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BOOTS AT THE BORDER: EXAMINING THE NATIONAL GUARD DEPLOYMENT TO THE SOUTHWEST BORDER

HEARING

BEFORE THE

SUBCOMMITTEE ON BORDER AND MARITIME SECURITY

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

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CONTENTS

Page

STATEMENTS

The Honorable Martha McSally, a Representative in Congress From the State of Arizona, and Chairwoman, Subcommittee on Border and Maritime Security:
Oral Statement 1
Prepared Statement 3
The Honorable Filemon Vela, a Representative in Congress From the State of Texas, and Ranking Member, Subcommittee on Border and Maritime Security:
Oral Statement 4
Prepared Statement 5
The Honorable Bennie G. Thompson, a Representative in Congress From the State of Mississippi, and Ranking Member, Committee on Homeland Security:
Prepared Statement 7

WITNESSES

Mr. Rodolfo Karisch, Chief Patrol Agent, Tucson Sector, U.S. Border Patrol, U.S. Department of Homeland Security:
Oral Statement 8
Prepared Statement 10
Mr. John F. Nichols, Adjutant General, Texas National Guard:
Oral Statement 12
Prepared Statement 14
Mr. Michael T. McGuire, Adjutant General, Arizona National Guard:
Oral Statement 15
Prepared Statement 16

FOR THE RECORD

The Honorable J. Luis Correa, a Representative in Congress From the State of California:
Letter From Governor Edmund G. Brown, Jr. of California 33
Executive Order From Governor John W. Hickenlooper of Colorado 33
Press Release From Governor Dannel P. Malloy of Connecticut 35
Press Release From Governor John Carney of Delaware 35
Tweets From Governor Larry Hogan of Maryland 36
Tweet From Governor Steve Bullock of Montana 36
Press Release From Governor Phil Murphy of New Jersey 36
Statement From Governor Andrew M. Cuomo of New York 36
Press Release From Governor Roy Cooper of North Carolina 37
Tweets From Governor Kate Brown of Oregon 37
Tweet From Governor Tom Wolf of Pennsylvania 37
Statement From Governor Gina Raimondo of Rhode Island 37
Statement From Governor Phil Scott of Vermont 37
Press Release From Governor Ralph Northam of Virginia 38

APPENDIX

Questions From Honorable Filemon Vela for Rodolfo Karisch 41

BOOTS AT THE BORDER: EXAMINING THE NATIONAL GUARD DEPLOYMENT TO THE SOUTHWEST BORDER

Tuesday, July 24, 2018

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON BORDER AND MARITIME SECURITY,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:43 p.m., in room HVC–210, Capitol Visitor Center, Hon. Martha McSally [Chairwoman of the subcommittee] presiding.

Present: Representatives McSally, Hurd, Bacon, Vela, Richmond, Correa, Demings, and Barragán.

Ms. MCSALLY. The Committee on Homeland Security, Subcommittee on Border and Maritime Security will come to order. Subcommittee is meeting today to examine policies that impact the Department's ability to secure the border. I now recognize myself for an opening statement.

After chairing the subcommittee over the past 2½ years, leading many hearings, visiting different regions of the Southern Border, and spending time at the border in my State with ranchers, Homeland Security Secretary Nielsen, Border Patrol agents, and local law enforcement, I am confident when I say that border security is National security. We continue to see growing levels of illegal drugs, dangerous gang and transnational criminal organization activity, as well as illegal immigration flow, across our Southern Border.

This not only poses a threat to our communities and families but also our rule of law. When our borders are not respected, our sovereignty is not respected. That is why we need a multifaceted approach to border security that the Department continues to reiterate, including a combination of border wall, technology, access, and personnel using intelligence-driven operations to detect and intercept the illegal flow.

Today, our focus is on personnel and the capabilities at the border. Staffing shortages at both the ports of entry and in Border Patrol are exacerbated by both the hiring process that takes far too long and retention challenges that have persisted for years with no signs of abatement. CBP is critically understaffed and remains well below its Congressionally-mandated staffing levels by more than 1,000 CBP officers and 1,900 Border Patrol agents. Combined with the growing crisis along the Southwest Border, this shortage has put our Nation's security at risk.

In April, President Trump announced the deployment of the National Guard to help secure the Southwest Border, a decision I wholeheartedly support. Such a deployment is not a new concept. U.S. Customs and Border Protection and the National Guard have a long-standing successful working relationship due to cooperation on counterdrug task forces as well as through past operational deployments to the border. The number of illegal border crossings leading up to April's announcement shows an urgent need to address the on-going situation.

We witnessed a 207 percent increase from March 2017 compared to March 2018, and a 244 percent increase from April 2017 to April 2018. Over the last 3 months, National Guardsmen and women have been operating along the border to help execute logistical and administrative support, operate sensor and imaging detection systems, provide mobile communications, augment border-related intelligence analysis efforts, build and install border security infrastructure, and many other functions. The National Guard deployment allows the opportunity to put badges back on the border so they can enforce the law, and interdict and apprehend those who are illegally crossing.

This support can also help CBP process people and goods faster at our ports of entry, freeing up our highly-skilled officers to conduct law enforcement interviews and inspections instead of handling logistical and administrative duties. Governor Doug Ducey in my home State of Arizona was one of the first Governors to answer the President's call. Today, 657 Arizona personnel support Operation Guardian Support. However, these operations are not just the responsibility of the 4 Southwest Border States—this is a National mission and it is appropriate that everyone pitch in to reinforce our defense of the homeland.

I am happy to see National Guard units from across the country have contributed by sending helicopters, personnel, and other resources to support this important mission. For decades, the Department of Defense has been a key partner in supporting CBP's border security efforts. The brave men and woman of DHS have worked tirelessly alongside their DOD counterparts in the name of defending our homeland. I want to thank all of you for your service. The service is not lost on us.

The DOD has, and I suspect, will continue to play an important role in helping us secure the border into the future. For that reason, we need to make sure they have certainty about funding and even further, take a long hard look at their continued assistance with homeland defense activities. Though the National Guard helps alleviate the staffing shortages at the border, we cannot continue to surge our citizen soldiers and their resources for just brief periods of time and recall them shortly after, and expect whatever gains are made won't deteriorate once these assets return home.

We need to have a post-surge plan and sustained operations to increase situational awareness and gain operational control of the border. In addition to being the Chair of this subcommittee, I am 1 of 9 Members of Congress who represents a border district. My constituents have waited too long for Washington, DC to provide all the resources, strategy, manpower required to secure the border and stop the cartel activity in our communities.

Today, we are here to examine the deployment of the National Guard personnel to the Southwest Border, their ability to enhance CBP operations in Texas and Arizona, specifically, these duties of National Guard troops, and coordination efforts between DHS and DOD. I basically want to know how is it going, how is the missioning happening and what else can we do to support the mission, what successes have you had and what barriers remain.

I would like thank all the witnesses for their time. I look forward to hearing your testimony. With that, I yield to the gentleman from Texas, Mr. Vela, for any statement he would like to give.

[The statement of Chairwoman McSally follows:]

STATEMENT OF CHAIRWOMAN MARTHA MCSALLY

JULY 24, 2018

After chairing this subcommittee over the past 2½ years, leading many hearings, visiting the different regions of the Southern Border, and spending time at the border in my State with ranchers, Homeland Security Secretary Nielsen, Border Patrol agents, and local law enforcement, I am confident when I say that border security, is National security.

We continue to see growing levels of illegal drugs, dangerous gang, and transnational criminal organization activity, as well as illegal immigration flow, across our Southwest Border. This not only poses a threat to our communities and families but also our rule of law.

When our borders are not respected, our sovereignty is not respected. That is why we need a multi-faceted approach to border security that the Department continues to reiterate, including a combination of border wall, technology, access, and personnel using intelligence-driven ops to detect and intercept the illicit flow.

Today, our focus is on personnel, and their capabilities at the border.

Staffing shortages at both the ports of entry and in the Border Patrol are exacerbated by both a hiring process that takes far too long and retention challenges that have persisted for years, with no signs of abatement.

CBP is critically understaffed and remains well below its Congressionally-mandated staffing levels by more than 1,000 CBP officers and 1,900 Border Patrol agents.

Combined with the growing crisis along the Southwest Border, this shortage has put our Nation's security at risk.

In April, President Trump announced the deployment of the National Guard to help secure the Southwest Border. A decision I wholeheartedly support. Such a deployment is not a new concept. U.S. Customs and Border Protection (CBP) and the National Guard have a long-standing successful working relationship due to cooperation on counterdrug task forces as well as through past operational deployments to the border.

The number of illegal border crossings leading up to the April announcement shows an urgent need to address the on-going situation at the border. We witnessed a 207 percent increase from March 2017 compared to March 2018, and a 244 percent increase from April 2017 compared to April 2018.

Over the last 3 months, National Guardsmen and women have been operating along the border to help execute logistical and administrative support, operate sensor and imaging detection systems, provide mobile communications, augment border-related intelligence analysis efforts, build and install border security infrastructure, and other functions.

The National Guard deployment allows the opportunity to put badges back on the border so they can enforce the law, and interdict and apprehend those who are illegally crossing.

This support can also help CBP process people and goods faster at our ports of entry, freeing up our highly-skilled officers to conduct law enforcement interviews and inspections instead of handling logistical and administrative duties.

Governor Doug Ducey in my home State of Arizona was one of the first Governors to answer the President's call and today, 657 Arizona personnel support Operation Guardian Support. However, these operations are not just the responsibility of the 4 Southwest Border States—this is a National mission and it is appropriate that everyone pitch in to reinforce our defense of the homeland. I am happy to see that National Guard units from across the Nation have contributed by sending heli-

copters, personnel, and other resources to support the Southwest Border security mission.

For decades, the Department of Defense has been a key partner in supporting CBP's border security efforts. The brave men and woman of DHS have worked tirelessly along with their DOD counterparts in the name of defending the homeland, and I want to thank them for their sacrifices. Your service is not lost on us.

The Department of Defense has, and I suspect, will continue to play an important role in helping us secure the border into the future. For that reason, we need to make sure they have some certainty about funding and even further, we need to take a long hard look at their continued assistance with homeland defense activities in the long-term.

Though the National Guard helps alleviate the staffing shortages at the border, we cannot continue to surge our citizen soldiers and their resources for a brief period of time, then recall them shortly after and expect that whatever gains are made won't deteriorate once these assets return home. We need to have a post-surge plan to sustain operations, increase situational awareness, and gain operational control of the border.

In addition to being the Chair of this subcommittee, I am one of 9 Members of Congress who represents a border district. My constituents have waited too long for Washington, DC to provide the resources, strategy, manpower required to secure the border and stop the cartel activity in our communities.

Today we are here to examine the deployment of National Guard personnel to the Southwest Border, their ability to enhance CBP operations in Texas and Arizona, specific duties of National Guard troops, and coordination efforts between DHS and DOD.

I would like to thank the witnesses for their time and I look forward to hearing their testimony.

With that, I will yield to the gentleman from Texas, Mr. Vela, for any statement he would like to give.

Mr. VELA. Thank you, Chairwoman McSally for holding this hearing. Today, we will discuss the most recent National Guard deployment to our Southern Border. As I stated on the day this deployment was announced, this is a horrendous idea. As with many of this administration's justifications for misguided border security actions, context and strategy are completely lacking. The Southern Border is not a lawless war zone. What chaos we have seen has been created by this administration.

My district is in the Border Patrol's Rio Grande Valley, one of the higher-traffic sectors along the Southern Border. This sector has the second-largest number of Border Patrol agents assigned to it only behind Tucson. We also have a large contingent of Texas Department of Public Safety personnel assisting the Border Patrol. I know that our local law enforcement officials are engaged in keeping our communities secure along this stretch of the border.

In addition the Texas National Guard has an on-going border security mission ever since former Governor Rick Perry deployed 1,000 Guardsmen to the Texas-Mexico border in 2014. To say that the border is lawless is a lie. Deploying National Guard personnel to the Southern Border is not new, but the circumstances for this deployment are unusual. Facts and context matter despite the administration's repeated attempts to frame them in a way that justifies its misguided and inhumane policies.

As you can see in this graph, there were 70 percent fewer apprehensions in March 2018, a month before President Trump's order and then a month before President Bush's 2006 mobilization. In 2006, U.S. Customs and Border Protection had 50 percent fewer Border Patrol agents on board than we have today, and the average agent apprehended approximately 97 people per year. For context, in 2017, the average Border Patrol agent apprehended less

than 20 people per year across all Northern and Southern Border sectors. To say that immigrants are overrunning our border is a lie.

The purposes for the prior two deployments were also different than the one launched earlier this year. During Operation Jumpstart, the Bush administration was in the midst of hiring and training thousands more Border Patrol agents. Once staffing levels increased by 40 percent, the operation ended in 2008.

Operation Phalanx was launched in 2010 when cartel violence on the Mexican side was rising and the threat of spillover violence was a serious concern. Today, apprehension levels are at the lowest levels we have seen since the early 1970's and the threat of border violence is less. The purposes for this new deployment are purely reactionary and political.

Let us remember that in early April, the President was reacting impulsively to backlash from the far right about the spending bill we had—he had just signed that had less than the $25 billion he wanted for his boondoggle border wall. DHS had also just reported that apprehension levels were rising as they typically do in the early spring months. Keep in mind that more than one-third of apprehensions along the Southwest Border in the first 5 months of fiscal year 2018 were of unaccompanied children and families.

We know that these individuals often seek out Border Patrol agents in order to request asylum or other humanitarian aid. The White House and the rest of the administration spun itself up into a frenzy over the so-called caravan and the President announced his intention to militarize our border. DHS and DOD then had to scramble to pull together this deployment in the following weeks.

Around the same time, the administration began to criminally charge apprehended adults, separate families without a thought to reunification, and to obstruct people legally seeking asylum at our ports of entry. The reasons for this new National Guard deployment and harsh immigration policies had to be overblown, and the chaos that the administration was claiming as justification was fabricated.

Clearly, mobilizing the National Guard to support CBP operations can be done with a clear purpose and strategy. This does not seem to be the case this time around. I thank our witnesses for joining us today. But I fear that your time and resources are being misspent on a deployment that may be nothing more than political show. Nonetheless, I thank you for joining us this afternoon and I yield back the balance of my time.

[The statement of Ranking Member Vela follows:]

STATEMENT OF RANKING MEMBER FILEMON VELA

JULY 24, 2018

Today we will discuss the most recent National Guard deployment to our Southern Border. As I stated on the day this deployment was announced, this is a horrendous idea. As with many of this administration's justifications for misguided border security actions, context and strategy are completely lacking.

The Southern Border is not a lawless war zone, and what chaos we have seen has been created by this administration. My district is in the Border Patrol's Rio Grande Valley sector—one of the higher-traffic sectors along the Southern Border. This sector has the second-largest number of Border Patrol agents assigned to it, only behind Tucson.

We also have a large contingent of Texas Department of Public Safety personnel assisting the Border Patrol, and I know that our local law enforcement officials are

engaged in keeping our communities secure along this stretch of the border. In addition, the Texas National Guard has an on-going border security mission ever since former Governor Rick Perry deployed 1,000 Guardsmen to the Texas-Mexico border in 2014.

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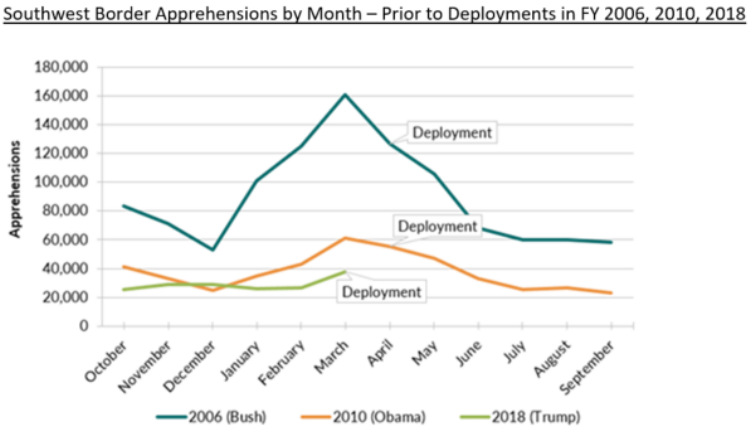

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Around that same time, the administration began to criminally charge apprehended adults, separate families without a thought to reunification, and obstruct people legally seeking asylum at our ports of entry.

The reasons for this new National Guard deployment and harsh immigration policies had to be overblown, and the chaos that the administration was claiming as justification was fabricated. Clearly, mobilizing the National Guard to support CBP operations can be done with a clear purpose and strategy. This does not seem to be the case this time around.

I thank our witnesses for joining us today, but I fear that your time and resources are being misspent on a deployment that may be nothing more than political show.

Ms. MCSALLY. The gentleman yields back. Other Members of the committee are reminded that opening statements may be submitted for the record.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

JULY 24, 2018

I believe this most recent deployment of the National Guard to our Southern Border has left many of us with more questions than answers. This is no surprise given that the rationales for many actions the Trump administration has taken in the name of border security over the past 18 months do not align with facts. Ever since this deployment was announced, Members of Congress have been trying to find out what exactly prompted it and other critical details about its mission.

For instance, did DHS conduct some type of assessment that identified a new National Guard deployment as a necessity? Is there a strategy and plan in place for this deployment? How long will the deployment last? How much will it cost? These are basic questions that my colleagues and I are still waiting to have answered.

In April of this year, Ranking Member Vela and I along with other Ranking Members wrote to Secretaries Nielsen and Mattis asking for information about the latest deployment of the National Guard to the Southwest Border. In response to a question about whether DHS had previously determined National Guard support was a necessity, DHS pointed to President Trump's memorandum as the reason for the deployment.

This answer leads me to believe that DHS and the DOD were caught off guard and either did not plan in advance or had to rush on-going planning to meet the White House's directive.

The apparent lack of an assessment is especially startling in light of DHS's own data. Before Operation Jump Start in 2006, Border Patrol reported well over a million apprehensions a year. Last year, in 2017, the Border Patrol apprehended less than 310,000 people—one-third of what the apprehension rate was more than a decade ago.

DHS's own data shows that overall apprehension levels along the U.S.-Mexico border are at the lowest levels we have seen in more than 40 years.

As Ranking Member Vela previously stated, the border is not lawless, as the President has argued repeatedly. Law enforcement personnel at all levels of government are active in the region and at levels that are higher now than in previous years.

In addition to the lack of an assessment, the administration has not provided answers about the estimated cost of the current operation, where the money will come from, and whether funding will have to be taken from other priorities to pay for these operations.

Six years ago, this very subcommittee held another hearing on previous National Guard deployments to the border. Major General John Nichols, here today, testified at that hearing, along with the Government Accountability Office, that the two previous National Guard deployments to the border cost roughly $1.35 billion, a substantial amount of money.

The funds for the current deployment will have to come from somewhere within the Department of Defense and will presumably affect other National security interests.

Compounding the absence of cost information is the lack of a time frame or end date for the deployment. The President and both Secretaries stated in early April that this deployment will continue until the "border is secure." But, what metric is this administration going to use to measure this vague goal?

This goal is an open question this committee has wrestled with for years, and I would like to know how the Trump administration intends to define a "secure border." Are States, such as Texas and Arizona, expected to keep their Guardsmen permanently deployed on border security support missions? If so, that will likely have very serious budget and readiness implications for our military and National Guard as a whole.

Smart, effective border security strategies have always been and will continue to be a bipartisan goal. However, given the politically motivated and reactionary way this administration has approached border security, I have serious doubts that a

well-thought-out strategy, or at least consideration of second- and third-order consequences of rushed decisions, are driving any of it.

A hasty and poorly designed deployment will have unintentional repercussions and negative effects not only on our border communities, but on our National security as well.

Though I remain opposed to this current deployment, I thank the witnesses for agreeing to testify before us today. I know you are primarily tasked with the operational aspects of this deployment, but I hope you are able to provide a clearer picture of the strategy guiding your actions on the Southern Border.

Ms. MCSALLY. We are pleased to have three distinguished witnesses before us today. Chief Rodolfo Karisch is the chief patrol agent for Tucson Sector and commander of the Joint Task Force West Arizona. In this position, Chief Karisch leads more than 3,900 agents and crucial support staff in one of the busiest Border Patrol sectors in the Nation. Excuse me, and that is where I represent.

Chief Karisch brings more than 33 years of law enforcement experience to the Tucson Sector. Prior to joining Border Patrol in 1986, he served at the El Paso Texas Police Department starting in 1983. Major General John Nichols was reappointed to be the adjutant general of Texas on March 17, 2016 where he commands almost 25,000 soldiers and airmen of the Texas Military Department.

General Nichols reports to the Texas Governor regarding the Texas Army National Guard, Texas Air National Guard, and the Texas State Guard. He received his bachelor of science in aeronautical engineering for the U.S. Air Force Academy and graduated from U.S. Air Force Squadron Officer School, Air Command, and Staff College at War College and the Fighter Weapons Instructor School.

Major General Michael McGuire is the adjutant general to Arizona and the director of the Arizona Department of Emergency and Military Affairs. In this role, General McGuire is responsible for managing Arizona's Army and Air National Guard joint programs along with the Division of Emergency Management. He is in command of 8,000 members ranging—ranging from Federal military and civilian personnel to State employees. General McGuire was commissioned in the U.S. Air Force, at the U.S. Air Force Academy. Oh, we got three academy grads in the room, in 1987.

The Chair now recognizes Chief Karisch for 5 minutes to testify.

STATEMENT OF RODOLFO KARISCH, CHIEF PATROL AGENT, TUCSON SECTOR, U.S. BORDER PATROL, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. KARISCH. Thank you, Chairwoman McSally, Ranking Member Vela, and distinguished Members of the subcommittee. Thank you for the opportunity to appear before you today on behalf of U.S. Customs and Border Protection.

I have served as a Border Patrol agent for more than 30 years and I am honored to currently serve as the chief patrol agent for Tucson sector. It is one of the busiest in the Nation. In my experience on the front lines, I have seen the threat that an unsecured border presents to our country and to its people. I have seen smuggling and trafficking organizations with zero regard for human life. I have seen flood of narcotics coming across our border and I have seen the dangerous criminals attempting to infiltrate our communities.

Furthermore, I have seen what works to secure our borders and I have seen what does not. I know that having the support of committed and dedicated National Guardsmen gives our agents much-needed help while we work to increase our staffing in CBP. There is more to border security than conducting patrols and inspections. Many important jobs are behind the scenes. For example, there are surveillance systems to monitor, fences to repair, vegetation to clear and intelligence reports to analyze to name just a few. All of these jobs are important to operational control of the border. But not—but our officers and agents cannot simultaneously carry out these jobs and our law enforcement mission.

That is the purpose of Operation Guardian Support, to provide additional personnel in support capacity, so more of our agents can do important front-line work we need to protect our Nation. On April 4, 2018, President Trump called on the Department of Defense to expand their existing support of CBP's border security mission. This has benefited CBP significantly.

Under Title 32 National Guard forces are supporting DHS pursuant to the order of the President and Title 32 status National Guard forces are ordered to duty by their respective State Governors and remain under the command and control of the State Governors. I would personally like to thank the Governors who have deployed National Guard personnel in support of this operation and our border security mission. I would also like to thank the adjutant generals for their continued coordination and cooperation with CBP.

Solutions like Operation Guardian Support are not new. The Department of Defense and Department of Homeland Security have long enjoyed a cooperative partnership and CBP's relationship with the National Guard in particular is several decades long. National Guard personnel support our Border Patrol office, the Office of Field Operations and our air and marine operations components. Their assistance increases our ability to detect, deter, and respond to threats of all kinds including drugs, weapons, illegal aliens, and possible terrorists, all while helping CBP facilitate legitimate trade and travel.

Since Operation Guardian Support began in April, the National Guard has contributed to thousands of apprehensions, the seizure of thousands of pounds of dangerous drugs and multiple resources. To be clear, in Operation Guardian Support, National Guard personnel do not conduct law enforcement activities and do not have direct contact with migrants. However, their support accelerates improvements to border security while CBP hires, trains, and equips additional personnel.

For example, in my home sector of Tucson, National Guard personnel assigned to the Ajo Border Patrol Station helped vehicle mechanics complete an inspection of the station's fleet. During the inspection, the National Guard mechanics identified and repaired more than 80 vehicles with suspension issues that could have led to significant safety hazards for the Border Patrol agents patrolling in isolated areas. Without the National Guard, it would have taken weeks to repair that many vehicles. With the Guard's help, however the inspection and repairs were completed in 2 days.

As the CBP continues to surge, hire more front-line CBP agents and officers, acquire new technology, and to bill at the border wall system, the National Guard is helping us close security gaps and improve our National security. Operation Guardian Support makes our community safer and our country more secure, and I see the impact of these efforts every day.

Thank you for the opportunity to testify before you today and I look forward to your questions.

[The prepared statement of Mr. Karisch follows:]

PREPARED STATEMENT OF RODOLFO KARISCH

JULY 24, 2018

INTRODUCTION

Chairwoman McSally, Ranking Member Vela, and distinguished Members of the subcommittee, thank you for the opportunity to appear before you today on behalf of U.S. Customs and Border Protection (CBP).

As the chief patrol agent of U.S. Border Patrol's Tucson Sector, I have seen the consequences of unsecured borders first-hand. I have seen the inhumane results of human smuggling and human trafficking. I have seen the flood of narcotics coming across our border. I have seen dangerous criminals attempting to infiltrate our communities. I know that an unsecured border threatens our country and our communities—and that operational control of the border is a matter of National security.

After a 45-year low in the number of apprehensions at the border, we have seen an alarming increase in apprehensions over the past year, and a shift in the demographics of those attempting illegal entry. In support of CBP's efforts to attain operational control of our borders, on April 4, 2018, President Trump directed the U.S. Department of Defense (DOD) to expand its existing support of CBP's border security mission.

DOD is supporting the Department of Homeland Security (DHS) with National Guard personnel. These National Guard personnel are operating in support of DHS pursuant to the authorization of the President. With this authorization, National Guard personnel volunteer and are then ordered to duty by their respective State Governors and remain under the command and control of the State Governors. I would like to thank the Governors who have deployed National Guard personnel in support of this critical security mission.

CBP AND THE DOD

At CBP, we are committed to building and strengthening partnerships across the Government—it is one of Commissioner McAleenan's strategic priorities. As such, we are committed to working closely with our partners at DOD, united by the common purpose of keeping the United States and its people safe and secure.

This working relationship between CBP and DOD—and with the National Guard—is not new. DOD's U.S. Northern Command, U.S. Southern Command, and U.S. Indo-Pacific Command already support our border security missions. National Guard personnel have provided support—such as counternarcotic operations and training mission sets—in areas including Tucson, Yuma, and West Texas for decades. These operations—which are not a part of the effort announced in April—have specific objectives, scope, and areas of focus, and will proceed as planned. While these efforts are valuable to our overarching mission, they are not of the capability or duration that CBP requires to achieve operational control of the border.

Previous administrations also directed DOD to authorize the use of National Guard personnel to temporarily support CBP. National Guard personnel have assisted CBP by providing aviation, operational, logistical, and administrative support in Operation Jump Start from 2006 to 2008, and again in Operation Phalanx from 2010 to 2016.

Specifically, during Operation Jump Start, National Guard personnel provided interim surveillance and reconnaissance (air, ground, satellite imagery), linguist, air and ground transportation, engineering (fences and roads), and logistics (medical, temporary shelters, and food service) support to CBP while CBP recruited, trained, and deployed additional agents. This interim support increased situational awareness that led CBP to more than 173,000 arrests, the rescue of 100 people, and the seizure of more than 300,000 pounds of drugs. National Guard units built more than 37 miles of pedestrian fence, more than 85 miles of vehicle fence, and more than

18 miles of new all-weather roads. In addition, National Guard units repaired nearly 700 miles of roads. But most importantly, Operation Jump Start contributed to a significant decrease in illicit trafficking activity in many areas of the border.

OPERATION GUARDIAN SUPPORT

CBP is making significant efforts to attain operational control, including taking decisive action to meet our hiring goals and improve our recruitment and hiring processes. Border security is a complex mission, with infrastructure, personnel, and technology components. It is more than patrolling. For example, there are surveillance systems to monitor, fences to repair, and intelligence reports to analyze—to name just a few.

In Operation Guardian Support, National Guard personnel are providing temporary air support in the form of light and medium lift helicopters; infrastructure support, such as road maintenance and vegetation clearing; operational support, such as fleet maintenance and repair and law enforcement communications assistance; and surveillance support as surveillance camera operators.

To be clear, National Guard personnel do not conduct law enforcement activities and do not have direct contact with migrants. However, they are providing tremendous assistance to CBP. National Guard support accelerates improvements to border security while CBP hires, trains, and equips additional personnel. By taking on these important supporting tasks, such as infrastructure repair or surveillance assistance, these National Guard personnel enable Border Patrol agents to focus on law enforcement activities at the border.

In addition to supporting Border Patrol personnel, National Guard personnel also support CBP's Office of Field Operations personnel by providing surveillance and operational support at ports of entry, including support in cargo inspections and non-intrusive inspections. Simply put, having National Guard personnel assist CBP at our ports of entry expands our labor pool and, as a result, increases our ability to detect, deter, and respond to threats of all kinds, including drugs, weapons, illegal aliens, and possible terrorists, while helping CBP facilitate legitimate trade and travel.

National Guard personnel also support Air and Marine Operations, the CBP component that conducts tactical aviation and maritime operations to strengthen overall security along the Southwest Border. National Guard support helps augment these operations by providing more aircraft and performing operational support functions. This puts more pilots, aircrew, and aircraft into the field to support our security mission.

Additional aerial surveillance resources also increase the security of our front-line agents and officers. As Laredo Sector Assistant Chief Patrol Agent Gabriel Acosta noted, "Agents are often forced to work alone and in remote areas. The aerial surveillance [the National Guard] provide[s] allows us to have more awareness along the border and keep the agents on the ground safe."

MAKING A DIFFERENCE

Since Operation Guardian Support began in April, CBP has carried out thousands of apprehensions, seized thousands of pounds of dangerous drugs, and performed multiple rescues.[1]

In May, Border Patrol agents in the San Diego Sector arrested a 31-year-old woman on Interstate 15 for transporting 51 bundles of methamphetamine inside her vehicle. After the woman's vehicle was seized and transported to a secure facility, the vehicle underwent a routine post-seizure inventory procedure. Under the oversight of Border Patrol, a National Guardsman performing paralegal administrative duties—who had recently come on duty as part of Operation Guardian Support—noticed an anomaly in a door panel that led to the discovery of 11 additional bundles of methamphetamine deeply concealed in the vehicle. The bundles added more than 13 pounds of methamphetamine to the seizure, which totaled more than 68 pounds with an estimated street value of $206,000.

In June, Border Patrol agents from the McAllen Station in Texas received information from Mexico's emergency call center regarding a lost Mexican national in distress. Border Patrol agents operating an aerostat camera located the lost migrant, who was suffering from dehydration. The Border Patrol agents provided coordinates to a nearby Texas Army Nation Guard helicopter pilot who was working under Operation Guardian Support. Minutes later, the National Guard pilot located

[1] Effective July 4, 2018, approximately: 9,546 apprehensions; 2,915 turn-backs; 11,531 lbs. marijuana seized; 17 lbs. cocaine seized; .05 oz. heroin seized; 7 lbs. methamphetamine seized; 48 conveyances seized; $288 USD currency seized.

the subject and quickly guided Border Patrol agents to the location. There, a Border Patrol agent who is a certified Emergency Medical Technician treated the lost Mexican national for dehydration.

In my home sector of Tucson, National Guard personnel attached to the Ajo Border Patrol Station provided vehicle mechanics to help complete an inspection of the station's fleet. During the inspection, the National Guard mechanics identified and repaired more than 80 vehicles with suspension issues that could have led to significant safety hazards for Border Patrol Agents patrolling in isolated areas. As the Ajo Station Fleet Garage Supervisor Rich Barton said, "Logistically speaking, an issue like this could have caused a major nightmare for our garage staff. But with National Guard members helping, it did not affect our fleet readiness. National Guard personnel helped us complete the inspections and repairs within 2 days. Without the Guard, it would have taken weeks to resolve the problems."

While there are many other examples of the outstanding work enabled by the National Guard's assistance, I have one more to share from Eagle Pass, Texas, where a National Guardsman was instrumental in the safe return of a 3-year-old child after a parental abduction. Shortly before 8 o'clock a.m. on May 31, Border Patrol agents at the Eagle Pass Station received an Amber Alert issued by the State of Coahuila, Mexico. The Amber Alert noted that the 3-year-old boy had been taken by his non-custodial father and was possibly in danger. Approximately 2 hours later, a member of the Texas National Guard was monitoring transmissions from camera towers near the Eagle Pass port of entry when he spotted a man and a child who had crossed the Rio Grande River. Border Patrol agents took both into custody and, after processing, determined that the boy was the child identified in the Amber Alert. The boy was turned over to the Mexican Consulate and reunited with his mother.

As each of these examples illustrate, CBP and National Guard personnel continue to work together to align resources that best fit the needs of each sector, further enhancing the security and safety of our Nation.

CONCLUSION

Border security is National security—there is no difference. CBP's decades-long partnership with the DOD and the National Guard allows us to execute our mission to protect the United States from the ever-evolving threats we face, including drugs, weapons, illegal aliens, and terrorists. As CBP continues to surge hire more frontline CBP agents and officers, acquire new technology, and develop the border wall system, the National Guard is helping us close security gaps and improve our National security. Operation Guardian Support makes our communities safer, and our country more secure—and I see the impact of these efforts every day.

Thank you for the opportunity to appear before you today. I look forward to your questions.

Ms. MCSALLY. Thank You, Chief Karisch. The Chair now recognizes General Nichols for 5 minutes to testify.

STATEMENT OF JOHN F. NICHOLS, ADJUTANT GENERAL, TEXAS NATIONAL GUARD

General NICHOLS. Good afternoon, Chairwoman McSally, Ranking Member Vela, and Members of the subcommittee. I am Major General John Nichols, adjutant general of Texas—the Texas National Guard and Texas Military Department comprises 24,000 army air civilians and volunteers working all across the State. We respond to Texas in times of need and also the Nation.

We help it with border security, helping DPS, helping Department of Homeland Security, Customs and Border Protection. We also help the Texas Department of Emergency Management fighting fires and most notably, Hurricane Harvey. We also participated in Irma and Maria as Harvey settled and we could lend our help to our fellow States. General Joe Lengyel, Chief National Guard Bureau, is also a Texan. He will tell you and I agree that our main mission is the defense of America. We support America's Air Force and America's Army, fighting America's Wars.

Our ability to train, deploy, and support the warfighter is our No. 1 role. That is the reason why we exist and that is why we are funded through Federal funding for our existence. Texas National Guard has also always deployed when asked. Since 2001 we have deployed over 30,000 of our 24,000 members.

The second mission is to secure the homeland and protect our communities from whatever that may hit us including man-made terrorism, border security, or natural disasters. We fulfill this every mission every single day. Currently, we have 2,300 members deployed supporting America overseas. We have members on the border. We have members supporting counterdrug and we have people fighting fires as we speak. Earlier this year, President Trump authorized as part of this effort for Federal troops up to 4,000-strong National Guard personnel along the border.

Governor Abbott committed immediate support of a thousand troops and we immediately deployed 250 along the Texas-Mexico border under Operation Guardian Support. That started on April 6 and we have continued. We are no stranger to the border. We have been in support of the State and the Nation securing the border for many, many years and will continue as long as asked to do that mission. We perform a variety of roles including motor vehicle operations, logistic support, security monitoring, administrative services, which enables the Border Patrol agents to get back on the border where they are most effective.

Guardsmen are expertly trained in surveillance, reconnaissance, logistics, aviation, criminal analysis, linguistics, support, and other advanced specialties. So we use our military duties to help support Border Patrol. The Texas National Guard has unique resources and equipment to support our civilian partners, including the UH–72 Lakota with a mission enhancement package. We are also employing the RC–26 in Texas. We have 11 Lakota helicopters and we are supported by Mississippi, Alabama, Georgia, South Carolina, Oklahoma, and Florida currently. I would like to personally thank those partner States for coming to our aid. We have flown 994 hours so far on—during border operations.

Guardsmen assigned to Operation Guardian Support are activated under Title 32 status. Currently the 72d Infantry Brigade Combat Team based out of Houston is in charge of the overall operation force under the full support and command of Governor Abbott.

We deployed—when we deployed, we were sent to the Southwest Border and we sent complete units and ready units as opposed to pieces parts. So we mobilized a battalion that was stationed already in El Paso and a battalion that was stationed in the Rio Grande Valley. We will swap those commands out as time goes on. But we are still supporting floods and fires. As a matter of fact, the unit that was in Rio Grande Valley came off station and supported Texas citizens during the recent floods we had about 2 weeks ago, saved many lives and went back to work.

Whenever our Nation has been threatened by external dangers or suddenly plunged into war, the National Guard has helped to secure and maintain security and safety of the homeland. Our skills and capabilities gained from combat and our civilian careers help us respond to domestic threats, such as chemical, biological, radio-

logical, and nuclear attacks, even large-scale disasters and the new frontier, cyber attacks. The skillsets of Guardsmen are strengthened by these missions. We also bring that skillset to the Border Patrol.

That concludes my statement and I am ready for any questions. Thank you.

[The prepared statement of General Nichols follows:]

STATEMENT OF JOHN F. NICHOLS

JULY 24, 2018

Good morning Chairwoman McSally, Ranking Member Vela, Members of the committee. My name is Major General John F. Nichols, the adjutant general of Texas.

The Texas National Guard and Texas Military Department is comprised of over 24,000 soldiers, Airmen, civilian employees, and volunteers living and working across the State. We are Texans and we respond to Texas and the Nation in times of need; through border security in support of the Department of Public Safety, Department of Homeland Security, and Customs and Border Protection (CBP)—wildfire suppression in support of the Texas Department of Emergency Management and the Texas Forestry Service—or most notably, in response to Hurricanes Harvey, Irma, and Maria along our coasts. As always we stand ready to support when called.

General Joseph Lengyel, Chief, National Guard Bureau (and also a Texan) will tell you, and I agree with him, that the National Guard's primary mission is to support the Army and the Air Force in fighting America's wars. Our ability to train for, deploy to, and support the warfight, is our No. 1 role, the No. 1 reason why we exist, and why the United States funds us with Federal dollars. The Texas National Guard has always deployed when asked. Since 2001 over 34,000 Texas Guard soldiers and airmen have answered our Nation's call overseas.

The second mission of the National Guard is to secure the homeland and protect our communities from whatever disaster might hit, whether it's man-made terrorism, border security, or natural disasters. The Guard fulfills this mission every single day across the 54 States and territories and the District of Columbia.

The Guard's third mission is to build partnerships at the local, State, Federal, and international level. Those partnerships enable both our warfighting and homeland missions, and demonstrate our value to the Nation.

As we sit here today, over 2,300 Texas Guardsmen are deployed to locations across the globe in the warfight. In addition to our overseas service members, over 1,200 Texas Guardsmen are deployed to the Southwest Border, securing the homeland.

Earlier this year, President Trump authorized, as part of this effort, Federal funds for up to 4,000 National Guard personnel along the entire U.S.-Mexico border. Governor Greg Abbott committed immediate support of 1,000 troops from Texas. Texas Guardsmen act as a force multiplier to Federal, State, and local law enforcement working to secure the Texas-Mexico border. CBP's Operation Guardian Support (OGS) officially kicked off on April 6, 2018 with the first wave of 250 activated Texas Guardsmen. The Texas National Guard is no stranger to the border and has served there in support of State and Federal partner agencies for decades.

Texas Guardsmen perform a variety of support roles including motor vehicle operations, logistics support, security monitoring, and administrative services, enabling United States Border Patrol agents to return to the field in a law enforcement capacity and build additional capacity to improve operational efficiency. Guardsmen are expertly trained in surveillance and reconnaissance, logistics support, aviation, criminal analysis, linguistic support, and other advanced specialties and systems. The Texas National Guard has unique resources and equipment to support our civilian partners, including its UH–72 Lakota helicopter and RC–26 fixed-wing aircraft.

Guardsmen are deployed to support the needs of the CBP Sector Chiefs along the 5 CBP sectors along Texas' Southwest Border, from the Rio Grande Valley to El Paso.

Texas Task Force aviation currently along the Texas border includes 11 Lakota helicopters. Six States, in addition to Texas, are supporting with aviation assets, to include Mississippi, Alabama, Georgia, South Carolina, Oklahoma, and Florida. I want to personally thank these partner States for accepting the mission to enhance

border security. Task Force Aviation has flown a total of 994.9 hours[1] since the beginning of this mission.

Guardsmen assigned to CBP's Operation Guardian Support are activated under title 32 duty status, allowing the Governor to maintain command and control of his Guard force. Currently, the 72d Infantry Brigade Combat Team based in Houston has command and control of Texas' CBP OGS mission, behind the full support of Governor Abbott.

Texas Guardsmen deployed on OGS were sent to the Southwest Border as complete, ready units. I made the choice to involuntarily deploy these soldiers on 179-day orders, treating this mission like another deployment. Units were selected strategically at the headquarters level, in order to ensure that units maintain readiness for overseas missions and remain prepared to respond to fires, floods, or hurricanes when called upon by Governor Abbott.

Whenever the Nation has been threatened by external dangers or suddenly plunged into war, the National Guard has helped to restore security and safety by defending the homeland. Guardsmen use their skills and capabilities gained from combat and their civilian careers to respond to domestic threats such as chemical, biological, radiological, and nuclear attacks, large-scale natural disasters, and in the new frontier, cyber attacks. The skill sets of our Guardsmen are strengthened by the diverse deployments we have experienced on State and Federal missions. We remain prepared to support Texas and the Nation, ready to respond when called.

Ms. MCSALLY. Thanks, General Nichols. The Chair now recognizes General McGuire for 5 minutes to testify.

STATEMENT OF MICHAEL T. MC GUIRE, ADJUTANT GENERAL, ARIZONA NATIONAL GUARD

General MCGUIRE. Chairwoman McSally and Ranking Member Vela, Members of the subcommittee, thank you so much for this opportunity today. On behalf of Governor Doug Ducey, I am proud to represent the great State of Arizona and the 7,800 members of the Arizona National Guard. Rather than reading my statement I have submitted for the record, a written statement, I would like to say as an opening remark, a little bit of difference between us and Texas just in terms of size.

As John mentioned, he has nearly 24,000 Guardsmen. We have just 7,800 Army and Air Guardsmen in the State currently tasked for 657 of those to support the border as well as having about a thousand of our soldiers and airmen currently tasked for overseas missions in Afghanistan and Iraq. So, a large percentage of that. Similar to Texas, we are doing all this under the Title 32 Authority. We appreciate the support of Homeland Security and Department of Defense to fund what we believe is a Federal mission and that Border Security is a National security issue.

We are also very, very happy that this is the first of the three times that we have done this mission that DHS has incorporated the Joint Task Force concept. So Chief Karisch who proudly represents Tucson Sector is also the JTF–West combined forces commander. So, I look at our role in the Arizona National Guard as being the supporting command to the supported Joint Task Force commander.

So we simply deliver in this case 657 soldiers and airmen based on specific requests for assistance in areas from aviation to security analysts, to transportation, engineering, or whatever the support requirements are to allow them to surge badges to the border, and we will continue to do that through 1 October of this year. Significant challenges as I see going forward is the end of the fiscal year

[1] Numbers current as of 1200, 20 July 18.

in terms of funding, how the mission will be handled going into the next fiscal year.

And was previously mentioned in your remarks, Chairwoman McSally, while we are using RC–26 and the Lakota, there are other rotary-wing and remotely-piloted systems like MQ–9 and Apache that could be used in night low visibility to help support our Customs and Patrol, Customs and Border Patrol agents out of the normal day-time cycle.

But beyond that, I stand ready to answer your questions and thank you for the opportunity to be here today.

[The prepared statement of General McGuire follows:]

STATEMENT OF MICHAEL T. MCGUIRE

JULY 24, 2018

INTRODUCTION

Good afternoon Chairwoman McSally, Ranking Member Vela, and distinguished members of the subcommittee. My name is Major General Michael T. McGuire, and I am the adjutant general of Arizona and director of the Arizona Department of Emergency and Military Affairs (DEMA). I appreciate the opportunity to appear before you today on behalf of the 7,800 citizen soldiers and airmen of the Arizona National Guard to discuss our mission to support the U.S. Department of Homeland Security as well as our other local, State, and Federal partners through a whole-of-Government approach to address the various transnational issues that impact our borders.

From the Pequot War in 1634 to the current Overseas Contingency Operations around the globe and Emergency Response Deployments around the Nation, this hearing today highlights a mission that the National Guard has capably executed for the past 384 years. The National Guard is the modern-day militia, and has a long and honored history of service to the country. Although the present-day National Guard was established with the Militia Act of 1903, the National Guard's heritage can be traced back to the first State-run militia regiments established by the General Court of the Massachusetts Bay Colony in 1636. Since that day, the National Guard has remained ready to answer the Nation's call during times of emergency and conflict. In honor of that great tradition, soldiers and airmen of the Arizona National Guard continue to stand ready to answer that call.

The National Guard remains the first choice for homeland defense operations, being uniquely trained and situated as the first line of support to the Nation's local, State, and Federal first responder and law enforcement agencies. Consistent with the citizen-soldier model of the early militias, the present-day National Guard is embedded in the local communities—policemen and firemen, small business owners, carpenters, civil engineers, plumbers, and mechanics. This fact provides intangible benefits—not only can the National Guard bring a response force with military capabilities but also civilian skills such as carpentry, mechanical, civil engineering, and business negotiation, but National Guard troops also have home-town familiarity with the geographic layout of the affected community, combined with an understanding of the most at-risk areas. Put another way, with nearly 3,300 installations in 2,700 communities around the country, the National Guard is America's "forward-deployed" homeland response force.

NATIONAL GUARD DUTY STATUSES ENABLE LOCAL SUPPORT

Federal and State constitutions and statutes provide the primary authority for use of military force by the Federal and State governments. These provisions, insofar as they apply to the National Guard, reflect the Constitutional balance of power between the sovereign States and the central Federal Government. National Guard forces are unique among all other military components in that they may be used in one of three legally distinct ways:

(1) by the Governor for a State purpose authorized by State law (State Active Duty); or

(2) by the Governor, with the concurrence of the President or the President's designee (e.g., the Secretary of Defense), for shared State/Federal purposes or for a primary Federal purpose (Title 32 Duty); or

(3) by the President for a Federal purpose authorized by Federal law (Title 10 duty).

OPERATION GUARDIAN SUPPORT

In April 2018, President Trump directed the Department of Defense (DoD) to support the U.S. Department of Homeland Security (DHS). The Secretary of Defense directed the National Guard to employ up to 4,000 soldiers and airmen to meet this mission set and provide with aviation, reconnaissance, operational, and logistical support to enable DHS to increase operational control and situational awareness of the region. This directive, though not a formal named operation, has been informally nicknamed by DHS as Operation Guardian Support (OGS).

Arizona Governor Ducey ordered the Arizona National Guard to support this Presidential Directive, and on April 6, 2018 a planning cell within the Arizona National Guard Joint Task Force was activated. On April 9, the Arizona National Guard deployed 225 soldiers and airmen to various DHS and CBP outposts along the State's border in support of this new border mission. An additional 113 soldiers and airmen were deployed 2 days later as authorized by National Guard Bureau (NGB). Today, there are 657 authorized personnel in Arizona in support of OGS.

The relationship between the Arizona National Guard and DHS is not new, however. For nearly 30 years, the Arizona National Guard has worked with various partners across the Federal Government in areas along the border, specifically with the National Guard Counterdrug program as codified in the 32 USC § 112 and through various training mission sets of opportunity that present themselves to support both DHS and National Guard unit readiness, such as one of our Transportation Companies moving concrete barriers from one Customs and Border Protection (CBP) Sector to another. In addition, the National Guard has supported 3 prior iterations of the border mission by providing aviation, operational, logistical, and administrative support in Operation Jump Start from 2006 to 2008, and again in Operation Phalanx from 2010 to 2016. Only during Operation Jump Start and the first phase of Operation Phalanx did the National Guard provide personnel to physically patrol the border to support CBP while additional agents were recruited, trained, and deployed. I will discuss both of these previous operations and our Counterdrug program in more detail in a moment.

The current OGS mission is being accomplished through the identification of specific requests for assistance (RFA) by DHS, which then passes those RFAs to DoD/National Guard Bureau (NGB) and then to the States. These RFAs fill specific functions and duties as mentioned earlier—aviation, reconnaissance, operational, and logistical support—and the Arizona National Guard is currently filling RFAs at all of the border stations within the Tucson and Yuma border sectors in Arizona. This iteration of the border support mission is informed by our experience with the previous border missions and has evolved based on the changing nature of immigration, transnational threats, and technology. Many of these RFAs are administrative in nature, which is by design to support DHS and allow them to focus on improving situational awareness along the border while they recruit, train, and deploy additional staff and agents. Personnel authorizations issued by NGB are all based on specific RFAs that have been submitted by DHS to NGB for support. These RFAs are first validated by NGB and then approved as a force authorization. These specific RFAs and force authorizations are then passed down to the National Guard of the respective State, and working through Arizona's current end-strength and that of other States as we meet the mission requests of DHS.

So there is no misunderstanding, the Arizona National Guard does not act in any law enforcement capacity along the border, nor have our citizen soldiers and airmen been placed in a position that would come into contact with migrants. Although not constrained by the Posse Comitatus Act due to Title 32 deployment status, law enforcement is not our mission. Further, DHS has never requested the National Guard act or assist in a law enforcement capacity in any iteration of these border missions, and a long-standing Department of Defense directive specifically states that the Guard members will not act in a law enforcement capacity. The Arizona National Guard is strictly providing support, and, when done right, that support provides a training value to our military missions—in particular with the aviation, engineering, and ports of entry mission sets. National Guard aviation assets from Arizona and other States have provided over 500 flight hours in support of OGS and we have identified approximately 30 potential engineering projects that would support CBP, all of which contribute to warfighter readiness.

As stated in my opening paragraph, a whole-of-Government approach is key. OGS supports DHS as a whole, but currently has only provided support to fill RFAs from CBP. The biggest threats along the border are not limited to illegal border crossings,

but include violence and the trafficking of drugs, humans, and weapons. The Southwest Border appropriation provided in the fiscal year 2018 DoD budget has allowed the Arizona National Guard to place an additional 21 soldiers and airmen on orders to support other local, State, and Federal law enforcement agencies. Locally developed partnerships like the Arizona Alliance to Combat Transnational Threats is a model for local, State, and Federal law enforcement coordination. As proof of this whole-of-Government success, we offer the Arizona National Guard Counterdrug mission which partners with over 70 local, State, and Federal law enforcement agencies. In our domestic role, the National Guard is always in support of another agency, whether it is responding to an emergency, combating transnational crime, or supporting greater operational control and situational awareness of the border region. Operation Guardian Support is another opportunity to provide whole-of-Government support to our local, State, and Federal partners.

CURRENT ARIZONA NATIONAL GUARD PARTNERSHIPS—COUNTERDRUG TASK FORCE

Through the Arizona National Guard Counterdrug Task Force, we partner with over 70 local, State, and Federal law enforcement agencies. Authorized by the National Defense Authorization Act in 1989 under 32 USC § 112, the National Guard Counterdrug Program authorizes up to 4,000 National Guard members to perform drug interdiction and counterdrug activities in all 54 States and territories. The Arizona National Guard's Counterdrug program, referred to as the Counterdrug Task Force, began operations in 1989 and is currently the third-largest behind California and Texas. The mission of the Counterdrug Task Force is based in law and provides military counterdrug and drug demand reduction support to local, State, and Federal law enforcement agencies and community-based organizations. For the past 29 years, the highly-skilled soldiers and airmen of the Counterdrug Task Force have provided unsurpassed operational counterdrug support, and continue to offer the continuity necessary to foster and maintain positive relationships with over 70 Federal, State, and local drug enforcement agencies and community organizations across the State of Arizona, including: Customs and Border Protection, Homeland Security Investigations, Drug Enforcement Administration, Federal Bureau of Investigation, Arizona High-Intensity Drug Trafficking Area Center, Arizona Department of Public Safety, Arizona Counter-Terrorism Information Center, Metro Intelligence Support and Technical Investigation Center, Arizona Alliance to Combat Transnational Threats, USNORTHCOM, Joint Task Force–North, and various county and city law enforcement agencies.

Serving in full-time National Guard Duty-Counterdrug status in accordance with 32 USC § 112, these soldiers and airmen are under State control and are not subject to the provisions set forth by the Posse Comitatus Act. Counterdrug Task Force members have been given authorization to perform "Support Only" Counterdrug duties. It is this support role that brings the greatest benefit to our partners. The Counterdrug Task Force provides specific skill sets in support of civilian agencies, enhancing their capabilities and at the same time allowing them to devote their skill sets to their primary mission. These skill sets include: Investigative Case and Analyst Support, Communications Support, Ground Reconnaissance, Aerial Reconnaissance, and Civil Operations, formerly known as Drug Demand Reduction. These skills exercised through the Counterdrug Task Force in turn keep National Guard members in ready form when they are needed for other operations under the Governor's of the President's command.

PAST SUPPORT TO DHS AND CBP

Arizona has a total land area of just over 113,998 square miles and is the sixth-largest State in the Union. Arizona has an estimated population of well over 7 million. Arizona shares 389 miles of international border with Mexico and has 7 major ports of entry. Found between Arizona's ports of entry are a variety and combination of barriers that include pedestrian fencing, vehicle fencing, Normandy barriers, triple-strand barbed wire fencing, and cattle guard crossings located on the Tohono O'odham Indian Reservation only. The sovereign territory of the Tohono O'odham Nation consumes 75 miles (28 percent) of the Arizona/Mexico border. Nearly one-third of this reservation extends south directly into Mexico. The Tohono O'odham Nation does not acknowledge the international border between the United States and Mexico, and residents living on Tribal lands in Mexico can traverse freely at any time.

Operation Jump Start (June 2006—July 2008)

On May 15, 2006, President George W. Bush declared Operation Jump Start as a 2-year, $1.2 billion program spread across the four Southwest Border States. The

mission required 6,000 National Guard members the first year, and 3,000 the second year. The Department of Homeland Security and Customs and Border Protection were allocated forces based on their assessed needs that resulted in Arizona receiving 40 percent of the forces; the largest percentage of the four Southwest Border States. The goal of Operation Jump Start was to augment Customs and Border Protection with additional manpower for administrative and operational assistance missions, alleviating Border Protection agents of these responsibilities and allowing those agents to be sent back out to the field where they were needed most. Guard members from 51 of the 54 States and territories served in Arizona performing duties that included Entry Identification Teams, camera operators, logistical support, aviation support and engineering support. In total, 17,750 personnel participated on the mission. These personnel were comprised of individual volunteers, sourced unit rotations, and unit annual training rotations. During the first year of Operation Jump Start, an average of 2,400 National Guard personnel conducted operations in support of law enforcement efforts in Arizona. That number was reduced to 1,200 personnel during the second year.

Operation Phalanx Phase One (July 2010—February 2012)

On May 25, 2010, President Obama directed the temporary use of up to 1,200 National Guard personnel on the Southwest Border to support Department of Homeland Security requirements. Arizona was authorized 560 of the 1,200 personnel for the mission which equates to 46 percent of total mission personnel. Like Operation Jump Start, National Guard personnel are funded under U.S. Code Title 32 § 502(f), in accordance with the published Department of Defense order. Operation Phalanx supports both Customs and Border Protection and Homeland Security Investigations by supporting three key mission sets; Entry Identification Teams, Video Surveillance System support, and Intelligence Analysis.

Of the 560 personnel initially authorized for Operation Phalanx in Arizona, 504 personnel were tasked to support entry identification sites that operated on a 24-hour basis in close proximity to Arizona's Southern Border. Soldiers and airmen staffed 25 overt Entry Identification Team sites across four stations in the Tucson sector. Due to increased threat and violence along the international border, Arizona National Guard personnel were armed and assumed a higher arming status than similar missions during OPERATION Jump Start. Rules for the use of force were clearly defined, published, and provided to each service member on the mission.

Operation Phalanx Phase Two (March 2012—December 2016)

In December 2011, the Department of Defense announced National Guard personnel supporting the Department of Homeland Security would be reduced from 1,200 to no more than 300 personnel and included a change in mission. In addition to continuing the intelligence analyst mission, the National Guard transitioned from a ground observation role to an aerial reconnaissance mission.

WAYS TO IMPROVE OPERATION GUARDIAN SUPPORT

- Make OGS and other Domestic Support Missions an officially named operation by DoD to enable accrual of Federal benefits and ability to recruit National Guard members for this voluntary activation.
  - While informally named by DHS, OGS, and other similar domestic response missions, are not official DoD named operations. Service to an unofficially-named mission, under training authorities, prevents National Guard members from accruing benefits typically provided under Federal service, including credit toward the Post-9/11 GI Bill. The border is a Federal responsibility; therefore, this is a Federal mission that should draw Federal benefits.
  - Official operation status would improve the ability to source National Guard members Nationally as well.
- NGB should work with DHS to identify continuous specific opportunities to meet an RFA through annual training, as NORTHCOM does with reserve or Federal units (e.g., reserves have built a forward operation base for CBP, identified engineering projects could be sourced to States' National Guards to meet training needs). Currently, we are only funded for border activities through 1 October 2018. This makes it impossible to schedule any long lead time activities, like engineering projects, without funding that crosses fiscal year boundaries.
- Facilitate CBP's hiring more administrative and logistics personnel. With "badges" working these administrative duties, they are prevented from performing law enforcement duties on the border and at stations throughout the region. Additionally, some logistical RFA taskings being fulfilled by National Guard members, such as vehicle maintenance and engineering projects, could

potentially be furnished through local contractors until CBP is sufficiently staffed. The National Guard has provided over 10 years of supplementation for these administrative and logistical duties, while a longer-term solution should include hiring both "badges" for the border as well as administrative and logistical support personnel.

- Improve the cueing for helicopter, light fixed-wing, and lighter-than-air assets. Right now, we are using several hundreds of aircraft across the Southwest Border to detect illegal and illicit activity without any advanced cueing systems. These small infrared and electro-optical resources are somewhat effective by themselves, but are like looking through a soda-straw to try to find resources. The addition of a radar cueing that detects movement can increase the likelihood of successfully finding and tracking activity by tenfold. There are three ways to enhance this mission set:

  (1) Enable our National Guard crews to assist and supplement the CBP's Air and Marine crews flying the DHS MQ–9s that are extremely undermanned along the border until they can organize, train, and recruit to full capacity. At the Fort Huachuca MQ–9 station, for example, CBP's Air and Marine Operations (AMO) is only able to produce 2 of the needed 5 flights per day due to crew limitations.

  (2) Authorize use of Air National Guard MQ–9s in domestic operations along the border. CA, AZ, and TX each have Launch and Recovery Elements (LREs) and domestically-sourced air frames available for the mission, but the DoD has expressed concerns that the use of these State-side LREs will affect the combat missions. The use of the LREs in AZ and TX are not currently allocated to anything other than peace-time State-side continuation training, and can successfully support domestic border missions if so authorized.

  (3) Enhance the currently utilized RC–26 program with semi-active radar mapping pods. These pods are already used on other military aircraft, and for a small procurement and testing cost would greatly enhance the use of the National Guard's only domestic aircraft mission. We could utilize these pods along the border within just a few months of funding appropriation and authorization.

  (4) Return AH–64 Apache helicopters to the Arizona National Guard. The return of Apache helicopters to Arizona would provide significant night vision capability to the National Guard's aviation support of Operation Guardian Shield.

Ms. MCSALLY. Thanks, General McGuire. I now recognize myself for 5 minutes for questions.

Look, there are a lot of politics. Obviously, we have seen that already today. But as the professionals out in the field there, can each of you just give me a quick, you know, has this been an important deployment? Do you agree that it is a positive thing and it has been a positive impact on border security? I will get into more detail questions after that.

But Chief Karisch.

Mr. KARISCH. I will start by saying yes. As I have told my colleagues in the past, any assistance so we can get down on that border helps us. I think people seem to look at this as simply an immigration manner, which it is not. You are looking at still a war here that we are fighting. You have got guns coming across the border. You have got cash. You have got people. You have got violence down there. So, any assistance that we can get is—is welcome, whether it is at the Federal, State, local, or Tribal levels. So, we need that help on the border.

Border is a National security issue that we all have to apply resources to, and I am grateful for the coordination and effort that has gone on with the Guard in being down there to support us right now.

Ms. MCSALLY. Great. Thanks. Again, just I will get into more details later. But in general, General Nichols, a positive deployment

and good for the troops and good for the mission? I don't want to put words in your mouth.

General NICHOLS. What you said, ma'am, no.

It has been very positive for us. I was talking to my colleagues about the initial deployment. We involuntarily mobilized our soldiers. There was a discussion with the Governor and I and that worked out fine. We are coming up on 179 days on mission. We are talking about rotating people out. Seventy-five percent of them want to stay. The other 25 have jobs they have to get back to. But the rest are so ingrained in the mission now, they have been welcomed by Customs and Border Patrol and every single mission they have been assigned to. They are working as a team with them. So it has been very positive. They get to practice some of their military skills, and those they don't get to we will pull them off and do some annual training like we do and then get them right back in the mission without missing a beat.

Ms. MCSALLY. Great. Thanks. General McGuire.

General MCGUIRE. Ma'am, I have not received any negative feedback from any of the over 350 Arizona Guardsmen deployed. I failed to mention in my opening comment, we are receiving support as well from Indiana, Missouri, Wisconsin, Maine, Kentucky, and Iowa as well.

Thank you.

Ms. MCSALLY. Great. Thanks. Chief Karisch, when we were down at the border with Secretary Nielsen, you could tell from the community down there that they were really looking forward to the reinforcements had arrived and, you know, and continuing to have that integration with the support of the National Guard. Although there were some concerns and questions about whether they are being fully utilized in order to free up our agents. So can you share just any perspective on that and any barriers we might be able to remove so that we can fully free up the Border Patrol agents to be at the border?

Mr. KARISCH. The Guard right now is assisting us on various fronts, on the aviation side, operations, logistics, and administrative support that they are giving us. Critical to—to the job that they are doing for us right now is operating cameras. They are acting as our eyes and ears, giving us greater situational awareness of that border so that we can see what is coming. But even with things such as vegetation removal in areas down in Nogales where you were at, the Guard down there has cleared over five acres of vegetation that makes that area a lot easier now as to monitor for our people.

On the aviation side, the surveillance aircraft that they have provided have significant importance to us, but also on the rescue side. As you well know in Arizona, during the summer, we deploy a lot of our resources toward rescuing people who become stranded in the desert. We now have another partner in the National Guard who is supporting us in that endeavor. So many different examples whether it is in the garage, whether it is analyzing the intelligence reports, we definitely are seeing a lot of great work between us.

Ms. MCSALLY. Do you see any barriers to, you know, utilizing the Guard to the best capability possible? And anything you need that needs to be improved?

Mr. KARISCH. No. I mean I think under different deployments they were assigned different duties. I know during Jumpstart they had entry identification teams where they were deployed. This time it is different. There is no contact with any of the migrants that are down on the border. So no challenges from my perspective.

Ms. MCSALLY. OK. Great. I do want to follow up on—thanks for sharing both General Nichols and General McGuire.

There are a lot of misconceptions on people thinking, "Oh well, our troops are—we are in a bit of a readiness crisis Nation-wide. We talk about this all the time," and our troops are basically kind-of wasting their time doing border security instead of, you know, honing their skills so they can defend us should they need to go deploy. Having served myself in uniform, I am always trying to debunk this that when you are out there doing real training, when you are fixing real vehicles, when you are doing real intel analysis, this actually increases your skills. You mentioned that already. I think this is a really important message for people to understand. It is not an either-or. They are increasing their skills and increasing the mission, and I am running out of time.

But I wanted to stop—stop there. But maybe on my next time around I want to hear more about that from both the tags. So, thanks.

The Chair now recognizes Mr. Correa for 5 minutes.

Mr. CORREA. Thank you very much, Madam Chair. First of all, I wanted to—Mr. Karisch and Mr. Nichols and Mr. McGuire, can't see too well from here, for your service to our country. I am out of the State of California where I work very closely with General Baldwin out of California National Guard. You are the citizen soldiers, so to speak, and I think more and more our Nation's defense is entrusted to you. So, thank you very much with good work.

Mr. Karisch, if I may, you have been 30 years of service. Thank you as well for your service. You mentioned a minute ago that this was an issue not of immigration but terrorism. So, let me follow up a quick question. Known or possible terrorists, have we apprehended and encountered most of those in this Southern Border or the Northern Border?

Mr. KARISCH. I think we have seen them on both sides, Congressman, on both borders.

Mr. CORREA. Because testimonies here by folks in your Department have said we have encountered more of them in the Canadian border than the Southern Border.

Mr. KARISCH. There has been more on the Canadian border, but we also have encountered on the Southern Border. I don't think we can ever discount the possibility of the location that they are going to choose to enter.

Mr. CORREA. But I would say if you are encountering more of them in the Northern Border, is that an issue we should address? Therefore maybe look at putting the National Guard at the Northern Border.

Mr. KARISCH. Well, I think we would welcome any additional resources that come to the border. As I indicated previously, whether that is Federal State, local, Tribal agencies who can help us because at the end of the day the border with Canada is much larger.

But we also do have a tremendous flow problem on the Southwest Border.

Mr. CORREA. So we do have a problem on both borders then?

Mr. KARISCH. I think it is evident. I think you have drugs. You have guns. You have people from different countries that are flowing across both borders. Yes.

Mr. CORREA. Thank you very much. Sir, Secretary Nielsen in Madison, April 6, 2018, they mentioned something to the effect that they would opt to end the deployment of the National Guard to the U.S.-Mexico border when, "our Nation's borders are secure." Any thought what definition of our Nation is borders would be secure to end the redeployment of the National Guard?

Mr. KARISCH. Congressman Correa, as I indicated before, I think we need to apply every bit and all resources that we have available to securing our border. Our borders are far from secure. Recently, I had an agent shot down in Arizona patrolling the border. So I think the border is dangerous. I think there still is significant work that needs to be done down there. We have an opioid crisis right now that the country is facing.

So I think we all need to look at it from various fronts of the different challenges that we face on the Nation, as a Nation.

Mr. CORREA. Thank you very much. I have got a couple of minutes left, so very quickly. Follow-up question.

General Kelly, here when he was Secretary of Homeland Security, we had a couple of questions and discussion here about what securing the border was all about. I remember him saying something to the effect paraphrasing saying, if something gets to our border, something negative, the battle is lost. You have got to stop those negative elements from even coming close to our border. So the question I would go off to any of you I would ask is—how are we cooperating with our southern and northern neighbors to make sure that this is a regional secure situation as opposed to just the wall so to speak?

Mr. KARISCH. I will start off——

Mr. CORREA. Thank you.

Mr. KARISCH. Congressman Correa. I will tell you, first of all, I have worked very closely with the government of Mexico. We now have tremendous relationships with them. I was actually assigned to Mexico City years ago as an attaché for CBP. So, I believe in that relationship.

I also started a program back in 2013 with the Federal Police called a cross-border coordination initiative where we did joint patrols. I think the people on both sides of the border want the same thing, which is safety, tranquility, and livelihood. So we are working together with our partners in Mexico to try to do that.

But as General Kelly also said, we must continue to extend that border outward so that we prevent people from ever reaching our borders because then it becomes too late. But the relationship that we have with Mexico and other countries continues to be very strong.

Mr. CORREA. Thank you, gentlemen. Any thoughts?

General NICHOLS. Congressman, in Arizona, our focus obviously is the Southwest Border and the sovereign territory of Arizona as a State. We do have quarterly meetings with Sudana and Samura

from the Mexican Army and Navy Marine Corps. We work that through JTF–North and U.S. Northern Command who has the responsibility for, as you mentioned, extending out our security beyond what is our physical border at the State line. But we have a great working relationship with them. I would say that has improved significantly over the last 5 years with them helping us work cross-border intelligence with other agencies, whole-of-Government through our counterdrug group department, DEA, ATF and other groups on the Southern Border.

Ms. MCSALLY. Senator, your time has expired.

Mr. CORREA. My time has expired.

Ms. MCSALLY. We are going to do another round.

Mr. CORREA. OK.

Ms. MCSALLY. Alright. The Chair now recognizes Mr. Bacon from Nebraska for 5 minutes.

Mr. BACON. Thank you and I appreciate all three of you being here, thanks for your service and all of you served roughly three decades and more defending our country, and we are grateful. I have a series of quick questions for you. So, I should stay somewhat concise.

Mr. Karisch, I think before you answer this, I just want to make sure that we have it clearly. Can you confirm that the mission of the Guard is helping you out? Is it value-added for what you are doing?

Mr. KARISCH. Tremendous value.

Mr. BACON. Thank you. Is this considered temporary until Border Patrol gets expanded or as—what is your time line here for receiving the support?

Mr. KARISCH. Sir, all I am aware of right now is that we are funded or the Guard is funded through the end of this fiscal year.

Mr. BACON. Is this a side note to fill a niche while you are trying to grow your numbers or is this more of an indefinite type of support?

Mr. KARISCH. I think this is—this is definitely on-going support, which we have seen in the past from the Guard to CBP.

Mr. BACON. I would be inclined to try to expand your numbers so that you can fulfill this mission, you know, on your own for my own 2 cents worth. Are the authorities clear between you or is there confusion where the lines are drawn when it comes to defending the border?

Mr. KARISCH. Not from my perspective. No.

Mr. BACON. How about your all's perspectives? It is pretty clear authorities?

General NICHOLS. Yes sir we are supporting for Border Patrol and then coordinating through DOD, DHS, National Guard Bureau and then—and then the local border chiefs when we get down there and work for them. So our roles and missions are clearly defined.

Mr. BACON. Also, piggyback on what the Chairwoman already asked for—to our two Guard leaders here, can you also can reconfirm that you feel like your missions are value-added, that you are contributing to this mission?

General NICHOLS. Absolutely. As I mentioned, I have had no negative feedback from any of the Arizona Guardsmen that are deployed.

Mr. BACON. I think I have a very similar question. I am going to give you a chance to delve into this more because we have the same question here. Is this undermining any of your other missions for training or for rotating to the Middle East? Do you see any—is there any kind of this to the other missions you have or any of you know opposing? Does it—is there anything cutting against it?

General MCGUIRE. On the readiness front, what I would say is that unlike when General Nichols mentioned that they had deployed entire units in the initial deployment in Arizona, we took individual augmentees based on the requirements levied in the request for assistance. Those soldiers and airmen are required to drill 1 weekend a month and do their annual training. We are going through the annual training season right now.

So, the only pressure that I would say that would come upon this is that that soldier or airmen's primary mission is to their war traced unit of assignment. If that mission were tasked and they were forward-deployed, then we would have to backfill that soldier airman on the border. But the best way to think about is a citizen soldier. They are doing this Monday through Friday and drilling on the weekend. We have enough depth that we can cover that vacancy on the weekends. So no different than if they are working somewhere else.

Mr. BACON. Thank you. General Nichols?

General NICHOLS. Yes, sir. To add to that, it is not just Texas. It's not the 4 border States. It's the entire National Guard. So——

Mr. BACON. Good point.

General NICHOLS. Deploying in the 450,000 personnel realm. We have taken into account. Those are the deploying, those that have a deployed or an enroute, some of the training that has to be done would still have enough National Guard members to do this, and also to—if there is any readiness impact to spread it out and lessen it every place that we can.

Mr. BACON. OK. I don't know what your missions are right now in the Middle East, but there's no negative impact on any of the rotations you are doing with Iraq or Afghanistan?

General NICHOLS. No, sir. None at all.

Mr. BACON. OK. General McGuire.

General MCGUIRE. No. As I mentioned, we have a nearly one-fifth of the Arizona Guards can be tasked in the next year for sourcing, which is the reason we are going to have to go out to some of the other States to support this 6- to 700 men and women deployment.

Mr. BACON. OK. Thank you very much. One last question for Mr. Karisch. There is a lot of talk about ICE, the abolishment of ICE. A little bit unrelated, but I just want to get your opinion. If ICE was abolished, how would that impact your air mission?

Mr. KARISCH. There would be no effective immigration enforcement in the interior of the country, which if you have a law that is in the books, it needs to be enforced whether at the border or in the interior.

Mr. BACON. Thank you very much. Ms. Chairwoman, I yield back.

Ms. MCSALLY. Alright. Gentleman yields back. The Chair now recognizes Ms. Demings from Florida for 5 minutes.

Ms. DEMINGS. Thank you so much, Madam Chairwoman, and thank you to all of you for being with us today and thank you for the service that you provide. You know, I think and I believe my colleagues would agree that our primary responsibility as Members of Congress is to make sure that we are, No. 1, keeping our Nation safe, but also utilizing our resources, very limited resources and personnel in the most effective manner possible.

When—during the 9/11 attacks, I was assigned to the Orlando International Airport as a police commander. I remember then-Governor Jeb Bush deployed the National Guard to come out and assist local and State law enforcement officers with securing the perimeter, patrolling the airport. We had thousands of passengers who were stranded there, as you know, not just in Orlando, but all over the country. The National Guard played a critical role in helping to get aviation security back up to where it needed to be. We appreciated that.

That was a critical role. The mission was clear. So we are trying to make sure that you are being utilized in the most effective way and not being political, because I questioned the initial deployment, whether it was actually political or not, major or—General Nichols, you indicated that you have over 2,000, I believe, National Guard personnel deployed overseas. Could you talk about some of the duties that are assigned to them in that capacity?

General NICHOLS. Yes, ma'am. We are on the Horn of Africa right now, which is a nation-building, capacity-building mission assisting different—the different nations surrounding the Horn. We are in MFO ops, which is observation on the Sinai, enforcing the treaty between Israel and not enforcing but making sure it stays intact. We are in Afghanistan. We are in Kuwait/Iraq. We are sending a helicopter company very shortly and then we are on the hook in a year-and-a-half or so to send out an attack battalion, Apaches. Then every year, we just continue. I tell folks that the sun doesn't set on Texas—on a Texan because we have got a Texan in every region in the world supporting America.

Ms. DEMINGS. Yes, thank you. Chief Karisch, you talked about some of your duties involve aviation support, operating cameras, and clearing vegetation, what else are they involved in?

Mr. KARISCH. Repairing——

Ms. DEMINGS. Because we have heard all kinds of stories.

Mr. KARISCH. Yes, ma'am.

Ms. DEMINGS. We want to make sure that those stories are not accurate.

Mr. KARISCH. Yes, ma'am. Repairing tactical infrastructure, road improvements that are down there, intelligence analysis that they are doing. So I think they are doing a lot of different good support roles for us right now. Working in dispatch centers, but specifically the camera rooms, that is where we probably have the greatest concentration of Guard personnel right now.

Ms. DEMINGS. What percentage of the ones assigned to you would you say are actually involved in the—operating the camera mission?

Mr. KARISCH. Vast majority. I don't have a percentage right at the top of my head, which we could definitely get back to you on, but the vast majority, I think the two areas right now that con-

sume the largest deployment of personnel is going to be the aviation piece and then also the surveillance.

Ms. DEMINGS. They are engaged in ride-alongs, is that correct?

Mr. KARISCH. No. No.

Ms. DEMINGS. They have contact at all with any of the families?

Mr. KARISCH. None whatsoever, ma'am.

Ms. DEMINGS. OK. Very, very quickly with my last minute that I have left. You have heard about the—I think the fiasco actually with families being separated. I know under the zero tolerance policy that this has just been an, I would say, an additional burden on already limited resources. Have you been involved at all in any of the process that is being developed to reunite families? Children that were separated from their parents.

Mr. KARISCH. That is an issue with DHS or with ICE and HHS, they are the ones who are actually handling the reunification——

Ms. DEMINGS. Do you play any role at all——

Mr. KARISCH. No, ma'am.

Ms. DEMINGS. In that process? You or no one at the border.

Mr. KARISCH. Right. Actually, I handle the enforcement at the border but not handling the reunification right now.

Ms. DEMINGS. OK. Thank you all again. I yield back.

Ms. MCSALLY. Gentlelady yields back. The Chair now recognizes Mr. Hurd from Texas for 5 minutes.

Mr. HURD. Thank you, Chairwoman. Chief Karisch, it is great to see you. I think they are working you a little harder in Arizona than Texas. I think you have lost some weight since I have last seen you. Looking good, sir. General Nichols, it is always a pleasure to have you and thank you for educating me in some of the training operations that is going on in San Antonio. General McGuire, it is a pleasure to have you here.

For my friends from the National Guard, you all's ISR capabilities, have we deployed as much as we could along the border? Is this another training opportunity, where your men and women of the Guard are able to, you know, not only help Border Patrol with ISR but that the men and women get that training opportunities when they do it overseas?

General NICHOLS. We actually started with the Lakotas and have the mission package, which is a very handy and very effective platform. We are sending in the RC26s now. I think there will be time in the future for—I know that California has mentioned that, I think Arizona as well. So we see that as a possible in the future. We are not volunteering that. We are letting DOD and DHS do their talk to make sure they get the mission they want but they know the capabilities that we can provide.

Mr. HURD. Do you copy?

General MCGUIRE. Yes, sir. You are correct that we are not fully deploying all of our capabilities. In my opening statement, I did mention that there are capabilities like the launch and recovery element at Fort Huachuca where we operate MQ–9s, where we could help increase capacity of both CBP MQ–9s, and our own Guard assets that are stay-at-home training assets and position them on the border.

To date, we have not yet gotten a request for assistance through DHS and DOD for that. The most recent change was the addition

of the RC–26, so Texas and Arizona will be deploying their RC–26 manned platform but we could do more in the unmanned systems area.

Mr. HURD. Because of the number of weeks that you all are there, do you see opportunities that if you all were able to grow what you were able to do that it would be increased training opportunities for the men and women in the Guard?

General MCGUIRE. On the unmanned aerial systems, definitely. We have looked at working with CBP to do additional launch and recovery operations, which is limited by the number of aircraft we have since so many DOD assets are deployed forward into theater, either in CENTCOM or PACAF or PACOM theaters. We have just a couple aircraft. If we could utilize those aircraft, we could train more crews, definitely.

Mr. HURD. General Nichols, any opinion?

General NICHOLS. I agree with General McGuire. That can be expanded.

Mr. HURD. Got you. Chief Karisch, you talked about it earlier. The fentanyl issue. Correct me if I am wrong, 0.2 grams of heroin kills—could kill somebody, 0.002 grams of fentanyl can kill somebody, 11 kilograms can ultimately kill 3 million people. The ability to move that, you know, through bulk. Are your officers—are they getting the training they need in how to deal with such a toxic substance?

Mr. KARISCH. We have definitely conducted training, Congressman Hurd, but additional training is required. I mean in our dialog right now even with the Mexicans, with their law enforcement agencies, we have started to talk about this. Many times, they are going to see that even before we do so we have got to do everything we can to share information with each other as toxic as it can be to make sure that we are protecting our front-line personnel who are coming in harm's way.

We have changed the way we transport, the way we test, so every bit of information that we can get that is going to make it safer for us to handle it is going to be done.

Mr. HURD. Yes. This is something, not only you but your fellow local law enforcement colleagues are going to need that same training first responders because again you brush your hand against something like this and it could have significant long-term effects.

If I had additional time, I would like to ask about, you know, being able to do long-term operations, so if you find someone in Tucson sector that is going—are we using that information to understand the halfway houses before drugs are being shipped to Chicago or Houston and the interplay between various law enforcement? This is an area that we are spending time with and you have always helpful in educating me, so I look forward to that conversation in the future. Chairwoman, I yield back the time I do not have——

Ms. MCSALLY. Gentleman yields back his lack of time. Chair now recognizes Mr. Richmond from Louisiana for 5 minutes.

Mr. RICHMOND. Thank you, Madam Chairwoman. I guess I will pick up where Congressman Hurd left off and talk about—first, before I go there, let me just ask. Did you make a request for or do

you know if there was a request made for National Guard to support the border mission?

Mr. KARISCH. We did not, sir.

Mr. RICHMOND. OK. Do you know of any agency that actually made a request for the National Guard to assist in patrolling—securing the border?

Mr. KARISCH. I believe the President directed both DOD and DHS, as to work together in conjunction with the State Governors, he has to deploy the Guard down at the border.

Mr. RICHMOND. Right. But there was no request from any agency that actually patrols the border.

Mr. KARISCH. Correct.

Mr. RICHMOND. Do you know if there was a long-term strategy put in place beforehand so that—I guess any of you all are in a position to answer. What does mission accomplished look like? Or has that been articulated what mission accomplished looked like, do we know?

OK. Now, I will pick up where Mr. Hurd left off, which is, Mr. Karisch, I think that you talked a little bit about drugs coming over, terrorism and other things. Do you believe that with personnel only and, I guess, maybe some border fencing, that we can secure the border 100 percent with just that?

Mr. KARISCH. I think you are going to need a combination, Congressman, of the personnel, tactical infrastructure that comes with it, the access, the roads, the technology. But also, what you are going to need is you are going to need consequence and what I mean by that is a prosecution, because you are in fact deterring. So I think all of these things coming together is what is going to help us effectively control the border.

Mr. RICHMOND. Now, besides people that are coming over and to do harm, and I will include terrorism, trafficking drugs, trafficking people, whatever. All of those are to do harm, but you also see people that are coming across in search of better opportunity or safety for their families.

In that, do we, that you know of, do we put a lot of effort into—because I would assume that those drugs that are coming across the border, those humans that are being trafficked, the law of supply and demand tells me that if they are coming across the border to the United States, it means somebody in the United States buying those drugs, buying the people that are being trafficked, so we are creating demand for this contraband whether it is drugs or people or anything else. That is what we are doing as a country, is creating the demand. Wouldn't you agree?

Mr. KARISCH. Yes. I mean I have always said is that the insatiable appetite for drugs here is what fuels all of the narcotics coming across the border.

Mr. RICHMOND. It is that narcotics production and the money associated with it that is making some of these homelands so violent with cartels and everyone else so that some of the well-intentioned people coming across the border, whatever number that may be, they are in search of a safer place, better place, but we are as a country contributing to the chaos in their respective homelands to some extent. Would you agree with that?

Mr. KARISCH. Well, I wouldn't say the United States is solo, I think drugs head into various parts of the world. You have violence in various parts of the world that drive these peoples on this journey, but various causes of what drives individuals to come to the United States.

Mr. RICHMOND. Yes. I wouldn't say we are the sole cause, I wouldn't say we are the factor, but I would say we are a factor. Would you agree with us being a factor?

Mr. KARISCH. Well, I think yes, I mean can say that it is a factor but it is one of many, because there is many different reasons of why people decide to come to the United States.

Mr. RICHMOND. I agree. Look, let me just say this and especially to our National Guard people. I represent New Orleans all the way up to Baton Rouge. We are the home of many natural disasters, and I would just take the chance to thank you all, our National Guard all across the country. You all respond in a moment's notice to hurricanes, to tornadoes, and everything else. No matter what particular issue we are on, the sacrifice that your men and women make from the Guard to law enforcement is what makes this country special. So thank you all for what you are doing. I appreciate your time in being here.

Ms. MCSALLY. Gentleman yields back. I am going to do the second round, you all right with that? All right, great. Thanks. I now recognize myself. I want to follow up, Chief Karisch. I know it is not in your full jurisdiction but I think it is important for everybody to understand that the Guard supporting Border Patrol in between the ports of entry but also at the ports of entry are CBP officers. I found out yesterday from Sherriff Dannels also now supporting the Sheriff's Office down in Cochise County. We are all in this together, right, in an integrated way. Can you share some information on how they are supporting at the ports of entry and with local law enforcement?

Mr. KARISCH. Yes, the Guard personnel down at the ports of entry are supporting and running the non-intrusive inspection devices, X-raying vehicles, X-raying the freight that is coming into the United States, freeing up also officers at the port of entries is to do other duties. I think in my discussion with General McGuire early on and also with Governor Ducey, we wanted to provide support, also the State local agencies out there that need it. So that is Sherriff Daniels in Cochise County actually has personnel assigned there, because this is not simply about CBP or DHS, it is that community at large that can benefit from the assistance of the Guard.

Ms. MCSALLY. Great. Thanks. I also want to follow up on General McGuire and Major General Nichols. You talked about how we—there is a potential to do more air support. You know, as a pilot myself, I know it is always better to do real missions than to be trying to create, you know, training opportunities. So that, I think, is a tremendous training opportunity. What is the process that we would go through to increase the capacity in these other areas like the LREs or other assets? Is that just happening sort-of collaboratively or does CBP have to make a request to you or how does that all work?

General MCGUIRE. To access the training assets that are at Fort Huachuca at the launch and recovery element, it would need to just come down like any of the other mission assignment requests, so if JTF West makes that request up to DHS headquarters and that comes back down through DOD as a validated mission, we would source the crews to launch the additional LREs and use those on the border to support them for queuing just as we are with the RC–26 and the MEPS package on the Lakota.

Ms. MCSALLY. Got it. Are there conversations going on about that potential request right now?

General MCGUIRE. We have been asking for that. The problem with MQ–9s is always the confusion about we are not asking to pull people back from theater or trying to use assets that we presently use for training with our folks there to keep their in-garrison training requirements up at Fort Huachuca, but we could put them on a mission on the border just like we are going to do with RC–26.

Ms. MCSALLY. OK. Great. Thank you. Chief Karisch, can you quantify the number of apprehensions? I know this is a little bit in your testimony but number of apprehensions, amount of drugs apprehended because of the National Guard deployment in support of this mission?

Mr. KARISCH. Approximately 11,000 pounds of marijuana. There has also been cocaine, heroin that they—we are giving them credit for in the seizure. Also on the apprehension side, over 11,000 apprehensions as well. These are the Guard personnel who are either operating aircraft and are making personal observations or working camera rooms.

There was a Raven aircraft unit from the Guard that was flying recently in Tucson, observed 6 individuals with burlap backpack, directed agents in. Our agents were able to seize 284 pounds of marijuana and arrest all 6 individuals. So that speaks to that level of cooperation and different capability that they bring to us.

Ms. MCSALLY. Great. Thanks. General McGuire, I want to go back to how this can maybe enhance the training of some of the Guardsmen and women and their skill sets. Do you have some examples, maybe just anecdotes of, you know, where if they weren't doing this mission, maybe they would be doing some in-garrison training or, you know, computerized training but, you know, now they are actually doing a real mission and how that has enhanced their skills?

General MCGUIRE. So we have taken a number of our folks from our engineering battalion to work down on the border operating heavy equipment, same type of heavy equipment they would operate in their primary mission. Chief Karisch already mentioned we did deploy a number of folks from our maintenance company down to the unit and they are doing wheeled vehicle maintenance and so having more vehicles to work on makes more capable mechanics, so we have a whole bunch of them working there, helping save costs. Then obviously on the aviation front as you mentioned, the pilots get great opportunity, operating the sensor package in night low visibility doing real missions as opposed to out at the Goldwater Range.

Ms. MCSALLY. That is great. General Nichols, do you have examples to add?

General NICHOLS. We have the same experiences. Our Lakota pilots Nation-wide that are coming to support us are getting real-world training. It is on the spot. It is not the same kind of training you can get at home at all. So it is better training than they could do at home. We are supporting again in the maintenance of vehicles, so our folks get to practice their trades.

We have had some saves like the chief said, we were helping Border Patrol save money. Turn their vehicles quicker which keeps the agents out on the border instead of teaming up a couple on a vehicle, we can get enough vehicles for them to have their own. It makes them more effective when they get out there. Then our intelligence analyst folks are taking law enforcement data and helping form up packages, mission packages for them to go act on.

Ms. MCSALLY. Oh, that is great. It is real-time intel now. So that is fantastic. OK. I am over my time. Chair now recognizes Mr. Correa.

Mr. CORREA. Thank you, Madam Chair. Chief Karisch, Tucson area, Tucson sector, I know we had—CBP has a lot of difficulty, some difficulty in retaining personnel in that area. How can we help you, what can we do to help retail experienced personnel in your area? I say this in the context that we have some fine National Guardsman here. The last time I called General Baldon, he returned my phone call from Eastern Europe.

That reminded me the National Guardsmen now are making up more and more of our regular troops around the world. I have got constituents that are on their fourth tour in Afghanistan or the Middle East. So you are there but we know you are also halfways around the world and by the way, the sun doesn't set on Californians either. So, sir, how can we help you, you know, get up to, you know, those ranks that you need to do your job?

Mr. KARISCH. Well, first of all, Congressman, I appreciate you helped the Border Patrol already last year, Congress did with the funding for mobility, which is key to our organization. The vast majority of people that leave the Border Patrol right now for other Federal agencies are going somewhere because of location.

So having a good mobility program, which requires monies to move people around every so often is key to what we are going to need as an organization is to retain—it is the retention-type incentives that we, I think, can offer the work force is to make sure—is that they feel appreciated and vetted is to stay in the organization. But definitely the piece that we have got to fix is the mobility piece which is going to require additional funding.

Mr. CORREA. Thank you. Mr. Bacon, I believe, was talking a while ago about abolishing ICE. I would like to say as an individual, I can't speak for any of my colleagues here, but that is not my preferred action. I think you all do anti-terrorism, you do anti-piracy, you do drug interdiction, human trafficking. I have to tell you, probably the one issue that is really striking that causes a lot of issues is the zero tolerance policy.

I know Secretary Nielsen, saw her one Sunday night on TV, she said our policy is not family separations. Following 10 hours, Monday morning, she was on TV saying our policy is zero tolerance. So

I can't imagine what your agency is going through trying to figure out what the policy is of this country, what your job is. I think the zero tolerance is what is really causing folks a lot angst, a lot of challenges just because it is a very difficult issue. Children, parents.

I am telling you this because I want you to know that I appreciate the job you are doing. I think most of my colleagues appreciate the job you are doing and we are thankful for it. But the zero tolerance issue is what is driving people crazy so to speak, really emotional. I have with me here, and I am going to ask the Chair to give me the opportunity to submit this for the record, a statement from Governors, about 10 Governors that have essentially declined to send their troops to the border.

Ms. MCSALLY. Without objection.

[The information follows:]

SUBMITTED FOR THE RECORD BY HONORABLE J. LUIS CORREA

LETTER FROM GOVERNOR EDMUND G. BROWN, JR. OF CALIFORNIA

April 11, 2018.

Dear Secretary Nielsen and Secretary Mattis: Pursuant to your request, the California National Guard will accept Federal funding to add approximately 400 Guard members State-wide to supplement the staffing of its on-going program to combat transnational crime. This program is currently staffed by 250 personnel State-wide, including 55 at the California border.

Your funding for new staffing will allow the Guard to do what it does best: Support operations targeting transnational criminal gangs, human traffickers, and illegal firearm and drug smugglers along the border, the coast and throughout the State. Combating these criminal threats are priorities for all Americans—Republicans and Democrats. That's why the State and the Guard have long supported this important work and agreed to similar targeted assistance in 2006 under President Bush and in 2010 under President Obama.

But let's be crystal clear on the scope of this mission. This will not be a mission to build a new wall. It will not be a mission to round up women and children or detain people escaping violence and seeking a better life. And the California National Guard will not be enforcing Federal immigration laws.

Here are the facts: There is no massive wave of migrants pouring into California. Overall immigrant apprehensions on the border last year were as low as they've been in nearly 50 years (and 85 percent of the apprehensions occurred outside of California).

I agree with the Catholic Bishops who have said that local, State, and Federal officials should "work collaboratively and prudently in the implementation of this deployment, ensuring that the presence of the National Guard is measured and not disruptive to community life."

I look forward to working with you on this important effort.

Sincerely,

EDMUND G. BROWN, JR.

EXECUTIVE ORDER FROM GOVERNOR JOHN W. HICKENLOOPER OF COLORADO

B 2018 008 EXECUTIVE ORDER

FORBIDDING STATE AGENCIES FROM USING STATE RESOURCES TO SEPARATE CHILDREN FROM THEIR PARENTS OR LEGAL GUARDIANS ON THE SOLE GROUND OF IMMIGRATION STATUS

Pursuant to the authority vested in the Office of the Governor of the State of Colorado and, in particular, Article IV, section 2 of the Colorado Constitution, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order forbidding State agencies rrom using State resources for the purpose of separating children from their parents or legal guardians on the sole ground that their families are in violation of Federal immigration laws.

I. Background and Purpose

The U.S. Department of Homeland Security's practice of separating children from their parents when arriving al the Southern Border is offensive to our core values as Coloradans and as a country. The administration announced—"Zero tolerance" policy in the spring of 2018 resulting in the family separations. The administration has recently stated that the purpose of the policy is to intimidate immigrants and deter crossings. The United Stales Supreme Court has recognized the fundamental relationship between children and their parents and has permitted intentional government intrusion into this relationship in very limited circumstances. The United Nations High Commissioner for Human Rights has condemned the practice as a serious violation of the rights of children and demanded an immediate halt. The American Psychological Association stated that the separations threaten the mental and physical health of the children.

We recognize the importance of maintaining safety at our international borders, but intentionally separating children from their families is cruel and un-American. In the past 6 weeks, U.S. agents have separated an estimated 2,000 children from their parents. It is deeply troubling that the U.S. Government would participate in such inhumane actions.

The State of Colorado is a safe and welcoming place for all of its residents, regardless of immigration status. To maintain public confidence in the integrity of State government and promote trust and cooperation between State and local law enforcement and all Colorado communities, I issue this Executive Order to forbid any State agency from using any State resources for the purpose of separating any child from his or her parent or legal guardian on the sole ground that such parent or legal guardian is present in the United States in violation of Federal immigration laws.

II. Declaration and Directives

A. For purposes of this Executive Order, "State agency" means the principal departments listed in C.R.S. § 24–1–110, with the exception of Department of State, Department of the Treasury, Department of Law, and Department of Education.

B. No State agency may deprive any person of services or benefits to which he or she is legally entitled because of a person's immigration status, except as required by State or Federal law.

C. No State agency may use any State resources, including but not limited to moneys, equipment, or personnel, for the purpose of separating any child from his or her parent or legal guardian on the sole ground that such parent or legal guardian is present in the United States in violation of Federal immigration laws.

1. The foregoing shall not apply if any one of the following has occurred:
   a. A State court, authorized under State law, terminates the rights of a parent or legal guardian, determines that it is in the best interests of the child to be removed from his or her parent or legal guardian, or makes any similar determination that is legally authorized under State law;
   b. An official from the State or county child welfare agency makes a determination that it is in the best interests of the child to be removed from his or her parent or legal guardian because the child is in danger of abuse at the hands of the parent or legal guardian or is a danger to themselves or others; or
   c. Law enforcement officials are acting in accordance with C.R.S. § 24–33.5–211 or have probable cause to believe that the child is a victim, or is at significant risk of becoming a victim, of human trafficking as defined in C.R.S. § 18–3–501 et seq., is in danger of abuse at the hands of the parent or legal guardian, or is a danger to themselves or others.

D. This Executive Order is intended to be consistent with the State's obligations under State and Federal law and shall at all times be interpreted not to violate any requirement of State or Federal law. Any conflict with State or Federal law as it exists at the time of this Executive Order or as it shall be amended or enacted in the future shall be resolved in favor of State or Federal law. Nothing in this Executive Order shall be construed to cause interference with routine State law enforcement activities, even if such activity results in independent Federal law enforcement involvement and enforcement of Federal immigration laws.

III. Request for Enforcement

I hereby request that the State of Colorado Department of Law investigate to the fullest extent permissible under law any alleged violation of this Executive Order or other related conduct that constitutes a crime under State law.

IV. Duration

This Executive Order shall remain in effect unless modified or terminated by further Executive Order of the Governor or until superseded by State or Federal law. GIVEN under my hand and Executive Seal of the State of Colorado this eighteenth day of June, 2018.

JOHN W. HICKENLOOPER,
Governor.

PRESS RELEASE FROM GOVERNOR DANNEL P. MALLOY OF CONNECTICUT

JUNE 18, 2018

Gov. Malloy and Lt. Gov. Wyman Call on President Trump to End His Policy of Separating Immigrant Families

(HARTFORD, CT).—Governor Dannel P. Malloy and Lt. Governor Nancy Wyman today released the following statements calling on President Trump to end the inhumane policy his administration enacted of forcibly separating immigrant children from their parents at the border:

Governor Malloy said, "The Trump administration's willingness to push their vile agenda, completely disregarding the U.S. Constitution and basic human decency, knows no bounds. They have heartlessly torn children away from their families, locked them in holding cages in abandoned box stores, and subsequently launched a propaganda campaign of administration officials blatantly lying to the American people about it. It brings dishonor to our country and is the cause of extreme distress for many American citizens. The Trump administration is engaging in this 'zero-tolerance' practice that is reminiscent of one of the darkest moment in our history, when Japanese families in America were rounded up and detained in internment camps.

"Make no mistake—the Trump administration's hands are not tied here. There is no law that mandates this practice. They are not being forced or coerced into stealing migrant children away from their parents. They are proactively electing to implement this policy and to take such actions. They are, in effect, taking these children hostage, inflicting a lifelong trauma on their innocent lives. It is cruel. It is cowardly. It's un-American. As I have stated in the past, I will not condone the use of our military reservists to participate in any effort at the border that is connected to this inhumane practice. This vile practice must end."

Lt. Governor Wyman said, "This practice represents a new low in American foreign policy and in our humanity—it certainly doesn't reflect the country I was brought up in, know, and love. This isn't about politics or policy, it's about children who are suffering terror at the hands of the U.S. Government. It's wrong and it must stop. I deeply appreciate the doctors, lawyers, and advocates who have shown up in Texas ready to defend and care for these traumatized children. They embody the beacon of hope that this Nation was once known to be."

PRESS RELEASE FROM GOVERNOR JOHN CARNEY OF DELAWARE

JULY 24, 2018

GOVERNOR CARNEY'S STATEMENT ON THE DELAWARE NATIONAL GUARD AND DEPLOYMENT TO THE SOUTHERN BORDER—STATE OF DELAWARE NEWS

https://news.delaware.gov/2018/06/19/governor-carneys-statement-delaware-national-guard-deployment-southern-border/

DOVER, Del..—Governor John Carney on Tuesday issued the following statement on the Delaware National Guard and deployment to the Southern Border:

"I take my job as Commander-in-Chief of the Delaware National Guard extremely seriously. In the last year, we've sent Guardsmen and women to Texas, Hawaii, and Puerto Rico to help our fellow citizens cope with natural disasters. We've sent Delaware Guardsmen and women overseas to keep us safe. I'm extremely proud of Delaware's soldiers and airmen and women. Today, we received a request to send Delaware National Guard troops to the Southwest Border. Under normal circumstances, we wouldn't hesitate to answer the call. But given what we know about the policies currently in effect at the border, I can't in good conscience send Delawareans to help with that mission.

"If President Trump revokes the current inhumane policy of separating children from their parents, Delaware will be first in line to assist our sister States in securing the border. I served in Congress, and I watched for 6 years as that body failed to pass a comprehensive immigration policy that would secure our borders in a way that upholds the values of this great country. Congress and the President need to step up and fix the mess that our immigration system has become."

TWEETS FROM GOVERNOR LARRY HOGAN OF MARYLAND

8:14 A.M.—19 Jun 2018

@GovLarryHogan.—Until this policy of separating children from their families has been rescinded, Maryland will not deploy any National Guard resources to the border. Earlier this morning, I ordered our 4 crewmembers & helicopter to immediately return from where they were stationed in New Mexico.

@GovLarryHogan.—Washington has failed again & again to deliver needed immigration reform—Congress and the administration must step up and work together to fix our broken system. Immigration enforcement efforts should focus on criminals, not separating innocent children from their families.

TWEET FROM GOVERNOR STEVE BULLOCK OF MONTANA

8:49 A.M.—20 Jun 2018

@GovernorBullock.—There are no Montana National Guard Troops at the southern border, because back in April I refused to send them. As a governor and as a father, I'm disgusted. I don't care if it's the President or Congress—these atrocities must end immediately.

PRESS RELEASE FROM GOVERNOR PHIL MURPHY OF NEW JERSEY

GOVERNOR MURPHY SIGNS EXECUTIVE ORDER TO PREVENT STATE RESOURCES FROM BEING USED TO SEPARATE FAMILIES OF IMMIGRANTS

TRENTON.—Today, Governor Phil Murphy signed an Executive Order to prohibit any State resources from being used to assist the Trump administration's policy of separating the families of immigrants.

"Ever since our founding—and even before—our Nation has been a beacon for families seeking freedom and yearning for a better life. President Trump has turned this promise on its head by doubling-down on his inhumane and cruel policy of separating families," said Governor Murphy. "It has no basis in law or Scripture, no matter how many times the President, the Vice President, or anyone who tries to defend this policy tries to spin it. This is a matter of human rights, human dignity, and basic humanity."

STATEMENT FROM GOVERNOR ANDREW M. CUOMO OF NEW YORK

Governor Cuomo: "New York will not be party to this inhumane treatment of immigrant families along our border."

"The administration's unconscionable treatment of families at our border is a moral outrage and an affront to the values that built this State and this Nation.

"In the face of this on-going human tragedy, let me be very clear: New York will not be party to this inhumane treatment of immigrant families. We will not deploy National Guard to the border, and we will not be complicit in a political agenda that governs by fear and division.

"Day after day, I am increasingly disturbed by the reports of disgraceful tactics used by ICE both in our own State and along our Nation's border. I have called on the Acting Inspector General of the Department of Homeland Security to investigate illegal and discriminatory ICE tactics in New York and to tell us what his office is doing about the assault on immigrant families along our border.

"In New York, we stand for the values embodied by the Lady in our Harbor. We know that our diversity is our greatest strength, and we will never stop fighting to protect and strengthen the rights of immigrants."

PRESS RELEASE FROM GOVERNOR ROY COOPER OF NORTH CAROLINA

GOVERNOR COOPER RECALLS NORTH CAROLINA NATIONAL GUARD MEMBERS

June 19, 2018

RALEIGH.—Governor Cooper today shared the following statement about North Carolina National Guard members:

"The cruel policy of tearing children away from their parents requires a strong response, and I am recalling the three members of the North Carolina National Guard from the border."

Background: As had been done under President Bush and President Obama, the North Carolina National Guard had deployed requested assistance to the U.S. Southern Border. The current deployment includes a helicopter and three National Guard members.

TWEETS FROM GOVERNOR KATE BROWN OF OREGON

April 4

@OregonGovBrown.—There's been no outreach by the President or Federal officials, and I have no intention of allowing Oregon's guard troops to be used to distract from his troubles in Washington.

@OregonGovBrown.—If @realDonaldTrump asks me to deploy Oregon Guard troops to the Mexico border. I'll say no. As Commander of Oregon's Guard, I'm deeply troubled by Trump's plan to militarize our border.

@OregonGovBrown.—Dr. Martin Luther King Jr. changed our nation forever through his leadership, service, and clarity of vision. As we honor his legacy and reflect on the progress we've made, we must also rededicate ourselves to defending the civil rights of all Americans.

TWEET FROM GOVERNOR TOM WOLF OF PENNSYLVANIA

5:21 P.M.—19 Jun 2018

@GovernorTomWolf.—While PA proudly sent troops to TX, FL, and Puerto Rico for disaster relief and I believe we need to protect our borders from real threats, I oppose State resources being used to further Pres. Trump's policy of separating young children from their parents. *https://www.nytimes.com/2018/06/19/us/national-guard-trump-children-immigration.html*

STATEMENT FROM GOVERNOR GINA RAIMONDO OF RHODE ISLAND

GOVERNOR RAIMONDO: "I WILL NOT DEPLOY RI NATIONAL GUARD UNITS TO THE SOUTHERN BORDER TO SUPPORT FAMILY SEPARATION"

PROVIDENCE, RI.—A day after signing legislation to protect Rhode Island's Dreamers, Governor Gina M. Raimondo issued a declarative statement this morning saying that Rhode Island will not send the Rhode Island National Guard to the Southern Border to support the Trump administration's policy of family separation:

"The Trump administration's family separation policy is immoral, unjust, and un-American. I have not yet been asked, but if I am, I will not deploy units from the Rhode Island National Guard to the Southern Border to support the administration's policy that is ripping families apart.

"Children should be with their families, not trapped in cages, sobbing and calling out for their parents. The administration's immigration policy goes against everything we value as Rhode Islanders, as Americans and as decent people.

"The President alone can end family separation. I'm standing with all good-hearted people in our Nation and calling on President Trump to end this inhumane policy."

Governor Raimondo is the commander-in-chief of the Rhode Island National Guard.

STATEMENT FROM GOVERNOR PHIL SCOTT OF VERMONT

20 JUNE 2018

MONTPELIER, VT.—Governor Phil Scott today issued the following statement in response to Federal immigration policy and the situation on the Southern Border.

"The recent 'zero tolerance' policy adopted by the Trump administration has raised the concerns of many—myself included—especially as it relates to the separation of immigrant children from their parents. Families should be kept together, and all people should be treated humanely and with dignity.

"Our understanding is that the office of the Vermont U.S. Attorney has made clear their office is not under this directive, which means this is not occurring at the Vermont/Canada border. I am pleased to see our U.S. Attorney's office will continue to use discretion on a case-by-case basis as they handle immigration cases for those entering through Vermont's Northern Border.

"To be clear: Vermont has not received a specific request to deploy troops to the Southern Border. However, following a general call from the White House in April, I made clear to the National Guard I did not plan to deploy troops under those circumstances and that has not changed.

"As I stated earlier this week, I am also encouraged by the work of Vermont's Congressional Delegation, along with a bipartisan group of lawmakers in Congress, on efforts to reform Federal immigration policy.

"I call on the Federal Government to find the best path forward to keeping families together and ensuring humane and fair treatment of all, while securing our Nation's borders."

PRESS RELEASE FROM GOVERNOR RALPH NORTHAM OF VIRGINIA

GOVERNOR NORTHAM RECALLS VIRGINIA NATIONAL GUARD TROOPS FROM U.S. SOUTHWEST BORDER

Four soldiers, helicopter recalled in response to zero-tolerance immigration policy resulting in mass family separations

RICHMOND.—Governor Ralph Northam today issued the following statement after he ordered the recall of four Virginia National Guard Soldiers and one helicopter from the U.S. Southwest Border in response to the Federal Government's enforcement of a "zero-tolerance" policy that separates immigrant children from their families.

"Virginia benefits from the important work of securing our border and we have a responsibility to contribute to that mission. However, we also have a responsibility to stand up to policies or actions that run afoul of the values that define us as Americans. Today I spoke with the Adjutant General of the Virginia National Guard and ordered him to withdraw four soldiers and one helicopter from Arizona until the Federal Government ends its enforcement of a zero-tolerance policy that separates children from their parents.

"When Virginia deployed these resources to the border, we expected that they would play a role in preventing criminals, drug runners, and other threats to our security from crossing into the United States—not supporting a policy of arresting families and separating children from their parents.

"Let me be clear—we are ready to return and contribute to the real work of keeping our Nation safe. But as long as the Trump administration continues to enforce this inhumane policy, Virginia will not devote any resource to border enforcement actions that could actively or tacitly support it. I urge President Trump and leaders in Washington to turn away from this zero-tolerance policy and come to the table on the real immigration reform this Nation needs."

Mr. CORREA. The major reason they cite is family separation. This is the one issue that is causing a lot of Americans a lot of anxiety. So I just wanted to make sure I told you so you can understand that I personally appreciate the job you do. Mexico is California's biggest trading partner, drug issues are big issues in my district like they are around the country. We want to fix them and we want to make sure that America is a great place for all Americans to live. So, again, I just wanted to thank you for the good job you do. Finally, you know, I was noticing you—serious here, you said you seized about 11,000 pounds of marijuana.

Mr. KARISCH. The National Guard, yes.

Mr. CORREA. The National Guard. You know, my policy question is now that cannabis is fully legal in California and cannabis is probably legal one way or another in more than—you know, popu-

lation in this country, more than 50 percent of the population lives under a jurisdiction where cannabis is legal. I am just trying to figure out how we address that when it comes to your job.

Mr. KARISCH. Sir, in Arizona, my agents have seized actually 125,000 pounds of marijuana——

Mr. CORREA. Coming or going?

Mr. KARISCH. Coming in the United States. So the issue is we have had 65 percent reduction in the amount of marijuana that comes across the borders for various reasons, medical marijuana, recreational laws passed in the United States, but still a sizable amount of that contraband coming in. But notwithstanding I think also that the criminal organizations are going to change their business model at some point in time and we are starting to see evidence of that of them reverting more to the hard drugs because that is going to be the future.

We have had spikes in methamphetamine seizures, cocaine is coming back up, heroin and, of course, the big fear is the fentanyl issues with the opioids coming across the border. So I think there is a lot of work that we all have to do together. That is why I say I really welcome their support because if they can give greater situational awareness, if they can do some of the jobs that won't time my people into camera rooms, that frees us up is to make that interdiction.

Mr. CORREA. In conclusion, Madam Chairwoman, I just want to say, look forward to working with you, make sure you are successful in stopping those kinds of hard drugs and other paraphernalia coming into the United States. Thank you very much, sir.

Ms. MCSALLY. Gentleman yields back.

If you don't mind indulging one more last quick question, is that all right? So I just want to ask you, Chief Karisch. You know, I am really concerned, remain concerned about the retention issues both within Border Patrol and our CBP officers and some of the elements—I mean we have seen this in the military, too, when you are undermanned and the mission is intense and there is no relief in sight or you start doing more and more things outside your core competency, you can find this sort-of spiraling down in retention, right, because just things keep getting worse and then more people leave and then get worse, is in any way, are you seeing any shift with morale and retention specifically related to the National Guard deployment, so that there is a little bit of a pressure relief that could maybe start us going in a better direction?

Mr. KARISCH. Well, first of all, I have had the opportunity to talk the Guardsmen that are in Tucson actually in trying to recruit, I think that that is going to be a valuable tool——

Ms. MCSALLY. Interesting.

Mr. KARISCH. For CBP and the Border Patrol throughout is to try to recruit, and not only for them but to also reach out to family members because they are going back to their locations, I think this is going to be a good opportunity for us is to do it. Yes, we have got some efficiencies that we have got to do in our hiring is to get the additional people on-board, and key to that is also is making sure that we retain the officers and agents that we have, because oftentimes we can't offer a lot of the locations maybe that other Federal agencies, and I am talking about cities to live in but

we can make up with that also in some type of incentive is to make sure that the employee feels valued, feels appreciated, that he is given time in a certain area.

Ms. MCSALLY. But are you seeing with the Guard deployment that just a little bit of a pressure relief of the undermanned demands and people being able to be more in their core competency instead of vehicle maintenance or camera, whatever that—are you—I know you probably haven't measured it.

Mr. KARISCH. No, we haven't. I mean but based on the conversations that I have had with our work force, it has been very positive. I believe the last statistics that I heard this year also is that our hiring will actually eclipse our attrition this year, which is going to be helpful. So every little bit that we can do is going to continue to help us on that.

Ms. MCSALLY. Fantastic. Thank you. I appreciate that. Thanks for letting me divulge there. I want to thank the witnesses for all your valuable testimony and all your service and the Members for their questions. The Members of the committee may have some additional questions for you. I will ask you respond to these in writing. Pursuant to Committee Rule VII(D), the hearing record will be held open for 10 days.

Without objection, the committee stands adjourned.

[Whereupon, at 3:51 p.m., the subcommittee was adjourned.]

APPENDIX

QUESTIONS FROM HONORABLE FILEMON VELA FOR RODOLFO KARISCH

Question 1a. When CBP was enforcing the Trump administration's zero tolerance policy, what criteria and processes did Border Patrol agents use to verify family relationships?

Answer. Regardless of the Zero Tolerance Prosecution Initiative, U.S. Border Patrol (USBP) agents have always prioritized the safety and security of minors in our custody including those who claim to be accompanied by a parent or legal guardian. USBP agents rely on all available evidence to corroborate a familial/custodial relationship. This evidence includes verifiable documentation such as a birth certificate, passport, or other State-issued documentation. Agents also rely on interviewing techniques to make a prima facie determination of a parental relationship based on the available information.

Question 1b. How were these family relationships recorded and maintained in CBP's databases?

Answer. The U.S. Border Patrol has a Family Panel in e3 Intake. USBP agents select the members of the family and their role (ex. mother, father, son, daughter) and create a family unit or family group. There is a unique number assigned to each family unit or group. Family Unit records are stored in the Enforcement Integrated Database (EID). When subjects are no longer being held as a family unit, the designation is removed. Any minors would be re-classified as UACs. When the Border Patrol removes a Family Unit designation, the record in the live system was moved from the main table to a journal table. The record was not removed from the database. These records are still available for review and reporting from the journal tables in the EID.

CBP continues to refine its systems and processes to accurately maintain records. Moving forward, in the event of a separation, electronic records for all family members are linked in the in e3 Detention Module (e3DM) to facilitate contact or reunification at a later date.

Question 1c. What safeguards or measures were put in place, if any, to facilitate eventual reunification? If none were put in place, why not?

Answer. When a family unit is separated, the minor's alien registration number should be recorded in the parent's file and vice versa. This information is in the electronic system of record. The minor is transferred to the care and custody of the Department of Health and Human Services, Office of Refugee Resettlement and all appropriate information about the parent's whereabouts is provided to ORR. An information sheet provided to parents provides the alien parent with contact information for the agencies responsible for family reunification, ORR's Parent Hotline, and ICE's Parental Interests Unit.

Question 2a. Can you please explain what CBP does to ensure family units are kept together, per its 2015 National Standards on Transport, Escort, Detention, and Search (TEDS)?

Answer. U.S. Customs and Border Protection's (CBP's) National Standards on Transportation, Escort, Detention, and Search (TEDS) policy states in part that "CBP will maintain family unity to the greatest extent operationally feasible, absent a legal requirement or an articulable safety or security concern that requires separation." To ensure family units are kept together, they are classified in the U.S. Border Patrol's e3 system as being in a family unit or family group. This ensures that we have documented their familial relationship. To determine processing dispositions, USBP takes into account their status as a family unit. This classification affects processing and custody arrangements.

Question 2b. Do the 2015 TEDS still apply to Border Patrol's operations?

Answer. The TEDS Standards apply to CBP's U.S. Border Patrol (USBP).

Question 2c. How are you enforcing adherence to TEDS by Border Patrol agents?

Answer. TEDS establishes minimum standards for all operational offices under CBP. Each operational office, including the U.S. Border Patrol, must establish policies and procedures that include these minimum standards. USBP has systems in place that are used to record the information TEDS requires. Information can be pulled from the system to verify complaince. Stations also have quality assurance teams that verify information is properly recorded. Training is conducted to ensure agents are familiar and fully understand the TEDS policy.

Question 3a. Chief Karisch, you testified that National Guard personnel assigned at ports of entry are "supporting and running the non-intrusive inspection devices, X-raying vehicles, X-raying the freight that is coming into the United States, freeing up . . . officers at the port of entries . . . to do other duties." Can you please describe the type and length of training these Guardsmen receive before conducting non-intrusive inspections of cargo and passenger vehicles?

Answer. The National Guard personnel at the ports of entry support non-intrusive ground operations, guiding the flow of conveyances through active non-intrusive inspections, under the direct supervision of a Customs and Border Protection Officer (CBPO) and primary operator.

The National Guard personnel performing cargo dock support, guide vehicles in a controlled area, and unload, move, and load commercial goods to facilitate inspections by CBPOs. This includes preparing boxes and crates for inspection by removing tape and plastic covering.

The National Guard personnel receive overview training in the ports of entry regarding the traffic flow, the specific areas where they will work, and how to effectively perform those duties under the direct supervision of a CBPO. For the National Guard personnel working as operational support for non-intrusive inspections, CBP provides Radiation Awareness Training, Radiation Safety Refresher Training, and Non-Intrusive Inspections Secondary Operator training for the specific equipment in the port of entry where National Guard personnel operate.

Upon arriving to the Port of Entry, the National Guard personnel were given 2-day instruction on the Cargo and NII Operations. This training included basic traffic flow, personal safety when moving around the cargo environment, Personal Protective Equipment, and NII exclusion zones of the Large Scale X-Ray systems. If additional training is needed, such as forklift training, CBP either provides the training or verifies that existing military certifications meet CBP requirements.

All duties assigned to the National Guard are to be conducted with a CBP officer present for guidance and direct supervision.

In addition, the National Guard communicates at our NII Command Center to the various points of the NII Operation. By utilizing radio communication, they are able to help in the traffic follow and direction of conveyances that are being inspected using our various NII systems.

Question 3b. Are the results of those inspections verified by CBP officers?

Answer. Yes, National Guard personnel perform operational support functions under the direct supervision of a CBPO at the ports of entry, such as traffic control, ground guiding, and parking. CBPOs at the ports of entry perform law enforcement functions and inspections. Weekly musters are conducted by CBP supervisors and National Guard Command to insure that all procedures and directions are being followed.

Question 3c. What is the protocol when a Guardsmen identifies an anomaly that requires CBP enforcement action?

Answer. During the course of their support duties for NII operations, National Guard personnel do not identify anomalies, because they do not conduct NII inspections. The National Guard personnel perform traffic control into the NII operation areas. CBPOs in secondary inspection interview the driver and occupants and move them to a secondary holding area away from the vehicle. CBPOs then conduct a 7-point inspection and a thorough examination of any anomaly identified. If contraband is discovered, the CBPO will take the appropriate enforcement action.

In the cargo support role, National Guard personnel conduct ground guidance, traffic control, and escort trucks for NII inspections. CBPOs search the cargo and commercial vehicles and take appropriate enforcement action as needed.

Question 4. Please provide the number of National Guard troops who have been assigned to ports of entry, the specific ports, and the duties they are carrying out at each location.

Answer. As of August 20, 2018, 419 National Guard members have been assigned to ports of entry. This number does fluctuate daily as mission needs change.

Field Office	Location	Total	Duties
San Diego:			
	Calexico	17	Cargo dock inspectional support, NII operations.
	Otay Mesa	55	
	San Diego	0	
	San Ysidro	0	
	Tecate	2	
Total		74	
Tucson:			
	Nogales	40	Cargo dock inspectional support, NII operations, surveillance camera operators.
	Lukeville	0	
	Douglas	19	
	Naco	0	
	Sasabe	0	
	San Luis	0	
	Tucson	4	
Total		63	
El Paso:			
	Bridge of the Americas.	29	Cargo dock inspectional support, NII operations, vehicle maintenance and transport, surveillance camera operators spotter/observations.
	Ysleta	28	
	El Paso Field Office	5	
	Tornillo-Marcelino Serna.	5	
	Presidio	12	
	Santa Teresa, NM	8	
	Columbus, NM	7	
	Antelope Well, NM	0	
Total		94	
Laredo:			
	Del Rio	12	Cargo dock inspectional support, NII operations, vehicle maintenance and transport, surveillance camera operators spotter/observations.
	Eagle Pass	12	
	Laredo	41	
	Roma	8	
	Rio Grande City	4	
	Progreso	12	
	Hidalgo/Pharr/Anzalduas.	24	
	Brownsville	31	
Total		144	

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