligence center; we are currently sharing info in the most effective way possible, and we're making headway on the drug war.
- ★ Spend money in a coordinated way, but leave federal problems to the federal agents.
- ★ **Comment from BSC:** Border Sheriffs Coalition is not engaging in illegal immigration activities and is not going to start.

D. Richard Wiles, Police Chief, El Paso, TX

- ★ El Paso needs increased funding.
- ★ El Paso needs the ability for an officer to enter a name in a database, and get all the databases linked together.
- ★ Operation Stonegarten was effective and should be re-implemented.
- ★ El Paso is not a part of Operation Border Star.

- ★ **Comment from BSC:** Continued sustainability of funds is part of the local government’s job.
 - ★ **Question from the BSC:** Why is there such a burden to keep officers local? It is a burden on city taxpayers to train officers and then have them leave to state or federal agencies where they can get paid more. El Paso can’t offer what other cities can in terms of incentives.
 - ★ **Question from the BSC:** Do you work with ICE on Operation Southbound, which allows reimbursement for overtime? Yes. El Paso has a big problem with auto theft, so it is an important program, but they can’t sustain the funds.
 - ★ El Paso has 1100 police officers – may want to look at budgeting process.
- E. Leo Smith, County Judge, Terrell County
- ★ Terrell County doesn’t need overtime money, the need boots on the ground.
 - ★ Border Sheriff’s Coalition needs the money.
 - ★ Money is best served going to local counties, as opposed to state agencies, such as DPS.
 - ★ El Paso Times ran an article regarding 5700 OTMs that were detained, but many more get through.
 - ★ If there are 20,000-60,000 OTMs that have gotten through the border; that’s 1000 per state.
 - ★ **Comment from BSC:** The BSC cannot redirect the funds that are in the legislation. Will have to wait till next session to affect such a change.
 - ★ **Question from BSC:** How many deputies does the sheriff have? One. For 56 miles of the Rio Grande. How many deputies would you need to patrol the 2300 square miles of the county? At least six.
- F. Jimmy Apodaca, Chief Deputy Sheriff, El Paso County
- ★ Considers sheriff’s office as the second line of defense.
 - ★ His office doesn’t use any funds to enforce immigration law.
 - ★ He needs more money for boots on the ground.
 - ★ **Question from BSC:** Why are the sheriffs not first responders? They are, but they are 2nd in line regarding border issues.
 - ★ **Comment from BSC:** Sheriff’s departments are the ones that get the crime to decrease.
- G. José R. Rodríguez, County Attorney, El Paso, TX
- ★ Comments from perspective of the attorney’s office: we always talk about border security, but we forget about community security.
 - ★ Use of juveniles for drug trafficking is a problem.
 - ★ The state needs to focus on security, not immigration.
 - ★ Be careful when using public money for law enforcement.
 - ★ We need “less security” so that people will not be afraid to call the sheriff.
- H. Richard Dayoub, El Paso Chamber of Commerce
- ★ Avoid redundancy. We already have an El Paso intelligence center, and we don’t need another one.

- ★ The state and city economy are being affected by homeland security operation, and eventually it will affect the entire country.
 - ★ It is the State of Texas' job to push the state economy to the federal government.
- I. Kathleen Walker, Kemp Smith Law Firm
- ★ Provided written testimony.
 - ★ National pres of the American Immigration Lawyers Association; Chair of state board for legal specialization examination for immigration.
 - ★ She wants accountability measures to clearly define what the projects objectives are.
 - ★ Operation Linebacker results in El Paso:
 - ★ 5,358 overtime hours worked, four drug arrests, 1076 illegal aliens detained and 0.6 pounds of drugs confiscated.
 - ★ Texas state law does not give the authority to conduct warrantless arrests.
 - ★ **Comment from BSC:** It's the responsibility of the BSC to make sure there is a balance between homeland and economic security.
- J. Robert Almonte, Executive Director, Texas Narcotics Officers association
- ★ TNOA is not a labor organization, but provides training on the latest techniques.
 - ★ There are 1500 members in Texas, many in border cities.
 - ★ TNOA offers a source for providing training. Training provided on a quarterly basis and is TCLOSE accredited.
- K. Mike Breitinger, Executive Director, El Paso Central Business Association
- ★ Echos Ms. Walker and Sen. Shapleigh. Texas and Mexico are separated by a ribbon of water.
 - ★ The waiting lines at the bridge are too long.
 - ★ No southbound checks are needed because it will create a backlog and increased wait times.
 - ★ BSC should assign resources to review economic development impact that the increased security is having.
 - ★ Our economy will be affected if we don't fix this problem at the state level.
- L. Miguel Perez, Project Director Arressco Technologies Solarbeam, www.solarbeam.com
- ★ Arressco has technology that is cost effective and environmentally sound to secure the borders; a wireless solar powered perimeter security system that acts as a web and alerts officials when security is breached.
 - ★ Do not need to hire 5000 personnel to secure the border, because the system is virtual and 24/7.
 - ★ The system triggers cameras that deter vehicles.
 - ★ Anxious to participate and become involved in security to prevent drug and human trafficking.
 - ★ Not building a wall of hate, but building security between the borders.

- M. Carl Starr, Activist
- ★ Brought the lawsuit between county attorney and county.
 - ★ Believes that many rights are violated in El Paso, due to racial profiling.
- N. Salvador Gomez, USN RET.
- ★ Believes the voice of the private citizen counts for nothing.
 - ★ Has the solution for illegal immigration: follow the law.
 - ★ Following the law should be the key.
- O. Bill Addington, Guerra Farm and Ranch – El Paso Sierra Club
- ★ BSC must oppose the border wall; need more law enforcement personnel.
 - ★ Intermodal rail is the way to move goods from Mexico into the U.S.; this will be more efficient than by building more roads and bridges.
 - ★ Public transportation needs to be encouraged to move people.
 - ★ Border Patrol is doing a great job, but now there is more profiling than ever.
- P. Guillermo Glenn, Coordinator, Border Workers, Border Workers Association
- ★ Not present.
- Q. George Brenzovich, Sales
- ★ Rural concerns not always reflected.
 - ★ Sheriffs need more support.
 - ★ Lives at county line between Hudspeth and El Paso.
 - ★ Has not personally suffered any loss on his property.
- R. Tom Riddle, Ret. Army
- ★ It is about time something gets done.
 - ★ All groups need money and they shouldn't have to ask because the U.S. is spending tons of money in Iraq.
 - ★ Fences will not help, since they are to keep us in, not keep people out.
 - ★ Immigration rules are ridiculous, since we're a nation of immigrants.
- S. Fernando Garcia, Executive Director, Border Network for Human Rights
- ★ It is important to listen to different opinions to make the best policies.
 - ★ BSC needs to have a discussion beyond funding, and work on border policies.
 - ★ Challenges to having a secure border – impact of local law enforcement enforcing immigration laws.
 - ★ Immigration is a public safety issue; want communities to trust law enforcement officials.
- T. Marisela Paddia, CPA, El Paso - private citizen
- ★ Believes the border fence will be a deterrent and save lives.
 - ★ Main concern should be border security before creating relationships with Mexico.
- V. Hearing adjourned at 11:30 am.

BORDER SECURITY COUNCIL PUBLIC HEARING

DECEMBER 4, 2007 - SAN ANTONIO, TEXAS

MEMBERS PRESENT: Chair Carlos Cascos, Vice Chair Robert Holt, Sec. of State Phil Wilson, Judge Val Beard, Fred Burton, Sheriff T. Michael O'Connor, Allan Polunsky

MEMBERS ABSENT: Buddy Garcia, Judge Becky Dean Walker, Sheriff Tomas Herrera, Scott McLaughlin

- I. Meeting called to order at 9:00 am by Chairman Cascos.
- II. U.S. and Texas pledge led by members of the audience.
- III. Introductions by Council members.
- IV. Presentation by Steve McCraw, Director, Office of Homeland Security, Governor Rick Perry.
 - ★ Review of previous Border Security Council hearings.
 - ★ Explained that a hearing in S.A. was necessary as what happens at the border affects the entire state.
 - ★ Previous public hearings revealed that Carrizo cane is a major threat and that southbound monitoring is an important tool.
- V. Chairman Cascos explained the legislature's allocation of the \$110M in state border security funds.
- VI. Public testimony:
 - A. Freeman Sawyer, Private Citizen
 - ★ Thanked the Border Patrol for their hard work. Criminal aliens are some of the worst offenders in the country. Criminal aliens typically commit crimes in other countries and then come here.
 - ★ Concerned that the City of San Antonio is considering funding a day labor site. He believes that people cross the border due to available jobs and having an official day labor center will act as a magnet. Wants the BSC to write a letter to the city attorney to prevent day labor sites. Comment from BSC: That is not in the Council's scope.
 - ★ Comment by Steve McCraw: Explains the process of 287g training, which allows the federal government to train local law enforcement.
 - ★ **Comment by BSC:** As a sheriff, the biggest challenge is communication at all levels of law enforcement.
 - ★ **Question by BSC:** Do you know if TDCJ is participating in 287g training? No, TDCJ officers aren't 287g trained as a whole; Steve McCraw says as soon as you are released from a Texas prison, you should be deported. 287g allows an officer to act as an agent for ICE. However, just because they have the training to do the needed paperwork doesn't mean that they have the time.
 - ★ **Question by BSC:** Why is the ICE training in Alabama? Because that's where the ICE facility is. Can we have a training program here? Probably, but that is a federal issue.
 - ★ **Comment by BSC:** ICE has offered to train regionally, but the training is process-oriented, teaching the officers how to do paperwork.
 - ★ **Question by BSC:** What is the process from arrest to reporting to ICE? Response from Sheriff O'Connor: Someone gets arrested, the sheriff reports to ICE that they suspect someone is illegally present. There needs to be a good, integrated system for the feds, state and locals to interact with each other.

- ★ Mr. Sawyer – Illegal aliens have no identification, or false identification, which is a big problem. 20 percent of all illegal aliens are criminal aliens. Comment by BSC: It is very hard to identify all of the criminal illegal aliens because of the lack of communication among law enforcement entities.
 - ★ **Comment by BSC:** The policy of reporting illegal aliens to the federal government is done on an informal basis with the local rural communities. Her area does not have the resources to fix the problem and create a communication system for law enforcement.
 - ★ **Comment by BSC:** Communication is a criminal justice issue. The responsibility of local law enforcement is to serve and protect their designated counties, not illegal immigration. When it is commingled, they need the resources to communicate.
 - ★ **Question from BSC:** Does TDCJ have a database they use to access information on offenders suspected to be illegal? No, but ICE does. The bad guys lie, so the only way to determine who they are is through biometrics.
 - ★ Mr. Sawyer – Homeland security funds in San Antonio are a major issue. Bills in Congress penalize sanctuary cities from receiving HLS funds. A day labor site is a giant step forward in making SA a sanctuary city.
 - ★ **Comment from BSC:** Day labor sites are local issues and SA needs to come together and determine if this is a good idea.
 - ★ **Comment from BSC:** Doesn't see a connection between day labor sites and sanctuary cities.
- B. Lisa Davis, Private Citizen
- ★ Concerned about the issue of illegal immigration. The federal government has acted too slowly. She feels that Governor Perry has changed his position on immigration, since he previously said it is a federal issue.
 - ★ **Comment by BSC:** They cannot speak to the past, only the future, and the BSC is working diligently to getting the problem solved.
 - ★ **Question by Ms. Davis:** Why can't the BSC comment on day labor sites? **Comment from BSC:** Because the BSC has specific charges that they are required by statute to address.
- C. Nim Kidd, Assistant Fire Chief/Homeland security coordinator, City of San Antonio
- ★ San Antonio is the seventh largest city in the nation and he doesn't believe that the city is prepared for a major disaster.
 - ★ SA ranks in the low 20s on the MSAs, which lowers their rating for homeland security grants.
 - ★ SA has the only 24/7 bomb threat, search and rescue team.
 - ★ SA is the Texas city with the biggest threat closest to the border.
 - ★ Wants population density and DHS key resources set as a standard for how grants are administered in the state.
 - ★ Border security is important, because if the border isn't secure, the fallout will spill over to SA.
 - ★ Wants federal homeland security funding and grant allocation standards to be revised to allow for additional Texas cities to be included as high risk.

- ★ **Comment from BSC:** Thank you to SA for assisting with the evacuations during the hurricane.
- ★ **Comment from Steve McCraw:** Agrees that SA should be considered a “tier 1” so that they could have access to more federal money.
- ★ **Question from BSC:** Houston is the only tier 1 city in Texas. DHS is the entity that determines tiers. Is SA receiving any type of monetary consideration for the role they play in evacuation? What can be done to address the concerns of the City of SA? Changing the grant allocation standards are a legislative and policy issue at the state and federal level.
- ★ **Mr. Kidd –** All of the locals jurisdictions are interoperable, but not with the state counterparts. They don’t need more money for equipment, but for training. However, it is hard to get training funds because it is intangible and hard to prove the benefit received from training.
- ★ **Comment from BSC:** thanks the chief for his hard work.

VII. Hearing adjourned at 10:31 am. (Motion by Wilson, 2nd by Beard).

BORDER SECURITY COUNCIL PUBLIC HEARING DECEMBER 5, 2007 - CORPUS CHRISTI, TEXAS

MEMBERS PRESENT: Chair Carlos Cascos, Sec. of State Phil Wilson, Fred Burton, Sheriff T. Michael O’Connor, Allan Polunsky

MEMBERS ABSENT: Vice Chair Robert Holt, Judge Val Beard, Judge Becky Dean Walker, Sheriff Tomas Herrera, Buddy Garcia, Scott McLaughlin

- I. Meeting called to order at 8:45 am by Chairman Cascos.
- II. U.S. and Texas pledge led by County Judge, Lloyd Neal.
- III. Introductions by Council members.
- IV. Chairman Cascos explained purpose of BSC public hearings.
- V. Rep. Garcia and Rep. Ortiz were represented.
- VI. Public testimony:
 - A. County Judge, Lloyd Neal, Nueces County
 - ★ Thank you for including Corpus in these hearings; thanks to Governor Perry for creating such a council.
 - ★ **Comment from BSC:** Explained the BSC charge; state focuses on human trafficking and drug trafficking. How would you recommend measuring success? Nueces County has better cooperation today, in terms of law enforcement, communication, etc., than they have had in years past, due to the collaboration of all relevant players. Need to enhance communication capabilities in order to ensure that all payers are connected.
 - ★ **Question from BSC:** What kind of communications do you have now? Working with adjoining counties and state agencies to share information. Nueces is the 10th largest county in Texas.
 - ★ **Question from BSC:** Is it helpful to measure enhanced communications/ technology? Yes. Can you please give us the map and assets of what is currently done? Yes, can provide you with info about MetroComm and the gaps. The gaps exist because there is drug and human trafficking that continues to occur that needs to be addressed.

- ★ **Question from BSC:** Do we need to look at “Gridding” so that if direct towers are lost, temporary towers can be used? Yes. The county is currently evaluating a quadruple redundant system for this very reason.
 - ★ **Question from BSC:** What is your relationship with DPS? Outstanding. Though we are geographically isolated, we must create relationships with the adjoining counties and state agencies.
 - ★ **Question from BSC:** Do you have enough qualified analysts to help you? No, not in house. In house there is an organized crime unit. They are very proud of TDEX, which has 17 jurisdictions on that system. There is a problem trying to get the federal government to share their information. Washington DC does not seem willing to share, but the locals and state officials do this easily. There are gaps in analytical capability.
 - ★ **Question from BSC:** Would you benefit by having a dedicated analyst? Yes.
- B. Luther Kim, Chief of Police and Security, Port of Corpus Christi
- ★ Port of Corpus Christi is the sixth largest in terms of tonnage.
 - ★ Pre 9/11 security efforts at the port included fences to prevent theft, minimal lighting, and security guards for access control and loss prevention.
 - ★ **Question from BSC:** Can the software be programmed to only detect people and not false positives like dogs and deer? Yes.
 - ★ The control room is the backbone of the closed circuit TV system.
 - ★ The police department began in 3/23/03 with 13 officers whose primary mission was security/counterterrorism; secondary mission – law enforcement.
 - ★ Security funding - Federal grants of \$23M, state HLS grants \$500K, port funds, about \$6M, total = \$29M. \$29M is enough to buy chairs, but not for people to sit in the chairs.
 - ★ **Question from BSC:** Has Corpus decided not to tax the companies that use the port to help generate funds for law enforcement needs? Yes. We can tax, but the port is a government agency that is expected to make a profit through user fees. The budget of the port is about \$27M.
 - ★ **Question from BSC:** If you have an increase in security personnel, what is the state’s appropriate role to assist? How can we best partner, in light of the metrics that we face here? Enhanced communication, including systems that interface with local law enforcement agencies.
 - ★ **Question from BSC:** Have you done a comprehensive threat assessment for the port? Yes, and another is scheduled for the middle of next year. Is it done in house? The assessment is so large it must be contracted out. When you have a suspicious event, do you have the ability to use this information and get it to the locals rapidly? No. Would it help if DPS did a statewide comprehensive port assessment? Yes, but DPS might not be the appropriate agency to spearhead that, because they don’t have port experience to conduct such an analysis. The officers aren’t looking at things from an immediate perspective, but are looking six months down the road.

- ★ **Question from BSC:** Is all of Nueces and San Patricio counties part of the jurisdiction? Yes. Any idea of the total value is of your jurisdiction? No, not even a ball park figure. The Port of Brownsville is a taxing entity. Would this port entertain the idea of making itself a taxing entity? Is training important? Yes, we train with local officials in certain areas. In 2008, they are developing some joint training activities. Do you have a Marine division? No, don't want a 24/7 presence on the waterway because the Coast Guard has jurisdiction and we want to ensure that they do their jobs and don't rely on us.
- ★ Chief Kim – We are enhancing communication to allow the Coast Guard to communicate with us.
- ★ **Question from BSC:** Does the SWAT team have water borne capabilities? Yes.
- ★ **Question from BSC:** The commissioners of the port authority want to operate in a business sense and make a profit. Where does the profit go? Back into the port authority to improve the facilities. There is a need to build a container facility which is a \$80 – \$100M profit. Could you provide the Council with a financial statement of the port? Yes. **Question from BSC:** How many foreign flag vessels come to the port? 1000/year. How about special interest aliens? Hasn't been an issue because of the reporting requirements of vessels to the coast guard. If the coast guard has any concerns, they will not allow the crew members to leave the ship. From a container security perspective, do you offload many containers? No, because they don't have the facility to handle them. The port has 20 percent of all shipping capability. We provide 90 percent of all jet fuel that comes in. Most things are imported, and then pipelined out.

C. Mayor, Henry Garrett, City of Corpus Christi

- ★ Thanks to the Council for being here. This kind of council is much overdue, thank you for being engaged.
- ★ **Comment from BSC:** Thanks to all the members and the staff.
- ★ **Question from BSC:** Do you think the port authority will deepen? Yes, we see a lot in the future for the port.

D. Chief of Police, Bryan Smith, City of Corpus Christi

- ★ 800 trunking system radio, part of MetroCom, which combines over a dozen jurisdictions under the same communication system. Have applied for port security grants, use additional funding sources to make the system ubiquitous. Soon, the system will put everyone under the same radio frequency.
- ★ **Question from BSC:** What is the long range plan for communication? Sharing radio systems and patching together. We have technology where we can patch and share radios; for example: when drugs come up on the boats, work with DEA and the feds to intercept that. However, we can't be all on the same system without a substantial investment.

VI. Hearing adjourned at 9:50 am. (Moved by O'Connor, 2nd by Burton).

BORDER SECURITY COUNCIL OPEN MEETING

NOVEMBER 12, 2007 – AUSTIN, TEXAS

MEMBERS PRESENT: Chairman Carlos Cascos, Vice Chairman Robert Holt, Secretary of State Wilson, Judge Val Beard, Sheriff T. Michael O'Connor, Fred Burton, Buddy Garcia, Scott McLaughlin, Allan Polunsky

MEMBERS ABSENT: Judge Becky Dean Walker, Sheriff Tomas Herrera

- I. Chairman Cascos convened the meeting at 10:02 am.
- II. Secretary of State Phil Wilson led the Pledges of Allegiance to the Texas and United States flags.
- III. Chairman Cascos adjourned into Executive Session, pursuant to Govt. Code Sec. 411.0441 to discuss ongoing criminal investigations at 10:04 am; (Motion by McLaughlin, 2nd by Beard).
- IV. Chairman Cascos reconvened the Open Meeting at 1:16 pm (Motion by Holt, 2nd by Beard).
- V. Chairman Cascos certified the executive session agenda (Motion by Polunsky and 2nd by Holt).
- VI. Chairman Cascos discussed the minutes from the October hearings. All minutes were approved, and are now available for the public (Motion by Beard, 2nd by Garcia).
- VII. Discussions regarding performance measures, audit methods and reporting requirements for state homeland security funds.
 - A. Presentation by Steve McCraw,, Director, Office of Homeland Security, Governor Rick Perry

Performance Metrics

 - ★ Value vs. Volume
 - ★ Decreases in calls for service
 - ★ Decreases in crime:
 - ★ Illegal alien arrests
 - ★ Drug smuggling arrests
 - ★ Vandalism
 - ★ Trespassing
 - ★ New measures
 - ★ Decreases in drug seizures
 - ★ Decreases in bulk cash seizures
 - ★ Decreases in vehicle theft
 - ★ Decreases in U.S. drug supplies
 - ★ Increases in street cost of drugs
 - ★ Decreases in quality of drugs
 - ★ Decreases in drug overdoses
 - ★ Decreases in grey market labor force
 - ★ Increases in labor cost
 - ★ Desired outcome – permanent “sea” change in the organized smuggling routes; Border Patrol Apprehension reduction.

- ★ Southbound operations – as a product of the October public hearings, the Office of Homeland Security has been looking at southbound operations; by providing the additional resources, they have been able to impact on stolen vehicles, bulk cash seizures, etc.
- ★ Question from the Border Security Council: What sort of metrics are the LBB looking for? Due to SB 11, it seems that the LBB will be looking toward the Council to drive those metrics. In the past, we have measured the activities, not the outcomes. We need to ensure that we include the outcomes as well.
- ★ Question from the Border Security Council: If the statistics continue to show a decrease in crime, will that imply that we do not need any additional funds along the border? No, just because the numbers are shrinking, doesn't mean the border is secure. It means that the plan of deterrence due to increase law enforcement presence has succeeded.

B. Presentation by Louri O'Leary, Office of Economic Development

Various Economic Development measures currently calculated by the office:

- ★ Economic Impact – annually;
- ★ Hotel database;
- ★ Airline database;
- ★ Business and industry center resource categories; and
- ★ Other data: taxes, utilities.

Ms. O'Leary indicated that she would be willing to present at future border hearings to explain this data collection process.

VIII. Chairman Cascos adjourned hearing at 1:45 pm (Motion by Holt, 2nd by Burton)

BORDER SECURITY COUNCIL

NOVEMBER 12, 2007 - AUSTIN, TEXAS

EXECUTIVE SESSION – CERTIFIED AGENDA

MEMBERS PRESENT: Chairman Carlos Cascos, Vice Chairman Robert Holt, Secretary of State Wilson, Judge Val Beard, Sheriff T. Michael O'Connor, Fred Burton, Buddy Garcia, Scott McLaughlin, Allan Polunsky. Additional persons present: Amanda Arriaga, Jim Harrison, Scott Haywood, Steve McCraw and Jack Colley.

MEMBERS ABSENT: Judge Becky Dean Walker, Sheriff Tomas Herrera

- I. Chairman Cascos convened executive session at 10:04 am.
- II. Presentation by Steve McCraw and Jack Colley regarding border threat.
 - A. Steve McCraw, Director, Office of Homeland Security, Governor Rick Perry
 - ★ Outlined purpose of the Governor's Homeland Security Office and State Operations Center
 - B. Jack Colley, Director, State Operations Center
 - ★ discussed Operation Border Star
- III. No action taken in executive session.
- IV. Chairman Cascos adjourned executive session at 1:04 pm.

BORDER SECURITY COUNCIL OPEN MEETING**MARCH 21, 2008 - AUSTIN, TEXAS****MEMBERS PRESENT:** Chairman Carlos Cascos, Vice Chairman Robert Holt, Judge Val Beard, Sheriff T. Michael O'Connor, Sheriff Herrera, Fred Burton, Buddy Garcia, Scott McLaughlin, Allan Polunsky**MEMBERS ABSENT:** Sec. of State Phil Wilson, Judge Becky Dean Walker

- I. Chairman Cascos convened the meeting at 11:00 am.
- II. Chairman Cascos led the Pledges of Allegiance to the Texas and United States flags.
- III. Discussions regarding performance measures, audit methods and reporting requirements for state homeland security funds.
 - ★ Discussion regarding the importance of funding for K-9 training. If the armed services can train dogs, we should consider utilizing that training.
 - ★ How to document deterrence and prevention? More resources lead to more arrests and seizures initially. However, after that, the trend is that there would be a decrease in arrests and seizures because the "bad guys" have moved away from the region.
 - ★ How to we advertise our operations and let people know they will be occurring? Though locals would like to know when the strike team will be coming, that would remove the element of surprise.
 - ★ What is the procedure to access state border security funding? In order to be a recipient of state funds, must participate in state operations.
 - ★ Should it be the Council's role to recommend specifically who should get the money? Not necessarily. Who accounts for the use of the money that the border coalition sends to the locals? The Coalition.
 - ★ Steve McCraw requests to the Council that border operations be continued. The Council agrees by consensus.
 - ★ Council agrees to hold another meeting in May.
- IV. Meeting adjourned at 12:35 pm (Motion by Herrera, 2nd by Holt).

BORDER SECURITY COUNCIL OPEN MEETING**MAY 8, 2008 - AUSTIN, TEXAS****MEMBERS PRESENT:** Chairman Carlos Cascos, Vice Chairman Robert Holt, Sheriff T. Michael O'Connor, Fred Burton, Buddy Garcia, Scott McLaughlin, Allan Polunsky, Phil Wilson, Sheriff Tomas Herrera**MEMBERS ABSENT:** Becky Dean Walker, Val Beard

- I. Chairman Cascos convened the meeting at 11:04 am.
- II. Amanda Arriaga led the Pledges of Allegiance to the Texas and United States flags.
- III. Discussions regarding performance measures, audit methods and reporting requirements for state homeland security funds.
 - ★ Council members would like to finalize the report and send to Governor Perry by late May/early June.

- ★ Discussion of the border wall –The discussion of the wall is a federal responsibility, so there is no reason for this Council to get involved. Though border security is also a federal issue, Governor Perry has gone above and beyond by trying to make progress at the state level.
 - ★ Mr. Garcia says it is a learning experience to serve on the Council and to learn how these issues are approached and how there is buy-in from the locals. Though it's not our problem, it is our responsibility and we need to ensure that the state and federal officials have the appropriate "Bed-side manner".
 - ★ Sheriff O'Connor wants to ensure that the Council is transparent and accurate and reiterates that there should be footnotes and citations.
 - ★ Mr. McLaughlin wants to ensure that there is a standard for reporting requirements.
 - ★ Chairman Cascos asked Steve McCraw to discuss use of money for border operations, including southbound inspections. Mr. McLaughlin agrees that southbound inspections is a key element of border security. He is interested in tying a certain percentage of funding to southbound enforcement. The Council determines that it is important to have southbound monitoring 24 hours a day, 7 days a week. The Council asks that additional language be included in the report to recommend expanding inspections to all ports of entry.
 - ★ Chairman Cascos reiterates that local jurisdictions need to take responsibility as well and should not rely on state funding. Funds may not always be available at the state level, and the locals need to budget for this as well.
 - ★ Chairman Cascos discusses the use of K9 units as a new recommendation. Sheriff Herrera states that their office uses canines and they work, but they aren't limited to use on the ports of entry. Sheriff O'Connor wants to ensure that the operations occur not just at the ports of entry, but also at high impact corridors.
 - ★ Sheriff Herrera discusses the use of overtime funding and asks Steve McCraw to try to continue looking for ways to provide funding to local law enforcement officials.
 - ★ Mr. McLaughlin asks about the use of technology and what restrictions there might be on revenue used for that purpose. Steve McCraw explained that a restriction would include participation in ongoing operations to receive money for technology.
 - ★ Mr. Polunsky asks that the report be presented to Governor Perry in a formal meeting as his availability allows.
 - ★ Motion by Secretary Wilson, 2nd by Sheriff Herrera to integrate all comments and add footnotes and citations for each relevant section. Staff will integrate all comments and citations and send back to Council for approval.
 - ★ Secretary Wilson thanks the BSC members for their work and commitment to public service.
- IV. Chairman Cascos asks to place voting on the March 2008 minutes on the agenda. Minutes approved. (Motion by Garcia, 2nd by Holt).
- V. Meeting adjourned at 12:12 pm (Motion by Herrera, 2nd by Holt).

Border Security Equipment and Technology (BSET)

GRANT GUIDANCE AND APPLICATION KIT



Division of Emergency
Management
Office of the Governor

May 2008

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SECTION 1: PROGRAM DESCRIPTION

I. OVERVIEW

- A. The Border Security Equipment and Technology (BSET) Grant Program, hereinafter referred to as BSET, is state-funded grant program administered by the Governor's Division of Emergency Management (GDEM) for such border security expenditures as training, equipment, and technology acquisition by state and local law enforcement agencies.
- B. The BSET is a one-time grant opportunity. This package provides the formal grant guidance and application materials needed to apply for funding under the BSET Grant Program, including the BSET eligibility criteria, detailed application requirements, and application review information.
- C. GDEM is responsible for the management and administration of all funds provided through this award and is accountable for all the deadlines, requirements, and limitations of this award. GDEM is responsible for obligating BSET funds to eligible pass-through recipients, as well as for overseeing and monitoring the activity of these sub-recipients.

II. SOURCE OF FUNDS

State funds are made available for this program by Article IX, Section 19.69(c) of the 2008-2009 General Appropriations Act to provide for such border security expenditures as training, equipment, and technology acquisition. These are not federal dollars.

III. BACKGROUND

The State of Texas has an urgent security challenge caused by the increased threat from organized crime, terrorism, and their allies that is exacerbated by the continued flow of illegal immigrants. These threats will continue to threaten the security of Texas and the United States for the foreseeable future. Organized criminal, drug trafficking, and illegal immigration activities originating and transiting from Mexico to the United States and Texas will continue until the air, land, and sea transit areas are secured. Criminal activities, including drugs and human smuggling, are extensive in the border regions and within the transportation corridors from the borders to major metropolitan areas.

IV. GOAL

The Border Security Equipment and Technology (BSET) grant will facilitate the acquisition and deployment of law enforcement technology as a means to help law enforcement agencies secure the border and counter border centric crime.

V. PROJECT OBJECTIVES

The BSET objectives are:

- ★ To deter crime along the Texas-Mexico border and improve border security for the safety of the citizens of Texas and her guests.
- ★ To capture metrics on criminal activity and the effectiveness of law enforcement equipment and/or technology.
- ★ To enhance the use of the law enforcement equipment and/or technology by the capturing, codifying, and sharing of best practices and concepts of operations.

SECTION 2: ELIGIBILITY AND FUNDING INFORMATION

I. ELIGIBLE APPLICANTS FOR THE BSET

- A. Eligibility is open to law enforcement agencies of state and local governments and federally-recognized Indian tribal governments who are:
1. Participating in border security operations, such as Operation Border Star, organized by GDEM, and,
 2. If local or tribal, located within the following counties:

Aransas	Duval	Jim Wells	McMullen	Terrell
Bee	El Paso	Karnes	Nueces	Uvalde
Brewster	Frio	Kenedy	Pecos	Val Verde
Brooks	Goliad	Kinney	Presidio	Victoria
Calhoun	Gonzales	Kleberg	Real	Webb
Cameron	Hidalgo	La Salle	Reeves	Willacy
Culberson	Hudspeth	Lavaca	Refugio	Zapata
DeWitt	Jeff Davis	Live Oak	San Patricio	Zavala
Dimmitt	Jim Hogg	Maverick	Starr	
- B. BSET grant funds may not be expended for a grant to a law enforcement agency regulated by Chapter 1701, Texas Occupations Code, unless:
1. The law enforcement agency requesting the grant is in compliance with all rules developed by the Commission on Law Enforcement Officer Standards and Education; or
 2. The Commission on Law Enforcement Officer Standards and Education certifies that the requesting agency is in the process of achieving compliance with such rules.
- C. “Local Government” means a county, municipality, city, town, township, local public authority, council of governments (whether or not incorporated as a non-profit corporation under State law), any other regional or interstate government entity, or any agency or instrumentality of a local government.
- D. “Federally-recognized Indian tribal government” means the governing body or a governmental agency of any Indian tribe, band, nation, or other organized group or community (including any native village as defined in Section 3 of the Alaska Native Claims Settlement Act, 85 Stat. 688) certified by the Secretary of the Interior as eligible for the special programs and services provided through the Bureau of Indian Affairs.

II. ELIGIBLE EXPENSES FOR THE BSET

- A. Grant funds may be used in accordance with OMB Circular A87 and the Uniform Grants Management Standards (UGMS) for the purchase of equipment, technology, and training approved by GDEM.
- B. Equipment and technology acquisitions must benefit border security operations and Operation Border Star.
1. Eligible equipment and technology includes, but is not limited to:
 - a. Communication
 - ★ land portable radios
 - ★ radio signal or service enhancement
 - ★ cell phone signal boosters

- ★ radio interoperability – dispatch based
 - ★ radio interoperability – PC/LAN based
 - ★ mobile cell phone towers on wheels
 - ★ GPS equipment – vehicle mounted
 - ★ GPS equipment – man portable
 - ★ cell phone disruption devices
- b. Vehicle Interdiction
- ★ license plate reader – vehicle mounted
 - ★ license plate reader – fixed, pole mounted
 - ★ license plate reader – cart mounted
- c. Night Vision
- ★ night vision goggles
 - ★ night vision monacle
 - ★ thermal imaging cameras
- d. Surveillance
- ★ surveillance camera platforms
 - ★ surveillance camera mast-packages
 - ★ tethered aerostat camera platform
- e. Data Gathering
- ★ cell phone interrogation device
 - ★ cell phone data aggregation software
2. Costs for training required to operate the approved equipment and technology is an eligible expense. Employee travel associated with required training is an eligible cost.

III. INELIGIBLE EXPENSES

Specifically excluded from BSET funding are:

- ★ Vehicles;
- ★ Equipment for general use not related to border security;
- ★ Personnel costs, salaries, wages, overtime, fringe benefits;
- ★ Travel costs unrelated to eligible equipment/technology purchased with BSET funds;
- ★ Weapons, ammunition, explosives or military vehicles;
- ★ Utilities (i.e. phone service, cell phone service, Internet service, electricity, natural gas, etc.);
- ★ PDA, Blackberries, pagers, cell phones, satellite phones;
- ★ Any expense or service that is readily available at no cost to the grant project or what is provided by other federal, state, or local funds, (supplanting);
- ★ Alcoholic beverages;
- ★ Lobbying activities;

- ★ Fundraising activities;
- ★ Promotional gifts; and,
- ★ Membership dues

IV. APPLICATIONS

Applicants are required to submit the Application (Form B-1) and sub-forms listed in Section 3. Applications will be accepted for consideration on a “first come, first served” basis. Because funds are limited, not all requests may receive funding.

V. DEBARRED AND SUSPENDED PARTIES

GDEM and grantees shall not make any award or permit any award (grant or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549, “Debarment and Suspension.” A current list of “Parties Excluded from Procurement and Non-procurement Programs” may be obtained from the federal General Services Administration in electronic form via modem or on the Internet at <http://www.epls.gov>. State agencies are prohibited by the state appropriations act from purchasing goods or services with appropriated funds “from companies which have been found, in a judicial or state agency administrative proceeding, to be guilty of unfair business practices.” The restriction on such purchases remains in effect for one year from the date of the determination of guilt.

VI. FUNDING AVAILABILITY

There are limited funds available under this grant program.

The BSET is a reimbursement program of actual costs for eligible purchases.

Advances may be provided to supply sufficient funds to the participant to acquire the eligible equipment and services during the specified period.

VII. MATCH REQUIREMENT

There is no match requirement for this grant program.

BSET funds may not be used as a match requirement for any other federal or state grant programs without prior, written approval of GDEM.

VIII. PROJECT/AWARD PERIOD

The project period begins on May 1, 2008 and ends on August 31, 2009. All funds must be expended by August 31, 2009. Given the statutory deadline for the program, no extension can be granted for this BSET Grant Program.

SECTION 3: APPLICATION AND SUBMISSION INFORMATION

I. APPLICATION

A. Program participants must apply to participate in the BSET by submitting a complete BSET Application package, which consists of the forms listed below. The forms are included in Appendix A of this Guide and are available separate as Microsoft Word® files.

B. Signatures on Forms

Specific individuals named on the Designation of Grant Officials must sign many of the BSET forms listed below with an original signature. These officials include:

1. Authorized Official or Representative

An individual who has been authorized by the governing body of the applicant jurisdiction or organization to apply for, accept, or decline grants on behalf of the jurisdiction or organization. For local governments, an authorized official is usually the County Judge, Mayor, or City Manager.

2. Grant Financial Officer

This individual should be the chief financial officer of the applicant jurisdiction or organization. This is the person who will be contacted by the GDEM Support Services staff if questions arise regarding financial aspects of the grant. This person will receive BSET audit findings and reimbursement warrants/direct deposit notices. Findings and notices will be sent to the address indicated on the Form B-2.

3. Grant Performance Officer

The Grant Performance Officer is directly responsible for carrying out tasks outlined in the Statement of Work that will be supported by grant funds.

C. BSET Forms

1. BSET Application (Form B-1). An Authorized Official and the Grant Performance Officer must sign the Application.
2. Designation of Grant Officials (Form B-2). See “Signatures on Forms” above.
3. Application for State Assistance (Form B-3). Instructions are included with the form. An original signature of an Authorized Official must sign this form.
4. Budget (Form B-4). This form is self-explanatory. This form will assist GDEM in determining funding levels.
5. Assurances and Certifications (Form B-5). The applicant must assure and certify compliance with any and all applicable state statutes, regulations, policies, guidelines and requirements, including, but not limited to, OMB Circular No. A-87; the Uniform Grant Management Standards (UGMS); and Chapters 411 and 418 of the Texas Government Code, Article IX of the 2008-08 General Appropriation Act, that govern the application, acceptance and use of State funds for this project. In instances where multiple requirements apply to a grantee, the more restrictive requirement applies. Specifically, the applicable requirements of Form B-5 must be certified by signature. The name and title of the Authorized Representative must be entered in the space provided and the form should be signed and dated by the Authorized Representative; see above for a definition of Authorized Representative.

6. Project Narrative Form (B-6). The Project Narrative is the detailed description of the project for which the grantee is seeking funds. The grantee must explain the “what is to be purchased, why the item(s) are needed, how the item(s) will be used to enhance border security, and how the project will be measured for effectiveness. The application will be evaluated on the information contained in the Project Narrative.
7. Direct Deposit Authorization Form (Form 74-176). This form is available on the GDEM web site under Emergency Management Performance Grant (EMPG) Materials. This form is required for advance funding. The Grant Financial Officer must sign this form.

D. Public Information Act

Much of the information submitted in the course of applying for funding under this program, or provided in the course of its grant management activities, may be considered law enforcement sensitive or otherwise important to national security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. While this information under State control is subject to requests made pursuant to the Chapter 552 of the Texas Government Code, all determinations concerning the release of information of this nature are made on a case-by-case basis and may fall within one or more of the available exemptions under the Act. The applicant is encouraged to consult its own State and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application.

II. SUBMITTAL

- A. Submit the complete BSET Application package directly to the GDEM Operations Section. Retain a copy of your submission for use in submitting required Performance and Financial Reports.

Mail your BSET Application to:

Operation Section, BSET Program Manager
Governor’s Division of Emergency Management
Texas Department of Public Safety
PO Box 4087
Austin, TX 78773-0224

- B. Applications will be accepted, reviewed, and awarded on a first-come, first served basis. When funding is exhausted, applications will no longer be accepted.
- C. Late applications will be accepted until May 1, 2009 for consideration for any un-obligated funds. After that date, it is not feasible that projects can be completed within the program period.

III. QUESTIONS AND EVALUATION CRITERIA

A. Evaluation Process

1. GDEM program staff will review each application for completeness and adherence to BSET program rules adherence to programmatic guidelines, feasibility, and how well the proposed solution addresses the identified need or capability shortfall.
2. After screening BSET applications, GDEM will notify applicants, typically by e-mail, of any problems with their application and request they resolve them.

B. Evaluation Criteria

1. Grants will be evaluated on the following criteria:
 - ★ The identification of realistic, obtainable and measurable outputs.
 - ★ The identification of realistic, obtainable and measurable outcomes.
 - ★ The identification of the means of how both the outputs and outcomes will be recorded.
 - ★ A clear means to evaluate the cost benefit ratio of the device(s).
2. For the identification of obtainable and measurable outputs, emphasis will be on:
 - ★ Data or metrics that do not overly burden the reporting officer or agency – the data gathering process should be inherent in the process of operating the device or devices acquired from the grant. For example: if it is a license plate reader, a check box as to the type of the device might be added to vehicle recovery report or form.
 - ★ Readily accessible data – the data should be such that it is readily available to anyone else operating the same or equivalent equipment.
 - ★ Metrics which can be captured with a good level of granularity – the metrics or measurements should be such that data is captured in the context of the environment. For example: although it is important to know how many vehicles might be intercepted through the use of a license plate reader, the hour the vehicles were intercepted, if they were parked or moving, etc., could help other agencies or researchers in the development of better solutions to vehicle interception.
 - ★ Metrics that define and aid in the identification of best practices in the use of the equipment – the metrics or measurements should be such that data is captured in the context of the operations. For example: knowing the context of the operation in which a device is used can help other agencies and researchers understanding of the best practices for the use of devices. This in turn, will help in determining the cost/benefit ratio of the device(s).
3. For the identification of obtainable and measurable outcomes, emphasis will be on:
 - ★ Data that can be clearly attributed to the use of the device(s) – clearly detailing how a device contributed to an effective act of law enforcement will help in determining the value realized from specific device(s). This also will help in determining the cost/benefit ratio of the device(s).
 - ★ Data that can be measured in the context of operations – clearly detailing how a specific device or devices impact overall law enforcement efforts in specific types of operation should be such that it helps the reporting agency understand if the device or devices are a worthwhile investment of time and financial resources.

4. Overall, the data and metrics gathered for the output and outcomes should not be a paper exercise filling in blanks to satisfy a requirement, but should be genuinely useful to the agency using the device(s) and to other agencies seeking to use equivalent device(s).

Inherent in the evaluation will be an examination of how the outputs and the outcomes will be captured, recorded and reported. Emphasis will be on a plan that:

- ★ Does not overly burden the reporting agency or the monitoring agency – the reporting process should be an integral part of operations that use the device(s).
- ★ Provides the data of sufficient detail to allow the replication of the best practices learned from the use of equipment from the grant – one of the most important products derived from the fielding of equipment is the knowledge of best practices that can be shared with other potential users of the technology.
- ★ Provides data that can readily be audited – with the use of funds there is an inherent responsibility.

Like the purpose of the outputs and the outcomes, the reporting should be more than an exercise in filling in the blanks. The reporting process should be such that it directly benefits the agencies doing the reporting, and other agencies seeking to use similar device(s). Thinking ahead how the reporting can benefit the agency using the device(s) can be an important step in effective planning.

SECTION 4: AWARD ADMINISTRATIVE INFORMATION

I. GRANT AWARD

- A. Upon approval of the application, the grant will be awarded to the applicant. A Notice of Grant Award is mailed to the address of the Grant Performance Officer of the grantee.
- B. Carefully read the award and any special conditions or other attachments.

If you agree with the terms and conditions, the Authorized Official (see Section 3, Paragraph I.B.3) should sign and date both the original and the copy of the Notice of Grant Award. You should maintain a copy and return the original signed documents to GDEM at:

Operation Section, BSET Program Manager
Governor's Division of Emergency Management
Texas Department of Public Safety
PO Box 4087
Austin, TX 78773-0224

If you do not agree with the terms and conditions, contact the awarding program manager as noted in the award package.

The Notice of Grant Award is only an offer until the grantee returns the signed original of the Notice of Grant Award by the date provided in the transmittal letter.

- C. Read Guidelines
Read and become familiar with the Border Security Equipment and Technology (BSET) Grant Guidelines.
- D. Reporting Requirements
Reporting requirements must be met during the life of the grant.
- E. Questions about your award?
Questions regarding your grant should be directed to the GDEM staff listed in the GDEM Points of Contact found in Section 8 of this Guide.
- F. The award documentation constitutes the operative documents obligating and reserving funds for use by the Grantee in execution of the program or project covered by the award. Such obligation may be terminated without further cause if the Grantee's authorized official fails to properly accept the Grant Award within 45 calendar days of the date upon which GDEM issues the Grant Award. GDEM may extend this deadline upon written request from the applicant. No funds will be disbursed to the Grantee until the Grantee has properly accepted the grant.

II. PAYMENT

A. Disbursements

Reimbursement will be processed through the Texas Department of Public Safety as authorized by the General Appropriation Act, 80th Legislature, Article V.

B. Reimbursement

1. Reimbursement shall be the preferred method of payment.
2. GDEM will reimburse the grantee for actual costs of eligible purchase and training expenses incurred in the performance of an accepted award.
3. GDEM will reimburse the grantee for employee travel and per diem expenses for training of purchased equipment and/or technology at the state rate according to the state travel policy which can be accessed at <https://fm.xcpa.state.tx.us/fm/travel/index.php>.

C. Advances

1. If a financial hardship exists, a grantee may request an advance of grant funds for expenditures incurred under this program. Requests must be made in writing by the Authorized Official and submitted to GDEM. See Appendix B for instructions and example of a hardship letter. Grantees shall be paid in advance, provided they maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of the funds and their disbursement by the grantee. Under this procedure, GDEM shall advance cash to the grantee to cover its estimated disbursement needs for an initial period generally geared to the grantee's disbursing cycle.
2. Advance payments must be placed in a separate, interest-bearing account and shall promptly, but at least quarterly, remit interest earned on advances to GDEM. The grantee may keep interest amounts up to \$100 per year for administrative expenses.

Payable to: Texas Department of Public Safety
 Remit to: Texas Department of Public Safety
 Governor's Division of Emergency Management
 Attn: BSET Program Manager
 PO Box 4087
 Austin, TX 78773-0224

D. Withholding Payments

1. Payments for proper charges incurred by grantees may be withheld if:
 - a. The grantee has failed to comply with grant award conditions, or
 - b. The grantee is indebted to the State of Texas.
2. Cash withheld for failure to comply with a grant award condition, but without suspension of the grant, shall be released to the grantee upon subsequent compliance.

III. OPERATION BORDER STAR ACTIVITIES

The law enforcement agencies that are participating in the acquisition and deployment of the law enforcement equipment and technology are expected to complete the following activities to enhance the effectiveness of Operation Border Star:

- A. Conduct enhanced law enforcement patrolling activities using the law enforcement equipment and/or technology.
- B. Within jurisdictions or across jurisdiction lines as required:
 1. Conduct surveillance using the law enforcement equipment and/or technology;
 2. Investigate using the law enforcement and/or technology; and,
 3. Collect and disseminate information regarding the use, effectiveness, and subsequent results of law enforcement equipment and/or technology.
- C. Recognize and react to information/intelligence to adjust times and locations of law enforcement equipment and/or technology enabled operations.
- D. Identify significant trends or areas of interest regarding criminal activity that may be vulnerable to specific equipment and/or technical solutions and may be developed into focus areas for future operations.
- E. Identify best practices, metrics and details on the effectiveness of the equipment, technology, techniques, and strategy, and share the information.

IV. REPORTING REQUIREMENTS

A. Monitoring by Grantees

Grantees are responsible for managing the day-to-day operations of grant-supported activities. Grantees must monitor grant-supported activities to assure compliance with applicable state requirements and that performance goals are being achieved. Grant monitoring must cover each program, function, or activity.

B. Statistical Reports

1. Grantees shall submit information garnered through the use of equipment and technology purchased through the BSET on a monthly basis using the Monthly Law Enforcement Technology Report form. (See Appendix C for form and instructions.)
2. Submit the Monthly Law Enforcement Technology Report to the Border Security Operations Center (BSOC) by email at bsoc@txdps.state.tx.us or by fax at (512) 424-7041. Emailed forms are preferred over faxed forms. Receiving the forms electronically greatly assists BSET data consolidation and reporting efforts.

C. Performance Reports (required quarterly)

1. Grantees shall submit quarterly performance reports due 30 days after the reporting period. The final performance report will be due 45 days after the expiration or termination of the grant.
2. Performance reports will contain brief information on the following:
 - a. A comparison of actual accomplishments to the measurable objectives or outcomes established for the period. Where the output of the project can be quantified, a computation of the cost per unit of output may be required if that information will be useful.
 - b. The reasons for slippage if established objectives are not met.

- c. Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

D. Financial Reporting

1. Grantees must submit Financial Reports on the Request for Advance or Reimbursement form in order to receive funds. (See Appendix D for form and instructions.)
2. Financial Reports for advance or reimbursement payments may be submitted as often as necessary, but no later than 45 days after the end of the grant performance period. The last day for submission of Request for Advance or Reimbursements is October 15, 2009.
3. Advance Payments. Requests for advance payments will be submitted on the Request for Advance or Reimbursement form. Copies of purchase orders must accompany this request. Upon receipt and payment of purchased equipment, grantee must submit to GDEM copies of itemized invoices, bills of lading, cancelled checks and any other documents supporting proof of payment for eligible purchases. Advances may be requested no earlier than 30 days in advance of anticipated expenditure of funds.
4. Reimbursements. Requests for reimbursement grants will be submitted on Request for Advance or Reimbursement form. Copies of purchase orders, itemized invoices, cancelled checks, and any other documents supporting proof of payment for eligible purchases must be submitted to GDEM. Grantees may request funds as soon as the purchase is complete and all required supporting documentation is collected.
5. All funds must be obligated by the grantee no later than May 31, 2009. All funds must be expensed by the grantee no later than August 31, 2009.

E. Address for Submitting Progress and Financial Reports

1. Submit required reports and documents to:
Operations Section/BSET Program Manager
Division of Emergency Management
Texas Department of Public Safety
PO Box 4087
Austin, TX 78773-0224
2. If sending by courier or overnight service that requires a physical address, use this address:
Operations Section/BSET Program Manager
Division of Emergency Management
Texas Department of Public Safety
5805 North Lamar Blvd.
Austin, TX 78752-0224

F. Retention and access requirements for records.

1. Grantees must retain all records pertaining to the performance of this grant for a period of three (3) years from the end of the grant period or the date of Grant Adjustment Notice closing the award.
2. If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the 3-year period, the records must be retained until the completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.

3. Real property and equipment records. The retention period for real property and equipment records starts from the date of disposition or replacement or transfer, whichever is later.
4. GDEM, the Texas Department of Public Safety, Texas State Auditor, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of grantees which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts. This right of access is not limited to the required retention period but shall last as long as the records are retained.

V. PROCUREMENT

A. Procurement Standards

1. Grantees will use their own procurement procedures that reflect applicable state and local laws and regulations, provided that the procurements conform to standards in this section.
2. Grantees will maintain a contract administration system that ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
3. Grantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. See UGMS §__.14, Subsection (a) (1) and Chapter 171, Local Government Code, for additional ethics provisions.
4. Grantees will maintain records sufficient to detain the significant history of procurements.
5. Grantees will have protest procedures to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding the protest to GDEM.

B. Competition

1. All procurement transactions will be conducted in a manner providing full and open competition consistent with the procurement standards. See UGMS §__.36, Subsection (b).
2. Grantees will ensure that all pre-qualified lists of persons, firms, or products that are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition.
3. The Texas Procurement and Support Services (TPASS) Cooperative Purchasing Program (State of Texas CO-OP) provides the State of Texas volume purchasing power to local governments and assistance organizations. Members can purchase goods and services from state term contracts, Texas Multiple Award Schedule (TXMAS) contracts, and piggyback contracts. A grantee that chooses to use any of these services through the State of Texas CO-OP will meet state competitive bidding requirements. The State of Texas CO-OP can be accessed at <http://www.window.state.tx.us/procurement/prog/coop>.
4. Other available state purchasing contracts programs meeting state bid requirements are:
 - ★ Go DIRect, offered through the Texas Department of Information Resources (DIR). Go DIRect can be accessed at <http://www.dir.state.tx.us/servlet/dirStore>.
 - ★ Texas Industries for the Blind and Handicapped (TIBH). The TIBH catalogue can be accessed at <http://www.tibh.org/catalog/index.php>.
 - ★ Texas Correctional Industries (TCI). TCI can be accessed at <http://www.tci.tdcj.state.tx.us>.

5. Available federal contracts programs meeting state bid requirements are:
 - ★ Generals Services Administration (GSA) schedules – NOTE: Local Governments using the GSA schedules as Section 1122 Purchases. GSA schedules which can be accessed at <http://www.gsaelibrary.gsa.gov/ElibMain/ElibHome>.
 - ★ U.S. Communities Government Purchasing Alliance – U.S. Communities can be accessed at <http://www.uscommunities.org/prod/contract.asp>.

VI. EQUIPMENT TITLE, USE, MANAGEMENT, AND DISPOSITION

- A. Subject to the obligations and conditions set forth in this section and UGMS § __.32, title to equipment acquired under this grant will vest upon acquisition in the grantee.
- B. If grantee is a state agency, grantee will use, manage, and dispose of equipment acquired under this grant in accordance with state laws and procedures. All other grantees shall develop and use their own property management systems, which must conform to all applicable state and local laws, rules and regulations. If an adequate system for accounting for personal property owned by the local entity is not in place or is not used properly, the Property Accounting System Manual issued by the State Comptroller of Public Accounts will be used as a guide.
 1. Equipment shall be used by the grantee for border security operations as long as needed, whether or not border security operations continue to be supported by state funds. When no longer needed for border security operations, the equipment may be used in other activities.
 2. When acquiring replacement equipment, the grantee may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to the approval of GDEM.
 3. Property records must be maintained that include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, and cost of the property, percentage of state participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.
 4. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
 5. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated.
 6. Adequate maintenance procedures must be developed to keep the property in good condition.
 7. If the grantee or grantee is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.
 8. When original or replacement equipment acquired under this grant is no longer needed for border security operations, disposition of the equipment will be made as follows:
 - a. Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation to the awarding agency. Methods used to determine per-unit fair market value must be documented, kept on file and made available to the awarding agency upon request.

- b. Items of equipment with a current per-unit fair market value of \$5,000 or more may be retained or sold and GDEM shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment. Methods used to determine per-unit fair market value must be documented, kept on file and made available to the awarding agency upon request.
- c. In cases where a grantee fails to take appropriate disposition actions, GDEM will direct the grantee to take excess and disposition actions.

VII. PERMITS

It is the grantee's responsibility to apply for and obtain any permits required for the operation of equipment and/or technology purchased with BSET grant funds.

VIII. STATE SINGLE AUDIT REQUIREMENT

Grantees will comply with the audit requirements of the State of Texas Single Audit Circular in Part IV, UGMS. UGMS may be accessed at <http://www.governor.state.tx.us/divisions/stategrants/guidelines/files/UGMS062004.doc>.

IX. GRANT ADJUSTMENTS

- A. Any modification to the grant award requires the approval of GDEM.
- B. A Grant Adjustment Notice (GAN) will be issued by GDEM should there be a need to modify an award. The Authorized Official is required to sign this document, maintain a copy, and return the original signed document to GDEM.
- C. Eligible award modifications requiring a GAN include:
 - ★ Increase or decrease of award amount – grantee must submit a revised Budget form
 - ★ Deletion of equipment items – grantee must submit a revised Budget form and explanation
 - ★ Addition of equipment items – grantee must submit a revised Budget form and revised Project Narrative
 - ★ Grant close-out

X. GRANT CLOSE-OUT

- A. All equipment must be ordered by July 31, 2009. All equipment must be received and invoices paid by the grantee by August 31, 2009. The last day for submission of *Request for Advance or Reimbursements* is October 15, 2009.
- B. GDEM will close an award after receiving grantees final performance report indicating that all approved work has been completed and all funds have been disbursed, completing a review to confirm the accuracy of the reported information, and reconciling actual costs to awards, modifications, and payments. If the close-out review and reconciliation indicates that the grantee is owed additional funds, GDEM will send the final payment automatically to the grantee. If the grantee did not use all the funds received, GDEM will issue a Grant Adjustment Notice (GAN) to recover the unused funds.
- C. GDEM will unilaterally close out any grant for which the grantee does not reconcile the account and sign a close-out GAN by November 30, 2009.
- D. All BSET grant funds that are not expended by August 31, 2009 must be remitted by the grantee to GDEM, which will de-obligate the funds and return them to the State Treasury.

SECTION 5: GENERAL TERMS AND CONDITIONS

I. AWARD ACCEPTANCE

The Notice of Grant Award is only an offer until the grantee returns the signed copy of the Notice of Grant Award by the dated provided in the transmittal letter.

II. GOVERNING LAW

This grant program is subject to the laws and jurisdiction of the State of Texas and shall be construed and interpreted accordingly. This award is subject to the program guidance contained in Border Security Equipment and Technology (BSET) Grant Guidance and Application Kit issued by the Governor's Division of Emergency Management (GDEM) and any amendments issued by GDEM. This award is further subject to OMB Circular A-87; Texas Government Code, Chapter 783; Texas Administrative Code, Title 1, Part 1, Chapter 5, Subchapter A, Division D; and the Uniform Grant Management Standards issued by the Governor's Office of Budget and Planning.

III. COMPLIANCE WITH LAW

The Grantee understands and agrees that it will comply with all local, Texas, and federal laws, statutes, codes, ordinances, rules and regulations, and with the orders and decrees of any courts or administrative bodies or tribunals in any matter affecting the performance of any BSET grant award.

IV. FAILURE TO COMPLY

GDEM may suspend or terminate award funding, in whole or in part, or impose other measures for any of the following reasons: failure to comply with the requirements or statutory objectives of governing law, failure to make satisfactory progress toward the goals or objectives set forth in the award application, failure to follow grant agreement requirements or special conditions, failure to submit required reports, or filing a false certification or other report or document. Satisfactory Progress is defined as accomplishing the following during the performance period of the grant: requesting state funds for purchases, training, etc., and deciding what purchases will be made, ordering the equipment, ensuring the equipment is shipped and received, and training is accomplished with the equipment (or readied for deployment). All of the aforementioned tasks must be accomplished in a timely manner. Special Conditions may be imposed on grantee's use of grant funds until corrective actions are taken to address issues identified during grant monitoring visits conducted by GDEM or its representative.

V. LITIGATION AND ENDEMNITY

- A. Each party may participate in the defense of a claim or suite related to the subject matter of a BSET award, but no costs or expenses shall be incurred for any party by the other party without written consent.
- B. To the extent authorized by law, the Grantee agrees to indemnify and hold harmless GDEM against any claims, suits, actions, damages, and costs of every nature or description arising out or resulting from the performance of a BSET award, and the Grantee further agrees to satisfy any final judgment awarded against Grantee or GDEM arising from the performance of same award, provided said claim, suit, actions, damage, judgment, or related cost is not attributed by the judgment of a court of competent jurisdiction to the sole negligence of GDEM.
- C. It is the agreement of the parties that any litigation involving the parties to a BSET award may not be compromised or settled without the express consent of GDEM unless such litigation does not name the GDEM as a party.

VI. LIABILITY

- A. Each party to a BSET award agrees that it shall have no liability whatsoever for the actions and/or omissions of the other party's employees, officers, or agents, regardless of where the individual's actions and/or omissions occurred. Each party is solely responsible for the actions and/or omissions of its employees, officers, and agents; however, such responsibility is only to the extent authorized by Texas law. Where injury or property damage result from the joint or concurring acts and/or omissions of the parties, any liability shall be shared by each party in accordance with the applicable Texas law, subject to all defenses, including governmental immunity. These provisions are solely for the benefit of the parties hereto and not for the benefit of any person or entity not a party hereto; nor shall any provision hereof be deemed a waiver of any defenses available by law.
- B. Pursuant to Section 421.062 of the Texas Government Code and to the extent it applies, the parties are not responsible for any civil liability that arises from furnishing a service related to a homeland security activity, as defined by Section 421.001 of the Texas Government Code, while acting under a BSET award.

VII. POLITICAL POLLING

The grantee certifies that it does not perform political polling.

VIII. DEBARMENT

The sub-recipient certifies that it and its principals:

- A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency; sub-recipients can access debarment information by going to www.epls.gov for the federal Excluded Parties List System and at www.tbpc.state.tx.us/communities/procurement/prog/vendor_performance/debarred for the State Debarred Vendor List;
- B. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- C. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(B) of this certification;
- D. Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and
- E. Will not use BSET grant funds to make any contract or permit any subcontract at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549, "Debarment and Suspension."

Grantee will ensure inclusion of these clauses in all contracts and subcontracts involving BSET funds.

IX. CONFLICT OF INTEREST

The grantee will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.

X. SEVERABILITY

If any provision of a BSET award or the application of any provision to any party or circumstance is held by a final judgment or order of a court of competent jurisdiction to be illegal, invalid, or unenforceable, such provision shall be fully severable. An executed BSET award shall be construed and enforced as if such illegal, invalid or unenforceable provision had never comprised a part hereof, and the remaining provisions shall remain in full force and effect and shall not be affected by the illegal, invalid, or unenforceable provision or by its severance therefrom.

XI. MULTIPLE COUNTERPARTS

A BSET award may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes and all of which constitutes collectively, one Agreement. But, in making proof of this Agreement, it shall not be necessary to produce or account for more than one such counterpart.

XII. AUDIT

GDEM reserves the right to audit the Grantee's records and documents regarding compliance with any award or sub-award funded under this program. The grantee is also subject to audit by any other department or agency, including federal agencies, responsible for determining that the parties have complied with the applicable laws. The State Auditor may conduct an audit or investigation of any entity receiving funds from the State of Texas directly under this grant program or indirectly through a sub-award under this grant program. Acceptance of funds directly under this program or indirectly through a sub-award under this program acts as acceptance of the authority of the State Auditor under the direction of the legislative audit committee to conduct an audit or investigation in connection with those funds. Under the direction of the legislative audit committee, and entity that is the subject of an audit or investigation by the State Auditor must provide the State Auditor with access to any information the State Auditor considers relevant to the investigation or audit.

XIII. STATE SINGLE AUDIT REQUIREMENT

Grantee will comply with the audit requirements of the State of Texas Single Audit Circular in Part IV, UGMS. UGMS may be accessed at <http://www.governor.state.tx.us/divisions/stategrants/guidelines/files/UGMS062004.doc>.

XIV. REPORTING

- A. Grantee agrees to comply with all reporting requirements and shall provide such information as required to GDEM for reporting as noted in the BSET Grant Guidance and Application Kit.
- B. Grantee must prepare and submit performance reports to GDEM for the duration of the grant performance period or until all grant activities are completed and the grant is formally closed. Grantee may also be required to submit additional information and data requested by GDEM.

XV. RECORDS RETENTION

Grantee shall keep all operational and financial records and documents regarding this grant for the term of the grant and for three (3) years after the termination of the grant.

XVI. USE OF FUNDS

- A. Grantee understands and agrees that it cannot use any BSET funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of the GDEM.
- B. Grantee agrees that all allocations and use of funds under this grant will be in accordance with the Border Security Equipment and Technology Guidance and Application Kit.
- C. Grantee official certifies BSET funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Grantee may be required to supply documentation certifying that a reduction in non-state resources occurred for reasons other than the receipt or expected receipt of state funds.
- D. Grantee shall not use BSET funds as a match requirement for any other federal or state grant programs without prior, written approval of GDEM.

XVII. NON- INCORPORATION CLAUSE

The Notice of Award together with the BSET Guide and an approved BSET Application constitute an entire agreement between the parties with regard to the matters made the subject of a BSET grant. There are no verbal representations, inducements, or agreements between the parties. No rights or obligations shall be implied.

XVIII. NO JOINT ENTERPRISE

GDEM is associated with the Grantee only for the purposes and to the extent set forth herein, and with respect to the performance hereunder, the Grantee is and shall be an independent contractor and shall have the sole right to supervise, manage, operate, control, and direct the performance of the details incident to its duties hereunder. Nothing contained herein shall be deemed or construed to create a partnership or joint venture, to create the relationships of an employer-employee or principal-agent, or to otherwise create any liability for the GDEM whatsoever with respect to the indebtedness, liabilities, and obligations of the Grantee or any other party.

XIX REIMBURSEMENT

- A. Grantee agrees to make no request for reimbursement prior to return of this agreement and signed by the authorized grantee representative.
- B. Grantee agrees to make no request for reimbursement for goods or services procured by grantee prior to the performance period start date of this agreement.

XX. ADVANCE FUNDING

- A. If a financial hardship exists, a grantee may request an advance of grant funds for expenditures incurred under this program. Requests must be made in writing by designated representative and submitted to GDEM. GDEM will determine whether an advance will be made.
- B. If a grantee is approved for an advance, the funds must be deposited in a separate, interest-bearing account and are subject to the rules outlined in the Grantees must report any interest earned to GDEM. Any interest earned in excess of \$100 must, on a quarterly basis, be remitted to:

Payable to: Texas Department of Public Safety

Remit to: Texas Department of Public Safety

Governor's Division of Emergency Management

Attn: BSET Program Manager

PO Box 4087

Austin, TX 78773-0224

XXI. EQUIPMENT REQUIREMENTS

Grantee must maintain an updated inventory of equipment purchased through this grant program in accordance with Uniform Grant Management Standards – III, State Uniform Administrative Requirements for Grants and Cooperative Agreements, Subpart C - Post-Award Requirements, Reports, Records, Retention, and Enforcement, .32 Equipment.

XXII. CLOSING THE GRANT

- A. All equipment must be ordered by July 31, 2009. All equipment must be received and invoices paid by the grantee by August 31, 2009. The last day for submission of *Request for Advance or Reimbursements* is October 15, 2009.
- B. GDEM will close an award after receiving grantees final performance report indicating that all approved work has been completed and all funds have been disbursed, completing a review to confirm the accuracy of the reported information, and reconciling actual costs to awards, modifications, and payments. If the close-out review and reconciliation indicates that the grantee is owed additional funds, GDEM will send the final payment automatically to the grantee. If the grantee did not use all the funds received, GDEM will issue a Grant Adjustment Notice (GAN) to recover the unused funds.
- C. GDEM will unilaterally close out any grant for which the grantee does not reconcile the account and sign a close-out GAN by November 30, 2009.
- D. All BSET grant funds that are not expended by August 31, 2009 must be remitted by the grantee to GDEM, which will de-obligate the funds and return them to the State Treasury.

SECTION 6: ACRONYMS

Acronyms

BSET	Border Security Equipment and Technology Grant Program
BSOC	Border Security Operations Center
CPA	State Comptroller of Public Accounts
DHS	Department of Homeland Security
DIR	Texas Department of Information Resources
EPLS	Excluded Parties List System
GAN	Grant Adjustment Notice
GDEM	Governor's Division of Emergency Management
GPS	Global positioning system
GSA	General Services Administration
IT	Information Technology
JOIC	Joint Operations Intelligence Center
LAN	Local Area Network
LGC	Local Government Code http://tlo2.tlc.state.tx.us/statutes/lg.toc.htm
NOGA	Notice of Grant Award
OMB	Office of Management and Budget
PC	Personal computer
PDA	Personal digital assistant
TGC	Texas Government Code
TIBH	Texas Industries for the Blind and Handicapped
TPASS	Texas Procurement and Support Services
TXMAS	Texas Multiple Award Schedule
TXDPS	Texas Department of Public Safety
UGMS	Uniform Grants Management Standards
US Communities	United States Communities

SECTION 7: RESOURCES

Excluded Parties List System	www.epls.gov
Generals Services Administration.....	www.gsaelibrary.gsa.gov/ElibMain/ElibHome
Governor’s Division of Emergency Management.....	www.txdps.state.tx.us/dem/pages
Local Government Code	tlo2.tlc.state.tx.us/statutes/lg.toc.htm
State Comptroller of Public Accounts.....	www.window.state.tx.us
Texas CO-OP	www.window.state.tx.us/procurement/prog/coop
Texas Correctional Industries.....	www.tci.tdcj.state.tx.us
Texas Department of Information Resources	www.dir.state.tx.us/servlet/dirStore
Texas Department of Public Safety.....	www.txdps.state.tx.us
Texas Government Code.....	www.tlo2.tlc.state.tx.us/statutes/gv.toc.html
Texas Industries for the Blind and Handicapped	www.tibh.org/catalog/index.php
Texas Multiple Award Schedule.....	www.window.state.tx.us/procurement/prog/txmas
Texas Procurement and Support Services	www.window.state.tx.us/procurement
Texas Travel Policy	fmx.cpa.state.tx.us/fm/travel/index.php
Uniform Grant Management Standards	www.governor.state.tx.us/grants/what/
U.S. Communities	www.uscommunities.org/prod/contract.asp

SECTION 8: GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT POINTS OF CONTACT

LSBP-08 Program Manager Gisela Ryan-Bunger 5805 N. Lamar PO Box 4087 Austin, TX 78773-0224 Phone: (512) 424-2271 Fax: (512) 424-7160 email: gisela.ryan-bunger@txdps.state.tx.us	Audit Section Supervisor Drey Lord 5805 N. Lamar PO Box 4087 Austin, TX 78773-0229 Phone: (512) 424-2426 Fax: (512) 424-5647 email: drey.lord@txdps.state.tx.us
State Coordinator: Resources & Logistics Ted Maddry 5805 N. Lamar PO Box 4087 Austin, TX 78773-0220 Phone: (512) 424-2434 Fax: (512) 424-2444 email: ted.maddry@txdps.state.tx.us	Grants & Contracts Administrator Pamela McKinney 5805 N. Lamar PO Box 4087 Austin, TX 78773-0229 Phone: (512) 424-5348 Fax: (512) 424-2444 email: pam.mckinney@txdps.state.tx.us
Border Security Operations Center (BSOC) Joel Aud 5805 N. Lamar PO Box 4087 Austin, TX 78773-0224 Phone: (512) 424-7355 Fax: (512) 424-7041 email: tbsoc@txdps.state.tx.us direct email: joel.aud@txdps.state.tx.us	
Big Bend Sector (Marfa) JOIC email: bb.joic@gmail.com Phone: (432) 729-4506 Fax: (432) 729-4901	Coastal Bend Sector (Victoria) JOIC email: cbjoic@vctx.org Phone: (361) 485-8500 Fax: (361) 579-6883
Del Rio Sector JOIC email: joic@valverdesheriff.com Phone: (830) 778-7837 Fax: (830) 778-7041	El Paso Sector JOIC email: elpjoic@dot.state.tx.us Phone: (915) 790-5540 - 5545 Fax: (915) 790-5549
Laredo Sector JOIC email: Lrd_joic@att.net Phone: (956) 764-3181 Fax: (956) 764-3184	Rio Grande Valley Sector (Edinburg) JOIC email: rgv.joic@gmail.com Phone: (956) 289-5727 Fax: (956) 289-5820

APPENDIX A: APPLICATION FORMS

I. BORDER SECURITY EQUIPMENT AND TECHNOLOGY (BSET) APPLICATION

1. APPLICANT NAME (Jurisdiction):			
2. TYPE:		<input type="checkbox"/> City Government	<input type="checkbox"/> Tribal Government
		<input type="checkbox"/> County Government	<input type="checkbox"/> State Agency
3. COUNTY:			
4. REQUESTED PERIOD OF PERFORMANCE (NOT TO EXCEED AUGUST 31, 2009):			
5. CHECKLIST OF APPLICATION SUB-FORMS: See the Border Security Equipment and Technology (BSET) Guidance and Application Kit for information on completing these forms.			
<input type="checkbox"/> Designation of Grant Officials (Form B-2)			
<input type="checkbox"/> Application for State Assistance (Form B-3) – The Authorized Official must sign this form.			
<input type="checkbox"/> Budget (Form B-4) – The Grant Financial Officer must sign this form.			
<input type="checkbox"/> Assurances and Certifications (Form B-5) – The Authorized Official must sign this form.			
<input type="checkbox"/> Project Narrative (Form B-6) – The Authorized Official must sign this form.			
<input type="checkbox"/> Direct Deposit Authorization Form (Form 74-176)–The Grant Financial Officer must sign this form.			
6. CERTIFICATION: This Application together with all application sub-forms constitute the work plan for the Border Security Equipment and Technology (BSET) grant program project whose participants are listed above. The undersigned agree to exert their best efforts to accomplish all activities listed in the Application and to comply with all terms and conditions in the BSET Guidance and Application Kit.			
_____		_____	
Authorized Official (original signature)		Grant Performance Officer (original signature)	
		Date	
7. GDEM APPROVAL: The attached application is approved.			
_____			_____
<input type="checkbox"/> Chief, Governor’s Division of Emergency Management			Date
<input type="checkbox"/> State Coordinator of Preparedness and Operations			

Form B-1
(05/08)

Mail completed application packet to:

BSET Program Manager, Operations Section
Governor’s Division of Emergency Management
Texas Department of Public Safety
PO Box 4087
Austin, TX 78773-0224

II. DESIGNATION OF GRANT OFFICIALS

GRANT:	BORDER SECURITY EQUIPMENT AND TECHNOLOGY (BSET)
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GRANT PERIOD:	May 1, 2008 – August 31, 2009
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APPLICANT AGENCY NAME:	
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Grant Performance Officer	
<i>Name</i>	
<i>Title</i>	
<i>Official Mailing Address</i>	
<i>Daytime Phone Number</i>	
<i>Fax Number</i>	
<i>E-mail Address</i>	

Grant Financial Officer	
<i>Name</i>	
<i>Title</i>	
<i>Official Mailing Address</i>	
<i>Daytime Phone Number</i>	
<i>Fax Number</i>	
<i>E-mail Address</i>	

Authorized Official *	
<i>Name</i>	
<i>Title</i>	
<i>Official Mailing Address</i>	
<i>Daytime Phone Number</i>	
<i>Fax Number</i>	
<i>E-mail Address</i>	

* An individual authorized to execute contracts on behalf of a jurisdiction or local law enforcement agency.

Form B-2
(05/08)

III. APPLICATION FOR STATE ASSISTANCE

1. Name of Program/ Assistance:		2. Applicant Status:	
		<input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Tribal <input type="checkbox"/> State	
3. Start Date:		4. End Date:	
5. Applicant Information			
a. Legal Name of Applicant Organization (as it appears on the BSET Application Form B-1):		b. Name & Telephone Number of Grant Performance Officer:	
c. Mailing Address:		d. Physical Address (if different from Mailing Address):	
6. EMPLOYER IDENTIFICATION NUMBER / TAX ID #			
7. ESTIMATED EXPENSES:			
a. Salary & Benefits (from line ___ Budget Form B-4)		\$0.00	
b. Travel & Training Expenses (from line ___ Budget Form B-4)		\$	
c. Equipment & Technology (from line ___ Budget Form B-4)		\$	
d. Operating Expenses (from line ___ Budget Form B-4)		0.00	
e. Total Expenses (7a + 7b + 7c + 7d)		\$	
8. CERTIFICATION: I certify that to the best of my knowledge and belief this application and its attachments are true and correct.			
a. Typed Name of Authorized Official:			
b. Title of Authorized Official:			
c. Original Signature of Authorized Official:			
d. Date Signed:			

IV. BUDGET FORM

1. Applicant Name:				
2. Name of Grant Program:	Border Security Equipment and Technology (BSET)			
3. Grant Period:	From:	5/1/2008	To:	8/31/09
4. ENTER the Amount of State Funds Requested:				\$
5. BUDGET DETAIL				
<u>SALARIES & BENEFITS</u>	Cost per Unit	Quantity	Extension	Total
				\$0.00
<u>TRAVEL & TRAINING EXPENSES</u>	Cost per Unit	Quantity	Extension	Total
				\$0.00
<u>EQUIPMENT & TECHNOLOGY</u>	Cost per Unit	Quantity	Extension	Total
	\$		\$	\$0.00
	\$		\$	
	\$		\$	
	\$		\$	
	\$		\$	
	\$		\$	
<u>OPERATING EXPENSES</u>	Cost per Unit	Quantity	Extension	Total
	\$		\$	\$0.00
6. BUDGET SUMMARY				
BUDGET CATEGORIES				TOTAL
a. SALARIES & BENEFITS				\$0.00
b. TRAVEL & TRAINING EXPENSES				\$
c. EQUIPMENT & TECHNOLOGY				\$
d. OPERATING EXPENSES				\$0.00
7. TOTAL FUNDS REQUESTED				\$

V. STATE OF TEXAS ASSURANCES AND CERTIFICATIONS

STATE UNIFORM ADMINISTRATIVE REQUIREMENT FOR GRANTS AND COOPERATIVE AGREEMENTS, SUBPART B, §.14

Note: Certain of these assurances may not be applicable to your program. If you have any questions, please contact the awarding agency.

NAME OF APPLICANT	GRANT PROGRAM
	Border Security Equipment and Technology (BSET)

This form includes Assurances and Certifications that must be read, signed, and submitted as a part of the Application for State Assistance.

As the duly authorized representative of the applicant, I hereby certify that the applicant (Sub-grantee) will comply with the assurances and certifications below.

Typed Name of Authorized Official	Title
Signature of Authorized Official	Date Signed

ASSURANCES

(1) RELATIVES. A Sub-grantee must comply with Texas Government Code, Chapter 573, by ensuring that no officer, employee, or member of the applicant's governing body or of the applicant's contractor shall vote or confirm the employment of any person related within the second degree of affinity or the third degree of consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person. This prohibition shall not prohibit the employment of a person, who shall have been continuously employed for a period of two years, or such other period stipulated by local law, prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree.

(2) PUBLIC INFORMATION. A Sub-grantee must insure that all information collected, assembled, or maintained by the applicant relative to a project will be available to the public during normal business hours in compliance with Texas Government Code, Chapter 552, unless otherwise expressly prohibited by law.

(3) OPEN MEETINGS. A Sub-grantee must comply with Texas Government Code, Chapter 551, which requires all regular, special, or called meetings of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution.

(4) CHILD SUPPORT PAYMENTS. A Sub-grantee must comply with Section 231.006, Texas Family Code, which prohibits payments to a person who is in arrears on child support payments.

(5) HEALTH, HUMAN SERVICES, PUBLIC SAFETY, OR LAW ENFORCEMENT AGENCY. If the Sub-grantee is a health, human services, public safety, or law enforcement agency, it will not contract with or issue a license, certificate, or permit to the owner, operator, or administrator of a facility if the license, permit, or certificate has been revoked by another health and human services agency or public safety or law enforcement agency.

(6) LAW ENFORCEMENT AGENCY. If the Sub-grantee is a law enforcement agency regulated by Texas Occupations Code, Chapter 1701, it must be in compliance with all rules adopted by the Texas Commission on Law Enforcement Officer Standards and Education pursuant to Chapter 1701, Texas Occupations Code or must provide the grantor agency with a certification from the Texas Commission on Law Enforcement Officer Standards and Education that the agency is in the process of achieving compliance with such rules.

(7) ADMINISTRATION. When incorporated into a grant award or contract, standard assurances contained in the application package become terms or conditions for receipt of grant funds. Administering state agencies and local sub-recipients shall maintain an appropriate contract administration system to insure that all terms, conditions, and specifications are met. (See Section __.36 for additional guidance on contract provisions).

(8) SUSPECTED CHILD ABUSE. A Sub-grantee must comply with the Texas Family Code, Section 261.101, which requires reporting of all suspected cases of child abuse to local law enforcement authorities and to the Texas Department of Child Protective and Regulatory Services. Sub-grantees shall also ensure that all program personnel are properly trained and aware of this requirement.

(9) TAXES. Sub-grantees will comply with all federal tax laws and are solely responsible for filing all required state and federal tax forms.

(10) COMPLIANCE WITH REQUIREMENTS. Sub-grantees will comply with all applicable requirements of all other federal and state laws, executive orders, regulations, and policies governing this program.

(11) INELIGIBLE APPLICANTS. The applicant certifies that is and its principals are eligible to participate and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state, or local governmental entity and it is not listed on a state or federal government's terrorism watch list as described in Executive Order 13224. Applicants can access debarment information on the Internet at <http://www.epls.gov> for the federal Excluded Parties List System and at www.tbpc.state.tx.us/communities/procurement/prog/vendor_performance/debarred for the State Debarred Vendor List.

(12) HIV/AIDS. Sub-grantees must adopt and implement applicable provisions of the model HIV/AIDS work place guidelines of the Texas Department of Health as required by the Texas Health and Safety Code, Ann., Sec. 85.001, et seq.

(13) LEGAL AUTHORITY. The applicant has the legal authority to apply for State assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay the non-state share of project costs) to ensure proper planning, management and completion of the project described in this application.

(14) RECORDS. The applicant will give the awarding agency, the State Comptroller, and if applicable, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

(15) PERSONAL GAIN. The applicant will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal gain.

(16) COMPLETION. The applicant will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

CERTIFICATIONS

(1) DRUG-FREE WORKPLACE- The applicant certifies that it will provide a drug-free workplace by:

- A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- B. Establish a drug-free awareness program to inform employees about:
 - i. the dangers of drug abuse in the workplace;
 - ii. the applicant's policy of maintaining a drug-free workplace;
 - iii. any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. the penalties that may be imposed upon employees for drug abuse violations.
- C. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
- D. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - i. abide by the terms of the statement; and
 - ii. notify the employer of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction.
- E. Notifying the agency within ten days after receiving notice under subparagraph (d) (ii) from an employee or otherwise receiving actual notice of such conviction.
- F. Taking one of the following actions with respect to any employee who is so convicted:
 - i. taking appropriate personnel action against such an employee, up to and including termination; or
 - ii. requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
- G. Making a good faith effort to continue to maintain a drug-free workplace through the implementation of paragraphs (a), (b), (c), (d), (e), and (f).

(2) LOBBYING – The applicant certifies that:

- A. It will not use grant funds, either directly or indirectly, in support of the enactment, repeal, modification, or adoption of any law, regulation or policy, at any level of government.
- B. If any non-grant funds have been or will be used in support of the enactment, repeal, modification, or adoption of any law, regulation or policy, at any level of government, it will notify the Governor's Division of Emergency Management to obtain the appropriate disclosure form.
- C. It will include the language of paragraphs A and B of this section in the award documents for all sub-awards at all tiers and will require all sub-recipients to certify accordingly.

(3) POLITICAL POLLING - The applicant certifies that it does not perform political polling.

(4) NON-SUPPLANTING -The applicant certifies that BSET funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Grantee may be required to supply documentation certifying that a reduction in non-state resources occurred for reasons other than the receipt or expected receipt of state funds. Grantee official certifies BSET funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Grantee may be required to supply documentation certifying that a reduction in non-state resources occurred for reasons other than the receipt or expected receipt of state funds.

VI. PROJECT NARRATIVE

APPLICANT NAME (Jurisdiction):			
Title of Project:			
Grant Period:	From:	5/1/08	To: 8/31/09
Current Grant Number (if continuation)			
<u>PART 1: PROBLEM STATEMENT AND DATA</u>			
1.1 Problem Statement			
Provide a brief statement of the specific problem or problems this project is designed to address.			
1.2 Supporting Data			
Provide data that supports the problem. Use only data that is verifiable and relevant to your target population. The data should be derived from baseline statistics. For example, do not use statewide data for a local problem and do not use national data for a statewide problem. Also, provide citations for the sources of your data. Explain the benefits to be realized by the acquisition of the equipment in addressing the problem.			
<u>PART 2: GOAL STATEMENT</u>			
Based on your problem statement, provide a brief goal statement. It should be a general statement reflecting the overall impact that you intend the project to attain. Do NOT list activities in the goal.			
<u>PART 3: TARGET GROUP</u>			
Briefly explain the target group for your project. Include the geographic area targeted, the targeted audience, and the relevant characteristics of those persons.			
3.1 Geographic Area			
3.2 Target Audience			
3.3 Gender			
3.4 Ages			
3.5 Special Characteristics			

PART 4: PROJECT ACTIVITIES		
4.1 Program Type		
Designate the Program Type that best describes the primary purpose for this project. If funding form more than one type of equipment/technology is being requested, select a category for each type of equipment. Do not select more than one category for any one type of equipment.		
<input type="checkbox"/> Communication	<input type="checkbox"/> Vehicle Interdiction	<input type="checkbox"/> Night Vision
<input type="checkbox"/> Data Gathering	<input type="checkbox"/> Other Technology (specify)	
4.2 Activity Description		
Describe the activities or services your project provides. Be sure the activities support the goal statement.		
PART 5: PROJECT OBJECTIVES		
5.1 Performance Measures		
Provide both the output and the outcome measures for this project. <u>Output</u> measures show the level of activity of a project. Outputs reflect the amount of service being provided e.g., an output for vehicle interdiction might measure the number of vehicles scanned by a fixed license plate reader, or the number of license plates scanned and the road miles patrolled by a mobile license plate reader. <u>Outcome</u> measures show impacts of a project in targeted areas e.g., an outcome for vehicle interdiction might measure the drop in vehicle theft in a city, county, or region. Outcomes should reflect the extent to which the goals of the project have been achieved.		
Output Measures – Required for All Projects	Current Annual Activity	Target Level of Activity for the Grant Period
Outcome Measures – Required for All Projects	Current Annual Activity	Target Level of Activity for the Grant Period
5.2 Continuation Projects		
For continuation projects only, if your current or previous year’s project is NOT on schedule in accomplishing the stated objectives, briefly describe the major obstacles preventing your organization from successfully reaching the project objectives as stated within your previous grant application. (Data may be calculated on a pro-rated basis depending on how long the current or previous year’s project has been operating.)		
PART 6: PROJECT SUMMARY		
Briefly summarize the entire application, including the project’s problem statement, supporting data, goal, target group, activities, and objectives. Be sure that the summary is easy to understand by a person not familiar with your project and that you are confident and comfortable with the information if it were to be released under a public information request.		

VII. DIRECT DEPOSIT

FORM GOES HERE

DIRECT DEPOSIT FORM INSTRUCTIONS GO HERE

APPENDIX B: EXAMPLE OF HARDSHIP LETTER

May 1, 2008

ABCD County
 PO Box 1234
 Anytown, TX 00000

RE: Grant Number BSET-08-000

Dear Chief Colley:

The enclosed documents show proof of obligation to remit payment for the delivery of equipment purchased with Border Security Equipment and Technology grant funds. I, Judge John Adams, attest that ABCD County cannot make payment for this equipment from the general revenue funds without experiencing an economic hardship. Therefore I am requesting advance funds for the following equipment:

	Item Name and Description	Quantity	Vendor	PO Number	Amount
1.	License Plate Readers – vehicle mounted	2	Police Supply, Inc.	12340	\$50,000.00
2.	Night Vision monacle	1	Vision Enhancers Company	12341	\$300.00
3.					
4.					
				TOTAL	\$50,300.00

Sincerely,

John Adams

County Judge
 Authorized Official for grant

Enclosures: *Request for Advance or Reimbursement form*
 Purchase Orders
 Invoices
 Packing slips

APPENDIX C: MONTHLY LAW ENFORCEMENT TECHNOLOGY REPORT

(1) Reporting Agency			
(A) Jurisdiction or legal entity:			
(B) BSET Grant Number			
(C) Point of contact (POC) for jurisdiction or legal entity:			
(D) Starting date (YYYY/MM/DD):			
(E) Ending date (YYYY/MM/DD):			
(F) POC daytime phone:			
(G) POC mobile phone:			
(H) POC fax:			
(I) POC email:			
(2) Technology			
(A) Brief description of technology:			
(B) Brief description of area of use:			
(3) Estimated hours of use			
(A) Equipment, hardware, software, etc.			
Item	Hours	Quantity	Extension
(3 A) Total:			
(4) Effectiveness			
Item	Response		Quantity
	Service calls:		
	Apprehensions/arrest:		
	Interdictions:		
	Surveillance:		
	Seizure:		
	Other:		
(4 A) Total:			
(5) Notes:			
(6) Best practices or identified problems:			

APPENDIX D: REQUEST FOR ADVANCE OR REIMBURSEMENT

1. STATE AGENCY TO WHICH THIS REPORT IS SUBMITTED Governor’s Division of Emergency Management			2. DATE REQUEST SUBMITTED	
3. TYPE OF PAYMENT REQUESTED	a. “X” one or both boxes <input type="checkbox"/> ADVANCE <input type="checkbox"/> REIMBURSEMENT	b. “X” the applicable box <input type="checkbox"/> FINAL <input type="checkbox"/> PARTIAL	4. BASIS OF REQUEST <input type="checkbox"/> CASH <input type="checkbox"/> ACCRUAL	
5. REQUEST NUMBER		6. PERIOD COVERED BY THIS REQUEST		
		FROM (month, day, year)	TO (month, day, year)	
7. GRANT AWARD NUMBER		8. RECIPIENT’S FEDERAL IDENTIFICATION NUMBER		
9. RECIPIENT ORGANIZATION Name Number and Street City, State, Zip Code		10. PAYEE (Where check is to be sent if different from Box 9) Name Number and Street City, State, Zip Code		
11. COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED				
ACTIVITIES →		Travel & Training	Equipment	Total
a. Total program outlays to date	(as of date)	\$	\$	\$
b. Less: Cumulative program income		\$	\$	\$
c. Net program outlays (Line a minus Line b)		\$	\$	\$
d. Estimated net cash outlays for advance period		\$	\$	\$
e. Total (Sum of Lines c & d)		\$	\$	\$
f. State payments previously requested		\$	\$	\$
g. State funds now requested (Line e (-) Line f)		\$	\$	\$
12. CERTIFICATION				
I certify that to the best of my knowledge and belief the data above are correct and that all outlays were made in accordance with the grant conditions and that payment is due and has not been previously requested.				
SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL			DATE	
TYPED OR PRINTED NAME AND TITLE			TELEPHONE (ac, number, xten.)	
This space for agency use.				

INSTRUCTIONS FOR FORM “REQUEST FOR ADVANCE OR REIMBURSEMENT”

Please type or print legibly. Box 1 is filled in for you. Boxes 2, 3, 5, 9, 10, 11c, 11e, 11f, 11g, and 12 are self-explanatory. Specific instructions for other boxes are as follows:

- Box 4 Indicate whether request is prepared on a cash or accrued expenditure basis. All requests for advances shall be prepared on a cash basis.
- Box 6 Enter the month, day, and year for the beginning and ending of the period covered in this request. If the request is for an advance or for both an advance and reimbursement, show the period that the advance will cover. If the request is for reimbursement, show the period for which the reimbursement is requested.
- Box 7 Enter the State grant number assigned by the Governor’s Division of Emergency Management.
- Box 8 Enter the employer identification number assigned by the U.S. Internal Revenue Service.
- Box 11 The purpose of the vertical columns is to provide space for separate cost breakdowns for the categories of the grant budget.
- Box 11a Enter in “as of date,” the month, day, and year of the ending of the accounting period to which this amount applies. Enter program outlays to date (net of refunds, rebates, and discounts), in the appropriate columns. For requests prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of cash advances and payments made to sub-grantees and contractors. For requests prepared on an accrued expenditure basis, outlays are the sum of the actual cash disbursements and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contractors, sub-grantees and other payees.
- Box 11b Enter the cumulative cash income received to date, if requests are prepared on a cash basis. For requests prepared on an accrued expenditure basis, enter the cumulative income earned to date. Under either basis, enter only the amount applicable to program income that was required to be used for the project or program by the terms of the grant.
- Box 11d Only when making requests for advance payments, enter the total estimated amount of cash outlays that will be made during the period covered by the advance.
- Box 13 Complete the certification before submitting this request. The Authorized Official must sign this form.

CHART 1: TEXAS LAND BORDER PORTS OF ENTRY

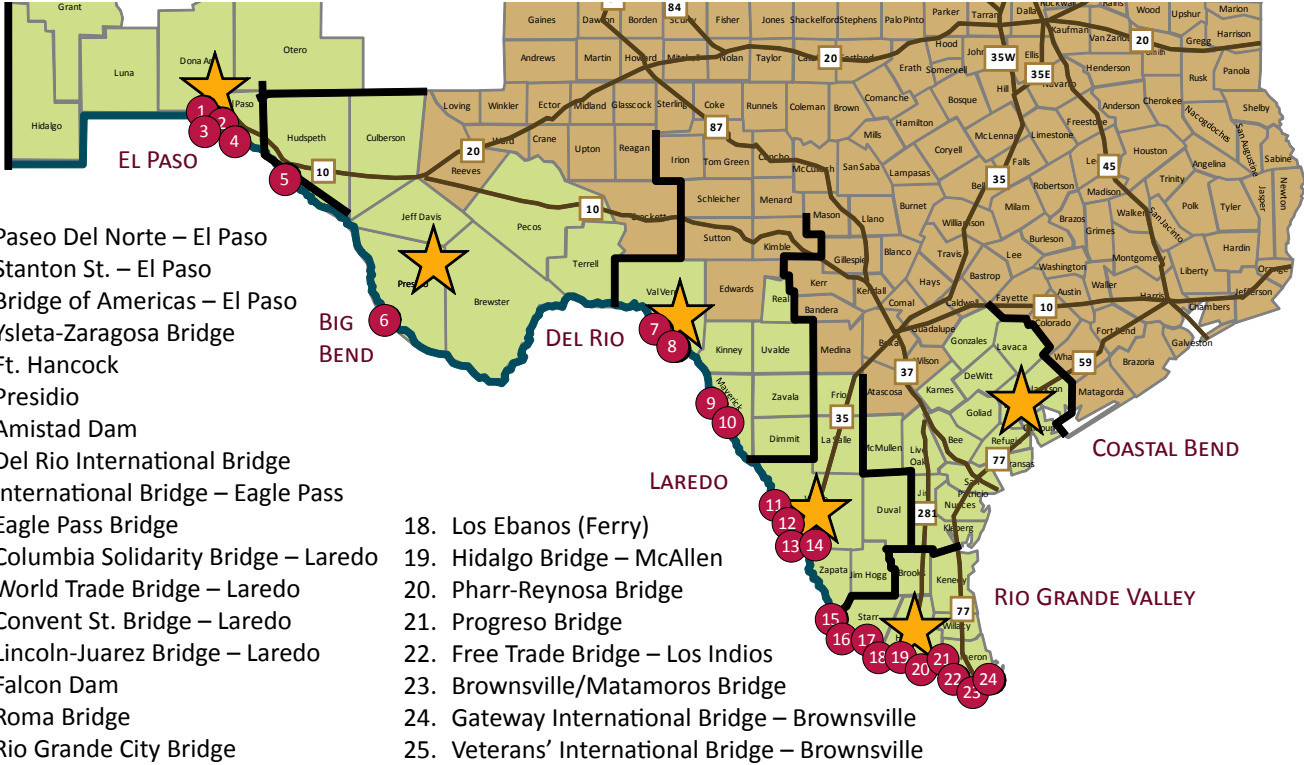


CHART 2: THE BORDER THREAT

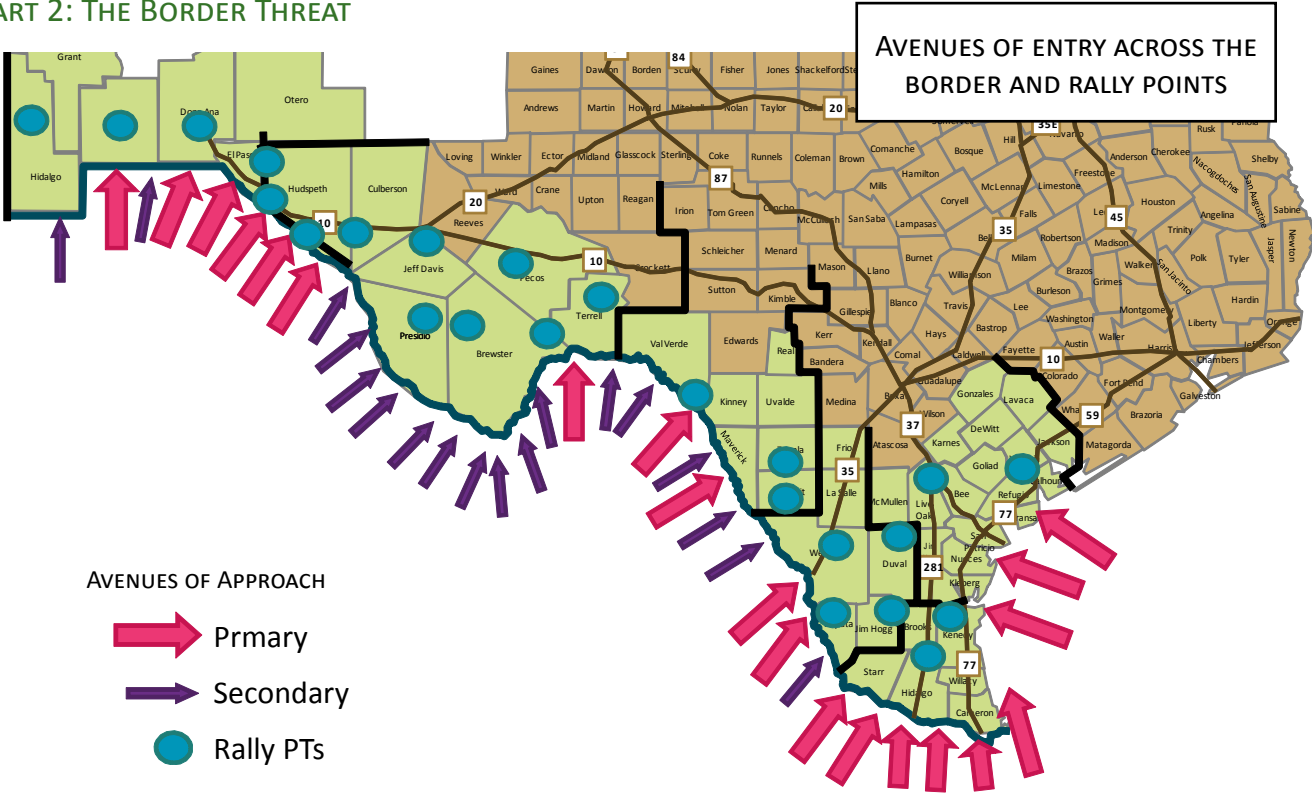


CHART 3: RELATIONSHIPS: AGENCIES/UNIFIED COMMAND/TBSOC

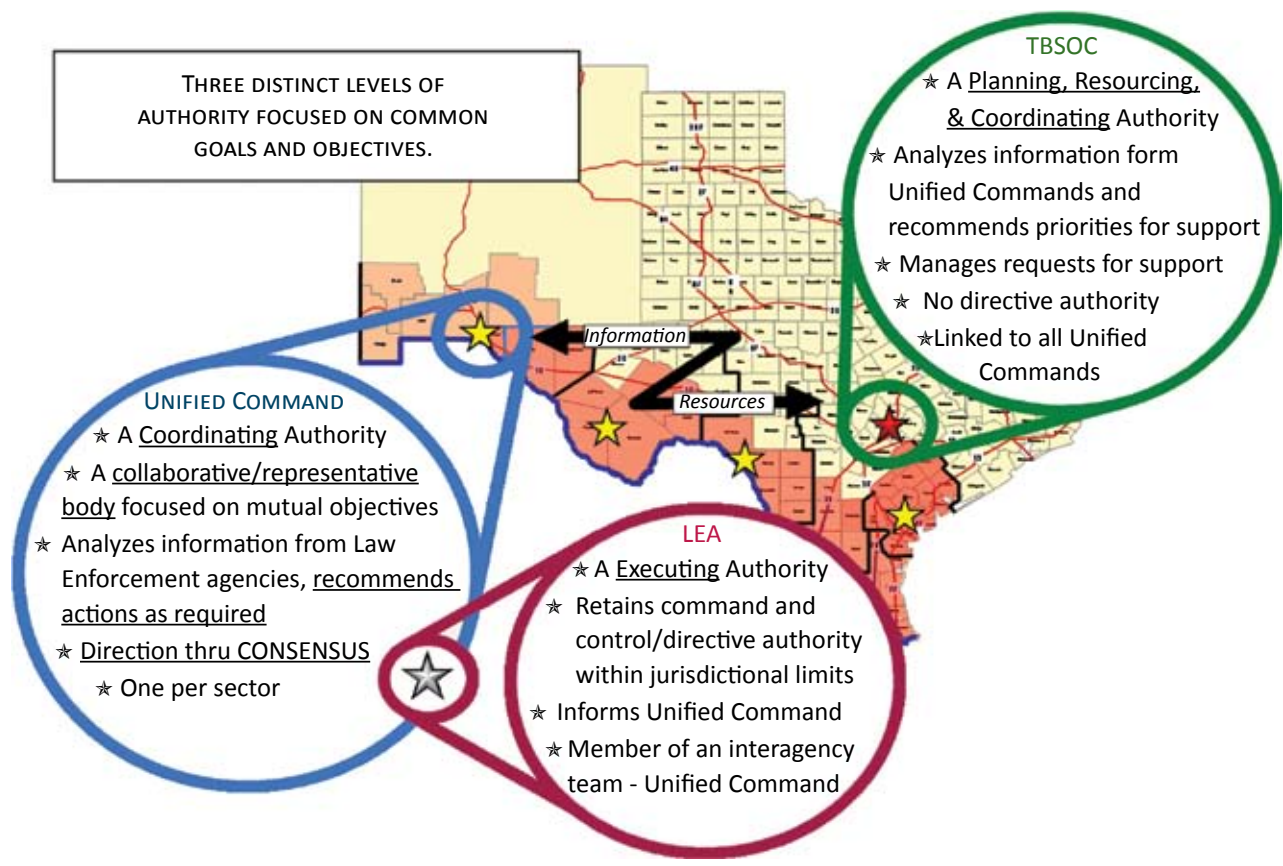


CHART 4: UNIFIED COMMAND EMPHASIS

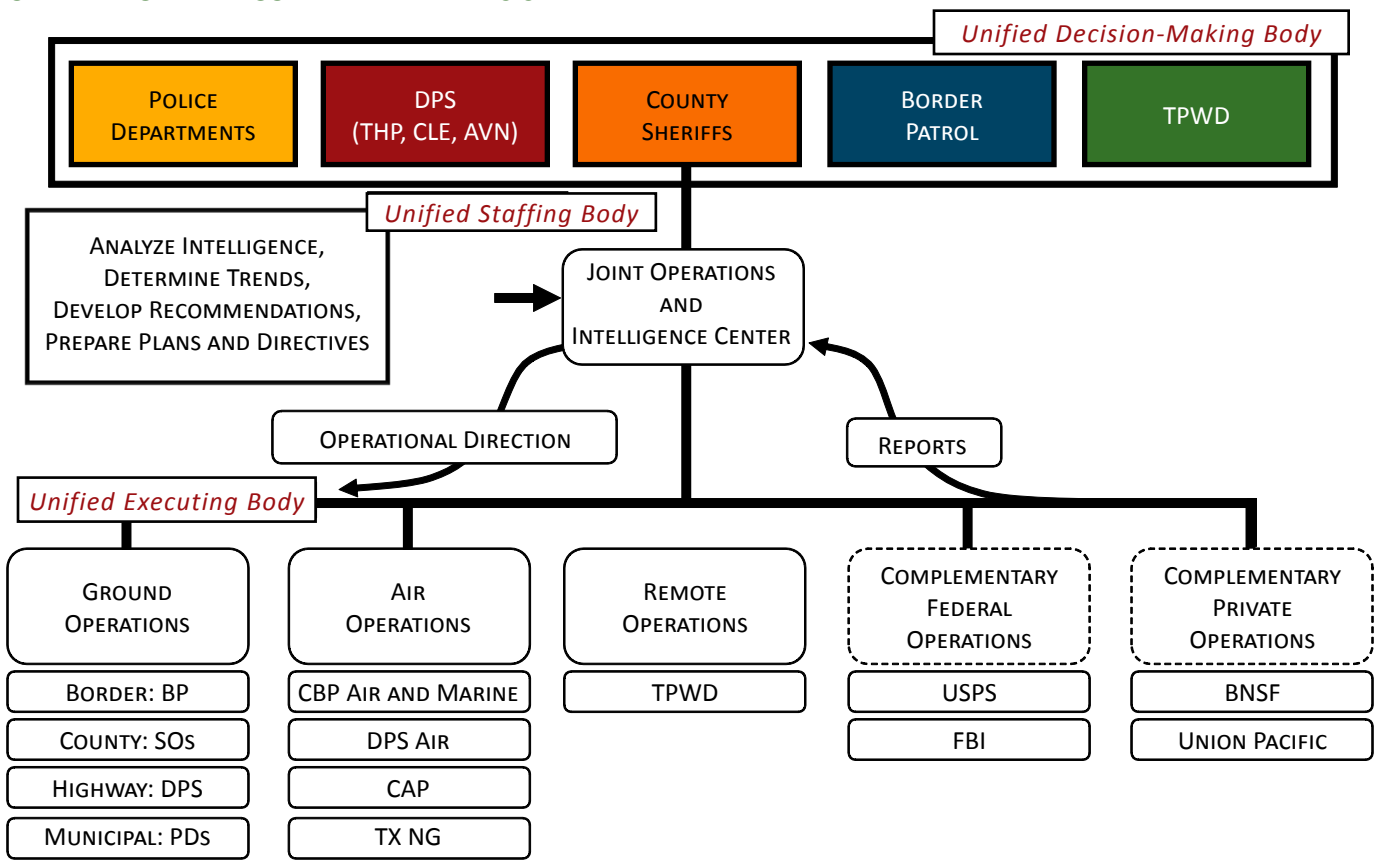


CHART 5: TEXAS BORDER COUNTIES CRIME INDEX

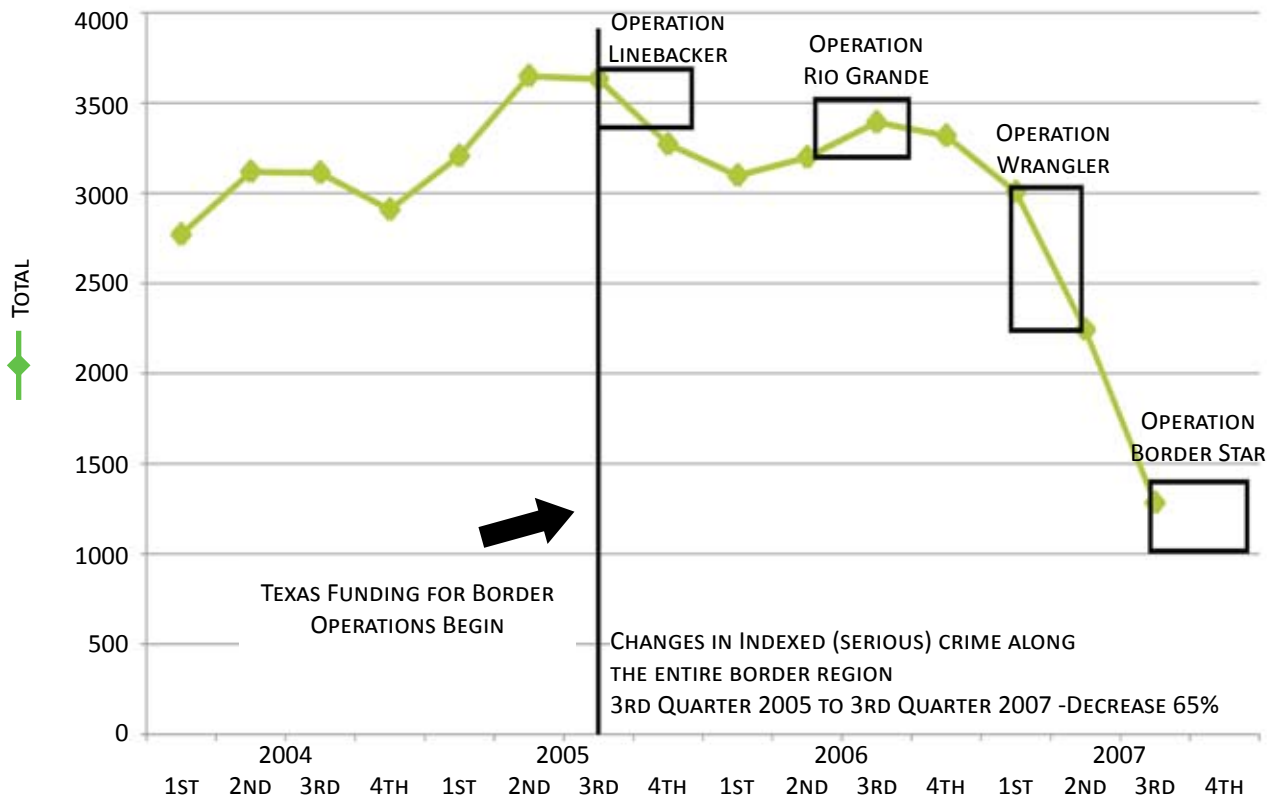


CHART 6: CUSTOMS AND BORDER PROTECTION ILLEGAL ALIEN APPREHENSIONS

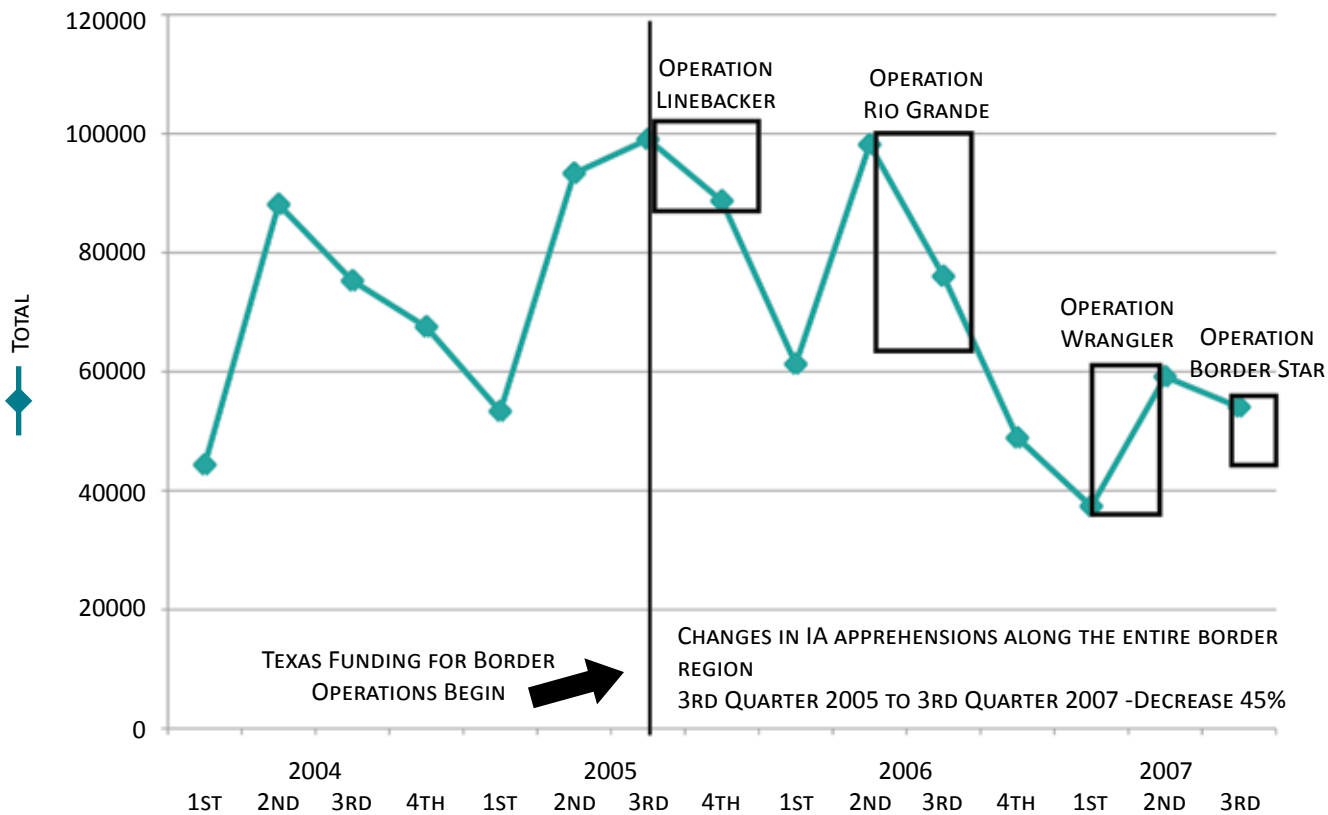


CHART 7: INDEXED CRIME AND ILLEGAL ALIEN APPREHENSIONS

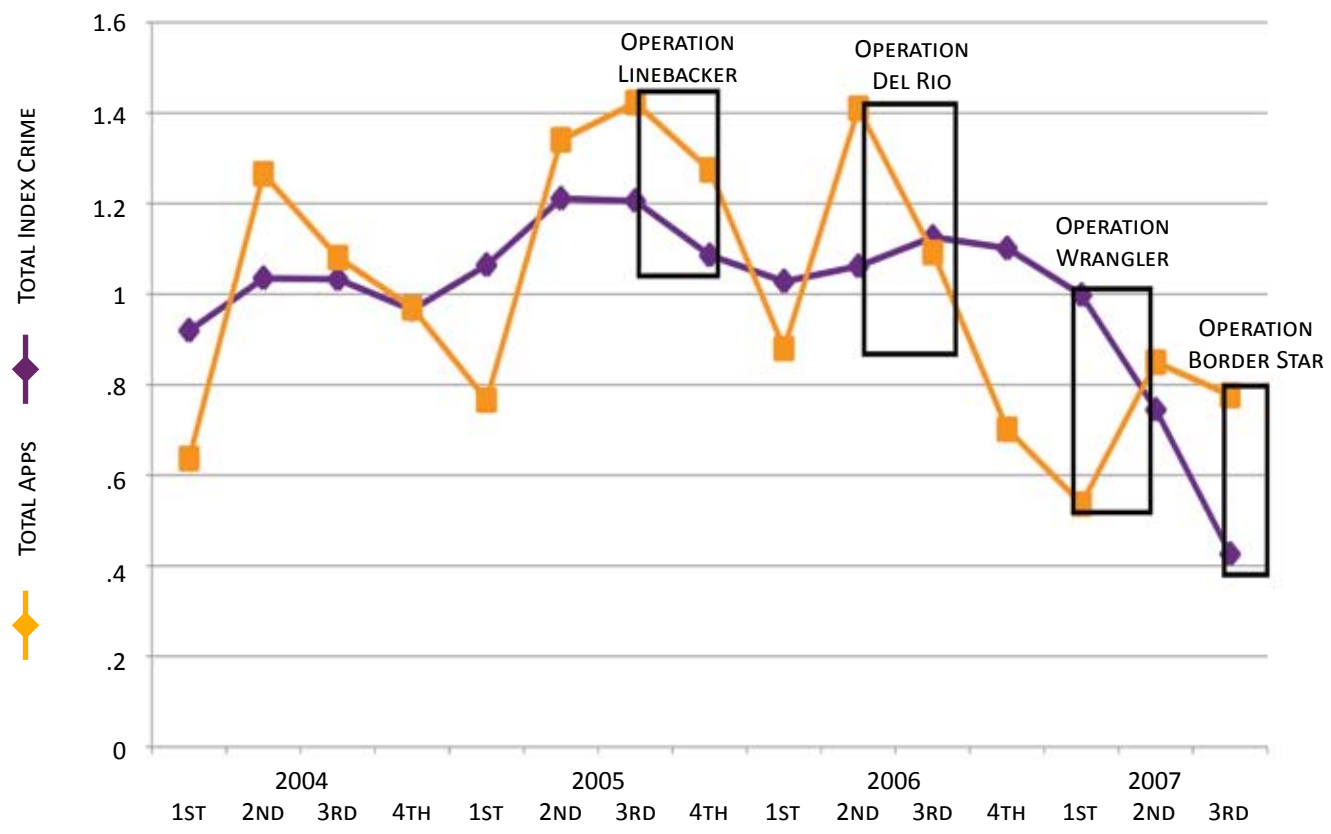
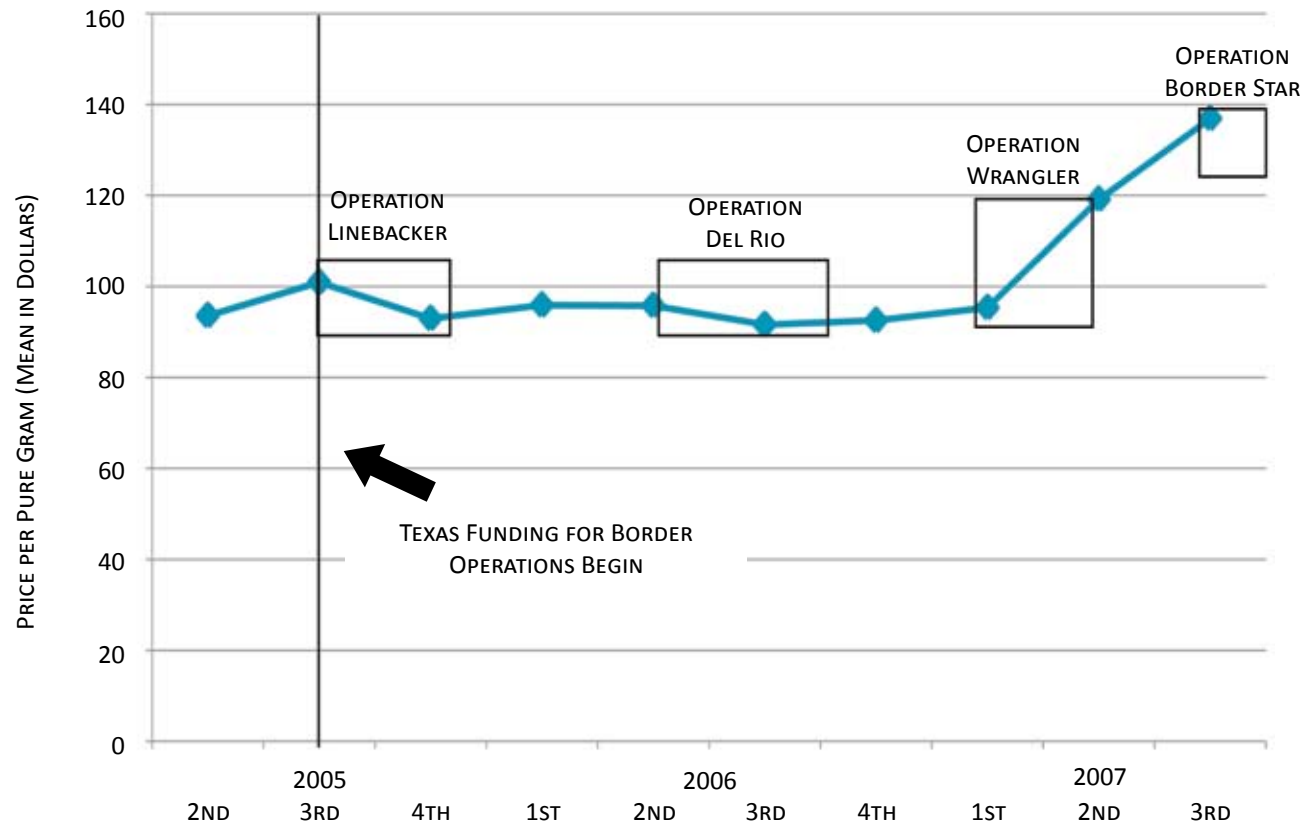


CHART 8: COCAINE PRICE V. PURITY INDEX





TEXAS BORDER SECURITY COUNCIL
REPORT TO GOVERNOR RICK PERRY
September 2008