



*Congressman Henry Cuellar
Satellite Industry Association Dinner
February 25, 2008*

As Chairman of the Emergency Communication, Preparedness, and Response Subcommittee, I welcome the invitation to speak to you today.

As we all know, the challenges to emergency communications is not a new phenomenon.

In fact, Dr. David Boyd, Director of Project SAFECOM at DHS, has testified before the House Committee on Homeland Security that “communications interoperability refers to the ability of public safety agencies to talk across disciplines and jurisdictions via radio communications systems, exchanging voice and/or data with one another on demand, in real time, as authorized.”

Simply put, if our first responders cannot talk, then lives will be lost.

The Committee has held countless hearings looking into systems and methods aimed at improving the Nation’s emergency communications capabilities.

DHS, the Committee, and the users all realize that there are no immediate, silver bullet fixes to the financial, technical and cultural challenges that face us.

Dr. Boyd stressed that the Nation is heavily invested in an existing infrastructure made up largely of systems that are too often incompatible.

That is why, Congress directed DHS to develop a National Emergency Communications Plan to develop solutions that incorporate the needs of local, state, and Federal practitioners.

I will point out that as far back as May 2003 – two years before Hurricane Katrina – SAFECOM recommended the creation of emergency satellite communication system.

In a May 2007 letter to FEMA and the National Telecommunication and Information Administration, I highlighted the role of satellite communications in emergency response which has proven to be uniquely able to provide communication capabilities for first responders that are redundant, reliable, and “always on.”

Satellite phones don’t rely on the ground-based infrastructure necessary for land mobile radio, land-line, and cellular communications.



This was confirmed at a September 29, 2005 hearing before the House Committee on Energy and Commerce entitled, “Public Safety Communications from 9/11 to Katrina: Critical Public Policy Lessons.”

There, FCC Chairman Martin testified that “Fortunately, satellite service providers did not experience damage to their infrastructure. They have helped to bridge some of the gaps left by the outages by providing satellite phones and video links to law enforcement officials, medical personnel, emergency relief personnel, and news outlets.”

Chairman Martin added, “If we learned anything from Hurricane Katrina, it is that we cannot rely solely on terrestrial communications. When radio towers are knocked down, satellite communications are, in some instances, the most effective means of communicating.”

Additionally, he added, mobile antennas – capable of using both satellite and terrestrial technology – should be used to establish communications as quickly as possible.

I will note, however, that proper training is critical if we are to maximize the benefit of satellite communication during emergencies. For example, during Hurricane Katrina users at every level of government experienced difficulties with operating satellite phones because they did not know how to use them properly and had not received training.

This training gap is one of the reasons that the Committee has worked to ensure that satellite enabled equipment can be a permissible use of DHS grant funds.

Additionally, the “Implementing Recommendations of the 9/11 Commission Act of 2007,” (P.L. 110-53), permits the use of satellite-enable equipment as part of the strategic reserves, which builds upon the satellite component that FEMA has in its inventory.

We have discussed the use of satellite technology to improve our nation’s communication capabilities and there are other uses of satellite technology that are not without controversy. Let’s discuss the other uses of satellites related to defense of our Nation.

Charlie Allen, Chief Intelligence Officer, Department of Homeland has proposed expanded opportunities to access satellite imagery for use in defense of the Homeland. Secretary Chertoff has proposed the creation of the National Applications Office (NAO) to take on the role of vetting domestic law enforcement and homeland security requests for satellite imagery.

Charlie Allen suggests there is a practical application for military and spy satellites “to protect Americans by preventing the entry of dangerous people and goods into the



country, and by helping us examine critical infrastructure for vulnerabilities.” There is no doubt these applications can assist homeland and law enforcement officials, provided we meet privacy concerns. I favor the opportunity to take advantage of satellite technology to keep our nation safe and I know we can put in safeguards to alleviate the concerns of those opposed to this capability.

Privacy and Civil Liberties Concerns

While there generally is no controversy over the use of spy satellites for the geospatial and other mapping purposes for which they have traditionally been used in the past, the expanded use of satellites in the defense of the homeland and law enforcement appears to be a practical application in the future to address new threats to our Nation’s security.

The question of what spy satellite imagery and other related data will be given to state and local law enforcement and under what circumstances is an unanswered question at this time and raises legitimate privacy and civil liberties issues that have to be tested before the courts.

Unlike electronic eavesdropping, which is subject to legislative and some judicial control, this use of spy satellites is largely uncharted territory.

Although the courts have permitted warrantless aerial searches of private property by law-enforcement aircraft, there are no cases involving the use of satellite technology. Even the architects at DHS who are responsible for the current move to the expansion of the uses of satellites are unclear about the legal boundaries.

There is little, if any policy, guidance or procedures regarding the collection, exploitation and dissemination of domestic intelligence collection activities using the wide array on satellite capability at this time. Measurement and Signatures Intelligence or MASINT may be useful in identifying possible tunnels along the border, the location of large fields of marijuana, or the movement of radio active materials. These uses of satellite technology directly impact on the security of our nation and seem appropriate uses of satellites. This particular kind of information collected by spy satellites would, for the first time, become available to civilian law enforcement agencies.

This possible use of satellite technology for law enforcement raises concerns from privacy and civil liberties advocates that Americans could be subject to warrantless surveillance from space:

These groups are fearful the development of our satellite technology may act as “Big Brother in the Sky” and may lead to abuses. The government and the industry need to



work cooperatively together to ensure that these fears are not realized. I know that we can formulate workable, defensible strategies allowing this technology to secure our nation, while keeping protecting the rights of citizens.

As an example, I supported Chairman Bennie Thompson's privacy concerns he addressed in a letter to Secretary Chertoff. As I speak to you tonight there should be no inference that I do not support the expanded use of satellite technology. However I want to be assured that as we move forward we have appropriate safeguards in place.

The use of satellites in other capacities outside the communications realm has interesting possibilities for the future. However today we can immediately address some of our communications shortfalls by looking to our communication satellites and we should do so now. We must begin the journey to build the necessary infrastructure to leverage the capabilities that exist today.

In closing, because we live in a Nation that is prone to natural disaster and is at risk of an attack, I remain vested in ensuring that this Nation has a robust and resilient emergency communications system that is both operable and interoperable.