

**Homeland Security Advisory Council
Conference Call on Southwest Border Recommendations
September 30, 2009, 4:00 PM EST
Meeting Minutes**

Participants:

Charles Adams	Mike Miron
Robert Bonner	Jeff Moss
Dick Canas	Jenn Myers
Chuck Canterbury	Becca Sharp
John Cook	Martin O'Malley
Ruth David	Harold Schaitberger
Clark Ervin	Dr. Lydia Thomas
Michael Farrell	Lupe Treviño
Misty Giles	Judge William Webster
Ellen Gordon	Joana West
Michael Grossman	Dr. John Williams
John Magaw	

OPERATOR: Hello, and welcome to the Southwest Border Task Force conference call. You will be in the listen-only mode during the presentation. Information on how to submit questions through the Homeland Security Advisory Council will be provided at the end of the call. If you should need assistance during the call, you may signal an operator by pressing star, then zero on your touchtone phone.

Now I would now like to turn the conference over to Judge William Webster. Your Honor, you may begin.

WILLIAM WEBSTER:

Thank you very much. Good afternoon. I'm William Webster, Chairman of the Homeland Security Advisory Council, and I wish to advise that a roll call has just been taken, a quorum is present, and so I hereby convene this meeting. This is a public meeting of the Council, and we appreciate those members of the public, the government, and the media who have joined us today. I would also like to welcome the members of the Homeland Security Advisory Council and members of the Southwest Border Task Force who are on the call today.

Our purpose is to hear the results of the Southwest Border Task Force meetings. The Task Force met in person and by teleconference between June and September 2009. As law enforcement, security advisors, academics, first responders, physicians, military, elected officials, and members of the private sector, Task Force members share their own knowledge and experience about the Southwest border.

The Task Force members also engage public sector, private sector, and international subject matter experts involved with border security and commerce. The Task Force was headed by Vice Chairs, Ambassador Jim Jones of Manatt Jones Global Strategies, and Sheriff Lupe Treviño of Hidalgo County, Texas.

We had an excellent and diverse group of Task Force members that included — and I'm going to read their names for your information — many of whom are present with you on this phone line — Norman Augustine, retired Chairman and CEO, Lockheed Martin Corporation; Ruben Barrales, President and Chief Executive Officer, San Diego Regional Chamber of Commerce; Andrea Bazan, President, Triangle Community Foundation; Robert Bonner, Senior Principal, Sentinel Homeland Security Group, and Counsel, Gibson, Dunn & Crutcher, LLP; Ray Borane, former Mayor of the City of Douglas, Arizona; Raymond Cobos, Sheriff of Luna County, NM; John Cook, Mayor of the City of El Paso, Texas; Jeffrey Davidow, President, Institute of the Americas; Richard Dayoub, President and Chief Executive Officer, Great El Paso — Greater El Paso Chamber of Commerce; Victor Flores, Director, Executive Projects, Arizona-Mexico Commission; Francis “Pancho” Kinney, Vice President, HNTB Federal; Melvyn “Mel” Montano, New Mexico National Guard; Kenny Montoya, Adjutant General, New Mexico National Guard; Ned Norris, Chairman, Tohono O’odham Nation; Ralph Ogden, Sheriff, Yuma County, Arizona; Evelyn Rodriguez, President and Chief Executive Officer, Rodriguez Health Consulting Services; Robert Ross, President and Chief Executive Officer of the California Endowment; Jerry Sanders, Mayor of the City of San Diego, California; Maurice Sonnenberg, Senior International Advisor and Director, JPMorgan Chase; and on behalf of the HSAC, the Homeland Security Advisory Council, ladies and gentlemen, I thank you for all of your efforts.

I'll now turn over the floor to Vice Chair Sheriff Treviño to brief the report to the Homeland Security Advisory Council. Sheriff?

LUPE TREVIÑO:

Thank you, Judge Webster, and members of the Homeland Security Advisory Council. I would like to take this opportunity to thank you, Judge Webster, for the leadership that you have given us during this process, and I also extend my gratitude to my Vice Chair, Ambassador Jones and the rest of the members of the Task Force, a very diverse group of individuals with vast and intimate knowledge of the issues pertinent to the Southwest border. The Task Force divided itself into two subgroups, one focusing on enhancing commerce and one on border violence issues. Ambassador Jones led the Commerce Subgroup but, unfortunately, cannot be with us today. In his stead, task force member Commissioner Rob Bonner will read a statement from Ambassador Jones and the Commerce Subgroup recommendations. Afterwards, I will present the

recommendations of the Border Violence Section, which I led. Commissioner Bonner, the floor is yours.

ROBERT BONNER: Thanks, Lupe, and good afternoon, everyone. Let me begin by reading Ambassador Jones' statement, and then I'll set forth the Commerce Subgroup's recommendations that are the recommendations of the Southwest Border Task Force. If Ambassador Jones — if Jim Jones could be on the line, he would say the following, and I'm quoting his statement now.

“I had hoped to report in person the recommendations of the Southwest Border Task Force on the commerce section of our discussions — of our recommendations and of our discussions; however, I have to be in New York to try to produce a settlement, and I may not be able to leave that meeting when our Task Force is asked to report. Judge Webster knows well about such negotiations,” which is true, by the way, I will add.

Ambassador Jones would continue, and I quote, “But I very pleased with the diligence and seriousness with which our Task Force went about our work. Most of our attention was devoted to how to make the Southwest border more efficient for the flow of commerce without weakening our security. Our reports made eleven recommendations that, if implemented that, if implemented in the short term will significantly meet that goal. These recommendations call for determining best practices at our borders, both with Mexico and Canada, and then standardizing those best practices at every port of entry on the Southwest border. These best practices include making border commerce processes more efficient by upgrading and standardizing technology, expanding infrastructure at the ports, and by providing key personnel to meet the demand of border commerce. We had hoped to recommend a longer-term vision for the border, but time did not permit. If we are permitted to continue for a few more meetings, we would like to present such a vision for the Southwest border, making it the place to be by 2020, with a rough road map on how to get there.”

Now that concludes Ambassador Jones' statement. Let me, Judge Webster, set forth the eleven recommendations of the Border Commerce Section that it developed, and they are as follows.

One, standardize practices and technology at all ports of entry, including fees, fines, the use of biometric identification, and radar arches.

Two, appoint a best practices team composed of members from both government and private sector to study Mexican and Canadian border ports of entry and recommend standardized protocols at all Southwest border ports of entry.

Three, enhance the Customs-Trade Partnership Against Terrorism, C-TPAT, to help foster a culture of security and trust between the federal government and the private sector. Establish a two- or three-step process for recertification. Reevaluate penalties for security violations, to encourage companies to report problems accurately rather than to hide them.

Four, request reports from X-ray machine providers about necessary changes to increase the current speed of trains traveling through border inspections from the current 4-to-5 miles per hour to 10-to-15 miles per hour. Increase collaboration between the Federal Railroad Administration and U.S. Customs and Border Protection, CBP, on all rail inspections.

Five, improve current port-of-entry infrastructure and authorize and build additional ports of entry for trucks, passengers, vehicles, pedestrians, and rail. Staff new ports of entry with the appropriate numbers of employees. Attention should be paid to southbound infrastructure. One of the focuses should be on reducing port-of-entry wait times.

Six, appoint a White House coordinator for the Presidential Permit application process, with authority to set and enforce agency comment deadlines. Advise the White House to issue an executive order, ordering federal agencies to respond quicker to the permitting process. Expedite Presidential Permit and planning process for the following projects: Columbia - Webb County Railroad Bridge; Columbus - Palomas Port of Entry; San Luis I - San Luis Rio Colorado I; the Calexico - Mexicali Crossing Project; the Otay San Ysidro - El Chaparral Crossing Expansion Project; the San Diego - Tijuana Airport Cross Border Facility; the Tornillo - Guadalupe International Bridge; and the Nogales - Mariposa Crossing.

Seven, the seventh recommendation, fund CBP to hire more CBP officers for ports of entry. Funding goals need to be set for two CBP officers' per open lane of traffic at the ports of entry. The increase in funding should be focused on hiring additional staff rather than paying for overtime for current CBP officers. To assist in the recommendation of increasing staffing at the border ports of entry, inform the Southwest Border Task Force of budget needs so that the Task Force can support the efforts of DHS, the Office of Management and Budget, the White House, and Congress during the budget appropriations process.

Recommendation number eight, adopt smart border management utilizing risk-based algorithms.

Number nine, draft requirements that drayage trucks' engines meet or exceed 2010 EPA heavy-duty engine pollution standards. This could be

phased in over a two-to three-year period. Coordinate these efforts with Mexican counterparts to cover all trucks reaching ports of entry.

Number ten; develop a report on the possible expansion of electronic document transmissions via radio frequency identification, or RFID, for border documents at the ports of entry and work to expand the use of electronically transmitted documents.

And number eleven is deciding if the Southwest Border Task Force should continue. If so, we would recommend two to three additional meetings to focus on a grand vision of what the Southwest border should be in 2020 with regards to commerce and border security and how to get there.

Those are our recommendations. Thank you, and I want to thank all members of the Task Force for their conscientious attention to this important matter. Sheriff Treviño, let me turn this floor back to you.

WILLIAM WEBSTER: Thank you, Rob.

LUPE TREVIÑO: Thank you, Commissioner Bonner. The Border Violence Subgroup developed eight recommendations that are designed to enhance border security by expanding law enforcement tools and communications, continuing to work closely with Mexican authorities, increasing the number of customs and border protection officers at ports of entry, and increasing and streamlining communications between law enforcement agencies. Our communities are safest when law enforcement, which is federal, state, and local, all work together diligently and with an ease of communications.

Now, Judge, if I may, I would like to read now our eight recommendations.

WILLIAM WEBSTER: Certainly.

LUPE TREVIÑO: The Border Violence Subgroup developed the following eight recommendations.

Number one, work closely with Mexico to continue professionalizing their law enforcement agencies.

Number two, the Department of Homeland Security must continue to pursue 100 percent cooperation from local law enforcement, including full integration of local law enforcement into DHS in the form of continuing and increasing funding for programs such as Secure Communities, Border Enforcement Security Task Forces, the 287 (g) program on the detention side only, and Operation Stonegarden Grants. Local law enforcement

should not take the place of federal law enforcement with regards to immigration. The 287 (g) Program should be limited to detention.

Number three, adopt the uniform definitions of border violence and spillover violence defined in the memo, Board of Violence Definitions, dated August 2009.

Number four, increase Mexican southbound enforcement and modernize and increase southbound operations at our ports of entry.

Number five, increase and streamline communications and communication technology between law enforcement agencies along the border. Communications need to be easy and universal from law enforcement agents, which is federal, state, and local, who are covering similar targets or areas. This can be achieved by utilizing programs such as Urban Area Security Initiative grants. In turn, we need to create a border area security initiative program which would mirror the Urban Area Security Initiative. It would designate federal funding to augment local law enforcement agencies to hire deputies and officers, to buy equipment, and to acquire new technology to fight border violence and prevent spillover violence.

Number six; utilize federal funding to train and station additional customs and border protection officers rather than funding directed towards additional overtime for existing officers. Hiring should be directed at posting Custom and Border Protection Officers at our ports of entry rather than on more Customs and Border Protection agents stationed in between the ports of entry.

Number seven; continue supporting and funding fusion centers.

And, number eight; expand the Border Information Sharing and Operating Network, known as BISON, to be implemented across the entire Southwest border. The expansion of BISON could coincide with the increase in numbers of fusion centers.

I would now like to open the floor, with your permission, Judge, for any questions from the Homeland Security Advisory members.

WILLIAM WEBSTER:

Yes, indeed.

LUPE TREVIÑO:

Thank you. Southwest Border Task Force member Commissioner Rob Bonner and Mayor John Cook will answer any questions regarding the Commerce recommendations, and I will answer any relating to the Border Violence recommendations.

JOHN COOK: This is Mayor Cook — before we do that, there are some additional ports of entry in recommendation number six on Commerce that are not ready for the Presidential Permit process, so I think we need to clarify that these are examples, but it's not limited to — because we're going to have some new border crossings which will be seeking Presidential Permit process probably within the next year in El Paso and another one in Sunland Park, New Mexico.

ROB BONNER: I think that's a fair modification and amendment to be noted. This is Rob Bonner, by the way.

JOHN COOK: Right, and specifically those would be the new El Paso-Juarez commuter crossing and the Sunland Park, New Mexico, crossing.

ROB BONNER: Okay. Now the question is are there any questions from the HSAC members for either Mayor Cook or myself or Sheriff Treviño?

CLARK ERVIN: I have one. This is Clark Ervin.

ROB BONNER: Hi, Clark.

CLARK ERVIN: Hi, Rob. It's a question about item three, the C-TPAT issue. As you know, we discussed this for a long time. You know, I'm of the view that membership in C-TPAT and the benefits of it, namely a reduced chance of inspection, should come only after validation, not before, and that the validation should be done by DHS, not industry itself, and this recommendation appears to be inconsistent with that. Did I not understand? Could you just elaborate a little bit?

ROB BONNER: Yeah, I don't know that it's inconsistent with that. I mean, this is not — the recommendation itself, Clark, it's not suggesting in any way that we do away with the validation or verification process. It is trying to address, to some degree the issue of a company that is a C-TPAT member that is kicked out of the program, basically, and it is suggesting that CBP needs to establish a process — here the recommendation is a two- or three-step process for recertification. That there be an established process or procedure for doing that. And, further, that the issue that this recommendation goes to is to take a look at whether or not in terms of the penalties imposed on a company, and they can be either suspension from the program or removal from the C-TPAT program — whether there aren't ways to sort of reevaluate that with a view toward getting companies to be more proactive in terms of reporting issues to CBP. There is a view — and essentially the recommendation is to see if there isn't a better way to make sure that companies that know of an issue, let's say, with the transportation of contraband across the border report it to CBP, that they not hide it from it, and if they have some flaw in their

supply chain security, that they make it known so it can be rectified — to CBP. So that is the thrust, Clark, of this recommendation, which I think is fundamentally sound, but I do not read it, nor is it intended to do away with the validation process.

JOHN COOK:: If I could just elaborate on that a little bit, Commissioner, we had — the discussion on this was that the companies are self-assessing their own supply chains based on criteria of the C-TPAT, and when they discover that there are weaknesses in those supply chains, it behooves them currently to cover them up rather than to report them, because if they report them, they're going to be penalized, so that's what we're trying to eliminate.

CLARK ERVIN: All right. Thank you very much.

JOHN COOK: You're welcome.

HAROLD
SCHAITBERGER: Yes, a question — this is Harold Schaitberger.

MALE SPEAKER: Okay, Harold.

HAROLD
SCHAITBERGER: I don't know if it's appropriate on this report that — to try to attempt to actually amend it, but I would like to just make a comment and an overview, particularly if the Task Force is going to continue with its work. And that is as I've tried to bring just in the very recent — opportunity to be part of the Advisory Council that I fully understand and more than appreciate the fundamental and primary focus on many of these issues as it surrounds the law enforcement capabilities and needs, but these issues also have — should have some view and some impact on other elements of first responders, whether it's fire or emergency medical response. For example, I note in the border violence area, certainly where you have shipments where we could have potential hazardous material shipments and incidents occur, I just think there needs to have some view, some focus on fire service other first responder needs. I would raise the same issue in the interoperability area of communications that, you know, there, again, as we're trying to do in many areas in the country, is to make sure that not just within multiple agencies within the law enforcement community, but that we have some ability to communicate within the entire emergency response community. And I guess my last just observation, and, again, this is really meant to maybe encourage an additional focus on these areas going forward, is with the fusion centers, you know, it's clear that there is this need — and has been the work to share classified information with local law enforcement communities. I can tell you that from the fire side, there has at times been some frustration

that fire departments, and particularly large departments, are slow in being provided sometimes with — shared with the threats that may be known when it's the fire department that has certainly a pretty significant responsibility, if you will, if we have an incident, WMD or otherwise, so I guess my overall comment is that I would hope that we would have a little — some additional focus on other aspects of the emergency response community.

JOHN COOK: Commissioner, if I could respond to that. This is Mayor Cook again. I agree with your observation regarding the need to have something done so that we can respond, especially if there's some environmental issue on the other side of the border. We've had instances here in El Paso. For example, in 2006 we had a flood, and I sent our crews across the border to pump out a dam that was overflowing and getting ready to break, but we did that, and our employees were not covered under workmen's comp. That said, I don't believe that the Task Force was really — looked into those particular issues, and it's probably something that needs to be looked at, but probably in a different light than border security.

LUPE TREVIÑO: Judge, this is Lupe. If I may comment on that, please?

WILLIAM WEBSTER: Surely.

LUPE TREVIÑO: I totally agree. There's absolutely no doubt that first responders, emergency responders, fire personnel should be included, but as Mayor Cook so well said, that the focus of our group was to find ways to enhance our enforcement capabilities and reduce any existing border violence. I believe that your points are good points, but I agree with Mayor Cook; they should be looked maybe at — should be focused upon in — we continue our work as a Task Force.

JOHN COOK: Do we have any other questions for Commissioner Bonner or myself?

LUPE TREVIÑO: Are there any questions for myself on the border violence? Well, hearing no further questions, I will turn the floor back over to you, Judge Webster.

WILLIAM WEBSTER: All right. Thank you very much. Do any members of the HSAC have any further comments or questions that they want to add to the report? We have an opportunity to allow the members to make any comments at this point, so the floor is open.

MIKE GROSSMAN: This is Mike Grossman. On number five under the violence section on create a border area security initiative grant program, it would be a good idea so as not to dilute the current UASI, but also under a specified

program, specific guidelines could be designed into that grant program to accomplish the things that need to be accomplished on the border.

JOHN COOK: This is Mayor Cook again. That's a great observation. When I read that particular recommendation, I was concerned that those communities who are currently getting UASI grants, and El Paso is one of those, that — where they'd come up with this other criteria for border grants, that we would be taken out of the competition for UASI, so I share your thoughts on that.

MALE SPEAKER: Well, actually, in the guidance, in the UASI guidance, it could be written in that it doesn't preclude you from getting UASI grants for the other issues aside from the border issues, and then — but the border area security initiative could be specific to the things that are needed along the border.

WILLIAM WEBSTER: Would that take care of your comments, gentlemen?

MALE SPEAKER: I believe it would, yes.

WILLIAM WEBSTER: All right. We'll make a note of that. All right. Any other comments? All right, well, this has been a full presentation, and I appreciate these meaningful adjustments and minor editorial changes to clarify and to present a more effective report, and I think that we are ready to take a vote on approving the Southwest Border Task Force report as subject to the modifications approved this afternoon and send them on to Secretary Napolitano.

All members in favor of adopting this report in this manner, please say "Aye."

ALL: Aye.

WILLIAM WEBSTER: Any members opposed, please say "No," or abstaining, indicate your wish to abstain. Very well, by voice vote it is unanimously adopted.

Well, now that brings us to the moment of adjournment. It's been a very effective and timely discussion and actions taken. I want now to comply with the formal requirements of the FACA Act on dealing with federal advisory councils. Members of the public who would like to provide comment, and that includes the media, who would like to provide comment to the Homeland Security Advisory Council may do so in writing by post to the Homeland Security Advisory Council, U.S. Department of Homeland Security, 1100 Hampton Park Boulevard, Mail Stop 0850, Capitol Heights, MD 20743 or by email at, in caps,

HSAC@DHS.gov. I'll say that again — HSAC@DHS.gov. These comments are appreciated, and they will be reflected in the meeting minutes.

And so, gentlemen and ladies, I am pleased to declare that this September 30, 2009 meeting of the Homeland Security Advisory Council is adjourned. Thank you all very much.